

the review

January / February 2022

the official magazine of the  michigan municipal league



INNOVATIVE LEADERSHIP

Barb Ziarko Focuses on Community Wealth Building as Our New League President

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the review

The official magazine of the Michigan Municipal League

Volume 95, Number 1

We love where you live.

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

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



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Welcome to Public Service Wealth

On November 2, 191 of Michigan's 280 cities elected new officials for various local positions, many of whom are serving in public office for the first time. Whether you are returning for another term of public service or are joining us for the first time, we welcome you. You are about to embark on an extraordinary journey, in what could arguably be the most important public role you will ever fill.

Try to imagine a building without the ground floor. Impossible, right? Never mind the fact that you couldn't get inside—the whole thing would just collapse. That's exactly how the structure of government works in a democracy. The effectiveness of the highest federal level depends on the state and local levels beneath it. Which means it all largely depends on you, our local elected officials.

Most Americans have more contact with their state and local governments than they ever will with the federal. A central government simply can't attend in detail to all the needs of a society that a government provides. The weight of all that rests on the local level.

The main purpose of local government is to supply goods and services to its population: police and fire departments, parks and recreation services, emergency medical services, and public works such as streets, sewers, water, and snow removal. The other purpose is to represent and involve citizens in determining exactly what those local public needs are and how they can best be met.

Communities are our centers of commerce, health care, education, and entertainment. They are where we work, learn, and play. They are where we live. Our communities are where the wealth of our nation is created, and the best place to ensure that wealth is equitably distributed to all.

But our communities are struggling.

According to a September 2021 report by the University of Michigan's Center for Local, State, and Urban Policy, 39 percent of Michigan's officials say their local economies are still suffering significant or even crisis-level impacts from the COVID-19 pandemic. That's better than 2020, when 86 percent reported that much harm. But clearly, we're not out of the woods yet.

Even as 2022 approaches, our local governments continue to navigate huge economic shifts as businesses struggle to find new ways to do business in a post-pandemic world. We also face ongoing demands for equity and police reform, urgent calls for long overdue improvements in social and physical infrastructure...and always, always, the need to continually do more with less.

The test will be how well we move forward through it all, especially under the long shadow of political animosity and distrust that still darkens the national discourse.

No doubt about it, as newly elected local officials, you're going to have your hands full. And there's a bumpy road ahead.

Hopefully, this issue of *The Review* will be a good place to start that journey. We'll talk about how Midland's Citizens Academy is building community connection through a free 10-week series of classes teaching citizens how their local government works for them. You'll also find stories on planning and zoning basics, updating a master plan, and an overview on municipal finance.

Consider this your introduction to all the Michigan Municipal League has to offer. The whole purpose of the League is to advocate, educate, and communicate on behalf of our state's cities, villages, and urban townships. We are here for you.

On mml.org you'll find access to a vast array of expert services, resources, webinars, onsite trainings, and more.

In March, CapCon 2022, Partnerships and Policy: A Community Project, is all about getting our members to think deeply about partnerships and their effectiveness for changing and creating policy that builds community wealth. We'll build on the work started at our annual Convention this past September, as attendees learn how to convert that energy and inspiration into practical and actionable tools.

Again, welcome to the bottom floor of government. And get ready for some heavy lifting: the health and wealth of the entire nation sits on your shoulders. It's where everything begins.

Daniel P. Gilmartin

Daniel P. Gilmartin
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MIDLAND CITIZENS ACADEMY

Who Wants to be a MIDLANDAIRE?

By Liz Foley



How do you provide citizens with more tools for making informed decisions about their community... help them appreciate the importance of government's involvement in a successful, thriving city... and encourage them to volunteer within the municipality and the larger community?

The Midland Citizens Academy was designed to do all that and more. In fact, it works so well that one of its first graduates became the city's mayor. "It was so good that I decided to run for office," said Midland Mayor Maureen Donker, who was part of the 2007 inaugural class

and subsequently ran for city council that same year. She was selected as mayor in 2009 and has served in both capacities ever since.

But she's not the only success story.

"We also currently have nine Citizens Academy graduates serving on the city's boards and commissions and have even had a few attendees like what they saw and heard so much that they joined the organization and are now City employees," said Communications Coordinator Katie Guyer, who heads up the Academy. "It continues to be one of the most successful, longest-running programs the city offers."



BUILDING COMMUNITY WEALTH TOGETHER

The free, ten-week series is modeled on similar public engagement programs found across the U.S. To date, Midland Citizens Academy has graduated 337 students. Demand is high, with over 70 applications each year for roughly 25-27 open spots filled at random.

It's hard to overestimate the value of that level of community engagement. Trust and belonging are the social and emotional fabric that ties a community together. Trust in our neighbors and local leaders. A sense of belonging between residents and the place where they live. These are the essential elements that bring diverse people together with the common goal of helping their community to thrive. This is what community wealth building is all about.

"The beauty of Citizens Academy is that it appeals to—and brings out—people from all walks of life to learn about local government," said Guyer. "Every year, we receive applications from interested residents who run the gamut from senior citizens who are lifelong Midland residents, to young professionals who are recent transplants, to couples who use the weekly classes as their 'date night'." Even some as young as 13 years old have expressed interest, she said, although the program is currently open only to ages 18 and up.

MAKING IT WORK

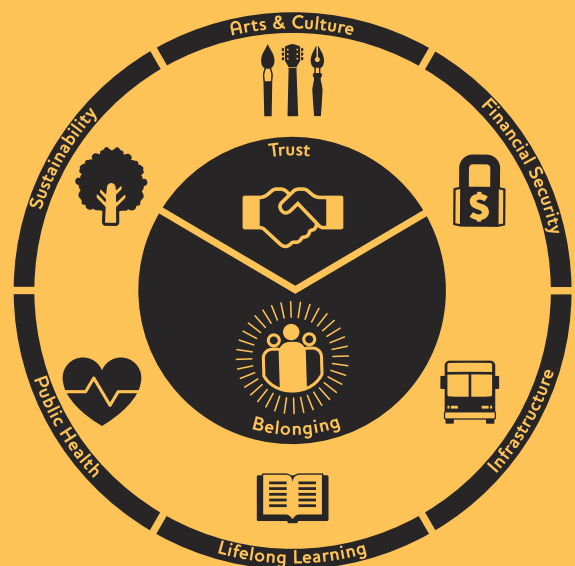
While the planning, scheduling, and execution of the Academy is done by the community affairs department, the content within each department's presentation and tour is created by the departments themselves.

"In my opinion, the reason why this program has been so successful and gets rave reviews each year is because our staff and elected officials believe in its mission and love participating in the program as much as our 'students' do," said Guyer. "If our people were not transparent, open, and human with our attendees, the program just wouldn't work as well as it does. They truly make it."

Pillars of Community Wealth Building

Trust in neighbors, community leaders, local governments and the other partners and services in place to help our communities thrive is essential to achieving community wealth.

Belonging to the community is what strengthens the tie between community members and the place. Without people, a place is just a physical object. Connecting people who support each other and themselves in a localized way brings a place to life and increases access to community resources and social networks.



People are always surprised to learn how things really work, she said: how water is processed at the treatment plant, the strategy behind planning and zoning practices, or the number of services provided through the city's public services department.

Annual "fan favorites" include inside looks at the police and fire departments, weekly facility tours, and a mock game show at graduation, "Who Wants to be a Midlandaire?"

Here's a sampling of past feedback from the Academy's follow-up survey:

"Even after living in Midland my whole life, Citizens Academy took me to locations I might never have gone to."

"After attending this class, I want to make it to council meetings and be more involved by learning at these meetings. [The class] taught me to jump in and get involved."

LASTING RELATIONSHIPS

"My favorite aspect of Citizens Academy is the relationship building," said Guyer. "Ten weeks doesn't seem to be much time to form a connection, but the Citizens Academy program has proven to foster meaningful, respectful connections, both between class participants and with staff as well."


The result is a vibrant, ongoing dialogue between the city and its inhabitants. "We get the opportunity to educate participants about the 'why' behind what we do, and, in turn, the participants educate us, too," said Guyer. "We get to hear first-hand about participants' opinions, challenges, hopes, and fears as a resident of Midland—and we can use that feedback to better serve the public."

Many of those bonds continue long after the Academy is over, leaving lasting impressions on everyone involved.

Guyer recalls one bittersweet episode when an elderly participant passed away a few weeks after completing the Academy. When city staffers attended his viewing, they learned from the family how much the class had meant to him and how he'd enjoyed sharing the knowledge he'd gained each week with everyone he knew.

In 2018, a guide dog became the Academy's first canine graduate. "Not only did having a guide dog challenge and educate our staff to think more intentionally about making the Academy accessible for all, but it also was a great opportunity for class members to learn from the participant about her life as a person with visual impairments."

For any city considering Midland's academy as a model for building community wealth, be prepared for unexpected rewards.

"To see a grown adult's eyes light up when they get to sit in the driver's seat of a refuse truck or pet a police K9 is a moving experience," said Guyer. "(It's an) opportunity to build personal connections with the people we serve while also sharing (our) passion for the work we do." 

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INTRO TO PLANNING & ZONING

By John R. Jackson, AICP



According to the American Planning Association, “The goal of planning is to maximize the health, safety, and economic well-being of all people living in our communities. This involves thinking about how we can move around our community, how we can attract and retain thriving businesses, where we want to live, and opportunities for recreation. Planning helps create communities of lasting value.”

