



**CITY COUNCIL AGENDA  
December 14, 2020 – 7:00 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
  - A. **Regular City Council Meeting of November 23, 2020 (ROLL CALL)**
  - B. **Special City Council Meeting of November 30, 2020 (ROLL CALL)**
  - C. **Special City Council Meeting Closed Session of November 30, 2020 (ROLL CALL)**
4. MAYOR’S COMMENTS
5. CITY MANAGER’S COMMENTS
  - A. **Withdrawal from CSR Program**
6. AGENDA CHANGES (ADDITIONS/DELETIONS)
7. GUEST SPEAKERS:
  - A. **Lt. Brett Ensfield – Allegan Co. Sheriff’s Department**
8. PUBLIC COMMENT *(Limit 3 minutes) Select “unmute” mic in the Zoom interface and speak your name to be recognized or press \*6 if you are calling in by phone to unmute your phone to speak.*
9. REQUESTS FOR PAYMENT
  - A. **Approval of Accounts Payable (ROLL CALL)**
10. INTRODUCTION OF ORDINANCES:
11. PUBLIC HEARINGS:
12. UNFINISHED BUSINESS:
13. NEW BUSINESS
  - A. **Ordinance Amendment State of Emergency Declaration**
  - B. **Extend Advisory Tri-Community Recycling Ad Hoc Committee**
  - C. **Allegan County Interlocal Agreement For County Designated Assessor**
  - D. **Appoint Brian Stephens to the Board of Review**
  - E. **Reappoint Ken Vlasity to the Board of Review**
  - F. **City Manager Search**
14. CONSENT AGENDA:
15. PUBLIC COMMENTS *(Limit 3 minutes) Select “unmute” mic in the Zoom interface and speak your name to be recognized or press \*6 if you are calling in by phone to unmute your phone to speak.*
16. COMMUNICATIONS:
  - A. Email from Gordon Lefort
17. BOARDS, COMMISSIONS & COMMITTEE REPORTS

**NOTICE:**

This public meeting will be held using Zoom video/audio conference technology due to the COVID-19 restrictions currently in place.

Join online by visiting:  
<https://us02web.zoom.us/j/2698572603>

Join by phone by dialing:  
**(312) 626-6799 -or-  
(646) 518-9805**

Then enter “Meeting ID”:  
**2698572603**

Please send questions or comments regarding meeting agenda items prior to meeting to:  
[citymanager@saugatuckcity.com](mailto:citymanager@saugatuckcity.com)



18. COUNCIL COMMENTS
19. ADJOURN (*ROLL CALL*)

Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact Saugatuck City Clerk at 269-857-2603 or [erin@saugatuckcity.com](mailto:erin@saugatuckcity.com) for further information.

**Proposed Minutes**  
**Saugatuck City Council**  
**Saugatuck, Michigan, November 23, 2020**

The City Council met in regular session at 7:00 p.m. via Zoom video/audio conference technology due to COVID-19 restrictions currently in place.

1. **Call to Order:** by Mayor Bekken at 7:00 p.m.
  
2. **Attendance**  
**Present:** Dean, Leo, Lewis, Peterson, Trester, Stanton, Bekken  
**Absent:** None  
**Others Present:** Interim City Manager Doyle Homan, Clerk Wilkinson, Zoning Administrator Osman, and Finance Director/Treasurer Stanislawski
  
3. **Approval of Minutes:**  
**Regular City Council Meeting of November 9, 2020:** A motion was made by Lewis, 2nd by Peterson, to approve the meeting minutes of November 9, 2020 as presented. Upon roll call vote the motion carried unanimously.
  
4. **Mayor's Comments:** Welcomed Lauren Stanton and Scott Dean to their first official council meeting. Provided an update on City Manager search.
  
5. **City Manager's Comments:** Interim City Manager Doyle Homan updated council that the city is back to full staffing after several were out with COVID-19. She also informed council the Park street traffic data will be distributed after it is downloaded from the speed signs.
  
6. **Agenda Changes:** Dean Kapenga, Allegan County Commissioner - was added as a public speaker.
  
7. **Guest Speakers:**
  - A. **Lt. Brett Ensfield – Allegan Co. Sheriff Department** - Lt. Ensfield reported it has been busier than expected with more complaints, but nothing out of the ordinary. Moving forward, additional reporting with graphic summaries will be provided quarterly and annually. Lt. Ensfield also welcomed the new council members.

**B. Lisa Mize - Saugatuck Douglas Area Convention and Visitors Bureau -** Provided an overview of the CVB's marketing strategy and plan for implementation.

**C. Dean Kapenga - Allegan County Commissioner -** Provided an update on Allegan County website updates to include additional reporting and statistics. Updated council on the work of the Commission on Aging in the area and other updates on happenings in the county.

**8. Public Comment:** None

**9. Request for Payment:** A motion was made by Lewis, 2nd by Trester, to approve the accounts payable in the amount of \$73,718.89. Upon roll call vote the motion passed unanimously.

**10. Introduction of Ordinances:**

**A. Ordinance 201123-A -** A motion was made by Trester, 2nd by Peterson, to amend Title III, Chapter 31, Entitled "ADMINISTRATION: DEPARTMENTS, BOARDS AND COMMISSIONS" to add a new section 31.02 entitled "EMERGENCY DECLARATIONS" to the Code of the City of Saugatuck of the December 14, 2020 regular council meeting agenda for action. Upon roll call vote the motion passed unanimously.

**11. Public Hearings:** None

**12. Unfinished Business:** None

**13. New Business:**

**A. New Patrol Car -** A motion was made by Lewis, 2nd by Dean, to approve the purchase of a White Police Interceptor Utility SUV from Barber Ford for a total purchase price of \$32,994. Upon roll call vote the motion passed unanimously.

**B. Milfoil Advisory Group Membership Amendment -** A motion was made by Leo, 2nd by Stanton, to amend Resolution 201026-B by adding Scott Dean to the Eurasian Water Milfoil Advisory Committee and removing Garnet Lewis. Upon roll call vote the motion passed unanimously.

- C. First Amendment to Employment Agreement with Interim City Manager D. Professional Services Agreement** - A motion was made by Leo, 2nd by Lewis, to approve the First Amendment Employment Agreement between the City of Saugatuck and Karen Doyle Homan. Upon roll call vote the motion passed unanimously.
- D. Campbell Road Improvements** - A motion was made by Peterson, 2nd by Trester, to approve the Professional Services Agreement between the City of Saugatuck and Fleis & Vandenbrink Engineering for Campbell Road improvements. Upon roll call vote the motion passed unanimously.
- E. Professional Services Agreement – Wicks Park Bandshell** - A motion was made by Lewis, 2nd by Leo, to approve the Authorization to Proceed with Design and Construction Phase Services with Fleis & VandenBrink and authorize the Mayor to sign the authorization document. Upon roll call vote the motion passed unanimously.
- F. MERS** - A motion was made by Lewis, 2nd by Leo, to approve the Michigan Employees' Retirement System Hybrid Plan Adoption Agreement Addendum. Upon roll call vote the motion passed unanimously.

**14. Consent Agenda:** None

**15. Public Comments:** Dan Fox (resident) remarked about the issues with the Douglas Blue Star Bike Path and cautioned the council not to change big things on the fly without collecting considerable community feedback first.

**16. Communications:** None

**17. Boards, Commissions & Committee Reports:** Council received a report from the Milfoil Advisory Group Committee Update, KLSWA, and Tri-Community Recycling Committee.

**18. Council Comments:** Council Member Peterson suggested looking into working with the South Haven, Benton Harbor, and St. Joseph on the lakeshore erosion issue, as they are trying to work with the Army Corps of Engineers to replenish sand on their beaches.

Council Member Leo wished everyone a happy and safe Thanksgiving.

Council Member Stanton commended Council Member Peterson on a great job on the downtown lights.

Council Member Dean encouraged everyone to support local restaurants with takeout.

Council Member Lewis requested the council incorporate the new members in boards and committees and asked to review commissions at an upcoming meeting.

Council Member Trester sited the increasing COVID-19 cases in the area and encouraged people to remain vigilant and commended Council Member Peterson on the holiday lighting and thanked Sean Steel for donating the tree in Coghlin Park.

Mayor Bekken commended the DPW and Council Member Peterson for their great work on holiday lights around town and wished citizens a safe and happy Thanksgiving.

**19. Adjournment:** A motion was made by Trester, 2nd by Lewis, to adjourn at 8:28 p.m. Upon roll call vote the motion passed unanimously.

Respectfully Submitted,

Erin Wilkinson Saugatuck

City Clerk

**Proposed Minutes**  
**Saugatuck City Council Special Meeting**  
**Saugatuck, Michigan, November 30, 2020**

The City Council met in regular session at 7:00 p.m. via Zoom video/audio conference technology due to COVID-19 restrictions currently in place.

**1. Call to Order:** by Mayor Bekken at 7:00 p.m.

**2. Attendance**

**Present:** Dean, Leo, Lewis, Peterson, Trester, Stanton, Bekken

**Absent:** None

**Others Present:** Interim City Manager Doyle Homan, Clerk Wilkinson, Zoning Administrator Osman, Frank Walsh

**3. Public Comment:** None

**4. New Business:**

**A. City Manager Applicants** - A motion was made by Lewis, 2nd by Trester, to enter into closed session at 7:02 pm, to review city manager applications who have requested confidentially in accordance with MCL Section 15.268(f) of the Open Meetings Act. Upon roll call vote the motion passed unanimously.

City Council Entered back into open session at 9:28 pm.

A motion was made by Trester, 2nd by Lewis, to enter back into open session. Upon roll call vote the motion passed unanimously.

A motion was made by Lewis, 2nd by Stanton, to offer public interviews for the position of Saugatuck City Manger on December 10, 2020 at 3:00 pm to candidates: 14, 21, 24, 27 and 28.

**5. Public Comments:** None

**6. Council Comments:** Council Member Lewis thanked Frank Walsh for his services.

Council Member Stanton expressed optimism about candidates and appreciation to Frank Walsh.

Council Member Trester also thanked Frank Walsh for his services selecting great candidates.

Council Member Peterson updated council on the lights downtown after the wind broke several of the strands, and mentioned the lights will be left on 24 hours a day to help identify issues moving forward.

Mayor Bekken thanked Frank Walsh for his services and expressed optimism regarding the slate of candidates.

**7. Adjournment:** A motion was made by Lewis, 2nd by Trester, to adjourn at 8:34 pm. Upon roll call vote the motion passed unanimously.

Respectfully Submitted,

Erin Wilkinson Saugatuck

City Clerk



**FROM:** Cindy Osman Planning and Zoning

**MEETING DATE:** December 28, 2020

**SUBJECT:** Withdrawal from the CSR program

**DESCRIPTION:** The City participates in the Federal Emergency Management Agency (FEMA) through the National Flood Insurance Program (NFIP) since around 1980. This allows residents and property owners to purchase flood insurance in and out of the flood plain area. Over 1,000 municipalities in Michigan participate in NFIP.

When I started working here, I learned that the City also participated in the Community Safety Rating program (CSR). Participation in the CSR is voluntary and not required for our community to participate in the NFIP. CSR requires reporting of flood plain activity to a private agency to track compliance with the State Building Code. I checked with surrounding communities and through my Building Code group learned that only one participated and they were thinking of discontinuing. Park Township did finally withdraw in 2015. Further research revealed that out of the over 1,000 communities participating in NFIP only 22 participate in CSR.

Required activities include identification of all properties in the flood plain, mailing them all kinds of FEMA literature, notification of all insurance companies, Realtors, and all lenders. Tracking all these mailing is part of the documentation that is required submissions to CSR. All building permits have to be sent to CSR as well, and must be submitted on their forms, so I can't just run a report and send it, I have to transcribe it all onto their forms. Finding, mailing, transcribing, and other required activities takes about 40 hours of my time. All phone calls and inquires regarding the floodplain throughout the year must be logged and submitted. There is also a one day site visit. The benefit of participating in CSR is a five percent reduction in the flood insurance policy cost. The savings to about 104 policy holders is about \$2,100 in total.

Last week I was notified that there was a new required report that I had to complete for keeping our rating at a 5% savings. It is not ethical to spend taxpayer money to benefit a handful of policy holders. Based on all these reasons, an administrative decision was made to withdraw from the CRS program.

**NO ACTION IS REQUIRED – THIS MEMO IS FOR INFORMATION ONLY**



November 24, 2020

Tracie Belongia, CFM  
ISO/CRS Specialist  
Via email at [tbelongia@iso.com](mailto:tbelongia@iso.com)

Dear Ms. Belongia:

Saugatuck City has reviewed the requirements for continued participation in the Community Rating System program and determined that participation is no longer a value to residents of the City of Saugatuck. The reason for this determination is because there is no legitimate funding means for the administration of the C.R.S. program. I believe that it is not ethical for a government entity to administer programs that can only serve a fraction of the residents with funds paid by the entire population of residents. In other words, programs that do not benefit the entire population of taxpayers should be funded by the individuals that the program does benefit.

We understand that once the Class 10 retrogression takes effect, our community will be required to maintain this classification for one full year before application can be made again into the Community Rating System Program.

The City of Saugatuck would consider participating in the program again, if the program could be redesigned in a way that is fair and equitable to all residents.

Thank you for your time and consideration.

Sincerely,

Karen Doyle Homan  
Interim City Manager  
City of Saugatuck  
[citymanager@saugatuckcity.com](mailto:citymanager@saugatuckcity.com)



# Incident Analysis Report Detail



Print Date/Time: 12/03/2020 08:24  
 Login ID: allegancountybensfield  
 Incident Type: All  
 Call Source: All

From Date: 11/23/2020 00:00  
 To Date: 12/03/2020 23:59

Allegan County Sheriff's Office  
 ORI Number: MI0310300  
 Officer ID: Flokstra, Robert John  
 Location: All

Incident Date/Time	Incident Number	Incident Type	Location	Caller	Source
11/26/2020 05:32	2020-00019852	Alarm	BLUE STAR HWY		Telephone
	<b>Report Required:</b>	Yes	<b>Officers</b>		
11/26/2020 09:57	2020-00019857	Trespassing	1133 - Flokstra 134TH AVE		Telephone
	<b>Report Required:</b>	Yes	<b>Officers</b>		
11/30/2020 10:14	2020-00020088	MDOF-29000	1133 - Flokstra BUTLER ST		Telephone
	<b>Report Required:</b>	Yes	<b>Officers</b>		
12/01/2020 15:29	2020-00020177	Suspicious Situation	PENINSULA TRL		Telephone
	<b>Report Required:</b>	Yes	<b>Officers</b>		
			1133 - Flokstra		

**Total Matches : 4**



# Incident Analysis Report Detail



Print Date/Time: 12/03/2020 08:25  
 Login ID: allegancountybensfield  
 Incident Type: All  
 Call Source: All

From Date: 11/23/2020 00:00  
 To Date: 12/03/2020 23:59

Allegan County Sheriff's Office  
 ORI Number: MI0310300  
 Officer ID: Hagerly, Janel L.  
 Location: All

Incident Date/Time	Incident Number	Incident Type	Location	Caller	Source
11/23/2020 08:28	2020-00019698	No Ops	N BLUE STAR HWY		Officer
	Report Required:	Yes	Officers		
			424 - Hagerly		
			142ND AVE/60TH ST		Officer
	Report Required:	Yes	Officers		
11/23/2020 09:32	2020-00019701	General Assist			
	Report Required:	Yes	424 - Hagerly		
			MANCHESTER DR		Telephone
	Report Required:	Yes	Officers		
11/24/2020 08:00	2020-00019750	Conservation			
	Report Required:	Yes	424 - Hagerly		
			N MAPLE ST c		Telephone
	Report Required:	Yes	Officers		
11/24/2020 08:05	2020-00019751	Harassment/Threats			
	Report Required:	Yes	424 - Hagerly		
			BLUE STAR HWY		Telephone
	Report Required:	Yes	Officers		
11/24/2020 09:25	2020-00019755	Check Welfare			
	Report Required:	Yes	424 - Hagerly		
			PARK ST		Telephone
	Report Required:	Yes	Officers		
11/24/2020 10:10	2020-00019756	Conservation			
	Report Required:	Yes	424 - Hagerly		
			134TH AVE		Telephone
	Report Required:	Yes	Officers		
11/27/2020 12:11	2020-00019906	Civil			
	Report Required:	Yes	424 - Hagerly		
			PARK ST / CAMPBELL RD		Officer
	Report Required:	Yes	Officers		
11/27/2020 15:28	2020-00019918	Found Property			
	Report Required:	Yes	424 - Hagerly		
			S MAPLE ST		Officer
	Report Required:	Yes	Officers		
11/28/2020 12:07	2020-00019968	Inspections			
	Report Required:	Yes	424 - Hagerly		
			LANDSBURG RD		Telephone
	Report Required:	No	Officers		
11/28/2020 15:46	2020-00019985	Harassment/Threats			
	Report Required:	No	424 - Hagerly		

**Total Matches : 10**



# Incident Analysis Report Detail



Print Date/Time: 12/03/2020 08:27  
Login ID: allegancountybensfield  
Incident Type: All  
Call Source: All

From Date: 11/23/2020 00:00  
To Date: 12/03/2020 23:59

Allegan County Sheriff's Office  
ORI Number: MI0310300  
Officer ID: Klinge, Phillip A.  
Location: All

Incident Date/Time	Incident Number	Incident Type	Location	Caller	Source
11/23/2020 01:18	2020-00019691	General Assist	BUTLER ST / MAIN ST		Officer
	Report Required:	Yes	Officers		
			648 - Klinge		
			BUTLER ST / MAIN ST		Officer
			Officers		
			648 - Klinge		
			BUTLER ST / MAIN ST		Officer
			Officers		
			648 - Klinge		
			BUTLER ST / MAIN ST		Officer
			Officers		
			648 - Klinge		
			BUTLER ST / MAIN ST		Officer
			Officers		
			648 - Klinge		
			58TH ST / 128TH AVE		Telephone
			Officers		
			648 - Klinge		
			58TH ST / 128TH AVE		FOP
			Officers		
			648 - Klinge		
			58TH ST / 128TH AVE		FOP
			Officers		
			648 - Klinge		
			58TH ST / 128TH AVE		FOP
			Officers		

Total Matches : 7



# Incident Analysis Report

## Detail



Print Date/Time: 12/03/2020 08:28  
 Login ID: allegancountybensfield  
 Incident Type: All  
 Call Source: All

From Date: 11/23/2020 00:00  
 To Date: 12/03/2020 23:59

Allegan County Sheriff's Office  
 ORI Number: MI0310300  
 Officer ID: Kruthoff, Jason Lee  
 Location: All

