

# the review

November/December 2016

the official magazine of the  michigan municipal league

**PRIORITY**  
Based Budgeting

2016 Convention  
**HIGHLIGHTS**

**NEW**  
**MEDICAL**  
Marihuana Act

Putting Success  
**BACK INTO**  
**SUCCESSION**

# **PASSION** **AND PURPOSE**

Rosalynn Bliss Brings Both to New Role as League President

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The official magazine of the Michigan Municipal League

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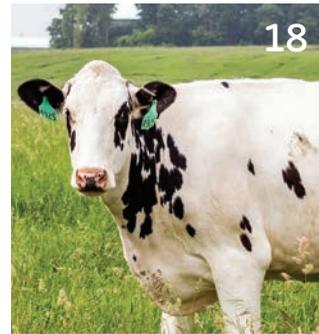
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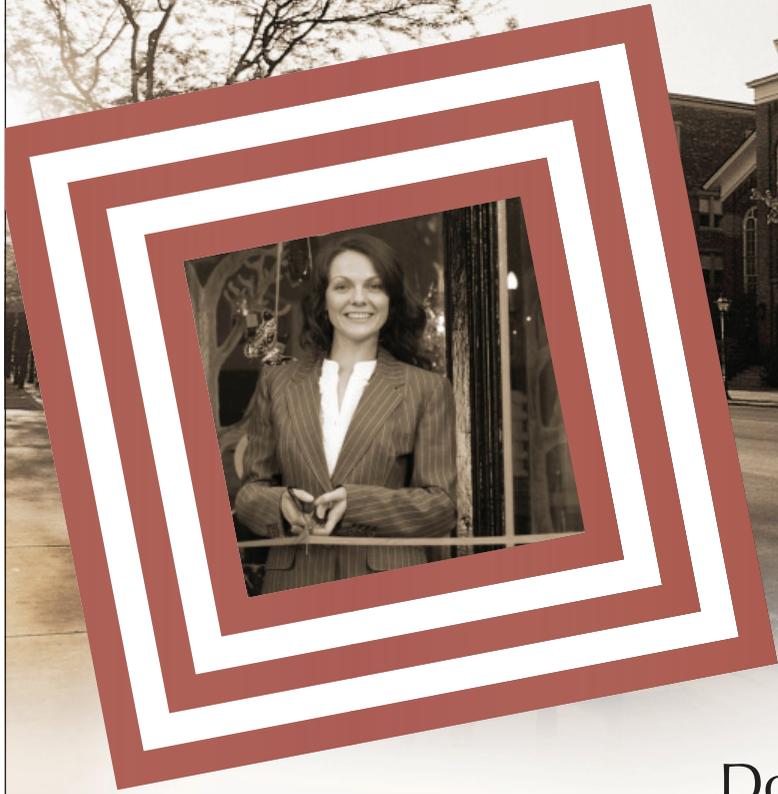
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**ON THE COVER:** Rosalynn Bliss, Grand Rapids mayor and new president of the Michigan Municipal League Board of Trustees.

Cover photo by Matt Bach



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These fact sheets are available online at [mml.org](http://mml.org). Email [kcekola@mml.org](mailto:kcekola@mml.org) for details.



# the review

The official magazine of the Michigan Municipal League

Volume 89, Number 6

## We love where you live.

The Michigan Municipal League is dedicated to making Michigan's communities better by thoughtfully innovating programs, energetically connecting ideas and people, actively serving members with resources and services, and passionately inspiring positive change for Michigan's greatest centers of potential: its communities.

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## Welcome to Public Office

### CONGRATULATIONS!

It is the time of year when we welcome and congratulate our newly elected officials and provide some direction as you undertake your new role.

By the time you read this, our country should have a new president, and no matter the result, many will be relieved that an arduous campaign election cycle is over. While historically there have been many examples of hateful rhetoric and ugly campaigns, I think many would agree that this one seems to have reached new heights—or, more appropriately, depths. To the extent this is true, it is compounded by the 24-7 news cycle, and especially social media avenues, where angry ideologues can remain faceless while their rants become “truths,” at least to their followers. What happened to civil discourse? Listening and being open to new ideas, and the ability to negotiate and compromise, seem to be completely lost. We have often witnessed legislatures, both at the state and federal levels, preoccupied with ideological wars that, in the end, fail to find long-term solutions to problems for the people they represent.

The good news is that as elected officials who govern on the front line, we in the municipal community have a unique opportunity to raise the standard of governance through civility, engaging and listening to our constituents, and finding meaningful solutions to real problems. And we have examples of that already happening around the state. Michigan communities have had extraordinary challenges during the past decade with severely diminished funding, but local officials and their residents, through resilience and risk, have initiated innovative and sustainable practices despite the constraints.

This issue will start you on your journey with a cornucopia of subjects, including zoning, budget, and civic engagement. Learn the meaning behind “Pink Zoning.” This is an idea that is being backed by a \$75,000 Knight Foundation grant to simplify zoning and building codes so projects in struggling redevelopment districts can get started more quickly—in other words, to make the bureaucratic red tape

so light it looks pink! We'll also highlight the League's initiative to engage our members in more effective and rewarding ways. The City of Battle Creek is only the second Michigan community (the first was Kalamazoo) to introduce Priority Based Budgeting (and now online). Learn why 120-plus local governments across the United States and Canada have implemented this type of budgeting. Other topics include information on backyard chickens, the current status of Medical Marihuana, succession planning, and a profile of Eastern Michigan University's retiring political science professor Joe Ohren. We also present Convention highlights from Mackinac Island.

It's not too early to get Capital Conference on your calendars. It will take place March 21-22, 2017, and it's an educational event you don't want to miss. There will be presentations, updates, and discussions on current policy issues that directly impact your community. You need to be there.

As newly elected officials, the learning curve can sometimes seem overwhelming, but that's why the League is here. We have an outstanding staff with tremendous knowledge and years of experience who are ready to assist you in any way that we can!



Daniel P. Gilmartin  
League executive director and CEO  
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# IS YOUR ZONING

## PAST ITS BEST-BY DATE?

Emerging Practices in Local Regulations

By Richard Murphy

**Z**oning is a fundamental tool that shapes our communities. Whether it's a homeowner looking to build an addition or a new development on Main Street, your local zoning ordinance and related development codes can support or restrict this investment. Over time, the many decisions made through these codes define how our communities look and feel.

Since their introduction a century ago, zoning ordinances have had the tendency to grow over time through incremental additions and "fixes." Without care and attention, this leads to unintended consequences as different sections conflict—or just plain confusion as a small business wrestles with hundreds of pages of technicalities. Just like an old computer runs more and more slowly as software builds up over time, "code bloat" in your zoning can slow down desired investment in your community.

While the Michigan Planning Enabling Act requires that local Master Plans be reviewed at least every 5 years for

needed updates, there is no such requirement for zoning ordinances—your code may have 40-year-old language that's been edited multiple times, conflicting provisions in different sections, or things that just don't meet the city's goals.

Fortunately, several new tools and approaches exist to help you whip your development codes into shape.



### Redevelopment Ready Communities: Self-Help With Guidance

The Redevelopment Ready Communities® program, managed by the Michigan Economic Development Corporation, offers communities a check-up on their development regulations and procedures. RRC focuses on having all the right pieces in place and up-to-date—

Master Plan, zoning, DDA plan, Capital Improvements Program—and having procedures that are easy for applicants to understand and for staff to administer.

Best Practice workshops and self-evaluations are available to all communities. Once these steps are completed, a community can apply to have RRC staff perform an intensive audit of local regulations and procedures, with some technical assistance available to help make recommended changes. While the self-evaluation alone can provide locals with a good idea of where to focus limited resources, enrolling in the formal evaluation process provides an outside perspective that helps identify and troubleshoot problem areas.

The Best Practices provide target outcomes rather than cookie-cutter approaches to reaching those outcomes. Speaking at the League's 2016 convention, MEDC Vice President of Collaborative Community Development Katharine Czarnecki described RRC as "self-help with guidance," noting that

the program expects communities to tailor their own implementations to local needs, with state staff serving as resources in that work. More information on RRC, including a schedule of upcoming trainings, is available at <http://www.michiganbusiness.org/community/development-assistance/#rrc>.

### Form-Based Codes Focus On How Places Look And Feel

Among the RRC Best Practices is a recommendation to increase the attention paid to the physical characteristics of a building and site, and how these contribute to (or detract from) overall neighborhood character. In contrast to traditional zoning ordinances, a “form-based code” (FBC) is less interested in the use contained within the building. Placing the emphasis on the physical form of the site can give neighbors a better idea of what to expect a development to look like, while allowing room for more innovation and flexibility within the development.



In some districts, especially downtown areas, a “pure” FBC may be appropriate, putting nearly all the focus of regulation on the physical characteristics of development that create walkable places. More typical, though, are “hybrid FBCs” that still define the range of uses permitted in a district, but emphasize compatible physical design. Well-implemented FBCs also include diagrams that illustrate the requirements as a major feature, helping to explain the text or numerical requirements.



### Lean Codes: Making Small Possible

For many communities, major code overhauls or wholesale rewrites are out of reach because of the time and cost of crafting a new ordinance. Some recent efforts have focused on providing models for code updates that offer communities significant benefits whether or not they have the resources for a major rewrite.

The “Lean Code Tool” offers a menu of several dozen bite-sized strategies that communities can implement one at a time—as well as guidance on how to select the pieces that an individual community can consider bite-sized. As part of the Project for Lean Urbanism, the term “lean” refers to the manufacturing and startup practices of the same name, which seek to focus on value by methodically removing anything that does not create value.

The tool is still under development, but can already provide ideas for communities looking for the best places to focus limited resources. It can be found at <http://www.blurb.com/b/7181718-lean-code-tool>.

### Pink Zones Lighten Red Tape

Related to lean codes is the emerging concept of “pink zones,” meant to be areas in a community where the red tape has been lightened enough that it’s no longer red. The concept of a pink zone is to enable innovation and

## DEVELOPMENT REVIEW PROCEDURES

### EVALUATION CRITERIA 8

The community has a method to track development projects.

### EXPECTATIONS

The community uses a tracking mechanism for projects during the development process.

The community uses a tracking mechanism for projects during the permitting and inspections process.

### EVALUATION CRITERIA 9

The community annually reviews successes and challenges with the development review process.