Zoning is a method of urban planning in which a municipality or other tier of government divides land into areas called zones, each of which has a set of regulations for new development that differs from other zones. Zones may be defined for a single use (e.g., residential, industrial) they may combine several compatible activities by use. . . The planning rules for each zone determine whether planning permission for a given development may be granted. . . These guidelines are set in order to guide urban growth and development. (Wikipedia).

Land Use Policy— Setting a Direction for the Future

The elected governing body (city/village council or township board) is primarily responsible for setting the direction of the community. The role of planning and zoning in determining that direction is substantial: It addresses how land in the community is to be used in the future. Councils are the key drivers of land use policy. Several activities of the elected body have an impact on community land use. Perhaps the three most important are: (1) adopting and amending plans and

ordinances; (2) approving some types of development proposals; and (3) making appointments to boards and commissions. To effectively use these tools to lead the community in the desired direction, it is important to have a good understanding of the planning and zoning function.

Planning and Zoning Function: Teamwork Makes the Dream Work

The planning and zoning team is made up of the local governing body, planning commission, and zoning board of appeals. Each of these boards and commissions have clearly defined roles and responsibilities in carrying out the planning and zoning functions of the community as spelled out in the Michigan Planning Enabling Act (MPEA) and the Michigan Zoning Enabling Act (MZEA). This is your community’s planning and zoning team! To be successful this team needs to be in regular communication with each other, have the same solid understanding of their duties in the planning and zoning process, and a clear understanding of the community’s plan.

If You Want to Plan for Land Use, There Are Requirements

Master Plan

Not only is the master plan required if your community has a zoning ordinance, but there are also many other practical benefits to having an up-to-date master plan. Master plans communicate the specific vision of the community such as strategic growth management, aggressive economic

development, preserving community character, and even creating new community character. The plan helps your planning and zoning team make coordinated and consistent decisions on a wide range of issues.

Community master plans come in all shapes and sizes. At a minimum, the master plan is based on community input and includes: an analysis of existing conditions and trends, a clear statement of goals and objectives, a future land use plan, a zoning plan, and an implementation plan. Master plans should plan for the next 15 years but must be reviewed every five years as required by the MPEA.

Zoning Ordinance

The MZEA establishes the procedures for creating and adopting a community zoning ordinance. Zoning is the most used tool to implement a community's master plan. While the master plan establishes a community's policies for future development, zoning is the local law that ensures the land development policies are adhered to. A zoning ordinance and the zoning map divide the community into districts with clearly stated development standards such as permitted use, lot size, setbacks, and building height.

The planning commission is responsible for drafting and/or reviewing a proposed zoning ordinance; this includes the creation of a new zoning ordinance and amendments to an existing zoning ordinance. The planning commission then holds a public hearing and makes a recommendation to the governing body. The governing body is responsible for reviewing and adopting the zoning ordinance.

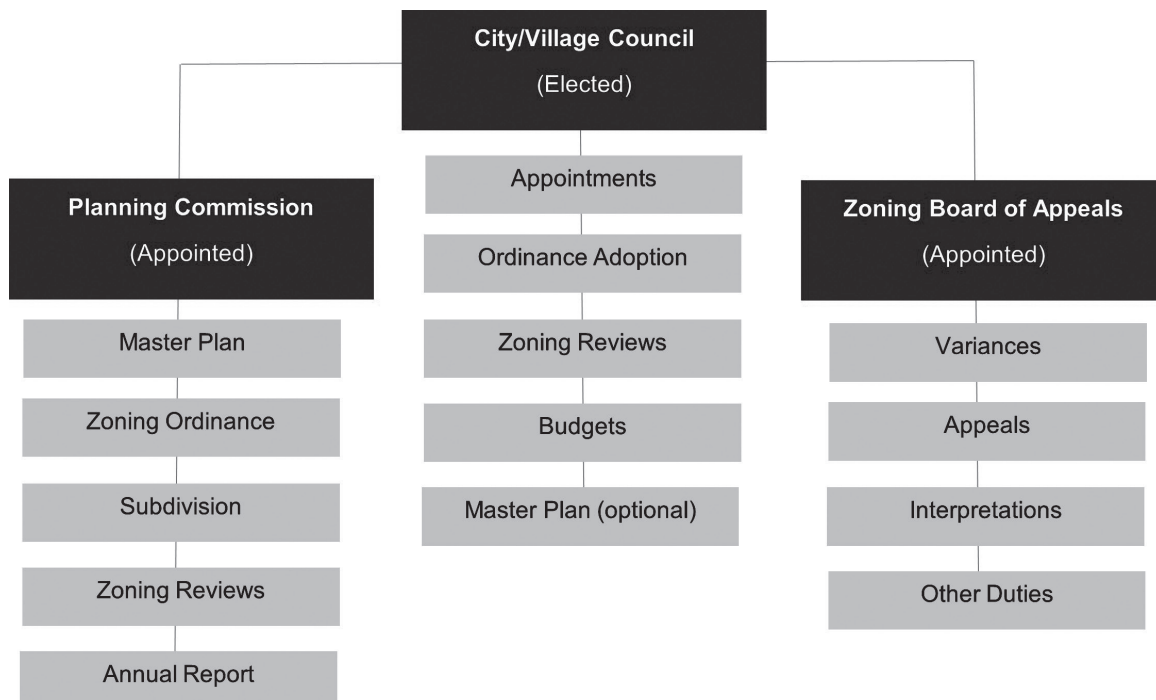


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Zoning and Subdivision Reviews

The municipality's zoning ordinance will include the process and procedures for reviewing development projects. Often the planning commission will be responsible for reviewing and approving site plans for new development or redevelopment. Planning commissions also review special or conditional land use requests, and planned unit development requests.



Zoning Board of Appeals

If you have a zoning ordinance, you are required to have a zoning board of appeals (ZBA). The governing body appoints the zoning board of appeals and the MZEA establishes its roles and responsibilities. These responsibilities include hearing: administrative appeals where a property owner disagrees with a decision made by the planning commission or a zoning administrator; interpretations where the zoning ordinance is unclear; and variance requests where a property owner is seeking relief from the provisions of the zoning ordinance.


There are two types of variance requests, use variances and non-use or dimensional variances. Each of these types of variances have specific standards that must be considered by the ZBA before it reaches a decision. For dimensional variance, the applicant must demonstrate a practical difficulty. For a use variance the applicant must demonstrate an unnecessary hardship—which is a more difficult test.

Dimensional Variance—Practical Difficulties

- Unique circumstances applying to the property
- Will not adversely impact adjacent properties
- The need for the variance was not self-created
- The variance is the minimum necessary

Use Variance—Unnecessary Hardship

- Property cannot be put to a reasonable use
- Hardship is due to circumstances unique to the property
- Variance will not alter the essential character of the area
- Variance is minimum necessary
- Hardship is not self-created

This is only the tip of the iceberg regarding how effective planning and zoning can help your community achieve its hopes and aspirations. 

John R. Jackson, AICP, is president of McKenna. You may reach him at 888.226.4326 or jjackson@mckna.com.



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PLANNING AND ZONING Q&A

By Paul Montagno, AICP,
Megan Masson-Minock, AICP,
Chris Nordstrom, PLA,
& Ben Carlisle, AICP

1 What's a recreation plan and why is it important for your community?

Master plans evaluate broad issues and topics that affect the quality of life of a community. Recreation plans, on the other hand, narrow that vision to explicitly focus on recreation-related topics including parks, trails, community programming, and open space preservation. While there is some flexibility in the content and format of an individual plan, recreation plans must provide specific data to be accepted by the Michigan Department of Natural Resources (MDNR). Recreation plans operate on a five-year cycle and are submitted to the MDNR on a specific date (currently February 1 of each year). Recreation plans consider a variety of factors, such as park accessibility ratings, community demographics, and comparisons to national standards prior to preparing development recommendations and plans.

At least two forms of community input are required prior to adoption. A public hearing is mandatory, but other types



2 Why is community engagement essential in any planning activity?

Community engagement is a process of meaningful participation, collaboration, and dialogue between government and communities, where communities learn about, contribute to, and shape the decisions that affect their lives. While often required by state law, community engagement is essential in any planning activity to make sure that basic assumptions are correct, the activity is equitable, and the final product has the support of the community.

At the beginning of a planning process, data, research, and review of existing conditions form the underlying assumptions of the activity. By asking the community if the data and assumptions reflect their reality, your team can gain greater nuance and understanding. For instance, data may point to the need for more senior housing, but interviews with older residents will shed light on where they see themselves living next.

By involving the community where they are comfortable throughout the process, the planning activity and final policies can be equitable. Your municipality will need to invest resources—e.g., staff time, notices in newspapers, childcare, and food at meetings—to truly reach all corners of the community. For the same reasons, the process may be longer than expected with repeated activities in different forms, such as in-person and digital. However, by taking the extra time and effort, a process with equitable voices builds community trust as well as results to truly benefit members of your municipality in an equitable way.

Often, community leaders shy away from community engagement. It can be messy, time consuming, and even scary. However, quality community engagement throughout the planning process builds community support for the result. If residents can see how their needs and opinions have been incorporated into the final product, they come out in support—not anger—at the public hearing for adoption.

3 What are ADUs and how do municipalities address them?

of input are left to the discretion of the community. Common input options are online surveys, community open houses, and pop-up meetings at local festivals and events. A required 30-day review period prior to the public hearing gives residents time to review and comment on the document.