Incident Date/Time	Incident Number	Incident Type	Location	Caller	Source
11/23/2020 20:10	2020-00019734	Death Investigation	141ST AVE		Telephone
	Report Required:	Yes	Officers		
			490 - Kruthoff		
			BUTLER ST / MAIN ST		Officer
	Report Required:	Yes	Officers		
			490 - Kruthoff		
			41ST ST		Telephone
	Report Required:	Yes	Officers		
			490 - Kruthoff		
			BUTLER ST / MAIN ST		Officer
	Report Required:	Yes	Officers		
			490 - Kruthoff		
			46 NB I 196 HWY		Officer
	Report Required:	Yes	Officers		
			490 - Kruthoff		
			BUTLER ST / MAIN ST		Telephone
	Report Required:	Yes	Officers		
			490 - Kruthoff		
			SAGEWOOD TRL		Telephone
	Report Required:	Yes	Officers		
			490 - Kruthoff		
			43 NB I 196 HWY		Telephone
	Report Required:	Yes	Officers		
			490 - Kruthoff		
			BUTLER ST / MAIN ST		Officer
	Report Required:	Yes	Officers		
			490 - Kruthoff		
			56TH ST		Telephone
	Report Required:	Yes	Officers		
			490 - Kruthoff		
			BUTLER ST / MAIN ST		Officer
	Report Required:	Yes	Officers		
			490 - Kruthoff		

11/30/2020 03:55 2020-00020080 Alarm  
 Report Required: Yes  
 12/02/2020 22:14 2020-00020257 General Assist  
 Report Required: Yes

Total Matches : 13

490 - Kruthoff Telephone  
 125 E MAIN ST  
 Officers  
 490 - Kruthoff  
 MAIN ST / BUTLER ST  
 Officers Officer  
 490 - Kruthoff

Vendor Name	Description	Amount
1. ACTION INDUSTRIAL SUPPLY CO	UNIFORMS & SAFETY EQUIPMENT	75.72
2. ALLEGAN COUNTY SHERIFF	DEBT CREW	664.00
3. ALLEGAN COUNTY TREASURER	PROPERTY TAXES	19,717.65
4. AT&T MOBILITY	CELL PHONES	76.83
5. BLOOM SLUGGETT PC	TAX TRIBUNAL	40.00
	LEGAL FEES	3,477.50
	TOTAL	3,517.50
6. BOVEN ELECTRIC LLC	CITY HALL WIRELESS	255.00
7. CERTASITE LLC	DPW ANNUAL INSPECTION	557.95
	CITY HALL ANNUAL INSPECTION	463.60
	TOTAL	1,021.55
8. CHEMICAL BANK	BANKING FEES	23.41
9. CONSUMERS ENERGY	ELECTRIC	3,059.48
10. ELF SHACK	GARLAND, WREATHS & TREES	1,400.00
11. FIRST BANK CARD	ELECTION, POSTAGE & TRAINING	3,946.49
12. FLEIS & VANDENBRINK ENGINEERING INC	ENGINEERING FEES	672.40
	PARK STREET SURVEY	110.75
	TOTAL	783.15
13. FRONTIER	TELEPHONES	211.48
14. HIGH POINT ELECTRIC	ELECTRIC WICKS	445.61
15. IHLE AUTO PARTS	BATTERY	232.80
16. INTERURBAN TRANSIT AUTHORITY	PROPERTY TAXES	4,672.51
17. K&R TRUCK SALES INC	REPAIRS	11.97
18. KALAMAZOO LAKE SEWER & WATER	WATER & SEWER	1,181.80
19. LEMON FRESH CLEANERS	FLAGS CLEANED	344.00
20. LORRIE PASTOOR	CLEANING SERVICES	100.00
21. MC CANN INDUSTRIES INC	BACKHOE FILTERS & REPAIRS	1,367.47
22. MERS	RETIREMENT	4,500.00
23. NEWCOMER PLOW & HITCH	REPAIRS SNOWPLOW	354.05
24. OTTAWA AREA INTERMEDIATE	SCHOOL DIS	
	PROPERTY TAXES	1,801.68
25. OVERISEL LUMBER COMPANY	SUPPLIES & REPAIRS	558.66
26. RATHCO SAFETY SUPPLY CO	SIGNS	69.88

Vendor Name	Description	Amount
27. SAUGATUCK DOUGLAS LIBRARY	PROPERTY TAXES	7,358.43
28. SAUGATUCK FIRE	PROPERTY TAXES	21,328.47
29. SAUGATUCK PUBLIC SCHOOLS	PROPERTY TAXES	72,271.37
30. SHELL	GASOLINE & DIESEL	848.67
31. SHORELINE TECHNOLOGY SOLUTIONS	COMPUTER SERVICES	911.00
32. STINGERS PEST CONTROL	PEST CONTROL CITY HALL	110.40
	DPW PEST CONTROL	110.40
	TOTAL	220.80
33. SUPERIOR ASPHALT INC	ROAD REPAIR	1,125.00
34. TREDROC TIRE SERVICES	TIRES BACKHOE	2,326.45
35. TRUCK & TRAILER SPECIALTIES	SALT SPREADER REPAIRS	1,742.34
	REPAIRS	243.68
	TOTAL	1,986.02
36. WESTENBROEK MOWER INC	TORO REPAIRS	410.99
TOTAL - ALL VENDORS		159,179.89
<b>FUND TOTALS:</b>		
Fund 101 - GENERAL FUND		21,606.63
Fund 202 - MAJOR STREETS		1,660.45
Fund 661 - MOTOR POOL FUND		8,711.24
Fund 701 - CURRENT TAX FUND		127,150.11
Fund 715 - ROSE GARDEN		51.46

12/10/2020 CHECK REGISTER FOR CITY OF SAUGATUCK				
CHECK DATE FROM 11/01/2020 - 11/30/2020				
Check Date	Check	Vendor Name	Description	Amount
Bank GEN GENERAL POOLED CASH				
11/09/2020	16576	AMERICAN LEGAL PUBLISHING CORP	ORDINANCE UPDATES	1,675.58
11/09/2020	16577	D & L TRUCK & TRAILER LLC	REPAIRS INTERNATIONAL TRUC	7,009.90
11/09/2020	16578	DUNESVIEW KWIK SHOP INC	GASOLINE & DIESEL	449.24
11/09/2020	16579	LANDSCAPE DESIGN SERVICES INC	ROSE GARDEN	2,780.00
11/09/2020	16580	MICHIGAN MUNICIPAL LEAGUE	DRIVER CONSORTIUM	375.00
11/09/2020	16581	MINER SUPPLY CO	SUPPLIES	963.80
11/09/2020	16582	NEWCOMER PLOW & HITCH	SNOW PLOW INSTALL	1,911.65
11/09/2020	16583	OVERISEL LUMBER COMPANY	SUPPLIES	1,364.93
11/09/2020	16584	SUPERIOR ASPHALT INC	ROAD PATCHES	1,125.00
11/09/2020	16585	WYOMING ASPHALT PAVING CO	ASPHALT	227.15
11/09/2020	3167(E)	AT&T MOBILITY	CELL PHONES	396.78
11/09/2020	3168(E)	COMCAST	INTERNET	84.90
11/09/2020	3169(E)	CONSUMERS ENERGY	ELECTRIC	3,065.13
11/09/2020	3170(E)	FIRST BANK CARD	ZOOM MEETING	2,208.46
11/09/2020	3171(E)	KALAMAZOO LAKE SEWER & WATER	WATER & SEWER	2,148.12
11/09/2020	3172(E)	MICHIGAN GAS UTILITIES	BUTLER STREET BATHROOM	58.25
11/09/2020	3173(E)	MICHIGAN GAS UTILITIES	CITY HALL	52.93
11/09/2020	3174(E)	MICHIGAN GAS UTILITIES	DPW GARAGE	66.37
11/09/2020	3175(E)	SHELL	GASOLINE & DIESEL	1,115.56
11/09/2020	3176(E)	XEROX FINANCIAL SERVICES	COPIER LEASE	451.68
11/09/2020	3177(A)	CERTASITE LLC	ALARM MONITORING	480.00
11/09/2020	3178(A)	DIANNA MC GREW	POSTAGE	6.60
11/09/2020	3179(A)	GROUNDS MANAGEMENT SOLUTION	PARKS MAINTENANCE	1,090.00
11/09/2020	3180(A)	LORRIE PASTOOR	CLEANING SERVICES	225.00
11/09/2020	3181(A)	MICHIGAN OFFICE SOLUTIONS	COPIER USE	34.55
11/09/2020	3182(A)	SHORELINE TECHNOLOGY SOLUTION	COMPUTER SERVICES	14,938.25
11/09/2020	3183(A)	SMART BUSINESS SOURCE LLC	OFFICE SUPPLIES	168.89
11/13/2020	16586	BLOSE, LAURENCE	ELECTION	112.00
11/13/2020	DD4759(A)	BLOSE, SUSAN	ELECTION	210.00
11/13/2020	DD4760(A)	BROCKINGTON, CATHERINE	ELECTION	304.00
11/13/2020	DD4761(A)	BULTMAN, LINDA	PAYROLL	1,135.51
11/13/2020	DD4762(A)	CARRILLO, DONNA	ELECTION	112.00
11/13/2020	DD4763(A)	DOYLE HOMAN, KAREN	PAYROLL	2,906.17
11/13/2020	16587	GARDNER, RUSSELL	ELECTION	126.00
11/13/2020	DD4764(A)	GOODRICH, RICHARD	PAYROLL	754.54
11/13/2020	16588	HANSON, PETER	ELECTION	210.00
11/13/2020	DD4765(A)	HERBERT, SCOTT	PAYROLL	1,614.48
11/13/2020	DD4766(A)	JAWOROWICZ, CAROL	ELECTION	84.00
11/13/2020	DD4767(A)	KERRIDGE, ADAM	PAYROLL	1,145.89
11/13/2020	DD4768(A)	KNOBLAUCH, MYRA	ELECTION	112.00
11/13/2020	DD4769(A)	MUIR, BETSY	ELECTION	224.00

12/10/2020 CHECK REGISTER FOR CITY OF SAUGATUCK				
CHECK DATE FROM 11/01/2020 - 11/30/2020				
Check Date	Check	Vendor Name	Description	Amount
11/13/2020	DD4770(A)	MUIR, JAMES	ELECTION	189.56
11/13/2020	DD4771(A)	OSMAN, CINDY	PAYROLL	1,405.22
11/13/2020	16589	RIEDBERGER, BARBARA	ELECTION	112.00
11/13/2020	DD4772(A)	SANFORD, MARGARET	ELECTION	112.00
11/13/2020	DD4773(A)	SCHMIDT, JANET	ELECTION	128.00
11/13/2020	DD4774(A)	STANISLAWSKI, PETER	PAYROLL	1,400.35
11/13/2020	DD4775(A)	VAN OSS, BRENT	PAYROLL	1,140.36
11/13/2020	DD4776(A)	VLASITY, KEN	ELECTION	267.84
11/13/2020	DD4777(A)	VLASITY, STEFFANIE	ELECTION	177.77
11/13/2020	DD4778(A)	WENDT, MICHAEL	PAYROLL	1,223.69
11/13/2020	DD4779(A)	WILKINSON, ERIN	PAYROLL	1,477.27
11/13/2020	EFT1351(E)	457-VALIC	PAYROLL	2,571.47
11/13/2020	EFT1352(E)	STATE OF MICHIGAN	PAYROLL	185.06
11/13/2020	EFT1353(E)	MERS HYBRID	PAYROLL	938.78
11/13/2020	EFT1354(E)	FEDERAL TAX DEPOSIT	PAYROLL	5,224.26
11/23/2020	3185(E)	FRONTIER	OVAL BEACH	211.48
11/23/2020	3186(E)	FRONTIER	911 OVAL PHONE	61.44
11/23/2020	3187(E)	FRONTIER	DPW PHONES & INTERNET	176.47
11/23/2020	3192(E)	VALLEY CITY LINEN INC	SHOP TOWELS	143.40
11/23/2020	3194(A)	ALLEGAN COUNTY SHERIFF	SHERIFF CONTRACT	25,725.72
11/23/2020	3195(A)	ALLEGAN COUNTY TREASURER	PROPERTY TAXES	3,491.63
11/23/2020	3196(A)	BLOOM SLUGGETT PC	LEGAL FEES	5,166.50
11/23/2020	3197(A)	CITY OF DOUGLAS	ELECTION	366.00
11/23/2020	3198(A)	DIANNA MC GREW	ASSESSING SERVICES	2,689.47
11/23/2020	3199(A)	GLASS IMAGES INC	WINDOW REPAIR CITY HALL	270.00
11/23/2020	3200(A)	IHLE SERVICE	TIRE REPAIR	20.00
11/23/2020	3201(A)	OTTAWA AREA INTERMEDIATE SCH	PROPERTY TAXES	2,074.99
11/23/2020	3202(A)	SEPTIC TANK SYSTEMS CO INC	WICK PARK EXTRA CLEANING	150.00
11/23/2020	3203(A)	SPECTRUM PRINTERS INC	ELECTION MATERIALS	129.50
11/23/2020	16590	ALLEGAN COUNTY NEWS	PRINTING	196.00
11/23/2020	16591	GIL- ROY'S HARDWARE	SUPPLIES	23.26
11/23/2020	16592	HOLLAND MEDI-CENTER	DOT PHYSICAL	80.00
11/23/2020	16593	IHLE AUTO PARTS	SUPPLIES	442.31
11/23/2020	16594	MISS DIG SYSTEM INC	MISS DIG SERVICES ANNUAL	1,549.16
11/23/2020	16595	PRO TEC	RIGHT WAY MEMBERSHIP	115.63
11/23/2020	16596	SAUGATUCK PUBLIC SCHOOLS	CULVER PARKING LOT SPLIT	12,200.00
11/23/2020	16597	SAUGATUCK PUBLIC SCHOOLS	PROPERTY TAXES	1,308.99
11/23/2020	16598	STANDARD INSURANCE COMPANY	INSURANCE	300.64
11/23/2020	16599	STATE OF MICHIGAN	OVAL BEACH	138.12
11/23/2020	3184(E)	CAPITAL ONE	FLOODING PUMP	598.00
11/23/2020	3188(E)	MERCHANTS BANCARD NETWORK	OVAL BEACH FEES	70.81
11/23/2020	3189(E)	MICHIGAN GAS UTILITIES	BUTLER STREET	99.30
11/23/2020	3190(E)	PRIORITY HEALTH	HEALTH INSURANCE	7,112.47

12/10/2020 CHECK REGISTER FOR CITY OF SAUGATUCK				
CHECK DATE FROM 11/01/2020 - 11/30/2020				
Check Date	Check	Vendor Name	Description	Amount
11/23/2020	3191(E)	REPUBLIC SERVICES	TRASH	404.60
11/23/2020	3193(E)	XEROX FINANCIAL SERVICES	COPIER LEASE	451.68
11/27/2020	DD4780(A)	BULTMAN, LINDA	PAYROLL	1,175.52
11/27/2020	DD4781(A)	DOYLE HOMAN, KAREN	PAYROLL	2,906.17
11/27/2020	DD4782(A)	GOODRICH, RICHARD	PAYROLL	847.01
11/27/2020	DD4783(A)	HERBERT, SCOTT	PAYROLL	1,679.48
11/27/2020	DD4784(A)	KERRIDGE, ADAM	PAYROLL	1,541.86
11/27/2020	DD4785(A)	OSMAN, CINDY	PAYROLL	1,405.23
11/27/2020	DD4786(A)	STANISLAWSKI, PETER	PAYROLL	1,400.34
11/27/2020	DD4787(A)	VAN OSS, BRENT	PAYROLL	1,223.36
11/27/2020	DD4788(A)	WENDT, MICHAEL	PAYROLL	1,263.70
11/27/2020	DD4789(A)	WILKINSON, ERIN	PAYROLL	1,472.38
11/27/2020	EFT1355(E)	457-VALIC	PAYROLL	2,571.46
11/27/2020	EFT1356(E)	STATE OF MICHIGAN	PAYROLL	185.06
11/27/2020	EFT1357(E)	MERS HYBRID	PAYROLL	938.78
11/27/2020	EFT1358(E)	FEDERAL TAX DEPOSIT	PAYROLL	5,230.32
11/27/2020	EFT1359(E)	MERS	PAYROLL	2,637.98
11/27/2020	EFT1360(E)	MI DEPT OF TREASURY	PAYROLL	1,596.93
11/30/2020	3204(E)	CHEMICAL BANK	BANKING FEES	23.41
11/30/2020	3205(E)	FRONTIER	TELEPHONES	211.48
Total of 104 Checks:				164,155.98
Less 0 Void Checks:				0.00
Total of 104 Disbursements:				164,155.98

# Bloom Sluggett, PC

15 Ionia Ave, SW, Suite 640  
Grand Rapids, MI 49503  
(616) 965-9340

December 8, 2020

City of Saugatuck  
Attn: Erin Wilkinson, Clerk  
102 Butler Street  
PO Box 86  
Saugatuck, MI 49453

Re: 09805-004  
Saugatuck-Gen Mun

Enclosed is invoice 21047, which covers services through 11/30/2020. This invoice, dated 12/8/2020, is for \$3477.50. Prompt payment of your total balance is appreciated and is due 30 days from invoice date.

## Billing Summary

Total for services rendered	\$3,477.50
Total expenses	\$0.00
Total previous balance	\$4,763.50
Total payments and other transactions	(\$4,763.50)
<b>Balance Due</b>	<b>\$3,477.50</b>

If you have questions, please call us at (616) 965-9340. Thank you.