### EXPECTATIONS

The community obtains customer feedback on the site plan approval and permitting and inspections process and integrates changes where applicable.

The joint site plan review team, including permitting and inspections staff, meets to capture lessons learned and amends the process accordingly.

rapid development by removing any regulatory hurdles that do not address basic health and safety. While probably inappropriate for most residential contexts, the pink zone is an interesting approach to redevelopment areas or large commercial or industrial contexts.

The City of Detroit is exploring how pink zone concepts could be applied to spur revitalization of neighborhood commercial areas, supported by a grant from the Knight Foundation. They are currently working with consultant teams to develop concepts for a few pilot areas, with the expectation that regulations will be adjusted to support the desired vision, rather than vice-versa.

The city expects final reports from the consultant teams in the spring of 2017, and has directed them to “delve deep into the regulatory implications of their visions—exploring

what the current regulations allow, how they function, and how they might be modified so as to better align with the City’s revitalization and economic development agenda.”

**Just like an old computer runs more and more slowly as software builds up over time, “code bloat” in your zoning can slow down desired investment in your community.**

**Striving For The Same Goal**

All of these approaches to updating zoning can support a common outcome: making it easier for residents, businesses, and

“Main Street” developers to make small-scale, incremental investments in their community. By making zoning and other development regulations clear and easy to navigate, and removing outdated requirements that don’t actually support local goals, communities can expand access to the development process.

In many communities, this small-scale investment is the only approach that is feasible—big, multi-million dollar projects can’t get financing. In communities with stronger markets, opening the field to a larger number of small investors creates a more robust development environment, reducing the community’s dependence on the success of a few large developments. In either case, the fine-grained development patterns that result are likely to create the attractive, traditional downtowns and neighborhoods that our residents love. 

*Richard Murphy is a program coordinator for the League. You may contact him at 734-669-6329 or [rmurphy@mml.org](mailto:rmurphy@mml.org).*

# PRIORITY BASED BUDGETING



## Battle Creek's New Approach to Allocating Resources

By Jessica VanderKolk and Rebecca Fleury

**T**he City of Battle Creek is just the second Michigan community to take on an entirely new way of budgeting, priority based budgeting, an effort to address and improve our fiscal health and wellness.

Through priority based budgeting, commonly called PBB, our staff has reviewed the entire city organization, identifying all programs, their costs, and their relevance through prioritizing each one. This will lead us to creating a budget that helps us assign funds to our programs and services based on those priorities.



We need to answer questions like, “What exactly do we do and what does it cost?” “What is of the highest importance?” and “What can we ‘see’ differently?”

This process has been implemented by almost 100 local governments across the United States and Canada and is recognized as a best practice by organizations like the International City/County Management Association, the Government Finance Officers Association, the Alliance for Innovation, and the National League of Cities.

Organizations that use PBB believe it increases the level of accountability and transparency and better communicates how resources are allocated through the budget process to achieve the priorities of our community.

### Gathering Broad-based Input

This is a new process for the City of Battle Creek, and not a small one to begin, but moving in this direction was one of Rebecca Fleury’s goals when she joined the city team in 2014.

Understanding what our community thinks are our most important services is key to good governance. It is vital to the City Commission and our administration. PBB helps us focus on these and align our resources to be the most efficient and effective in providing services. PBB is a transparent way to ensure, as public servants, we are being good stewards of the tax dollars with which we are entrusted.

The goal of PBB is to ensure we spend those tax dollars on the highest priority programs that meet our eight “results”—the term used to identify the role of city government. These are the high-level reasons our organization exists and will remain consistent and unchanged over time. Through community conversations, focus groups, and surveys, as well as workshops with community members, staff, and city commissioners, we developed a list of key results:

## BATTLE CREEK'S KEY RESULTS:

1. Access to recreational, cultural, and leisure opportunities
2. Connected, accessible, and reliable transportation network
3. Economic vitality
4. Environmental stewardship
5. Reliable and up-to-date infrastructure
- 6 Residents and visitors feel safe
7. Vibrant, healthy neighborhoods
8. Well-planned growth and development

The Denver-based Center for Priority Based Budgeting has assisted the city along the way, as we work to fully implement this budgeting process in our current fiscal year. The CPBB helped develop our “result maps,” which detail the factors that influence the way we achieve our desired results. Staff then worked through a

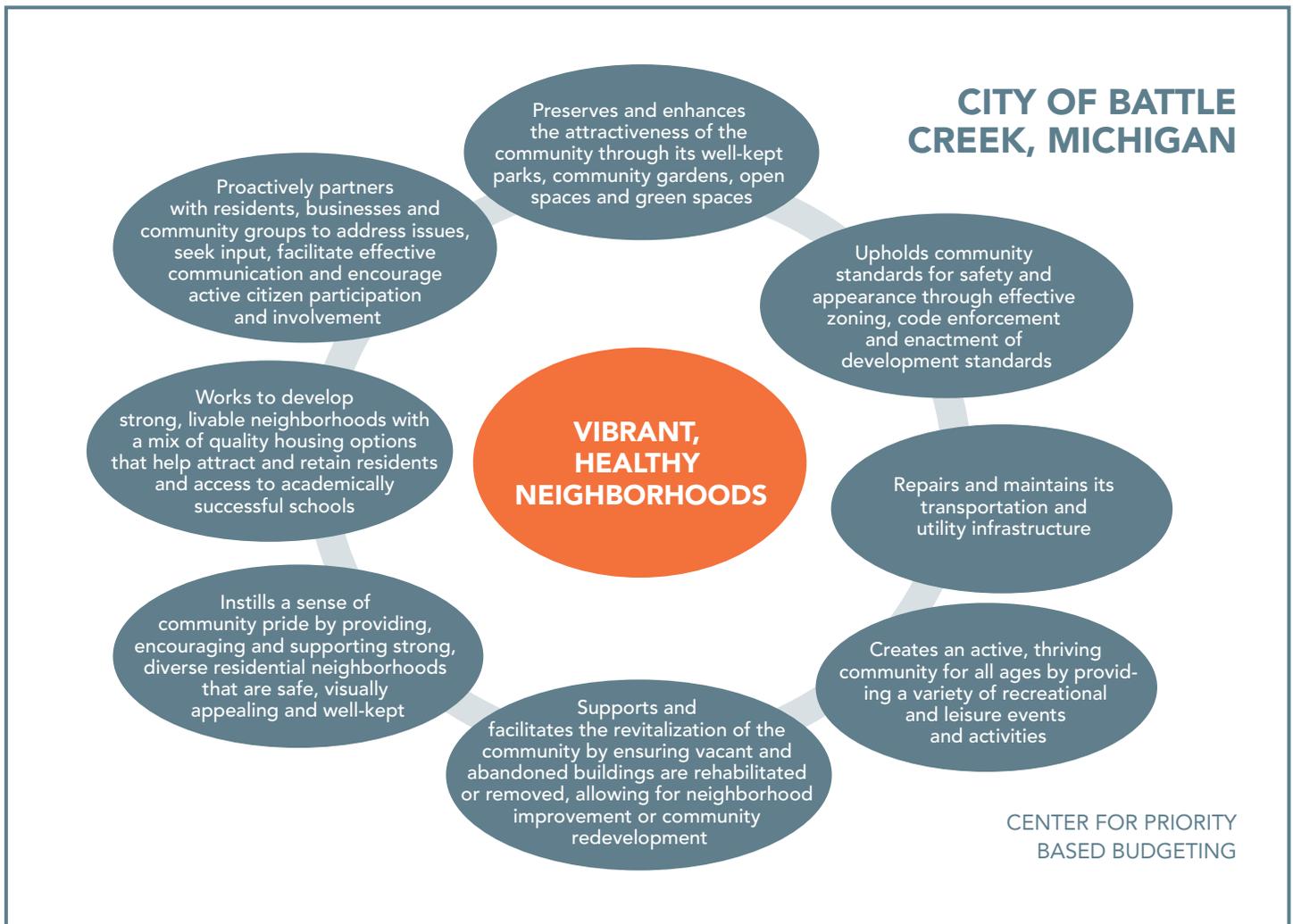
process of creating a program inventory in each department and assigning a value to each one.

City staff and community members were asked to fill out a survey in the spring of 2015 to help inform those result maps. For example, on the result map for “residents and visitors feel safe,” one factor is that we provide a clean and well-maintained transportation network that ensures safe travel for motorists, pedestrians, and cyclists.

## Synthesizing Priorities

Our staff’s final step was to score each program against the community results and basic program attributes to help determine the program quartile, 1 through 4, with 1 being those programs most important to achieving the community results and 4 being the least important. A healthy quartile map shows the majority of resources being allocated to quartile 1 and 2 programs. Battle Creek displays a very healthy pattern in resource allocation, but further analysis is required as we fully understand the information provided by our customized diagnostic tool.

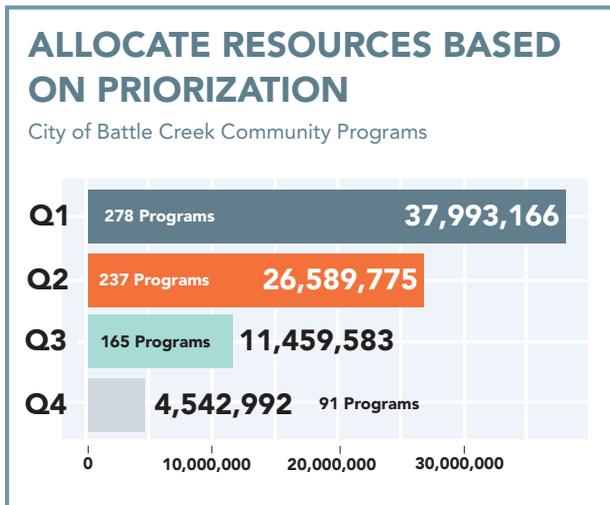
Our identified programs—what we do—totaled 1,061, with 839 community programs and 222 governance programs. The City Commission and staff have reviewed these



programs and the costs to provide them as we moved through our 2017 budget process and gear up for 2018, during which time we hope to fully implement the PBB process and tools.

## Applying The Funding Framework

We now have a customized diagnostic tool that can assess spending in terms of our identified priorities, develop “target budgets” for departments, and analyze programs. Prioritizing in this way will help us visualize and analyze how we spend money and how we might adjust spending according to our stated results and priorities.



It also will help our residents and other members of the public understand these issues related to our budget, visualize what happens when we spend money on certain programs and services versus others, and offer input into those priority decisions.

