



Annette Knowles

Thu, Aug
19, 7:33 PM

to John, me, Daryl

John,

Thank you for the virtual meeting this past Monday. As stated, as I was conducting the building/property inventory for the Stockbridge DDA, I discovered some discrepancies between the map and the roll. Some are easy fixes, but a couple are not. Note below.

33-42-16-27-476-011	954	S	CLINTON	ST	DL MCARTHUR ENTERPRISES
33-42-16-27-476-012	950	S	CLINTON	ST	FIRST BAPTIST CHURCH

The two above are not included on the DDA roll, but do appear on the map.

33-42-16-27-227-001	406	W	MAIN	ST	AVIANA SELF STORAGE, LLC
---------------------	-----	---	------	----	--------------------------

The above property is included on the roll, but its presence is in question.

33-42-16-27-203-001	555	W	MAIN	ST	MILLS DOUGLAS D
---------------------	-----	---	------	----	-----------------

This property was associated with a lot combination; one parcel within the DDA district, the other outside of the district.

33-42-16-27-226-015	400	W	MAIN	ST	MARHOFER JAMES P TRUST
---------------------	-----	---	------	----	------------------------

Again, a question of inclusion or not.

33-42-16-27-233-003	None	West	Main	Alley (connector between buildings)	
---------------------	------	------	------	-------------------------------------	--

This is public property with a value of zero; however, it should be identified as being in the district.

Please let me know if you need additional information; if I discover further discrepancies, I will pass them along, but I believe my initial review was thorough and complete.

Kindly,
Annette Knowles



**Ger
i
Uih
lein
n**

Sun, Aug 22,
7:41 PM

John does is give you everything you need in regards to the follow up from our conversation and the s



**Joh
n
Gor
mle
y**

Mon, Aug 23,
9:46 AM

Yes, I have notes and will respond, when I get a moment. John L. Gormley (P-53539) Gormley & John



John Gormley

Wed, Sep 8, 5:01
PM (12 days ago)

to Annette, Daryl, president@vosmi.org, Debbie, me

Annette and Geri:

Annette thanks for the follow up meeting. I think we need to address these potential conflicts between the TIF Map we are using and the Plan's list of included properties with a Plan Amendment to clarify. We are going to need someone to draft an updated TIF Map to clarify some of these issues.

My opinion is based upon a review of the September 9, 1991 TIF Plan Amendment Ordinance. That amendment has the notice in the paper attached to it with a map of the original DDA District attached thereto. It did not have a list of properties by tax id # that were included in the SDDA TIF District. Also, I have reviewed the 1995 Plan Amendment, which added the industrial park property. That amendment has not only an expanded TIF map, but a list of properties included within the plan by tax ID #. There appears to be some discrepancies between the current TIF Map that is on our Website and the list of properties included in the SDDA TIF District. I am not sure who created the very colorful map that is attached to the website with the yellow, but it is not a map from the actual original plan amendments.

These are the properties that Annette has located with discrepancies and my thoughts on an individual basis.

33-42-16-27-476-011	954	S	CLINTON	ST	DL MCARTHUR ENTERPRISES
33-42-16-27-476-012	950	S	CLINTON	ST	FIRST BAPTIST CHURCH

The two above are not included on the DDA roll, but do appear on the map.

As to 011, according to the Ingham County Tax Assessor, this parcel was created 10/9/2006, which means it was split from another larger parcel, which may have been in the plan originally. However, a review of the tax records seems to indicate it did not start paying taxes until 2013's winter taxes. The Website says it was sold from Contel of the South, Inc to GTE in 1996 and from GTE to DL Mcarthur in August 2014.

As to 012, it was sold directly from Contel of the South, Inc to First Baptist Church in 1996.

This leads me to the conclusion that the parcel was owned by Contel of the South when the plan was adopted in 1991. Looked up Contel of the South on a website and they were purchased by GTE and then GTE and Alltel traded properties (jurisdictions). So I think the reference in 1995 to Alltel Michigan for 27-475-009 is a reference to the parent parcel and it was split in 2013/2014 into two sub-parcels that we have above. Therefore, it should remain in the TIF District. 009 is specifically identified in the list of tax id # include in the 1995 plan.

Perhaps Debbie could confirm same through her resources. Assuming I am right, then Conclusion. The map is screwed up, as it somehow does not include 011 and 012. Solution is to have the TIF map re-drawn to include the entire 011 and 012 parcels and adopt a new map with a Plan Amendment.

33-42-16-27-227-001 406 W MAIN ST AVIANA SELF STORAGE, LLC

The above property is included on the roll, but its presence is in question.

I think we have the wrong property tax id here. This parcel # is a Village Parcel consisting of Lots 1, 2, 3 & 4, Block 4, Village of Stockbridge. I think the self-storage is the old nursing home property, which is 33-42-16-27-226-017. Which the 1991 map, the 1995 map, and the current map all show as not in the DDA District. The parcel is not on the list of tax id # included in the TIF District in 1996 either. I can locate no good reason why the SDDA should be capturing taxes on this parcel.

Assuming this is the old nursing home id 33-42-16-27-226-017. Solution is to stop capturing the money on same. Someone needs to notify the Township Assessor and the County Assessor of the property and get it fixed. Unless someone can locate additional information on it, because it appears to be the result of some split as its tax ID # is 017, which was likely issued after 014 was split into 015 (mason) and 016 (shell). So something happened to change its tax ID #, but absent a title search I cannot determine exactly what.

33-42-16-27-203-001 555 W MAIN ST MILLS DOUGLAS D

This property was associated with a lot combination; one parcel within the DDA district, the other outside of the district.

All three maps show the district going straight across behind the restaurant, but the parcel includes the two residential lots behind the restaurant. The parcel has no land division history, where the GTE property above shows a land division history in 1996. So I am thinking the parcel always contained the two additional parcels with it behind the restaurant and the map from its inception is incorrect. The parcel id # is specifically identified in the 1995 list of parcels in the TIF Plan.

Conclusion: The map is screwed up, as it somehow purports to split the 011 parcel in 1/2 to exclude the two residential properties behind the restaurant, which is not possible.

Solution is to have the TIF map re-drawn to include the entire 001 parcel and adopt a new map with a Plan Amendment.

33-42-16-27-226-015 400 W MAIN ST MARHOFER JAMES P TRUST

Again, a question of inclusion or not.

Brian Mason is mentioned as the owner of 226-014 in the 1995 plan list of Tax ID #s. Marhofer Trust now owns the Brian Mason Car Wash property now and I think Brian is buying it back on some sort of land contract, which is currently 226-015. 33-42-16-27-226-014 no longer exists as a property tax id #. Sales history for 015 only goes back to 1998, when Brian and his dad sold to Brian and his then wife, Pam.

226-016 appears to be cut out of 226-015, if you look at any map. 226-016 is the shell gas station. That is sold from NSX Corp to a subsidiary of Wakeland Oil (Shell) also in 1998. I am thinking both these buildings were 014 and split in 1998 into the Shell Building and the Mason Car Wash. I seem to recall that, as the laundry mat use to be in the Shell Building and was moved to the car wash.

Conclusion: The map is screwed up, as it somehow purports to split the 015 parcel in ½, which is not possible. Solution is to have the TIF map re-drawn to include the entire 015 parcel and adopt a new map with a Plan Amendment.

33-42-16-27-233-003 None West Main Alley (connector between buildings)

This is public property with a value of zero; however, it should be identified as being in the district.

All 3 different TIF maps appear to show this parcel in the TIF District. The list of Tax ID # listed the property as being in the TIF District and owned by the Village paying \$0.00 in taxes in 1995. For some reason, it is not listed as being part of DDA District on Tax Roll. Financially it makes no difference, as it is owned by the Village and pays no taxes. However,
Conclusion: Someone needs to notify the Township Assessor and the County Assessor of the property and get it fixed.

