

the review

November / December 2020

the official magazine of the  michigan municipal league

LOCAL
GOVERNMENT
101



GOAL SCORER

NEW LEAGUE PRESIDENT WILLIAM WILD
LEADS ON AND OFF THE ICE

2020/21

the review

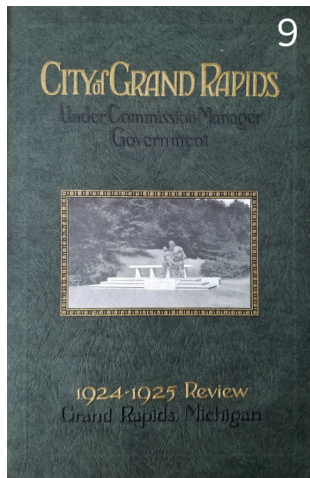
The official magazine of the Michigan Municipal League

Features

6
**What the Great Recession
Can Teach Cities about
Recovering from COVID-19**
By Marlon I. Brown



9
**An Overview of Council-
Manager and Strong Mayor
Forms of City Government**
By Thomas H. Forshee



16
**IT Security for Mitigating
Fiscal Risk of Remote Work**
By Douglas Carr

19
**Unemployment Insurance
Amid COVID-19**
By Deborah Walton-Medley

24 COVER STORY
Goal Scorer:
New League President William
Wild Leads On and Off the Ice
By Matt Bach

28
**2020 Virtual
Convention Highlights**

13
**Municipal Expenditures:
Avoid Problems by
Knowing the Law**
By Lisa Hamameh



COVER

Mayor William Wild
and his Westland Wild
Wings hockey team play
for fun and charity. Photo
by Douglas Bargerstock.



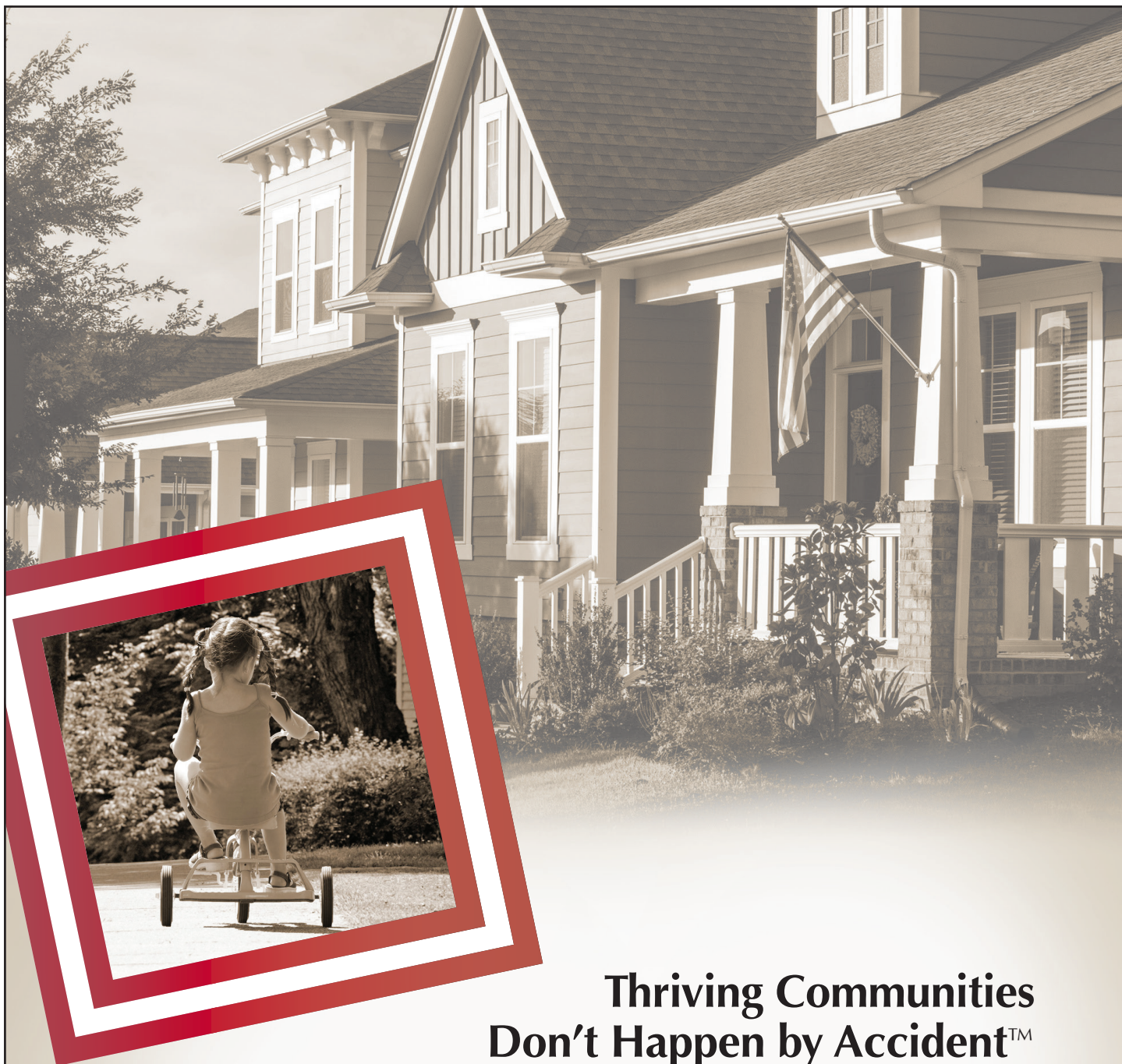
Columns

- 5 Executive Director's Message
- 35 Legal Spotlight
- 36 Municipal Finance
- 38 Northern Field Report
- 40 The Lab Report
- 45 Municipal Q&A
- 46 Maximize Your Membership



Follow Us:





Thriving Communities Don't Happen by Accident™

Public officials across Michigan work with Plunkett Cooney to develop safe neighborhoods and healthy business districts residents are proud to call home. For assistance with police liability, employment law, election law, transparency law compliance, zoning and land use and much more, your community can count on Plunkett Cooney for the right result.

ATTORNEYS & COUNSELORS AT LAW

Audrey J. Forbush

Governmental Law Practice Group Co-Leader

Direct: (810) 342-7014

PLUNKETT  **COONEY**

DETERMINED. DISTINCTIVE. FEARLESS.®

Bloomfield Hills | Detroit | Lansing | Flint | Grand Rapids | Marquette | Petoskey

www.plunkettcooney.com

FACT SHEET



Municipal Attorneys...
Managers...
Department Heads...

Add to our
growing
collection!

Do you write one-page
explanations of
municipal topics for
your council or staff?

If so, submit them to
the League as possible
Fact Sheets.

These one-page information
sheets offer a clear and
concise explanation of
a variety of municipal topics.
The *Fact Sheet* is an additional
piece of information, such
as a sample ordinance,
policy, or resolution.

These fact sheets are
available online at mml.org.
Email kcekola@mml.org
for details.



the review

The official magazine of the Michigan Municipal League

Volume 93, 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.

BOARD OF TRUSTEES

President: William Wild, Mayor, Westland

Vice President: Dr. Deirdre Waterman, Mayor, Pontiac

Terms Expire in 2021

Diane Brown Wilhelm, Councilmember, Midland
Michael Cain, City Manager, Boyne City
Brian Chapman, City Manager, Sault Ste. Marie
Frances McMullan, City Manager, Ypsilanti
Jean Stegeman, Mayor, Menominee

Terms Expire in 2022

Peter Dame, City Manager, Grosse Pointe
Carla J. Filkins, Mayor, Cadillac
Monica Galloway, Council President, Flint
Patrick Sullivan, City Manager, Northville
Barbara A. Ziarko, Councilmember, Sterling Heights

Terms Expire in 2023

Robert Clark, Mayor, Monroe
Stephen J. Gawron, Mayor, Muskegon
Robert La Fave, Village Manager, L'Anse
André L. Spivey, Councilmember, Detroit
Deborah Stuart, City Manager, Mason
Keith Van Beek, City Manager, Holland

MAGAZINE STAFF

Lisa Donovan, Editor
Tawny Pearson, Copy Editor
Monica Druks, Editorial Assistant
Marie Hill, Creative Lead/Photographer
Josh Hartley, Graphic Designer

TO SUBMIT ARTICLES

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

ADVERTISING INFORMATION

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

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

SUBSCRIPTIONS

\$24 per year for six issues.
Payable in advance by check, money order, Visa/MasterCard/American Express.
Make checks payable to Michigan Municipal League. Phone 734.669.6371; fax 734.669.4223 or mail new subscription requests and checks to the Michigan Municipal League, P.O. Box 7409, Ann Arbor, MI 48107-7409.

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



Please recycle this magazine

Building on a Strong Foundation of Basics

I am certain that I am not alone in feeling the fatigue of the pandemic and all the challenges that accompany it. I empathize with my school-aged sons, who are eager to return to school life as usual and spend time with their friends. However, I am optimistic given the glimmers of hope on the horizon—the development of faster testing, more contact tracing, and the anticipation of a vaccine in the next several months. Meanwhile, the League continues to operate as we have for the past several months throughout the pandemic—working with all of you by keeping our eyes on the ball and continuing to focus and advocate for stronger communities. We are also continually updating our website with the most current information on COVID-19 to help keep our municipal officials informed.

Every year, we devote an issue to our newly elected officials and introduce you to some of the local government basics. First, a hearty congratulations to all the newly elected and re-elected officials! You have a unique opportunity to influence and direct the growth and sustainability of your community for years to come. Although national and state political news tends to dominate most people's daily digest of information, it is at the local level where residents are most impacted on an everyday basis. Engaging closely with your constituents will help you develop relevant local policies that will better serve and reflect your community's needs and provide the foundations for their quality of life. The League provides networking events (all virtual for now), informational and educational resources, and an opportunity for you to participate in influential leadership roles at the League. We are a valuable source to help you better govern and navigate the nuances of local government. You can get started right here, and you will also find extensive information on our website.

We are thrilled to welcome the League's newly elected president, Bill Wild, Mayor of Westland. He begins his tenure during these unusual times, as the longest-serving mayor in Westland's 50-year history. He has been a strong and steady advocate of the League, referring to it as the "college for local government." As an active member over the past 20 years, he has been an energetic participant—attending

numerous conferences and seminars and serving on multiple committees. He encourages you all to do the same. His advice to elected officials is to network outside your communities and learn from other examples of good governance. The League's Assistant Director of Strategic Communications, Matt Bach, virtually met up with President Wild to learn more about his personal and professional story and his plans for the upcoming year, which you can read in the pages that follow.

A big thank you to outgoing League President Brenda F. Moore, who has provided steadfast leadership during one of the most challenging years the League has ever experienced. As the pandemic has forced us to forgo traditional ways of conducting business, President Moore has seamlessly stepped up to the plate to reach our membership in other ways. She brought valuable ideas and passion to help advance the causes of our organization. We wish her well and know that she will continue to be a strong advocate for the League and its members.

We are preparing a critically important issue on diversity, equity, and inclusion for our January/February 2021 magazine. If you have questions or need guidance before then, please feel free to contact us and/or check out our resource page at www.mml.org. This was launched to help members better understand racial injustice in your communities and provide guidance to effectively address it. You will find a wide range of learning tools and resources, including League webinars and updates on related legislation. We are also providing links to policy guides and guidebooks from organizations around the state and country. If you have developed your own policies that address discrimination, police misconduct, or racial inequity, we would greatly appreciate it if you would share them with us.

Once again, a huge thank you to my staff who, throughout the pandemic, have risen to the challenges to keep this organization moving forward with optimism for the future of Michigan communities. They make me proud.



Daniel P. Gilmartin
League Executive Director and CEO
734.669.6302; dpg@mml.org



WHAT THE GREAT RECESSION CAN TEACH CITIES ABOUT RECOVERING FROM COVID-19

ROAD TO RECOVERY

By Marlon I. Brown

Without question, the coronavirus pandemic is an historic public health and economic crisis. As medical professionals, public health experts, and government officials respond to increasing infection rates, local governments are simultaneously altering service delivery to accommodate the realities of a pandemic-induced recession. According to the National League of Cities (NLC), municipalities are projected to lose \$360 billion in revenue over the next three years due to the pandemic. As a result, 74 percent of cities have already made budgetary cuts or adjustments including furloughing workers and implementing hiring freezes; delaying or canceling capital expenditures and infrastructure projects; and reducing economic development programs and city planning services. This speaks nothing of the increased costs that cities are encountering to procure personal protective equipment and enhanced cleaning services that will yield sanitary workplaces and public spaces.