Enclosure

# Bloom Sluggett, PC

15 Ionia Ave, SW, Suite 640  
Grand Rapids, MI 49503  
(616) 965-9340

Invoice submitted to:  
City of Saugatuck  
Attn: Erin Wilkinson, Clerk  
102 Butler Street  
PO Box 86  
Saugatuck, MI 49453

December 8, 2020

Invoice # 21047

## Professional Services

			<u>Hours</u>	<u>Amount</u>
11/3/2020	ML	On DeSoto matter: email B. Stewart regarding city park legal descriptions on DeSoto matter. Telephone call to K. Walker at Land Conservancy regarding city park legal. Email T. Dudley. Review deeds from T. Dudley. Review deed and survey from K. Walker. Email quit claim deed for matching survey to K. Walker.	1.00	175.00
	BJS	Multiple correspondence regarding and attention to legal description for Lisa DeSoto matter.	0.20	40.00
11/4/2020	ML	Email C. Osman regarding quit claim deeds and easement for DeSoto parcel swap.	0.10	17.50
11/5/2020	ML	Lisa DeSoto matter: Email B. Stewart regarding city property location and legal description; email C. Osman and T. Dudley regarding quit claim deeds and easement.	0.30	52.50
	BJS	Research of legal descriptions and government lot surveys for Lisa DeSoto matter.	0.70	140.00
11/6/2020	ML	Review, analyze and discuss research from B. Stewart on city park parcels and accurate legal description for DeSoto easement. Review T. Dudley revisions to Easement. Emails - T. Dudley, C. Osman and J. Sluggett regarding easement indemnification and insurance clauses. [NOTE: CHARGES REDUCED AS CLIENT COURTESY]	1.80	150.00
	JVS	Review e-memoranda regarding DeSoto legal counsel objections. Draft, edit and transmit response regarding why insurance and indemnification for City is necessary.	0.40	80.00

		<u>Hours</u>	<u>Amount</u>
11/6/2020	BJS	Research and plotting of multiple legal descriptions and production of several legal description maps; multiple related correspondence.	1.60 320.00
11/9/2020	ML	Work on DeSoto matter: Telephone calls from T. Dudley; email C. Osman; telephone call to and from C. Osman; emails T. Dudley and C. Osman..	0.70 122.50
	ML	Research the law regarding incompatibility of offices held simultaneously in city and township.	1.50 262.50
	JVS	Telephone call from C. Osman regarding incompatible offices. Conference with D. Eberle regarding same. Legal research regarding State of Emergency matters. Outline and draft ordinance regarding same and transmit to client. Conference with M. Landis regarding incompatibility. Draft revisions to ordinance amendment.	2.50 500.00
11/10/2020	ML	Research - incompatible offices and draft e-memo to J. Sluggett regarding C. Osman as potential interim city manager.	3.80 665.00
	ML	Emails on DeSoto matter - C. Osman and T. Dudley	0.10 17.50
	JVS	Review legal research regarding incompatibility. Telephone call to client regarding same. Draft file notes.	0.40 80.00
11/12/2020	ML	Email- T. Dudley regarding easement for L. DeSoto.	0.10 17.50
	JVS	Review inquiry regarding scope of emergency ordinance. Review Emergency Management Act. Draft and edit response to client.	0.30 60.00
11/13/2020	JVS	Exchange e-memoranda regarding employee issue for work schedule. Initial legal research of local emergency issue. Draft file notes.	0.40 80.00
	JVS	Complete review of various statutory provisions. Outline, draft and transmit modified ordinance for local State of Emergency.	0.90 180.00
11/17/2020	JVS	Review file documents. Outline, draft and transmit proposed First Amendment to Employment Agreement.	1.10 220.00
11/18/2020	ML	Email correspondence with T. Dudley regarding L. DeSoto parcel swap.	0.10 17.50
11/19/2020	ML	Email from T. Dudley; review revised quit claim deed; email correspondence with C. Osman; revise easement and email T. Dudley.	0.70 122.50

Bloom Sluggett, PC

Invoice # 21047  
Invoice Date December 8, 2020

		<u>Hours</u>	<u>Amount</u>
11/23/2020	ML Email T. Dudley; Review, finalize and forward L. DeSoto deed and easement to C. Osman for city execution.	0.40	70.00
11/24/2020	ML Email correspondence with C. Osman; review and correct page order of finalized and executed documents for L. DeSoto; email T. Dudley.	0.50	87.50
	For professional services rendered	19.60	\$3,477.50
	Previous balance		\$4,763.50
	Accounts receivable transactions		
11/24/2020	Payment - Thank You		(\$4,763.50)
	Total payments and adjustments		(\$4,763.50)
	Balance due		\$3,477.50

A \$25 returned check fee will be charged for each occurrence, in addition to bank charges.



## City Council Agenda Item Report

**FROM:** Karen Doyle Homan  
**MEETING DATE:** December 14, 2020  
**SUBJECT:** Ordinance Amendment 201214-A Local Emergency Declaration

### **DESCRIPTION**

Michigan Public Act 228 amended the Open Meetings Act to allow meetings of a public body to be held electronically or with remote participation under certain circumstances and to provide procedures and requirements for a meeting held that way. At your October 26, 2020 regular meeting you adopted a remote meetings policy in compliance with Public Act 228 and the Open Meetings Act..

Beginning January 1, 2021, the requirements for holding an electronic meeting tighten up. There must be Declaration of Emergency. A Declaration of Emergency may be Statewide, County wide, or local. The attached Ordinance Amendment invests power in the Mayor to declare a local emergency that may be continued up to seven days. With consent of the City Council, the local emergency may be continued for a long as deemed necessary. The local declaration would only be necessary if there were no State or County wide declaration, yet City leadership deemed it necessary to continue to meet remotely. The Ordinance also names the City Manager to be the emergency management coordinator.

### **BUDGET ACTION REQUIRED N/A**

### **LEGAL REVIEW**

Reviewed and prepared by City Attorney Jeff Sluggett

### **SAMPLE MOTION:**

Motion to approve/deny Ordinance 201214-A Amending Title III, Chapter 31, Entitled "ADMINISTRATION; DEPARTMENTS, BOARDS AND COMMISSIONS" to add a new section 31.02 entitled "EMERGENCY DECLARATIONS" to to the Code of the City of Saugatuck.

**CITY COUNCIL  
CITY OF SAUGATUCK  
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 201214-A

ORDINANCE TO AMEND TITLE III, CHAPTER 31, ENTITLED “ADMINISTRATION;  
DEPARTMENTS, BOARDS AND COMMISSIONS” TO ADD A NEW SECTION 31.02  
ENTITLED “EMERGENCY DECLARATIONS” TO THE CODE OF THE CITY OF  
SAUGATUCK

The City of Saugatuck Ordains:

Section 1. Amendment of Title III, Chapter 31 to Add Section 31.02. That Title III, Chapter 31 of the Code of the City of Saugatuck, entitled “ADMINISTRATION; DEPARTMENTS, BOARDS AND COMMISSIONS,” is hereby amended to add a new Section 31.02 to read as follows:

**31.02 EMERGENCY DECLARATIONS**

A. The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death and is easily spread from person to person. In light of this, it is the judgment of the Saugatuck City Council that it must be able to continue to hold public meetings virtually. As authorized by Michigan’s Open Meetings Act, Act No. 267 of the Public Acts of 1976, as amended, after January 1, 2021, virtual public meetings will only be legally allowed under certain limited circumstances. Among such circumstances is when a local official or governing body has declared a local state of emergency to limit the risk to health and safety of members of the public and the public body. Michigan law, including without limitation the Emergency Management Act, Act No. 390 of the Public Acts of Michigan of 1976, as amended (the “Act”), permits a municipality to declare a local state of emergency in certain identified circumstances. It is the City Council’s intent, in adopting this Ordinance, to set forth a method and process by which a declaration of local state of emergency can occur if necessary.

B. Pursuant to the Act, the City Council of the City of Saugatuck hereby designates the City Manager as its emergency management coordinator and who shall serve at the direction of the Allegan County Emergency Management Coordinator.

C. The City may declare a local state of emergency if circumstances indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property from a natural or human-made cause exists. This power shall be vested in the Mayor but may not be continued or renewed for a period in excess of seven days except with the consent of the City Council. The declaration of a local state of

emergency shall be promptly filed with the emergency management division of the Department of the Michigan State Police, unless circumstances attendant upon the disaster prevent or impede its prompt filing. For purposes of this section, “local state of emergency” shall mean a proclamation or declaration that activates the response and recovery aspects of any and all applicable local or interjurisdictional emergency operations plans and authorizes the furnishing of aid, assistance, and directives under those plans.

D. The City may take such further actions relative to a local state of emergency as permitted by Act 390 or other applicable laws. Nothing in this section shall be interpreted to limit the power of City officials to petition the State of Michigan or any officer thereof as permitted by law with respect to local emergencies

Section 2. Effective Date. This Ordinance shall become effective upon its publication as provided by law.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ ADOPTED

I, Erin Wilkinson, the Clerk of the City of Saugatuck, certify that the foregoing is a true and accurate copy of an ordinance adopted at a regular meeting of the City Council of the City of Saugatuck, held on \_\_\_\_\_, 2020, and noticed in accordance with all legal requirements.

\_\_\_\_\_  
Erin Wilkinson, Clerk

Introduced: \_\_\_\_\_

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

# Meeting Remotely After December 31, 2020 – Declaring a Local State of Emergency

By: [Bradley A. Fowler](#)

Last month, the Michigan Supreme Court ruled that the Governor lacks authority to extend states of emergency in relation to the COVID-19 pandemic. In place of the Governor’s now defunct executive orders, the Michigan Department of Health and Human Services has implemented orders drastically limiting the size of in-person gatherings and mandating social distancing and spacing requirements. At the same time, Coronavirus cases in Michigan are trending upwards and exceeding previous highs hit back in April. With all of these factors compounding as we head into the final months of 2020, it may be unsafe or impossible for many local governments to hold in-person public meetings during at least the first few months of 2021. This is a pressing problem because the recent amendments to the Open Meetings Act (“OMA”) provide that beginning January 1, 2021, meetings of public bodies may only be held electronically under the following very limited circumstances: 1) to accommodate members absent due to military service; 2) to accommodate members with a medical condition; or 3) in the event of a statewide or **“local state of emergency.”**

There are rumors that the Legislature may act before the end of the year to extend the ability for public bodies to continue meeting virtually for any reason into 2021. However, given the current circumstances, municipalities should be prepared with a “Plan B” in the event the Legislature and/or Governor fail to act. To comply with OMA, the best and only option for municipalities wishing to continue meeting remotely after December 31, 2020 is to declare a local state of emergency.

## **What is a Local State of Emergency?**

Under Act 390 of 1976, the Emergency Management Act (“EMA”), when circumstances within a county or municipality indicate that the occurrence or threat of widespread or severe damage, injury or loss of life or property from a natural or human-made cause exists, the chief executive official of the county or municipality is authorized to declare a local state of emergency. Therefore, if the chairperson of a county board of commissioners, township supervisor, village president, mayor, or other chief executive determines that COVID-19 constitutes a threat of widespread or severe injury or loss of life in their community, they may use the EMA to declare a local state of emergency. Once made, emergency declarations must be promptly filed with the Michigan Department of State Police. Additionally, under the EMA, a local state of emergency may not continue or be renewed for a period in excess of seven (7) days unless an extension or renewal is consented to by the governing body of the municipality.

## **Procedures for Declaring a Local State of Emergency**

### *Step One – Appoint an Emergency Management Coordinator*

In order to declare a local state of emergency, the EMA first requires a municipality to appoint an emergency management coordinator. In municipalities with a population of 25,000 or more, if no emergency management coordinator has been appointed, the chief executive official of that municipality is automatically the emergency management coordinator for that municipality. For municipalities with a population less than 25,000, the chief executive officer of the municipality will need to affirmatively appoint someone to serve as the emergency management coordinator in the manner provided in the municipal charter. Under EMA, municipalities may appoint the emergency management coordinator for their county to also serve as emergency management coordinator for the municipality.

### *Step Two – Issue a Written Declaration of Local State of Emergency*

The power to declare a local state of emergency is vested in the chief executive official for a municipality unless some other official is designated in the municipal charter. For general law townships, the township supervisor is vested with this authority. The declaration should be in writing and signed by the chief executive official. If a board

or council meeting is scheduled in December, the declaration can also be made at the meeting, but should still be memorialized in writing.

*Step Three – File the Declaration with the State*

Under EMA, all declarations of a local state of emergency must be promptly filed with the Department of State Police Emergency Management Division. If a municipality has appointed the county emergency management coordinator as the emergency management coordinator for the municipality, the county should also be notified.

*Step Four – Obtain Consent of the Governing Body*

By law, no local state of emergency may continue or be renewed for a period in excess of seven (7) days unless an extension or renewal is consented to by the governing body of the municipality. Because of the nature of the pandemic and the need to continue the local state of emergency for an extended period of time to allow for continued remote meetings, once a local state of emergency is declared, the governing body of the municipality should be convened within seven days to consent to the extension of the declaration for a set period of time, but at least through the next meeting of the governing body. It can then be renewed as necessary.

Pending any legislative fix, we advise our clients who wish to continue meeting remotely to prepare to issue a local state of emergency at the end of December 2020. The attorneys at Mika Meyers are monitoring legislative efforts to further amend OMA, and have been in contact with county emergency managers in this regard. We will provide updates on any new developments and are prepared to answer questions from clients wishing to invoke the EMA and declare a local state of emergency.



## City Council Agenda Item Report

**FROM:** Karen Doyle Homan

**MEETING DATE:** December 14, 2020

**SUBJECT:** Extend term of the Tri-Community Recycling Ad Hoc Committee through 2021

### **DISCUSSION**

The Resolution forming the Tri-Community Recycling Ad Hoc Committee called for the Committee to terminate December 31, 2020. There continues to be a need and the Committee desires to continue their efforts. The Committee has requested that the term be extended. The Resolution that follows extends the term until December 31, 2021.

**BUDGET ACTION REQUIRED N/A**

**LEGAL REVIEW N/A**

**SAMPLE MOTION:** Motion to approve/deny Resolution 201214-A, A Resolution to Extend the Advisory Tri-Community Recycling Ad Hoc Committee Through 2021.

**CITY OF SAUGATUCK  
COUNTY OF ALLEGAN  
STATE OF MICHIGAN**

**RESOLUTION NO. 201214-A**

**A RESOLUTION TO EXTEND THE  
ADVISORY TRI-COMMUNITY RECYCLING AD HOC COMMITTEE THROUGH 2021**

Council Member xxxxx, offered the following resolution and moved for its adoption, seconded by Council Member xxxx:

**WHEREAS**, the governmental bodies of the City of Saugatuck, City of the Village of Douglas and Saugatuck Township (“Communities” or “Community” as appropriate) did collaborate and establish a 2020 Advisory Tri-Community Recycling Ad Hoc Committee, and

**WHEREAS**, the Advisory Tri-Community Recycling Ad Hoc Committee desires to continue their efforts, and

**WHEREAS**, Resolution 200210-A which established the committee, stated that the committee shall terminate on December 31, 2021 unless otherwise extended by Council via resolution.

**THEREFORE, BE IT RESOLVED** the Council does hereby reauthorize and extend the Advisory Tri-Community Recycling Ad Hoc Committee (“Committee”) as follows:

1. Each of the three Communities will be allowed to appoint up to 3 members to represent their jurisdictions.
2. Appointees may be elected officials and/or non-elected.
3. The City of Saugatuck appoints Barry Johnson, Garnet Lewis and Linda Escott.
4. The Committee will be charged with identifying a list of objectives to research and prepare a report outlining any recommendations back to each unit of government.
5. The Committees actions shall be advisory in nature only.
6. The Council does not delegate any authority to the Committee to make decisions on behalf of the Council.
7. The Committee shall terminate on December 31, 2021 unless otherwise extended by Council via resolution.

**BE IT FINALLY RESOLVED** All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

YEAS: Council Members:

NAYS: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

**ADOPTED** this XXXXXX

Signed: \_\_\_\_\_  
Mark Bekken, Mayor

Signed: \_\_\_\_\_  
Erin Wilkinson, City Clerk

CERTIFICATION

I, Erin Wilkinson, the duly appointed clerk of the City of Saugatuck do hereby certify the foregoing is a true and complete copy of a resolution adopted by the Saugatuck City Council at a regular meeting held December 14, 2020, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended. The minutes of the meeting were kept and will be or have been made available as required by said Act.

Signed: \_\_\_\_\_  
Erin Wilkinson, City Clerk

**CITY OF SAUGATUCK  
COUNTY OF ALLEGAN  
STATE OF MICHIGAN**

**RESOLUTION NO. 200210-A**

**A RESOLUTION TO APPOINT A 2020  
ADVISORY TRI-COMMUNITY RECYCLING AD HOC COMMITTEE**

Council Member Johnson, offered the following resolution and moved for its adoption, seconded by Council Member Leo:

**WHEREAS**, the governmental bodies of the City of Saugatuck, City of the Village of Douglas and Saugatuck Township (“Communities” or “Community” as appropriate) support general recycling efforts; and

**WHEREAS**, issues with recycling contamination and vulnerability of markets for recycled materials have created recycling challenges statewide; and

**WHEREAS**, the Communities have identified a need for better education and processes to enhance and maximize recycling activities in the most cost effective manner to the public; and

**WHEREAS**, the Communities have identified collaborating together by establishing an ad hoc committee would be an appropriate step to identify and address critical recycling issues; and

**WHEREAS**, per Section 4.28 of the Saugatuck City Charter, the Mayor, with the advice and consent of the Council may, from time to time, appoint such committees or boards as are deemed appropriate to advise and consult with them, and with appropriate departments, regarding any municipal activity, and such committees or boards shall be advisory, serve temporarily and without compensation unless otherwise provided by the Council.

**THEREFORE, BE IT RESOLVED** the Council does hereby authorize the creation and appointment of members to serve on a 2020 Advisory Tri-Community Recycling Ad Hoc Committee (“Committee”) as follows:

1. Each of the three Communities will be allowed to appoint up to 3 members to represent their jurisdictions.
2. Appointees may be elected officials and/or non-elected.
3. The City of Saugatuck appoints Barry Johnson, Garnet Lewis and Linda Escott.
4. The Committee will be charged with identifying a list of objectives to research and prepare a report outlining any recommendations back to each unit of government.
5. The Committees actions shall be advisory in nature only.
6. The Council does not delegate any authority to the Committee to make decisions on behalf of the Council.
7. The Committee shall terminate on December 31, 2020 unless otherwise extended by Council via resolution.

**BE IT FINALLY RESOLVED** All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

**YEAS:** Council Members: Johnson, Leo, Lewis, Peterson, Verplank, Bekken, Trester

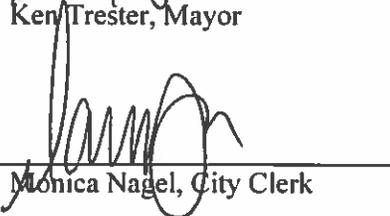
**NAYS:** Council Members: None

**ABSTAIN:** Council Members: None

**ABSENT:** Council Members: None

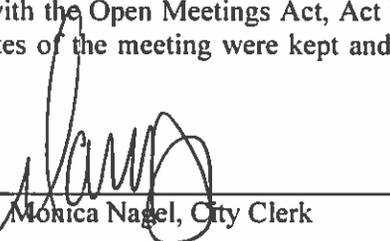
**ADOPTED** this 10<sup>th</sup> day of February 2020

Signed:   
Ken Trester, Mayor

Signed:   
Monica Nagel, City Clerk

**CERTIFICATION**

I, Monica Nagel, the duly appointed clerk of the City of Saugatuck do hereby certify the foregoing is a true and complete copy of a resolution adopted by the Saugatuck City Council at a regular meeting held February 10, 2020, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended. The minutes of the meeting were kept and will be or have been made available as required by said Act.

Signed:   
Monica Nagel, City Clerk





## City Council Agenda Item Report

**FROM:** Karen Doyle Homan  
**MEETING DATE:** December 14, 2020  
**SUBJECT:** Allegan Co. Interlocal Agreement For County Designated Assessor

### **DISCUSSION**

Public Act 660 of 1998 established a statutory framework ensuring high quality property assessments. That framework calls for the State Tax Commission, commencing in 2022, to conduct an audit of each assessing district. If that audit determines that a local unit is not in substantial compliance, it provides a path, a “corrective action plan” to come into compliance. It would then conduct a follow-up review and, if the local unit has not corrected their deficiencies, the local unit would have three options:

1. Hire a new Assessor
2. Have the State Tax Commission take jurisdiction over the assessment roll, or
3. **The local unit may move directly to the designated assessor.**

At their November 5, 2020 meeting, the Allegan County Commission named Matthew Wolford, County Equalization Director as the Designated Assessor for Allegan County. The attached Interlocal Agreement and Designated Assessor Contract would come into play should the Audit of the City’s assessing unit be found non-compliant and subsequently not brought into compliance. The County agrees that it would provide assessment services to the local unit for a minimum of three years.