Like master plans, recreation plans create a vision for the community and offer a guidepost for development over a five-year period. In Michigan, a recreation plan is required to make a community eligible for MDNR-administered grants, including the Recreation Passport, Michigan Natural Resources Trust Fund (MNRTF), and Land and Water Conservation Fund (LWCF) grants. With potential awards ranging from \$150,000 for Recreation Passport to unlimited amounts for LWCF acquisition grants, these grants can be critical for communities looking to acquire land or develop existing properties.


In most single-family zoning districts only one dwelling unit is permitted per lot. Depending on the size of the property and the dimensional requirements of the zoning district (e.g., minimum lot size or minimum road frontage), one option may be to divide the land into multiple parcels. In some communities there are single-family zoning districts that allow for accessory dwelling units (ADUs). In most cases, where these are allowed, there are a number of restrictions designed to maintain the single-family character of the neighborhood. Examples of these restrictions could include the requirement that the principal home be owner occupied, that the ADU be clearly incidental (this is usually determined by size and placement) and design criteria such that the ADU be constructed using similar material and design consistent with the principal structure.

4 What are upcoming pressing land use issues?

Land use issues are constantly changing based on technology (wireless communication), public sentiment (marihuana), or legal issues (sign regulations), however these are the pressing land use issues we anticipate in the next two years:

- Regulation of marihuana. Passage of the Medical Marihuana Facility Licensing Act (MMFLA) and Michigan Regulation and Taxation of Marihuana Act (MRTMA) requires all Michigan municipalities to address marihuana regulations, even if communities decide to “opt out.” While many municipalities have adopted regulations, many are currently struggling with community discussions regarding whether to “opt-out” or whether to allow but regulate marihuana uses in their community.
- Housing shortage, especially affordable, “attainable,” and senior housing. Lack of housing has been identified as an American and State of Michigan crisis. Attainable housing is defined as for-sale housing that is unsubsidized, profitable housing developments that meet the needs of those with incomes between 80 percent and 120 percent of the Area Median Income.
- Regulation for Short-Term Rentals (STR). The Michigan House recently passed House Bill 4722 which limits a local municipality’s ability to regulate short-term rentals. Under the Bill, short-term rental properties cannot be banned, be subject to a special/conditional use permit, or be considered

a commercial property. Local governments can limit the percentage of short-term rentals at 30 percent of the units within its boundaries. As of the time of the drafting of this article, the Bill has not been considered by the Senate.

- Sign regulations. A 2015 Supreme Court decision, *Reed v Gilbert*, has required municipalities to review their sign ordinances to ensure they are “content neutral.” Content-based regulations of speech target the content of a message, whereas content-neutral regulations target the time, place, and manner that speech occurs. As a result, municipalities with existing sign regulations or those considering adopting new ones should review the legality of their regulations, to ensure they are content-neutral. 

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WEATHERING THE STORM TOGETHER

Roles and Responsibilities of Planning Commissions and Zoning Boards of Appeals Relative to Elected Officials

By Jason Ball, AICP

Decisions regarding land use and development are often among the most hotly contested and divisive issues that confront local governments. In recent years, we have seen issues like medical and recreational marihuana, that were not even on the radar of most local officials engaged in land use decision making, come to dominate the discussion for many communities. Further, inconsistent court decisions and evolving legislation around everything from sign regulation to the Right to Farm Act constantly shift the legal landscape under the feet of local communities, making consistent and transparent regulation and good governance extremely challenging. It is becoming increasingly important for Michigan communities to clearly understand the distinct roles of planning commissions and zoning boards of appeals (ZBA), and how they interact with local elected officials to avoid legal challenges and provide transparent and responsive land use decisions for residents and businesses.

First, it is important to remember that planning commissions and ZBAs are necessary only if your community has adopted a zoning ordinance and/or master plan. But, since most Michigan communities have found value in planning and zoning, the bodies exist in nearly every municipality. The precise role of the planning commission varies by community, based on the ordinance that created it, the planning commission's bylaws, and the processes and procedures set forth in the zoning ordinance. The authority of the ZBA on the other hand tends to be narrower in scope, and the role of a ZBA is more consistent from one community to the next. A summary of a few common roles and responsibilities of each body is provided in the table below. The roles vary between communities based on several factors, but primarily due to the standards and processes adopted in the zoning ordinance.

A=All Communities S=Some Communities	Legislative Body	Planning Commission		ZBA
	Decision	Decision	Recommendation	Decision
Adopt a zoning ordinance	A		A	
Amend the zoning ordinance	A		A	
Adopt a master plan	S	S	A	
Approve site plans	S	S	A	
Approve special land uses	S	S	A	
Approve Planned Unit Developments	S	S	S	
Grant dimensional variances				A
Grant use variances				S
Interpret the zoning ordinance				A
Interpret the zoning map				A
Hear appeals of special land uses				S
Hear appeals of Planned Unit Developments				S

Fundamentally, each of the bodies has a critical role to play in ensuring that Michigan communities have effective land use policies and standards. Legislative bodies are ultimately responsible for adopting and amending zoning ordinances and associated amendments and provisions, while planning commissions exist as the administrative body managing the ordinance, and in some cases implementing ordinance standards. Meanwhile, ZBAs review administrative decisions, interpret the zoning ordinance when there is uncertainty, and grant variances from ordinance standards in appropriate circumstances.


This dynamic, with relatively clear roles and responsibilities in theory, can become convoluted and challenging in practice, particularly when the legislative body, planning commission,

and ZBA interpret their roles and responsibilities differently, or do not have a common understanding of the community's overarching goals. For example, a legislative body can adopt a zoning ordinance with strong standards for landscaping and beautification of commercial properties. But, in most communities, it is the responsibility of the planning commission to implement the standards through site plan review. Furthermore, if the ZBA consistently grants variances from the standards because its members view them as too burdensome, at best the ordinance becomes ineffective, and at worst inconsistent administration and interpretation exposes the community to legal liabilities and discourages investment.



Effective leadership and consistent interpretation and administration are critical to ensuring that planning commissions, ZBAs, and legislative bodies are all working towards the same objectives. Holding bi-annual joint meetings, where members of the bodies openly discuss challenges and establish common goals for implementation of land use decisions are among the most effective strategies to ensure this takes place. Another effective strategy is the development of an annual report by the planning commission to the legislative body.

Annual reports formally communicate actions taken by the planning commission, and the ZBA if a community chooses to include the ZBA, to the legislative body. According to the Michigan Planning Enabling Act, these reports should focus on "operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development." Typically, this translates into a list of meeting dates and a summary of actions taken during the year, and sometimes a list of members and their terms of appointment. We strongly encourage planning commissions to go beyond the base legislative requirements and use the report as a tool to communicate goals for the next year, as well as current or anticipated challenges and opportunities.

While land use regulations and decision making can be complex and technical, the communities that have built the most effective processes and regulations have done so by fostering strong channels of communication between elected and appointed officials, citizens, and developers, while consistently exploring new ways to advance toward common goals. Open communication between the bodies is critical, making the role of the legislative body members on the planning commission and ZBA especially important. Thankfully, in Michigan we have excellent resources to help communities navigate the current storm of land use issues while also exploring new ways to encourage redevelopment and investment. If your community's land use process isn't working the way it should, we strongly encourage you to reach out to MML, the Michigan Association of Planning, Michigan State University Extension, your county or regional planning agency, or one of our state's many professional planning firms. 

Jason Ball, AICP, is a senior planner with ROWE Professional Services Company. You may contact him at 810.341.7573 or jball@rowepsc.com.





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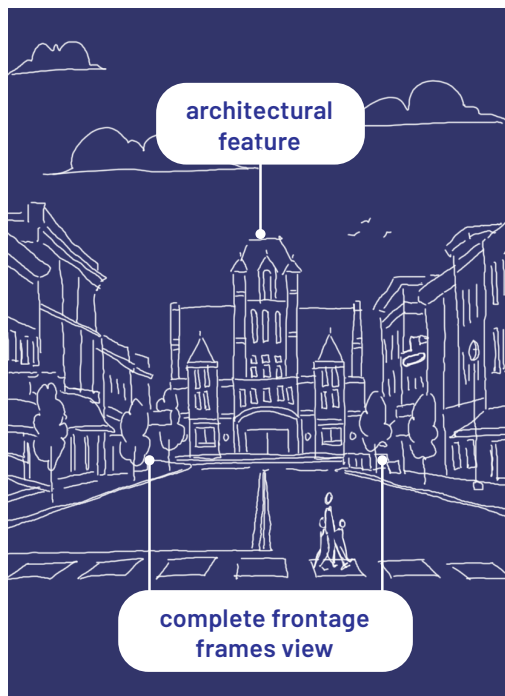
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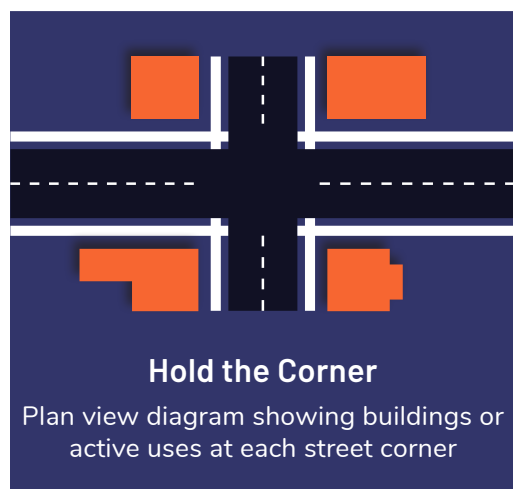
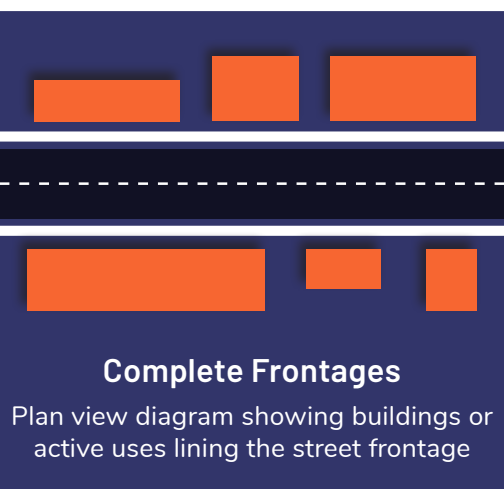
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Tips for Developing an Effective

MASTER PLAN

By Andy Moore, AICP



A master plan is a policy statement that enables a community to guide physical development, direct capital investments, and manage change. A master plan is more than a technical document for planners; it also represents a fundamental statement about what a community is, what its citizens value, and how the quality of life in a community can be enhanced. Thus, an effective master plan must be rooted in public interests and priorities.