As local governments grapple with these unprecedented circumstances, it is beneficial to learn from history. The Great Recession of 2007-2009 is the most recent economic event that disrupted our society in a similar manner to the COVID-19 pandemic. During that recession,

unemployment peaked at 10 percent, housing prices fell 30 percent, the gross domestic product fell 4.3 percent, and the total net worth of U.S. households and nonprofit organizations declined by \$14 trillion. The economic impact on cities was particularly difficult, and it is arguable that many have yet to fully recover. However, the way communities responded is instructive.

Lessons from the Great Recession

During the Great Recession, cities largely relied on unrestricted fund reserve balances and increased user fees for utility rates and other enterprise funds. In some instances, municipalities also increased property taxes or transferred funds between governmental and enterprise accounts. Notably, cities were not able to rely on state and federal revenue as these fund sources tended to remain static or decrease during the recovery. This finding is further supported by a recent study commissioned by the Michigan Municipal League, which concluded that from 2002 to 2017, 72.9 percent of Michigan cities experienced overall revenue decline, with 65.6 percent of cities realizing a decline in property tax revenue, and 98.4 percent of cities realizing a decline in state revenue sharing.

Finally, it should be noted that some communities took a more pragmatic management approach by relying on intergovernmental cooperation as well as collaboration with the private and nonprofit sectors. This led to innovation in service delivery as governments became more strategic with revenues and expenditures.

Historical revenue patterns and the current economic climate portends significant challenges for both short-term service delivery and long-term financial sustainability. Accordingly, based on the lessons from the Great Recession, the following recommendations are offered to help cities recover from the current recession:

1. Cities should practically manage limited resources, giving adequate consideration to their future net position. This includes responsibly using fund reserve balances to offset revenue gaps, but also establishing budgetary policies that require unrestricted reserves to equal six months or more of operating expenditures. Cities that had healthy fund balances during the Great Recession were in a much better position post-recession. Additionally, while there was variation in whether cities increased property and other taxes, there was uniformity in cities increasing user fees for enterprise funds to align with the cost of service delivery and keep pace with inflation. Municipalities must appropriately manage their enterprise funds to help alleviate pressures in other areas of the budget.

2. Cities need financial and policy interventions from the federal and state government. Intergovernmental revenues typically remain flat or decrease during an economic downturn, but this is precisely when cities need additional revenue. The NLC indicates that cities are reducing their budgets because federal coronavirus funding has been slow to arrive. Aside from increasing funding to cities, states should afford municipalities greater taxing authority in order to further diversify revenue streams. This includes uncapping property tax limitations and allowing greater use of income and sales taxes as well as other revenue generating tools.
3. Cities should pursue pragmatism through cooperation and innovation. Instead of automatically reverting to austerity and privatization, public officials should use collaborative management, alternative financing, and interjurisdictional/multi-sector cooperation to find innovative ways to maintain service delivery in this challenging environment.

“

...some communities took a more pragmatic management approach... This led to innovation in service delivery...

”



Ron Redick | Curtis Underwood | Ross Leisman

Municipal and Public Law Powered by Experience.

- Municipal governance
- Finance & bond counsel
- Litigation
- Condemnation
- Elections & ballot proposals
- Special assessments
- Property tax appeals
- Zoning & land-use planning
- Intergovernmental cooperation
- Labor & employment
- Environmental law
- Water, sewer & stormwater systems
- Technology

Mika Meyers PLC


Attorneys at Law

mikameyers.com

(616) 632-8000



These recommendations are not a silver bullet. They simply acknowledge what has been previously done and attempt to lay a groundwork of strategies for dealing with the present crisis. Undoubtedly, other tools and techniques can and should be employed. Nevertheless, sound fiscal management, financial and policy intervention from federal and state partners, and pragmatic management are three important lessons from the Great

Recession, which serve as a roadmap for maintaining vital city services in the midst of public health challenges and economic uncertainty. 

Marlon I. Brown serves as mayor pro tem for the City of Mason. He also serves on the Board of Directors for the MML Foundation, Elected Officials Academy, and Michigan Black Caucus of Local Elected Officials. You may contact him at marlonibrown@hotmail.com.



As a community advancement firm designing award-winning work across the **architecture**, **engineering** and **planning** spheres, we believe in the power of multidisciplinary teamwork. And that redefining client challenges is the key to finding ideas that aren't just different—they're better.



**THE COMMUNITY
ADVANCEMENT
FIRM**

888.522.6711 | OHM-Advisors.com

AN OVERVIEW

of Council-Manager and Strong Mayor Forms of City Government

By Thomas H. Forshee



The Home Rule City Act, MCL 117.1 et seq., sets forth the process by which a city in Michigan incorporates and, with certain limitations, provides the form of its government through adoption of a Charter. Two forms of city government have emerged as the most popular alternatives in Michigan: Council-Manager form (sometimes called Commission-Manager) and a Strong Mayor form (sometimes called Mayor-Council). It is not the intent of this article to express superiority of one form over another, but rather to celebrate a city's ability to choose which best suits the community's needs. There are variations of each form depending on the language of the applicable city charter, but this article attempts to briefly summarize the general configuration and perceived advantages of each form.

As a note, an article similar to this one compiled by the Michigan Municipal League's own Kim Cekola focused on the comments of the late Honorable Mayor of Kentwood Richard Root who spoke eloquently about his observations regarding the efficacy and limitations of the Strong Mayor form of government. Therefore, in this article I thought it appropriate to supplement those observations with another meaningful recitation about the Council-Manager form. In doing so, I draw from a book published by the City of Grand Rapids called *City of Grand Rapids: Under Commission Manager Government 1924-1925 Review* (the *Review*). Thank you Ebay! The *Review's* introduction by former City Manager Fred H. Locke captures the aim and optimism of the form.



“...celebrate a city’s ability to choose which best suits the community’s needs.”

Council-Manager Form

In the Council-Manager form of government, an elected council appoints a city manager to administer the day-to-day operations of the city—much like a CEO in the corporate world—with the city council being akin to a board of directors in this analogy. The city manager prepares a budget for the council’s consideration and hires and supervises the city staff. The city manager also presents policy recommendations with the assistance of his or her professionally trained staff, whom he or she often has full discretion to hire. However, the council ultimately chooses the policy direction of the city. Depending on charter language, council considerations typically include which contracts to approve, the budget priorities, and most other decisions that lead to legally binding obligations of the city. And just as the council has the power to appoint a city manager, they also have the power to remove the city manager for any number of reasons.

So, what part does the mayor play in the Council-Manager form? As I indicated above, there are variations. A Mayor can be a specifically elected position, or a councilmember designated by the rest of the council. The mayor also typically has a vote equal to that of a councilmember, is the president or head of the public body for purposes of parliamentary procedure, presides over ceremonial activities, and may have certain other charter-based responsibilities.

Proponents cite the combination of strong and varied political representation with the advantages of a professional manager who has experience in navigating the processes and outreach necessary to effectuate policy decisions. Some also argue that the form encourages neighborhood input into the political process through service on resident boards and commissions, reduces partisan politics from municipal decision-making, and addresses undue influence of special interests since decision-making is decentralized.

Council-Manager Comment

As promised above, the following quote provides a prescient observation regarding outcomes that are still being produced more than a century later. A mere nine years after the 1916 adoption of the Grand Rapids City Charter implementing the Council-Manager form, then-City Manager Fred H. Locke stated in the *Review*:

Among the new forms of city government which have developed, the Commission-Manager form . . . is probably most efficient in reaching th[e] standard [of successful tremendous growth].

Being elective, [the City Commission] is responsible to the body of voters, and answerable to the voters for actual progress and efficiency. And this progress is measured by the extent to which the people vote for Commissioners of courage, vision, ability. The result is that, under Commission-Manager government, officers and employees are selected for experience and ability, rather than for their influence on election day. . .


And since administrative offices tend to become more or less permanent, the City Manager and his subordinates have more time, experience and ability properly to investigate and decide the increasingly complex problems which confront them. This stability of municipal organization results in the most valuable of all governmental assets—a consistent, progressive, thoughtful municipal policy of development ...

Strong Mayor Form

A Strong Mayor form is typified by a directly elected mayor, who is not a member of the governing body and appoints and removes key administrative officials. This is akin to a cabinet of those who report directly to the mayor separate from the legislative branch. In this form, the mayor often has veto power over council decisions and the council can refuse to ratify certain mayoral decisions. Given that the mayor is managing many of the day-to-day activities, the position is usually full-time and salaried.

Proponents say that a mayor is in a position to shape legislation and priorities to the political climate of the community early in the process of crafting public policy. Some argue that if the policy direction is not made by leadership from the outset, then time can be wasted seeking outcomes that don't conform to the political will of the community. Further, a mayor is typically a longer-term resident of a city who may have a strong

connection to the pulse of the residents. Finally, some argue that an administrator or manager can be hired by a strong mayor to supplement any perceived professional or technical organizational management concerns.

Certainly, either framework has shown to yield the potential for efficient municipal governance and management; now it is up to all of us to put the forms to work. 

Thomas H. Forshee is Of Counsel with the law firm of Dickinson Wright PLLC. You may contact him at 616.336.1048 or TForshee@dickinsonwright.com.



**Bridging the gap between
our communities and the
wireless industry.**

EDUCATION | LIASION | CONTRACT NEGOTIATION | ASSET MANAGEMENT | APPLICATION REVIEW



Phone: 248.914.3560
Email: info@urbanwireless.us
Web: urbanwireless.us

Here for Michigan. Now more than ever.



Confidence comes with every card.®

At Blue Cross Blue Shield of Michigan, we're committed to caring for Michigan and everyone who calls it home. For our members, it's a commitment to provide you with the ability to see a doctor from your home, and the option to speak to a nurse anytime you need them. Now more than ever, we will stand behind the care you need. Like we've done for 81 years. For more information, contact your local BCBSM licensed agent or the MML Risk Management Department at **800-653-2483**.

Blue Cross Blue Shield of Michigan and Blue Care Network are nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association.

W001601



Generally, these provisions preclude local units of government from making public expenditures unless the expenditure is for a public purpose and authorized by law, and, even then, it must be for a fair exchange of value.



MUNICIPAL EXPENDITURES

Avoid Problems by Knowing the Law

By Lisa Hamameh

The Law

Michigan municipalities have only those powers expressly provided to them by law, and those which are necessarily implied therefrom. As it relates to municipal expenditures, Article VII §26 and Article IX §18 of the Michigan Constitution prohibit local units of government from loaning their credit for any private purpose or any public purpose unless provided for by law. Generally, these provisions preclude local units of government from making public expenditures unless the expenditure is for a public purpose and authorized by law, and, even then, it must be for a fair exchange of value.

The Analysis

When making a determination as to whether a public expenditure is lawful, a local government unit should consider the following factors: (1) Is the expenditure for a public purpose and expressly or impliedly authorized by law? (2) Is the local government unit receiving equal or better value for its expenditure? (3) Is there a contract for the service or activity?

Public Purpose and Authorized by Law

Local government units may expend public funds for a public purpose that is expressly or impliedly authorized by law. Therefore, this will be the first step in the analysis.

If the expenditure is not for a public purpose that is authorized by law, then the expenditure is unlawful.

A public purpose "... has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within the municipal corporation, the sovereign powers of which are used to promote such public purpose."

State law provides authority for public expenditures by local government. Examples include: public improvements (MCL 141.101, et seq.), certain advertising (MCL 123.881 for cities and villages; and MCL 41.110c for townships); economic development (MCL 125.1601, et seq.); celebrating armistice, independence, memorial days, or for the observance of a diamond jubilee or centennial (MCL 123.851); public recreation facilities (MCL 123.51); historical activities (MCL 399.161 for townships, MCL 399.171 for cities, townships and villages); senior citizen programs or services (MCL 400.571, et seq); and youth centers aimed at curbing juvenile delinquency (MCL 123.461).



Let me be clear, a gift or donation of public funds or property to a private nonprofit, charitable, or community organization is unlawful. However, not all public expenditures to private nonprofit, charitable, or community organizations are unlawful. A local government unit may contract with those organizations for a specific public service or benefit. The lawfulness of the expenditure must be evaluated on a case-by-case basis applying the above-described analysis. For example, the Michigan Supreme Court held that a local government unit may pay membership dues to certain organizations if it serves a legitimate public purpose and if the dues paid are reasonably related to the service provided. This exception is narrow and should be used with caution. In *Hays v City of Kalamazoo*, the city paid for the city's membership (as opposed to an individual's membership) to the Michigan Municipal League, a governmental association that advises, informs and educates officials and employees.


