Village of Mackinaw City

102 South Huron Avenue, P.O. Box 580, Mackinaw City, Michigan 49701
Telephone: (231) 436-5351 Fax: (231) 436-4166
www.mackinawcity.org *village@mackinawcity.org*

VILLAGE OF MACKINAW CITY
COUNCIL AGENDA
JULY 17, 2014 - 7:00 P.M.
VILLAGE HALL

I. CALL TO ORDER/TAKING OF ROLL/PLEDGE OF ALLEGIANCE

II. PRESENTATIONS AND RECOGNITIONS
A. Huron Shores Blueways Water Trail – Rick Deuell, NEMCOG

III. APPROVAL OF AGENDA - addition VII. D.

IV. COUNCIL MINUTES
A. Approval of the regular minutes for July 1, 2014 and special minutes for July 9, 2014

V. PUBLIC COMMENTS
Citizens wanting to address the Council can do so at this time. Persons addressing the Council are requested to give their name and address for the record when called on by the President.

VI. PUBLIC HEARING AND SUBSEQUENT COUNCIL ACTION
Communications added

VII. BUSINESS REPORTS AND RECOMMENDATIONS
A. Headlee Override **[Discussion/Action Item]**
B. Police and Fire Protection Act 33 of 1951 **[Discussion/Action Item]**
C. Intergovernmental Fire Protection Agreement **[Action Item]**
D. Scheduling Committee of the Whole

VIII. ACCOUNTS PAYABLE
A. Accounts Payable for July 17, 2014 $123,743.90 **[Action Item]**

IX. COMMITTEE/DEPARTMENT REPORTS
A. Council Committee(s) Ord & Policy Com. Reports (2)
Trustee Paul Michalak

X. CLOSED SESSION AND SUBSEQUENT COUNCIL ACTION

XI. ADJOURNMENT

UNAPPROVED

MINUTES REGULAR COUNCIL MEETING
MACKINAW CITY

7:00 P.M. **July 01, 2014**

I. CALL TO ORDER/TAKING OF ROLL/PLEDGE OF ALLEGIANCE

President Jeff Hingston called the meeting to order and with the following Trustees present – Robert Glenn, Matt Yoder, Belinda Mollen, Sandy Planisek Richard Perlick, and Paul Michalak. Also present, Villager Manager Adam Smith, Treasurer Patricia Peppler, and Clerk Lana Jaggi.

Department Heads Present:
Chief Patrick Wyman-Police
Patrick Rivera-Water Sewer Superintendent
Mike Karll- DPW Superintendent
Dave Paquet- Rec/Marina
Fred Thompson, Jr.-Ambulance/Fire/Zoning Administrator

Visitors – List Attached.

Pledge of Allegiance

II PRESENTATIONS AND RECOGNITIONS

III. APPROVAL OF AGENDA

Motion Planisek seconded Glenn to approve the agenda as presented. Voice vote – motion carried unanimously.

IV. COUNCIL MINUTES

A. Motion Glenn seconded Yoder to approve the regular meeting minutes of June 19, 2014 as presented with corrected spelling of Planisek. Voice vote-motion carried unanimously.

V. PUBLIC COMMENTS Agenda or Non Agenda

Dick Moehl-Resident
Ron Wallin-Resident

VI. PUBLIC HEARING AND SUBSEQUENT ACTION

VII. BUSINESS REPORTS AND RECOMMENDATIONS

A. Special Event Application 2014-SE-003 Amendment Fort Mich. Pageant Inc.
Motion Planisek seconded Mollen to approve the special event application 2014-SE-003 amendment from Fort Michilimackinac Pageant Inc.Voice vote-motion carried unanimously.

B. Special Event Application 2014-SE-011 Amendment Mackinaw Area Historical Society
Motion Planisek seconded Mollen to approve the special event application 2014-SE-011 amendment from Mackinaw Area Historical Society with stipulation Marina Harbormaster determines location of raffle set up on marina lawn. Voice vote-motion carried unanimously.
C. Special Event Application 2014-SE-059 MI Assoc. for Suicide Prevention
Motion Perlick seconded Glenn to approve the special event application 2014-SE-059 from MI Assoc. for Suicide Prevention for Labor Day 2014 as presented. (Fee $150.00 per day) Voice vote-motion carried unanimously.
D. Special Event Application 2014-SE-057 Mackinaw City Farmers Market
Motion Glenn seconded Planisek to approve the special event application 2014-SE-057 from Mackinaw City Farmers Market as presented. (Fee-$300.00 per day) Roll Call: Ayes-Glenn, Yoder, Mollen, Hingston, Planisek, Perlick, Michalak. Motion carried.
E. Site Plan Review-2014-SP-001 Mackinaw Lakeshore Development
Motion Planisek seconded Glenn to postpone site plan review of 2014-SP-001 from Mackinaw Lakeshore Development until site plan is sent to professional engineer for review and Council has opportunity to review Planning Commission Approved Minutes. Voice vote-motion carried unanimously.
F. Site Plan Review-2014-SP-005 ENJO Properties Inc.
Motion Planisek seconded Glenn to postpone site plan review of 2014-SP-005 from ENJO Properties until site plan is sent to professional engineer for review and Council has opportunity to review Planning Commission Approved Minutes. Voice vote-motion carried unanimously.
F. Headlee Override
Motion Hingston seconded Mollen to instruct staff to move forward with draft ballot language and education components of a Headlee Override initiative. Voice vote-motion carried unanimously.
G. Police and Fire Protection Act 33 of 1951
Motion Mollen seconded Planisek to instruct staff to draft ballot language for Police and Fire Protection Act 33 of 1951 for Council review at the upcoming Special Council Meeting. Voice vote-motion carried unanimously.

VII. Motion Planisek seconded Glenn to approve the accounts payable for July 01, 2014 in the amount of $135,278.40 Voice vote-motion carried unanimously.

IX. COMMITTEE/DEPARTMENT REPORTS
Department Head Reports were received and placed of file.

X. CLOSED SESSION AND SUBSEQUENT COUNCIL ACTION

XI. ADJOURNMENT: 8:20 PM

Respectfully Submitted; Jeff Hingston, President Lana Jaggi, Clerk

UNAPPROVED

MINUTES SPECIAL COUNCIL MEETING
MACKINAW CITY

5:00 P.M. **July 09, 2014**

I. CALL TO ORDER/TAKING OF ROLL/PLEDGE OF ALLEGIANCE

President Jeff Hingston called the meeting to order and with the following Trustees present – Robert Glenn, Matt Yoder Belinda Mollen, Sandy Planisek, Richard Perlick, and Paul Michalak. Also present, Manager Adam Smith, Chief of Police Patrick Wyman, Fire Chief Fred Thompson, Jr., and Clerk Lana Jaggi.

Pledge of Allegiance

II PUBLIC COMMENTS

Ron Wallin-Resident

III. BUSINESS REPORTS AND RECOMMENDATIONS

A. Public Act 33 of 1951

Motion Hingston seconded Mollen move to pursue Public Act 33 of 1951 in support of police and fire protection, tentatively designating the entire municipality as the boundries of the special assessment district and estimating the costs to be assessed at 275,000;$184,000 for police, $91,000 for fire. Ayes-6 Absent-Trustee Glenn was excused at 6:48 PM. Motion carried.

XI. ADJOURNMENT: 7:02 PM

Respectfully submitted;

Jeff Hingston; President

Lana Jaggi; Clerk

Village of Mackinaw City

102 South Huron Avenue, P.O. Box 580, Mackinaw City, Michigan 49701
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July 15, 2014

Family of Mr. Carl Little
709 Blackwell Avenue
Gladstone, Michigan 49837-2230

Dear Family of Mr. Little:

On behalf of myself, the Village of Mackinaw City, and the Mackinaw City Fire Department, please accept our sincerest condolences for the loss of Mr. Little. I would like to apologize for the bill that you recently received involving this tragedy. It was sent to you directly by mistake. The bill should have been mailed directly to the insurance company. I assure you that we have taken steps to avoid this situation in the future.

Under state law, many municipalities across the state provide for the recovery of costs associated with emergency response services. The purpose is to defray some costs incurred in providing emergency response services and is not intended to provide complete reimbursement of services. Such emergency response costs are charged against the owner/operator/person in which the emergency response is directed. Service charges should be submitted directly to the insurance carrier as applicable.

Again, please accept our condolences and sympathy for the passing of Mr. Little. Please feel free to contact me with any questions or further concerns at your convenience.

Sincerely,

Frederick W. Thompson
Fire Chief

George D. Goodman
P.O. Box 523
Mackinac Island, MI 49757

RECEIVED 7-16-14

July 14, 2014

Mayor Margaret Doud and City Council
P.O. Box 455
Mackinac Island, MI 49757-0455

Mayor Paul Grondin and City Council
City of St.Ignace
396 N. State St.
Saint Ignace, MI 49781-1487

President Jeff Hingston and Village Trustees
Village of Mackinaw City
P.O. Box 580
Mackinaw City, MI, 49701-0580

Dear Officials:

I share this communication with deep concern. A recent report in the July 11, 2014 edition of the Detroit Free Press indicated the potential devastating effect of a rupture in the 61 year old oil pipe line that runs underneath the Straits of Mackinac. As a resident of Mackinac Island, it's obvious that an oil leak would be potentially catastrophic for Lake Michigan, Lake Huron and all residents of nearby communities. If an occurrence of this magnitude happens, it's apparent that a multi jurisdictional approach for containment and clean up would be essential.