Do We Need a New Master Plan?

It is a common misconception that municipalities are required to update their master plan every five years. In fact, a municipality is only required to review the plan every five years. Section 45(2) of the Michigan Planning Enabling Act (MPEA) states, in relevant part,



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“At least every five years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan.”

In other words, once every five years the planning commission should review the master plan and discuss whether it needs an update. If the commission decides the master plan is still relevant and does not need to be updated, then no further action is needed, and the minutes should reflect that the planning commission fulfilled its statutory obligation.

There are, however, several instances in which an update or a new plan should be considered, such as:

- If conditions have changed in your community;
- If tasks and recommendations of your current master plan have been accomplished and/or need to be reprioritized based on current conditions;
- If background data that serves as a basis for master plan's assumptions are outdated and are no longer accurate or relevant; and
- If the implementation of the master plan was not effectively carried out.

Outside of the noticing requirements of the MPEA, communities are free to develop a master plan in whatever manner works best for them. However, several elements are often found in most master plans that offer value to the process.

Data-Based

Most plans set forth a fact-based background for a community, addressing topics such as population change, housing characteristics, land use, environmental features, and a summary of community services, facilities, and infrastructure. While sometimes lengthy, this information provides an important factual basis for the plan's recommendations, and ultimately, the community's decisions.

When performing research, planners should also consider broadening their scope of research to include public health, sustainability, universal design, social justice metrics, and similar topics. The public realm such as streets, sidewalks, and parks should be considered, too. Most people experience a community through its streets, so actions to improve the quality of the streets and other public spaces can have a big impact on quality of life.



Public Involvement

A thorough effort to write, re-write, or update a master plan should include significant input from the public.

The COVID-19 pandemic has forced us to adapt to a new reality, and this includes how we receive contributions from the public. While everyone is familiar with online surveys and virtual meetings, there are a few other techniques that communities can utilize to get community input and support.

Attend Community Events. Find a well-attended community event and set up a booth to educate citizens about the planning process and get their feedback about the future of the community. Farmers markets, summer festivals, school events, and other popular community events are great opportunities to chat with residents in a comfortable atmosphere. It also gives planners the bonus of 1) chatting with people when they are generally in a good mood, and 2) engaging individuals who don't ordinarily participate in planning activities. Plus, it's just more fun!

Use Both Virtual and In-Person Formats. One of the many lessons learned from the COVID-19 pandemic is the need to be flexible. If a planning process involves in-person events, it's important to make sure that (1) the event can be easily converted to a virtual format without too much fuss, or (2) that a variety of in-person and virtual events are offered. People are busy and they communicate and interact with their local government in a variety of different ways, so a one-time meeting or two may not get the depth or diversity of opinions needed to represent the community. The planning process needs to be flexible enough to address changing circumstances and varying comfort levels when it comes to social gatherings.

Be Proactive. Master plans must represent everybody. This means that community engagement efforts should be drawn from a larger pool than those who showed up to an open house or workshop, and the effort to gather


community input needs will probably need to include a concerted effort to engage those who may be under-represented and/or disenfranchised. This could include minorities, children, seniors, low-income households, seasonal residents, or others who aren't typically engaged, depending on your communities. Master plans work best when they work for everyone, so it is critical for communities to make sure that everyone has a voice in the process.

Design Driven

Many plans are lengthy documents that look and read like a technical or academic paper, not a nuanced and carefully crafted expression of community values and ideals. Good plans should not only be technically accurate and articulate, they should also be visually compelling and easy to comprehend. Working with graphic designers or other similarly skilled professionals can make a plan really stand out. In many cases, the plan can say more through well-designed graphics and artwork than it can through paragraphs.

Be Positive

Master plans aren't simply a to-do list. They are a statement about what a community is, what its residents cherish, and how it will grow and thrive in the future. While every community faces difficult challenges that need to be addressed, each community is also full of truly amazing people doing amazing things that deserve to be highlighted. Plans should recognize this and be written in positive language that will make it a place in which someone unfamiliar with your community will want to live, work, play, or invest.

A master plan seeks to build a brighter future for everyone. A well-designed plan, along with a fun and engaging process to create it, should strive to bring your community together so it is equipped with the tools to fulfill it. 

Andy Moore, AICP, is an executive at Williams & Works. You may reach him at 616.224.1500 or moore@williams-works.com.



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- Expo Hall

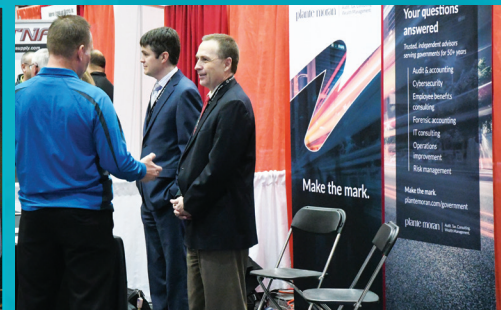
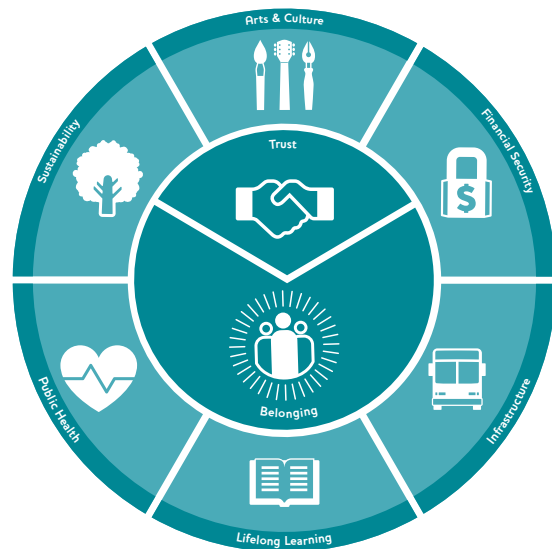
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**View the full agenda
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BEING AN EFFECTIVE LEADER STARTS WITH YOUR EARS

New League President
Brings 20 Years' Experience
to Leadership Role

By Matt Bach





ABOUT BARB ZIARKO

Occupation: Retired secretary, administrative assistant, and bookkeeper for the Catholic Archdiocese.

Family: She married Tom Ziarko in 1977, moving from her home state of Ohio to Sterling Heights that same year. They were happily married until his passing in 2014. They have a daughter, Stacy.

Favorite part of Community Wealth Building: Striving for diversity, equity, and inclusion in all aspects of her community.

Name someone, present or past, who you'd like to have dinner with:

"George Stephanopoulos, but he would have to bring his wife (Comedienne Ali Wentworth) with him because she brings the comedy. George is just someone I would love to talk to. I watched him grow up in the White House to a successful newscaster. He seems like a nice person. He's one of these people who works very hard but comes across as being very humble."

SURPRISING FACT

She was a hairdresser for about 20 years and didn't get into politics until her 50s.

New League President Barb Ziarko knows that some *Review* readers were likely newly elected in November. With 20 years' experience under her belt as a Sterling Heights councilwoman, Ziarko has learned a thing or two along the way. She has the following words of advice for those newcomers, as well as for seasoned officials: "Do what's in the best interest of the citizens," Ziarko said. "For every vote I make on council, the last question I ask myself is 'Is this in the best interests of the residents?'"

It may sound simple or even obvious, but Ziarko explains it's certainly not easy.

"You quickly learn that sometimes what you think is in the best interest of the city isn't and that's what you have to reconcile with yourself," she said. "My advice to newly elected officials is to use your experience and then be a sponge and absorb everything you can. Don't come to your first meeting and think you're going to tell everyone how it should be done. Learn the format of the things that are done and ask questions. Don't ever be afraid to ask questions."

When deciding on difficult issues, such as whether to ask voters for a tax increase to fund police, fire, or parks and recreation, Ziarko will go to the people. She'll call up a business owner or a resident and ask how a vote will impact them, and then she'll make a decision.

And she was just re-elected to another four-year term in November so she must be doing something right.

"In the November election, all our incumbents got re-elected, so we feel the residents are happy with us," she said, adding a key part of their success is hiring smart people, like City Manager Mark Vanderpool, who became Sterling Heights' city manager in 2004.

"If you can hire people who are smarter than you, then you prove how smart you really are," Ziarko said. "If you're all moving in the same direction then success is inevitable."

First from Sterling Heights

In the League's 122-year history, Ziarko is the first president to hail from Sterling Heights—Michigan's fourth largest city, incorporated in 1968.