While this seems like a lot of energy and work, it is important that we understand which programs and services are most important to our residents and align those with the tax dollars with which we have been entrusted. Being good stewards of those tax dollars is our top priority and we feel that PBB is the tool that will allow us to achieve both.

We have a page on our website devoted to PBB and have posted information about this process, our result maps, and much more as we journey toward full implementation of this budgeting system. Visit us at [www.battlecreekmi.gov](http://www.battlecreekmi.gov). Under the I Want To... tab, click Priority Based Budgeting under Learn About. 

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Mr. Shifman is aided by Brandon Fournier who has extensive experience in municipal operations, including both public safety and general municipal operations. Prior to joining the firm, Brandon served as the City Administrator for the City of Southgate.

Also with the firm is Attorney Robert J. Nyovich with over 30 years of experience in public sector labor and employment law. Prior to joining the firm, Mr. Nyovich also served previously as a public safety officer and as the Oakland County Undersheriff.

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# PUTTING SUCCESS BACK INTO SUCCESSION

By April Lynch



**A**shley Marshall walked into Ferndale City Hall each day for three years anticipating the same day she'd had yesterday: an endless line of customers, phone calls, checks to process . . . and a complete lack of connection to her job. Ashley was the cashier—the face, if you will, of Ferndale City Hall—but she felt invisible. She was caught in the middle of hearing from coworkers, “that’s not my job” and, conversely, “don’t do that because it’s my job.” She didn’t know her place and most days didn’t feel that she fit in. Working to earn her bachelor’s degree, Ashley believed her job would be short-lived. Some days she delivered smiles, and other days it was just about a paycheck.

## The Way We Have Always Done It

Ashley is the new face of a local government employee. She’s not planning on a pension or retiree healthcare. Her pay scale has been among the lowest in the union. City Hall is small and efficient, so she had no room for career movement. She was essentially stuck in the “way we have always done it” rulebook that so many organizations follow. In the past, getting into local government was a meal ticket, the *crème de la crème* of local jobs. You were hired, received decent pay, and earned outstanding benefits and the stereotypical “government pension.” You waited patiently until someone retired or left, and you did your job and no one else’s. There was no succession plan, no time spent investing in professional development.

As organizational leaders, we are asked to grow and adapt to our changing environment. Why would we not expect the same from our employees? When city managers are asked why we like our jobs, many of us say that it’s because each day is different. Imagine if you walked in every day and lived Ashley’s story? How long would you want to stay in your organization?



*Ferndale employees Amy Schumacher and Ashley Marshall experience more job satisfaction.*

We didn’t want this for our employees and, to be honest, with departmental layoffs several years ago, we could no longer afford for employees to continue on the same path. Morale, customer service, and efficiencies—the core values of our team—suffered daily, and we knew we wouldn’t succeed unless we improved. I would walk past the front counter and hear, “you’ll have to come back later, the person who handles that is at lunch.” I would see competent employees unable to provide superior customer service due to lack of training, and alternately, a reluctance to share information or improve efficiency because of job insecurities. These issues, among others, led to the creation of our new program: The More You Learn, The More You Earn.

## The More You Learn, The More You Earn

We had two goals in mind as we worked to establish the new program: ensuring that no customers are turned away from the front counter due to lack of knowledge, and removing the invisible silos that were clearly present in our open-floor work environment. The

“ I FINALLY HAD AN OPPORTUNITY TO CONTRIBUTE. I WAS ALWAYS MORE THAN JUST A CASHIER, AND I HAD A LOT OF TALENTS THAT NO ONE CARED ABOUT. ”

challenges were apparent; job protection was such a concern that employees were avoiding cross-training for fear of losing their jobs to one another.

Anyone who has read a government union contract will be familiar with titles such as Clerk I, II, and III or Laborer I, II, and III. Many times, budgets were planned around a certain number of employees per title. So what would happen if every employee in the clerical pool was motivated to move from Clerk I to Clerk III? What if every public works employee was able to move from a Laborer I to Laborer III? We decided to find out.

Wherever possible, our employees would begin moving down a path of professional development, with pay rate increases to reflect demonstrated and proven growth and knowledge. We believed that the more knowledge each employee possessed, the better customer service our staff would be able to give to the community.

We began this strategy in the spring of 2016 by focusing on two positions: customer service representative (CSR) and inspector. CSRs begin the process as cashiers and end with full knowledge of utility billing, taxes, building functions such as permit management, elections, and general city business. The position now provides front counter customer service for part of the week, and rotates with coworkers to maintain variety and other necessary job functions. Likewise, all new inspectors begin by gaining a thorough knowledge of code enforcement and end by participating in full-scale rental or building inspections, depending on the chosen track. Code enforcement responsibilities remain a part of every inspector's daily work.

The most critical piece of the program's success is the employee work plan. The work plan focuses on four sections:

- Job functions or areas of knowledge needed
- Required training
- Mentor or individual responsible for training
- Timeline

We created a simple table that takes some time to develop at the beginning but is easy to maintain. It holds managers accountable for timelines, prioritizes training, and most importantly, shows employees that they have a clear path forward. Both the manager and the employee must sign the document, ensuring ownership by both parties and an understanding of the teamwork expectation. In truth, while the work plan is meant for employees, it is helping to build skilled and effective managers, as well. We plan on growing this strategy

to other departments and set an organization-wide expectation that if you are part of our team, lack of growth and development is not an option.

## A Path Forward

We have hired two employees under this new strategy, and both have indicated that they look forward to seeing their paths within the organization. To new employees, it sends a message that our organization values their contributions and that we encourage learning, growth, and forward thinking.

As for Ashley, she embodies what we wanted to see in this experience. Once an employee who walked in just in time to open the front gate, she is now an engaged staff member. She smiles regularly, flew through her training in CSR II, and within six months moved into a CSR III position. When asked about her change in attitude, her reply was simple: "I finally had an opportunity to contribute. I was always more than just a cashier, and I had a lot of talents that no one cared about." She completed her bachelor's degree this summer and

says, "While I might not be a lifer here at Ferndale, I'm going to take my time finding a job in my field. I never thought I would say it, but I'm not in a hurry to leave."

Success comes in many forms. For us, this was the defining moment. 

*April Lynch is the city manager of Ferndale. You may reach her at 248-546-2399 or [alynch@ferndalemi.gov](mailto:alynch@ferndalemi.gov).*

### EMPLOYEE WORK PLAN

**Employee:**

**Current Position:**

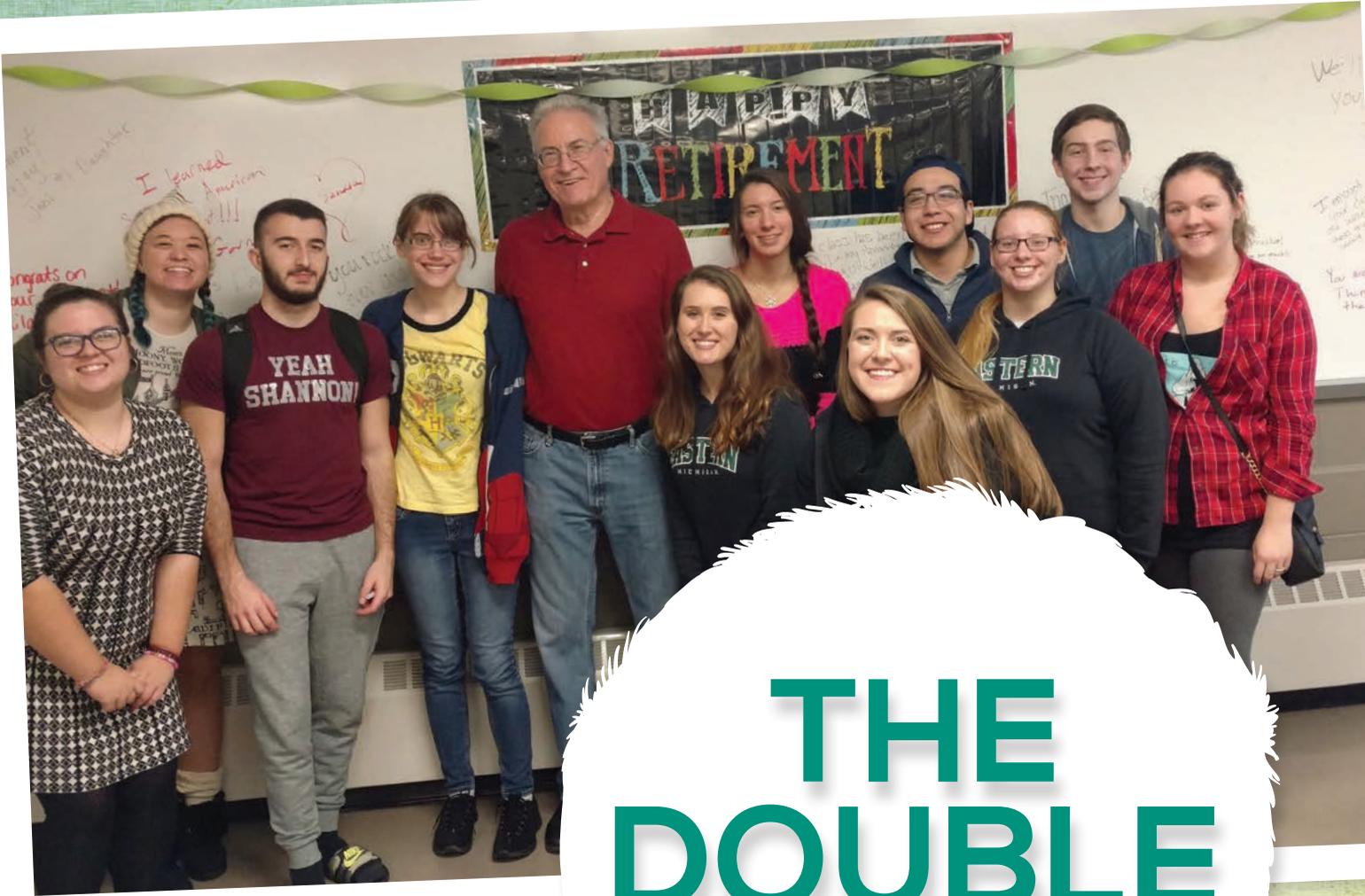
**Profession Development Goal:**

**Time Frame:** *(Dates this work plans applies i.e. FY 2017, January 1, 2016-2017)*

Essential Job Duties, Areas of Growth, and/or Priority Areas	Current Knowledge (Time on Job, knowledge of growth area)	Training Needed (College, certifications, hands on, publications, etc)	Time Frame/Status (expectation on completion or status of priority area)	Mentor/Responsibility to Ensure Success (who will be responsible for ensuring success)

Please indicate any required certifications, training and/or further education needed to further professional development goals.