In an article that appeared in the July 12, 2014 edition of the Detroit Free Press, it reported on the progress of the oil cleanup on the Kalamazoo River. After four years, there is still work to be done. If a leak occurs under the Straits of Mackinac, the cleanup process could go on for several years. Meanwhile, how would we be able to measure the damage?

DRAFT

July 17, 2014

Mr. Roger Moore
Wawatam Township Supervisor
Post Office Box 481
Mackinaw City, MI 49701

Dear Supervisor Moore:

The Interlocal Fire Department agreement dated April 1, 2011 between the Village of Mackinaw City and Wawatam Township has expired. Over the years the Village and the Township have enjoyed a longstanding working relationship regarding fire protection. The Village wishes to continue that decades old relationship.

Section 5 of the just expired agreement states that the Village must provide Wawatam Township with a written 12 month notice that the Village wishes to cancel this agreement. Please let this letter serve as the required notification.

This letter is not intended to preclude discussion of a new agreement to continue our longstanding working relationship for Fire protection. The Village will be immediately notifying the Fire Advisory Board of this notification and calling a meeting of the Advisory Board. At that meeting, discussions will start regarding a new agreement with the Townships.

The Village very much wishes to continue the Interlocal agreement for Fire protection with the Townships. The Village looks forward to very productive discussions toward a new agreement that is fair to all parties. In these times of shrinking revenue and rising costs, agreements of mutual cooperation between governmental units are essential and demanded by our Citizens.

If you have any questions or concerns before the Fire Advisory Board meeting do not hesitate to contact Adam Smith, Village Manager or myself.

Sincerely,

Jeff Hingston, Village President
On behalf of the Village Council

DRAFT

July 17, 2014

Ms. Donna Falor
Mackinaw Township Supervisor
Post Office Box 95
Mackinaw City, MI 49701

Dear Supervisor Falor:

The Interlocal Fire Department agreement dated April 1, 2011 between the Village of Mackinaw City and Mackinaw Township has expired. Over the years the Village and the Township have enjoyed a longstanding working relationship regarding Fire protection. The Village wishes to continue that decades old relationship.

Section 5 of the just expired agreement states that the Village must provide Mackinaw Township with a written 12 month notice that the Village wishes to cancel this agreement. Please let this letter serve as the required notification.

This letter is not intended to preclude discussion of a new agreement to continue our longstanding working relationship for Fire protection. The Village will be immediately notifying the Fire Advisory Board of this notification and calling a meeting of the Advisory Board. At that meeting, discussions will start regarding a new agreement with the Townships.

The Village very much wishes to continue the Interlocal agreement for Fire protection with the Townships. The Village looks forward to very productive discussions toward a new agreement that is fair to all parties. In these times of shrinking revenue and rising costs, agreements of mutual cooperation between governmental units are essential and demanded by our Citizens.

If you have any questions or concerns before the Fire Advisory Board meeting do not hesitate to contact Adam Smith, Village Manager or myself.

Sincerely,

Jeff Hingston, Village President
On behalf of the Village Council

Village of Mackinaw City

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To: Mackinaw City Council
From: Adam R. Smith, Village Manager
Date: July 11, 2014
Re: Manager Report & Recommendations for July 17, 2014 Council Meeting

II. A. Huron Shores Blueways Water Trail – Rick Deuell, NEMCOG
Item reserved for fifteen minute presentation regarding the recently completed Huron Shores Blueways water trail plan. The plan was prepared by Northeast Michigan Council of Governments (NEMCOG) and funded in part under the Coastal Zone Management Act of 1972, as amended, and the Michigan Coastal Management Program. The original plan in its entirety can be reviewed online
http://www.nemcog.org/downloads/huron_shores_blueways_report_no_appendix.pdf
and http://www.us23heritageroute.org/blueways.asp?ait=cl&tid=4

VII. A. Headlee Override [Discussion/Action Item]
Item reserved for continued discussion/action regarding Headlee Override ballot initiative. As requested, the draft ballot language is attached. Should Council pursue a Headlee Override local proposal to be presented at the November general election (11/4/14) the filing deadline is August 12, 2014. Also attached are the adjusted estimated millage calculations of additional revenue to compare to the FY15 General Fund budget deficit of $297,000.

As you are aware we have lost several millions in taxable value again this year for a total loss of approximately $20.86 million since 2009. This additional loss of taxable value expedites the need for substantial operational changes and/or alternative revenue sources for the Village. *Please refer to attached supporting documentation.*

VII. B. Police and Fire Protection Act 33 of 1951 [Discussion/Action Item]
Item reserved for continued discussion/action regarding Act 33 of 1951special assessment for police and/or fire protection. Per Council action on July 9, 2014, the entire municipality was tentatively designated as the special assessment district and the estimated costs to be assessed at $275,000; $184,000 for police and $91,000 for fire. As requested, the draft ballot language is attached and process outline is attached.

As you are aware we have lost several millions in taxable value again this year for a total loss of approximately $20.86 million since 2009. This additional loss of taxable value expedites the need for substantial operational changes and/or alternative revenue sources for the Village. *Please refer to Police and Fire Protection Act 33 of 1951.*

VII. C. Intergovernmental Fire Protection Agreement [Action Item]

The Intergovernmental Fire Protection Agreement dated April 1, 2011 between the Village of Mackinaw City, Mackinaw Township and Wawatam Township has expired. Section 5 of the expired agreement requires the Village to provide 12-months notice if it is the intent of the party to withdraw or not renew the agreement. Should Council wish to provide such notice, it would not intend to preclude discussion of a new agreement to continue the longstanding working relationship for fire protection, rather satisfy the required noticing requirement should a future mutually beneficial agreement not be reached. The Fiscal Year 2015 Budget for the Village of Mackinaw City Fire Department is in the amount of approximately $163,000 with Township (2013) contributions in the amount of $18,500 (Mackinaw) and $13,000 (Wawatam) respectively. A Fire Advisory Board meeting should be scheduled in the near term.

Introduction

The term "Headlee Rollback" became part of municipal finance lexicon in 1978 with the passage of the Headlee Amendment to the Constitution of the State of Michigan of 1963. Michigan Constitution, Article 9, Sec 31. In a nutshell, Headlee requires a local unit of government to reduce its millage when annual growth on existing property is greater than the rate of inflation. As a consequence, the local unit's millage rate is "rolled back" so that the resulting growth in property tax revenue, community-wide, is no more than the rate of inflation. A "Headlee override" is a vote by the electors to return the millage to the amount originally authorized via charter, state statute, or a vote of the people, and is necessary to counteract the effects of the "Headlee Rollback."

Impact of Headlee Amendment

Since the passage of the Headlee Amendment, units of government are required to annually calculate a Headlee rollback factor. The annual factor is then added to Headlee rollback factors determined in prior years resulting in a cumulative Headlee rollback factor sometimes referred to as the "millage reduction fraction." This *total* "millage reduction fraction" is then applied to the millage originally authorized by charter, state statute, or a vote of the people. In summary, the actual mills available to be levied by a unit of local government is the product of the authorized millage rate times the total millage reduction fraction. This is known as the "Headlee maximum allowable millage."

Impact of Proposal A

Prior to Proposal A legislation passed in 1994, local governments were allowed to "roll up" their millage rates when growth on existing property was *less* than inflation. "Roll ups" were a self-correcting mechanism that allowed local governments to naturally recapture taxing authority lost due to Headlee rollbacks in prior years. A local government could only "roll up" its millage rate to the amount originally authorized by charter, state statute, or a vote of the people.

Additions to taxable value (such as newly constructed property) are typically excluded (or exempt) from the Headlee roll back calculation. The 1994 General Property Tax Act changes did not specifically define "uncapped values" (increases resulting primarily from property transfers) as exempt.

Result

Although it might appear that a community with an annual increase in uncapped property values would benefit monetarily, uncapped values are treated as growth on existing property and trigger Headlee rollbacks. For local governments levying at their Headlee maximum authorized millage, rolling back the maximum authorized millage rate reduces the revenue that would have been generated from these increased property values. The increase in the taxable value of property not transferred is capped at the lesser of inflation or 5 percent. Even though the taxable value of a particular piece of property increases at the rate of inflation, the millage rate for the entire community is "rolled back" as a result of the increase in the total taxable value of the community. The net result—a less than inflationary increase in the actual dollars received from property taxes. Consequently, the 1994 change to the General Property Tax Act has prevented local governments from being able to share the benefits of any substantial market growth in existing property values.

Based on *System Failure: Michigan's Broken Municipal Finance Model.* Prepared for the Michigan Municipal League by Frank W. Audia, Partner and Denise A. Buckley, Associate, Plante and Moran, PLLC, March, 2004. OPP updated April 2012.