In my opinion, the next step is to confirm what I have deduced from reviewing old plan amendments, GIS records, and old tax information for Ingham County. The most likely thing is to have title searches done on these parcels to confirm the above theories that I have outlined. Assuming that I am correct, then we need to have someone re-draw the TIF Map overlaid on the assessing map and adopt it and a new list of the parcels tax ID # that includes everything in a new plan amendment that explains that this changes no properties in the TIF District but clears up a few points of difference between the list in 1995 and the map.

John L. Gormley (P-53539)
Gormley & Johnson Law Offices, PLC
101 East Grand River Ave.
Fowlerville, MI 48836
(517) 223-3758 (office)

(517) 223-8233 (fax)
(517) 719-7391 (cell)
e-mail: john@gormleylaw.net
web page: <http://www.gormleylawoffices.com>

Follow us on Facebook

**Member of the National
Association of Distinguished
Counsel**

**American Institute of Family
Law Attorneys**

**2020 Member American Association
Of Attorney Advocates – Top Ranking
Family Law Attorney**

Notices to Recipients:

1. Among the many other legal services we provide clients of the firm, we are a debt relief agency, helping people file bankruptcy under the United States Bankruptcy Code.
2. This electronic mail message is meant for only the intended recipient of the transmission, and it may be a privileged communication by law. If you receive this electronic mail message in error, any review, use, dissemination, distribution, or copying of this electronic mail message is strictly prohibited. Please notify user immediately of the error by returning electronic mail message and please delete this message from your system.
3. Neither the text, the typed name of the sender, nor anything else in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in the text of the message.
4. IRS mandated disclosure: If this e-mail or any attachment(s) involves tax advice that constitutes a "covered opinion" under IRS Circular 230 principles, then you may not rely on this advice to avoid potential imposition of penalties unless we expressly state that you may do so.

From: Annette Knowles [mailto:aknowles@stockbridgedda.org]

Sent: Thursday, August 19, 2021 7:33 PM

To: John Gormley <john@gormleylaw.onmicrosoft.com>

Cc: Geri Uihlein <guihlelein@stockbridgedda.org>; Daryl Anderson <danderson@stockbridgedda.org>

Subject: Building/Property Inventory - Follow Up Properties

John,

Ballacrairie Motorcycle Events

4340 Cooper Road, Stockbridge, MA 49285

517-851-7437 517-740-1606 mobile

May 1, 2022: All Clubs Ride 10 am to 3 pm

Downtown Stockbridge in Gazebo on Town Square.

Coffee and Donuts for 300, including sugar, creamer, cups and napkins. Mailing, ink, insurance, flyers, one porta-toilet.

Cost: \$700.

September 18, 2022: All Clubs Day Motorcycle Show 8 am to 5 pm

Preparation for show to include: paperwork for invitations, mailing, stamps, ink, envelopes, supplies such as zip ties for signage, art work, posters, advertising, 5 porta toilets and wash station, pens, & paperwork, exhibitors. I coordinate with the First Presbyterian Church on their breakfast, arranging Food Trucks for lunch and working with Chief Torres on parking and road safety. 300 Participants will show motorcycles on the square and expect 3,000 + spectators. Parking and street closing to be reviewed with Village of Stockbridge.

Cost: \$1,900.

Total Cost: \$2,600.00

Events Coordinator and Promoter:

Suzin Greenway suznort@juno.com



Bourree Dance & Performance Arts
PO Box 12 (119 W. Main St, St. C)
Stockbridge, MI 49285
517-851-8989
bourreedapa@gmail.com

My name is Christine Landis. I am writing on behalf of the Board of directors of Bourree Dance & Performance Arts. We are a 501© 3 Non Profit located downtown Stockbridge. It was brought to our attention that the DDA offers grant funding or assistance to downtown businesses. The dance studio has been in Stockbridge for over 20 years, serving the community first as Cheri's Dance Academy, then purchased by Jennifer Paton and turned into Jazzy Jen's. Five years ago, some of the teachers for Jen's chose to continue the studio as a nonprofit to better serve the community. This meant as long as there was interest in the community, we could continue to operate, modeling our programs to meet requests and community interest.

In the last 5 years, we have kept a competition team that wavery active in community events, performing at the Day in the Village, the Light Parade, Previous years at Sundaes with Santa, USO shows, multiple performances in town as well as travelling to multiple out of town competitions. We have a strong preschool and kindergarten program that trains our senior advanced level dancers to lead their own classes, while being overseen by our instructors. We have grown our adult programs to include multiple styles and even an adult competition team. We maintain a costume closet for families that cannot afford a costume for recital and a trade in area for gently used dance clothes and shoes that students have outgrown. We keep hygiene products and changes of dance clothes on hand so that we are prepared in even of an accident or need of change of clothing for students. We do the best we can to create a fun and inclusive learning environment with activities like movies, swimming trips in the summer, field trips to see professional shows and other activities outside the studio to help students and their families experience and grow.

In 2019/2020, the state mandate closures cost us over half of our students. Our enrollment from previous years dropped to less than half. Our budget was set for 75 students to keep our tuition as low as possible. (Our original goal was to gain enough corporate sponsorship that we would be able to offer classes tuition free.) When allowed to reopen, we were able to put together a shortened season with less than half of our normal enrollment. We finished the year with a strong recital, held outdoors at the bandshell in Williamston for the safety of all involved. Our end of year budget was \$8,000 short of our overhead. Luckily, we were able to secure a grant from the State of Michigan to cover damages due to the closure. Without this grant, we would have been forced to close last year.

Unfortunately, even though we have been allowed to return to normal this year, enticing families to come back has been difficult. Between those afraid to return due to the spread of the variants of Covid, those who have chosen not to return to public spaces yet, and the many families struggling financially that cannot afford to pay for extracurriculars, our enrollment continues to decline. We have been forced to reduce our class size, to keep from crowding our space, and incase size restrictions are put into place again this year. Due to these circumstances, our current enrollment is sitting at only 30 students.

Any assistance we could receive this year would be greatly appreciated and make a huge difference for us this year. Our total cost for operations for a season (September through June is between \$28,000 and \$30,000)

Season Operation Costs (September – June):

(COSTS COVERED DIRECTLY BY TUITION AND FUNDRAISING)

Rent:	\$550/ monthly	\$5500
Utilities:	\$100/ monthly	\$900
Software licenses:		\$300
Insurance/ Legal:		\$200
Physical supplies:		\$250 (cleaning supplies, toilet paper, hygiene goods)
Teacher's Pay:		\$9,900 (3 teachers, 16.5 hours/week @ \$15/hour)
Desk help:		\$1650 (Desk workers clean, monitor classes, and do clerical work for \$10/hr)

TOTAL COST OF RECREATIONAL PROGRAM : \$18,700

OTHER EXPENSES:

Competition Team expenses: (Total cost for Competition Team Program: \$5500)

(COSTS COVERED BY TEAM AND FUNDRAISERS. NOT PAID BY TUITION)

Choreographer's License Fee:	\$1000	(\$100 per piece created for the students to compete)
Competition Fees: \$50- \$75 per dancer/per dance number participating	Average: \$3000	(for 2 competitions)
Competition costumes: \$50- \$75 per dancer/ per dance number	Average: \$1500	(Used all season)

Advertising: \$400

Studio maintenance & repairs: \$1000 yearly (lights, floor repairs, waxes, treatments, paints, etc.)

Rentals/ Costs for performances:

Town Hall	\$100 (Christmas performance)
High School	\$75 (Team Show/ Student Showcase)
Recital Fees	\$2000 (Auditorium rental, advertising, printing, photographer)

Out of Studio experiences: Costs vary depending on opportunities and on studio fundraising.

From: Cherie Van Blaircum <cherie.vanblaircum@cts-tax.com>

Date: September 11, 2021 at 5:21:03 AM EDT

To: Geri Uihlein

<GeriUihlein@howardhanna.com>, susanpiddrealty@gmail.com, danderson@stockbridgedda.org, mybodyshops@gmail.com

Subject: Donation request 2022

CAUTION: This email originated from outside of the organization.