Equal or Better Value in Exchange for the Expenditure

If there is lawful authority for the expenditure of public funds for a public purpose, the next consideration in the analysis is whether the local government unit receives equal or better value in exchange for the expenditure. Government money is the public's money. Consequently, public money cannot be used or donated to a private interest.

Local government units regularly enter into contracts with private entities that provide public services and/or public benefits in return for payment. So, the question becomes whether the local government unit is receiving equal or better value in return for the expenditure.

Contract

If there is legal authority for the public expenditure, the expenditure is for a public purpose, and the value in exchange is of equal or better value, then the expenditure is lawful. The local unit of government should document the lawfulness of the expenditure by contract. The contract should identify the legal authority, the public purpose, and the benefit received in exchange for the expenditure.

Applying the analysis described above on receipt of a request for expenditure will assist a local government unit in evaluating whether a public expenditure is lawful. However, the lawfulness of expending public funds to a nonprofit, charitable, or community organization is complicated and should be evaluated on a case-by-case basis with the assistance of legal counsel. 

Lisa Hamameh is a shareholder with the law firm of Rosati, Schultz, Joppich & Amtsbuechler, PC, specializing in municipal law, land use, and zoning. You may contact her at 248.489.4100 or lhamameh@rsjalaw.com.



League Virtual Training Programs

Our expert presenters will provide your group with the knowledge they need to be great community leaders.

To learn more, visit mml.org/events

Advanced Virtual Training

- Building a High-Functioning Leadership Team

Standard Virtual Training

- Essentials of Local Government
- Parliamentary Procedure
- Everything Meetings
- Social Media and Your Community



We bring the classroom to you!

The Law Firm For MUNICIPALITIES

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



millercanfield.com/PublicLaw

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 160+ years of collective wisdom and diverse expertise.

DETROIT ANN ARBOR TROY LANSING KALAMAZOO GRAND RAPIDS CHICAGO

IT SECURITY

FOR MITIGATING FISCAL RISK

OF REMOTE WORK

By Douglas Carr

Reprinted with permission from the Local Government COVID-19 Fiscal Strategy and Resource Guide, Center for Local, State, And Urban Policy, Ford School of Public Policy, University of Michigan at closup.umich.edu/COVID-19/memos/IT-security-mitigating-fiscal-risk-remote-work.

As employees work away from the office, existing cybersecurity procedures and policies are challenged by these new working arrangements. Also, online scams taking advantage of the situation pose a threat. In this context, it is particularly important that municipalities pay attention to cybersecurity. Cybersecurity breaches can have a significant impact on a municipal budget. This fiscal risk can be mitigated by following cybersecurity best practices. Because employees working remotely are responsible for following security best practices, it is important to educate staff as to what best practices they should be following.

When addressing data security, don't let perfect be the enemy of good; before you dig a moat around your house, you should lock the front door. There are simple things you can do today to significantly reduce your risk exposure. The following guidance addresses social engineering, use of existing security resources, and data protection, and is designed to be a manageable first pass focused on shoring up municipal cybersecurity without requiring an extensive time or resource commitment.

Fiscal Risk

Theft of personally identifiable information, such as credit card or Social Security numbers, and crypto-ransomware, which encrypts municipal data and demands a ransom in exchange for the decryption key, are two common threats facing municipalities. For example, over the past couple of years dozens of municipalities have experienced theft of credit card information used by residents for online payments. According to the 2019 *Cost of a Data Breach Report* sponsored by IBM, the average cost per record breached in the public and nonprofit sector was \$78; with an average of over 16,000 records per breach, the average total cost of a data breach for public and nonprofit organizations in the study was \$1.29 million. Furthermore, across all industry sectors the likelihood of a data breach for an organization in the next 24 months involving at least 10,000 records was estimated at 30% in 2019; the risk is now higher as hacking incidents have increased four-fold since the start of the COVID-19 crisis (Checklist, 2020).



Numerous municipalities have also experienced ransomware attacks. While large cities experiencing these attacks often receive a lot of media attention, smaller governments are also suffering from these attacks. For example, the Lansing Board of Water and Light experienced a ransomware attack in April 2016 that cost \$2 million for technical support and security upgrades, and the City of Cockrell Hill, TX with a population of 4,200 experienced an attack in December 2016 in which all files in the police department were encrypted; when the city refused to pay the \$4,000 ransom, police records back to 2009 were lost (Cliff, 2017). Furthermore, credit rating agencies pay attention to the fiscal impact of such attacks on local governments. Moody's has provided guidance regarding ransomware attacks, including the complex decision as to whether or not a ransom should be paid (Ransomware Attacks, 2019).

Social Engineering

Most municipal staff are not expected to be IT experts. Yet employees have increased technology responsibilities when working outside of a traditional office. While high-tech malicious attacks pose a threat, the weakest link in an organization's cybersecurity is often well-intentioned employees. Social engineering attacks, in which the attacker uses social skills to gain sensitive information or access to the network, are common. For example, numerous organizations have experienced phishing attacks that have tricked employees into emailing W-2 forms directly to attackers. Links that provide helpful guidance that is understandable to non-technical users are available in the original article.

Use Existing Security

Municipalities may already have access to underutilized security resources. As employees work away from the office and provide more of their own front-line IT support, it is important that existing security measures are followed. Consistently using existing resources can significantly improve cybersecurity without increasing costs.

If your municipality has a VPN (virtual private network), employees should use it when working. A VPN encrypts the connection between the employee computer and the municipal network, preventing employee work from being monitored by third parties. If you do not have a VPN, talk with your IT service provider about selecting and contracting with a VPN service that meets your needs.

Make sure that you trust the VPN employees are using. Avoid free VPN services; those services likely harvest and sell data from users. Likewise, any paid VPN service should be reputable and contracted with the municipality. Employees should not use their own VPN service, paid or free, because doing so would send municipal data to an untrusted third party administering the VPN.

Make sure that software is up to date and updates address known security vulnerabilities. Operating systems and apps on both desktop and mobile devices should be kept updated. Automatic updates should be enabled on all devices to ensure updates are applied. If employees are using their own personal devices for municipal business, it is important to ensure that those devices are properly secured. For this reason, it is best to restrict municipal business to devices that are owned and managed by the municipality when possible.

Protect Sensitive Data

It is easy for employees to blend home and work during this time. However, it is important to maintain separation between personal life and work when it comes to computers and devices. Municipal work should occur on devices and software accounts secured specifically for municipal work. The following guidance will help secure municipal data.

- Dedicate work devices for work purposes. Family members should not be using these devices, and work computers and devices should not be used for personal access. This practice will help safeguard the security of municipal devices.
- Computers and mobile devices should be set to automatically lock if left unattended.
- Use different passwords for work & personal accounts.
- Avoid using personal data storage and sharing accounts (such as Dropbox or Google Drive) for municipal work. Cloud storage of municipal data should be limited to official municipal accounts.

Because laptops and mobile devices can be lost or stolen, full disk or device encryption should be used on all devices. Encryption will protect data on a device if it is lost or stolen. Also, it is best to avoid storing municipal data on thumb or

flash drives because of the risk of losing these small drives. The guidance and links below provide instructions on how to encrypt devices.

- Apple mobile devices: Set to require a passcode. Data encryption is turned on by default.
- Android mobile devices: Set to require a password, PIN, or passcode. Data encryption is turned on by default in Android OS 7.0 and newer. In older devices, go to Settings, then Security, and choose Turn on Encryption.
- Use FileVault to encrypt a Mac.
- Use device encryption in Windows 10.

Summary of Tips and Resources for Microlearning

Employee education can be implemented through microlearning, where guidance is provided in small pieces. Tips to implement microlearning are contained in the original article. [🔗](#)

Douglas Carr is an associate professor of political science at Oakland University and a member of the Oakland University Center for Cybersecurity. You may contact him at 248.370.2972 or carr@oakland.edu.

QBS

“It’s a very good system. We use it now for all engineering because it just saves a bunch of potential problems”
Steve Sobers, former Big Rapids City Manager

Projects that use QBS

- Fewer cost overruns (70% Fewer)
- Shorter schedules
- Improve construction quality

Qualifications-Based Selection is a simple and competitive process to match the right design professional to your project.

Website: QBS-MI.org / Email: info@QBS-MI.org / Phone: (517) 332-2066

Unemployment Insurance Amid COVID-19

By Deborah Walton-Medley



“The Michigan Municipal League continues to advocate for a new federal stimulus proposal that provides additional direct and flexible aid to all local units of government, regardless of population.”

Editor's Note: This article was written before the Michigan Supreme Court's opinion regarding the extent of Governor Whitmer's emergency powers, so some facts may have changed.

In March 2020, the World Health Organization declared COVID-19, the illness caused by a novel virus, to be a pandemic. COVID-19 has affected workplaces and communities throughout Michigan and the nation forcing offices to close, leading to massive unemployment. Legislators passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which expanded unemployment insurance by:

1. Providing an additional \$600 per week on top of regular benefits, expiring July 25, 2020
2. Expanding benefits to workers normally not eligible for benefits
3. Extending benefits an additional 13 weeks after regular benefits have been exhausted

This massive increase in unemployment claims filed with the Michigan Unemployment Insurance Agency (UIA) wreaked havoc, leading to inadequate staffing, clogged telephone lines, crashed websites, and computer system glitches.

Under an Executive Order from Governor Whitmer, any benefit paid to a claimant who is laid off or placed on a leave of absence due to COVID-19 will not be charged to the account of the employer/employers, but instead charged to the UIA non-chargeable account while the state of emergency is in effect. Potentially, the State could exhaust the Unemployment Trust Fund by providing and extending benefits to workers with no chargebacks to employers. With the implementation of the revised Work Share program, the State was able to save billions of dollars, and it proved to be a cost-saving tool for communities, as well.



Michigan's Work Share Program

Michigan's Work Share program allows an employer to keep employees working with reduced hours, while employees collect partial unemployment benefits to make up a portion of the lost wages. Governor Gretchen Whitmer's Executive Order 2020-57 provided employers the flexibility to implement a Work Share program with less restrictions. Executive Order 2020-76 expanded eligibility requirements:

- All liable employers can participate in the program
- Employers participating can preserve their workforce while reducing hours and wages 10-60 percent
- Waived the length of time requirement that employers must be in business
- Waived the requirement that an employer must have a positive balance with UIA
- Removed the minimum time that an individual must have worked for an employer
- 100 percent of Work Share benefits, up to a maximum of 26 weeks per employee, will be federally funded up to the week ending December 26, 2020

Unfortunately, these savings are not enough to sustain the balances within the Michigan Insurance Trust Fund. At the start of COVID-19, the fund had a \$3.9 billion balance, which has dwindled down to \$2.5 billion. If the fund drops to zero, the state will need to borrow money from the federal government that will need to be repaid.

Because the Trust Fund has fallen so significantly since March, it is expected that employers will face higher unemployment taxes in January 2021. Under Michigan law,

if the Trust Fund falls below \$2.5 billion on June 30, and the UIA projects that the Trust Fund balance will continue to stay below that amount for the succeeding calendar quarter, the state's taxable wage base for the next calendar year will automatically increase from \$9,000 to \$9,500. The net impact will vary from employer to employer because the taxable wage base is just one figure that is used in the calculation to determine an employer's annual unemployment tax rate.

In August 2020, President Trump signed an Executive Order that would provide an additional \$400 a week in unemployment benefits. In this order, the federal government would pay \$300 and the state would pay \$100. The federal funds will come from the Federal Emergency Management Agency (FEMA) and are available for only six weeks, unless new legislation extends the time period.

The latest executive order is so restrictive that communities no longer benefit from participating in the Work Share program. It would require that staff hours be cut by 30 percent for staff to qualify for the federal benefit. Realistically, because of already limited staffing, most communities' staff hours could only be cut 10-20 percent at most in order to function effectively. The Michigan Municipal League continues to advocate for a new federal stimulus proposal that provides additional direct and flexible aid to all local units of government, regardless of population.

It would be beneficial for employers and the state if the federal government would cover additional funding to help fill COVID-19 related Trust Fund shortfalls. If not, employers could be responsible for the extra costs if the State passes along the additional cost to employers. Given the current State budget deficit, it would be prudent for employers to anticipate and budget for tax rate increases in the next three years.