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Bulletin 2 of 2012
April 17, 2012
Millage Requests and Rollbacks
State of Michigan
Department of Treasury

A) 2012 MILLAGE REDUCTION FRACTION (MRF) FORMULA REQUIRED BY MCL 211.34d

The Headlee millage reduction fraction intends that, ignoring additions and losses, any current operating millage must be reduced if it would produce more tax dollars, adjusted for inflation, than it did last year. While this calculation may result in a millage reduction fraction that is less than 1.0000, it cannot exceed 1.0000.

1) 2012 formula for calculating the "Headlee" MRF:

The following formula in general terms shall be used in 2012 for calculating the MRF:

$$\text{MRF} = \frac{\text{(prior year's taxable value - losses) X inflation rate multiplier}}{\text{current year's taxable value - additions}}$$

The following is the MRF formula stated in terms that are specific to its use in 2012:

$$\text{2012 MRF} = \frac{\text{(20011 taxable value - losses) X 1.027}}{\text{2012 taxable value - additions}}$$

Please note the following regarding use of the above formula:

a) The amount of additions and losses are based on the taxable value of additions and losses as defined by Public Act (PA) 476 of 1996 and as found in MCL 211.34d. (STC Bulletin No. 2 of 2012 -- Millage Requests and Millage Rollbacks April 17, 2012 Page 4).

b) The Michigan Supreme Court ruled in *WPW Acquisition Company v City of Troy* that increases in value due to increases in occupancy are not constitutional additions even though MCL 211.34d continues to define such increases in value as additions. Increases in value due to increases in occupancy are not to be included as additions in the above formula.

c) The Michigan Supreme Court also ruled in *Toll Northville Ltd. and Biltmore Wineman LLC v Township of Northville* that increases in value due to public infrastructure improvements are not constitutional additions. Increases in value due to the addition of public infrastructure are not to be included as additions in the above formula.

d) The taxable value of some additions and losses are at 50 percent of true cash value and some may be less than 50 percent of true cash value. For more information about additions and losses, please see the instructions for Form L-4025 and State Tax Commission Bulletin No. 3 of 1995, including its supplements contained in Bulletin No. 3 of 1997. Please also see paragraph G of State Tax Commission Bulletin No. 15 of 2002. Additionally, please see State Tax Commission Bulletin No. 19 of 2002 concerning the calculation of additions and losses for personal property. Also, additions and losses are defined in MCL 211.34d.

e) The inflation rate multiplier for 2012 "Headlee" calculations is 1.027.

Village of Mackinaw City
Millage Calculations

Taxable Values:

Cheboygan County	$57,852,004
Emmet County	$33,841,954
Total Taxable Value	$91,693,958
One Mill Equals	$91,807

Millage:	Current Levy	Headlee Maximum	Original Maximum	Orignial (Current)	Additional revenue with headlee overide
General	10.6215	10.6215	12.5000	1.8785	$172,247.10
Streets	4.2485	4.2485	5.0000	0.7515	$68,908.01
Cemetery	0.8495	0.8495	1.0000	0.1505	$13,799.94

VILLAGE COUNCIL
CITY OF MACKINAW CITY
Emmet and Cheboygan Counties, Michigan

Council member _____, supported by Council member _____, moved the adoption of the following resolution:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING
VILLAGE OPERATING MILLAGE RESTORATION PROPOSAL

WHEREAS, the Village Council has determined that it is in the best interests of the Village to submit a question to the voters to restore the amount of the Village's operating millage that has been reduced due to the Headlee rollback; and

WHEREAS, the Village Council has decided to place the proposal on the November 4, 2014, General Election ballot.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The following proposition shall be submitted to the electors of the Village at the November 4, 2014, Primary Election:

Village Operating Millage Restoration Proposal

Shall the Village of Mackinaw City be authorized to levy the following new millages on the taxable value of all taxable property in the Village of Mackinaw City in 2015 and thereafter, restoring the statutorily authorized amounts of these millages that have been reduced by Section 31 of Article IX of the State Constitution of 1963:

- 1.8785 mills ($1.8785 per $1,000 of taxable value) to defray the general expenses and liabilities of the Village, increasing the millage rate for this purpose from 10.6215 mills to 12.50 mills ($10.6215 per $1,000 of taxable value to $12.50 per $1,000 of taxable value) and raising an estimated $172,247 in the first year of the levy;
- 0.7515 mills ($0.7515 per $1,000 of taxable value) for highway and street purposes, increasing the millage rate for this purpose from 4.2485 mills to 5.00 mills ($4.2485 per $1,000 of taxable value to $5.00 per $1,000 of taxable value) and raising an estimated $68,908 in the first year of the levy; and
- 0.1505 mills ($0.1505 per $1,000 of taxable value) for cemetery maintenance, increasing the millage rate for this purpose from 0.8495 mills to 1.00 mills ($0.8495 per $1,000 of taxable value to $1.00 per $1,000 of taxable value) and raising an estimated $13,780 in the first year of the levy?

If approved, this proposal would authorize a total millage increase for these purposes of 2.7805 mills ($2.7805 per $1,000 of taxable value) raising an estimated $254,935 in the first year of the levy to be disbursed to the Village of Mackinaw City.

Yes ☐ No ☐

2. The Village Clerk, the Village Attorney, and all other Village officials are authorized and directed to take any and all actions necessary to have the proposal placed on the November 4, 2014, General Election ballot.

3. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

YEAS: Council member(s) _____

NAYS: Council member(s) _____

ABSTAIN: Council member(s) _____

ABSENT: Council member(s) _____

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

As its duly appointed Clerk, I certify that this is a true and complete copy of a resolution adopted by the Village Council of the Village of Mackinaw City, Emmet and Cheboygan Counties, Michigan, at a regular meeting held on July __, 2014.

_____
Lana Jaggi, Clerk
Village of Mackinaw City

Dated: July __, 2014

VILLAGE OF MACKINAW CITY
SPECIAL ASSESSMENT PROCEDURES

Act 33, Public Acts of Michigan, 1951

STEP SHEET

TO CREATE A FIRE PROTECTION SPECIAL ASSESSMENT DISTRICT

The procedures for establishing a special assessment district to levy special assessments against property owners to pay the costs of police and/or fire protection is established by Act 33, Public Acts of Michigan, 1951, as amended. Special assessment proceedings can be initiated by the Village Council without an election or the Village Council can submit the question of raising money by special assessment to a vote of the electors. Where the Village Council proceeds to create a district without a vote, the question must be submitted to the electors only if the owners of 10% or more of the land to be made into the special assessment district petition the governing body. This step sheet details the procedures where the Village Council submits the question to the voters.

Dates	**Description**	
No later than August 12, 2014	**Step 1.**	Ballot Authorizing Resolution. The Village Council adopts a resolution authorizing the ballot proposal and certifies it to be the village and county clerks.
November 4, 2014	**Step 2.**	Election. The proposal is voted on by the electors of the Village.
	Step 3.	Resolution No. 1 – The Village Council adopts a resolution tentatively declaring its intent to create the district, tentatively designating the boundaries of the district, estimating the costs to be assessed and setting a public hearing on the estimate of cost and the creation of the district. Plans are filed with the Village Council.
	Step 4.	Notice of Public Hearing – Notice of the public hearing must be given and must, among other things, include the date, time and place of the hearing, a brief description of the special assessment district, and a statement that the plans and estimates are on file with the Village Clerk for inspection. The notice must be given as follows:

No later than	(a)	The notice must be published once in a newspaper circulating in the Village, with the first publication at least five (5) days before the date set for the hearing. The Village should request two (2) affidavits of publication from the paper.
Mailing No later than	(b)	The notice must be mailed to all property owners of record (or parties in interest in the property) in the special assessment district at the address last shown on the Village tax records at least 10 days before the hearing.
	(c)	The meeting must be noticed as required by the Open Meetings Act.
	Step 5.	Public Hearing – At the hearing the Village Council must hear objections to the estimate of cost and to the creation of the special assessment district.
	Step 6.	Resolution No. 2 – After the public hearing is held, if the Village Council decides to proceed, it adopts a resolution that determines the boundaries of the district and the amount to be assessed. The resolution also directs that a special assessment roll be prepared by the Village President spreading the special assessment levy on the taxable value of the properties benefited.
	Step 7.	Resolution No. 3 – When the special assessment roll is reported to the Council, the Council receives the roll and adopts a resolution setting a public hearing on the roll.
	Step 8.	Notice of Public Hearing – Notice of the public hearing must be given and must, among other things, include the date, time and place of the hearing, and the property owners' right of appeal to the tax tribunal. The notice must be given as follows:

No later than	(a)	The notice must be published once in a newspaper circulating in the Village, with the first publication at least 5 days before the date set for the hearing. The Village should request 2 affidavits of publication from the paper.
Mailing No later than	(b)	The notice must be mailed to all property owners of record (or parties in interest in the property) in the special assessment district at the address last shown on the Village tax records at least 10 days before the hearing.
	(c)	The meeting must be noticed as required by the Open Meetings Act.
	Step 9.	Public Hearing – At the hearing the Village Council reviews the roll, and hears any objections to it.
	Step 10.	Resolution No. 4 – After the public hearing the Village Council adopts a resolution confirming the roll as reported by the President or as corrected by the Council, refers it back to the President, or annuls it and directs the creation of a new roll.
	Step 11.	Roll Endorsed – After the Village Council confirms the roll the Village Clerk endorses it.
	Step 12.	Assessment Appeals – Property owners who have protested the roll at the public hearing may appeal the roll to the Michigan Tax Tribunal within 35 days of the confirmation of the roll.
	Step 13.	Roll Becomes Final – The Roll is final, except as to those who filed an appeal by _____.
	Step 14.	Assessment Placed on Tax Roll – The special assessment becomes due and is collected at the same time and in the same manner as other Village taxes.
	Step 15.	Annual Determination – The amount to be assessed must be determined annually following Steps 5 through 12.