Good morning All,

It was not my intention to wait until the last minute to submit this request for next year's budget, so please accept my apologies for doing so.

For 2022 A Day in the Village (ADIV) we are requesting a small increase over last years donation, from \$7000 to \$7500. As some of you are aware, we are already planning next years event and have started discussions with WITL and Family Life radio for advertising. In addition to that we are tapping into Michigan FunFest extensive social media reach and their 25,000 subscribers. Because of these investments, we have increased our budget 50%.

We are working with the American Legion to bring a carnival to town during ADIV, while we are working on fireworks, a music festival and a beer tent for the other end of town.

Festival of Lights request will remain the same at \$2500. This is a more quieter community event and has become more inclusive with other groups sharing the work. For 2021, we have the PTO sponsoring the craft show at the high school, the Township with a Letter to Santa campaign, and the Lions club bringing Santa to town for those wonderful photo opportunities for the kids. The Chamber is bringing crafts for the kids to make, the Santa treat bags, parade prizes and the gingerbread contest.

Some have said that these are 'parties' and don't do much for the community, we feel that these are opportunities to showcase our beautiful area and wonderful people. This coming year we will be promoting this in a way that we haven't done in years, it is time that we started bragging again! When people come to our area from Lansing, Jackson or Ann Arbor, we want them to see a community that is unified in their passion for Stockbridge, Gregory and Munith. An area that has opportunity! Without these festivals, how would they know?

I hope we can count on your support for the coming year.

Warm Regards,
Cherie Van Blaircum
CTS-Tax, LLC
140 Main St
Gregory MI 48137
p 734.498.3476
f 734.553.6028

Aug 12, 2021

For the Stockbridge Downtown Development Authority 2022 budget year I kindly request \$800 for our annual Positively Chiropractic Be Fit 5k Fun Run. Benefits include multiple social media "thank-you" posts. The DDA logo in large on the back of the 5K shirt and a mile dedicated to the DDA with a logo yard sign denoting the mile and sponsorship on the 5K route. Thank you for your consideration.

Best Wishes,

Dr. Erin Clifton
Dr. Sarah Prater-Manor
& the Positively Chiropractic team



August 17, 2021

Open Air Market of Stockbridge,
PO Box 382,
Stockbridge, MI 49285

The Open Air Market would appreciate your consideration of a donation of \$1,000.00 for the use of paying the music licensing to BMI and ASCAP for our musicians at the 2022 Market Music series season.

Your recent donations towards our Market Music has brought new musicians to our community and during this Covid 19 time, live music has never been more appreciated by the audiences.

Thank you

Suzi Greenway,
Market Manager, Open Air Market of Stockbridge

Michigan Department of Treasury
Local Audit and Finance Division
4th Floor, Treasury Building
Lansing, Michigan 48922
Phone (517) 373-3227

Copyright © 2001-2004 State of Michigan

Determining Lawful Expenditures

This narrative is intended as a reference for local government officials, employees and governmental auditors of selected references to the Michigan Constitution of 1963, court decisions, opinions of the attorney general and Michigan statutes that address some of the questionable expenditures of local government. This narrative should not be considered a legal opinion of the statutes, court decisions or opinions of the attorney general. Please consult your legal advisor if a legal opinion is needed.

BASIC PREMISE OF LOCAL GOVERNMENT

Some of the basic guidelines and legal restrictions imposed on local governments are summarized in the following legal citations. This listing is not complete, but does highlight the basic restrictive authority granted to Michigan's local units of government.

CONSTITUTIONAL PROVISIONS--MICHIGAN CONSTITUTION OF 1963

(a) Each organized township shall be a body corporate with powers and immunities provided by law (Art. 7, Sec. 17).

(b) The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law (Art. 7, Sec. 21).

(c) Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section (Art. 7, Sec. 22).

(d) Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose (Art. 7, Sec. 26).

(e) Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law (Art. 7 Sec. 32)

(f) The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution (Art.7, Sec. 34).

(g) The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution (Art. 9, Sec. 18). (NOTE: The Supreme Court in the decision of Black Marsh Drainage District v. Rowe [1958], 350 Mich. 470, held that this provision applies to all political subdivisions of the state.)

(h) Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into (Art 11, Sec. 3).

PREMISE COURT DECISIONS

(a) Local governments have no inherent powers and possess only those limited powers which are expressly conferred upon them by the State Constitution or State statutes or which are necessarily implied therefrom (Hanselman v. Killeen [1984] 419 Mich. 168).

(b) A county is a municipal corporation and possesses only those powers which have been conferred upon it by the Constitution and the statutes (Mosier v. Bd. of Auditors 295 Mich. 27, 29).

(c) Local units of government derive their powers of taxation from the legislature and such power cannot be exercised except in pursuance of express statutory authority (City of Berkley v. Township of Royal Oak [1948] 320 Mich. 597).

OPINIONS OF THE ATTORNEY GENERAL

(a) Appropriation of township funds which is not expressly authorized or necessarily implied with express statutory powers is unlawful whether with or without a vote of the township electors (Opinion of the Attorney General, 1955-56, No. 1704, page 32). The general belief is that an illegal or unauthorized expenditure of governmental funds by any local governmental unit can not be changed to a legal or authorized expenditure by a vote of the electors.

(b) City funds may not be used for contributing to the expenses of private voluntary groups operating recreation facilities for children (Opinion of the Attorney General, 1957, No. 3066, page 476).

(c) Village has no authority to appropriate public funds for lighting a recreation field controlled by a veterans' organization even though the entertainment provided therein were free to the public (Opinion of the Attorney General, 1935-36, page 5).

(d) Since money can be raised by a township only for township purposes, township cannot pay part of the expenses of a county children's worker (Opinion of the Attorney General, 1947-48, No. 694, page 574).

(e) Appropriation of money by township for construction, improvement or maintenance of state trunk lines is ultra vires and such spending is misappropriation of funds (Opinion of the Attorney General, 1952-54, No. 1738, page 285).

These legal citations specify that a local government unit and the officials of local governments have only those duties specifically granted to them by the Michigan Constitution and statutes. If the action to be taken is not specifically authorized by the Constitution, a statute, court decision or legal opinion, that action can not be legally executed.

Provisions specified in a local unit's Charter or Ordinance, legally adopted by vote of the electorate or approved by the legislative body after publication, must be followed when those procedures are more restrictive than the general statute.

General Budget Provisions

Michigan Compiled Law (MCL) section 141.412 requires that a public hearing be held on the proposed budget prior to the legislative body formally adopting the budget. The time, date and location of the public hearing must be published at least six days prior to the hearing. Copies of the proposed budget must be available for public inspection from the date the notice of the public hearing is published and thereafter.

Specific budget procedures for charter townships are required by MCL 42.24 through 42.27. Charter township budgets must be adopted at least 60 days prior to the start of their fiscal year and after a public hearing notice published at least 7 days prior to the date of the public budget hearing. Cities and Villages may have Charter Provisions or Local Ordinances requiring specific budgetary procedures. The local procedures must be followed when they are more restrictive than the general statute.

MCL 141.421 et seq.--"Uniform Budgeting and Accounting Act"--requires a local unit to adopt a General Appropriation Act (approved budget) after a public hearing.

Expenditures can not exceed the amount authorized in the Appropriation Act unless the local Appropriation Act is amended. Expenditures can not be authorized unless that are provided for in the Appropriation Act.

Expenditures can not be authorized that exceed the amount appropriated or in excess of the available funds as that action creates a debt against the unit or deficit within the fund.

The Appropriation Act may include a narrative authorizing the fiscal officer to make transfers between activities, cost of personnel, capital outlay or other budgetary action authorized by the legislative body.