Michigan Municipal League Unemployment Fund

Understanding and managing unemployment insurance can be a daunting task for most communities. Almost 200 League members belong to the Michigan Municipal League Unemployment Compensation Fund (MMLUF). This fund is referred to as a group reimbursable account whereby risks are shared but not pooled with its members. This fund relieves the risks and uncertainties communities experience when adhering to state and federal unemployment laws.

The MMLUF allows governmental entities to better budget for their unemployment expenditures over time, which cannot be done as a direct employer. The fund is administered by the League and its third-party administrator, Equifax Workforce Solutions.

The account is fully funded by an upfront contribution equal to 2 percent of a municipalities' annual taxable payroll for the previous calendar year. Additionally, for the first year, quarterly contributions are based on a .06 percent rating factor applied to the first \$9,000 (\$9,500 effective January 1, 2021) that each employee earns in a calendar year, and which allows a reserve to be built and drawn upon.


Group members are entitled to the following services:

- Claims processing and filing of all unemployment related paperwork to the UIA
- Consultation and representation at unemployment hearings

- Verification of benefits paid and charged to your account
- On-demand activity reports that provide information on claims for unemployment benefits
- Unemployment cost control training for supervisors and managers

If you have any unemployment questions regarding general member services or an account balance, contact Deborah Walton-Medley, Michigan Municipal League, P.O. Box 7409, Ann Arbor, MI 48107, 734.669.6370, or email at dmedley@mml.org.

If you have any questions about the Michigan Employment Securities Act or merit rates, contact Mike Pennanen, Equifax Workforce Solutions, 20300 Superior Road, Suite 190, Taylor, MI 48180, 800.510.6160, or email at michael.pennanen@equifax.com.

If you have any questions about processing claims or a claimant, contact Marti Bellport, Equifax Workforce Solutions, 20300 Superior Road, Suite 190, Taylor, MI 48180, 800.510.6160, or email at martha.bellport@equifax.com. 

Deborah Walton-Medley is the director of financial operations for the League. You may contact her at 734.669.6370 or dmedley@mml.org.

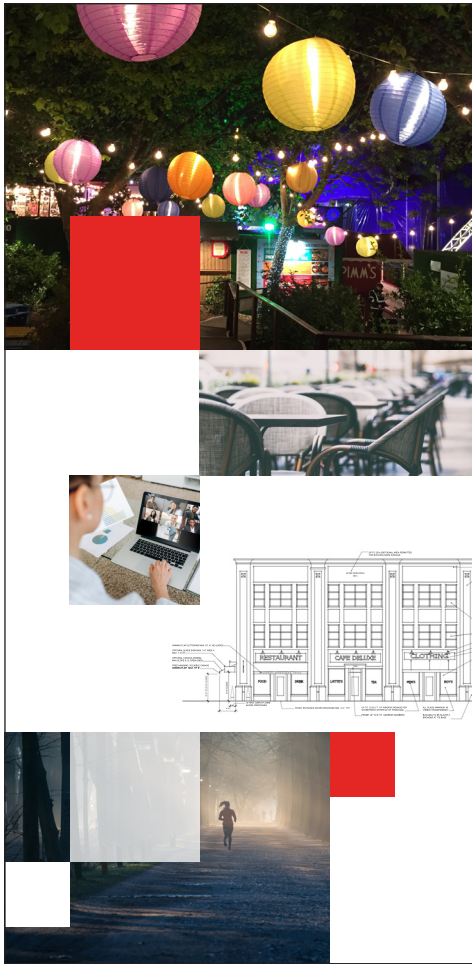


METRO CONSULTING ASSOCIATES

Helping communities make real, positive transformations

Community Outreach + Education
Grant Writing + Fund Management
EGLE Compliance
Civil Engineering
Stormwater Consulting
GIS Services
Land Surveying

800.525.6016 | info@metroca.net



PLANNING
DESIGN
BUILDING

The Enduring Meaning of Place

PLANNING AND ZONING. Implementing flexible regulations to promote safe and responsible use of land and streamline review processes.

PUBLIC ENGAGEMENT. Designing and implementing new ways to engage residents using virtual tools, bringing forth tried and true principles for meaningful engagement.

BUILDING INSPECTIONS. Inspecting building projects and innovating through the use of remote technology to keep the construction industry at work and safe.

LANDSCAPE AND URBAN DESIGN. Designing public parks, trails, waterways and open space by studying access and usability focusing on how natural beauty and spaces provide comfort during challenging times.

For more, visit mcka.com/blog

Communities for real life.

MCKA.COM • 888.226.4326

Looking for your next manager, police chief, or other municipal executive?

The Michigan Municipal League can help.

To get started, contact
Mandy Reed at mreed@mml.org



Beautiful Community Seeks Forward-Thinking Manager

We're a vibrant, 100+ year-old west Michigan community seeking an experienced, forward-thinking manager who will wow us on a daily basis ...

The League has compiled the resources on this page in support of our members as we move together towards a better understanding of racial injustice in our communities, and our role in correcting it.



mml.org/dei



GOAL SCORER

NEW LEAGUE PRESIDENT WILLIAM WILD
LEADS ON AND OFF THE ICE

2020/21

By Matt Bach

New Michigan Municipal League President William Wild has some straight-forward advice to the many officials who will be elected to local offices for the first time this November and beyond: You can't be successful without help and knowledge.

"My advice is that you have to get involved outside of your community, no matter the size of your city, village or urban township," the long-time Westland mayor explained. "Your city can't be an island unto itself. You have to prioritize working with others, whether it's with surrounding cities, townships, or villages or my active involvement with the MML. The League really is, in my opinion, college for local government officials. Associations like the MML are so important. I know it's tough because of budget constraints to get training and professional development, but you can't do this by yourself. You have to collaborate and learn from others to be successful."

And the longest serving mayor in Westland's 50-year history is speaking from experience. He clearly remembers being an eager, yet politically green city council member when he attended his first Michigan Municipal League Convention 20 years ago. He recalls how he and a fellow city council member excitedly exited a breakout session at the 2000 League Convention on Mackinac Island and began drafting an idea seeded in their minds from the session. The idea was curbside recycling for their residents. It would take seven years and his election as mayor in 2007 until he was finally able to bring that idea to fruition and offer curbside recycling to his community of 85,000—the 10th largest city in the state.

OCCUPATION: Full-time strong mayor for City of Westland. Former owner of Wayne-based Scrap Busters U-Pull It Auto & Truck Parts from 2001 to 2018, a recycling business startup he originally managed and grew for his father from its inception in 1988 at age 19. Wild sold the business in 2018.

FAMILY: Mayor Wild and his wife, Sherri, a schoolteacher, are longtime residents of Westland and the proud parents of three children: Luke, 17; Lily, 15; and Payton, 13.

POLITICAL EXPERIENCE: Prior to becoming Westland's mayor in 2007, Wild was appointed to the Westland Planning Commission from 1999 to 2001 and elected to the City Council from 2001 to 2007, serving as Council President from 2006 to 2007. Former U.S House of Representatives candidate for MI-13th in 2018.

INTERESTING TIDBIT: He's a huge fan of the TV series "West Wing" with Martin Sheen and he's known to sometimes act out scenes or repeat lines from the iconic show. "There are 7 seasons and 100 episodes, and I've seen every episode about a dozen times."

ROLE MODELS: His dad, Bill Wild, Sr. He also admires the quiet, lead-by-example styles of Ford Motor Co Chairman Bill Ford Jr. and Detroit Red Wing legend Steve Yzerman.

FAVORITE MUSIC GROUP: The Beatles

FAVORITE READING MATERIALS: He's read every John Grisham book, but also reads books about communities, local government, and leadership management.

FAVORITE MOVIE: "Wall Street" with Michael Douglas.

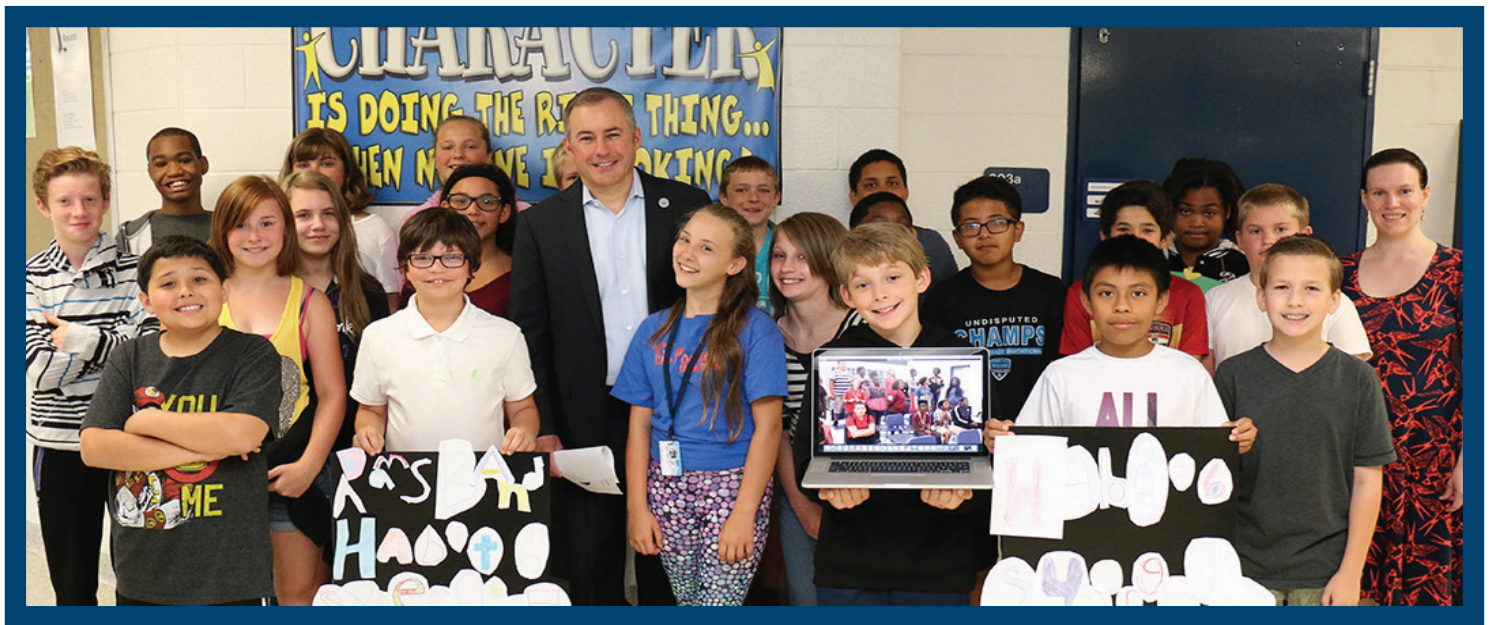
HOBBIES: Playing ice hockey, outdoor cooking, reading, and attending his children's afterschool activities.



“

We have to remain focused on those goals we had before the pandemic because our broken municipal finance system has not gone away... together, as part of the MML team, we can all score some goals!

”



Expanding His Skillset

But the experience, and others at League events, gave him an even more important realization—the value of continuing education and collaborating with other local officials. It taught him about the power of placemaking, how to work with the media, and the value of the League.

“The more you can learn, the better you can be in your jobs. Don’t be afraid to educate the other officials in your city,” Wild said. “Sometimes I think there’s a lot of fear that the more you educate other elected officials in your community the more they are going to be a threat to your job. But it’s vitally important. And the MML is the perfect place to get that education. You’ll be a better elected official because of it and your community will benefit.”

It’s this long-time belief in what the League can do for individuals and communities that kept him very involved with the organization over the last two decades.

“I just really enjoyed the MML, the staff, the people and just going to League events,” he said. “I have enjoyed the long-lasting relationships you build with other local officials who are likely dealing with the same issues, sharing best practices, and bouncing creative ideas or initiatives off each other.”

Since that first League Convention he attended he has remained very involved with the organization by regularly attending League conferences, participating in the League’s Elected Officials Academy, and serving on various legislative and finance committees. He was elected to the League Board in September of 2017 and served the past year as vice president, becoming president at the end of the League’s 2020 virtual Convention on Oct. 2. His involvement extends beyond the League as he’s also active with the United States Conference of Mayors, Conference of Western Wayne (CWJW), Southeast Michigan Council of Governments (SEMCOG), and the Michigan Municipal Risk Management Authority (MMRMA).

“It’s very exciting to be the League’s president, and it’s something I’m very proud of,” Wild said. “To say the least, it’s an exciting, yet challenging time for local governments. We’re trying to redefine our communities to remain relevant, while also tackling some of the biggest challenges we’ve ever faced. Before, we were just fighting to keep the lights on, now we’re trying to survive while also attempting to recover from COVID-19, and trying to solve national issues like immigration and racial injustice.”