Minimum Qualifications	Current Qualifications	Training/Education Needed	Time Frame/Status



Dr. Ohren with his American Government students after teaching his last class at EMU, Dec. 14, 2015.

**A**cademics retire every day. In most cases, the practitioners of the world—in the case of public administration, city managers, economic development professionals, and the like—go on with their business unchanged. Thus is the typical disconnect between those in the proverbial ivory tower of academia and the doers on the ground. But in the case of Joe Ohren’s retirement from his political science professorship at Eastern Michigan University this year, public administration practitioners throughout Michigan will undoubtedly feel his absence.

# THE DOUBLE LIFE

*of Joe Ohren*

---

EMU Professor  
Influenced Students  
and Practitioners

---

By Natalie Burg



Aaron Larsen, Laura Shue, and Dr. Ohren at Pi Alpha Alpha honor society induction ceremony.

“The council had not gone through goal setting before, and the department heads didn’t know many of the council people,” he said. “Not a lot of cities had that process going at the time, and Joe and the department heads fine-tuned it.”

This consultation work happened in communities throughout the state. And Ohren helped to ensure other EMU faculty had the chance to lend their skills to municipalities as well. Through his work as coordinator of the school’s Institute for Community and Regional Development, he connected academics with a project in mind to communities that could benefit from the work, multiplying his impact on public servants throughout Michigan.



Dr. Ohren presents Verna McDaniel with the 2016 Outstanding Public Administrator Award.

“He was someone who brought a real, practical sense to studying local government,” said David Behen, a 1996 EMU MPA graduate, director of the Michigan Department of Technology, Management and Budget, and the State chief information officer. “Joe’s one of the reasons I joined public service. He taught in a way that made you think.”

Ohren spent two decades with EMU, but he spent those same years with prospective students, public officials, and municipalities. Rather than an ivory tower, the only thing between Ohren and practitioners was a sidewalk—one he trekked regularly from the classroom to city halls and public chambers in every corner of the state.

## A PRESENCE FOR PRACTITIONERS

Ohren wasn’t just present in those many communities, he made local government operate better while he was there. In the ten years he spent facilitating goal setting, focus groups, and public forums with the City of Ypsilanti, says former city manager Ed Koryzno, Ohren helped public officials clarify priorities, understand the needs of citizens, and create open communication between elected officials, department heads, and residents.

“Joe has a unique ability to explain situations and choices such that it clarifies issues, particularly for council people,” Koryzno said. That included bringing department heads into the city council goal-setting sessions and acting as a translator of sorts, so everyone’s perspective and expertise could be heard and understood. Prior to Ohren’s involvement, Koryzno called the process “clunky, to say the least.”

## ENCOURAGING STUDENTS

But Ohren was as much a professor as he was a practitioner—and one with a unique focus on his students. That special attention often began before those future public servants were even enrolled in EMU’s MPA program, of which Ohren served as director from 2004 through 2011. Emily Christian, a 2007 MPA graduate and assistant to the city manager in Miamisburg, Ohio, recalls her surprise at his interest in her success from her first email inquiring about the program.

“Joe was Johnny-on-the-spot,” Christian said. “Right away, he contacted me and said, ‘Hey, you need to come visit and we’ll talk about this.’ None of the other programs were that responsive.”

When they did meet, he listened to her needs and interests and recommended to her a graduate assistantship program that proved integral to her success. And his non-academic mentorship would prove as valuable to her career as his lessons on budgeting and other traditional subjects.

“He recognized the significance of what it means to be local government practitioners. You can be in Kroger getting your groceries and somebody is going to ask you about

sidewalk assessments,” said Christian. “He was a big proponent of separating yourself and carving out time for your family and friends.”

That kind of immediate and personalized access extended to alumni, as well. When faced with a challenge around engaging stakeholders as a public official, Behen didn’t hesitate to turn to Ohren, years into his career.

“He was somebody you could call and say, ‘Hey Joe, how do I do this?’” Behen said.

The ways in which that mentorship reached decades’ worth of EMU students and alumni, says Ohren’s colleague, professor Jeffrey Bernstein, are difficult to quantify. Though when accumulating stories from former students while preparing for Ohren’s retirement gathering, he was able to catch a glimpse.

“You wouldn’t believe how many people are saying, ‘Joe meant so much to me,’” Bernstein said. “There are just so many of them.”

## CHANGING A PROGRAM

Ohren’s unique approach to students and the practical matters of local government made an impression on EMU’s MPA program that will continue on past his retirement.

“From a teaching standpoint, I learned from Joe how accessible local government is to students,” said Bernstein. “When you teach national politics, your students don’t get to meet someone in Congress. When you teach local government, your students can meet local officials. That accessibility was very good for the students, and it helped me learn how I could be more experiential in my teaching.”

Bernstein also believes Ohren’s passion for public service will be carried on by both his former students and colleagues.

“Joe believes that serving the public is a paramount thing for students to be doing in their careers and in their lives. He just exudes that in his personality and in his character,” he said. “You can’t help but be infected by that.”

So while public officials throughout Michigan and beyond will undoubtedly go on about their business after Ohren’s retirement, they will be far from unchanged. After decades of his mentorship, the loss felt by his absence will be tempered by the lasting and practical impact his career has had on a generation of public servants. 

Natalie Burg is a writer, editor, and Michigan enthusiast. You may reach her at 734-474-4999 or natalieburg@gmail.com.

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*Right to*  
**FARM**

**MOO-VING FORWARD TO  
ACCOMMODATE URBAN AND RURAL NEEDS**

By Wayne Whitman





**In recent years, when people mention the Right to Farm Act (RTFA), it often conjures up images of hipsters raising chickens in their backyards, despite the protests of their neighbors. The reality of the RTFA, however, is quite different.**

First enacted in 1981, the RTFA was designed to help existing commercial farmers protect their livelihoods against lawsuits that were beginning to pop up as a result of urban (and suburban) sprawl. In the 1970s, when the urban population began to expand outside of the cities, they often found themselves downwind from existing commercial farms. Before too long, odor complaints, noise complaints, and ecological concerns led to lawsuits, and some farmers were soon caught up in expensive and stressful litigation.

The RTFA was enacted to help address these clashes between farmers and residents, as well as to help protect commercial farmers legally, provided they adhered to the Generally Accepted Agricultural and Management Practices (GAAMPs), established as part of the RTFA. The RTFA was amended in 1987, 1995, and 1999, and the GAAMPs now address manure management and utilization; pesticide utilization and pest control; nutrient utilization; care of farm animals; cranberry production; site selection and odor control; irrigation water use; and farm markets.

In response to the RTFA and urban encroachment into traditional farming areas, some local governments began to enact their

own land-use ordinances to regulate farms (minimum acreage, farm animal restrictions, etc.). While enactment of these types of ordinances provided some predictability for non-farm neighbors in rural areas, they were also seen as overly restrictive by many farmers.

Consequently, amendments to the RTFA in 1999 included a conditional preemption of local ordinances. Beginning June 1, 2000, the RTFA preempted any local ordinance, regulation, or resolution that purports to extend or revise in any manner the provisions of the act or the GAAMPs. No longer could a local unit of government enact, maintain, or enforce an ordinance, regulation, or resolution that conflicted in any manner with the RTFA or the GAAMPs.

### **Farm Activities Sprout In Suburbia**

For 20 years, the RTFA and the GAAMPs were reviewed and updated in the context of farms and rural areas. During this time, no one could have predicted that those same laws and guidelines used to legally defend commercial farms in rural Michigan would later be used by city residents and subur-

banites who wanted to engage in agricultural ventures on their own properties. Seemingly overnight, city officials and courts were faced with battles over backyard chickens, bees, goats, and a host of other interesting species.

The RTFA provides an affirmative defense to nuisance lawsuits, but although it is called “Right to Farm,” it does not give the landowner an entitlement or a right to conduct farming on any or all property. And while the RTFA can be used as a legal defense when the GAAMPs are adhered to, it cannot prevent a lawsuit from being filed.

The RTFA was used by many urban residents in recent years—some successfully, others not, depending on the financial resources of the individuals and the local governments—but in the end, the Michigan Commission of Agriculture and Rural Development determined that these activities were more of a community issue. In 2012, language was added in each set of GAAMPs that would allow cities (population of 100,000 or more) to set their own standards to allow for agriculture. GAAMPs do not apply in municipalities with a population of 100,000 or more in which a zoning ordinance has been enacted to allow for agriculture.

## Finding A Suburban Farming Balance

After input from many stakeholders, changes were made in the 2014 Site Selection GAAMPs to clarify the suitability of sites for farm animals in urban settings. Essentially, if zoning is residential and does not allow agricultural uses—and the actual use is residential in terms of housing density near a livestock facility—then that is considered a Category 4 site and is not suitable for the placement and keeping of any farm animals. However, even for sites that do not conform to the Site Selection GAAMPs, keeping farm animals may be authorized by a local ordinance.

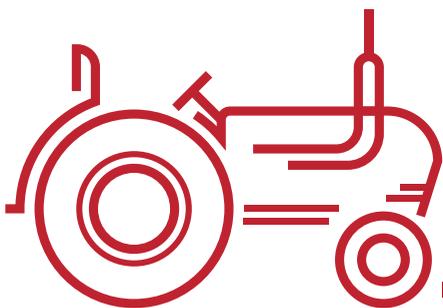
These changes help clarify when local communities should make decisions regarding the keeping of farm animals in primarily residential areas. Sites that are primarily residential—more than 13 non-farm homes within an eighth of a mile of the livestock facility or a non-farm home

within 250 feet of the livestock facility—and where zoning does not allow agriculture by right are Category 4 sites. For purposes of the Right to Farm Act, these areas are not suitable to have farm animals. However, local communities can decide to allow farm animals under these circumstances. In fact, more than 40 municipalities have ordinances that allow residents to keep backyard poultry and many townships allow for agricultural activity in residential areas.