VILLAGE COUNCIL
CITY OF MACKINAW CITY
Emmet and Cheboygan Counties, Michigan

Council member _____, supported by Council member _____, moved the adoption of the following resolution:

RESOLUTION NO. _____

RESOLUTION AUTHORIZING
POLICE AND FIRE SPECIAL ASSESSMENT PROPOSAL

WHEREAS, Section 1(3) of Act 33, Public Acts of Michigan, 1951, as amended ("Act 33"), provides that the Village of Mackinaw City (the "Village") may defray the cost of purchasing and housing equipment and providing police and fire protection services by special assessment on the lands and premises in the Village to be benefited, except for land and premises exempt from the collection of taxes under the General Property Tax Act, Act 206, Public Acts of Michigan, 1893; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village to submit a question to the voters to create a police and/or fire special assessment district to annually levy a special assessment to pay capital and operating expenses of police and/or fire services in the Village; and

WHEREAS, the Village Council has decided to place the proposal on the November 4, 2014, General Election ballot.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The following proposition shall be submitted to the electors of the Village at the November 4, 2014, Primary Election:

Police and Fire Special Assessment Proposal

Shall the Village of Mackinaw City be authorized to create a special assessment district and annually levy a special assessment on all taxable lands and premises in the Village for the purpose of paying all or a portion of the cost of capital expenses and operating expenses of police services, fire services, or both, in the Village, as authorized by Act 33, Public Acts of Michigan, 1951, as amended?

Yes ☐ No ☐

2. The Village Clerk, the Village Attorney, and all other Village officials are authorized and directed to take any and all actions necessary to have the proposal placed on the November 4, 2014, General Election ballot.

3. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

YEAS: Council member(s) _____

NAYS: Council member(s) _____

ABSTAIN: Council member(s) _____

ABSENT: Council member(s) _____

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

As its duly appointed Clerk, I certify that this is a true and complete copy of a resolution adopted by the Village Council of the Village of Mackinaw City, Emmet and Cheboygan Counties, Michigan, at a regular meeting held on July __, 2014.

_____
Lana Jaggi, Clerk
Village of Mackinaw City

Dated: July __, 2014

POLICE AND FIRE PROTECTION
Act 33 of 1951

AN ACT to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts.

History: 1951, Act 33, Imd. Eff. May 8, 1951;—Am. 1955, Act 221, Eff. Oct. 14, 1955;—Am. 1960, Act 51, Eff. Aug. 17, 1960;—Am. 1966, Act 105, Imd. Eff. June 22, 1966;—Am. 1982, Act 365, Eff. Mar. 30, 1983;—Am. 1989, Act 81, Imd. Eff. June 20, 1989;—Am. 1990, Act 102, Imd. Eff. June 14, 1990;—Am. 2004, Act 463, Imd. Eff. Dec. 28, 2004.

The People of the State of Michigan enact:

41.801 Purchase of police and fire motor vehicles, apparatus, equipment, and housing; appropriation; special assessment; bonds; election; estimate of cost and expenses; special assessment district; hearing; publication or posting of notice; distribution of special assessment levy; transfer or loan of money from general fund; repayment; exercise of powers; assessment after December 31, 1998; "taxable value" defined; finding of invalid assessment; bonds subject to revised municipal finance act.

Sec. 1. (1) The township board of a township, or the township boards of adjoining townships acting jointly, whether or not the townships are located in the same county, may purchase police and fire motor vehicles, apparatus, equipment, and housing and for that purpose may provide by resolution for the appropriation of general or contingent funds. Before January 1, 1999, the appropriation for fire motor vehicles, apparatus, equipment, and housing in a 1-year period shall not exceed 10 mills of the assessed valuation of the area in their respective townships for which fire protection is to be furnished. After December 31, 1998, the appropriation for fire motor vehicles, apparatus, equipment, and housing in a 1-year period shall not exceed 10 mills of the taxable value of the area in their respective townships for which fire protection is to be furnished. Before January 1, 1999, the appropriation for police motor vehicles, apparatus, equipment, and housing in a 1-year period shall not exceed 10 mills of the assessed valuation of the area in their respective townships for which police protection is to be furnished. After December 31, 1998, the appropriation for police motor vehicles, apparatus, equipment, and housing in a 1-year period shall not exceed 10 mills of the taxable value of the area in their respective townships for which police protection is to be furnished.

(2) The township board of a township, or the township boards of adjoining townships acting jointly, whether or not the townships are located in the same county, may provide annually by resolution for the appropriation of general or contingent funds for maintenance and operation of police and fire departments.

(3) The township board, or the township boards of adjoining townships acting jointly, may provide that the sums prescribed in subsection (2) for purchasing and housing equipment, for the operation of the equipment, or both, may be defrayed by special assessment on the lands and premises in the township or townships to be benefited, except, beginning in 2002, lands and premises exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, and may issue bonds in anticipation of the collection of these special assessments. The question of raising money by special assessment may be submitted to the electors of the township or townships by the township board, or township boards acting jointly, at a general election or special election called for that purpose by the township board or township boards. The question of raising money by special assessment shall be submitted by the township board, or township boards acting jointly, if in the affected township, or in each of the affected townships, the owners of 10% of the land to be made into a special assessment district petition the township board or boards.

(4) If a special assessment district is proposed under subsection (3), the township board, or township boards acting jointly, shall estimate the cost and expenses of the police and fire motor vehicles, apparatus, equipment, and housing and police and fire protection, and fix a day for a hearing on the estimate and on the question of creating a special assessment district and defraying the expenses of the special assessment district by special assessment on the property to be especially benefited, except, beginning in 2002, property exempt

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from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157. The hearing shall be a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. In addition, the township board, or township boards acting jointly, shall publish in a newspaper of general circulation in the proposed district a notice stating the time, place, and purpose of the meeting. If there is not a newspaper of general circulation in the proposed district, notices shall be posted in not less than 3 of the most public places in the proposed district. This notice shall be published or posted not less than 5 days before the hearing. On the day appointed for the hearing, the township board, or township boards acting jointly, shall be in session to hear objections that may be offered against the estimate and the creation of the special assessment district. Before January 1, 1999, if the township board, or township boards acting jointly, determine to create a special assessment district, they shall determine the boundaries by resolution, determine the amount of the special assessment levy, and direct the supervisor or supervisors to spread the assessment levy on all of the lands and premises in the district that are to be especially benefited by the police and fire protection, according to benefits received, except, beginning in 2002, lands and premises exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, to defray the expenses of police and fire protection. After December 31, 1998, if the township board, or township boards acting jointly, determine to create a special assessment district, they shall determine the boundaries by resolution, determine the amount of the special assessment levy, and direct the supervisor or supervisors to spread the assessment levy on the taxable value of all of the lands and premises in the district that are to be especially benefited by the police and fire protection, according to benefits received, except, beginning in 2002, lands and premises exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, to defray the expenses of police and fire protection. The township board, or township boards acting jointly, shall hold a hearing on objections to the distribution of the special assessment levy. This hearing shall be held in the same manner and with the same notice as provided in this section. The township board, or township boards acting jointly, shall annually determine the amount to be assessed in the district for police and fire protection, shall direct the supervisor or supervisors to distribute the special assessment levy, and shall hold a hearing on the estimated costs and expenses of police and fire protection and on the distribution of the levy. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be distributed and shall become due and be collected at the same time as other township taxes are assessed, levied, and collected, and shall be returned in the same manner for nonpayment. If a township has a July property tax levy, not more than 2 mills of the assessment may be collected at the same time and in the same manner as the July levy. If the collections received from the special assessment levied to defray the cost or portion intended to be defrayed for police and fire protection are, at any time, insufficient to meet the obligations or expenses incurred for the maintenance and operation of the police and fire departments, the township board of the township, or township boards acting jointly, may, by resolution, authorize the transfer or loan of sufficient money from the general fund of the township or townships, to the special assessment police and fire department fund. This money shall be repaid to the general fund of the township or townships out of special assessment funds when collected.

(5) The powers granted by this act with respect to police and fire protection may be exercised with respect to police protection alone, fire protection alone, or police and fire protection in combination.