Incorporating the Values of Hockey

Mayor Wild is also an avid hockey fan and player and he incorporates the teamwork and cooperation skills he’s learned on the ice into his day job as a full-time mayor. He has also infused his love of hockey into his role as mayor in multiple ways, including spearheading an annual charity hockey game where his Westland Wild Wings team takes on members of the Detroit Red Wings alumni. The event has raised thousands of dollars over the years, with proceeds being used to renovate and make improvements to the city’s beloved Mike Modano Ice Arena.

Even the city’s planning work has an ice hockey theme with accomplishments listed as “goals scored.” A key goal is striving every day to make Westland even better by focusing on three key initiatives: creating an environmentally sustainable city; improving the health and well-being of Westland residents; and making Westland an even more compassionate city. His priorities are public safety, clean and safe neighborhoods, finding efficiencies within government, exercising sound fiscal management, protecting the environment, and creating a healthier and more vibrant community. Recently, Westland was recognized as one of America’s top 50 places to live, work, and play by *24/7 Wall Street*. Under his leadership, the city has successfully attracted more than \$200 million in new investment to Westland’s business district.

His accomplishments are even more impressive when considering that he admits he is naturally an introvert and has to work very hard to overcome what some may mistakenly characterize as shyness. While outwardly calm and quiet, internally Wild is very confident, ambitious, and driven. “My calm demeanor is actually a skillset that I learned from my father. I think the ability to listen, more so than talking, has served me well as mayor.”

Wild has also brought his business background to city government, proudly creating a business friendly, solution oriented, customer service driven approach to Westland City Hall.


He plans to incorporate this same leadership style in his role as League president this year. The goals he hopes to score with the League include continuing the organization’s effort to reform the state’s broken municipal finance system; assisting member communities in recovering from the COVID-19 pandemic; and infusing diversity, equity, and inclusion work into all aspects of the organization and membership.

“I want to continue the work of the League and the direction the board has set for the League over the last few years,” Wild said. “Obviously, we will be working to restart our communities and our local economies post COVID-19. And I’d like to see Michigan’s communities continue to take leadership roles on the civil unrest we’re experiencing nationally.”

In addition, Wild hopes to make the importance of local communities a platform issue leading up to the next governor’s race in 2022.

“The League has done an incredible job with its SaveMICity initiative, showing how the loss of state revenue sharing has hurt our communities,” Wild said. “But I would like us to turn that into a priority in the race for governor and eventually I hope to see that trickle down and also become a platform issue in state legislature races as well.”

He said the trick will be balancing all the different challenges and needs being faced by Michigan’s communities.

“We have to remain focused on those goals we had before the pandemic because our broken municipal finance system has not gone away,” Wild said. “We need to make progress on all fronts. We really have our work cut out for us this year, but it’s an exciting time, and together, as part of the MML team, we can all score some goals!” 

Matt Bach is the assistant director of strategic communications for the League. You may contact him at 810.874.1073 or mbach@mml.org.





2020 Michigan Municipal League Convention Highlights

The League's first-ever Virtual Convention
Sept. 29-Oct. 2, 2020

Thrilling keynote speakers, a broad array of breakouts, and great networking opportunities with colleagues and vendors.

The Road to Community Wealth

Speaker: Dan Gilmartin, CEO and Executive Director, Michigan Municipal League



For the past decade, the Michigan Municipal League has promoted placemaking as a means to develop a communities' assets and make it a vibrant place to live. Communities across the state have had great success with this approach, but there are still troubling trends—municipal budgets are strained, and social and economic progress is uneven.

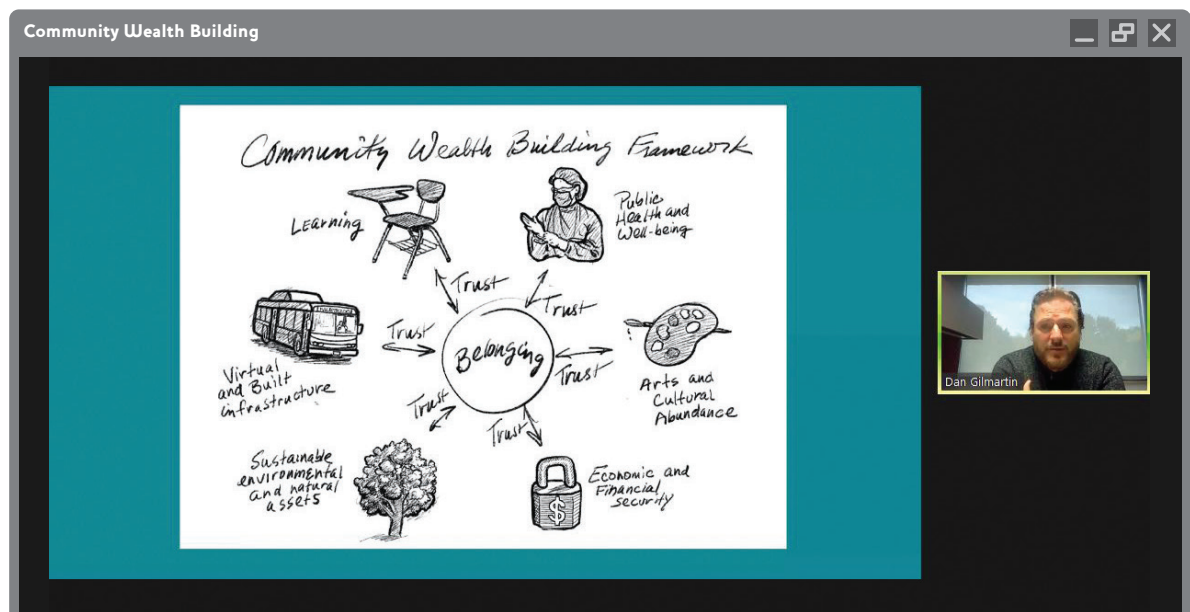
As we've thought about a post-COVID world and how we build communities moving forward, we've decided to move to the next level with Community Wealth Building. CWB occurs when community leaders, partners, and residents collaborate to develop equitable, resilient adaptable, sustainable places that improve the human experience. It is essentially placemaking with an equity lens.

Examples of the CWB approach are already occurring in Michigan. In Niles, the owner of UltraCamp could have located his company anywhere but chose Niles because of the city's assets—historic downtown, affordable

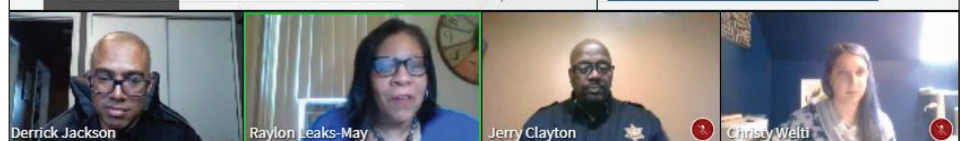
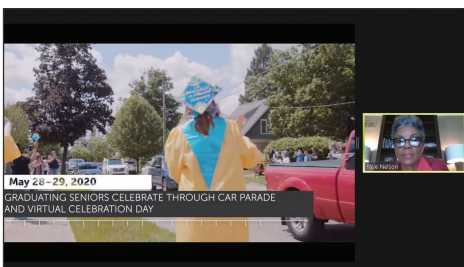
housing, and ability to attract talent—and the city's willingness to work with him. His success has helped the community bring in other companies.

CWB was applied a little differently in L'Anse. After years of complaints about the Upper Peninsula's inconsistent power grid and high cost of power, the city decided to solve their problems locally. Community leaders collaborated with Michigan Technological University on a solar panel project, which now provides great service to residents and generates revenue.

The League is excited about the potential of CWB for our communities and plans to focus on it in our advocacy efforts, educational initiatives, and program development. For more information, visit mml.org.



Convention Session Screenshots



Thank you to our sponsors

Platinum Sponsors



MICHIGAN ECONOMIC
DEVELOPMENT CORPORATION

SwagBox Sponsors



MICHIGAN ECONOMIC
DEVELOPMENT CORPORATION



michigan municipal league
workers' compensation fund
liability and property pool

Titanium Sponsors

COMCAST
BUSINESS | BEYOND FAST

Gold Sponsors

GARAN LUCOW MILLER P.C.
ATTORNEYS & COUNSELORS

Michigan
CLASS

PLUNKETT  COONEY

verizon

Silver Sponsors



 **ABONMARCHE**


MCKENNA

plante
moran

 **POWERHOME**
SOLAR

Bronze Sponsors



 **fishbeck**
Engineers | Architects | Scientists | Constructors

 **FLEISHMAN**
DESIGN. BUILD. OPERATE.

 **OHM**
Advancing Communities

Schneider
Electric

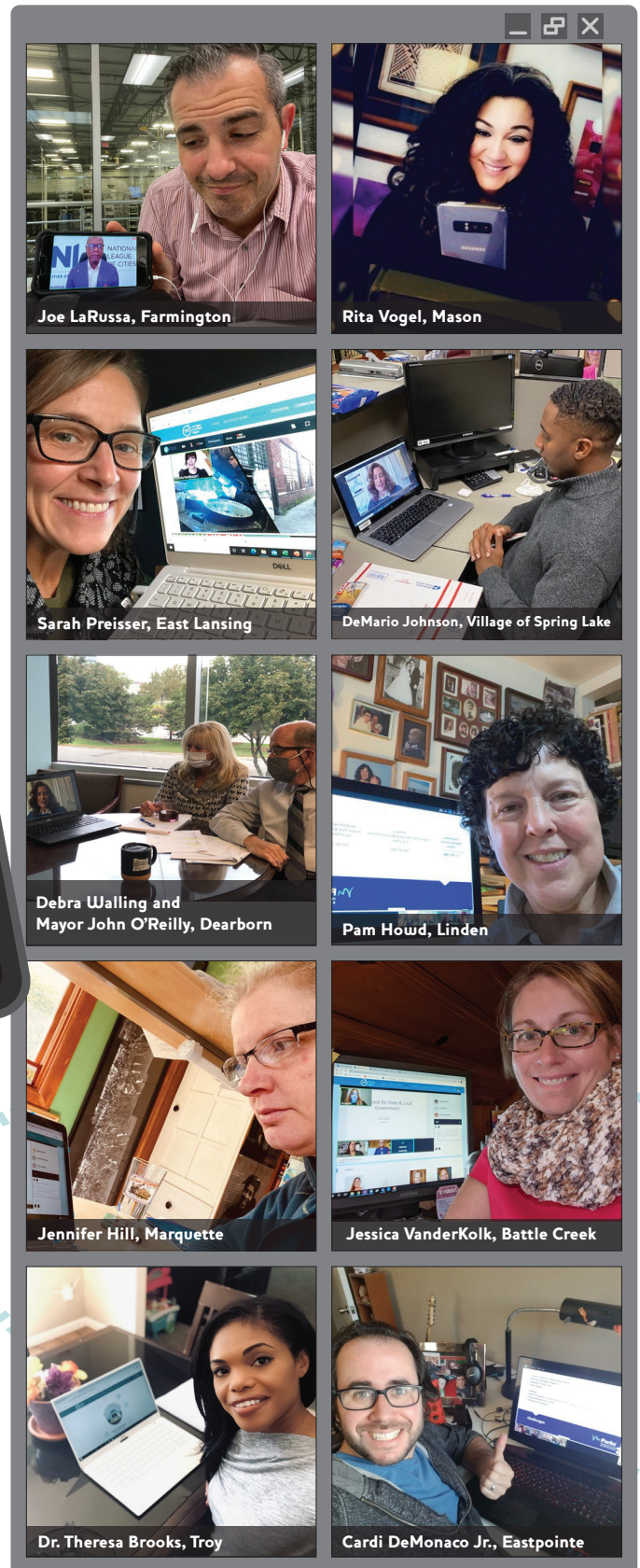
Convention Attendee Selfies



MISSED OUT ON CONVENTION?

There is still time to register for an On-Demand experience! Get the details at convention.mml.org.

#mmlconv



Michigan Municipal League Capital Conference 2021

DETAILS TO COME!