Right to Farm is an active law, with current practices based on sound science and common sense, working to find the balance between our need for on-farm food production, environmental stewardship, and neighbor relations going forward. The GAAMPs are constantly evolving to respond to advancements in agricultural technology, practices, and lifestyles. As agricultural practices and social norms continue to change, so too will the GAAMPs. That is why the Michigan Department of Agriculture & Rural Development has worked with local governments throughout the process and continues to be a resource for information, guidance, and solutions.



If you have questions about Right to Farm, or if you would like one of our content experts to speak with your group in person, visit [www.michigan.gov/righttofarm](http://www.michigan.gov/righttofarm) or contact Wayne Whitman, environmental manager for the Michigan Department of Agriculture and Rural Development, at 517-284-5619 or [whitmanw@michigan.gov](mailto:whitmanw@michigan.gov). 



**Seemingly overnight, city officials and courts were faced with battles over backyard chickens, bees, goats, and a host of other interesting species.**



By Michael E. Fisher

New Act Clears the Smoke  
around Licensing Issues

# MEDICAL MARIJUANA

It's been nearly 2 1/2 years since Robert Young, the Chief Justice of the Michigan Supreme Court, pronounced himself "so sick of medical marijuana cases," yet the cases keep coming. So, for that matter, does the legislation. Is medical marijuana the bane or boon of Michigan communities? And what, if anything, should cities and villages do about it?

Part of the answer depends on how the community answers other questions about marijuana. Is cannabis an irrationally suppressed potential wonder drug, or is it a threat to the healthy mental development of America's youth? Is the marijuana industry a powerful economic stimulant, or is it a growing menace to society? There is no obvious right or wrong answer to these questions, and the newest legislation allows local communities to pretty much decide for themselves.

It is fairly clear, looking at both the Michigan Medical Marijuana Act ("MMMA" – yes, that's marijuana with an "h," the old-fashioned spelling) and cases interpreting the MMMA, that the 2008 voter initiative which birthed the MMMA opened the marijuana door only a crack. It did not provide for dispensaries or other retail sale models which have come into being in other states. It permitted only registered "caregivers," having no more than 72 plants (a total

only reached if the caregiver is himself a registered patient), to grow medical marijuana and supply it to others.

But the MMMA also paved the way for the growth of a semi-legitimate marijuana industry—prohibited by federal law, but partially immunized from prosecution and even arrest under state law. For example, the law grants immunity from professional discipline, as well as any other civil or criminal penalty, for doctors who certify a patient's medical need for marijuana. Though there are exceptions to immunity, this protection for doctors appears to have undermined the medical need restriction on access to cannabis. Consider, for example, the case in which a doctor who certified his patient's medical "need" admitted under cross-examination that he knew of no studies which supported marijuana's medical use, "but . . . would very much like to find out." It is perhaps no surprise that many card-carrying MMMA "patients" resemble recreational users.

And though it does not take effect for roughly a year, the new Medical Marijuana Facilities Licensing Act (“MMFLA”) will likely open the door still further, if only because facilities for growing and selling marijuana will come out of the shadows. Going forward, medical marijuana will be a licensed and regulated commodity.

### Which Way Does Your Community Lean?

So each Michigan municipality has choices to make. Maybe your community is not troubled by wider use of marijuana because many of your constituents are themselves recreational users. Alternatively, your citizens may be motivated by compassion to the extent that they can tolerate sham patients as long as anyone with a genuine medical need has access to marijuana-based medicines. Or perhaps your community is anxious for the economic activity which a rising tide of industrial and retail marijuana enterprise seems to promise.

On the other hand, your community may view with horror the potential detriments to family values and public safety associated with heavier marijuana use. Notwithstanding the new licensing scheme, you may have serious concerns about shady operators and criminal exploitation of marijuana storage, transport, production, and sale. You may think medical marijuana is appropriate for some communities, but not yours.

The picture is completely different under the new MMFLA, however. Though the MMFLA offers legitimacy to heretofore illegal dispensaries (now called “provisioning centers”) and large grow operations, no MMFLA facility can get an operating license unless the host community adopts an ordinance authorizing the particular type of facility in question. The community has control, as well, over the number and type(s) of facilities the community will host. Traditional zoning tools, such as separation requirements (from churches, schools, etc.) and districting (e.g., limiting dispensaries to certain zoning districts) are available, too. The only real limits on local authority under the MMFLA are non-interference with state licensure of operators and state regulation of the purity and price of marijuana products.

### Consequences of New Marijuana Licensing Act

It seems likely that licenses which legitimize large growers and provisioning centers will be both sought-after and profitable. One corollary is that any community in which the marijuana industry would like to locate (or remain and grow) can expect feverish lobbying until/unless it adopts an ordinance authorizing MMFLA facilities. Another likely consequence of the new law is that black marketeers will rise up to compete with licensed marijuana businesses. Licensed

# Is medical marijuana the bane or boon of Michigan communities?

### What Control Mechanisms Are Available?

In either case, what can you do? One traditional municipal response to activities within a community is zoning. Under the MMMA, though, the Michigan Supreme Court says that in the event of a conflict between the MMMA and local zoning, the MMMA wins. The Court also broadened the immunity conferred by the MMMA to include immunity from injunctions against zoning violations. So fines, criminal penalties, and injunctions are all off the table if a community wishes to enforce a zoning ordinance against an MMMA-compliant caregiver. This would seem to render enforcement of zoning rules against MMMA-compliant operators impractical. What disincentive can the community impose on zoning violators who comply with the MMMA?



legitimate operators may become allies—along with federal, state, and county law enforcement agencies—in local efforts against illicit over-limit caregivers and other unlicensed growers and sellers.

At the same time, communities which have tolerated illegal dispensaries and grow operations in their midst will finally be able to treat them as ordinary businesses, subject to normal regulation. Host communities can also charge annual regulatory fees of up to \$5,000 per facility, and can share in dispensary tax revenues to help defray costs associated with hosting these entities.

The array of medical marijuana cases which have sickened the state Supreme Court stems from local efforts to deal with a world in which marijuana is illegal under federal, state, and local laws, but a segment of society is sometimes deemed immune from those laws. That segment is about to become larger, or at least more conspicuous, but communities are gaining new coping mechanisms as well. Michigan's cities and villages will try once more to find the right balance. 

*Michael E. Fisher is the chief assistant city attorney for the City of Livonia. You may contact him at 734-466-2520 or MFisher@ci.livonia.mi.us.*



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# PASSION AND PURPOSE

2016-17 MICHIGAN MUNICIPAL LEAGUE BOARD PRESIDENT



## Rosalynn Bliss Leads Grand Rapids and the League

By Matt Bach



**R**OSALYNN BLISS' sense of empathy and service is personal. As a child, she endured more than 20 surgeries to battle Blount's Disease, a bone ailment in her legs. For years, she was in and out of hospitals, and spent a significant portion of her childhood using crutches and a wheelchair to assist with mobility.

But the mayor of Grand Rapids looks back at the pain and discomfort of those long hospital stays as giving her purpose. Often surrounded by other sick children battling cancer and sometimes terminal illnesses, Bliss developed compassion and a desire to serve that still drives her today.

Bliss became the first female mayor of Grand Rapids when she took office Jan. 1 of this year, and in September became the 2016-17 president of the Michigan Municipal League Board of Trustees.

But her journey into politics and becoming mayor of the 123rd largest city in America was not a straightforward trajectory. She grew up in a poor yet extremely loving family in the Sault Ste. Marie area of the Upper Peninsula. Her parents had 10 children in 10 years, and Rosalynn was the seventh and youngest girl.

“So much of who I am today is because of my family and my experiences growing up,” Bliss explained. “Growing up in a large family you learn a lot of skills. You learn to share and respect different opinions. You learn to fend for yourself. You learn to be independent... and you learn to be an effective problem solver.”

At about 8 months old, her mother, a grocery store clerk, and her father, a brick mason, saw that Rosalynn’s legs weren’t developing the same as her siblings. They learned she had a severe form of Blount’s Disease, a growth disorder of the tibia that causes the lower leg to angle inward. Bliss wore leg braces until she was 3 and then the surgeries started—more than 20 surgeries during the first 26 years of her life. The excruciating surgeries would involve breaking her bones, installing metal plates, rods, and pins, and eventually transplanting bones from her back and hips into her weak legs.

She never let her ailment hold her back. In fact, it made her stronger.

“When you are faced with adversity, you are faced with a number of choices. You can become angry and bitter or you can develop a deep appreciation for what you do have. I chose the latter,” she said. “I found growing up I tended to be able to see the positive in things even when there didn’t seem to be much hope. It also helped me put things in my life into perspective. When life gets tough I know I’ve gone through harder times in the past. Mountains don’t seem that high when you’ve already climbed a lot of them.”



“THERE IS REAL POWER IN NUMBERS AND VALUE IN CITIES COMING TOGETHER TO ACTIVELY WORK TOWARD A COMMON GOAL. THE LEAGUE IS A GREAT SUPPORT FOR THAT.”





## ROSALYNN BLISS *At-a-Glance*

### **FAMILY:**

Born and raised in the Sault Ste. Marie, Mich., area. Her parents had 10 children in 10 years – she's No. 7 and the youngest girl.

### **HISTORICAL FACT:**

Became first female mayor of Grand Rapids when she took office January 1, 2016. She previously served as a Second Ward City Commissioner for 10 years.

### **HOBBIES:**

Reading, attending music festivals, kayaking, camping, and enjoying the outdoors. She hopes to someday kayak the full length of the Grand River (252 miles) from Jackson through Grand Rapids and ending at Grand Haven on Lake Michigan. She thinks it will take her 12-14 days. Her love for nature stems from her upbringing in the U.P.

### **FAVORITE AUTHOR:**

Malcolm Gladwell, known for *The Tipping Point* and *David and Goliath: Underdogs, Misfits, and The Art of Battling Giants*. Bliss is an avid reader of biographies, mysteries, and professional development and leadership materials.

### **SIGNIFICANT INFLUENCES:**

Her oldest sister, Renee, said "She's amazing, strong, and loving. She would do anything for you." And her high school British Literature teacher, Mrs. Sharyn Faunt, said

"She is like a second mom to me and was one of the first individuals who talked to me about going to college."

### **EDUCATION & OCCUPATION:**

She holds a bachelor's degree in psychology and criminal justice from the University of South Alabama, and a master's degree in social work from Michigan State University. In addition to serving as mayor, she's an adjunct professor at Grand Valley State University's School of Social Work.