### **BUDGET ACTION REQUIRED N/A**

The Interlocal Agreement has no cost UNLESS we use the County to do the assessing function. If this should happen, the cost to have the County do the assessing should be similar to what it is in-house.

### **LEGAL REVIEW N/A**

**SAMPLE MOTION:** Motion to approve/deny entering into the Allegan County Interlocal Agreement and Designated Assessor Contract.

**To:** Allegan County Cities and Townships  
**From:** Allegan County Equalization  
**Subject:** Allegan County Resolution PA 660 of 2018/Designated Assessor  
**Date:** November 13, 2020

Property Assessing Reform, P.A. 660, provides a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Act defines the requirements for a local unit to be determined to be in substantial compliance with the General Property Tax Act, provides timetables for audits as well as follow up audits and provides a process for bringing a local unit into compliance if they remain non-compliant after a follow up review (also known as the designated assessor).

During the month of October, Township Supervisors were contacted informally to discuss appointing the current Equalization Director, Matt Woolford as the Designated Assessor for the County. This was generally seen as the most cost effective, local, and logical approach from a few options discussed internally at the County. The majority of Supervisors and Managers indicated support for this approach conceptually.

The following resolution, draft agreement, discussion of the options, and compilation of supporting documentation from the State have been prepared to provide additional context and background information for the Board and local units to reference going forward:

**Attachment 1** - Allegan County Resolution of PA 660 of 2018:

**Attachment 2** – Interlocal Agreement and Designated Assessor Contract

Local units are asked to approve the agreement and return it to the County by December 18, 2020, to:

Robert J. Sarro, County Administrator  
3283 122<sup>nd</sup> Avenue  
Allegan, MI 49070  
Email: [administration@allegancounty.org](mailto:administration@allegancounty.org)

**Attachment 3** – State Tax Commission Materials:

- What is Property Assessing Reform?
- Property Assessing Reform: Designated Assessor
- Property Assessing Reform Scenarios
- How are Villages Affected by Property Assessing Reform?
- What Can Local Units Do to Prepare for Assessing Reform?
- Combining Boards of Review
- Interlocal Agreement and Designated Assessor Checklist

**Attachment 4** – Act No. 660 Public Acts of 2018

**Attachment 5** – Property Assessing Reform Frequently Asked Questions

**Attachment 6** – State Tax Commission Bulletin 8 of 2020: Audit Process and Designated Assessor

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

**DESIGNATED COUNTY ASSESSOR AGREEMENT**

**WHEREAS**, in accordance with Public Act 660 of 2018 (Property Assessing Reform), each County is required to enter into an interlocal agreement that designates the individual who will serve as the County's Designated Assessor (CDA); and

**WHEREAS**, on September 24, 2020, the Board discussed options permissible under the Act for establishing an assessor; and.

**WHEREAS**, naming the County's Equalization Director as the CDA provides a no cost solution for assessing districts and the County unless services are requested or become required under the Act in which case the appropriate fees shall be charged to the assessing district at that time; and

**WHEREAS**, the Supervisor or City Manager of each assessing district was contacted and a majority were found to be in support of naming the Allegan County's Equalization Director as the CDA.

**THEREFORE BE IT RESOLVED** that the Board designates the County Equalization Director, currently Matt Woolford, as the CDA; and

**BE IT FURTHER RESOLVED** the County Administrator, Robert J. Sarro, is authorized to enter into the interlocal agreement on behalf of the Board of Commissioners; and

**BE IT FURTHER RESOLVED** that upon receiving the signatures of a majority of assessing districts within Allegan County, the County Administrator is authorized to submit the interlocal agreement to the State Tax Commission for final approval; and

**BE IT FINALLY RESOLVED** the County Administrator is authorized to sign any necessary documents on behalf of the County to complete this action.

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to approve the resolution as presented. Motion carried by roll call vote. Yeas: 7 votes. Nays: 0 votes.

ATTEST, A TRUE COPY



\_\_\_\_\_, Clerk-Register

APPROVED: November 5, 2020

cc: Admin. - Finance - Human Resources

# **Interlocal Agreement and Designated Assessor Contract**

## **ALLEGAN COUNTY INTERLOCAL AGREEMENT FOR COUNTY DESIGNATED ASSESSOR**

This Interlocal Agreement, by and between the County of Allegan, a political subdivision of the State of Michigan (hereinafter referred to as the “County”), and Allegan Township, Casco Township, Cheshire Township, Clyde Township, Dorr Township, Fillmore Township, Ganges Township, Gun Plain Charter Township, Heath Township, Hopkins Township, Laketown Township, Lee Township, Leighton Township, Manlius Township, Martin Township, Monterey Township, Otsego Township, Overisel Township, Salem Township, Saugatuck Township, Trowbridge Township Township, City of Allegan, City of the Village of Douglas, City of Fennville, City of Otsego, City of Plainwell, City of Saugatuck, City of South Haven, City of Wayland, each a political subdivision of the State of Michigan (each hereinafter referred to as an “Assessing District,” and collectively referred to as the “Assessing Districts”), is entered into pursuant to the Urban Cooperation Act of 1967, Public Act 7 of 1967 (Ex. Sess.), as amended, MCL 124.501 *et seq.*, and the General Property Tax Act, Public Act 206 of 1893, as amended by Public Act 660 of 2018, MCL 211.10g, for the purpose of designating an individual to serve as the County’s Designated Assessor.

**WHEREAS**, pursuant to MCL 211.10g(4), every County shall have a Designated Assessor on file with the State Tax Commission as of December 31, 2020 (“Designated Assessor”); and

**WHEREAS**, the County Designated Assessor is designated by an Interlocal Agreement executed between the County Board of Commissioners and a majority of the Assessing Districts in the County; and

**WHEREAS**, the individual designated as the County’s Designated Assessor must be approved by the State Tax Commission.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

### **A. Background Information**

#### **1. Name of the County and proposed Designated Assessor:**

This Interlocal Agreement involves the County of Allegan, Michigan and all of its local governmental assessing districts. The Allegan County Board of Commissioners, as the administrative and legislative body of the County by state Constitution and statute, agrees to provide Designated Assessing Services for the County of Allegan. The Allegan County Board of Commissioners appoints Matthew Woolford to serve as the Designated Assessor for Allegan County, in his capacity as an employee working in Allegan County’s Equalization Department.

**2. Identification of all the Assessing Districts within the County:**

Allegan Township, Casco Township, Cheshire Township, Clyde Township, Dorr Township, Fillmore Township, Ganges Township, Gun Plain Charter Township, Heath Township, Hopkins Township, Laketown Township, Lee Township, Leighton Township, Manlius Township, Martin Township, Monterey Township, Otsego Township, Overisel Township, Salem Township, Saugatuck Township, Trowbridge Township, Valley Township, Watson Township, Wayland Township, City of Allegan, City of the Village of Douglas, City of Fennville, City of Otsego, City of Plainwell, City of Saugatuck, City of South Haven, City of Wayland.

**3. Current Stated Equalization (“SEV”) values in the County by class, including special act values. Total number of parcels in the County, by classification, including special act rolls, within each Assessing District:**

**(A.) Real Property SEV, as of 2020 March BOR:**

<b>Real Property Class</b>	<b># Parcels</b>	<b>2020 SEV</b>
Agricultural	5,221	854,234,862
Commercial	2,893	542,530,983
Industrial	890	280,551,750
Residential	54,389	5,212,311,205
Total Real Property	63,411	6,893,397,900

**(B.) Personal Property, as of 2020 March BOR:**

<b>Personal Property Class</b>	<b># Parcels</b>	<b>2020 SEV</b>
Agricultural Personal	-	
Commercial Personal	3,223	68,181,275
Industrial Personal	277	85,715,350
Utility Personal	291	190,292,023
Total Personal Property	3,791	344,187,648

**(C.) Equivalent State Equalized Value of Special Acts as of 2020 March BOR:**

- Industrial Facilities Exemption (Act 198 of 1974)--\$421,968,800; 618 Parcels
- Commercial Rehabilitation Act Roll (PA 210 of 2005)--\$868,500; 1 Parcel
- Commercial Redevelopment Act Roll (PA 255 of 1978)--\$2,023,400; 2 Parcels
- DNR-PILT Rolls--\$13,529,900; 103 Parcels

**4. List of any unique, complex or high value properties within the County:**

LG Chem Michigan Inc	28,741,400
Haworth	23,153,700
Consumers Energy	21,666,300
Perrigo	20,553,900
Michigan Electric Transmission Co	16,313,100
Compact Power Inc	15,862,300
Lakeshore Dunes LLC	11,070,000
Pakerland-Plainwell	9,848,600
Challenge Manufacturing	7,682,400
Gen 123 Properties	7,526,800

**5. Length of the agreement:**

Term of Designation. If approved by the State Tax Commission, the Allegan County Designated Assessor shall serve for a minimum of five (5) years from the date of the approved designation, provided he remains employed with Allegan County. The designation shall not be revoked, and no new designation shall be made earlier than five (5) years following the date of the approved designation, except as otherwise provided in Section 6, below.

Once an Assessing District is under contract with the County for Designated Assessor services, the Designated Assessor will remain in place for a minimum of five years. However, the Assessing District may petition the State Tax Commission to end the contract after the Designated Assessor has been in place for a minimum of three years.

**6. Revocation of Designation by State Tax Commission:**

The State Tax Commission may designate and approve, on an interim basis and pursuant to a formal agreement, an individual to serve as a County Designated Assessor and, if applicable, revoke the approved designation of a current County Designated Assessor under the following circumstances:

- (i) if the County Designated Assessor dies or becomes incapacitated;
- (ii) if the County Designated Assessor employment status materially changes or is terminated; or
- (iii) if it determines at any time that the County Designated Assessor is not capable of ensuring that contracting Assessing Districts achieve and maintain substantial compliance with the requirements in MCL 211.10g(1).

The State Tax Commission’s designation of an interim County Designated Assessor under this Section is effective only until a new County Designated Assessor has been designated in a new Interlocal Agreement under MCL 211.10g(4)(a) and approved by the State Tax Commission.

**7. Agreement effective date:**

January 1, 2021.

**8. Place of performance of duties:**

Performance of duties shall be conducted through the Allegan County Equalization Department from its office located at:

Allegan County Equalization Department  
3283 122<sup>nd</sup> Avenue  
Allegan, MI 49010

**B. Qualifications of Proposed Designated Assessor:**

**1. Current assessor certification level and number:**

Michigan Master Assessing Officer R-6481

**2. Identification of current employment status and specific assessing or equalization Responsibilities:**

The herein named Designated assessor, Matthew Woolford, is currently employed by Allegan County as the Equalization Director. In his role as Director, he oversees staff performing appraisals on commercial, industrial, and agricultural properties. He assists with many and various questions from Allegan County Assessors and from Allegan County Equalization Department’s employees.

**3. Description of prior local unit assessing experience of the proposed Designated Assessor:**

Prior work included serving as Appraiser for Bedford Township, Monroe County, Appraiser for the City of East Grand Rapids, Assessor for the City of East Grand Rapids, Director of Property Description and Mapping in Kent County, Deputy Director of Equalization for Kent County, and Director of Equalization for Kent, Montcalm, and Allegan counties.

**4. Conflict of interest disclosures:**

None.

**C. Scope of Services Provided by the Allegan County Board of Commissioners upon default or surrender of an Assessing District to the Designated Assessor:**

**1. General Agreement:**

Upon default or surrender of an Assessing Districts property assessment program to Allegan County's Designated Assessor, the Allegan County Board of Commissioners agrees to provide a property assessment administration program for the Assessing Districts. The program will be administered by the herein named Designated Assessor, who will list, approve and maintain a complete set of records of all real and personal property subject to ad valorem taxation, specific taxes, in lieu-of-tax agreements and exempt properties within the corporate limits of the local unit. Allegan County agrees to perform the following services through its employees and provide the materials set forth herein:

- a. **Scope of service** – To correct all deficiencies found in the State Tax Commission audit. To classify and appraise accurately, according to the constitution and laws of the State of Michigan, each parcel of real property, which lies within the corporate boundaries of the Assessing District. To process accurately all assessable personal property that is in the Assessing District. To use the methods prescribed by the Michigan State Tax Commission, in the Audit of Minimum Assessing Requirements (AMAR). Approximately twenty percent (20%) of the parcels in the Assessing District will be inspected and reappraised each year, so that each parcel in the Assessing District is inspected and reappraised approximately once every five (5) years. The Designated Assessor will provide an assessment roll as required. The final factor will be determined by the action of the Assessing District's Board of Review, the Allegan County Equalization Department and the process of state equalization, as determined by the State Tax Commission.
- b. **Qualified staff** - All Allegan County employees engaged in the performance of this Agreement shall be professional in manner and appearance and be trained and qualified in property appraisal techniques. The assessment roll will be certified by the Designated Assessor.
- c. **Equipment and supplies** – The Assessing District will provide all equipment and supplies needed for the routine performance of its duties, except as otherwise set forth herein.
- d. **Maps and records** - The Assessing District shall provide current land use maps, zoning maps, street/centerline maps, plats, topographical maps, sewer and water maps, and shall make available any records or data, which may be of use in making the appraisal, without cost to Allegan County. Allegan County has implemented a GIS system in which mapping data are maintained for all parcels in Allegan County.
- e. **Appraisal manuals/schedules** - The current Michigan State Tax Commission Assessor's Manuals shall be the cost schedules used in the appraisal of all properties. All cost schedules shall be indexed to reflect current costs as of Tax Day.
- f. **Record cards** – The master file shall be the property of the Assessing District. Allegan County will maintain the master file at the Allegan County offices with access available to the Assessing District. Real property printed records, if any, will be located at the Assessing District offices. Personal property printed records will be located at the Assessing District offices.

- g. Conduct of operations** - Both parties recognize that good public relations are vital to the success of the assessment administration program. During the terms of this Agreement, Allegan County employees shall endeavor to promote understanding and amicable relations with all members of the public. Employees will be assigned by the Equalization Director to maintain limited office hours at the Assessing District Offices to conduct their duties, interact with Assessing District staff, attend meetings, promote community relations, and to meet with property owners about assessment issues and questions. The Assessing District will provide adequate office area and operational infrastructure such as telecommunication, data communication, utilities, networking capabilities, and electronic storage capacity, to adequately support required staff activities and necessary ancillary functions. The accommodations shall be safe, modern, and reflect a professional function. All electronic data interfaces shall be compatible with Allegan County information protocols and standards.

When systems or resources are scheduled to be shutdown, notice shall be relayed in advance to Allegan County to allow for substitute assignments for any staff. When possible, system maintenance should not be scheduled during regular business hours. When possible, any maintenance that is performed by representatives of the Assessing District on the computer equipment owned by Allegan County will be coordinated with a representative of the Information Services Department of the County to avoid conflicts in configuration and application issues.

- h. Property owner notification and official statements** – It shall be the responsibility of the Designated Assessor to notify the property owners of increased assessed and taxable values, as provided by law, as well as distribute personal property statements and other official forms. The Assessing District shall pay charges from the service company for printing these notifications and statements.
- i. Assessment roll** – the Designated Assessor shall prepare the assessment roll and certify it for the Assessing District in a timely manner.
- j. Board of review** – Allegan County staff will advise and assist the Assessing District’s Board of Review in preparing for, conducting and implementing any changes resulting from the required meeting of the Board.
- k. Appeals** - The Designated Assessor, or representative, shall represent the Assessing District in all property assessment appeals and in proceedings before the Michigan Tax Tribunal concerning properties under this Agreement. The Assessing District shall designate and provide the legal services for such appeals or proceedings; however, costs or expenses, which may be incurred by Allegan County in employing additional counsel, expert appraisers, or performing extraordinary specific appraisal work in connection with such appeals, proceedings, or other functions, shall be paid by the Assessing District provided that the Designated Assessor, seeks and obtains approval from the Assessing District prior to incurring such costs or expenses. Additionally, should this Agreement be terminated, the County, or designated representative, shall represent the Assessing District in all property assessment appeals and in proceedings

filed during the existence of this Agreement. The fee shall be \$80.00 per hour for preparation, appearance, and travel after termination of the Agreement.

- l. Computerized appraisals and information technology** – Allegan County will provide staff, equipment and software to maintain electronic property records using a computer-assisted mass-appraisal system. Assessment administration, including digital photography and sketching, as well as general business application software, shall be prescribed by the County and will be compatible with applications currently in use by the Assessing District. Data patches and solutions shall be reached using collaborative, shared resources to achieve greatest possible compatibility. All property information shall adhere to the requirements and specifications of Allegan County. The records will be utilized for annual valuation updates. The County will ensure that the assessment records reflect the property’s true cash value, assessed valuation, and taxable valuation to be utilized for any property tax calculations in conformance with all requirements of the General Property Tax law, MCL 211.1 et seq.
- m. Geographical information systems** – The Designated Assessor and the Assessing District shall utilize Allegan County’s geographical information system in conjunction with the local unit geographic information system of record in implementing this Agreement.
- n. Special Assessments** - Special assessment benefit analyses, roll preparation, processing, and related reports will be provided by the Designated Assessor when formally requested at a fee of \$55.00 per hour.
- o. Responsibilities of the Designated Assessor while not acting as an assessor of record of an Assessing District under this contract**-The Designated Assessor shall have no responsibilities during the period in which they are not acting as the Designated Assessor for an assessing district within the county.
- p. Requirement to remain certified and in good standing** -The Designated Assessor is required to remain certified at the Master Assessing Officer level by the State Tax commission and in good-standing.

#### **D. Cost and Compensation for Designated Assessor:**

##### **1. Payment for Services Provided:**

- a. General tax roll maintenance services:** Except as otherwise provided, payment to County for Designated Assessor services provided under this agreement shall be set at \$30 per parcel for 2021 and shall increase each year on January 1 by the Consumer Price Index as utilized by the State Tax Commission through the life of this contract. Parcel count will be determined each year as of the March Board of Review and will include all active parcels. In the unlikely event an immediate reappraisal of a class of property is required, there will be an additional charge of \$60 per parcel. The County will submit

monthly invoices on the first day of each month. The monthly invoices from the County will be processed and paid by the Assessing District in accordance with standard Assessing District procedures.

- b. **Retainer:** The County will not charge an annual retainer for Designated Assessor Services to Allegan County Assessing Districts. Charges will only incur once an Assessing District turns over Assessment Administration duties to the Designated Assessor.