(6) After December 31, 1998, an ad valorem special assessment levied under this act shall be levied on the taxable value of the property assessed.

(7) As used in this section, "taxable value" means that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(8) If the levy of an ad valorem special assessment on the property's taxable value is found to be invalid by a court of competent jurisdiction, the levy of the ad valorem special assessment shall be levied on the property's state equalized value.

(9) Bonds issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1951, Act 33, Imd. Eff. May 8, 1951;—Am. 1955, Act 221, Eff. Oct. 14, 1955;—Am. 1970, Act 134, Imd. Eff. July 29, 1970;—Am. 1978, Act 101, Imd. Eff. Apr. 6, 1978;—Am. 1989, Act 81, Imd. Eff. June 20, 1989;—Am. 1998, Act 545, Imd. Eff. Jan. 20, 1999;—Am. 2002, Act 308, Imd. Eff. May 13, 2002;—Am. 2002, Act 501, Imd. Eff. July 15, 2002.

41.802 Annual appropriation.

Sec. 2. After the creation of a special assessment district under section 1, the township board, or township boards of adjoining townships acting jointly, may appropriate annually that sum necessary for the maintenance and operation of the police and fire departments.

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History: 1951, Act 33, Imd. Eff. May 8, 1951;—Am. 1974, Act 130, Imd. Eff. May 29, 1974;—Am. 1989, Act 81, Imd. Eff. June 20, 1989.

41.803 Proceedings relating to making, levying, and collection of special assessments, and to issuing bonds; payment of special assessments and special assessment bonds.

Sec. 3. All proceedings relating to the making, levying and collection of special assessments authorized by section 1 and the issuing of bonds, except as otherwise provided in this act, shall conform as near as practicable to proceedings provided for townships in Act No. 188 of the Public Acts of 1954, being sections 41.721 to 41.738 of the Michigan Compiled Laws, except that special assessments may be paid in a number of equal annual installments not exceeding 15, as the board may determine.

(2) The township board if authorized by a majority vote of the electors voting may, at the time of issuance, pledge the full faith and credit of the township for the payment of such special assessment bonds.

History: 1951, Act 33, Imd. Eff. May 8, 1951;—Am. 1955, Act 221, Eff. Oct. 14, 1955;—Am. 1963, Act 51, Imd. Eff. Apr. 29, 1963 ;—Am. 1989, Act 81, Imd. Eff. June 20, 1989.

Compiler's note: The first subsection of this section, beginning "All proceedings relating...", evidently should be designated subsection "(1)", as follows: "(1) All proceedings ...".

41.804 Fire protection; referendum, special election, laws governing.

Sec. 4. Any special election called under the provisions of this act shall be held under the laws of this state governing biennial township elections so far as the same may be applicable. In case a majority of qualified electors voting at such election shall vote in favor of such proposition, then the same shall be deemed and declared carried. The vote upon such proposition at any election shall be by ballot.

History: 1951, Act 33, Imd. Eff. May 8, 1951.

41.805 Fire protection ordinances and standard fire prevention codes; adoption, publication.

Sec. 5. The township board of any township, where appropriations have been made as herein provided, shall have power to enact such ordinances and establish and enforce such resolutions as they shall deem necessary to guard against the occurrence of fires and to protect the property and persons of the citizens against damage and accident resulting therefrom. Any township adopting ordinances under the provisions of this section shall have the power to adopt any standard fire prevention code which has been promulgated by the state or by any department, board or agency thereof, or by any national organization or association which is organized and conducted for the purpose of developing such codes with specific date of publication by reference thereto in an adopting ordinance and without publishing such code in full. The code shall be clearly identified in the ordinance and the purpose of the code shall be published with the adopting ordinance and printed copies shall be kept in the office of the township clerk, available for inspection by and distribution to the public at all times. The publication shall contain a notice to the effect that a complete copy of the code is available for public use and inspection at the office of the township clerk.

History: 1951, Act 33, Imd. Eff. May 8, 1951;—Am. 1961, Act 148, Eff. Sept. 8, 1961.

41.806 Police and fire departments; contracts for service or for maintenance and operation of equipment; delegation of powers; agreements to furnish protection to city, village, or other township.

Sec. 6. (1) The township board of a township, or the township boards of adjoining townships acting jointly, if appropriations have been made as provided in this act, may do any of the following:

(a) Establish and maintain police and fire departments.

(b) Organize and maintain police and fire vehicles.

(c) Employ and appoint a police chief and fire chief and other police and fire officers, including detectives, required for the proper and efficient operation and maintenance of the police and fire departments and proper law enforcement.

(d) Make and establish rules and regulations for the government of the police and fire departments, employees, officers, and detectives.

(e) Care and manage the motor vehicles, apparatus, equipment, property, and buildings pertaining to the police and fire departments.

(f) Prescribe the powers and duties of the employees, officers, and detectives.

(2) The township board of a township, or the township boards of adjoining townships, acting jointly, may contract with the township board or legislative body of a township, city, or village that maintains a police or fire department for the service of the department or for the care, maintenance, and operation of police or fire motor vehicles, apparatus, and equipment by the police or fire department of the township, city, or village, and may contract with the legislative body of a village that does not maintain a police department or does not

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maintain a fire department to furnish police or fire protection to the village.

(3) If a township board, or the township boards of adjoining townships acting jointly, have organized and are maintaining a police or fire department, the board, or boards acting jointly, may also contract with townships, villages, or cities that also maintain a police or fire department or with any other person, organization, or group to provide police or fire apparatus, equipment, or personnel or police or fire protection.

(4) Any of the powers provided in this section, at the discretion of the township board, may be delegated to a police or fire or police and fire administrative board established under section 11 or 12.

(5) A township board may enter into 1 or more agreements or contracts to furnish police or fire protection to a city, village, or other township.

History: 1951, Act 33, Imd. Eff. May 8, 1951;—Am. 1956, Act 9, Imd. Eff. Mar. 9, 1956;—Am. 1961, Act 66, Eff. Sept. 8, 1961;—Am. 1966, Act 110, Imd. Eff. June 22, 1966;—Am. 1989, Act 81, Imd. Eff. June 20, 1989;—Am. 2004, Act 416, Imd. Eff. Nov. 29, 2004
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41.806a Emergency police or fire service; emergency ambulance and inhalator service; ordinance authorizing collection of fees.

Sec. 6a. The legislative body of a municipality providing emergency police or fire service or the legislative bodies of municipalities acting jointly to provide such a service pursuant to this act may authorize by ordinance the collection of fees for the service. The township board of a township or the county board of commissioners of a county providing emergency ambulance and inhalator service alone or jointly with another municipality and the legislative body of such a municipality may authorize by ordinance the collection of fees for the service.

History: Add. 1990, Act 102, Imd. Eff. June 14, 1990.

41.807 Repeals.

Sec. 7. Act No. 28 of the Public Acts of 1923, as amended, being sections 41.301 to 41.305, inclusive, of the Compiled Laws of 1948; Act No. 181 of the Public Acts of 1937, as amended, being sections 41.311 to 41.316a, inclusive, of the Compiled Laws of 1948; and Act No. 151 of the Public Acts of 1931, being sections 41.321 to 41.323, inclusive, of the Compiled Laws of 1948, are hereby repealed.

History: 1951, Act 33, Imd. Eff. May 8, 1951.

41.808 Rights or obligations safeguarded.

Sec. 8. The provisions of this act shall not be construed to impair or affect any special assessment district, or any rights accruing or any obligations thereof, created under the provisions of any act repealed by this act, but the same may be asserted and all the provisions of said repealed acts shall apply as may be necessary to safeguard any such rights or obligations existing thereunder.

History: 1951, Act 33, Imd. Eff. May 8, 1951.

41.809 Joint meetings of township boards.

Sec. 9. For the purposes of this act, any joint meeting of township boards may be held in any one of the involved townships.

History: 1951, Act 33, Imd. Eff. May 8, 1951.

41.810 Fire protection for townships, villages, and qualified cities; "qualified city" defined.

Sec. 10. (1) This act applies to townships and adjoining townships and incorporated villages and qualified cities. If reference is made in this act to townships, that reference shall apply to townships and incorporated villages and qualified cities. If reference is made in this act to township boards, that reference shall apply to township boards and the legislative bodies of incorporated villages and qualified cities. A township, incorporated village, or qualified city shall not use this act to lessen the number of paid full-time firefighters in that township, incorporated village, or qualified city.

(2) As used in this act, "qualified city" means either of the following:

(a) A city with a population of less than 15,000.

(b) A city with a population of 15,000 or more and less than 70,000 located in a county with a population of more than 200,000 and less than 235,000, if the question of raising money by special assessment and the amount of the special assessment to be levied annually under this act is approved by a majority of the electors in the special assessment district. The amount of the special assessment to be levied annually under this act that was approved under this subdivision shall not be increased unless that increase is first approved by a majority of the electors in the special assessment district.