"It's humbling to be the first president from Sterling Heights, I'll tell you that," Ziarko said. "But it's also a good thing. We, as a city, have a lot to share and I'm going to be the intermediary with the League board and municipalities with what our community has learned and experienced over the years. I'll be the liaison of giving good ideas because our city is so well run. I also know there is much I can learn from other communities."

She was honored when the board selected her as president during its November meeting after previously serving as vice president to Flint Councilwoman Monica Galloway. Galloway had to step down when she wasn't



re-elected in Flint. “Monica is an amazing person and I think she would’ve done a great job as president,” Ziarko said. “I’ve long admired the League’s work and to now help lead the statewide organization is truly an honor. I am grateful that the board has confidence in me to serve in this role.”

Ziarko added she has been greatly influenced by the League and recalls a documentary film from a past conference about the importance of bringing people together following the 2016 Presidential election. She continually uses those lessons.

“My time with the MML and on the MML Board has helped me realize how different we are throughout the state and that our needs may not be the same,” Ziarko said. “But to thrive we must understand we’re also the same in many ways. We need to bring people together and respect each other’s opinions even when they are different from our own.”

Focus on Community Wealth Building

As president, she plans to continue the League’s ongoing community wealth building and diversity, equity, and inclusion work. Sterling Heights has taken multiple steps to be more inclusive in everything it does, from the programs it offers to the employees it hires.

“Recognizing differences is very important,” Ziarko said. “Part of that is listening. You have to listen to other people. Unless you walked in someone else’s footsteps you can’t tell them how they feel. You might be able to understand it, but you don’t know what it feels like. So, you must respect those feelings.”

She added that her journey in life and on city council directly correlates with the League’s work in community wealth building, which is about enhancing the human experience in communities in ways that foster trust and belonging and creates equity for all.


Particularly, her story ties to lifelong learning. Lifelong learning is one of six pillars the League has identified as necessary to building community wealth. “I’m always learning new things,” said Ziarko, 72. “I always strive to understand what other people are going through.”

That desire for understanding even led to the receiving end of a taser.

Yep, She’s Been Tased

She is a graduate of the city’s civilian police and fire academies. The multi-week programs teach residents what it’s like to be a police officer or firefighter. Participants go on police and fire ride-a-longs, learn the paperwork and training ropes, and even go through simulated fire and smoke house situations. While tasing is optional for citizen participants, it is required for police officers who carry tasers.

“We didn’t have to get tased as part of our classes, but I volunteered,” said Ziarko, who was in her late 50s at the time. “I thought if the police have to go through it, then I should also try it. It’s like a burning sensation. And you have these two little burn marks on your skin that last for a couple days.” She explained understanding and relating is about walking in someone else’s shoes—thus the taser lesson. “How can I tell a resident how important it is to buy these tasers and use this equipment, and not use a gun, if we don’t try it? But I’ll tell you what, it brings you to your knees. At least it did for me.”

Relating to others starts with hearing them. “You have to have a willingness to adapt, and you have to listen,” she said. “Especially listen to younger people to hear what they want and what they think about. You can’t be progressive and live in the past. You have to move forward and learn from your mistakes.” 

Matt Bach is the assistant director of strategic communications for the League. You may contact him at 734.669.6317 or mbach@mml.org.

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INSIGHT INTO MUNICIPAL FINANCE

FOR THE NON-FINANCE OFFICIAL

By Anthony Minghine

You have been elected to serve in your community. Congratulations! Now you find yourself on the governing body or maybe the chief elected official of a multifaceted, multimillion-dollar organization. Even if you are accustomed to corporate accounting in a business setting, those are not the same rules that are used in governmental accounting and budgeting. Trying to sort this all out in a magazine article can be difficult, but we will try and give you a foundation to build on. Your best resources are the management, finance, and audit professionals in your local government. They will have the best understanding of your particular circumstance. What follows won't make you a municipal finance expert, but it will give you some insight into the types of issues you will be faced with in your role.

Success is Different than in a Business

First off, understand the business of the city or village. A municipality is a nonprofit service-based industry, and profit-based manufacturing techniques rarely apply. Success or failure of a program won't be measured in income or return on investment, but more likely on service levels or residents served. Running government like a business may be a great catch phrase, but it can be a formula for disaster if you misapply that mindset. Looking for efficiencies like a business is appropriate; using income as a service evaluator typically is not.



FORM OF GOV'T	MIILLAGE	AUTHORITY	LIMITATIONS
Home Rule City	General Operating	Home Rule City Act, 1909 PA 279, MCL 117.3g Each city charter shall provide for: The annual laying and collecting taxes in a sum, except as otherwise provided by law, not to exceed 2% of the taxable value of the real and personal property in the city. Unless the charter provides for a different tax rate limitation, the governing body of a city may levy and collect taxes for municipal purposes in a sum not to exceed 1% of the taxable value of the real and personal property in the city.	Charter (charter sets the limit—either at the statutory limit of 20 mills or a lesser number)
Fourth Class City	General Operating	Fourth Class City Act, 1895 PA 215, MCL 110.5 The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section 3 of this chapter are constituted (exclusive of taxes for schools and school house purposes) shall not, except as herein otherwise provided, exceed in 1 year 1 1/2%.	15.0 mills
Home Rule Village	General Operating	Home Rule Village Act, 1909 PA 278, MCL 78.26Gi A village shall not do any of the following: (i) Lay or collect taxes for municipal purposes except as otherwise provided by law, at a rate in excess of 2% of the assessed value of all real and personal property in the village.	Charter (charter sets the limit—either at the statutory limit of 20 mills or a lesser number)
General Law Village	General Operating Highway and Street Cemetery Maintenance	General Law Village Act, 1895 PA 3, MCL 69.1(2) General Law Village Act, 1895 PA 3, MCL 69.2 General Law Village Act, 1895 PA 3, MCL 69.4	<ul style="list-style-type: none"> • 12.5 mills • 5.0 mills for general street and highway purposes • 1.0 mill for general maintenance of

Adopting the Budget

Adopting a budget for your general fund and special revenue funds is required by law to be done every year, and there are a few things to be cognizant of when doing so. First, you may not adopt a budget that is in deficit. Simply put, a budget is deemed to be in deficit if the annual expenditures exceed the revenues for that year, plus the projected ending fund balance. Second, the budget creates the legal financial authority to operate. Without a properly adopted budget, the operations of the municipality shut down.

Setting Tax Rates

During this same time frame, the council will be asked to set tax rates. This process is influenced and governed by numerous factors. The two biggest influences are Headlee and Prop A, which were passed as separate constitutional amendments. They both enact tax limitations but do so in different and conflicted ways. In short, Headlee requires local governments to “roll back” a community’s maximum millage rates if tax growth exceeds inflation. It does not impact the levy unless a community is at its max (see chart), and many communities are, so be aware. Prop A limits tax revenues by limiting the value of growth on individual parcels to inflation or five percent—whichever is less. Ironically, the combination of the two can result in less than

inflationary tax growth. To better understand this important issue, check out the materials on savemicity.org.

Be sure to understand the additional legal requirements that exist in your community for things like adopting and amending a budget, making large purchases, setting millage rates, setting water and sewer rates, etc. If a home rule city or home rule village, you will have to comply with both state law and your charter. This can be further impacted by local ordinance requirements or bond covenants. Not understanding these limitations can put you afoul of the law, despite the best of intentions.


Utility Rates

If your community has a water and sewer system, setting water and sewer rates is one of the more important actions that you will need to undertake. Keep in mind that this is a utility, and properly setting rates to cover the real cost of the system is absolutely necessary. While not adjusting rates may seem politically expedient, it is critically important. If rates aren’t set appropriately, you are potentially undercharging, overcharging, charging the wrong user group, negatively impacting the general fund or possibly all of the above. Understanding the real cost of service delivery and setting correct rates and charges is vital to your community’s financial health.



Governmental Accounting

It is also important to understand that local government uses a different basis of accounting than you might see in a corporate environment. Local government follows the Governmental Accounting Standards Board (GASB) rules and uses fund accounting. In short, fund accounting breaks the financial record into different areas based on a number of factors. Most municipality and village operations will be found in the general fund. The general fund will be where general tax revenues are recognized and general operation's expenditures are charged. It has the fewest restrictions on how funds can be used. You will also encounter special revenue funds, which as the name implies, has a special revenue source, and funds are used for a special purpose. Your major and local road funds are an example of a special revenue fund. Enterprise funds are used for more business type activities like your water and sewer system. Understanding the differences are important to effectively manage your community's finances. As you can see, there are numerous factors to be considered when plotting a financial course for your community.

No one comes into office knowing all the things they need to know. The best advice I can give you is to avail yourself of the training opportunities available through the League and others. A good place to start is our Elected Officials Core and Advanced Weekender program. It addresses this and many other issues to aid elected officials in carrying out their duties and provides a solid foundation of the many issues you will be grappling with. I hope this helped to shed a little light on a complicated subject. If you have specific questions, you can always direct them to our inquiry service at info@mml.org. 

Anthony Minghine is the deputy executive director and COO for the League. You may contact him at 734.669.6360 or aminghine@mml.org.



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Building community wealth across Michigan.

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

Leaseholder's Actions Determinative of Question of Abandonment

In 1997, the owner of the Witherell Building located in Detroit painted a large graphic known as the "Whale Wall" on the east side of the building. In 2004, US Outdoor Advertising, Inc. leased the right to place an illuminated, changeable advertising sign over the Whale graphic and petitioned the city for a variance to do so. The city denied the petition and an appeal was made to the Zoning Board of Appeals (ZBA). The ZBA noted that the building already had an advertising sign and found, among other things, that the request met the city's zoning use variance provisions. The city Downtown Development Authority appealed the ZBA's decision which was affirmed by the Circuit Court.