### **ACCOLADES AND ACHIEVEMENTS:**

Among Crain's 100 Most Influential Women; Grand Rapids Business Journal's 50 Most Influential Women in West Michigan; West Michigan Public Relations Society of America's Communicator of the Year Award; ATHENA Young Professional Award; just to name a few. She was recently appointed by Governor Snyder to the state's Child Lead Poisoning Elimination Board.

### **FUN FACT:**

If you're in Grand Rapids, be sure to stop at the Grand Rapids Brewing Co. and try the Rosalynn Bliss Blonde. Crafted at the microbrew in honor of her service to the city and passion for local craft beer, its subtle apricot and tea flavors compliment this classic blonde ale. It's also a Gold Medal Award winner from the World Beer Championship. "Yes, I've had it. It's great."

Inspired by her father's strong work ethic, Bliss got a work permit at age 14. She worked in fast food, catering, and waitressing, and eventually self-funded her way through college. Upon completing high school, she knew two things—she wanted to go to college and she didn't like snow. So she jumped at the first-year academic scholarship offered by the University of South Alabama and took the 18-hour, 1,223-mile trek from the Soo to Mobile.

"Moving from the U.P. to Mobile was quite a shift. I had the opportunity to have new experiences in a different community with a different culture," she said. "I wasn't used to the southern drawl and I thought people talked too slowly. But I loved my time there and grew a lot as a person."



## FINDING HER PASSION

A frequent volunteer, while in college she volunteered at a home that served abused children and worked at a boot camp for juveniles. She found she had a natural ability to work with children and was drawn to the field of social work, eventually earning a master's degree in social work from Michigan State University.

"I realized I loved being with kids," she said. "I connected with children easily and was able to quickly build rapport with them. Social work just felt like a good fit for me." After college, she moved to Grand Rapids and fell in love with the city and its people. She climbed the career ladder in the area of social work, culminating as director of residential services at D.A. Blodgett-St. John's in Grand Rapids. Recently she reduced her time there to focus her full attention on serving the city as mayor.

Her sense of service led her to run for Grand Rapids City Commission, where she served as Second Ward commissioner for 10 years. During her service as a City Commissioner, she actively worked to raise funds to open city swimming pools, helped launch the nonprofit Friends of GR Parks, supported a dedicated parks millage, and supported the redevelopment of Fulton Street Farmer's Market and

the establishment of neighborhood Corridor Improvement Districts. She ran for mayor in 2015 at the encouragement of her mentor, Grand Rapids Mayor George Heartwell, who was term-limited and actively supported Bliss' run for office.

Known for her strong will and preparedness, Bliss campaigned hard to become mayor. She started months before the election and knocked on thousands of doors. In August 2015, she received 66 percent of the vote, by far securing the majority of votes needed to avoid a run-off in the November election.

As mayor, her relentless-ness continues. In her very first state of the city address in February, she laid out a bold platform: Foster racial equity; provide more affordable housing; enliven neighborhoods; strengthen schools; restore the Grand River's rapids; end homelessness; and grow the local economy.



Above: Bliss with former Grand Rapids Mayor George Heartwell. Left: Bliss presenting the State of the City address.

## LEADING THE LEAGUE

She's taking that same can-do attitude as League president. Her goals include fixing the state's broken system for funding municipalities and restoring more local control to local governments.

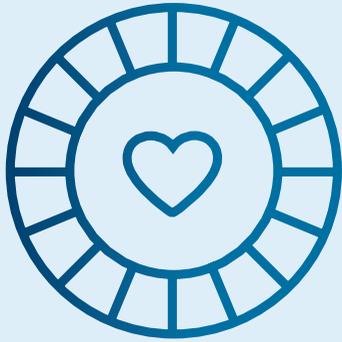
"The League plays an important role in our state and is a strong voice for local units of government in Lansing—and we need that," she said. "There is real power in numbers and value in cities coming together to actively work toward a common goal. The League is a great support for that."

"I'm grateful for having the opportunity to come to a place where I'm comfortable with who I am," she explained. "I think that has come after experiencing challenging times, doing a lot of soul-searching, and making intentional decisions about the person I want to be and how best to walk through this often unpredictable journey of life."

Even more importantly, her sense of empathy reverberates in all that she does.

"When you genuinely listen to people's stories—their joys, struggles, experiences, hopes and fears—it can both warm your heart and break your heart, and compel you into being a part of making our community a better place for everyone," said Bliss. "I want Grand Rapids to be a great place for everyone—where people feel they have a voice, where people feel a connection to their community, where they have opportunity, and where everyone can be a part of our city's growth and success." 

Matt Bach is the media relations director for the League. You may reach him at 734-669-6317 or [mbach@mml.org](mailto:mbach@mml.org).



# MAXIMIZE YOUR MEMBERSHIP

The League Offers Services to Meet Ever-Changing Needs

By Summer Minnick

**W**e take our mission statement seriously here at the League. In case you don't have it committed to memory—it's in a lovely text box within this article. It can be summed up in our tag line, *We Love Where You Live*, but it goes much deeper than that for those of us who try to create and support the programs, services, and opportunities that help all of our members get to the next level in both your personal growth and community accomplishments.

We know it's our responsibility to push the envelope with innovative programming, cutting edge research, and top notch services. As your association, it is up to us to provide you with the training, resources, and opportunities that will inspire and encourage you throughout your public service.

and Convention, we are developing additional educational tools that can be accessed on-demand and electronically.

We have also begun a new effort to bring League training programs into your communities by hosting regional "You Need to Know" events. These two-hour sessions will be held throughout the year on various pressing topics for local communities and will feature an hour of programming followed by an hour of networking with other officials in your region. We know that interacting with others who share common concerns often leads to transformational lightbulb moments.

## Affiliate Activities

Our affiliate organizations are also excellent ways for local leaders to connect, learn, and grow. We are investing additional resources into helping promote the leaders of our most visible affiliate organizations and provide greater opportunities for them within League events. After all, they have invested time and energy into helping promote their passion, and we should be maximizing their energy and experience.

As part of this, we will be hosting the presidents of some of these organizations at the National League of Cities Congressional Cities Conference in Washington DC next March, and in meetings with our congressional delegation. In addition to the leadership exposure, we are also developing a scholarship program for professional development within these affiliates through a program of the Michigan Municipal League Foundation. Details will be made available soon! The affiliates in this program will be the ones supported by League staffing services: Michigan Municipal Executives, Michigan Association of Mayors, Michigan Women in Municipal Government, Michigan Black Caucus of Local Elected Officials, and Michigan Association of Municipal Attorneys.



We're in the process of rolling out increased leadership and educational opportunities to do just that. Over the next year, you'll be seeing more information coming from us regarding new ways in which you can get involved with, learn from, and utilize the League. We are also enhancing our member experiences and aiming to provide greater benefits to active members.

## Expanding Our Offerings

We know your job is hard and time consuming. But being a successful local leader requires a commitment to acquiring the best training available. We know our expert training is second to none, but we are improving ways for members to access that information. In addition to our existing programs within the Elected Officials Academy, Capital Conference,

**OUR MISSION:** The Michigan Municipal League is dedicated to making Michigan's communities better by thoughtfully innovating programs, energetically connecting ideas and people, actively serving members with resources and services, and passionately inspiring positive change for Michigan's greatest centers of potential: its communities.

## Learning From Each Other

Learning from other League members is one of the most valuable assets to being engaged with the League. Whether it's a creative approach to green energy, a successful millage campaign, or a community-led crowd-funding project, great things are happening among us all the time. And now, we are more dedicated to highlighting those case studies of success and developing additional policy-focused research to assist members with common challenges.



Maybe you're new to public service and not even sure about all that the League provides. Or you're a seasoned vet, but are working with new individuals who don't yet share your passion. We can help. Once our members are involved with the League, they are often surprised at the depth of our involvement in municipal matters, and opportunities of which they can take advantage. So if you're interested in having someone come speak to your council—let us know! We'll come and meet informally, or provide a presentation before a council meeting – or both. In addition to helping you understand League benefits, we have also recently created Elected Officials Academy Ambassadors, who are local officials primed to go speak in their regions on the ins and outs of the Elected Officials Academy training program and the advantages it has provided to them. This peer-centric presentation is intended to help encourage continuing education of our local elected officials. Please contact us if you're interested in having someone visit your community.

Having a strong, active association that achieves its goals requires fostering connected, committed members. And by being more strategic about how we connect with you and share information, we can create more meaningful experiences for individuals and better outcomes for the communities you serve. 

**We know it's our responsibility to push the envelope with innovative programming, cutting edge research, and top notch services.**

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# 2016 CONVENTION HIG

More than 400 local officials ferried across Lake Michigan to beautiful Mackinac Island for this year's Convention. Amid the spectacular, historic surroundings of the Grand Hotel, attendees had an opportunity to connect, engage, and discover creative solutions to local challenges. Topics were as varied as the island's famous fudge, ranging from municipal finance reform and social media to community partnerships and self-driving cars.



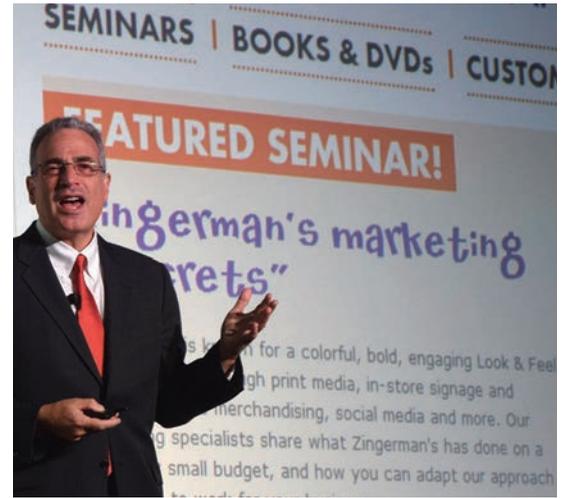
Meet-Ups were new this year. Small groups of Conventioneers gathered in comfortable spots around the hotel for informal conversations on a topic of interest. Some delved deeper into a session they had just attended, and others shared ideas about subjects such as race relations and technology.