History: Add. 1960, Act 51, Eff. Aug. 17, 1960;—Am. 1966, Act 105, Imd. Eff. June 22, 1966;—Am. 2004, Act 463, Imd. Eff. Dec. 28, 2004.

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41.811 Joint administrative board; creation; appointment, qualifications, and terms of members; compensation and expenses; vacancy; additional member; election of chairperson and vice-chairperson; meetings; rules of procedure; record of proceedings; quorum; removal of members; annual budget; powers and duties; board not new employer; conducting business at public meeting; availability of writings to public; "governing body" defined.

Sec. 11. (1) The governing bodies of 2 or more contiguous townships, villages, or qualified cities may, acting jointly, create a joint police administrative board, fire administrative board, or police and fire administrative board. A joint administrative board shall consist of 2 members from each participating township, village, or qualified city. The members of a joint administrative board shall be appointed by their respective governing bodies for terms of 6 years. Of the first members appointed, 1 member from each participating township, village, or qualified city shall be appointed for a term of 4 years. A member of a joint administrative board shall not be an employee of a police or fire department of a participating township, village, or qualified city. A member of a joint administrative board may be compensated for each meeting, not to exceed 52 per year, at a rate established by the participating governing bodies for each meeting the member attends and shall be reimbursed for actual and necessary expenses incurred in the performance of board duties. A vacancy on a joint administrative board shall be filled by the original appointing governing body for the remainder of the unexpired term.

(2) At its first meeting, a joint administrative board shall, by resolution approved by a majority of its members, select an additional member who shall be a resident of a participating township, village, or qualified city. The members shall annually elect a chairperson and a vice-chairperson from the board membership. A joint administrative board shall hold 4 regular quarterly meetings a year and special meetings as necessary at times as it determines. A joint administrative board shall adopt its own rules of procedure and shall keep a record of its proceedings. A majority of the members constitute a quorum for the transaction of business and the affirmative vote of a majority of all the members is necessary for the adoption of a motion or resolution. The members of a joint administrative board shall be residents of the townships, villages, or qualified cities from which they were appointed. The members of a joint administrative board may be removed by the appointing governing body.

(3) A joint administrative board created under this section shall prepare an annual police department budget or fire department budget, or both, for the police department, fire department, or police and fire departments of each participating township, village, or qualified city. The proposed budgets shall be submitted to and reviewed by the respective governing bodies and may be amended, adopted, or rejected by them. A joint administrative board shall have other powers and duties as considered necessary by the participating governing bodies. A joint administrative board, if authorized to employ and appoint a police chief, fire chief, or other police or fire officers, including detectives, shall only employ and appoint such officers on behalf of an individual township, qualified city, or village and does not constitute a new employer.

(4) The business that a joint administrative board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(5) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(6) As used in this section, "governing body" means the body in which the legislative powers of a township, village, or qualified city are vested.

History: Add. 1982, Act 365, Eff. Mar. 30, 1983;—Am. 1985, Act 170, Imd. Eff. Dec. 2, 1985;—Am. 1988, Act 247, Imd. Eff. July 11, 1988;—Am. 1989, Act 81, Imd. Eff. June 20, 1989;—Am. 2004, Act 464, Imd. Eff. Dec. 28, 2004;—Am. 2006, Act 608, Imd. Eff. Jan. 3, 2007.

41.812 Administrative board; appointment, qualifications, and terms of members; vacancy; expenses; continuation of prior administrative board; annual budget; powers and functions; section supplemental.

Sec. 12. (1) The township board may create a police administrative board, a fire administrative board, or a police and fire administrative board. The board shall consist of 5 members, who shall be appointed by the township board for terms of 6 years each. Of the members first appointed, 2 shall be appointed for terms expiring on June 30 of the even numbered year following the creation of the board, 2 shall be appointed for terms expiring on June 30 of the second year following the expiration of the terms of the first 2 members, and

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1 member shall be appointed for a term expiring June 30 of the fourth year following the expiration of the terms of the first 2 members. If a vacancy occurs, the township board shall appoint a person to fill the unexpired term.

(2) A member of the board shall not be a member of the police or fire department of the township.

(3) The members of the board may be compensated a per diem as determined by the township board and are entitled to actual and necessary expenses approved by the township board incurred in the performance of official duties.

(4) A police administrative board, a fire administrative board, or a police and fire administrative board created under former 1951 PA 57 shall be continued under this act.

(5) An administrative board created under this section shall prepare an annual police department budget or fire department budget, or both, to be submitted to the township board. The budget shall be reviewed by the township board and may be amended or altered in any manner. Upon adoption by the township board, the budget shall be the budget of the administrative board for the ensuing fiscal year of the township.

(6) The administrative board created under this section shall have the powers and perform the functions that the township board delegates to the administrative board.

(7) This section is supplemental to the other laws of this state.

History: Add. 1989, Act 81, Imd. Eff. June 20, 1989;—Am. 2003, Act 291, Imd. Eff. Jan. 8, 2004.

41.813 Traffic officers; employment; compensation; joint meeting to appoint traffic officer.

Sec. 13. By a majority vote of the township board at a regular or a special meeting called for that purpose, a township board may provide for the employment of 1 or more traffic officers in the township. The compensation of the officer or officers shall be paid from the general fund of the township. By a majority vote of all the township boards, 2 or more townships may appoint a traffic officer at a joint meeting of these township boards held for that purpose, and the proportion of the compensation of the traffic officer or officers to be paid by each of the townships shall be determined at this joint meeting.

History: Add. 1989, Act 81, Imd. Eff. June 20, 1989.

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INTERGOVERNMENTAL FIRE PROTECTION AGREEMENT
WAWATAM TOWNSHIP, MACKINAW TOWNSHIP AND
VILLAGE OF MACKINAW CITY

Interlocal Fire Department Agreement effective April 1, 20 11, by and between the Village of Mackinaw City, a Michigan municipal corporation with offices at 102 S. Huron Avenue, Mackinaw City, Michigan (hereinafter "Village") and Wawatam Township, a Michigan municipal corporation with offices at 123 W. Etherington Street, Mackinaw City, Michigan and Mackinaw Township, a Michigan municipal corporation with offices at 10595 Wallick Road, Mackinaw City, Michigan (hereinafter collectively "Township").

Whereas, the Village and Townships each have been delegated by law the authority to provide fire protection and related emergency services for services within each of their respective boundaries; and

Whereas, the Urban Cooperation Act, PA 7, 1067 Extra Session (MCL 124.501 et esq.) permits two or more Michigan governmental entities to enter into an agreement for the provision of services for which each is enabled to individually by state statute; and

Whereas, the Village has provided fire protection and emergency services to the Township for a significant period of time, therefore it is mutually promised and agreed to by the above named units of government to continue the contractual relationship with the following provisions:

1. **Purpose and Intent: The Village agrees to produce, maintain and provide fire protection and related emergency services upon request or as directed by central dispatch to the residents of the Township. The Village will maintain control and ownership of the fire department equipment, buildings and related apparatus unless otherwise stated by contract.**

2. **Fire Advisory Board: The Village will develop a Fire Advisory Board comprised of two (2) representatives from the Village and two (2) representatives from the Township(s) and one at large member (five total). The board is advisory in nature but will serve as a vehicle for communication of concerns and issues that may arise during the life of the agreement. The Fire Board will not have budgetary or personnel control. The Board may meet as often as needed but shall meet at least once annually to review costs and distribution of costs among buyers of fire service from the Village.**

   Representatives may be current Village or Township officials, residents or business owners. The Fire Chief serves as ex-officio member of the Board with no voting rights. Volunteer firefighters shall not be permitted to serve on the Board.

3. **Distribution of Fire Costs:**

   a) **The Village in consultation with the Fire Advisory Board shall annually inform the contracting Township(s) by March 15th of each year, the Township(s) financing obligation for the coming year based on the following weighted**

formula discussed in 3b. The Township(s) will be responsible for transmitting to the Village on an annual basis their share of annual costs based on the Village's previous year end cost for variable and fixed fire costs (Example: Contract is signed in March 2008; first payment based on Village's Fiscal 2007-08 year end cost.). Variable costs are all cost associated with the operation of the fire department. Costs such as, but not limited to, wages, benefits, insurance, heat, electric, repairs, supplies, fuel, uniforms, contract services, utilities, training cost, equipment rental and capital outlay for minor building improvements to facilities supporting fire services costing under $40,000 a year. Fixed cost shall consist of debt retirement for vehicles and equipment as well as depreciation cost for vehicles and equipment after debt retirement up to twenty five years. The method of generating the revenue needed to pay each unit's formula share is left to the discretion of each contracting party.

b) Weighted Formula to be used in distributing cost shares:

i) The formula consists of three parts: State Equalized Value (SEV), Population and Usage. Population will be the decennial census data for each local unit. Data to constitute the "usage factor" initially will be three-year rolling average of fire runs. However, commencing with the implementation of the new contract, fire department personnel will maintain incident records in such a manner that the "number of hours at scene, number of personnel and number of fire suppression vehicles" can be determined. The usage factor for each incident will be "hours at scene (x) number of personnel at scene (x) number of suppression vehicles at scene" = Usage units. At the end of each year, a percentage will be determined for the Township(s) and Village; the resulting share will serve as the percentage factor to be used in the weighted formula the following budget year. After three-years, a three-year rolling average will constitute the Usage factor. The SEV of each unit will be utilized each year to determine SEV Weight Share

ii) The weights for each factor will be as follows:

SEV 30%, Population 30%, and Usage 40%.