Authorized expenditures in excess of or contrary to the Appropriation Act (budget) can be recovered by civil proceedings brought by the Attorney General or prosecuting attorney (MCL 141.420).

Any budgetary procedure specified in a Charter or Ordinance of a local unit that is more restrictive than the general statute must be followed.

Paying Claims--vendor bills

CITIES (MCL 87.7) All claims against the city shall be filed with the clerk for adjustment, and after examination thereof, the clerk shall report the claims with all accompanying vouchers and counter claims of the city, and the true balance as found by the clerk, to the council for allowance, and when allowed shall draw the city warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made.

(MCL 88.20) The council shall audit and allow all accounts chargeable against the city but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation (city), or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged have been actually performed or the property delivered for the city, that the sums charged therefore are reasonable and just, and that no set-off exists, nor payment has been made on account thereof.

COUNTIES [MCL 46.11(q)] and (MCL 46.71) It shall be the duty of the county board of commissioners or county auditors to adjust, allow and authorize the payment of all claims against the county. Any claim not adjusted or ordered paid shall not be paid.

Exceptions (MCL 46.53) This section authorizes the county board of commissioners in counties with less than 75,000 population to provide by resolution for the appointment of a finance committee. When the statutory committee is appointed, the finance committee approves all claims.

Exceptions (MCL 46.63) This section authorizes the county board of commissioners in counties with not less than 75,000 population to provide by resolution for the appointment of a finance committee. When the statutory committee is appointed, the finance committee audits all claims. Approval for payment by the county board of commissioners after audit by the finance committee.

TOWNSHIPS (41.75) The township board shall approve claims against the township and authorize payment of allowed claims. Paid claims are filed and preserved by the township clerk. The treasurer shall pay claims upon order of the township board, signed by the clerk.

VILLAGES (MCL 65.7) Council to audit and allow all accounts chargeable against the village; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged have been actually performed or the property delivered for the village, that the sums charged therefore are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof.

NOTE: Some volunteer fire departments, parks departments and similar governmental functions performed by a group, committee or agency of a local unit are paying their claims without the prior approval of the legislative body, which is improper. Unless the agency (fire, parks etc) is a statutory authority with the authority to approve its own claims for payment, its claims must be approved by the legislative body. In some circumstances, we have found that the legislative body has turned a tax levy over to a volunteer group or department to expend as the department or group deem necessary, which is also improper. In most circumstances, the taxing authority is with the unit of government and the levy is to provide specified services. The local unit must establish a fund, prepare a budget and when appropriate, should contract with the department or group to provide the service for a specific dollar amount.

Special Statutory Expenditure Provisions

Advertising the Agricultural, Industrial, Commercial, Educational or Recreational Advantages of the State, County or Local Unit.

COUNTIES (MCL 46.161) by special tax levy or general fund appropriation

CITIES & VILLAGES (MCL 123.881) from a specific tax levy

TOWNSHIPS (MCL 41.110c) by appropriation

Places of Recreation, Parks.

COUNTIES (MCL 46.351) County board to appoint commission to operation parks and places or recreation. County commissioners set policy, approve budget, debt, tax levy.

(MCL 123.61 et seq.) To authorize county expenditures for parks, recreational facilities and airports to townships, cities and villages to operate and maintain. We recommend that they have a written contract or letter which specifies procedures, limits, financial reporting, audits, etc.

CITIES & VILLAGES (Constitution: Art. 7 Sec. 23) Any city or village may acquire, own, establish and maintain, within or without its corporate limit, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

(MCL 41.428) may appropriate to a township to acquire and operate free recreational facilities. Contributions to be made to the township park commission.

TOWNSHIPS (MCL 41.421 et seq.) Townships may establish a park commission to acquire, maintain, manage and control township parks and recreational facilities.

CITY, VILLAGE, COUNTY OR TOWNSHIP (MCL 123.51) may operate a system of public recreational facilities.

Armistice, Independence, Memorial Days, Diamond Jubilee or Centennial Celebrations

CITY, TOWNSHIP OR VILLAGE (MCL 123.861) may expend money for observances, under the control of the governmental unit, to celebrate armistice, independence, memorial days, diamond jubilee or centennials. These claims shall be paid in the same manner as other expenses of the unit.

Armistice Day

COUNTIES (MCL 46.11a) County board of commissioners are authorized to appropriate such sum as they deem fit for public celebration on Armistice Day, a matter the board may determine.

NOTE: It is improper for a unit of government to expend public money for an annual picnic, golden jubilee or other celebration that is not specifically authorized by law.

Community College Maintained by a School District

COUNTY, TOWNSHIP, OR OTHER GOVERNMENTAL UNIT (MCL 380.1607) by action of its governing body may contribute annually towards the support of a community college maintained by a school district.

Libraries

CITY, TOWNSHIP OR VILLAGE (MCL 397.201 et seq.) may establish and maintain a public library.

CITY may, without vote of the electorate, levy one mill for the library.

CITY, TOWNSHIP OR VILLAGE, after voter approval, may levy up to two mills to establish, operate and maintain a library.

COUNTY LIBRARY (MCL 397.301)

SCHOOL LIBRARIES-- Under boards of education (MCL 397.261 et seq.)

NOTE--Several other statutes may authorize contributions to established libraries for library services to its inhabitants or the consolidation of library services.

REGIONAL LIBRARIES (MCL 387.151 et seq.)
DISTRICT LIBRARIES (MCL 397.171 et seq.)
LIBRARY NETWORK ACT (MCL 397.131 et seq.)

Hospitals

COUNTY (MCL 331.151) May establish and operate a county hospital after vote of the electorate.

PROHIBITED from contributing to a private, nonprofit corporation operating a hospital. (AGO 4851 dated Nov. 4, 1974)

May contract for services (AGO 5083) with a private, nonprofit corp. to provide health or welfare services to persons who are the proper concern of the county pursuant to guidelines and where final authority to take discretionary action remains with the public body.

COUNTY, CITY, VILLAGE (MCL 331.1101) Municipal Health Facilities Corporations Act--County board, city or village council may incorporate 1 or more corporations under this act. NOTE A health care corporation established under this act is a discretely presented component unit of the incorporating unit.

Joint Municipal (Community) Hospitals--(MCL 331.1 et seq.) Two or more CITIES, TOWNSHIPS AND VILLAGES, or any combinations may incorporate a hospital authority to establish, expand and or operate a hospital or health care facilities.

TOWNSHIP (MCL 41.712) board may, by majority vote, pay from unexpended balances in its contingent fund to any hospital, a sum that fairly represents the reasonable share of the township in the maintenance and support of the hospital whose facilities are made available to the residents of the township at standard rates. However, the hospital and township board shall agree upon the number of residents of the township to which the hospital shall make facilities available during each year.

Historical Activities, Commissions, Districts

TOWNSHIPS (MCL 399.161) may appropriate money that the town board believes advances and fosters historical interests of the township.

CITIES, COUNTIES, TOWNSHIPS and VILLAGES (MCL 399.171) (Historical Commissions) may individually or jointly appropriate money to or by ordinance, create a commission to advance the historical interests of the unit or units.

CITY, COUNTY, TOWNSHIP or VILLAGE (MCL 399.201) may, by ordinance establish historical districts and a commission to preserve and refurbish historical structures.

Juvenile Delinquency--Curbing

CITY, COUNTY, TOWNSHIP, or VILLAGE (MCL 123.461) may levy taxes and appropriate funds for operating centers open exclusively to youths under 21 years of age and aimed at curbing juvenile delinquency within the community. May require a vote of electors.

Economic Development

COUNTY (MCL 125.1231) commissioners may create a county commission to promote economic development and provide in the county budget for the expenses of the commissions.

CITY, COUNTY, TOWNSHIP or VILLAGE (MCL 125.1601) may approve an application to incorporate an economic development corporation, file articles of incorporation and fund projects of said EDC, which are for a public benefit and as approved by the legislative bodies.