**2. County expenses:**

The County will additionally be reimbursed on a monthly basis for the reimbursable expenses related to Designated Assessor Services in a not-to-exceed annual amount of \$10,000. All expenses will be billed to the Assessing District in such detail and/or with sufficient supporting documentation, as may be reasonably required by the Assessing District. Reimbursable expenses may include items such as office supplies, assessing forms, printing, publishing, postage, mileage and other costs agreed to prior to invoicing. Reimbursable expenses may also include budgeted certifications, memberships, professional development, mileage. Travel costs as agreed in advance of training will also be reimbursed.

**3. Independent contractor:**

At all times and for all purposes under this Agreement, the relationship of Allegan County to the Assessing District shall be that of an independent contractor. All employees of Allegan County, who perform services under this Agreement, shall be and remain employees of Allegan County, subject to the discipline, supervision, direction, policies and control of Allegan County, the Allegan County Administrator, and the Equalization Director.

**4. Indemnification and hold harmless:**

Each party shall indemnify and hold the other party harmless from claims, which are the result of an alleged error, mistake, negligence or intentional act or omission of the other party, its officers, employees, agents and assigns.

**5. Insurance:**

Each party shall assume responsibility for its own insurance coverage, and hold the other harmless from providing any and all insurance coverage, appropriate to this Agreement.

**6. Term of agreement:**

This cost and compensation agreement between the Assessing District and the Allegan County Board of Commissioners for Designated Assessor Services shall be determined by the date the Assessing District's Assessment Administration Services are assumed by the Designated Assessor. This Agreement shall continue in effect for five years from the effective date of this agreement. Unless earlier times are agreed to by the State Tax Commission and the Designated Assessor, an Assessing District that is under contract with a Designated Assessor under this subsection may

petition the State Tax Commission no sooner than 3 years after commencement of the contract to end its contract with the Designated Assessor and may subsequently terminate the contract, subject to state tax commission approval, no sooner than 5 years after commencement of the contract. The State Tax Commission shall approve termination of a contract under this subdivision if it determines that the Assessing District can achieve and maintain substantial compliance with the requirements of MCL 211.10g(1) using a different assessor of record. It may be renewed thereafter for one (1) additional three (3) year term, by mutual written agreement of the parties, entered into not later than February 1, of the fifth year.

## 7. Miscellaneous:

- a. **Section headings.** The headings of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect hereof.
- b. **Severability.** If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions hereof, and such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
- c. **Entire agreement and amendment.** In conjunction with matters considered herein, this Agreement contains the entire understanding and agreement of the parties and there have been no promises, representations, agreements, warranties or undertakings by any of the parties, either oral or written, of any character or nature hereafter binding except as set forth herein. This Agreement may be altered, amended or modified only by an instrument in writing, executed by the parties to this Agreement and by no other means. Each party waives their future right to claim, contest or assert that this Agreement was modified, canceled, superseded or changed by any oral agreements, course of conduct, waiver or estoppel.
- d. **Successors and assigns.** All representations, covenants and warranties set forth in the Agreement by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.
- e. **Terms and conditions.** The terms and conditions used in this Agreement shall be given their common and ordinary definition and will not be construed against either party.
- f. **Execution of counterparts.** This Agreement may be executed in any number of counterparts and each such counterpart shall for all purposes be deemed to be an original; and all such counterparts, or as many of them as the parties shall preserve undestroyed, shall together constitute one and the same instrument.
- g. **No Third Party or Release of Immunity.** This Agreement does create a joint venture and is not enforceable by third parties, nor does it in any way waive or release the governmental and officer immunities of either the County, Assessing Districts or Designated Assessor, all such rights being reserved.

**Signature of the Designated Assessor, the County Administrator on behalf of the County Board of Commissioners, Township Supervisors and City Managers within Allegan County**

**IN WITNESS WHEREOF**, the authorized representatives of the Parties hereto have fully executed this instrument.

**DESIGNATED ASSESSOR**

\_\_\_\_\_  
Matthew Woolford, Equalization Director

\_\_\_\_\_  
Date

**COUNTY OF ALLEGAN**

\_\_\_\_\_  
Robert J. Sarro, County Administrator  
On Behalf of the County Board of Commissioners

\_\_\_\_\_  
Date

**NAME OF LOCAL UNIT OF GOVERNMENT:**

\_\_\_\_\_

**SIGNATURE ON BEHALF OF LOCAL UNIT OF GOVERNMENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Name:

Title:



# Attachment 3

## What is Property Assessing Reform?

The Michigan Department of Treasury is pleased to present the first in a series of information materials to assist assessors and local units in understanding the changes enacted in P.A. 660 of 2018, commonly referred to as Property Assessing Reform.

The purpose of this document is to provide a high level overview of P.A. 660 of 2018. In its simplest form, P.A. 660 provides a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Act defines the requirements for a local unit to be determined to be in substantial compliance with the General Property Tax Act, provides timetables for audits as well as follow up audits and provides a process for bringing a local unit into compliance if they remain non-compliant after a follow up review (also known as the designated assessor).

The Act also mandates training for local unit Boards of Review and allows for local units to combine Boards of Review for efficiency purposes and provides for a village located within two assessing districts may request that the assessment of property be completed within one of the districts.

What do local units and Assessors need to know now?

1. The majority of the provisions in the Act do not go into place until 2022.
2. Local units can begin to prepare now by ensuring they are meeting the requirements in the current AMAR and if not, that they work to ensure corrections are made to bring them into compliance. This topic will be addressed in more detail in a future presentation.
3. The Designated Assessor provision does not mandate that all assessors be an Advanced or Master Level and it does not mandate Countywide Assessing. More information on the Designated Assessor will be provided in a future presentation.
4. The provision to allow Boards of Review to combine went into effect with the 2019 year. The Cities or Townships that want to combine their Boards of Review must be contiguous and must still meet the statutory provisions regarding size, composition and manner of appointment of the Board of Review.
5. The State Tax Commission will be working to develop rules, guidelines and issue Bulletins to address provisions in the Act.
6. Updates on Property Assessing Reform will be published on the State Tax Commission's website at [www.michigan.gov/statetaxcommission](http://www.michigan.gov/statetaxcommission) and a dedicated email address has also been established for questions regarding Property Assessing reform. Questions on Property Assessing Reform can be emailed to [AssessingReformQuestions@michigan.gov](mailto:AssessingReformQuestions@michigan.gov).



# Property Assessing Reform: Designated Assessor

One of the most complex provisions within P.A. 660 is the Designated Assessor. This document will provide a high level overview of the Designated Assessor requirement and what it is and isn't.

What is the Designated Assessor? The Designated Assessor is part of a process to ensure that local units are in compliance with the statutory provisions of the AMAR. In other words it is part of a process to make sure that local units are meeting minimum assessing requirements.

As with the current AMAR process, the statute provides for an initial AMAR and a corrective action plan to be approved by the STC. The statute then provides for a follow up review to be conducted in accordance with the approved corrective action plan. If after that follow up review, the local unit remains in non-compliance then the local unit has two options: they can employ or contract with a new assessor of record at the Advanced or Master Level or they can contract with the Designated Assessor for the County to serve as their assessor of record.

Who are the Designated Assessors? The statute provides the process for determining who the Designated Assessors will be. Each County is required to enter into an interlocal agreement that designates the individual who will serve as the County's Designated Assessor. That interlocal agreement must be approved by the County Board and a majority of the assessing districts in the County. Once the interlocal agreement is approved, it is sent to the State Tax Commission for final approval. The STC will determine if the individual named as the Designated Assessor is capable of ensuring they can achieve and maintain substantial compliance for any local unit that contracts with them.

The Designated Assessor is not an automatic requirement for Countywide assessing or for the County Equalization Director to take over assessor for local units. While the County can certainly be named the Designated Assessor, it is not an automatic designation as the Designated Assessor is determined by the approved interlocal agreement.

The Act contains a number of specific detailed provisions regarding the Designated Assessor including how long they serve, what happens in the case of a Designated Assessor that can no longer serve and appeal processes for local units regarding substantial compliance. Those provisions will be discussed in much more detail in future publications and in STC Bulletins, Guidelines and Rules.



# Property Assessing Reform Scenarios

In order to help assessors and local units better understand Property Assessing Reform, we have put together several scenarios that represent various situations that occur within your local unit our County. These scenarios are representative of situations under PA 660 and do not represent all possible outcomes. Specific questions can be directed to the Property Assessing Reform email at [AssessingReformQuestions@michigan.gov](mailto:AssessingReformQuestions@michigan.gov).

## **Scenario 1**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies within 1 year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2024, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found to be corrected and within 90 days of the follow-up review the STC issues a notice of substantial compliance. No further follow-ups are required.

## **Scenario 2**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies that extends beyond one year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2025, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found to be corrected and within 90 days of the follow-up review the STC issues a notice of substantial compliance. No further follow-ups are required.

## **Scenario 3**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.

- Within 30 days after receiving a notice of noncompliance, the assessing district files a written petition with the STC challenging the determination.
- The STC arbitrates the dispute based on documented facts.
- The STC finds that the assessing district is substantial compliance. No corrective action plan or follow-up is required.

#### **Scenario 4**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 30 days after receiving a notice of noncompliance, the assessing district files a written petition with the STC challenging the determination.
- The STC arbitrates the dispute based on documented facts.
- The STC finds that the assessing district is not in substantial compliance.
- The assessing district files a corrective action plan within 60 days of the notice of the results of arbitration from the STC.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2024, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found to be corrected and within 90 days of the follow-up review the STC issues a notice of substantial compliance. No further follow-ups are required.

#### **Scenario 5**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies within 1 year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2024, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found not to be corrected and within 90 days of the follow-up review the STC issues a notice of noncompliance.
- Within 60 days, the assessing district elects to contract with the designated assessor for the county to serve as the district's assessor of record.
- SEE DESIGNATED ASSESSOR SCENARIO.

#### **Scenario 6**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies within 1 year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.

- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2024, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found not to be corrected and within 90 days of the follow-up review the STC issues a notice of noncompliance.
- Within 60 days, the assessing district amends the corrective action plan to provide that the assessing district will employ or contract with a new assessor of record, who is an advanced assessing officer or a master assessing officer.
- Within 60 days of filing the amended corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2025, the STC conducts a second follow-up review with the assessing district.
- The deficiencies have been found to be corrected and within 90 days of the follow-up review the STC issues a notice of substantial compliance. No further follow-ups are required.

### **Scenario 7**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies within 1 year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2024, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found not to be corrected and within 90 days of the follow-up review the STC issues a notice of noncompliance.
- The STC immediately requires the assessing district to contract with the designated assessor.
- SEE DESIGNATED ASSESSOR SCENARIO

### **Scenario 8**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies within 1 year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2024, the STC conducts an initial follow-up review with the assessing district.
- The deficiencies have been found not to be corrected and within 90 days of the follow-up review the STC issues a notice of noncompliance.
- Within 60 days, the assessing district amends the corrective action plan to provide that the assessing district will employ or contract with a new assessor of record, who is an advanced assessing officer or a master assessing officer.
- Within 60 days of filing the amended corrective action plan, the STC approves the plan for correcting deficiencies.

- No earlier than May 1<sup>st</sup> and no later than September 1<sup>st</sup> of 2025, the STC conducts a second follow-up review with the assessing district.
- The second follow-up review results in a notice of noncompliance. The STC requires the assessing district to contract with the designated assessor.
- SEE DESIGNATED ASSESSOR SCENARIO

### **Scenario 9**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- The assessing district fails to file an acceptable corrective action plan with the STC within 180 days following the notice of noncompliance.
- The STC immediately requires the assessing district to contract with the designated assessor.
- SEE DESIGNATED ASSESSOR SCENARIO

### **Scenario 10**

- STC determines that the assessing district is not in substantial compliance for the 2023 assessment roll. A notice of noncompliance is provided to the assessing district.
- Within 60 days of receiving a notice of noncompliance, the assessing district develops a corrective action plan to address the deficiencies within 1 year.
- Within 60 days of filing the corrective action plan, the STC approves the plan for correcting deficiencies.
- The assessing unit fails to make a good-faith effort to implement the corrective action plan within 240 days of the notice of noncompliance.
- This failure is likely to result in assumption of the assessing district's assessment roll.
- The STC immediately requires the assessing district to contract with the designated assessor.
- SEE DESIGNATED ASSESSOR SCENARIO

### **DESIGNATED ASSESSOR SCENARIO**

- The STC requires the assessing district, or the local unit elects to, contract with the designated assessor.
- The designated assessor is contracted to be the assessor of record for the assessing district.
- Unless earlier times are agreed to by the STC, the designated assessor or the assessing district may petition the STC to end its contract with the designated assessor no sooner than three years after commencement of the contract.
- No sooner than five years after the commencement of the contract, the designated assessor, or the assessing district may terminate the contract, subject to STC approval.
- The STC shall approve termination of a contract if it determines that the assessing district can achieve and maintain substantial compliance using a different assessor of record.



## How are Villages Affected by Property Assessing Reform?

P.A. 660 made the following change to the way Villages are assessed. MCL 211.10d was modified to reflect the following:

(7) Every lawful assessment roll shall have a certificate attached signed by the certified assessor who prepared or supervised the preparation of the roll. A village that is located in more than 1 assessing district may, in a form and manner prescribed by the state tax commission, request state tax commission approval that the assessment of property within the village be combined with the assessment of property in 1 of those assessing districts.

Specifically this change indicates that a Village that is located in more than one assessing district may request the STC to approve that the assessing for the Village be combined with the assessing of property in one of the local units, thereby eliminating the need for the Village to be assessed in two or more different local units and potentially by two or more different assessors.

Does this require Villages to hire their own assessor? No. This change is only for those Villages with property in more than one assessing district and only if the Village wants to make a change. It does not affect a Village with property located solely within one assessing district and again this is not a mandated change.

Can a village located in more than one County take advantage of this? Yes. Please contact the STC for more information on filling out Form 5689 and what documentation must be submitted.

Villages who are interested in making this change must fill out Form 5689 and submit that to the State Tax Commission for their approval. This application must be filled out in its entirety and must include a resolution approved by the receiving assessing district and the village approving the assessment of the village property in one of the assessing districts. The resolution must state the name of the assessing district that will assume responsibility for the assessment of all of the Village property.

Questions can be submitted to the Assessing Reform Email at [AssessingReformQuestions@michigan.gov](mailto:AssessingReformQuestions@michigan.gov).



# What Can Local Units Do to Prepare for Assessing Reform?

As has been discussed in other Topics, P.A. 660 provides a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Act defines the requirements for a local unit to be determined to be in substantial compliance with the General Property Tax Act, provides timetables for audits as well as follow up audits and provides a process for bringing a local unit into compliance if they remain non-compliant after a follow up review (also known as the designated assessor).

These statutory changes make it even more important that local unit officials take a proactive role in assessment administration and work with their assessor to ensure proper assessing. The local unit board or council is responsible for making certain the local unit's assessing is meeting state requirements.

Local units can begin to prepare now by ensuring they are meeting the requirements in the current AMAR and if not, that they work to ensure corrections are made to bring them into compliance. The AMAR form is available on the State Tax Commission website ([www.michigan.gov/statetaxcommission](http://www.michigan.gov/statetaxcommission)) under the AMAR tab and provides links to the statutory or STC requirements.

Officials should not wait until they're faced with the audit of their assessing practices to start thinking about assessing and property taxes. Making an effort today will not just give your local unit a better chance of passing the AMAR with flying colors.

Officials must first make sure that their local unit employs an assessor who is certified at the proper level for their unit. Assessors must be certified through the STC and can achieve three levels: Michigan Certified Assessing Officer, Michigan Advanced Assessing Officer and Michigan Master Assessing Officer. The STC requires local units to have assessors at a certain level, based on the state equalized value of their property tax roll. Specific information regarding those levels is available on the STC website.

Some assessors work for multiple local units. While this is a common practice, especially in rural areas, Townships and Cities should monitor how many units their assessors are assessing. Even if they are within the state's limits for units they can assess, Townships and Cities need to ensure you are receiving the highest quality work from your assessor. Quality, thorough work must be the priority in hiring an assessor, not the price.

Once the assessor is employed, make sure they have all of the tools and funding necessary. A local unit must budget for resources to meet all state requirements, as well as a salary high enough to keep a quality assessor.

As the employer, local units should set annual benchmarks with their assessors and make sure they're being met. Officials should ask questions, such as whether the assessor

visited 20% of the local unit's properties this year or if the assessment roll was certified on time. One way to do this is setting aside time at meetings regularly to get reports from the assessor. Townships and Cities should review with their assessor the Supervising Preparation of the Rolls document (found on the STC website) to ensure the requirements are being met. They should also review the AMAR document prior to the audit to ensure all requirements are being met.

If your local unit's elected officials are unfamiliar with the assessing process, invite your assessor to give a presentation at a meeting, which will help gain insights that are valuable to their work for the local unit.



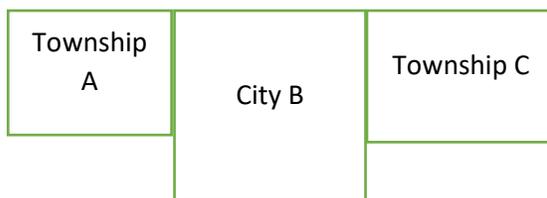
## Combining Boards of Review

As has been discussed in other Topics, P.A. 660 provides a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Act defines the requirements for a local unit to be determined to be in substantial compliance with the General Property Tax Act, provides timetables for audits as well as follow up audits and provides a process for bringing a local unit into compliance if they remain non-compliant after a follow up review (also known as the designated assessor).

The Act also made changes to the way Boards of Review operate including requiring training and allows for Boards of Review to be combined across contiguous local units:

The governing bodies of 2 or more contiguous cities or townships may, by agreement, appoint a single board of review to serve as the board of review for each of those cities or townships for purposes of this act. The provisions in subsections (1) to (5) should serve as a guide in determining the size, composition, and manner of appointment of a board of review appointed under this subsection. (MCL 211.28(6))

In order for Boards to combine and act as a single Board of Review, several conditions must be met. First, the local units must be contiguous. Contiguous is defined as local units that touch or abut each other, this can be on the side, top, bottom or corner. Can three local units be “chained” and act as a single Board of Review? Yes, in this situation you may have three local units in this configuration:



The City Council or Township Board of each local unit must agree and take formal action to approve to combine their Boards of Review. As long as all local units involved agree and take formal action to approve, the units can combine to operate as a single Board of Review.