Share Distribution

Unit	Popl'n Served	SEV Wt. Share	Usage Wt. Share
Village			
Wawatam Twp			
Mackinaw Twp			
TOTAL:	100.	100.	100.

Applying Weights to Shares

Unit	Popl'n Wt.	SEV Wt.	Usage Wt.	Sum of Factors
Village				
Wawatam Twp				
Mackinaw Twp				
TOTAL:	0.30	0.30	0.40	1.00

The sum of factors will be calculated each year and will be applied to the Village's fiscal year end, variable fixed and debt costs of fire and rescue services (see Attachment "A").

4. Length of Agreement: The agreement shall be for a three-year period commencing on date of signature. Six months prior to expiration of the current agreement, the parties shall meet and review, revise and discuss terms of new agreement.

5. Cancellation of Agreement or Withdrawal: Parties to this agreement must provide 12-months notice if it is the intent of either party to withdraw or not renew agreement.

6. Ownership of Equipment: Township(s) will not have ownership in the Village Fire Department, equipment or assets unless a separate agreement or amendment to current agreement is added expressing the terms and conditions of ownership.

7. This Agreement is executable to each legislated body, board or council that indicates adoption of the Agreement by signature.

Date: 4/30/11

Roger W. Moore

Roger Moore
Wawatam Township Supervisor

Date: 5-27-11

Barry Dean
Mackinaw Township Supervisor

Date: 5-11-2011

Jeff Hingston

Jeff Hingston
Mackinaw City Village President

La/mcfd/Fire Pro Agreement.11

Attachment "A"
2011 FIRE CONTRACT DISTRIBUTION OF COST

The population for the area serviced by the Village of Mackinaw City Fire Department is as follows:

FORMULA

AREA POPULATION	2000 CENSUS NO. OF PEOPLE	% OF PEOPLE	% OF TOTAL
Village of Mackinaw City	859	67.05%	67.0570%
Wawatam Township	165	12.80%	12.8806%
Mackinaw Township	257	20.00%	20.0625%
TOTAL:	1,281		100%

Percentage of Total Formula: 30%

The SEV covered by the Mackinaw City Fire Department is as follows:

AREA	2010 SEV	% OF TOTAL TAXABLE VALUE
Village of Mackinaw City	$131,209,200	66.3944%
Wawatam Township outside Village	$32,210,400	16.2991%
Mackinaw Township outside Village	$34,201,200	17.3065%
TOTAL:	$197,620,800	100%

Percentage of Total Formula: 30%

Unit Usage Factor (3 year average)

AREA	% Usage Factor Per Unit
Village of Mackinaw City	79.54%
Wawatam Township	6.41%
Mackinaw Township	14.05%
TOTAL:	100.00%

Percentage of total formula: 40%.

TOTAL FACTOR SHARE

AREA	POPULATION 30%	SEV 30%	USAGE 40%	1+2+3 = Total Weights
Village of Mackinaw City	0.201171	0.199183284	0.31816	0.718514245
Wawatam Township	0.0386417	0.048897282	0.02564	0.113178968
Mackinaw Township	0.0601874	0.051919434	0.0562	0.168306787
TOTAL	0.3	0.3	0.4	1

Fire Department Expenditures
Fiscal Year End February 28, 2011: **$148,000.00**

AMOUNT DUE PER UNIT

Village of Mackinaw City	$106,340.11
Wawatam Township	$16,750.49
Mackinaw Township	$24,909.40

la/mcfd/2011.Share Dist Formula

MACKINAW CITY FIRE DEPARTMENT
2010 Activity

DATE	R=INCIDENT/ T=TRAINING/ M=MAINTENANCE	W=WAWATAM M=MACKINAW V=MACKINAW CITY	HOURS ON INCIDENT	NUMBER OF PERSONNEL	NUMBER OF APPARATUS	#	Type	Usage Factor	Total Usage Factor Per Unit	Average Usage Per Run	Percent
01/31/10	R	M	1.5	8	2	10-0005	PIA	24			
02/05/10	R	M	0.5	8	2	10-0006	ENTRAPMENT	8			
02/20/10	R	M	1	7	1	10-0008	LIFT ASSIST	7			
05/20/10	R	M	2	10	4	10-0014	BRUSH FIRE	80			
06/06/10	R	M	0.5	6	0	10-0017	LIFT ASSIST	0			
06/25/10	R	M	1	12	4	10-0022	ALARM	48			
06/29/10	R	M	3	11	3	10-0024	FUEL LEAK	99			
06/29/10	R	M	1	12	2	10-0025	PIA	24			
07/04/10	R	M	0.5	6	1	10-0028	ALARM	3			
08/31/10	R	M	0.5	4	1	10-0046	PIA	2			
09/16/10	R	M	0.5	8	2	10-0049	PIA	8			
09/24/10	R	M	1	10	3	10-0051	CAR FIRE	30	333	27.75	15.58%
01/14/10	R	V	0.5	4	1	10-0004	LIFT ASSIST	2			
02/18/10	R	V	0.5	5	1	10-0007	LIFT ASSIST	2.5			
03/02/10	R	V	0.5	10	1	10-0009	LIFT ASSIST	5			
03/13/10	R	V	0.5	11	1	10-0010	CAR FIRE	5.5			
04/19/10	R	V	0.5	10	2	10-0011	BURNING ODOR	10			
05/06/10	R	V	0.5	5	1	10-0012	LIFT ASSIST	2.5			
05/12/10	R	V	0.5	4	1	10-0013	LIFT ASSIST	2			
05/29/10	R	V	5.5	14	3	10-0015	FIREWORKS	231			
05/31/10	R	V	0.5	8	1	10-0016	LIFT ASSIST	4			
06/18/10	R	V	1	16	5	10-0018	BURNING ODOR	80			
06/21/10	R	V	0.5	6	1	10-0021	LINE DOWN	3			
07/04/10	R	V	0.5	5	1	10-0027	LIFT ASSIST	2.5			
07/04/10	R	V	6.5	14	6	10-0026	FIREWORKS	546			
07/05/10	R	V	0.5	8	1	10-0029	LIFT ASSIST	4			
07/06/10	R	V	0.5	12	2	10-0030	WATER RESCUE	12			
07/08/10	R	V	0.5	5	1	10-0031	LIFT ASSIST	2.5			
07/16/10	R	V	0.5	9	1	10-0032	PIA	4.5			
07/18/10	R	V	0.5	10	1	10-0033	LIFT ASSIST	5			
07/28/10	R	V	2	22	5	10-0034	STRUCTURE FIRE	220			

MACKINAW CITY FIRE DEPARTMENT
2010 Activity

DATE	R=INCIDENT/ T=TRAINING/ M=MAINTENANCE	W=WAWATAM M=MACKINAW V=MACKINAW CITY	HOURS ON INCIDENT	NUMBER OF PERSONNEL	NUMBER OF APPARATUS	#	Type	Usage Factor	Total Usage Factor Per Unit	Average Usage Per Run	Percent
08/06/10	R	V	0.5	9	2	10-0036	ELEVATOR STUCK	9			
08/07/10	R	V	0.5	8	2	10-0037	ELEVATOR W/ TRAP	8			
08/10/10	R	V	1	14	2	10-0038	ELEVATOR W/ TRAP	28			
08/11/10	R	V	0.5	10	1	10-0039	LIFT ASSIST	5			
08/14/10	R	V	2	18	2	10-0040	MISSING CHILD	72			
08/22/10	R	V	0.5	9	3	10-0041	ALARM	13.5			
08/25/10	R	V	0.5	3	1	10-0042	ENTRAPMENT	1.5			
08/28/10	R	V	0.5	5	1	10-0043	LIFT ASSIST	2.5			
08/30/10	R	V	0.5	8	2	10-0044	CO2 ALARM	8			
08/31/10	R	V	2	13	2	10-0045	HELO ASSIST	52			
09/02/10	R	V	0.5	11	2	10-0047	ALARM	11			
09/09/10	R	V	0.5	6	1	10-0048	LIFT ASSIST	3			
09/17/10	R	V	5	3	2	10-0050	TRACTOR PARADE	30			
10/17/10	R	V	1	17	4	10-0052	STRUCTURE FIRE	68			
10/23/10	R	V	1.5	13	3	10-0053	PIA	58.5			
10/27/10	R	V	0.5	15	5	10-0054	SMOKE ODOR	37.5			
10/27/10	R	V	0.5	13	1	10-0055	LINE DOWN	6.5			
11/05/10	R	V	0.5	11	1	10-0056	LIFT ASSIST	5.5	1563.5	44.67143	73.13%
06/19/10	R	W	2	15	2	10-0019	WATER RESCUE	60			
06/20/10	R	W	0.5	6	1	10-0020	LIFT ASSIST	3			
06/25/10	R	W	3.5	17	3	10-0023	JAWS	178.5	241.5	80.5	11.30%