Detroit Media Group (DMG), an affiliate of the lessee Outdoor Advertising, then applied to the city for a permit to change the advertising copy on the wall. After initial refusal by the city, a five-year settlement agreement was reached in 2005 by the building owner, DMG, the city and the Detroit Historic District Commission and a permit was issued. In relevant part, the settlement agreement provided that the Whale Wall constituted an advertising graphic and that DMG and the building owner had the right to place advertising over the Whale Wall. DMG displayed approximately 18 different ad signage banners over the Whale Wall from 2006 to 2012.

In 2010, the building (now known as the Broderick Tower) was purchased by a new owner with plans to renovate the building, financed, in part, with National Park Service (NPS) historic tax credits that were, in fact, authorized from 2012 to 2017. On several occasions, NPS advised the owner that placement of ad signage banners on the building could jeopardize the tax certification. The new owner advised DMG in 2012 that it would need to remove the ad signage so that building renovations could be made but made no mention of a permanent removal or termination of the lease.

In 2013, DMG notified the city in writing that the removal of its ad signage should not be considered an abandonment of its variance or sign permits but rather as an accommodation to the building restoration. Upon meeting with city personnel, DMG was issued a zoning verification letter in January 2016. DMG then secured a 13-year extension of its lease. In December 2017 (after the expiration of the tax credits),

DMG's submitted a change of sign copy application to the city which ultimately led to an appeal before the ZBA. The city responded, in part, that DMG's variance had been abandoned and that the building owner's conduct was determinative of the issue. DMG argued that, as lessee, its conduct overcame any presumption of abandonment. The ZBA initially ruled in favor of DMG, but upon reconsideration, ruled for the city. On appeal, the Circuit Court reversed, finding that the zoning board erred by looking at the owner's conduct and not that of the lessee.

The city appealed.

MUNICIPAL FRANCHISE CASE—GOOD NEWS!

UPPCO v VILLAGE OF L'Anse

The Michigan Court of Appeals, in *UPPCO v Village of L'Anse*, 349833 (Nov. 12, 2020), which an appeals court, reversed the Circuit Court's decision. The franchise expired on July 26, 2018. UPPCO sued, alleging in part that the Village could not deny a franchise to UPPCO and that the Village's decision not to renew was "unreasonable." The trial court rejected both arguments, indicating

- 1) that a franchise is a contract which expires on its own terms with no continuing duty to enter into a new contract, and
- 2) that the Village's decision was not reviewable on the basis of whether it was reasonable or not.

The Michigan Court of Appeals said "no," to the question: "Is a municipality's decision not to renew a franchise under Const 1963, art 7, § 29 subject to judicial review for whether it was reasonable?" and on appeal, the Supreme Court upheld the decision.

Upper Peninsula Power Company v Village of L'Anse, No. 349833 (Nov. 12, 2020)

See case summary in the March/April 2021 Review Legal Spotlight.

The Court of Appeals began its analysis by reviewing the relevant issues, i.e., the interpretation of 1) the municipal ordinance setting out the requirements by which an “owner” has abandoned a nonconforming use variance, and 2) the governing statute (MCL 125.3606) relating to appeals from a ZBA to a Circuit Court. The Court of Appeals stated that, in this case, the provisions of the ordinance relating to abandonment defined an “owner” as “the person having the right of legal title or beneficial interest in or a contractual right to purchase a parcel of land,” and noted that property ownership encompasses a variety of rights that may be held by different persons at the same time.

The Court of Appeals then provided a short course in property rights, holding that although DMG did not hold legal title to the property, it owned a beneficial interest in the leased property with the right to exclusively possess, use, and enjoy it for ad space under its nonconforming use variance. It further stated that the ZBA’s reconsideration decision applied the wrong standard of review but also failed to consider the most relevant evidence, i.e., the conduct of DMG.

Detroit Media Group v City of Detroit, No. 352452
(September 23, 2021)

ROBERT WYLAND,

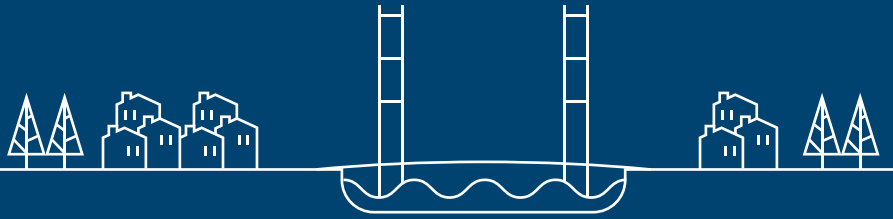
artist and conservationist, is a native of Madison Heights, Michigan. He is known for his more than 100 Whaling Walls, large outdoor murals featuring images of life-size whales and other sea life. His memorable humpback whale mural on the rear façade of the currently named Broderick Tower was dedicated on October 13, 1997.

https://en.wikipedia.org/wiki/David_Broderick_Tower
https://en.wikipedia.org/wiki/Robert_Wyland



Headlee and Proposal A: Limiting Municipal Finances

By Rick Haglund



Michigan has one of the most unusual municipal finance systems in the country. And that's not a good thing for the majority of the 533 cities and villages in the state. "It's unique and particularly restrictive," said Jill Roof, a research associate at the Citizens Research Council of Michigan (CRC), which last August released an exhaustive study of the impacts of the state's two overlapping tax limitation laws on local governments.

The 1978 Headlee Amendment to the Michigan Constitution and Proposal A, a school finance reform law passed by the state Legislature in 1993, have largely accomplished what they were intended to do: limit the revenue growth from property taxes. But "achieving those goals has come at a great cost to municipalities," Roof said. And the layering of these two tax-limitation laws on property taxes has created a complex, hard-to-understand structure that has financially hamstrung many local governments. The tax limits have also amplified the problem of cities and villages being overly dependent on property taxes to fund operations.

For its study, the CRC gathered 25 years of property value and tax data from 41 local governments in six counties—Chippewa, Jackson, Leelanau, Lenawee, Oakland, and Ottawa. "While these cannot begin to represent all 1,856 general-purpose local governments in Michigan, there are sufficient commonalities in their characteristics and the findings to generalize beyond those studied," the CRC said.

CRC's analysis showed that, taken together, the Headlee Amendment and Proposal A have protected taxpayers from rapid growth in tax burdens and unpredictable year-to-year changes in tax bills. But the restraint on tax revenues has hurt the ability of many local governments to provide needed services. The tax limitation measures also favor communities with room for new development, which is taxed at rates closer to its real value. The system is largely unsustainable, the CRC report said.

The Headlee Amendment was adopted by voters during a nationwide tax revolt that saw similar measures adopted in many other states. Many know Headlee primarily for its brake on state government tax revenue growth. But its impact on local government finance has been particularly harsh. Headlee requires voter approval of any new taxes or to increase the rate on an existing tax above what was authorized in 1978. It also limits total tax revenue growth in a local government to the rate of inflation, requiring rollbacks in tax rates if the

"Michigan has one of the most unusual municipal finance systems in the country."

tax base grows faster than the cost of living.

Proposal A was Michigan's answer to another nationwide issue: the growing gap between what rich and poor school districts were spending to educate children, a problem that was attracting the attention of the U.S. Justice Department. Proposal A largely replaced local property taxes with state taxes to fund K-12 schools more equitably. It also addressed growing concerns that rising property taxes were pushing people, particularly retirees on fixed incomes, out of their homes.


While the Headlee Amendment limited the amount of revenue local governments could collect, it did not address rising values of individual property parcels. Prior to Proposal A, individual properties were taxed at state equalized value—50 percent of market value—with no cap on growth. Proposal A taxed parcels at "taxable value," a new line item on tax bills. Since 1994, property taxes can rise no more than the rate of inflation or 5 percent a year, whichever is less. Properties are taxed at the current state equalized value when they are sold but revert to the lower "taxable value" rate in subsequent years.

While it may be cold comfort, the CRC study found that most local governments are better off financially with the two overlapping tax limitation laws than they would have been had only the Headlee Amendment been in effect during the devastating Great Recession from 2007 to 2009. It was the first time in modern history that property values collapsed, resulting in a steep decline in the overall tax base.

Prior to the Great Recession, property values were spiking. That required local government to roll back millage rates under Headlee. But in the subsequent collapse, local units were collecting tax revenues at much lower rates. Proposal A allowed for some additional revenue growth as the recession eased and the economy picked up steam.

In one example from the CRC study, tax revenues in Farmington Hills would have declined nearly twice as fast under only Headlee during the Great Recession and its aftermath than under both tax limitation measures. Without any limitations, tax revenues in this Detroit suburb would have nearly recovered by now from the downturn. But under the current structure, "Farmington Hills revenues will not return to prerecession levels for many years," Roof said. CRC officials cautioned that future tax policies should not be based on "a once-in-a-century event like the Great Recession."

While taxpayers have benefitted from tax limitations, the study shows they're also concerned about the impact tax cuts have had on local government services and the vibrancy of their communities. Many communities have voted to overturn Headlee rollbacks on existing taxes and implement new ones to restore police, fire, and other critical services. In Oakland County alone, 80 percent of local units have increased their overall tax rate since 2007. In this year's May statewide local elections, 79 percent of the more than 140 tax hike proposals passed.