In our three local unit example above, this would require the appointment of a single Board of Review made up of three members. Using the provisions of MCL 211.28(1) to (5) as a guide, at least 2/3 of the members must be taxpayers of local units A, B and/or C. The following three examples are used to demonstrate some, but not all, of the possible scenarios for a single Board of Review:

- Example 1: Combined Board of Review has one member from Township A, one member from City B and one member from Township C
- Example 2: Combined Board of Review has two members from Township A and one member from City B
- Example 3: Combined Board of Review has one member from City B, one member from Township C and one member that is not a taxpayer of any of the combined local units

The combined Board of Review must also follow these requirements:

- Members appointed to the Combined Board of Review shall serve for terms of 2 years beginning at noon on January 1 of each odd-numbered year.
- A member of the township board is not eligible to serve on the board or to fill any vacancy. A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the assessor is not eligible to serve on the board or to fill any vacancy.
- At least 2 members of a 3-member board of review shall be present to conduct any business or hearings of the Combined Board of Review.
- If 3, 6, or 9 electors are appointed, the membership of the Combined Board of Review must be divided into Board of Review committees consisting of 3 members each.
- Not more than 2 alternate members may be appointed for the same term as regular members of the Combined Board of Review.

## **Interlocal Agreement and Designated Assessor Contract Checklist**

This Interlocal Agreement and Designated Assessor Contract Checklist is provided to serve as a guide to assist counties in complying with the requirements found in the General Property Tax Act of 1893, as amended by Public Act 660 of 2018, and State Tax Commission guidance. The items below are illustrative of the information the State Commission will review and consider in approving a Designated Assessor. These items should not be considered an exhaustive list.

### **Background Information**

- Name of the county and proposed Designated Assessor
- Identification of all the assessing districts within the county
- Current SEV County totals by class, including special act values
- Total number of parcels, by classification, including special act rolls, within each local unit
- List of any unique, complex or high value properties within the County
- Length of the agreement
- Agreement effective date
- Place of performance of duties
- Signature of the Designated Assessor, the majority of County Board of Commissioners, and a majority of Township Supervisor or City Manager within the county

### **Qualifications of Proposed Designated Assessor**

- Current assessor certification level and number
- Identification of current employment status and specific assessing or equalization responsibilities
- Description of prior local unit assessing experience of the proposed Designated Assessor
- Conflict of interest disclosures

### **Scope of Services Provided by Designated Assessor**

- Preparation of assessment rolls – satisfaction of Supervising Preparation of Assessment Roll
- Plan to correct deficiencies found in audit - timeline for delivery of documents and execution of forms
- Attendance at Boards of Review meetings
- Duties and responsibilities related to property tax appeals, both Small Claims and Entire Tribunal, appeals filed with the Michigan Tax Tribunal
- Reporting requirements and responsibility to meet with local unit officials
- Any and all obligations of local unit assessing staff members
- Responsibilities of Designated Assessor during the period in which they are not acting as an assessor of record for an assessing district within the county
- Requirement to remain certified and in good-standing
- Non-exclusivity of assessing services, if applicable

### **Duties and Responsibilities for Local Unit Contracting with Designated Assessor**

- Providing the Designated Assessor with reasonable access to records, documents, databases and information
- Advise Designated Assessor of any applicable policies and procedures including technology, equipment, facility, etc.

### **Cost and Compensation for Designated Assessor**

- Payment terms and fee structure (i.e., payor, timeline for payment or payments, reimbursement terms if the county pays the retainer upfront, hourly rate, dollar/parcel, amount/assessed value)
- Payment responsibility (i.e., county or assessing district) for when Designated Assessor acting as assessor of record
- Retainer or base rate information, if applicable
- Payment in the event of death or disability of the proposed Designated Assessor
- Cost reimbursement for when the Designated Assessor is acting as assessor of record
- Identification of payment of certain costs including appraisal, expert witness or attorney fees related to MTT appeals, and employing additional assessing staff to bring assessing unit into compliance

# Attachment 4

Act No. 660  
Public Acts of 2018  
Approved by the Governor  
December 28, 2018  
Filed with the Secretary of State  
December 28, 2018  
EFFECTIVE DATE: December 28, 2018

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2018**

Introduced by Rep. Lower

## **ENROLLED HOUSE BILL No. 6049**

AN ACT to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending sections 10d, 10e, and 28 (MCL 211.10d, 211.10e, and 211.28), section 10d as amended by 1984 PA 19, section 10e as added by 1986 PA 223, and section 28 as amended by 2006 PA 143, and by adding section 10g.

*The People of the State of Michigan enact:*

Sec. 10d. (1) The annual assessment of property shall be made by an assessor who has been certified as qualified by the state tax commission as having successfully completed training in a school of assessment practices or by the passage of a test approved by the state tax commission and conducted by the state tax commission or an agency approved by the state tax commission that will enable the individual to properly discharge the functions of the office. The school shall be established by an approved educational institution in conjunction with the state tax commission and be supervised by the state tax commission and its agents and employees. The state tax commission may determine that a director of a county tax or equalization department or an assessor who has not received the training possesses the necessary qualifications for performing the functions of the office by the passage of an approved examination.

(313)

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(2) The state tax commission may also grant a conditional 6-month certification to a newly elected assessing officer or an assessing officer appointed to fill an unexpired term if all of the following criteria are met:

(a) The newly elected or appointed assessing officer applies for certification and pays the required filing fee.

(b) The governing body of the assessing district requests the state tax commission to conditionally certify the newly elected or appointed assessing officer.

(c) The newly elected or appointed assessing officer or the governing body of the assessing district submits a statement outlining the course of training he or she plans to pursue.

(d) The period of time for which the conditional certification is requested does not exceed 6 months after the date that he or she assumes office.

(3) Conditional certification under subsection (2) shall not be granted for any assessing district more than once in 4 years.

(4) Conditional certification under subsection (2) shall only be granted to a newly elected or appointed assessing officer in an assessing district that does not exceed a total state equalized valuation of \$125,000,000.00.

(5) Upon presentation of evidence of the successful completion of the qualifications, the assessor shall be certified as qualified by the state tax commission.

(6) An assessing district that does not have an assessor qualified by certification of the state tax commission may employ an assessor so qualified. If an assessing district does not have an assessor qualified by certification of the state tax commission, and has not employed a certified assessor, the assessment shall be made by the county tax or equalization department or the state tax commission and the cost of preparing the rolls shall be charged to the assessing district.

(7) Every lawful assessment roll shall have a certificate attached signed by the certified assessor who prepared or supervised the preparation of the roll. A village that is located in more than 1 assessing district may, in a form and manner prescribed by the state tax commission, request state tax commission approval that the assessment of property within the village be combined with the assessment of property in 1 of those assessing districts. A certificate attached to an assessment roll pursuant to this subsection shall be in the form prescribed by the state tax commission. If after completing the assessment roll the certified assessor for the assessing district dies or otherwise becomes incapable of certifying the assessment roll, the director of the county tax or equalization department or the state tax commission shall certify the completed assessment roll at no cost to the assessing district.

(8) The assessing district shall assume the cost of training, if a certification is awarded, to the extent of course fees and recognized travel expenditures.

(9) An assessor who certifies an assessment roll over which he or she did not have direct supervision is guilty of a misdemeanor.

(10) The state tax commission shall promulgate rules for the issuance or revocation of certification.

(11) The director of a county tax or equalization department required by section 34 of this act shall be certified by the state tax commission at the level determined to be necessary by the state tax commission before being appointed by the county board of commissioners pursuant to section 34 or before performing or, after March 29, 1985, continuing to perform, the functions of the director of a county tax or equalization department. The state tax commission may grant a conditional extension of 12 months to an individual who is serving as the director of a county tax or equalization department on March 29, 1985 if all of the following conditions are satisfied:

(a) At the time of applying for certification the individual is currently certified at not less than 1 level below the level required by the state tax commission for that county.

(b) The individual applies for certification and pays the required fee.

(c) The county board of commissioners requests the state tax commission to grant the extension.

(d) The individual submits a statement to the state tax commission outlining the course of study he or she intends to pursue to obtain certification.

(12) The state tax commission may grant an additional 6-month extension to the conditional extension described in subsection (11) if the extension is requested by the county board of commissioners and the applicant demonstrates satisfactory progress in the course of study outlined to the state tax commission under subsection (11). In a county in which a vacancy has been created in the position of director of a county tax or equalization department and in which the position was previously filled by an individual certified at the level required by the state tax commission pursuant to this subsection, an individual certified at 1 level below the level required by the state tax commission pursuant to this subsection may serve in the position for 12 months after the vacancy has been created.

Sec. 10e. All assessing officials whose duty it is to assess real or personal property on which real or personal property taxes are levied by any taxing unit of the state shall use only the official assessor's manual or a manual approved by the state tax commission consistent with the official assessor's manual, with their latest supplements, as prepared or approved by the state tax commission as a guide in preparing assessments. Beginning with the tax

assessing year 1978, all assessing officials shall maintain records relevant to the assessments, including appraisal record cards, personal property records, historical assessment data, tax maps, and, through calendar year 2018, land value maps, consistent with standards set forth in the assessor's manual published by the state tax commission.

Sec. 10g. (1) Pursuant to subsection (2), on and after December 31, 2021, the state tax commission shall audit the assessing districts in this state to determine if they do all of the following:

(a) Employ or contract with an assessor of record that oversees and administers an annual assessment of all property liable to taxation in the assessing district, as provided in section 10, in accordance with the constitution and laws of this state. For an assessing district that amends its corrective action plan pursuant to subsection (3)(c), its assessor of record must be an advanced assessing officer or a master assessing officer.

(b) Use a computer-assisted mass appraisal system that is approved by the state tax commission as having sufficient software capabilities to meet the requirements of this act and to store and back up necessary data.

(c) Subject to state tax commission guidelines, have and follow a published policy under which its assessor's office is reasonably accessible to taxpayers. A policy under this subdivision must include, at a minimum, the items in subparagraphs (i) to (iv) and should include the item in subparagraph (v) as follows:

(i) A designation, by name, telephone number, and electronic mail address, of at least 1 official or employee in the assessor's office to whom taxpayer inquiries may be submitted directly by telephone or electronic mail.

(ii) An estimated response time for taxpayer inquiries submitted under subparagraph (i), not to exceed 7 business days.

(iii) Information about how a taxpayer may arrange a meeting with an official or employee of the assessor's office for purposes of discussing an inquiry in person.

(iv) Information about how requests for inspection or production of records maintained by the assessor's office should be made by a taxpayer and how those requests will be handled by the assessor's office.

(v) Information about any process that the assessor's office may have to informally hear and resolve disputes brought by taxpayers before the March meeting of the board of review.

(d) If a city or township building within the assessing district is in an area with broadband internet access, provide taxpayers online access to information regarding its assessment services, including, but not limited to, parcel information, land value studies and documentation, and economic condition factors. As used in this subdivision, "area with broadband internet access" means an area determined by the connect Michigan broadband service industry survey to be served by fixed terrestrial service with advertised speeds of at least 25 megabits per second downstream and 3 megabits per second upstream in the most recent survey available.

(e) Include the contact information described in subdivision (c)(i) in notices to taxpayers concerning assessment changes and exemption determinations, including, but not limited to, notices issued under section 24c.

(f) Ensure that its support staff is sufficiently trained to respond to taxpayer inquiries, require that its assessors maintain their certification levels, and require that its board of review members receive board of review training and updates required and approved by the state tax commission.

(g) Comply with section 44(4) with respect to any property tax administration fee collected under section 44.

(h) Have all of the following:

(i) Properly developed and documented land values.

(ii) An assessment database for which not more than 1% of parcels are in override.

(iii) Properly developed and documented economic condition factors.

(iv) An annual personal property canvass and sufficient personal property records according to developed policy and statutory requirements.

(v) A board of review that operates in accordance with this act.

(vi) An adequate process for determining whether to grant or deny exemptions according to statutory requirements.

(vii) An adequate process for meeting the requirements outlined in the state tax commission's publication entitled, "Supervising Preparation of the Assessment Roll", as those requirements existed on October 1, 2018.

(i) Comply with any other requirement that the state tax commission lawfully promulgates under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, in the exercise of its authority under this act that expressly states that it is intended as an additional requirement under this subsection.

(2) The state tax commission shall develop and implement an audit program to determine whether an assessing district is in substantial compliance with the requirements in subsection (1). If, after December 31, 2021, the state tax commission determines that an assessing district is not in substantial compliance with the requirements in subsection (1), the state tax commission may initiate the process described in subsection (3) to ensure that the assessing district achieves and maintains substantial compliance with those requirements.

(3) The state tax commission shall develop and implement a process to ensure that all assessing districts in the state achieve and maintain substantial compliance with the requirements in subsection (1). At a minimum, that process shall include all of the following actions and procedures:

(a) If the state tax commission determines that an assessing district is not in substantial compliance with the requirements in subsection (1) and elects to initiate the process described in this subsection, the commission shall provide the assessing district with a notice of noncompliance setting forth the reasons the assessing district is not in substantial compliance with the requirements in subsection (1) and requesting that the assessing district develop a corrective action plan approved by its governing body to address those deficiencies. Except as otherwise provided in subdivision (g), an assessing district shall file a corrective action plan requested under this subdivision with the state tax commission within 60 days after receipt of the notice of noncompliance. The state tax commission shall approve a corrective action plan filed under this subdivision or request changes to the plan within 60 days after filing.

(b) No earlier than May 1 and no later than September 1 of the calendar year immediately following the year of the notice described in subdivision (a), or, in the case of a corrective action plan approved by the state tax commission that extends beyond 1 year, no earlier than May 1 and no later than September 1 of the calendar year that is the second calendar year following the year of the notice described in subdivision (a), the state tax commission shall conduct an initial follow-up review with the assessing district and, within 90 days following that review, provide the district with an evaluation of its progress in implementing its corrective action plan and a notice of substantial compliance or noncompliance with the requirements in subsection (1).

(c) Except as otherwise provided in subdivisions (g) and (i), an assessing district that has received a notice of noncompliance as part of an initial follow-up review under subdivision (b) shall elect to either contract with the designated assessor for the county to serve as the district's assessor of record or amend its corrective action plan with the approval of the state tax commission to provide that the assessing district will employ or contract with a new assessor of record, who shall be an advanced assessing officer or a master assessing officer, to achieve and maintain substantial compliance with the requirements in subsection (1).

(d) If an assessing district amends its corrective action plan pursuant to subdivision (c), no earlier than May 1 and no later than September 1 of the following calendar year, the state tax commission shall conduct a second follow-up review with the assessing district and, within 90 days following that review, provide the district with an evaluation of its progress in implementing its corrective action plan and a notice of substantial compliance or noncompliance with the requirements in subsection (1).

(e) If the state tax commission, pursuant to subdivision (b) or (d), provides an assessing district a notice of substantial compliance with the requirements in subsection (1), no further follow-up reviews are required under this subsection.

(f) Except as otherwise provided in subdivision (g), if the state tax commission provides an assessing district a notice of noncompliance pursuant to a second follow-up review under subdivision (d) or notifies an assessing district that it has fallen out of substantial compliance less than 5 calendar years after the calendar year a notice of substantial compliance was issued under this subsection, the state tax commission may require the assessing district to contract with the designated assessor for the county to serve as the district's assessor of record. If the state tax commission notifies an assessing district that it has fallen out of substantial compliance with the requirements in subsection (1) more than 4 calendar years after the calendar year a notice of substantial compliance was issued, that notice of noncompliance shall be treated as an initial determination of noncompliance under this subsection.

(g) Within 30 days after receiving a notice of noncompliance under subdivisions (a), (b), (d), or (f), an assessing district may file a written petition with the state tax commission challenging the determination. The state tax commission shall arbitrate the dispute based on the documented facts supporting the notice of noncompliance and the information contained in the written petition and may request additional information as needed from the assessing district. If a petition is properly filed under this subdivision, the requirements applicable to an assessing district under subdivisions (a), (c), and (f) do not apply until the state tax commission notifies the assessing district of the results of the arbitration. With respect to the corrective action plan filing requirement in subdivision (a), the 60-day window for filing the plan will run from the date of this notice.

(h) Unless earlier times are agreed to by the state tax commission and the designated assessor, an assessing district that is under contract with a designated assessor under this subsection may petition the state tax commission no sooner than 3 years after commencement of the contract to end its contract with the designated assessor and may subsequently terminate the contract, subject to state tax commission approval, no sooner than 5 years after commencement of the contract. The state tax commission shall approve termination of a contract under this subdivision if it determines that the assessing district can achieve and maintain substantial compliance with the requirements in subsection (1) using a different assessor of record.

(i) Notwithstanding any other provision of this subsection, the state tax commission may immediately require an assessing district to contract with the designated assessor for the county to serve as the district's assessor of record if after the expiration of 90 days following a second notice of noncompliance under subdivision (b) or the issuance of a notice of arbitration results under subdivision (g), whichever is later, the assessing district has not either contracted

with the designated assessor for the county or employed or contracted with a new assessor of record pursuant to subdivision (c) or if both of the following apply:

(i) The assessing district has failed to file an acceptable corrective action plan with the state tax commission under subdivision (a) within 180 days following an initial notice of noncompliance under subdivision (a) or has failed to make a good-faith effort to implement a corrective action plan approved by the state tax commission under subdivision (a) within 240 days following an initial notice of noncompliance under subdivision (a).

(ii) The failure is likely to result in assumption of the assessing district's assessment roll.

(j) A designated assessor may charge an assessing district that is required to contract with the designated assessor under this subsection, and that assessing district shall pay, for the reasonable costs incurred by the designated assessor in serving as the assessing district's assessor of record, including, but not limited to, the costs of overseeing and administering the annual assessment, preparing and defending the assessment roll, and operating the assessing office. The state tax commission shall develop guidelines, which, at a minimum, shall provide for the ability of an assessing district to protest a charge to the state tax commission and the ability of the state tax commission to resolve disputes between the designated assessor and the assessing district regarding costs and charges.

(k) A designated assessor is a local assessing unit for purposes of the provisions in section 44 concerning the division and use of any collected property tax administration fees.

(4) Beginning December 31, 2020, every county shall have a designated assessor on file with the state tax commission, subject to all of the following:

(a) Subject to subdivision (d), to designate an assessor as a designated assessor, a county shall provide the state tax commission with an interlocal agreement that designates an individual who will serve as the county's designated assessor and shall petition the state tax commission to approve of the individual as the designated assessor for that county. The interlocal agreement must be executed by the board of commissioners for that county, a majority of the assessing districts in that county, and the individual put forth as the proposed designated assessor. For purposes of this subdivision and subsection (5)(d), an assessing district is considered to be in the county where all of, or in the case of an assessing district that has state equalized value in multiple counties, the largest share of, that assessing district's state equalized value is located.

(b) Except as otherwise provided in subdivision (d), if the state tax commission determines that an individual named in a petition submitted under subdivision (a) is capable of ensuring that contracting assessing districts achieve and maintain substantial compliance with the requirements in subsection (1), it shall approve the petition.

(c) Except as otherwise provided in subdivision (d), if the state tax commission determines that an individual named in a petition submitted under subdivision (a) is not capable of ensuring that contracting assessing districts achieve and maintain substantial compliance with the requirements in subsection (1), it shall reject the petition and request the submission of additional interlocal agreements under subdivision (a) until a suitable assessor has been presented.

(d) Except as otherwise provided in subdivision (e), an approved designated assessor designation shall not be revoked and no new designation shall be made under subdivision (a) earlier than 5 years following the date of the approved designation.