Installment Purchases

CITY, TOWNSHIP, or VILLAGE (MCL 123.721) may enter into a agreement with the contractor or vendor to purchase land, buildings or equipment for a period not to exceed 15 years or the life of the item purchased and pay installments. The liability for such purchases, exclusive of interest shall not exceed 1 and 1/4 percent of the units State Equalized Assessed Value. The purchases must be for a public purpose, within the unit's budgetary appropriations and without the prior approval of the Michigan Municipal Finance Commission. Otherwise a unit of government cannot borrow without the prior approval of the Municipal Finance Commission.

COUNTIES (MCL 46.11b) may purchase and pay in installments for a period not to exceed 10 years or the life of the item purchased. The liability shall not exceed 1/2 of 1 percent of the SEV. The county can not levy a tax to pay the principal or interest. Special provisions apply for a few purchases that can be extended for a period of not to exceed 15 years. (see statute)

ROAD COMMISSIONS (COUNTY) (MCL 224.10) may enter into a contract or agreement for the purchase of machines, tools, appliances and materials (excludes buildings and land) to be used for public purposes that are paid for in installments over a period not to exceed 5 years or the useful life of the property acquired, whichever is less.

Urban Cooperation Act

CITY, COUNTY, TOWNSHIP, CHARTER TOWNSHIP or VILLAGE (MCL 124.501) may exercise

jointly with any other public agency of the state, any other state, or public agency of the Dominion of Canada or the US Government, any power, privilege or authority which such agencies share in common and which each might exercise separately.

Intergovernmental Transfer of Functions and Responsibilities

CITY, VILLAGE, OTHER INCORPORATED POLITICAL SUBDIVISION, COUNTY, SCHOOL DISTRICT, COMMUNITY COLLEGE, INTERMEDIATE SCHOOL, TOWNSHIP, CHARTER TOWNSHIP, SPECIAL DISTRICT or AUTHORITY (MCL 124.531) Any two or more political subdivisions are authorized to enter into a contract with each other providing for the transfer of functions or responsibilities to one another or any combination thereof upon the consent of each political subdivision involved.

NOTE Several other specific statutes authorize the joint operations of sewer, water and other public functions by governmental units.

Tax Tribunal (SEV) Appeals

COUNTY and all SCHOOL BOARDS [211.44(3)] may contribute to the defense of tax tribunal issues defended by a local tax assessing unit to the extent that the cost of the appeal exceeds 1 percent of the administration fee available to the tax assessing unit.

Senior Citizens/Older Persons

CITY, COUNTY, TOWNSHIP or VILLAGE (MCL 400.571) authorizes a legislative body to appropriate funds to a public or private non-profit organization for the purpose of providing services to older persons 60 years or older. Appropriations to a private organization must be specified in a contract. The terms of the contract must be published within 10 days of its approval in a local newspaper specifying the terms of and services to be performed.

COFFEE/MEALS

The purchase of coffee, donuts and sandwiches first must be for a public, not an individual or private group or purpose. These expenditures for use at a regular or special meetings, for fire fighters, volunteer or full time employees, when working an extended period of time or when dedicating public buildings are normally considered expenditures for a public purpose.

Coffee and donuts for employees use during normal working hours is considered personal, not for a public purpose, and improper unless specifically provided for in a collective bargaining agreement or duly adopted employment policy of the governmental unit (fringe benefit).

RETIREMENT/RECOGNITION FUNCTIONS

Retirement functions, gifts or plaques for employees or officials, recognition dinners for volunteer fire fighters or ambulance staff are usually not for a public purpose, therefore not an allowable expense. Travel and meals as part of the cost of training volunteers to perform emergency services within the township are deemed a public purpose, payable as a expense when properly budgeted, authorized and approved.

A TOWNSHIP board may, by resolution, establish retirement, health, life and/or accident insurance benefits for township officials and employees. (MCL 41.110b) The board may provide that officials or employees pay a portion of the premium and deduct that cost by payroll deduction.

COUNTY RETIREMENT (MCL 46.12a) County commissioners may by resolution establish retirement systems.

ALL LOCAL UNITS (MCL 38.1501 et seq.)

LEGAL EXPENSES

A governmental unit is not authorized to expend public money to assist residents with legal cost in defending the home owners from possible civil action by a neighboring city to condemn their property for public use by the city. We are unable to see a "public purpose" for the township in this expenditure. Also this expenditure may be prohibited under the provisions of Article 9, Section 18 of the 1963 Michigan Constitution that prevents a governmental unit from lending its credit to the aid of any person, association or corporation, public or private, except as authorized in the Constitution.

OTHER LAWFUL EXPENDITURES

Contracts with public or private, profit or nonprofit organizations for a specific public service or benefit that the unit can legally perform and money

is available within the budgeted appropriations. These may include contracts for fire protection, ambulance service, assessing and tax collections, trash/rubbish collections, employee benefits, etc. Contracts should address financial reporting, auditing, review of records and related matters.

Membership dues to governmental associations as MTA, MML, MAC, and similar organizations that advise, inform and educate officials and employees. (See court decision Hayes v City of Kalamazoo, 316 Mich. 443).

Meals and refreshments during extended working hours for emergency services by firefighters, police officers and for authorized seminars of an educational nature to officials and employees.

Registration fee, lodging and travel for attendance at useful public informational or educational workshops and seminars.

UNLAWFUL EXPENDITURES BY A GOVERNMENTAL UNIT

Contributions or appropriations which are not specifically authorized by the Constitution or State Statute cannot be authorized regardless of the worthiness of the cause. Examples of such prohibited expenditures where there is no contract for specific services to lawful wards or functions of the local unit have been negotiated are as follows:

Contributions to churches, veterans, non-profit organizations.

Payment of funeral expenses for a person injured on government property.

Donations to a private ambulance or EMS service not under contract with the governmental unit.

Donations, including use of property or equipment to Little League, Scouts, Big Brothers/Sisters.

Donations to community organizations.

Expenses for private road construction or maintenance.

Office refreshments, picnics.

Gifts to officials and employees or retirement recognition events.

Flowers to the sick or departed.

Mileage of officials and employees to and from their residence to the city, township or village hall, county building or meeting rooms.

Per diem compensation to township supervisor, clerk and treasurer on a salary basis for attending township board meetings. (Check City and Village Charters for their compensation procedures or restrictions) Extra compensation for summer tax collections unless part of the initial salary resolution or authorized within statutory procedures for an increase in salary.

Extra compensation for special elections unless part of initial salary resolution or authorized under statutory procedures for an increase in salary.

The foregoing is not intended to be an exhaustive list of legal or illegal expenditures, but is an attempt to explain the most common questions and concerns raised on these issues.

We again advise that this information consists of a narrative addressing a few legal citations concerning governmental expenditures. It is intended for training purposes only and should not be considered a legal interpretation of the items presented. Please consult your legal advisor if a legal opinion is needed.

Personnel from our office are available to assist you.

Michigan Department of Treasury
Local Audit and Finance Division
4th Floor, Treasury Building
Lansing, Michigan 48922
Phone (517) 373-3227

Copyright © 2001-2004 State of Michigan

Municipal Expenditures

Q: What are the restrictions for municipalities regarding paying for public celebrations and events? Or giving money to the local Little League team?

A: There are very specific guidelines regarding local government expenditures. Appendix H of the *Audit Manual for Local Units of Government in Michigan* (revised February 2012) by the state's Department of Treasury is very helpful in explaining the restrictions. The complete document can be found at www.michigan.gov.

Here is an excerpt:

Planning the compliance portion of an audit Local units of government in Michigan are only allowed to incur expenditures for a valid public purpose. The local unit is the steward of public resources, and they may not be used for a private purpose. Determining whether an expenditure is for a valid public purpose is a legal consideration. Often the local unit's legal counsel can be helpful in making this determination.