total all usage factors	2138

EXP CHECK RUN DATES 07/04/2014 - 07/15/2014
JOURNALIZED
BOTH OPEN AND PAID

INVOICE NUMBER	DESCRIPTION	AMOUNT	VENDOR NAME	DATE PAID
665655	AMB. OXYGEN	197.00	AIRGAS USA, LLC	07/15/2014
1026-532112	ELECTRIC SUPPLY	257.49	ALL-PHASE ELECTRIC SU	07/15/2014
888418101	MARINA ICE	304.04	ARCTIC GLACIER U.S.A.	07/15/2014
893419102	MARINA ICE	153.80	ARCTIC GLACIER U.S.A.	07/15/2014
135017862 JUNE 14	INTERNET W/S	68.00	AT&T	07/15/2014
231436501706	AT&T MONTHLY JUNE 2014	2,369.34	AT&T	07/15/2014
5/27/6/28/14	DEPART CELL PHONES	346.00	AT&T MOBILITY	07/15/2014
7/04/14	FIRE TRAINING JULY 4TH	450.00	AUDIE'S RESTAURANT	07/15/2014
3650602	MOWER PART	153.12	BADER & SONS CO	07/15/2014
132814	SUPPLIES	94.75	BLASKOWSKI FEED & SEE	07/15/2014
132816	CALCIUM NITRATE	407.10	BLASKOWSKI FEED & SEE	07/15/2014
1076172	MOTOR OIL	556.92	BRONCO OIL CO.	07/15/2014
8245 12 276 000966	CHARTER TV MARINA	80.91	CHARTER COMMUNICATION	07/15/2014
824512278600019455	AMBULANCE INTERNET	55.00	CHARTER COMMUNICATION	07/15/2014
82451227600019463	DPW INTERNET PHONE	132.99	CHARTER COMMUNICATION	07/15/2014
8245122760019448 2	MARINA INTERNET	180.00	CHARTER COMMUNICATION	07/15/2014
7/28/2014	CONFERENCES, GAS, FOOD. SCOPE	681.80	CHASE PLATINUM MASTER	07/15/2014
STATEMENT	AD FOR ZONING	342.59	CHEBOYGAN DAILY TRIBU	07/15/2014
729672400	RESTROOM SUPPLIES	119.53	CINTAS CORPORATION LO	07/15/2014
550363	ATTORNEY FEE	3,314.50	CLARK HILL P.L.C.	07/15/2014
6/30/2014	MISC SUPPLIES	486.67	COFFMAN HARDWARE	07/15/2014
5/21-6/18/14	STREET LIGHTS	1,857.57	CONSUMERS ENERGY	07/15/2014
JULY 2014	4TH OF JULY LAWN GAME PRIZES	107.82	DAVID PAQUET	07/15/2014
934591	ATTORNEY FEES	1,617.00	DICKINSON WRIGHT	07/15/2014
15578	SPRINKLER PARTS	69.90	DOC'S PLUMBING & HEAT	07/15/2014
4337	ABS MONTHLY ADMIN FEE JULY 2014	232.30	EMPLOYEE BENEFITS AGE	07/15/2014
ORD00092368	RESCUE SLED MCPD GRANT PURCHASE	4,747.30	EQUINOX INDUSTRIES LT	07/10/2014
002138219	UNIFORM	167.15	GALLS, AN ARAMARK COM	07/15/2014
000911104	FIRE SUPPLY	73.48	GALLS, LLC	07/15/2014
6/16/2014 EMAIL	AEROMIX ITEM	2,641.00	HAMLETT ENVIROMENTAL	07/15/2014
20137683	COMPUTER SERVICE	213.00	I.T. RIGHT	07/15/2014
20137668 20137669	COMPUTER SERVICE	84.11	I.T. RIGHT	07/15/2014
0018958	TRANSMISSION 06 F150	478.31	INLAND TRANSMISSION	07/15/2014
3641765	PARTS	349.00	KIMBALL MIDWEST	07/15/2014
7/01/2014	PARTS	73.99	KRUEGERS SERVICE	07/15/2014
1/2014	VEHICLE PART	20.00	KRUEGERS SERVICE	07/15/2014
1/2014	PART	30.00	KRUEGERS SERVICE	07/15/2014
881074	CLEANING SUPPLIES	88.65	KSS ENTERPRISES-PETOS	
882143	CLEANING SUPPLU	101.29	KSS ENTERPRISES-PETOS	07/15/2014
6/01-6/30/14	GARBAGE 606 POND STREET	238.00	LITTLE TRAVERSE DISPO	07/15/2014
6/1-6/30/14	MARINA DUMPSTER JUNE 2014	100.00	LITTLE TRAVERSE DISPO	07/15/2014
00231	BRIDGE FARE AMBULANCE	100.00	MACKINAC BRIDGE AUTHO	07/15/2014
2014720	CONKLING LETTERS FOR SIGN	27.40	MACKINAW ART & SIGN	07/15/2014
JULY 1 2014	AD AND PROMO AGREEMENT	5,000.00	MACKINAW CITY CHAMBER	07/15/2014
2149	MONTHLY AMB BILLING JUNE 2014	520.00	MHR BILLING	07/15/2014
2014 MEMBERSHIP	MI ASSOC OF MAYORS	85.00	MICHIGAN ASSOCIATION	07/15/2014
MB2014-0259	ANNUAL MEMBERSHIP DUES	590.00	MICHIGAN RURAL WATER	07/15/2014
14-033	CONTRACTED SERVICE SURVEYS	925.00	NEIL E. HILL, L.S.P.C	07/15/2014
635	LIGNIN DUST CONTROL	2,640.00	NORTHERN MICHIGAN DUS	07/15/2014
7/9/2014	MCPD PETTY CASH	71.78	PATRICK WYMAN, PETTY	07/10/2014
187012	CHLORIDE	7,059.10	PVS TECHNOLOGIES, INC	07/15/2014
3954522	OFFICE SUPPLIES	142.75	QUILL CORPORATION	07/15/2014
ASI-001705	KIT TORNADO 10/60 FOR NEMA	11,160.00	RWL WATER - USA	07/15/2014
749390	TROPHIES REC COMPLES	168.25	SPORTS AWARDS	07/15/2014
393991123	MANAGER PHONE JUNE 2014	60.00	SPRINT	07/15/2014
96842126	CLEANERS	697.88	STATE CHEMICAL MANUFA	07/15/2014
306912	AMBULANCE LICENSE RENEWAL	150.00	STATE OF MICHIGAN	07/10/2014
SALES TAX	MARINA SALES TAX JUNE 2014	880.34	STATE OF MICHIGAN	07/10/2014
015378	COPY MACHINE MAINTENANCE / INK	270.99	VAN'S BUSINESS MACHIN	07/15/2014
07 10 2014	NET PAY PAYROLL	44,360.11	VILLAGE OF MACK. CITY	07/10/2014
07 10 14	FED/FICA/MEDICARE W/H PAYROLL	15,896.25	VILLAGE OF MACK. CITY	07/10/2014
7 10 14	MERS EE ER W/H PAYROLL	1,614.07	VILLAGE OF MACK. CITY	07/10/2014
STATEMENT	MONTHLY GAS BILLS A	7,283.56	VPS CONVENIENCE STORE	07/15/2014
		123,743.90		

COMMITTEE REPORT

COMMITTEE: Ordinance and Policy **DATE:** July 9, 2014

AGENDA ITEMS: ROW Permit Policy

PRESENT: Planisek, Perlick, Michalak, Rivera, Smith, Perron **ABSENT:** _____

PUBLIC ATTENDES: None

REPORT:

1.) Background Information Concerning Proposed Ordinance Provided to Mr. Perron.

2.) Elements of the Most Recent Draft Ordinance Reviewed.

COMMITTEE DATABASE SUMMARY INFORMATION

ITEM	STATUS/RECOMMENDATION
1.)	Revisions and Questions Under Consideration Being Addressed by Mr. Perron Following Legal Input for Inclusion at Follow-Up Committee Meeting to be Scheduled.

COMMITTEE REPORT

COMMITTEE: Ordinance and Policy **DATE:** July 10, 2014

AGENDA ITEMS: ROW Permit Policy

PRESENT: Planisek, Perlick, Michalak, Thompson, Karll, Perron **ABSENT:** _____

PUBLIC ATTENDES: None

REPORT:

1.) Proposed Draft Ordinance Provided by Legal Reviewed and Dissected.

2.) Representative Ordinances and Permit Forms from Several Municipalities Were Distributed for Review.

COMMITTEE DATABASE SUMMARY INFORMATION

ITEM	STATUS/RECOMMENDATION
1.)	Committee to Revise Proposed Ordinance Format Based on Suggestions.
2.)	Michigan Motor Vehicle Code to be Reviewed Relative to Concerns Associated With Street Utilization.
3.)	Permit Format and Elements to be Recommended at Next Scheduled Meeting.