# HIGHLIGHTS

JOIN THE CONVERSATION

September 14-16, 2016

Grand Hotel, Mackinac Island



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## Proper Prior Partnerships Prevent Pitifully Poor Performance

# BOYNE CITY'S TEAM BOYNE EXPERIENCE

By Michael Cain

**D**uring the recent League Convention on Mackinac Island, the Thursday afternoon session titled “How Community Partnerships Are Critical to Vibrant Communities” rang true to Boyne City experiences. Saginaw Community Foundation President Renee Johnston said you can’t wait to develop relationships until you really need them. For nearly a decade the City of Boyne City, a growing community of year-round residents, has been putting that theory into practice.

Boyne City likes to try new things. In 2003, the city became one of the first communities accepted into Michigan’s newly-restored, statewide Main Street Program. Three years later, MSU Extension’s economic development team launched its new Creating Entrepreneurial Communities (CEC) initiative. Both of these efforts, while still in their formative stages, fit in with Boyne City’s formally adopted, community-based goal of enhancing economic development opportunities in our community.

Through the Main Street Program, the city developed a team of volunteers and raised \$5,000 to participate with nine other teams from across Michigan in a four-day training program that made the case and provided the tools for building entrepreneurial communities. Existing bonds between many elements of the Boyne City community were strengthened, and the genesis for Team Boyne was created. Over those four February days of living, learning, and working together, not only were new skills acquired but old assumptions and misconceptions dispelled.

### Team Boyne is Born

Upon returning back to Boyne City, it was up to those who attended to share what they learned with their respective governing bodies and see what this new, somewhat vague, effort called Team Boyne could do for our community. The circle was expanded to include the Chamber of Commerce executive director, school superintendent, library director, staff from Northern Lakes Economic Alliance (our regional economic development agency), and more members of the business community.



So what exactly is Team Boyne? It isn’t an official city body, although it acts in a similar capacity and has replaced our Main Street program’s Economic Development Committee. But it has no real authority of its own. It’s a voluntary group of members of the business community, nonprofits,

and leading organizations interested in promoting entrepreneurship and economic development. It is a welcoming environment where new and existing businesses can get confidential support and guidance from the rest of the Boyne City community. Sometimes it's just moral support or a listening ear for someone thinking about getting a new business off the ground. Other times, it's a suggestion, referral, or connection that opens the door for someone or helps prevent a mistake.

Meeting on a regular monthly basis, Team Boyne brings community leaders together for some very important networking. It isn't uncommon to have 25-30 people sitting around the table, each sharing what is new or important with their organization as well as what they are hearing on the street. This way, everyone has a good, general understanding of where the community is going and any items that might need to be addressed. This process helps avoid surprises and circumvent parties working at cross purposes. It has been amazing to watch how guards have come down and real dialogs have developed.

## TAKEAWAYS

- Don't be afraid to try something new, it's guaranteed not to work only if you don't try it.
- Don't be afraid to invest in yourself.
- Build your networks and relationships now, before you need them.
- If you want a better community, work together and tear down those silos.
- Don't, or let others, go it alone.

### Team Boyne In Action

One of Team Boyne's first major community outreach efforts was to have teams of individuals visit businesses in the community. The first round of visits were real eye-openers. People wondered why we were there and what we wanted. After learning we were there to listen and find out their needs and issues in a confidential setting, they started to share and realize that the community cared about them as individuals and as businesses. This Team Boyne outreach program, done every few years, has been one of the biggest transformative steps I have seen for fostering trust and cooperation in my over 30 years of local government experience.

Team Boyne has also had a significant positive impact on one of Boyne City's signature businesses. They are a family run organization with a worldwide reputation for quality products. When they first came to Boyne City years ago,

they didn't feel welcome. They were off in their part of the city without much contact or feeling of support from the rest of the community. Now that Team Boyne is in place, they say that feeling has changed 180 degrees. They feel welcomed as a valuable part of a supportive community and no longer feel alone. How valuable is that change in attitude by both the community and that business when a new or existing business is looking for a place to set up shop or grow?

Team Boyne has opened the doors to Boyne City in so many ways. It has helped us develop countless community partnerships that supported Boyne City's efforts to become the vibrant community that it is today. But there is so much more to do in Boyne City and probably in your community, as well. What might work where you live? Be open and encourage new opportunities for those in your community to connect and cooperate. It won't happen overnight. It takes time, effort, and commitment. And while it doesn't take a lot of money, the results can be priceless.

*Michael Cain is the city manager of Boyne City. You may contact him at 231-582-0377 or [mcaain@boynecity.com](mailto:mcaain@boynecity.com).*



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# SHRINKING MUNICIPAL REVENUES

## Philanthropies Are Being Called on to Fill the Bill

By Rick Haglund

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**F**or many years, philanthropies have provided funding for projects designed to enhance the vitality of local communities. But increasingly, they are being called on to aid municipalities in times of crisis.

“It’s definitely happening more than it used to,” said Rob Collier, president of the Council of Michigan Foundations, which represents philanthropic organizations and individuals in the state. “It’s a delicate balancing act.”

Collier said the increasing frequency of foundations being asked to help local governments pay for services is worrisome to the philanthropic community. “The

foundations just don’t have the resources to do what governments need to do and should be doing,” he said. But nevertheless, foundations are stepping up to aid municipalities in a big way.

In 2014, state and national foundations pledged \$366 million toward Detroit’s “grand bargain,” which kept city-owned artwork at the Detroit Institute of Arts from being sold, cut debt, paid for city services, and headed off deeper city employee pension cuts in Detroit’s historic bankruptcy. Ten Michigan foundations also have pledged \$125 million to supplement state and federal funds to aid Flint during the city’s ongoing water crisis.

### KALAMAZOO TRIES TO STRIKE A BARGAIN

And in a move that some say could redefine how local governments are financed, two local philanthropists have offered to give the city of Kalamazoo \$70 million over the next three years, much of which would be used to balance future budgets and cut property tax rates.

The offer from William Parfet, whose great-grandfather founded the Upjohn pharmaceutical company, and William Johnston, a wealth-management company executive whose wife is the granddaughter of Stryker Corp. founder Homer Stryker, came after a blue-ribbon citizens committee failed to propose sufficient revenue solutions to the city’s growing fiscal problems.

Kalamazoo Mayor Bobby Hopewell and City Manager Jim Ritsema then approached Parfet and Johnston for help. The city was facing a projected, cumulative budget deficit of \$24 million over the next six years and had few places left to cut expenses.

Ritsema said an eventual city bankruptcy was not out of the question. “We were heading down a path toward bankruptcy or emergency management without some sort of financial solution,” he said.



Kalamazoo Mayor Bobby Hopewell being interviewed by the media.

Parfet and Johnston's proposal calls for funneling the \$70 million into a new Foundation for Excellence. The city would use the money to balance the budget, cut the property tax millage rate from 19.27 mills to 12 mills, fight poverty, and fund children's programs. The foundation also would undertake a fundraising effort to grow its endowment to as much as \$500 million. Ritsema said he hopes to gain city commission approval for the plan by the end of the year.

The offer is not without its critics. Several city commissioners have said they fear the money would come with strings attached and that private funders might control how the city is run. Ritsema acknowledged those concerns, but said money used to enhance the city in future years would be spent in accordance with Kalamazoo 2025, the city's master plan that is currently being updated.

"I can tell you that during our discussions (with Parfet and Johnston) we made it clear that (having strings attached to the grant) would be a concern," Ritsema said. "They assured us that they don't intend to do that and it is not their intent to run the city. They want to move the community forward in a positive way."

Nancy Kaffer, a *Detroit Free Press* columnist, said it's hard to see a private foundation funding public services "as anything but government's abdication, at every level, of its most basic responsibilities."

Ritsema said Michigan's system of financing municipal government is broken, preventing many cities from fully recovering revenues lost during the Great Recession, even though the state's economy has been expanding for nearly seven years.

"Part of our thinking is that we can't rely on the state to fix our problems," he said. "Sometimes what the state does hurts us more. We need to help ourselves in Kalamazoo."

## FOUNDATIONS FILLING A REVENUE GAP

Foundations are increasingly being called on to pay for things that have traditionally been seen as government's responsibility. For instance, after two court bailiffs were fatally shot and a sheriff's deputy wounded at the Berrien County Courthouse in St. Joseph in July, the Berrien Community Foundation pledged up to \$5,000 to purchase improved bulletproof vests and gun holsters for the sheriff's department.

"I think what I'm seeing more of now is more requests (for aid to communities) coming our way," said Carolyn Bloodworth, secretary-treasurer of the Consumers Energy Foundation. Among its recent contributions to Flint was a \$25,000 grant to the United Way of Genesee County to purchase 2,500 water filters for homeowners whose drinking water was contaminated by lead after the city started getting its water from the Flint River.

Bloodworth attributed the increase in requests to a decline in available state and federal grants for economic and community development. As a result, her foundation is shifting more of its resources to that area. For example, it's participating with state government and other organizations to revitalize downtown Jackson, where Consumers Energy's headquarters is located, and attract young talent.

## FOUNDATIONS ARE INCREASINGLY BEING CALLED ON TO PAY FOR THINGS THAT HAVE TRADITIONALLY BEEN SEEN AS GOVERNMENT'S RESPONSIBILITY.

Collier said many other foundations are similarly working on ways to help communities become more attractive to young millennial talent, which is key to Michigan being able to boost incomes and living standards. But they're wrestling with how their money can best be utilized. "How do you sustain this over time?" he said.

Foundations and other philanthropies play an important role in making our communities better places to live. But they can't effectively do that if their resources are being diverted to pay for basic government services because state government is ignoring a crippled municipal finance system. 

*Rick Haglund is a freelance writer. You may contact him at 248-761-4594 or haglund.rick@gmail.com.*



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# Michigan Supreme Court Supports Authority of Local Units of Government

## FACTS:

The city of Lansing enacted an ordinance requiring contractors working on city construction projects to pay their employees a prevailing wage. Associated Builders and Contractors, a trade association, sued the city claiming that the ordinance was unconstitutional on the basis that municipalities do not have the authority to adopt ordinances regulating the wages paid by third parties, even where the work is done on municipal contracts paid for with municipal funds.

Associated Builders relied upon the 1923 Michigan Supreme Court decision of *Attorney General ex rel Lennane v Detroit*, which held that, under Michigan's 1908 Constitution, the setting of wage rates was a matter of state concern into which a city could not intrude. The city argued that the subsequent ratification of the 1963 Constitution, and specifically Article 7, section 22, grants to a city the power to adopt ordinances relating to its municipal concerns, subject to the Michigan Constitution and laws. The 1963 Constitution contains further language that no enumeration of powers granted to cities and villages in the Constitution limits the grant of authority by article 7, section 22. The *Lennane* decision was never overruled.