There are numerous state statutes, court cases, and attorney general opinions that define allowable expenditures. As a guide, the following is a list of the more common types of questionable expenditures:

1. Charitable Donations to Nonprofit Organizations:

Unless the payment is in exchange for the provision of a governmental service that the local unit could have provided itself, this is not a valid public purpose. In general, such expenditures should be documented through a written agreement. This prohibition includes churches, veterans' organizations, community organizations, Little League, Boy Scouts, Big brothers/Big Sisters, etc.

2. Public Celebrations and Events:

MCL 123.851 specifically allows cities, villages, and townships to expend money for observances of Armistice (Veterans), Independence and Memorial Days, and Diamond Jubilee or Centennial celebrations. It is improper for a unit of government to expend public money for an annual picnic or other celebration that is not specifically authorized by law and does not serve a public purpose. The Michigan Supreme Court in *Wayne County v Hathcock*, 471 Mich 445; 684 NW2d 765 (2004), defined "public purpose" as having "for its objective the promotion of the public health, safety, morals, general

welfare, security, prosperity, and contentment of all the inhabitants or residents within the municipal corporation, the sovereign powers of which are used to promote such public purpose."

3. Providing Coffee, Food, etc.:

The purchase of coffee, food, etc., must be for a public, not an individual or private group or purpose. These expenditures for use at a regular or special meeting where the public is also participating in the coffee, food, etc., for firefighters, volunteer or full-time employees, when working an extended period of time or when dedicating public buildings are normally considered expenditures for a public purpose. Coffee, food, etc., for employees use during normal working hours is considered personal, not for a public purpose, and improper unless specifically provided for in a collective bargaining agreement or duly adopted employment policy of the governmental unit (fringe benefit). See the definition of "public purpose" above.

4. Retirement/Recognition Functions and Employee and Retiree Gifts:

Retirement functions, gifts or plaques for employees or officials, recognition dinners for volunteer firefighters or ambulance staff are usually not for a public purpose, therefore, not an allowable expense. Travel and meals as part of the cost of training volunteers to perform emergency services within the local unit are deemed a public purpose, payable as an expense when properly budgeted, authorized, and approved. See the definition of "public purpose" in item 2 above.

5. Flowers to the Sick or Departed:

Local governments do not have authority to expend money for floral gifts. (Attorney General Opinion Number 2346 dated July 18, 1956)

6. Training and Education:

Registration fees, lodging, travel, and meals while in attendance at useful public informational or educational workshops and seminars are appropriate.

The League's Information Service provides member officials with answers to questions on a vast array of municipal topics. Send your municipal inquiries to info@mml.org, or call 1-800-653-2483.

Village of Stockbridge DDA
Meeting 8/26/2021

Call to Order:

Present: Geri Uihlein, Molly Howlett, Judi Cook, Jon Filmore, Mellisa Powers-Taylor, Susan Pidd

Absent: Daryl Anderson, Stephanie Dunn

Pledge of Allegiance

Approve Agenda with Amendments:

Motion by Howlett Support by Pidd to approve the agenda as amended.

1. Howlett, Cook, Filmore, Powers-Taylor, Pidd, Uihlein

Approval of Agenda:

July 22, 2021 Minutes

Motion by Howlett Support Uihlein to approve July 22, 2021 minutes with appropriate spelling changes.

Approve: Cook, Filmore, Powers-Taylor, Pidd, Howlett, and Uihlein

Denied: None

August 11, 2021 Minutes

Motion by Howlett to Approve the minutes of August 11, 2021 with necessary corrections. 1) no zoom meeting, 2) Mellisa spelled wrong, 3) Judi spelled wrong, 4) under public comment next meeting should be next special meeting and not via zoom, 5) motion to adjourn not supported by Pidd but by Uihlein.

Approve: Filmore, Powers-Taylor, Pidd, Howlett, Cook, and Uihlein

Denied: None

Financials

Report from SDDA Treasurer Pidd on fund balances and checks we wrote.

Motion to approve the check register by Howlett and Second by Pidd, with provision that \$948 check No. 2235 be updated for next meeting.

Approve: Powers-Taylor, Pidd, Filmore, Howlette, Cook, and Uihlein.

Denied: None

Public Comment:

None.

Committee Reports:

- a. Michigan Main Street - Geri reported that Lee could not attend. Discussed expectations of the program.
- b. Design Committee
Banners
Stockbridge Downtown Beautification Projects
- c. Stockbridge Sidewalk Sales - this Saturday. This program has business' excited.
- d. Budget Committee - update by Uihlein

Unfinished Business:

- a. Progressive Pump Tracks - Welcome Dan Closser

Motion by Uihlein and supported by Howlett to move forward with hiring professionals Vessolutions for \$7000-\$10,000 contract to develop a concept plan for a pumps tract so that a spec/ bid proposal can be developed to include in a future SDDA Plan Amendment.

Approve: Powers-Taylor, Pidd, Filmore, Howlett, Cook, and Uihlein

Denied: None

- b. Status of Vacant Lot Transfer - will be included in next plan amendment

- c. Gaga Ball -Arts

Motion of Uihlein and support Cook to accept proposal for Gaga Ball for a SDDA support amount of \$500.00.

Approve: Pidd, Filmore, Howlett, Cook, and Uihlein

Denied: Powers -Taylor

- d. Alley Way Arts - interest from a boardmember of the Arts Council to do the alley way but maybe not the full board. That Board member will bring it to the full Arts Counsel.
- e. Fire Hydrants Updates - more than one and less than 20 (maybe 6) are done in the SDDA district. There is \$50,000 in our budget to get the work done
- f. Brochure - Total Local -

Motion by Uihlein, Second by Powers-Taylor to hire Total Local to do a re-cap of the retail market analysis as a tri-fold brochure for price not to exceed \$1,500.00

Approve: Powers-Taylor, Pidd, Filmore, Howlett, Cook, and Uihlein
Denied: None

- g. follow up on Social Media - Geri says the last special meeting was broadcast on U-Tube and got some comments.
- h. e-mails - DDA e-mail for Board Members discussed.

New Business

- a. PTO and Pole Barn Decorations

Motion to create banners to support the pole contest in the Village for Halloween by Uihlein and supported by Howlett.

Approve: Powers-Taylor, Pidd, Filmore, Howlett, Cook, and Uihlein
Denied: None

- b. Banners to Support Business

Was same as A, so ignore

- c. FLCO

Chad brought issue to the DDA powers to help bring the grocery store to Stockbridge. Organization driving the issue is Faith in Other Community Leaders.

- d. Rules of Procedure

Motion to Modify the Rules of Procedure to provide for public participation and a minority of the board members participating remotely, by Uihlein and support by Powers-Taylor.

Approve: Powers-Taylor, Pidd, Filmore, Howlett, Cook, and Uihlein
Denied: None

Public Comments

No public comment

Board Member Comments

Judi - working on her buildings facade. May have to do roof money and not sure she can afford it.

Next Meeting - Special Meeting on September 3, 2021 with Ann Knowls.

Adjourn:

Motion to Adjourn by Uihlein, second by Howlett.

Approve: Powers-Taylor, Pidd, Filmore, Howlett, Cook, and Uihlein

Denied: None

STOCKBRIDGE DOWNTOWN DEVELOPMENT AUTHORITY

RULES OF PROCEDURE (As Amended September 23, 2021)

DRAFT

A. MEETINGS

1. Regular Meetings

Regular meetings of the Stockbridge Downtown Development Authority (SDDA) Board will be established annually by Motion when the officers are elected in April. In the absence of a Motion to establish a different date for the regular monthly meeting, the regular monthly meetings shall continue to be held on the Fourth Thursday of each month beginning at 5:45 p.m. at Village Office, 305 W. Elizabeth St., Conference Room 112, Stockbridge, Michigan or other location that the Village Council may in the future designate as its office, unless otherwise rescheduled by resolution or motion of the Board. A majority of the board (Five (5) members) may vote at any time to change the regular monthly meeting date.