The CRC study concluded that Michigan needs a new municipal tax structure that is fair to taxpayers but also allows local governments to grow with the economy. It offered a variety of policy options. They include eliminating the Headlee Amendment's limit on local government revenue growth, diversifying local revenue sources, and promoting a regional services model. "Good tax policy meets the needs of taxpayers and governments," Roof said. "It's no easy feat to match both needs." But Michigan's unsustainable municipal finance system demands that policymakers work to find a solution to those needs. The full CRC study can be found at crcmich.org. 

Rick Haglund is a freelance writer. You may contact him at 248.761.4594 or haglund.rick@gmail.com.



ELECTED OFFICIALS ACADEMY

Upcoming In-Person and Virtual Trainings

League educational events provide up-to-date information on major issues and concerns relating to local government.

Check out upcoming events below which can also be found on the League's event calendar mml.org/events

NEWLY ELECTED OFFICIALS OFFERINGS

- **Virtual**—Thursday, January 20, 2022
- **Virtual**—Saturday, January 22, 2022

CORE & ADVANCED WEEKENDER

- **Midland**—Friday & Saturday, February 11-12, 2022

Upcoming 2022 League Trainings—Save the Dates!

NORWAY

The Hydropower City



The City of Norway sits nestled in a wooded valley in Michigan's Upper Peninsula, just a stone's throw north of the mighty Menominee River that forms the border between Michigan and Wisconsin.

In this land abundant with forests, lakes, rivers and wildlife, Dickinson County, which includes Norway and Iron Mountain, was attractive to the Penn Iron Mining Company, which in 1906 dammed the nearby Sturgeon River to generate electricity for its operations in nearby Vulcan. The mine supplied the iron ore that helped build the modern United States, but by the end of World War II, Penn had seen its best days and ceased operations. In 1947 the company sold the Sturgeon Falls hydroelectric plant to the City of Norway. The hydro facility has been in continuous use by the city ever since.

Ray Anderson is Norway's City Manager, and a former President of the Michigan Municipal Electric Association (MMEA) Board of Directors. As a Norway native, and with a Civil Engineering degree and an MBA, he is uniquely qualified to manage the city's power supply.

"The Sturgeon Falls Hydroelectric Dam Project generates up to 6 megawatts," said Anderson. "In 2007 we took a step back and reconfigured the facility's design to improve operations and maximize its output. Those upgrades took four years to complete. The new design is a single opposed turbine unit where the old unit was double opposed. We went from two turbines per draft tube to one, and went from wet bearings to dry bearings, which means we can do maintenance without having to drain the pits."

Unfortunately, in 2015, power facility staff began hearing noises and discovered that excess water turbulence was causing the turbine blades to crack. "This led us to further evaluate our design and we decided to do an even deeper dive into how we could improve efficiency. Before 2007, the hydro facility was meeting 65 percent of the city's needs. Between the two rounds of improvements, we upped that by 20-30 percent."

A reasonable person might conclude that a dam supplying up to 95 percent of the city's electricity needs is good enough, but Anderson is not satisfied. To him, efficiency is the name of the game. "There's more to do. The draft tubes are not as efficient as they could be. The stop gates are all wood, so they need to be redone," he said. "When we evaluate what kinds of projects to do on the hydro facility, we have to consider how we can maximize every cubic foot of water. Over the past few years, the river's flow has been very good, but we only get what the river gives us. It's our responsibility to make the most of that."

Owning a dam is a complicated business because of licensing and regulatory requirements, but the City of Norway is making it work. "We're making money by using a renewable resource," said Anderson. "One of the things we've done is move our control room into a separate log cabin building that also serves as an education center. We want people to see how the dam fits into its surroundings. At the education center, we can discuss issues such as sustainability, water quality and invasive species. The river is our fuel supply, but it's also a natural resource. Someone from our county Conservation District said: You'll never love what you don't understand, and you'll never protect what you don't love."

“Norway has the rare distinction of being mostly energy independent, and almost completely supplied by clean, sustainable power.”

One of the best ways to respect and care for the city's hydro power resource is to use less of it. The Department of Power & Light offers customers opportunities to decrease their electricity bills by maximizing energy efficiency. Through Efficiency United, a collective of 15 Michigan energy providers, Norway can offer energy-saving resources, rebates, and solutions for residential, commercial, and industrial customers.



NORWAY
pop. 2,840


Sturgeon Falls hydroelectric plant.

WPPI Energy supplies the balance of Norway's power needs. "As a member of WPPI Energy, we have an all-requirements energy agreement which automatically buys or sells energy depending on the city's load. More often than not, our supply exceeds our demand," said Anderson. "WPPI benefits by having Norway's renewable energy in their portfolio. At the same time, the city benefits by receiving power from WPPI during times when the river's flow is reduced. It's a win-win situation." In addition to supplying almost all of its own electric power, Norway was one of the first communities in the nation to build its own cable television system. "We sit in a geographic bowl surrounded by iron ore deposits," said Anderson. "When television started in the early 1950's, people just couldn't get reception by installing their own antennae. At the request of the residents, the city installed a central tower on the local hillside and ran coaxial cable to homes."

The City of Norway Cable Department also provides telephone and internet services. The residential and commercial Internet packages offer a variety of speeds depending on whether you're a casual home user, an e-commerce enterprise, or a large business involved in global markets. "We have a hybrid fiber/coaxial system, and we can do direct fiber to businesses," said Anderson. "Up until 2001, we had dial-up and just like our early television issues, we had spotty cell coverage."

Our residents and our businesses were asking for something better. Now, we are a 1 gigabyte community. We formed a public/private partnership with Astraea Connect located in Iron Mountain Michigan. They maintain the broadband Internet equipment infrastructure and manage the technological changes so the system doesn't become obsolete over time."

Though it sits halfway between Marquette, Michigan and Green Bay, Wisconsin, the distances don't matter as much as they once did. Because of Norway's efforts, distance does not mean isolation. "The community decided to get together to build cable television, telephone, and Internet services along with our electric, public works, water, and wastewater departments. Surrounding communities joke that Norway's city hall is like 'the Kremlin,' because of the wide range of public services we offer."

Norway has the rare distinction of being mostly energy independent, and almost completely supplied by clean, sustainable power. This alone make it an important story to tell. Add the fact that this is a public power community, and Norway's success is something we can all share. 

Dennis Hicks is the editor of MMEA's Currents magazine. You may reach him at dennis.hicks@icloud.com.

This article is an edited version of a story that originally appeared in the April 2021 edition of Currents magazine, a publication of the Michigan Municipal Electric Association. For a free subscription, visit www.MMEAnet.org/Currents.

THE LAB REPORT

Ideas, initiatives, and activities from the League's Policy Research Labs

Four Ways Communities Can Prepare for More Extreme Flooding and Weather Events

By Matt A. Comben

We love our water here in Michigan. Whether it's sitting on a beach, relaxing with a fishing pole, floating on a pontoon boat, or kids running through a sprinkler, water is a part of who we are in the Great Lakes State.

Yet, over the past few years, Michiganders are experiencing more and more flooding and extreme water-related weather events. They're costing us homes, roads, a sense of security, and even lives.

Along with those climate shifts, the U.S. population nearly doubled over the past 50 years. With that growth comes demand for developed spaces. Put simply, paved land has a significant impact on water movement. Pavement—including buildings, parking lots, and roads—doesn't allow water to penetrate the earth.

What do you get when you combine excess precipitation with impervious surfaces? Floods.

Here are four ways communities can prepare for more extreme flooding and weather events by proactively planning for and managing precipitation:

1. Rethink storm sewers.

As parking lots are paved for new apartment complexes, big-box stores, and business districts, storm sewers must be built to accommodate growing volumes of rain. Existing infrastructure is showing us it's increasingly incapable of managing larger and more frequent weather events. Designing storm sewers to handle this accumulation is essential to safeguarding this new infrastructure.

A common first step for municipalities in rethinking storm sewers is conducting modeling and assessing current systems' risk of failure. When the City of Richfield, Minn. looked at its 116 miles of storm sewer pipes, it was able to see its most flood prone structures and evaluate the impact of flooding on development, as well as explore

flood-mitigation options. It was also able to combine failure likelihood and severity of consequences for each storm sewer to prioritize replacement or upgrades in the way most beneficial to the city and resident's safety.





Rain gardens are designed landscape sites that reduce the flow rate, total quantity, and pollutant load of runoff from impervious urban areas like roofs, driveways, walkways, parking lots, and compacted lawn areas

[1] Wikipedia Rain garden —Wikipedia

2. Create rain gardens and bioretention features.

As we look to Michigan's water management strategy, our ability to safely control water is crucial to protecting life and property. We can achieve these goals in ways that are beneficial to the environment. Municipalities throughout the Great Lakes region including Detroit, Ann Arbor, Grand Rapids, Milwaukee, and Minneapolis are using techniques such as bioretention features and rain gardens to help regulate water. Techniques like these can often be integrated into existing infrastructure construction projects with little additional cost and great benefits.

Bioretention is a technical term for a common concept: using landscaping to filter and manage stormwater runoff. The most well-known bioretention feature is rain gardens, gardens specifically designed and installed in such a way as to naturally remove pollutants and reduce flooding among a number of other benefits. While nearly anyone can use the theory behind bioretention features to better manage water and create more natural habitats, municipal and commercial level bioretention requires specific design considerations to address the most important municipal and commercial concerns surrounding stormwater management, including water quality, water quantity and supply, climate resiliency, and habitat.