CAP CON 2021



michigan municipal league



MML Liability, Property and Workers' Compensation Insurance

MML Insurance Programs. You Own Them.

www.mml.org • 800.653.2483



Statement of Ownership, Management, and Circulation POSTAL SERVICE® (All Periodicals Publications Except Requester Publications)

1. Publication Title THE REVIEW	2. Publication Number 3 4 5 - 4 0 0	3. Filing Date 10/01/2020
4. Issue Frequency 6 ISSUES PER YEAR	5. Number of Issues Published Annually 6	6. Annual Subscription Price \$24.00
7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4®) 1675 GREEN RD, ANN ARBOR, WASHTENAW, MI 48105-2530		Contact Person MONICA DRUKIS Telephone (include area code) (734) 669-6355
8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer) 1675 GREEN RD, ANN ARBOR, MI 48105-2530		
9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank) Publisher (Name and complete mailing address) MICHIGAN MUNICIPAL LEAGUE, 1675 GREEN RD, ANN ARBOR, MI 48105-2530 Editor (Name and complete mailing address) LISA DONOVAN, 1675 GREEN RD, ANN ARBOR, MI 48105-2530 Managing Editor (Name and complete mailing address) MATT BACH, 1675 GREEN RD, ANN ARBOR, MI 48105-2530		
10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.) Full Name MICHIGAN MUNICIPAL LEAGUE Complete Mailing Address 1675 GREEN RD, ANN ARBOR, MI 48105-2530 A NON-PROFIT CORP. OF MICHIGAN CITIES, VILLAGES, AND URBAN TWPS. OF WHICH THE PRINCIPAL OFFICER IS WILLIAM WILD, MAYOR, WESTLAND, PRESIDENT		
11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box <input checked="" type="checkbox"/> None Full Name Complete Mailing Address		
12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one) The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes: <input checked="" type="checkbox"/> Has Not Changed During Preceding 12 Months <input type="checkbox"/> Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)		

PS Form 3526, July 2014 (Page 1 of 4 (see instructions page 4)) PSN: 7530-01-000-9931 PRIVACY NOTICE: See our privacy policy on www.usps.com.

13. Publication Title THE REVIEW	14. Issue Date for Circulation Data Below 09/01/2020
15. Extent and Nature of Circulation	Average No. Copies Each Issue During Preceding 12 Months
a. Total Number of Copies (Net press run)	8533
b. Paid Circulation (By Mail and Outside the Mail)	8364
(1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	8364
(2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	0
(3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®	NONE
(4) Paid Distribution by Other Classes of Mail Through the USPS (e.g., First-Class Mail®)	NONE
c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))	8364
d. Free or Nominal Rate Distribution (By Mail and Outside the Mail)	0
(1) Free or Nominal Rate Outside-County Copies included on PS Form 3541	0
(2) Free or Nominal Rate In-County Copies included on PS Form 3541	0
(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g., First-Class Mail)	NONE
(4) Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)	NONE
e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3), and (4))	0
f. Total Distribution (Sum of 15c and 15e)	8364
g. Copies not Distributed (See instructions to Publishers #4 (page #3))	169
h. Total (Sum of 15f and g)	8533
i. Percent Paid (15c divided by 15f times 100)	100

16. Electronic Copy Circulation
NO PAID ELECTRONIC COPIES

17. Publication of Statement of Ownership
☒ If the publication is a general publication, publication of this statement is required. Will be printed in the 11/01/2020 issue of this publication. ☐ Publication not required.

18. Signature and Title of Editor, Publisher, Business Manager, or Owner
Date
10/01/2020

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

PS Form 3526, July 2014 (Page 2 of 4)



A strong civic base
is key to vibrant,
healthy and successful
communities—
especially in times
of crisis.

The MML Foundation is working
with local communities to support
innovative work that creatively and
intentionally brings people together
and builds community wealth.

Photo Credit: Bridge Builders microgrant recipient,
Rebuilding the Underground Railroad Garden in Ypsilanti, MI.

Tough times are not over yet for our communities. Together,
let's embrace the challenges before us and create new possibilities.
Become an MML Foundation donor to support Michigan communities.

Make your gift now at mmlfoundation.org/donate



Supporting a complete
count for our state's future



Creating understanding
and strengthening
community connections

ServeMlCity

Building capacity for
Michigan's communities



Building community wealth across Michigan

Sue Jeffers is a legal consultant to the League. You may contact her at sjeffers1@me.com.

FOIA Request Covers City Attorney Files

FACTS:

Susan Bisio filed a Freedom of Information Act (FOIA) request with the City of Clarkston (City) seeking correspondence between its city attorney, Thomas J. Ryan, and a consulting firm related to a development project within the city. The correspondence was located in the files of the city attorney. The city attorney is recognized as one of several City administrative officers in the City's charter and provides that administrative officers occupy "offices" within the City. FOIA is the statutory basis for providing, upon request, public records of a public body. A "public record" is defined as follows:

"Public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. MCL 15.232(i).

A "public body" is also defined and specifically includes a city. Several other definitions of a "public body" are provided, including the following:

(iv) Any other body that is created by state or local authority or is primarily funded by or through state or local authority . . . MCL 15.232(h)(iv)

The request was denied by the City on the basis that the city attorney did not constitute a "public body" for purposes of MCL 15.232(i) and therefore the requested documents were not "public records" subject to FOIA.

The Trial Court agreed with the City on the basis that the actual items of correspondence were not "public records" since there was no evidence that the City used or retained them in the performance of an official function or that the city attorney shared the correspondence with the City to assist it in making a decision. The Court of Appeals affirmed the outcome on the basis that the city attorney was not a "public body" but merely an agent of a "public body."

QUESTION:

Do the documents at issue constitute "public records" under MCL 15.232(i)?

ANSWER:

The Michigan Supreme Court (Court) answered "Yes."

The Court stated that the parties did not dispute that the documents at issue were "prepared, owned, used, in the possession of, or retained" by the city attorney. The Court framed the issue as first hinging on the definition of a "public body." The Court relied upon the language contained in MCL 15.232(h)(i) and MCL 15.232(h)(iv) to conclude that "any other body" includes an "office." Since the City's charter expressly included the city attorney as an officer and occupied an "office" within the institutional City, the Court concluded that the city charter created the "office of the city attorney."

Accordingly, the Court concluded that the documents at issue are "public records" because they are comprised of "writing[s] prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time [they were] created."

EDITOR'S NOTE: The Court did not address whether the documents were subject to the attorney-client privilege but only whether the documents were "public records" under FOIA.

Bisio v The City of the Village of Clarkston, No. 158240 (July 24, 2020)

The Forgotten Law

Planning Commission Review of Capital Expenditures

By Brad Neumann—Updated from an original article written by Kurt H. Schindler



Reprinted with permission from an article that originally appeared on Michigan State University Extension's website on Sept. 1, 2020.

Maybe the most forgotten part of the Michigan Planning Enabling Act—or the most ignored—is the requirement for the planning commission review of a government's proposed construction or purchase of a street, square, park, playground, public way, ground, other open space, new building, addition, or other structure.

Following adoption of a master plan, Section 61 of the Michigan Planning Enabling Act (MCL125.3861) requires a planning commission to review the "location, character, and extent of the street, public way, open space, structure, or utility..." before construction or authorization for construction begins (MCL 125.3861(1)).

The planning commission only has 35 days to act on the review. If it does not meet that deadline, work on the project may proceed without planning commission review.

"The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission" (MCL 125.3861(1)). The override vote is 2/3 of the entire membership in a city, village, or township (with a planning commission originally created under the now repealed Municipal Planning Act), or a majority of the membership in other townships and counties (MCL 125.3861(1) and (2)).

Value of Planning Commission Review

There are a number of reasons for planning commission involvement in the decision to expend public resources on infrastructure and other capital projects. Historically, this system was put in place for there to be another public review of major expenditures of public funds. This was in reaction to the Tammany Hall corruption scandals near the turn of the century, when many public works projects were based on providing government construction contracts to "friends" rather than based on need or planned development of a community. The planning commission review, based on compliance with a master plan, was a reform intended to end that practice and tie public works construction to larger picture plans for the community.

Currently, a local government is not subject to its own zoning ordinance. Thus, a local government does not have to obtain a zoning permit from itself when performing a governmental function (*Morrison et al. v. City of East Lansing*, 255 Mich. App. 505 (2003)). The capital improvements (public works) review is one means for the planning commission to review and look at the same things that would otherwise be covered during the process of obtaining zoning approval.

The review by the planning commission should focus on if the proposed capital project/public works project is within the adopted master plan, or at least does not contravene the


adopted master plan. The review with the master plan is to find if the project fits within the future direction for the community.

Each review comment made by a planning commission should be specific and should include a direct citation to the chapter and verse of the master plan and working papers (e.g., page number, paragraph, or goal, objective, strategy enumeration). If the concern or comment cannot be directly tied to such direct citations, then the comment should not be made by the planning commission.

You may frequently find that the master plan does not reference a particular project, or the plan is just not specific enough. In such cases, it is appropriate for the planning commission to respond to the request for review by saying something to the effect that, "we have no comment."

Local Variations

The Planning Act does not provide a clear definition of what is a capital improvement versus what is ongoing maintenance or minor work. Some governments or planning commissions have adopted a policy that details when they will or will not review a capital improvement. For example, replacing a door in a building or other interior renovation is not something likely to be reviewed. Routine replacement of patrol cars may not be subject to planning commission review, but items over a certain amount of dollars, or any acquisition, addition, or renovation of real property would need to undergo the review process. Policies are as varied as there are governments that have adopted such policies.

This article was published by Michigan State University Extension. For more information, visit <https://extension.msu.edu>. To have a digest of information delivered straight to your email inbox, visit <https://extension.msu.edu/newsletters>. To contact an expert in your area, visit <https://canr.msu.edu/outreach/ask-an-expert>, or call 888-MSUE4MI (888.678.3464). 

Brad Neumann, AICP is a senior educator for MSU Extension. You may contact him at 906.315.2661 or neuman36@msu.edu.

Kurt Schindler is a retired Senior Educator for MSU Extension.



63

Michigan communities have a 22-person planning department.

You can, too.

"They're always available to provide advice on most planning or zoning issues and their advice is based on 35 years of experience in numerous communities throughout Michigan."

R. Brent Savidant, planning director, City of Troy



Carlisle | Wortman
ASSOCIATES, INC.

CWAPLAN.COM 734.662.2200

Adapting to the New Normal

By Charly Loper

BESSEMER
pop. 1,905

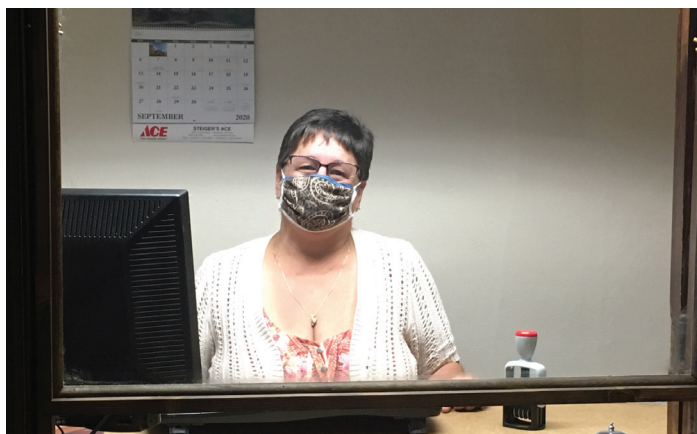


Like most communities in Michigan, COVID-19 has been an interesting ride for the City of Bessemer. As city manager, throughout this process I have panicked and made mistakes (apparently, I should have remotely accessed the server to save material when working from home, losing several months of work when I didn't). However, community relationships have been strengthened. While I hope we never have to go through a pandemic again, I think Bessemer will be stronger because of COVID-19.

During the infancy of the pandemic, Bessemer and our neighboring Upper Peninsula communities of Ironwood and Wakefield collectively realized we needed to work together. While each community did things slightly differently, we worked together to make our decisions to ensure closures and reopenings would happen around the same time. This meant that when we shut down—we all shut down together. We also slowly reopened around the same time and had similar reopening plans.

When Bessemer initially closed the city hall building to the public, everyone worked remotely except our secretary. We were in the process of updating our phone system to Voice over Internet Protocol (VoIP) when everything shut down. Alas, we were stuck with our 1980s phones and no remote access. This meant we needed a person in the office to answer the phones and handle daily mail.

Initially, even our Department of Public Works worked out of their home. Each employee would take the city vehicle home for the night and have lunch and breaks at home. I am so grateful Bessemer is a small town and we could work separately yet communicate effectively. With staff not working together, we were not able to tackle large projects, but we also didn't have the funding for large projects.



City secretary Kelli Stutz greets residents with a smile—even if you can't see it!