2. Special Meetings

A Special Meeting shall be called by the Board Secretary upon request of the SDDA Chair, or any Five (5) members of the Board, at least 18 hours prior using SDDA e-mail accounts notice to each member of the Board and posting in compliance with the Open Meetings Act and the Re-Codified Tax Increment Finance Act, both by Village Clerk, and notices shall state the purpose of the meeting. No official action shall be transacted at any Special Meeting of the Board unless the item has been stated in the notice of such meeting.

4. SDDA Workshops

The SDDA Board may schedule Board workshops to discuss the annual Budget and other topics of concern. The Board will use the Workshop as a platform for in-depth discussions and planning. No motions shall be made, or votes taken at a Workshop. Any recommendations that come from a Workshop shall be debated and voted upon in a Regular or Special Board Meeting. All Workshops shall be posted in accordance with the Open Meetings Act.

5. Standing Committees

Standing Committees are appointed by the SDDA Chair and may be changed at any time by the SDDA Chair.

The Standing Committees are:

Facade
Finance
Events
Business Recruitment
State Compliance

DRAFT

Standing Committees discuss, investigate, and make recommendations to the full Board on areas of concern, operations, and any other topic within the purview of the Committee. Issues and topics may be referred to the appropriate Committee by the full Board or the Chair. Each Committee may also decide on its own to examine any topic or topics within its charge. No motions shall be made or vote taken at a Standing Committee meeting except to approve meeting minutes, make recommendations to the full Board, or adjourn. Any recommendations that come from a Standing Committee meeting shall be voted on by the full Board at a Regular or Special Board Meeting. All Standing Committee meetings shall be posted in accordance with the Open Meeting Act.

The Chairman of a Standing Committee shall be appointed by the SDDA Chair at the same meeting the Committees are appointed. In the absence of the Committee Chairman the most senior member of the Board present will preside at the meeting. Agendas of Standing Committee meetings shall include the following order of business:

- a. Meeting Called to Order
- b. Roll Call
- c. Pledge of Allegiance
- d. Public Comment
- e. Business Before the Committee
- f. Public Comment
- g. Adjourn

Public Comment during Standing Committee meetings shall be conducted in the same manner as Regular and Special Board Meetings.

The SDDA Recording Secretary, or a person designated from the committee, shall take minutes and make available for Board review at the next regularly scheduled Board Meeting.

6. Posting requirements for Regular and Special Meetings

For a regular, rescheduled Regular, Special Meeting of the Board, and Committee meeting, a public notice stating the date, time and place and agenda of the meeting shall be posted at least 18 hours before the meeting at the Village Office and on the website

7. Minutes of Regular and Special Meetings

The Recording Secretary / Village Clerk shall attend the Board Meetings and record all the proceedings and resolutions of the Board in accordance with the Open Meetings Act. In the absence of the Recording Secretary, the Secretary of the SDDA, or in his/her absence, the Board may appoint one of its own members or another person to temporarily perform the Recording Secretary's duties.

Within 8 business days of a Board Meeting, proposed minutes showing the substance of each separate decision of the Board shall be prepared by the Recording Secretary or other designated individual, and shall indicate the vote of the Board members. The SDDA Board shall approve the proposed minutes at the next regular meeting. The approved minutes shall be available to the public for inspection within 5 business days of the date of approval. In addition, the approved minutes shall be posted on the SDDA's website within 5 days of approval.

A copy of the proposed and approved minutes of each Regular or Special Board Meeting shall be available for public inspection at the Village Office during regular business hours, in accordance with the above schedule

B. ELECTION OF OFFICERS

The Officers of the Board shall be elected annually in April of each year. However, at anytime during the course of their elective office, a majority of the possible membership of the Board (9 members possible, thus 5 members) may vote to replace an Officer of the Board for the remainder of that Officer's term, with or without cause.

The Officers of the SDDA shall consist of the Chair, Vice-Chair, Treasurer, and Secretary, all of whom shall be SDDA Board members

The SDDA Chair and Treasurer shall have the right to request the Village Treasurer run any reports and/or be provide any invoices, audit, bank statements, or cancelled checks for review of SDDA financial activity on reasonable notice. Additionally, the SDDA Treasurer shall be able to view the SDDA Account on the Village BSA Software using the SDDA Computer, but not have access to change or modify same. Finally, the SDDA Treasurer shall not have direct access to SDDA bank funds, outside of the SDDA Purchasing Policy and/or Credit Card Policy. As such, the SDDA Treasurer need not be bonded to serve in this role. No other SDDA Officers shall have the above access.

C. CONDUCT OF MEETINGS

1. Meetings to be public

All Regular and Special Meetings of the Board shall be open to the public, and citizens shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Board may determine, except that the meeting may be closed to the public and the media in accordance with the Open Meetings Act.

2. Agenda Preparation

An agenda for each Board Meeting shall be prepared by the Chair with the assistance of the SDDA Secretary and /or Village Clerk (Board members and Committees can add agenda items by notifying the Chair at least fifteen (15) days ahead of the meeting) with the following order of business:

- a. Meeting Called to Order
- b. Roll Call
- c. Pledge of Allegiance
- d. Approval of Agenda
- e. Approval of Minutes
- f. Financial/Treasurer's Report
- h. Committee Reports
- i. Public Comment
- j. Correspondence
- k. Council Meeting Report
- l. Executive Director Report (if the office is filled)
- m. Unfinished Business
- n. New Business
- o. Public Comment
- p. SDDA Board Member Comment
- q. SDDA attorney
- r. Adjourn

Agendas of Special Meetings shall include the following order of business:

- a. Meeting Called to Order
- b. Roll Call
- c. Pledge of Allegiance
- c. Public Comment
- d. Business before the Board (must be on the posting)
- e. Adjourn

Posted Agendas for Special Meetings cannot be altered less than 18 hours before the meeting.

Posted notices for Regular and Special Meetings shall comply with the Open Meetings Act.

3. Quorum

A simple majority of the members of the Board of Directors of the Downtown Development Authority, who are appointed and currently serving, shall constitute a quorum. In no case shall quorum drop below Five (5) members.

In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date with appropriate public notice.

4. Attendance at Board Meetings

Appointment to the SDDA is a privilege freely sought. It carries with it the responsibility to participate in Board activities and represent the residents of the Village. Attendance at Board Meetings is critical to fulfilling this responsibility. The Board may excuse absences for cause. If a Board member has more than three unexcused absences for Regular or Special Board Meetings, the Board may enact a Resolution of Reprimand. In the event that a member's absence continues, the Board may enact a Resolution of Censure, or refer the matter to the Village Council, or both.

REMOTE ATTENDANCE FOR MEMBERS OF THE SDDA BOARD: A SDDA Board members may be connected to and participate in a regular or special SDDA meeting only remotely under the following conditions:

- a. The SDDA Board member requesting to participate remotely must submit to the Chairperson his or her request in writing at least 24 hours in advance of the meeting stating the reason for the request.
- b. The SDDA Chair must insure that a quorum of the SDDA Board is attending the meeting in person, before determining whether to granting the SDDA Board Member's request to attend remotely.
- c. The SDDA Chair attending remotely shall attend via a video conference service that:
 - a. Permits remote connectivity that is sufficient and will not interferes with the progress of the meeting;
 - b. The SDDA members attending the meeting in person and the public can see and hear the SDDA Member whom is attending remotely;
 - c. The SDDA member attending remotely can hear each individual SDDA member via a microphone at his or her desk and can see the entire SDDA Board meeting via at least one camera.
 - d. The SDDA member attending remotely can hear and see members of the public attending the SDDA meeting in person via a microphone at the podium from which the public speaks and at least one camera positioned to collect the image of the member of the public speaking at the meeting from the podium.