(e) The state tax commission may designate and approve, on an interim basis and pursuant to a formal agreement, an individual to serve as a county's designated assessor and, if applicable, revoke the approved designation of the current designated assessor under the following circumstances and subject to the following time limit:

(i) If the designated assessor dies or becomes incapacitated.

(ii) If the designated assessor was designated and approved based on his or her employment status and that status materially changes.

(iii) If it determines at any time that the designated assessor is not capable of ensuring that contracting assessing districts achieve and maintain substantial compliance with the requirements in subsection (1).

(iv) If, as of December 31, 2020, it has not been provided an interlocal agreement, executed as provided in subdivision (a), that presents a suitable individual to serve as the county's designated assessor.

(v) An approved designation under this subdivision is effective only until a new assessor has been designated and approved under subdivisions (a) to (c).

(5) As used in this section:

(a) "Advanced assessing officer" means an individual certified by the state tax commission pursuant to section 10d as a Michigan Advanced Assessing Officer(3) or, if the state tax commission changes its certification designations, an individual certified by the state tax commission to perform functions equivalent in scope, as determined by the state tax commission, to those that previously could have been performed by a Michigan Advanced Assessing Officer(3).

(b) "Assessing district" means a city, township, or joint assessing authority.

(c) “Corrective action plan” means a plan developed by an assessing district that specifically indicates how the assessing district will achieve substantial compliance with the requirements in subsection (1) and when substantial compliance will be achieved.

(d) “Designated assessor” means an individual designated and approved, as provided in subsection (4), to serve a county as the assessor of record for the assessing districts in that county that are required to contract with a designated assessor pursuant to the process specified in subsection (3).

(e) “Master assessing officer” means an individual certified by the state tax commission pursuant to section 10d as a Michigan Master Assessing Officer(4) or, if the state tax commission changes its certification designations, an individual certified by the state tax commission to perform functions equivalent in scope, as determined by the state tax commission, to those that previously could have been performed by a Michigan Master Assessing Officer(4).

(f) “Noncompliance” means that the identified deficiencies, taken together, pose a significant risk that the assessing district is unable to perform the assessing function in conformity with the state constitution and state statute. It is the opposite of substantial compliance and shall be determined based on a holistic evaluation of compliance with the requirements in subsection (1), taking into account the anticipated overall impact of the deficiencies on the assessing district’s ability to perform the assessment function. A finding of noncompliance shall not be based on isolated technical deficiencies.

(g) “Substantial compliance” means that any identified deficiencies do not pose a significant risk that the assessing district is unable to perform the assessment function in conformity with the state constitution and state statute. It is the opposite of noncompliance.

(6) Not later than 2 years after the effective date of the amendatory act that added this section, the state tax commission shall adopt and publish guidelines to implement this section. The guidelines shall include, at a minimum, minimum standards and model policies to be followed for substantial compliance with the requirements of subsection (1) and shall identify those deficiencies that may lead to a finding of noncompliance and those deficiencies that are technical. The state tax commission may update the guidelines as needed to implement this section.

Sec. 28. (1) The township board shall appoint those electors of the township who will constitute a board of review for the township. At least 2/3 of the members must be property taxpayers of the township. Members appointed to the board of review shall serve for terms of 2 years beginning at noon on January 1 of each odd-numbered year. Each member of the board of review shall qualify by taking the constitutional oath of office within 10 days after appointment. The township board may fill any vacancy that occurs in the membership of the board of review. A member of the township board is not eligible to serve on the board or to fill any vacancy. A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the assessor is not eligible to serve on the board or to fill any vacancy. A majority of the board of review constitutes a quorum for the transaction of business, but a lesser number may adjourn and a majority vote of those present will decide all questions. At least 2 members of a 3-member board of review shall be present to conduct any business or hearings of the board of review.

(2) The township board may appoint 3, 6, or 9 electors of the township, who will constitute a board of review for the township. If 6 or 9 members are appointed as provided in this subsection, the membership of the board of review must be divided into board of review committees consisting of 3 members each for the purpose of hearing and deciding issues protested pursuant to section 30. Two of the 3 members of a board of review committee constitute a quorum for the transaction of the business of the committee. All meetings of the members of the board of review and committees must be held during the same hours of the same day and at the same location.

(3) A township board may appoint not more than 2 alternate members for the same term as regular members of the board of review. Each alternate member must be a property taxpayer of the township. Alternate members shall qualify by taking the constitutional oath of office within 10 days after appointment. The township board may fill any vacancy that occurs in the alternate membership of the board of review. A member of the township board is not eligible to serve as an alternate member or to fill any vacancy. A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the assessor is not eligible to serve as an alternate member or to fill any vacancy. An alternate member may be called to perform the duties of a regular member of the board of review in the absence of a regular member. An alternate member may also be called to perform the duties of a regular member of the board of review for the purpose of reaching a decision in issues protested in which a regular member has abstained for reasons of conflict of interest.

(4) The size, composition, and manner of appointment of the board of review of a city may be prescribed by the charter of a city. In the absence of or in place of a charter provision, the governing body of the city, by ordinance, may establish the city board of review in the same manner and for the same purposes as provided by this section for townships.

(5) A majority of the entire board of review membership shall indorse the assessment roll as provided in section 30. The duties and responsibilities of the board contained in section 29 shall be carried out by the entire membership of the board of review and a majority of the membership constitutes a quorum for those purposes.

(6) The governing bodies of 2 or more contiguous cities or townships may, by agreement, appoint a single board of review to serve as the board of review for each of those cities or townships for purposes of this act. The provisions in

subsections (1) to (5) should serve as a guide in determining the size, composition, and manner of appointment of a board of review appointed under this subsection.

Enacting section 1. It is the intent of the legislature to appropriate sufficient money to address start-up and training costs associated with this amendatory act, including, but not limited to, necessary costs incurred to train board of review members, increase the number of assessors qualified to serve as assessors of record, facilitate initial designated assessor designations, respond to assessor requests for technical assistance, enhance staff and programming within the state tax commission to improve technical support for assessors of record, and transition some assessment services to designated assessors.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor

# Attachment 5

## Property Assessing Reform Proposal Frequently Asked Questions

### General Information:

#### What is Property Assessing Reform?

In its simplest form Property Assessing Reform, P.A. 660, provides a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Act defines the requirements for a local unit to be determined to be in substantial compliance with the General Property Tax Act, provides timetables for audits as well as follow up audits and provides a process for bringing a local unit into compliance if they remain non-compliant after a follow up review (also known as the designated assessor).

The Act also mandates training for local unit Boards of Review and allows for local units to combine Boards of Review for efficiency purposes and provides for a village located within two assessing districts may request that the assessment of property be completed within one of the districts.

#### How does the reform benefit taxpayers, local units, and the state?

By ensuring accurate, uniform, and equitable assessments across the state, reform will significantly reduce the unnecessary costs associated with incorrect assessments. When errors occur, taxpayers, local units, and the state are all negatively impacted—*in fact, the state's interest is substantial, as roughly half the property tax on non-PRE property (the 24 school mills), and roughly a third of all property taxes, is essentially a state revenue source.*

Not only do errors raise the risk of taxpayers being over-assessed and unfairly taxed or local units and the state having their revenues improperly reduced, but they also often generate litigation expense, as the aggrieved party is forced to appeal simply to enforce constitutional and statutory requirements. Further, by reducing faith in the system, errors create a culture of litigation that forces local units to allocate more resources to defending correct assessments. All of these costs are associated with the quality of the initial assessment. As assessment quality increases, these costs to taxpayers, local units, and the state will drop significantly.

#### The AMAR audits just started—why aren't we giving them time to work?

The AMAR reviews are in the 2<sup>nd</sup> five year cycle. What those audits have demonstrated is that while certain individual units may face unique challenges with assessing, there are also some systemic deficiencies with our assessing system that need to be addressed. The minimum quality standards are designed to address those systemic deficiencies, which will allow the AMAR audits to work more effectively on addressing challenges faced by individual local units.

### **Isn't this just county assessing by another name?**

No. While participating in county assessing is always an option, local units can continue to do their own assessing or share an assessor of record with another local unit. The only requirement is that every city, township, and county in the state meet certain specified minimum quality standards. The objective is not to move every local unit to county assessing but to ensure accurate, uniform, and equitable assessments across the state that meet statutory and constitutional requirements.

### **What is an assessing district?**

An assessing district is defined in the statute as City, Township, Or Joint Assessing Authority.

### **Does this force local units to give up their assessing function?**

No. With the changes in P.A. 660, there are also consequences if a local unit does not correct assessing deficiencies identified in the AMAR. As with the current AMAR process, the statute provides for an initial AMAR and a corrective action plan to be approved by the STC. The statute then provides for a follow up review to be conducted in accordance with the approved corrective action plan. If after that follow up review, the local unit remains in non-compliance then the local unit has two options: they can employ or contract with a new assessor of record at the Advanced or Master Level or they can contract with the Designated Assessor for the County to serve as their assessor of record.

### **Does the proposal eliminate all MCAO Assessors?**

No.

### **Local assessing works in my community—why are you asking us to change?**

To the extent a local unit is currently meeting the minimum quality standards, no change is necessary. If a local unit is not meeting the standards, they have options, they can employ or contract with a new assessor of record at the Advanced or Master Level or they can contract with the Designated Assessor for the County to serve as their assessor of record.

## **Designated Assessor**

### **What is a Designated Assessor?**

The Designated Assessor is part of a process to ensure that local units are in compliance with the statutory provisions of the AMAR. In other words it is part of a process to make sure that local units are meeting minimum assessing requirements.

As with the current AMAR process, the statute provides for an initial AMAR and a corrective action plan to be approved by the STC. The statute then provides for a follow up review to be conducted in accordance with the approved corrective action plan. If after that follow up

review, the local unit remains in non-compliance then the local unit has two options: they can employ or contract with a new assessor of record at the Advanced or Master Level or they can contract with the Designated Assessor for the County to serve as their assessor of record.

### **Who are the Designated Assessors?**

The statute provides the process for determining who the Designated Assessors are. Each County is required to enter into an interlocal agreement that designates the individual who will serve as the County's Designated Assessor. That interlocal agreement must be approved by the County Board and a majority of the assessing districts in the County. Once the interlocal agreement is approved, it is sent to the State Tax Commission for final approval. The STC will determine if the individual named as the Designated Assessor is capable of ensuring they can achieve and maintain substantial compliance for any local unit that contracts with them.

### **So, the County will automatically be the Designated Assessor?**

While the County can certainly be named the Designated Assessor, it is not an automatic designation as the Designated Assessor is determined by the approved interlocal agreement.

### **How will locals pay for the Designated Assessor?**

The Designated Assessor will serve in place of the local unit's current assessor. It is expected that using the money from that current salary will help offset the costs of the Designated Assessor. Additionally, as previously mentioned, errors raise the risk of taxpayers being over-assessed and unfairly taxed or local units and the state having their revenues improperly reduced, but they also often generate litigation expense, as the aggrieved party is forced to appeal simply to enforce constitutional and statutory requirements.

### **Boards of Review:**

#### **We heard that Boards of Review are now going to be at the County level and no longer in each local unit?**

While the statute provides that Boards of Review can be combined across two or more contiguous local units, it does not mandate that Boards of Review be combined or that Boards of Review are moving to the County.

#### **Is it true that training is now mandated for Boards of Review?**

P.A. 660 requires that the STC audit to ensure that local units require their Boards of Review to receive training and updates as approved by the STC.

**We can't recruit BOR members now, isn't requiring training going to make things worse?**

The evolving complexity of the property tax has increased the expertise needed to understand and apply the law. While local boards provide the primary quality control check on assessments, board members do not have to possess any knowledge of property tax law or assessing practices. This combination of increasingly complex responsibilities and no expertise requirement often results in misapplication of the law, increasing taxpayer and local unit litigation costs and reducing faith in the system.

The STC will be working with our partner organizations, specifically Michigan Townships Association to ensure easy access to Board of Review training and we will also provide an online option.

**Miscellaneous:**

**I heard that now Villages have to get their own assessor's is that true?**

No. P.A. 660 did make a change to the way Villages are assessed but only in very specific circumstances and if the Village wants to make a change. Specifically the Act indicates that a Village that is located in more than one assessing district, may request the STC to approve that the assessing for the Village be combined with the assessing of property in 1 of the local units, thereby eliminating the need for the Village to be assessed in two different local units and potentially by two different assessors.

**When does this all go into effect?**

While the majority of the reforms do not go into place until 2022, local units can prepare now and put in place processes and procedures to ensure they are meeting the requirements once they "go live" in 2022.

**So what is going to be happening over the next few years until this goes into effect?**

There will be a lot going on at both the State and local levels to prepare for the 2022 implementation. First, the Department of Treasury has implemented a website dedicated to assessing reform. This website will be updated with things local units need to know, required forms and key dates. Second, the Department also has a dedicated email address for anyone who has questions regarding the reform. Finally, we are working with our partner organizations on information sessions and training opportunities.

**What should local units be doing to prepare?**

The most important thing that local units can do now to prepare is to ensure they are meeting the requirements in the current AMAR and if not, that they work to ensure corrections are made to bring them into compliance. Local units should talk to their assessors to ensure they are following the AMAR minimum requirements. Local units can find more information on the AMAR on the STC website under the AMAR tab. This link provides information on

each of the AMAR requirements and the statutory authority or STC policy associated with each requirement.

**What is the STC going to be doing?**

The STC will be working on issuing guidelines, updating their rules and providing formation on the various components of the reform. This includes development of the audit program, implementation of Board of Review training programs, as well as defining key terms such as substantial compliance.

# Attachment 6



5102 (Rev. 01-19)

GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF TREASURY  
LANSING

RACHAEL EUBANKS  
STATE TREASURER

**Bulletin 8 of 2020**  
**June 9, 2020**  
**Audit Process and Designated Assessor**

**TO:** Assessors and Equalization Directors

**FROM:** State Tax Commission

**SUBJECT:** Overview of Audit Process and Designated Assessor under Public Act 660 of 2018

Public Act 660 of 2018 was approved by Governor Snyder on December 28, 2018 and amended the General Property Tax Act to provide a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Act defines the requirements for substantial compliance with the General Property Tax Act, provides timelines for audits and follow-up audits, and details a process for bringing a local unit into compliance if they remain non-compliant after a follow-up review. The Designated Assessor is an integral part of that process.

## **Audit Process Overview**

The Commission will conduct an audit of assessment practices according to a published schedule. If the assessing district (City, Township or Joint Assessing Authority) is determined to be in substantial compliance, the audit process for that five-year cycle is complete and the assessing district is not required to take any additional action.

If the State Tax Commission determines that an assessing district is not in substantial compliance with the General Property Tax Act, the Commission will provide the assessing district with a notice of noncompliance, including the reasons the assessing district is not in substantial compliance.

The assessing district must either appeal the audit determination by filing a written petition to be developed by the State Tax Commission or they must submit a corrective action plan to be approved by the State Tax Commission. "Corrective action plan" is defined in P.A. 660 of 2018 as "a plan developed by an assessing district that specifically indicates *how* the assessing district will achieve substantial compliance . . . and *when* substantial compliance will be achieved." (Emphasis added). Additional information related to the corrective action plan and petition to challenge the audit results will be provided by the State Tax Commission in separate guidance.

In the event the Commission conducts a follow-up review and the assessing district is not in substantial compliance after the follow-up review, the assessing district has three options:

1. The assessing district may hire a new Michigan Advanced Assessing Officer (MAAO) or Michigan Master Assessor Officer (MMAO),

2. The State Tax Commission assumes jurisdiction over the assessment roll in order to bring the roll into substantial compliance, or,
3. The local unit may move directly to the designated assessor.

Regardless of which option is selected, the Commission will conduct a second follow-up review to determine if the assessment roll is in substantial compliance. If, after the second follow-up review the assessing district continues to be in noncompliance, the local unit will move directly to the Designated Assessor process.

As defined in statute **substantial compliance** “means that any identified deficiencies do not pose a significant risk that the assessing district is unable to perform the assessment function in conformity with the state constitution and state statute.”

As defined in statute **noncompliance** “means that the identified deficiencies, taken together, pose a significant risk that the assessing district is unable to perform the assessing function in conformity with the state constitution and state statute.”

At the December 17, 2019 State Tax Commission meeting, the Commission determined “substantial compliance” to mean that the local unit 1) has properly calculated and appropriately documented Economic Condition Factors; 2) has properly calculated and appropriately documented land value determinations; and 3) less than 1% of the record cards are on override and less than 1% of the record cards reflect flat land values. If any of the requirements associated with those items are not met, the local unit will be considered noncompliant and the notice of noncompliance will be issued.

Once the audit is complete, if an assessing district is notified that it has fallen out of substantial compliance prior to the next audit, the State Tax Commission may require the assessing district to contract with the Designated Assessor to serve as their assessor of record. If the assessing district is notified that it has fallen out of substantial compliance more than four years after the initial finding of substantial compliance, then the regular audit process will be followed.

### **What is the Designated Assessor?**

The Designated Assessor is part of a process to ensure that local units are in compliance with the statutory provisions of the General Property Tax Act, meaning that local units are meeting minimum assessing requirements.

The Designated Assessor is the individual selected and agreed to by the County Board of Commissioners and a majority of the assessing districts within that county, subject to final approval of the State Tax Commission.

The Designated Assessor serves as the assessor of record and assumes all duties and responsibilities as the assessor of record for an assessing district that is determined to be non-compliant with an audit.

The Designated Assessor is not an automatic requirement for Countywide assessing or for the County Equalization Director to take over as the assessor for local units. While the County can be named the Designated Assessor, it is not an automatic designation as the Designated Assessor as this is determined by the approved interlocal agreement.

### **Who may be the Designated Assessor?**

Each Assessing District within each County is required to have an assessor of record with a certification level that meets the valuation requirements set forth by the State Tax Commission. Township and City certification levels are adjusted annually and approved by the STC. The individual who will serve as the county's Designated Assessor must be in good standing and be certified, at least, at the highest level required within the County. If the County contains an Assessing District that requires a Michigan Master Assessing Officer (MMAO), the Designated Assessor must then also be certified at the MMAO level. If the County only contains Assessing Districts that require a Michigan Advanced Assessing Officer (MAAO) certification, or a lower certification, the Designated Assessor may be certified at the level of MAAO. A Michigan Certified Assessing Officer (MCAO) may not serve as the Designated Assessor. As part of the annual certification level process, the Commission will review all MAAO Designated Assessors to ensure compliance with certification level requirements. Additionally, the STC will examine and determine a specific process, on a case by case basis, any specific instance of a MAAO that has been assigned multiple units that may place them beyond the certification requirements of a MAAO.