Preparing for Reopening

During this shutdown, we took the time to install sneeze guards for the clerk's counter and the library. We also installed a remote lock at one of the building's entrances. Now, when people come to city hall they call upstairs to gain entrance. This ensures only one resident at a time is in the building. In addition, this allowed us to screen questions and answer what we could over the phone and encourage people to use our drop box for activities like payments.

As of this writing, the library located in city hall is slowly reopening. The librarian initially started with curbside pickup exclusively. Since our librarian knows virtually everyone's taste in books, people were happy with her selections. While the library was closed, she rearranged the furniture, maximizing space between patrons. Our library is still not conducive to social distancing due to its shape, so it is now limited to one family at a time. This has not caused nearly the headache we feared. Instead, residents are seeing the library as a safe place to visit.



Librarian Melissa Luppino has a knack for knowing what residents like to read.

Coordinating Communication Efforts


As Scott Erickson, city manager of Ironwood, Robert Brown, city manager of Wakefield, and I discussed our closing and reopening plans, a need for collective messaging to the community became apparent. We began hosting Town Halls streamed on Facebook with one subject each evening. We featured local experts including experts in the neighboring Wisconsin county. Each city had one council member ask the panelists questions. Our subjects included the health department, police, schools, mental health, and more. Our goal was to speak collectively to inform residents in all three cities.

The Town Halls have been successful beyond our expectations. The councilmembers loved the exposure and one event had over 48,000 viewers, which is far more than our entire county's population. We've had nine Town Halls since the onset of COVID and plan to continue them even after the virus subsides.

Developing Stronger Community Connections

Another positive that has come from the virus is that our connections to the community have expanded. Bessemer doesn't have a Chamber of Commerce or economic development organization. So, I have been in nearly constant contact with our 45 businesses, providing them with the latest information and updates. At first, these were almost daily emails and the occasional phone call. Luckily, now it's down to an email or two a month. Because of this contact, I have developed more familiarity with the business owners and operators and a more robust partnership. I have a much better grasp on each of their positions and they have gained more trust in me. This will be incredibly instrumental moving forward.

In addition, many of the health-based nonprofits and municipalities in our region have weekly phone calls. We use these calls to bounce ideas off each other and minimize the duplication of efforts. From these partnerships, regional posters and collective messaging about important information such as rental assistance has arisen. Without the virus, I'm uncertain these connections would have developed. Already, this group is discussing a more permanent and long-term collaboration.

While our community connections have strengthened, we are yearning to be able to reopen city hall to gatherings and discussions. We still are not fully open. At one point, Gogebic County was the one county in Michigan that was red on Harvard's COVID-19 Risk Level map. Although this has started to turn around, we are in no rush to further our reopening. Almost every person that works for the city is in the high-risk category for the virus. Since we are able to meet all our community's needs, we expect to continue as we are currently operating for the near long term. Instead of stressing about the closures, we are focusing on our community connections. It's an imperfect strategy but it's an imperfect time. 

Charly Loper is the city manager for Bessemer. You may contact her at 906.663.4311 or charly.lover@bessemermi.org.



At Shifman Fournier, we believe that there are firms that practice law and then there are firms that truly understand the process of resolution of government challenges and policy implementation, specifically for labor and employment clients. It is our pleasure to provide our clients with well-grounded advice and in-depth knowledge of the factors that go into quality representation.



An unparalleled and unique group of diverse backgrounds to represent the interests of local governments.

31600 Telegraph Road, Suite 100 • Bingham Farms, MI 48025
(248) 594-8700 • shifmanfournier.com

Hybrid Engagement in the Age of COVID-19

By Melissa Milton-Pung

As we continue to see Michigan towns experience pandemic adaptations, our daily lives remain profoundly changed. In the September/October issue of *The Review*, I discussed methods of effective remote engagement with a few practitioners in the field and reflected on new possibilities unlocked by this method for public discourse. With growing technology capacity at the municipal level, these approaches have gained traction and are increasingly sophisticated.



Residents enjoy a pop-up farmers market in Grand Haven.

Online remains the top choice for safely conducting outreach and public dialogue, and the landscape of engagement continues to evolve. But, over the summer, some communities began testing hybrid models of community engagement. These models capitalized on the warmer weather, rapidly normalizing standards for social distancing and masking to contain the spread of COVID-19, and residents' increasing receptivity for a blend of innovative online and in-person events.

I recently sat down with Maleah Rakestraw, ASLA, a landscape and urban designer at Grand Rapids-based planning and engineering firm Williams & Works, to discuss how she and her team have been evolving their playbook of hybrid stakeholder engagement with some of their Michigan clients.

MMP: So, tell me, Maleah, how's it going out there? What are conditions like for community dialogues?

MR: The COVID-19 pandemic has dramatically altered face-to-face communication and our ability to help people

gain access and feel welcomed. Planners have needed to rely increasingly on project websites, video conferences, webinars, and online surveys. Try as we might, many virtual projects still struggle to capture the engaging nature, personal connection, and fluidity of conversation provided by in-person participation. We have adopted a hybrid approach to community engagement when suitable, incorporating robust digital methods with carefully planned in-person events.

MMP: What are some of the most important social factors to take into consideration when trying to bridge the communications gap?

MR: Community planning efforts require significant community feedback to create guiding documents that are rooted in public desires. Inclusion is important to get a representative cross-section of people in your study area. Although you may be able to reach more people through digital means, quantity isn't that meaningful when entire populations may be missing from your study. It's important to recognize that key groups may be excluded unless intentionally targeted in other ways.

For example, rural respondents may be hampered by lacking Internet speeds, elderly residents may not have the technical knowledge, low-income households may not have access at all, and vulnerable individuals may not be able or willing to come out in public.

A hybrid approach may be a solution. Each community is different. We must carefully question whether to provide any in-person engagement events at all. These project decisions are best made as a team, placing health and safety first, and must be 100 percent voluntary for all staff. No one should feel pressured in any way to participate face-to-face during this time.

MMP: If a community adopts a hybrid model for community engagement, what are key factors for designing a successful outreach?

MR: Location! Outdoors offers the most flexibility for social distancing and capacity at this time. There are also three key elements to keep in mind when staking out your site:

1. Visibility. Whether you're setting up an unattended engagement kiosk or organizing a traditional town hall meeting, your visibility in a commonly recognizable location is critical in attracting participants. Always announce a clear description of your location in any event advertisements.

2. Culture. For obvious reasons, social norms regarding distancing and mask wearing tend to vary between wide open spaces and those with people nearby. Consider what people normally do in the space, if they will have time to participate, the amount of usual foot traffic, cultural uses by one demographic versus the whole community, and if people practice CDC social distancing and mask wearing guidelines in the space.


3. Shelter. Sheltered, outdoor spots are prime real estate. Depending on the time of year and your climate, you may need wind breaks, sunscreens, outdoor heaters, or rain shelters. Renting public park pavilions or large tents may be an alternative that will provide the shelter needed to keep your participants and your activities protected.

MMP: This is great advice! Any final lessons learned from your Summer 2020 season on the ground in Michigan communities?

MR: During our recent hybrid engagement for Beyond the Pier, Grand Haven's ongoing Waterfront Master Plan, the City of Grand Haven's "Mask Up" mantra was experiencing success. Even when outdoors, visitors were masked up while enjoying the downtown. We began by formulating a healthy list of methods to keep the public and our team safe during in-person outreach.

1. Create space so you don't have to think about distancing. Use tables, wind screens, or ground markers to create distance without feeling like you're pushing people away.

2. Touch-free activities are king. Think takeaway, touchless, disposable, or easily sanitized. Use QR codes to transport participants to a self-guided tour, survey, or activity. We also used token voting and activities that could be photographed and participants could take with them when finished.
3. Provide health measures we know work. Increase confidence in safety by using masks, sanitizers, hand washing, and six-foot distancing highly visible to your target audience. These measures aren't for show—and they keep everyone safe.

At the end of the day, in-person engagement needs to be carefully considered for each project, each community, and may not even be necessary or feasible depending on the circumstance. By exploring our options to provide this service, we may begin to find new methods of engagement to match the "new normal" and encourage equity, inclusion, and community understanding in the process. 

Melissa Milton-Pung is a policy research labs program manager for the League. You may contact her at 734.669.6328 or mmiltonpung@mml.org.

HOW CAN YOU PREDICT THE LEGAL RISKS YOUR COMMUNITY MIGHT FACE?

- A. CRYSTAL BALL
- B. TAROT CARDS
- C. OUIJA BOARD
- D. ROSATI, SCHULTZ, JOPPICH & AMTSBUECHLER, PC

ANSWER: D

"They are integrally involved with the day-to-day operations of the township. They anticipate what the impacts will be for the township and make recommendations on how to deal with them."

—Township Supervisor



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

RSJALAW.COM | 248.489.4100

Attorneys

A HERITAGE OF DISTINCTION
A LEGACY OF SUCCESS

John J. Gillooly • Municipal Law
jgillooly@garanlucow.com • 313.446.5501

**GARAN
LUCOW
MILLER P.C.**
ATTORNEYS & COUNSELORS

MICHIGAN – DETROIT • TROY • ANN ARBOR • GRAND BLANC
GRAND RAPIDS • PORT HURON • TRAVERSE CITY
INDIANA – MERRILLVILLE

1.800.875.1530 | WWW.GARANLUCOW.COM

PLUNKETT COONEY
ATTORNEYS & COUNSELORS AT LAW

AUDREY J. FORBUSH
*Governmental Law
Practice Group Leader*
(810) 342-7014

www.plunkettcooney.com

**PROUDLY SUPPORTING
MICHIGAN COMMUNITIES**
Offering Municipal and Public Entity Law Services

FOSTER SWIFT
FOSTER SWIFT COLLINS & SMITH PC ATTORNEYS

FOSTERSWIFT.COM | 616.726.2200

Engineers & Engineering

ABONMARCHE

**BUILDING
COMMUNITIES
FROM THE
GROUND UP**

abonmarche.com

ANDERSON, ECKSTEIN & WESTRICK, INC.
CIVIL ENGINEERS - SURVEYORS - ARCHITECTS

**ENGINEERING
STRONG
COMMUNITIES
SINCE 1968**

(586) 726-1234
WWW.AEWINC.COM

CORPORATE OFFICE
61501 Schoenherr Rd.
Shelby Twp, MI 48315

FOLLOW US
f in @

B R i
Beckett & Raeder

734.663.2622 | www.bria2.com
Ann Arbor • Petoskey • Traverse City

FLEIS & VANDENBRINK
DESIGN. BUILD. OPERATE.

**INNOVATIVE SOLUTIONS FOR
WHERE WE LIVE, WORK AND PLAY.**

800.494.5202
www.fveng.com

Environmental Consultants



TETRA TECH
www.tetrattech.com

Serving Michigan's municipalities
for more than 100 years!

Ann Arbor - 734.665.6000
Brighton - 810.220.2112
Detroit - 313.964.0790
Lansing - 517.316.3930
Port Huron - 810.956.9300

Planning & Zoning



Carlisle | Wortman
ASSOCIATES, INC.

CWAPLAN.COM
734-662-2200

PLANNING & ZONING/CODE ENFORCEMENT
ADMINISTRATION/PARKS & RECREATION/TRAINING

Financial Services


plante moran



Make the mark.

Learn why governmental organizations have
trusted Plante Moran for more than 70 years.

Stacey Reeves | stacey.reeves@plantemoran.com




MCKENNA
Communities for real life.