- e. All votes of the SDDA Board where a member is attending remotely, shall be by roll call.
- f. The SDDA Board Member attending remotely shall identify from where he or she is attending, when the initial roll of the meeting is take or upon first appearing in the meeting remotely, if that occurs after the roll is taken.
- d. The SDDA shall count the vote of the SDDA Board member attending remotely in any proceeding and the minute so the meeting shall reflect that the SDDA Board Member attended remotely in accordance with these Rules of Procedure.
- e. A video of any SDDA meeting where an SDDA member attends remotely shall be recorded on the video conferencing technology and preserved in accordance with all other public records per the Village Record Retention Policy.

5. Presiding Officer

The presiding Officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The Chair is ordinarily the presiding Officer. The Board shall elect one of its members Vice-Chair, who shall preside in the absence of the Chair. In the absence of both the Chair and Vice-Chair, the member who has the longest consecutive service on the Board shall preside.

6. Disorderly Conduct

The Chair may call to order any Board Member or Public person who is being disorderly, by speaking out of order, in a manner that is not respectful, disrupting the proceedings, failing to be germane, speaking longer than the allotted time, talking in the audience, or speaking vulgarities. Such Person(s) shall be seated and remain quiet until the Chair determines whether the person is in order.

If the person engaged in presentation is called out of order, he or she shall not be permitted to continue to speak at the same meeting, except by special leave of the Board. If the person shall continue to be disorderly and disrupt the meeting, the Chair may order the Sergeant at Arms to remove the person from the meeting for breaching the peace or if that person is attending remotely, disconnect that person from the video conference function. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

7. Approval of Agenda

Any member of the board may make a motion to amend, add to, or delete from, the agenda of a regularly scheduled meeting, and prior to approving the agenda. The agenda of a Special Meeting may not have anything added thereto, unless done in accordance with the posting requirements of the Open Meeting Act.

D. CLOSED MEETING

1. Purpose

A closed meeting may be held only for the reasons authorized in the Open Meetings Act, Which are the following:

- a. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent when the named person requests a closed meeting.
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- c. To consider the purchase of a lease of real property up to the time an option to purchase or lease that real property is obtained.
- d. To consult with the SDDA Attorney or another Attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Board.
- e. To review the specific contents of an application for employment or appointment to a public office when a candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting.

To consider material exempt from discussion or disclosure by state or federal statute (including the confidential written legal opinion of the SDDA Attorney).

2. Calling Closed Meeting

At a regular or special meeting, the board members, by a two-thirds (2/3) roll call vote, may call a closed session under the conditions outlined in Section 15.267 of the Open Meetings Act. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

3. Minutes of Closed Meetings

A separate set of minutes shall be taken by the recording secretary, or the designated secretary of the Board, at the closed session. These minutes will be retained by the Village Office, shall not be available to the public, and shall only be disclosed if required by civil action, as authorized by the Michigan Open Meetings Act. These minutes shall be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved. Closed session meetings shall not be taped by anyone.

E. DISCUSSION AND VOTING

1. Duty to vote

Appointment to a deliberative body carries with it the obligation to vote. Board members present at the Board meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. A Board member who is present and abstains or does not respond to a roll call vote shall be counted as voting with the side approving the motion and shall be so recorded, unless otherwise excused or by an approved conflict of interest.

Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the SDDA Attorney shall be binding on the Board with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the SDDA Attorney.

The right to vote is limited to the members of the Board present at the time the vote is taken. Voting by proxy, telephone, or electronic mail is not permitted, except as provided above for REMOTE ATTENDANCE, under Section (C) (4) Attendance at Board Meetings.

2. Results of Voting

In all cases where a vote is taken, the Chair shall declare the result. It shall be in order for any Board member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Council. When a motion to reconsider fails, it cannot be renewed.

F. CITIZEN PARTICIPATION

1. General

Each Regular Board Meeting agenda shall provide for reserved time for audience participation.

If requested by a member of the Board, the presiding officer (Chair) shall have discretion to allow a member of the audience to speak at times other than reserved time for audience participation and allow for Board members to address audience concern

REMOTE ATTENDANCE FOR MEMBERS OF THE PUBLIC: A member of the Public, including a presenter or special guest, may be connected to and participate in a regular or special SDDA meeting only remotely under the following conditions:

- a. The member of the public attending remotely shall attend via a video conference service chosen by the SDDA that:
 - i. Permits remote connectivity that is sufficient and will not interfere with the progress of the meeting;
 - ii. The members attending the meeting in person and the public can see and hear the SDDA Member whom is attending remotely;

- iii. The member of the public attending remotely can hear each individual SDDA member via a microphone at his or her desk and can see the entire SDDA Board meeting via at least one camera.
- iv. The member of the public attending remotely can hear and see other members of the public attending the SDDA meeting in person via a microphone at the podium from which the public speaks and at least one camera positioned to collect the image of the member of the public speaking at the meeting from the podium.
- iiiv. The member of the public attending remotely shall identify themselves by name only, before speaking.
- iiiv. If the SDDA notes individual members of the public's comments in its meeting minutes, then the minute of the meeting shall reflect that the member of the public attended remotely in accordance with these Rules of Procedure.
- ix. If the public is going to be permitted to attend a meeting remotely, then the link for the remote meeting shall be published along with the meeting agenda and posted on the SDDA website.

- b. A video of any SDDA meeting where an SDDA member attends remotely shall be recorded on the video conferencing technology and preserved in accordance with all other public records per the Village Record Retention Policy.

2. Length of Presentation

Any person who addresses the Board during a Board meeting shall be limited to three (3) minutes in length per individual presentation. The time period will include Board response, if any. Persons may not give unused time to persons out of time. Organizations or groups who make presentations to the Board concerning agenda items have twenty (20) minutes to make their presentation. This twenty (20) minute time period includes Board discussion.

3. Addressing the Board

During Public Comment the Chair will ask if anyone wishes to make public comment and will then call upon individuals one at a time. When a person addresses the Board, he or she shall stand at the podium and state his or her name and home address. Remarks should be addressed to the Board in a courteous tone.

G. MISCELLANEOUS

1. Adoption and amendment of Rules of Procedure

The Board may alter or amend its rules at any time by a vote of a majority of its members and provided the changes are approved by the Village Council.

09/13/2021

DRAFT

Adopted December 4, 2002
Amended August 21, 2003
Amended February 28, 2006
Amended March 16, 2006
Amended January 26, 2009
Amended April 16, 2009
Amended October 13, 2010
Amended February 27, 2020

Geri:

Attached are draft Rules of Procedures. I changed Paragraphs (A) (1), (C) (4), and (F) (1) to permit a minority of SDDA members or a member of public to participate the meeting via electronic means. This is a draft document not necessary intended to be a finished product. I would like you to review it and we can discuss before we present it to the Board.

I envision this process working by the meeting chambers having a video camera facing the council from the public seating area and microphones at each member's seat to capture what they are saying along with a microphone at the public podium. Then, we need a camera facing the public speaking podium. Next, we need a monitor or two showing: 1) the council present at the table, 2) each board member and each member of the public on line and 3) the podium. Finally, we will need a computer to control all of this and someone to administer the "zoom" meeting aspect of this process. All of this is at a cost to SDDA to purchase and install the necessary equipment.

Finally, there is some debate whether or not the vote of a member participating on line counts. Since the majority of the SDDA would be required to appear in person under these draft minutes, it normally will not matter. The only time where I can recall a super-majority of the SDDA being required to vote is when the SDDA goes into closed session, which requires a 2/3 vote. I have not yet determined how to address that issue. I personally am not convinced that an on-line vote does not count. I have to do some more research on this issue.

Talk soon.

John L. Gormley (P-53539)
Gormley & Johnson Law Offices, PLC
101 East Grand River Ave.
Fowlerville, MI 48836
(517) 223-3758 (office)
(517) 223-8233 (fax)
(517) 719-7391 (cell)
e-mail: john@gormleylaw.net
web page: <http://www.gormleylawoffices.com>