## QUESTION:

Did the city of Lansing have the authority under Const 1963, art 7, section 22 to enact an ordinance that established a prevailing wage?

### ANSWER ACCORDING TO THE TRIAL COURT:

The trial court held that the *Lennane* Supreme Court decision of 1923 was controlling, i.e., regulation of wages was a matter of state, not municipal concern.

### ANSWER ACCORDING TO THE COURT OF APPEALS:

Yes. The court held that the city had the authority under the 1963 Constitution to adopt the ordinance and that the legal landscape had changed since the *Lennane* decision, making it "obsolete and inapplicable."

### ANSWER ACCORDING TO THE MICHIGAN SUPREME COURT:

Yes. The Court initially overruled the *Lennane* decision. The Supreme Court then affirmed the court of appeals' result on the basis that the 1963 Constitution

grants to cities and villages the authority to enact ordinances relating to municipal concerns, including those regulating wages paid to third-party employees working on municipal construction contracts. The Court noted, "Furthermore, *Lennane's* holding appears to rest on an implicit dichotomy: if something is a matter of 'state concern' it cannot also be a matter of 'local concern.' But this binary understanding does not comport with the plain language of the 1963 Constitution, which grants cities and villages broad powers over 'municipal concerns, property and government' whether those powers are enumerated or not." Although the court upheld the result of the court of appeals, it vacated the decision for failure to follow precedent established by the Supreme Court.

*Associated Builders & Contractors v City of Lansing*, No. 149622 (May 17, 2016)

**Editor's Note:** The decision is considered to be highly significant and favorable with respect to the scope of home rule powers in Michigan. An amicus brief was filed by the Michigan Municipal League's Legal Defense Fund with the Supreme Court in the case; the brief was authored by Paul Hudson of Miller Canfield.

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.

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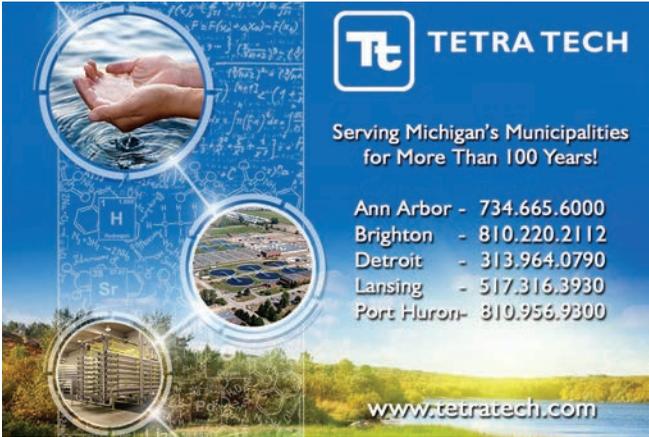
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### Q: How do I get something on the agenda for our city council meeting?

**A:** The procedure for adding something to the agenda for a city council meeting can vary from city to city (or village to village). You will need to consult your city's council rules of procedure. In some cities, the mayor and manager put items on the agenda; in others, it may be the mayor and clerk or the mayor, manager, and clerk. Typically, one would submit a proposed agenda item in writing to whomever your council rules designates to prepare the agenda.

Here are two examples:

- 1) The city manager, or his/her designate, shall prepare an agenda of business to be considered at each regular council meeting with the approval of the mayor. Items of business generally must be submitted eight (8) days prior to the regular meeting held the second Thursday of the month, subject to the discretion of the city manager and mayor.
- 2) An agenda for each regular meeting shall be prepared by the mayor in consultation with the city manager and city clerk.

For sample council rules of procedure, contact the League's Information Services at [info@mml.org](mailto:info@mml.org).

### Q: What is a consent agenda?

**A:** A consent agenda is a tool that can be used to shorten meetings. It contains routine items which do not need further discussion. A whole group of items can be approved in one motion and one vote.

If discussion of an item is desired, it can be removed from the consent agenda and discussed immediately after approval of the consent agenda or in its normal sequence on the agenda.

The printed agenda should contain a consent agenda definition like the one below:

*A consent agenda may be used to allow the council to act on numerous administrative or non-controversial items at one time. Included on this agenda can be the receiving of minutes from other authorities, boards, and commissions; paying bills; setting public hearings; and approval of recognition resolutions, etc. Upon request by any member of the council, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.*

For sample consent agenda provisions, contact the League's Information Services at [info@mml.org](mailto:info@mml.org).

### Q: Is there a "rule of thumb" for a fund balance amount?

**A:** Operating fund balances should be maintained at levels sufficient to absorb unpredictable revenue shortfalls and to ensure desired cash flow levels. Local officials must balance financial stability against an excessive fund balance. You should adopt a policy, regardless of the amount that you decide is necessary. A typical policy is one to three months operating expenditures or five to 20 percent of annual budgeted expenditures.

Here is an example fund balance statement: For the general fund, the budget shall be prepared and activities managed to result in an ending unassigned fund balance of at least 10 percent of adopted expenditures, except in the case of emergency or financial distress. Circumstances of emergency or financial distress shall be reported to the city council at the earliest practical time. Upon such report, the city council may direct that additional action be taken to preserve the minimum unassigned fund balance.

For sample fund balance policies, contact the League's Information Services at [info@mml.org](mailto:info@mml.org).

### Q: Winter is coming and I am concerned about heavy snowfall and the safety of our city streets. Do you have sample ordinances from cities that prevent parking on city streets so the streets can be plowed?

**A:** Yes, the League has sample city ordinances authorizing designated officials to declare a snow emergency and the subsequent temporary banning of on-street parking.

For sample snow emergency ordinances, contact our Information Services at [info@mml.org](mailto:info@mml.org).

## ALERT

**FLSA Overtime Final Rule goes into effect December 1, 2016.** This new rule updates the salary level required for the executive, administrative, and professional ("white collar") exemption to ensure that the FLSA's intended overtime protections are fully implemented. The final rule raises the salary threshold from \$455 a week (\$23,660 for a full year worker) to \$913 a week (\$47,476 for a full year worker). Request the U.S. Department of Labor Fact Sheet at [info@mml.org](mailto:info@mml.org).

League's Information Service provides member officials with answers to questions on a vast array of municipal topics. Email inquiries to [info@mml.org](mailto:info@mml.org), or call 734-662-3246 or 800-653-2483.

# GUIDO AND SINCLAIR AWARDS

The Guido and Sinclair awards are two of the top honors given to individuals by the Michigan Municipal League. The 2017 deadline to submit nominees for the awards is **January 15, 2017** with the winners being recognized during the Michigan Municipal League's Capital Conference March 21-22, 2017 in Lansing. Award details:

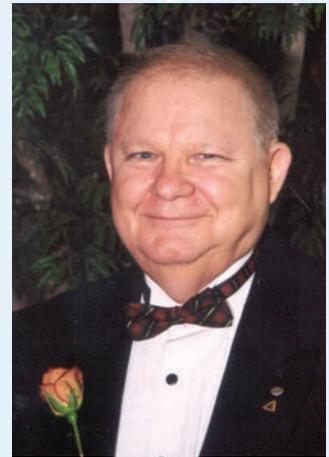
## THE MICHAEL. A GUIDO LEADERSHIP AND PUBLIC SERVICE AWARD



**WHAT:** Created in memory of Dearborn Mayor Michael Guido to honor a chief elected official who personifies professionalism and leadership, and is dedicated to the citizens in their community and advocates on their behalf in Lansing and Washington, D.C.

**ELIGIBILITY:** To be considered, nominee must be a current chief elected official from a Michigan Municipal League member community who has demonstrated excellence in leadership and shown perseverance in making a difference in his/her community for a sustained period of time.

## THE JIM SINCLAIR EXCEPTIONAL SERVICE AWARD



**WHAT:** Created in memory of Rogers City Councilmember Jim Sinclair to celebrate a person dedicated to public service who has shown a passion and commitment to the League, enthusiastically supporting its mission and promoting its purpose.

**ELIGIBILITY:** To be considered, nominees must be affiliated with the League in the capacity of a municipal official, municipal staff, a League staff member, or an active participant in the League's mission; and be active in furthering the cause of educating elected officials so that communities may benefit from the education and experience that their elected officials have gained.

Nominations must be received at League headquarters by **JANUARY 15, 2017**. To download a nomination form and related materials visit [www.mml.org/awards](http://www.mml.org/awards).

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# Transforming WOODWARD TOGETHER

By Steve Baker, Mayor Pro Tem, City of Berkley | Mark Nickita, Mayor Pro Tem, City of Birmingham | Melanie Piana, Mayor Pro Tem, City of Ferndale



Newly elected in November 2009, several neighboring municipal officials wanted to explore how their region could collaborate together. The team considered zoning and physical development, walkability, complete streets, wayfinding, transit, and other themes as a starting point. They selected complete streets and transit to transform Woodward Ave., a historic, vibrant landmark, into a linear city.

#### The team's guiding principles were:

- Recognize Woodward Ave. is a key shared asset and foundation for our unified focus
- Understand the value of regional transit; it was something we'd all rally around
- Leverage the emerging initiatives in Detroit that could be catalytic for the region

The team saw the need for transit and complete streets, and rallied around a Transit Oriented Design (TOD) study, uniting both public and private groups. They secured local and regional grants for the funding, and began public outreach initiatives. Collaborative partnerships and long-lasting relationships emerged and remain in place today.

The team sought and received \$32,000 for a planning research grant to study land use, zoning, and master plan changes to support transit oriented development. They convened a Planning Commission Congress (all PC's from each city met to review the material together) and published the Transit Oriented Development plan document; every Planning Commission and City Council adopted the plan in solidarity and support.

They then successfully applied for and received \$2 million from the Federal Transit

Administration (FTA) and formed a collaborative steering committee with SEMCOG and others. They helped craft and support legislation to create a Regional Transit Authority (RTA), and have since helped shape and promote the ballot initiative to fund a reliable, rapid, regional transit system.

#### Key lessons learned:

- Seek and harness the desire to collaborate in your communities and with your neighbors
- Embrace the change that emerges as projects roll along – harness it, rather than fight it
- When one project ends, find the next thing for your communities to collaborate on together
- Foster relationships that will further unite your communities over time