**PLANNING
DESIGN
BUILDING**

NORTHVILLE (HQ)
DETROIT • GRAND RAPIDS • KALAMAZOO
888.226.4326 • MCKA.COM


**Michigan
CLASS**
Investing for Michigan
Public Entities Statewide
www.michiganclass.org



B R i

Beckett&Raeder

734.663.2622 | www.bria2.com
Ann Arbor • Petoskey • Traverse City




Municipal Consulting

B R i

Beckett&Raeder

734.663.2622 | www.bria2.com
Ann Arbor • Petoskey • Traverse City



williams&works
engineers | surveyors | planners

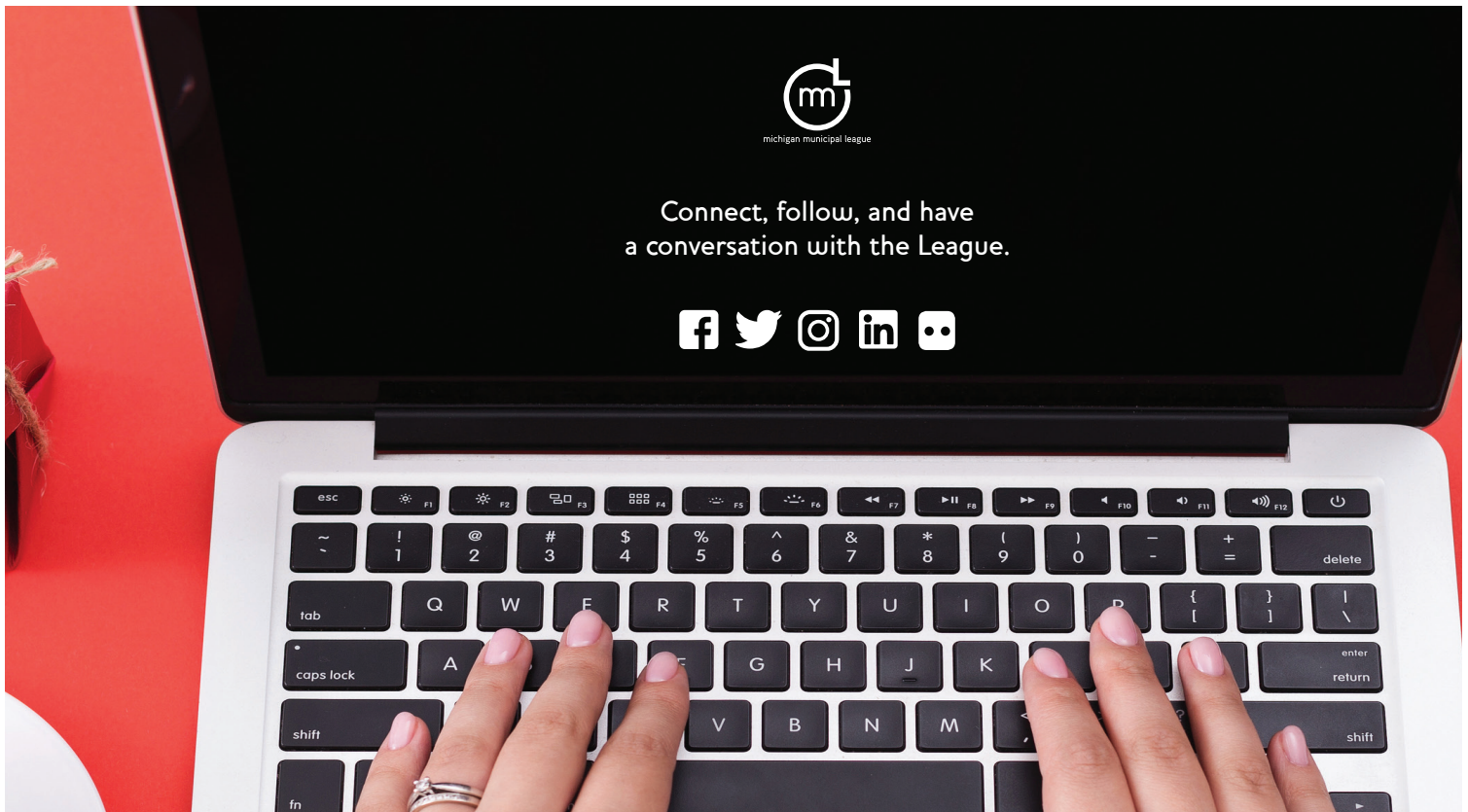
williams-works.com (616) 224 -1500

Water & Wastewater



F&V operations
and resource management
www.fv-operations.com | 888.773.8806

Water & Wastewater Operations
Plant Optimization | Operator Training



League Medical Marihuana Report

Aims to Help
Communities
Choose

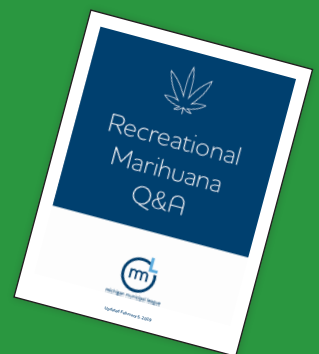


AVAILABLE AT:

mml.org/resources/information/mi-med-marihuana.html

Recreational Marihuana Q&A

Questions
and answers
from League
training seminars
and webinar.



The Q&A—plus our white paper, sample ordinances, and other resources—are available on the Marijuana in Michigan page at www.mml.org.

Q. Since the state is looking at a significant revenue shortage this year and next, we're sure we'll lose revenue sharing. As a result, the discussion has come up about increasing our millage rate.

With Headlee and Prop A, how does a city go about raising property taxes? We are below our Headlee cap. Is a vote of the people required or can city council have a public hearing and then vote to approve? Someone told us that a vote of the people is required for any millage increase.

A. City council can increase the millage to the limit set by the Headlee Amendment. The city must hold a budget/truth in taxation hearing (see Fact Sheet: *Adopting the Budget* for truth in taxation requirements). However, if you need to increase the millage above the Headlee cap, a vote of the people is required. Consult your municipal attorney for legal requirements. See our Fact Sheets (www.mml.org): *Adopting the Budget*, and *Headlee Rollback and Headlee Override*.

Q. Is there any way that we can hold an informational meeting, where no action will be taken, of two of our city boards and not allow public attendance? A quorum would be present. Maybe a special dinner and information session? Or would we be required to have less than a quorum of each body present for such a meeting? If we were allowed to do this, what would the posting requirement be? Out of curiosity, how are we able to have a quorum of our council and planning commission both attend a Michigan Municipal League event?

A. To answer your last question first, the Open Meetings Act (MCL 15.263 (10)) states: "This act does not apply to a meeting that is a social or chance gathering or conference not designed to avoid this act." This provision specifically permits attendance at conferences, such as the MML Convention.

However, a scheduled meeting of either the council or the planning commission—including a joint meeting of the two—would be a violation of the Open Meetings Act if it were not properly noticed, minutes taken, public speaking time allowed, etc.

You might consider a joint workshop between the two bodies. However, a workshop must be treated as a public meeting and the public must be allowed to address the public bodies. The posting requirements for a work session are the same as for any special meeting—18-hours' notice.

See our Fact Sheets (www.mml.org) *Work Sessions—Use by Legislative Bodies and Open Meetings Act: Posting Requirements*.


Q. As a general law village, do we have to publish our village council meeting minutes in a newspaper? Or can they be posted at village hall and the library and on our website?

A. The requirements for publishing minutes are found in the General Law Village Act (MCL 65.5 (3)): Within 15 days after a meeting of the council, a synopsis or the entirety of the proceedings, including the vote of the members, prepared by the clerk and approved by the president showing the substance of each separate decision of the council shall be published in a newspaper of general circulation in the village or posted in three public places in the village.

You may also post the minutes on your village website but it does not take the place of the three public places to be posted. Several years ago, legislation was introduced at the state level to allow posting on a municipal website to replace a requirement to publish legal notices in a newspaper, but the legislation did not become law.

Q. Can we change a regularly scheduled meeting of the commission? It appears we will not have a quorum present at our next meeting.

A. The Open Meetings Act requires that any change in the schedule for regular meetings must be posted within three days of the meeting at which the change is made (MCL 15.265(3)). In addition, notice for the rescheduled meeting stating the date, time, and place of the meeting must be posted at least 18 hours before the meeting. The notice must be posted in a prominent and conspicuous place at both the public body's principal office and, if the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, on a portion of the website that is fully accessible to the public. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those non-regularly scheduled public meetings (MCL 15.265(4)).

Last of all, check your charter and council rules of procedure to make certain there are no additional requirements contained in either. And as always, it's a good idea to check with your municipal attorney. 

The League's Information Service provides member officials with answers to questions on a vast array of municipal topics. Call 1.800.653.2483 or email info@mml.org or inquiry@mml.org.

You've Just Been Elected! Now What?

By Kelly Warren



Congratulations on being elected to serve your municipality. Community leadership begins with you. As a local elected official, you are expected to be a problem solver, change agent, public servant, and leader. Many surveys have shown that Americans are more trusting of local government officials than they are of state and federal officials.

So, what do you do with that responsibility? You are being entrusted to do your very best on behalf of the constituents that you now represent. It's imperative that you become a sponge and soak up as much knowledge as possible. You ran to serve, make positive change, and be the best that you can be for your community. In a typical year, being an elected official has its challenges. 2020 has brought on even more challenges, but it has also brought opportunities and innovation. What a momentous time to be in a leadership position at the local level! As you begin to explore the realm of local government and learn about your new role, the League is here to help you succeed.

Newly elected officials should make it a goal to learn as much as possible. We have resources available to assist you in doing so. We recommend that you attend a newly elected officials training program, enroll in the Elected Officials Academy (EOA), attend an EOA Weekender, check out the Fact Sheets on our website, surf our site regularly for updated information, and always continue to seek knowledge for the betterment of your community.

Flexible, Virtual Programs

In the wake of the COVID-19 pandemic, the League began delivering member programming exclusively in digital format. All training programs since March have been held virtually. The newly elected officials (NEO) training programs have traditionally been offered in the evenings to accommodate the work schedules of many officials. Since the programs are now virtual, we will offer several different options to participate.

NEWLY ELECTED OFFICIALS TRAINING

Session I

Mon., Nov. 16 & Mon., Nov. 23 (evening)

Session II

Tues., Dec. 1 & Tues., Dec. 8 (evening)

Session III

Wed., Dec. 9 & Wed., Dec. 16 (daytime)

Session IV

Sat., Jan. 23 (weekend)

We will offer a two-day session with two hours of training per day, and a weekend session with four hours of training. For the two-day program, participants will have the option to attend an evening or daytime program. Because of the interaction and networking that takes place during the events, attendees can only join the live event. Recordings will not be available afterwards.

The NEO programs will cover Michigan Sunshine Laws: Open Meetings Act and Freedom of Information Act, Ethics, government finance, forms of government, and council roles and responsibilities. Attendees will also hear from a panel of seasoned elected officials on the things they've learned since being elected to office. By attending the NEOs, participants will earn EOA elective credits. Seasoned officials that participate as panelists will earn leadership credits. What are these credits, and what exactly is the Academy, you might ask?

Elected Officials Academy

The EOA is a four-level voluntary recognition program which links you to exclusive educational opportunities and honors your efforts along the way. This free program is designed to meet the needs of dedicated public servants. If you are not currently enrolled in the EOA, you'll want to sign up at mml.org/academy to start tracking your credits




Newly Elected Officials training in Sterling Heights.

today. The Academy recognizes the work you do to be an effective leader for your community through four prestigious awards, Level 1: Education Award; Level 2: Leadership Award; Level 3: Governance Award; and Level 4: Ambassador Award.

Upon completion of the NEOs, we recommend that you attend the Core Weekender, which is a requirement to complete Level 1 of the Academy. The NEOs bridge elected officials into office with the basic skills they need to hit the ground running, and the EOA is a continuation of that education. The Core Weekender covers League services, council roles and responsibilities, fundamentals of leadership, financial management, and planning and zoning. The Core includes a slight refresher of the NEOs with additional information added. We feel that some of the information is just that important and should be reiterated before moving onto additional topics.


The Advanced Weekender is an opportunity to earn several elective credits in one weekend. Oftentimes, the Advanced Weekenders have a theme, such as Leadership, or Budgeting and Finance. These themed weekends are a chance to really dive into the subject matter. We have worked hard to make the all-virtual Newly Elected Officials training programs truly meaningful and interactive sessions.



To find the dates for the NEO training programs and additional training opportunities, check out the League calendar at www.mml.org/events. For questions about the Elected Officials Academy, or to volunteer as a moderator or panelist, contact Emily Kieliszewski at emily@mml.org. 

Kelly Warren is the director of membership and affiliate engagement for the League. You may contact her at kwarren@mml.org.



Frankenmuth was the site of another Newly Elected Officials training.



Unfortunately, the COVID-19 pandemic has forced many changes in the workplace: working from home, Zoom meetings, social distancing when returning. All of this while you still need to provide communication to your staff and residents. During this time, Abilita—MML's endorsed communications technology consulting partner—may be able to help. They can advise on your remote options for voice, chat, and video collaboration with co-workers. In addition, they will find ways to reduce your telecom spending while freeing up staff time.

If you need help with short or long term transitions, reach out to Abilita to see how they can help you.

mml@abilita.com
abilita.com
[888.910.2004](tel:888.910.2004)



michigan municipal league

1675 Green Road
Ann Arbor, MI 48105



Coronavirus Resources

For information that is up-to-date and
relevant to your community visit:

mml.org/coronavirus