### **Notification of Selected Designated Assessor**

P.A. 660 of 2018 requires that each county notify the State Tax Commission, no later than December 31, 2020, of the individual that will serve as the county's Designated Assessor. In addition, the county must provide the State Tax Commission with the interlocal agreement executed by the County Board of Commissioners, a majority of the assessing districts within that county, and the proposed Designated Assessor for the county. The interlocal agreement must provide enough detail regarding the assessment responsibilities for the designated assessor. The Commission expects the interlocal agreement will include, but not be limited to, the following:

- Information related to the scope of services being provided by the Designated Assessor, including preparation of assessment rolls, timeline for delivery of documents and execution of forms, attendance at Boards of Review meetings, duties and responsibilities related to property tax appeals, both Small Claims and Entire Tribunal, filed with the Michigan Tax Tribunal, responsibility to meet with local unit officials, and obligations of local unit assessing staff members.
- Duties and responsibilities for each local unit within the County, including providing the Designated Assessor with reasonable access to records, documents and information.
- Details relating to cost and compensation for overseeing and administering the annual assessment and operating the assessing office, including payment terms and cost reimbursement.

Failure to timely notify the State Tax Commission of the county's Designated Assessor will result in the State Tax Commission selecting a Designated Assessor for the county.

If the State Tax Commission determines that an individual named as the Designated Assessor is capable of ensuring that the assessing districts within the county will achieve and maintain substantial

compliance, the Commission shall approve that individual as the County's Designated Assessor. Once approved, the designation will not be revoked for at least five years from the approval date.

If the State Tax Commission is unable to approve the individual identified as the county's Designated Assessor because the Commission determines that the proposed Designated Assessor is not capable of ensuring that the assessing districts will achieve and maintain substantial compliance, the county must submit a new Designated Assessor candidate and accompanying interlocal agreement within sixty days of the Commission's determination. The county will be required to repeat the process until a satisfactory Designated Assessor can be approved. The State Tax Commission will appoint an individual to serve as the county's temporary Designated Assessor during this period.

The State Tax Commission will develop a form to be utilized by the County Equalization Departments to notify the Commission of the proposed Designated Assessor. The Designated Assessor form will be available by August 18, 2020. The form must be submitted to the Commission no later than December 31, 2020.

### **Designated Assessor Term**

Once an assessing district is under contract with a Designated Assessor, the Designated Assessor will remain in place for a minimum of five years. Statute does provide for a local unit to petition the Commission to end the contract after the Designated Assessor has been in place for 3 years.

The Commission shall approve termination of a contract if it is determined that the assessing district can *achieve and maintain* substantial compliance with the General Property Tax Act using a different assessor of record other than the Designated Assessor.

The State Tax Commission may revoke the Designated Assessor and provide for an interim designated assessor if:

1. The Designated Assessor dies or becomes incapacitated
2. The Designated Assessor's employment status materially changes or
3. The Designated Assessor is not capable of ensuring that the assessing district is able to achieve and maintain substantial compliance with MCL 211.10g.

The interim Designated Assessor will remain in place until a new Designated Assessor can be selected following the interlocal agreement process.

If the Designated Assessor is serving as an assessor of record for an assessing district that is found to be in noncompliance, the State Tax Commission will appoint an individual to serve as the county's temporary Designated Assessor. The county will utilize the normal process to select and notify the Commission of the new Designated Assessor.

### **Designated Assessor Costs**

The Designated Assessor is permitted to charge an assessing district for the reasonable costs incurred in serving as the assessing district's assessor of record, including, but not limited to, the costs of overseeing and administering the annual assessment, preparing and defending the assessment roll, and operating the assessing office. The assessing district is required to pay these costs in accordance with

the interlocal agreement. The costs and fees agreed to by the county, assessing districts and the Designated Assessor is a local issue and will vary statewide.

The Commission will develop guidelines as required by statute for any local unit to protest charges by the Designated Assessor.

### **Audit Preparation**

While the audit process outlined in P.A. 660 of 2018 will not commence until 2022, assessing districts can prepare for these audits by meeting the requirements of the current Audit of Minimum Assessing Requirements (AMAR) and the “Supervising Preparation of the Assessment Roll”, as those requirements existed on October 1, 2018. Additionally, assessing districts should employ an assessor certified by the State Tax Commission at the proper certification level based on the valuation requirements, adjusted annually, set forth by the State Tax Commission. Additional information about the AMAR, including the AMAR Review Sheet, and certification levels, are available on the State Tax Commission website ([www.michigan.gov/statetaxcommission](http://www.michigan.gov/statetaxcommission)).



## City Council Agenda Item Report

**FROM:** Karen Doyle Homan  
**MEETING DATE:** December 14, 2020  
**SUBJECT:** Appointment of Brian B. Stephens to the Board of Review

### **DISCUSSION**

The City of Saugatuck Board of Review is a three member body authorized by the Michigan General Property Tax Act (Act 206 of 1893) (Section 211.28) and the Saugatuck City Charter (Section 8.6). The City currently has a vacancy on the Board due to the resignation of one of its members and per the Act the City Council is required to fill the position. The City Assessor/Board of Review Chair has asked the Mayor to appoint Brian B. Stephens to fill out the unexpired term. Brian applied for the position a year ago and has confirmed that he is still interested in serving. His application material is included with this report for Council review.

Mayor Bekken's recommendation is to appoint Brian to fill out the balance of the term.

**BUDGET ACTION REQUIRED N/A**

**LEGAL REVIEW N/A**

**SAMPLE MOTION:** Motion to approve/deny the appointment of Brian B. Stephens to the City of Saugatuck Board of Review with such term expiring January 1, 2022.

# Brian B. Stephens

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750 Allegan Street, Saugatuck MI 49453 | +1 312 3075842 | bbstephens143@gmail.com

**December 2, 2019**

Saugatuck City Council Members

City of Saugatuck

P.O. Box 86

Saugatuck MI 49453

**Dear Saugatuck City Council Members:**

Application for Appointment to City of Saugatuck Board of Review

I hereby submit the attached form for your consideration of my application to appointment to the Board of Review. I have included below a brief biographical background together with some information about my association with Saugatuck.

I spent my entire working career with the Big Four accounting firm, KPMG. My almost 40-year career was split between South Africa and the United States, although I have lived and worked in the United States for the past 30 years. My professional background is an accountant (CPA) and auditor. My specialization is in financial services – banking, insurance, investment management, etc. While my full-time working career ended with official retirement in May 2018, I have been contracted by KPMG Spain on a part time basis to work with the Firm on a specific banking client. That part time role will continue until at least April 2021, and likely for another 2 years following that. In the 6 years prior to my retirement I was responsible initially for the KPMG banking and in the final 3 years the entire financial services practices in the United States. These latter roles included responsibility for all services (audit, tax and consulting) provided to clients in those industries.

My background and association with Saugatuck are through my wife (Kirbie). Her family has been visiting Saugatuck from the Chicago area for almost 100 years. In 1946 the family purchased a cottage on Allegan Street and that remained the family summer cottage until we purchased the home from the remaining family members and rebuilt it to become our permanent (and only) residence. We have been permanent residents of Saugatuck since the summer of 2017.

Prior to, and especially since becoming permanent Saugatuck residents, we have become increasingly involved in the community. I was invited to join the board of the Saugatuck Center for the Arts 18 months ago. My service on that board is ongoing. I have thought about the possibility of becoming involved in local government now we are living here permanently. Recently Nico Leo, a current member of the review board, encouraged me to submit my application for consideration and I have decided to take this opportunity to do so.

I would be happy to answer any question members of the City Council have as they deliberate my application for this position. I am also happy to provide a more detailed resume should that prove useful. My contact details are above and in the attached.

**Respectfully Yours,**

A handwritten signature in black ink, appearing to read "Brian B. Stephens", with a long horizontal flourish extending to the right.

**Brian B. Stephens**



1/16/20 2:30 BOR

P.O. Box 86, Saugatuck, MI 49453  
Phone: 269.857.2603 Fax: 269.857-4406  
Website: [www.saugatuckcity.com](http://www.saugatuckcity.com)

**APPLICATION FOR APPOINTMENT TO  
BOARDS/COMMISSIONS/COMMITTEES**

Name: BRIAN STEPHENS Home Phone: (312) 307-5842

Home/Mailing Address: 750 ALLEGAN STREET

E-mail Address: BBSTEPHENS143@GMAIL.COM

Employer: KPMG SPAIN Occupation/Position: CONTRACTOR

Business Phone: N/A Business Reference: \_\_\_\_\_

Are you a Saugatuck City resident? YES Are you a registered Saugatuck City voter? YES

Do you or your employer have any business dealings with the City which might present a conflict of interest? NO If yes, explain \_\_\_\_\_

Serving on a Board or Commission can be time-consuming. Are you committed to attending all regularly scheduled meetings? YES

On which Boards and/or Commissions would you be willing to serve?

- |                         |                              |                         |
|-------------------------|------------------------------|-------------------------|
| Planning Commission     | Historic District Commission | Zoning Board of Appeals |
| <u>Board of Review</u>  | Harbor Commission            | Township Fire Board     |
| Twp. Recreation Comm.   | Kalamazoo Lake Sewer & Water | Library Board           |
| Interurban Transit Auth | Construction Board           |                         |

Please describe any qualifications, expertise or special interests that relate to your possible appointment:

SEE COVER LETTER

You may wish to submit a cover letter with your application. Please return the original to the City Clerk's office at the above address for processing. The City of Saugatuck recognizes and supports the concept of balanced representation in regard to filling vacancies on Boards and Commissions. To this end, every effort is made to appoint members who represent Saugatuck's diverse community, including citizens of all ethnic groups as well as people with disabilities. Reasonable accommodations and equal access to communication are provided upon request.

Signature: [Signature] Date: 12/2/2019

**\*\*Disclaimer:** Per the City of Saugatuck's retention schedule this application will be kept on file for twelve months, unless you are chosen to serve on a board, then this application is kept on file for the duration of your term.

COPY: Mayor City Council City Clerk

## Dianna McGrew

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**From:** Dianna McGrew  
**Sent:** Tuesday, November 24, 2020 11:34 AM  
**To:** Lew Wessel  
**Cc:** 'nico.leo@cbgreatlakes.com'; Ken Vlasity; City Manager  
**Subject:** RE: Resignation from Board of Review

Dear Lewis;

I am sorry to hear this. Thank you for offering to complete a quorum for our December corrections meeting. I will let you know on that, we can meet with 2 members, I'll check to make sure they will be available December 17<sup>th</sup> at 11 a.m.

Again thanks you for letting me know.

Dianna

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**From:** Lew Wessel <lewwessel0514@gmail.com>  
**Sent:** Tuesday, November 24, 2020 11:13 AM  
**To:** Dianna McGrew <dianna@saugatuckcity.com>  
**Cc:** Peter Stanislawski <Peter@saugatuckcity.com>  
**Subject:** Resignation from Board of Review

Dear Diane,

I have decided to resign from the Board of Review. I would like to do so effective immediately, but if I am needed to complete a quorum for the December meeting, I will be willing to do so via Zoom or other remote methods. Please advise.

Best Regards,  
Lewis Wessel

--  
Lew Wessel

(M) 843-301-2803



## City Council Agenda Item Report

**FROM:** Karen Doyle Homan  
**MEETING DATE:** December 14, 2020  
**SUBJECT:** Re-Appointment of Ken Vlasity to the Board of Review

**DISCUSSION:**

The City of Saugatuck Board of Review is a three member body authorized by the Michigan General Property Tax Act (Act 206 of 1893) (Section 211.28) and the Saugatuck City Charter (Section 8.6). The term of Ken Vlasity expires January 1, 2021. He has confirmed his willingness to continue his service on the Board of Review for a new term which would expire January 1, 2023. The City Assessor/Board of Review Chair has asked the Mayor to re-appoint Ken Vlasity to a new two-term. His application material is included with this report for Council review.

Mayor Bekken's recommendation is to re-appoint Ken Vlasity to the Board of Review for a two-year term which would expire January 1, 2023.

**BUDGET ACTION REQUIRED N/A**

**LEGAL REVIEW N/A**

**SAMPLE MOTION:** Motion to approve/deny the re-appointment of Ken Vlasity to the City of Saugatuck Board of Review with such term expiring January 1, 2023.



1/16/20 3p

P.O. Box 86, Saugatuck, MI 49453  
Phone: 269.857.2603 Fax: 269.857-4406  
Website: [www.saugatuckcity.com](http://www.saugatuckcity.com)

**APPLICATION FOR APPOINTMENT TO  
BOARDS/COMMISSIONS/COMMITTEES**

Name: KEN VLASITY Home Phone: 616-780-9014  
Home/Mailing Address: 648 FRANCIS ST, SAUGATUCK, MI 49453  
E-mail Address: ~~KENVLASITY@YAHOO.COM~~ KenVlas03@hotmail.com  
Employer: AT&T Occupation/Position: DIRECTOR  
Business Phone: 313657-1234 Business Reference: UPON REQUEST

Are you a Saugatuck City resident? YES Are you a registered Saugatuck City voter? YES

Do you or your employer have any business dealings with the City which might present a conflict of interest? NO If yes, explain \_\_\_\_\_

Serving on a Board or Commission can be time-consuming. Are you committed to attending all regularly scheduled meetings? YES

On which Boards and/or Commissions would you be willing to serve?

- |                         |                              |                         |
|-------------------------|------------------------------|-------------------------|
| Planning Commission     | Historic District Commission | Zoning Board of Appeals |
| <u>Board of Review</u>  | Harbor Commission            | Township Fire Board     |
| Twp. Recreation Comm.   | Kalamazoo Lake Sewer & Water | Library Board           |
| Interurban Transit Auth | Peterson Nature Preserve     | Construction Board      |

Please describe any qualifications, expertise or special interests that relate to your possible appointment:  
MY 30+ YEARS OF MANAGEMENT EXPERIENCE HAS TAUGHT ME TO BE RESPECTFUL, LISTEN WELL, BE ARTICULATE, AND TO OPERATE WITH INTEGRITY AND TRUST.

You may wish to submit a cover letter with your application. Please return the original to the City Clerk's office at the above address for processing. The City of Saugatuck recognizes and supports the concept of balanced representation in regard to filling vacancies on Boards and Commissions. To this end, every effort is made to appoint members who represent Saugatuck's diverse community, including citizens of all ethnic groups as well as people with disabilities. Reasonable accommodations and equal access to communication are provided upon request.

Signature: [Signature] Date: DEC 19, 2019

**\*\*Disclaimer:** Per the City of Saugatuck's retention schedule this application will be kept on file for twelve months, unless you are chosen to serve on a board, then this application is kept on file for the duration of your term.

COPY: Mayor City Council City Clerk



## City Council Agenda Item Report

**FROM:** Karen Doyle Homan

**MEETING DATE:** December 14, 2020

**SUBJECT:** City Manager Search

**DISCUSSION:** City Council interviewed City Manager candidates Thursday, December 10, 2020. The consensus was to “sleep on it” and discuss the candidates at your regular meeting of December 14.

If council is ready to make a decision the suggested motion is the first one below. The motion includes approval for Mayor Bekken and Mayor Pro Tem Lewis to work with Mr. Walsh in negotiating the contract. (City Council will have final authority to approve the contract).

If council would like to conduct second interviews, the recommendation is to bring back the top two and call a special meeting for Thursday, December 17<sup>th</sup> at 4 p.m. In this case, the suggested motion is the second one below.

**BUDGET ACTION N/A**

**LEGAL REVIEW N/A**

**SUGGESTED MOTION:**

- 1) Motion to make a conditional offer of employment as Saugatuck City Manager to \_\_\_\_\_ contingent on successful background check and contractual negotiations. Mayor Bekken and Mayor Pro Tem Lewis are authorized to work with Mr. Walsh in negotiating the City Manager Contract.
  
- 2) Motion to call a special meeting on \_\_\_\_\_ for the purpose of second interviews with \_\_\_\_\_ and \_\_\_\_\_.

## Peter Stanislawski

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**From:** Gordon Lefort <mtbaldhead@yahoo.com>  
**Sent:** Thursday, November 26, 2020 4:32 PM  
**To:** City Manager  
**Subject:** Re: Park Street 2020 Traffic Counts

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Karen: Of course you may! And I appreciate that you care enough to do so. I have high hopes for the new council. I was very adversarial to the old council and city manager - so no one will be surprised by my words. I have walked Park Street for the 24 years I have owned my home. I have always thought that my concern and similar minded people may help avoid a bad accident.

Have a great Thanksgiving and forget emails today because the problem has been there for 20 years. I think we have good momentum to produce a change.

Best

Neil Lefort

On Nov 26, 2020, at 2:13 PM, City Manager <citymanager@saugatuckcity.com> wrote:

Thank you Gordon, I appreciate and share your concern, as do many. Including those on City Council. May I share your email with them?

Karen Doyle Homan  
Interim City Manager  
City of Saugatuck  
O: 269-857-2603 Ext 104  
C: 616-520-5131

**From:** Gordon Lefort <mtbaldhead@yahoo.com>  
**Sent:** Thursday, November 26, 2020 2:06 PM  
**To:** City Manager <citymanager@saugatuckcity.com>  
**Cc:** Cindy Osman <Cindy@saugatuckcity.com>; Erin Wilkinson <Erin@saugatuckcity.com>; Peter Stanislawski <Peter@saugatuckcity.com>; Scott Herbert <scott@saugatuckcity.com>  
**Subject:** Re: Park Street 2020 Traffic Counts

Thanks and I appreciate your follow up on this:

This means 360,000 vehicles travelled on a "F" road with hills and curves - probably with the majority exceeding the speed limit. This was allowed to occur with no police presence, or no flashing speed sign at the tennis courts to slow gravity speeders down the Westshore hill. I requested both of these from the prior city manager, the prior council, and the police - and was ignored.

The city was unable to even fix the potholes. The southbound sign failed to record because it was placed in the wrong location. It either stopped working due to battery recharge failure, or could not find the vehicles because of the shade. I told the prior city manager, the prior council, and the police that it was in the wrong place. The city ignored me and the police rolled up their window when I told them.

I also means that the season on Park begins earlier than Memorial Day and lasts longer than Labor Day - but the city pays no attention. It also means that additional \$ resources have to be given the police to provide a fixed deterrence during peak times and peak days, and the city has to tell the police to do this. I asked for this during the last 3 years - and was ignored.

The police stay on the east side, provide "friendly police patrols", get rave east side reviews - while with the prior city council and prior city manager have exposed pedestrians and cyclists to undue but KNOWN risk. It's a simple case of knowingly losing control over the most dangerous road in town.

I hope we can fix this road and the city's avoidance of it's duty before an accident happens.

Best

Gordon Neil Lefort

On Nov 25, 2020, at 9:47 AM, City Manager <[citymanager@saugatuckcity.com](mailto:citymanager@saugatuckcity.com)> wrote:

Please find attached traffic counts on Park Street for the period of June 11, 2020 until October 6, 2020. There were 180,860 northbound trips. The southbound data was incomplete. Lots of gaps the Sheriff Deputy attributed to shade.

Karen Doyle Homan  
Interim City Manager  
City of Saugatuck  
O: 269-857-2603 Ext 104  
C: 616-520-5131

<Park Street Traffic Counts Summer 2020.pdf>