3. Maintain commercial corridors and public spaces.

Creating rain gardens and bioretention features can be a step in the right direction toward flood prevention, but if they're not maintained, all that work was for nothing. To keep them functioning properly—and looking beautiful—it's crucial to stay on top of maintenance. Put a plan in place to pick up litter, clean out sediment, and repair any signs of erosion. Make sure the plants are thriving—give them a solid start to life with adequate food and water, and then keep them healthy by pulling any encroaching weeds and removing or replacing plants that die.

While maintenance is often thought of as a municipal or private-sector responsibility, residents are increasingly getting involved. In New Orleans, three large-scale, anti-flooding developments are underway. All are community-driven green infrastructure facilitated by

Water Wise Gulf South, an environmental outreach collaborative. *Next City* reported extensively on the projects and their most unique attributes: All of the projects are designed and built by local community members.


Michigan State University Extension also has a number of resources available to communities to take an educational twist on rain gardens: engage kids in the building and maintenance of them. Through a series of instructional articles, MSU Extension guides municipalities and individuals through how to engage youth in sustainable water management projects.

4. Encourage residents to keep their own properties in good shape.

Better and proactive water management practices lead to less flooding and pollution, and it can't be the responsibility of the public sector alone. On the individual level, homeowners can do their part to manage rainfall and flooding on the micro level. Keeping your gutters clean and free flowing, positioning your downspouts away from low-lying areas on your property and away from your foundation, and repairing roofs and sidewalks as needed will help mitigate water damage to your personal property.

For private-sector companies, stormwater management can be used as a means to minimize annual costs associated with a municipal stormwater utility. Perhaps more importantly, effective implementation of green infrastructure can be broadcast as a tangible commitment to the community because the public recognizes the importance of good water stewardship.

Homeowners, businesses, and municipalities can all promote and pursue grant and financing programs to help share the responsibility.

It is our collective responsibility to do our best to slow and eventually stop climate change and its impacts on our lives and livelihoods. Water management is a start, but in a state surrounded by and filled with water, it's a powerful start. 

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MICHIGAN MUNICIPAL LEAGUE HANDBOOKS

These handbooks are essential reading material for both new and veteran elected and appointed officials in cities, general law, and home rule villages.

Topics covered include:

- Structure and Function of Local Government in Michigan
- Roles and Responsibilities of Municipal Officials
- How to Select and Work with Consultants
- Running Meetings
- Personnel and Human Resources Issues
- Special Assessments and User Charges
- Planning and Zoning Basics

Numerous appendices include:

- Open Meetings Act
- Freedom of Information Act
- Sample Council Rules of Procedure
- A Glossary
- Frequently Asked Questions
- A Sample Budget Ordinance



Q. How do I get up to speed on my responsibilities and what I need to know as a new councilmember?

A. The Michigan Municipal League, as your local government association, has anticipated the areas of office that you need to familiarize yourself with. We have prepared educational tools for newly elected and appointed officials. We have scheduled NEO (newly elected officials) training; published a primer for officials that includes roles and responsibilities of office, meetings, local ordinances, finance, and much more; and dedicated a section of our website to resources for newly elected officials. Please sign up for a training session and visit our website for information. You can also contact our inquiry service at info@mml.org or call 1-800-653-2483.

Q. Are emails public records?

A. Email messages are public records if they are created or received as part of performing a public official's or employee's official duties. The Michigan Freedom of Information Act (FOIA) defines a public record as "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."

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

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

Q. Does all email have the same retention period?

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

Q. How do I find out what the retention period is for different emails?

A. General Retention Schedule #8 covers city and village records. You can find it on the League's website under Resources, then Records Management. Additionally, the State of Michigan's Records Management Services has created department-specific schedules for local governments. If a municipality maintains records that are not listed on General Retention Schedule #8 or any of the department-specific schedules, a specific schedule must be created to address the retention of those records before they can be destroyed. The state Records Management Services is available to advise municipalities about retention and disposal schedules and records management issues.

Additional information is available from the Records Management Services' website, www.michigan.gov/recordsmanagement/.

You may also want to refer to two of the League's Fact Sheets: Email and Record Retention; and Records Retention—Local Government Public Records. Both are available at www.mml.org.

Q. We would like to provide members of our boards and commissions with information/instructions on serving in the city. Do you have any samples or any guidelines?

A. We have several sample boards and commissions handbooks from member municipalities in our files. Please email info@mml.org to request these items.

Q. Do our boards and commission have to follow the Open Meetings Act?

A. Michigan's Open Meetings Act specifically addresses boards and commissions (and committees and subcommittees) in its definition of public bodies.

Definitions

"Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; (MCL 15.262)

Meetings, Decisions, and Deliberations of Public Body

All meetings of a public body shall be open to the public and shall be held in a place available to the general public. (MCL 15.263)

Q. When our neighboring municipality has a special meeting, the council is only permitted to discuss the agenda items listed in the public notice for the meeting. Our council does not follow the same rule. Aren't all municipalities supposed to do the same thing?

A. There is no state law requiring that special meeting discussions are limited to what is posted in the notice of the meeting. This is an area of local choice. Municipalities determine how they will handle items to be discussed in special meetings. Some cities and villages do have a rule (within their council rules of procedure) that they can only discuss the item(s) in the posted notice for a special meeting; others do not.

The League's Information Service provides member officials with answers to questions on a vast array of municipal topics. Call 800.653.2483 or email info@mml.org.

Elected Officials Academy A Lifeline for Municipal Leaders

By Margaret Mooney

The Elected Officials Academy (EOA) is a voluntary, continuing education program for elected officials who are currently serving in MML member communities. The program works to provide these individuals with valuable learning opportunities to help them remain knowledgeable on the issues impacting their communities. Ultimately, the EOA works to recognize local elected officials for their efforts and encourage them to become the most effective leaders they can be.

The EOA is a program designed with its participants in mind. Given that elected officials from MML member communities frequently participate in the League's education opportunities and programming, MML believes this is something they should receive recognition for. By attending both League and non-League events, such as conferences, workshops, and webinars, elected officials can earn EOA credits which count toward reaching the four levels of the program.

EOA Credit Levels

Each level of the EOA has its own set of credit requirements that fall into a series of categories: Conference, Elective, Advocacy, Core, and Leadership. By working through the levels and learning critical information in a variety of areas, elected officials gain not only further accreditation but also confidence in their ability to serve their communities. With opportunities to receive awards and recognition for completing the levels, the EOA strives to celebrate the work of its participants.

Governing Board

The EOA is also overseen by a group of committed officials who serve on the advisory board. Terms of service are three years, with a limit of two consecutive terms. To run for the president and vice president roles on the board, members must first complete at least two years of a three-year board term. President and vice president are appointed annually during the MML Convention.

Participant Endorsements

The following are EOA experiences from current and former Advisory Board members: Former Flint Councilmember and MML President Monica Galloway, describes her experience with the EOA as "refreshing, freeing, and something that brings [her] an extreme level of confidence." Upon Galloway's election in 2013, the Flint City Council was working under an emergency manager, which gave the council little authority. At that time, an order was put into place requiring the city's elected officials to complete Level One of the EOA. This order was also associated with an increase in salary, meaning that if councilmembers did not complete Level One within a year of the order, they would not receive a pay increase. Galloway had no governmental experience prior to her election in 2013, and while her EOA participation was initially because of this requirement, it quickly became much more. With the number of training opportunities the program provides, Galloway calls the EOA a "lifeline" for elected officials. She also describes the EOA community as a "safe haven" and network of "cheerleaders" who remind local






leaders that they are not alone, and recognize each other's efforts when things feel tough. At the 2021 MML Convention, the EOA Advisory Board elected its new president and vice president. The energy and excitement that came from the election was "contagious," according to Galloway. She says that the group is like matches: "striking and causing others to ignite and want to be involved."

This election named Raylon Leaks-May, mayor pro tempore of Ferndale, the new EOA Advisory Board President. Leaks-May echoes the same sentiment as Galloway, saying that "when you are blessed with great experiences and opportunities in your life, you have the responsibility to pass those blessings on to others." In her experience, being mentored by EOA staff "allowed [her] to adapt to the role of community leader and councilperson." Leaks-May also says that "as the newly elected EOA Board President, [she] plans to mentor other new elected officials, encourage them to take on leadership roles, and welcome them to the Michigan Municipal League, just as was done for [her]." The EOA Advisory Board also elected its new vice president, Dennis Hennen, at this time. Hennen is currently serving his second term on city council in Berkley. Regarding his election, he says "it is an honor to be named vice president of the EOA. [He] looks forward to helping spread the mission of educating elected leaders throughout the state." According to Hennen, "knowledge is the foundation of good decision making" and

the EOA program helps put a "framework around the things that [he] should be doing anyway." By participating in the EOA, elected officials can "stay on top of always changing issues, and push [themselves] out of their comfort zones into other areas that may need to be improved." As a program that aims to foster community, Cardi DeMonaco and Marty Colburn also speak to the networking benefits of the EOA. DeMonaco is currently serving his third term on city council in Eastpointe and believes that it is "not a one-person job." Further, he explains that "no one person can come up with every good idea for a community," making it important to have continued discussion about "what it means to be a 'good' elected official." Marty Colburn, city manager of Traverse City, agrees that the collaborative nature of the program is essential, saying that when participants "build working relationships with their peers, they can call upon each other as sounding boards." He also emphasizes the importance of making "informed and measured decisions," which are made possible through "training sessions that provide access to professionals and subject matter experts."

Further program details may be found on mml.org and in the Elected Officials Academy Handbook. 

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