

**CHARTER TOWNSHIP OF SUPERIOR BOARD
REGULAR MEETING
JULY 15, 2024
APPROVED MINUTES
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1. CALL TO ORDER

The regular meeting of the Charter Township of Superior Board was called to order by the Supervisor Ken Schwartz at 7:00 p.m. on July 15, 2024, at the Superior Charter Township Hall, 3040 North Prospect, Superior Charter Township, Michigan.

2. PLEDGE OF ALLEGIANCE

Supervisor Schwartz led the assembly in the pledge of allegiance to the flag.

3. ROLL CALL

The members present were Supervisor Ken Schwartz, Clerk Lynette Findley, Treasurer Lisa Lewis, Trustee Nancy Caviston, Trustee Bernice Lindke, Trustee Rhonda McGill, and Trustee Bill Secrest.

Absent: None

4. ADOPTION OF AGENDA

It was moved by Trustee Lindke supported by Trustee Lindke, to adopt the agenda with the addition of the following:

NEW BUSINESS:
S. PLYMOUTH RD. SPEED STUDY

The motion carried by unanimous vote.

5. PRESENTATIONS AND PUBLIC HEARINGS

A. PRIORITY WASTE

- Sam Caramagno, Priority Waste, updated the Board on the progress made in addressing the previous week's complaints and disorganization. He reported that trash, recycling, and yard waste collections were nearly complete, with specific addresses that urgent needs addressed. He also explained the billing process, noting that residents would need to reenroll for auto pay with their credit card information as GFL did not transfer any banking information. He committed to continuing improvements and was available for questions.

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- Clerk Findley expressed appreciation for Sam's proactive approach and quick responses to issues. She noted the hesitation in posting information on the website due to account setup delays and asked when residents could log into their accounts. Sam responded that it should be available after today if GFL transferred the account information without issues. Findley requested an email update the following morning to post the necessary information.
- Supervisor Schwartz asked what residents would see when they logged into their accounts and if any GFL billing history would appear. Sam clarified that residents would see their active status and final balance with GFL but no historical data. Schwartz asked about the timeline for the first Priority Waste bill, and Sam promised to follow up with the exact date.
- Clerk Findley reiterated the need for clear and user-friendly information on the website and requested that Sam provide the details as soon as possible.
- Trustee McGill thanked Sam for addressing the container delivery issues on Manchester and Barrington, noting that the correct containers were needed. Sam confirmed that almost all requested deliveries and replacements were completed and would address any remaining issues promptly.
- Treasurer Lewis echoed the appreciation for Sam's responsiveness to emails and efforts in resolving the issues.
- Trustee McGill asked for clarification on the process for container replacements and mentioned that she received some deliveries.
- Supervisor Schwartz suggested sharing information and referring residents to him for distribution.
- Supervisor Schwartz thanked Sam for the significant progress made, noting that although some spots were missed, the overall effort was commendable, especially given the heat.
- Sam Caramagno acknowledged the hard work of his crew and the challenges faced due to the heat, reiterating their commitment to the job.
- Supervisor Schwartz concluded by thanking Sam and confirming there were no further questions from the Board.

6. CITIZEN PARTICIPATION

A. CITIZEN COMMENTS

- Brenda Baker, Ashton Ct., spoke about the Committee to Promote Superior Township (C2PST) and raised a concern about the process of membership to the Zoning Ordinance rewrite steering committee.
- Clerk Findley commended Brenda Baker for her work on the Master Plan committee but said she desires to follow the advice of the Township Planner as the firm (Carlisle Wortman & Associates) has a wealth of experience.
- Brenda Byrd, Hemlock Ct., spoke in support of the Clay Hill Community Farm and Garden project.
- Trustee Secrest spoke in support of the Clay Hill Community Farm and Garden project.
- Trustee Lindke spoke in support of the Clay Hill Community Farm and Garden project.

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- Irma Golden, Sheffield Dr., asked if a letter, which was offering curbside painting services, was sanctioned by the Board.
- Clerk Findley interjected that it was illegal solicitation.
- Irma Golden informed the Board that she received a package from the state of Michigan, specifically from Jocelyn Benson's office, regarding a complaint involving her car. She clarified that she consulted the Washtenaw County Elections Commission three times to ensure there were no violations and that her car, used for campaigning and parked in public places, did not constitute a violation. Ms. Golden emphasized that she funded her campaign activities through her own finances and the Committee to Elect Irma Golden. She assured the Board that she would respond to the complaint.
- Trustee McGill expressed surprise, stating that this was the first time she heard about the complaint.
- Supervisor Schwartz explained that he received several complaints about Ms. Golden's car and filed the complaint based on a resident's concern, which cited a piece of paper indicating that the Secretary of State deemed the situation illegal.
- Trustee McGill questioned why the resident did not file the complaint themselves and why the Board was not informed about the filing.
- Clerk Findley agreed, stating that such matters should be brought to the Board's attention.
- Trustee McGill inquired about the next steps.
- Supervisor Schwartz responded that Ms. Golden would need to address the complaint herself.
- Trustee McGill mentioned that Supervisor Schwartz been seen picking up signs with a township vehicle, suggesting a similar potential conflict. Schwartz clarified that he removed three signs from the library property and left them in the vehicle, without any attempt to hide the action.
- Clerk Findley pointed out the inconsistency and said she found this matter to be interesting.
- Trustee McGill thanked Ms. Golden for bringing this matter to the Board's attention.
- Dana Harris, Glenhill Dr., spoke in support of the Clay Hill Community Farm and Garden.
- J.B., Ashley Dr., spoke against installation of streetlights on in Geddes Ridge.

7. CONSENT AGENDA

It was moved by Trustee Lindke supported by Treasurer Lewis to approve the consent agenda with the removal of the following:

SUPERVISOR'S REPORT

UTILITY DEPARTMENT REPORT

CONTROLLER'S REPORT

The motion carried by unanimous vote.

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A. APPROVAL OF MINUTES

- a. JUNE 17, 2024, REGULAR MEETING
- b. JUNE 26, 2024, SPECIAL MEETING

B. REPORTS

- a. ~~SUPERVISOR REPORT~~
- b. LIAISON REPORT ON PARKS & RECREATION COMMISSION MEETING
- c. COMMUNITY CENTER ADVISORY COMMITTEE
- d. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, ORDINANCE OFFICER REPORT, PARKS COMMISSION MINUTES, SHERIFF'S REPORT, PLANNING AND ZONING REPORT, UTILITY DEPARTMENT'S REPORT, ASSESSING REPORT
- e. ~~CONTROLLERS REPORT~~
- f. FINANCIAL REPORT, (JUNE)

C. COMMUNICATIONS

- a. Committee to Promote Superior Township (C2PST)
- b. Brenda Baker, Letter Concerning Zoning Ordinance Steering Committee

(All letters and documents given at the table are attached to the end of these minutes)

8. ITEMS REMOVED FROM THE CONSENT AGENDA

A. SUPERVISOR'S REPORT

- Trustee Lindke inquired about the status of the letter from Washtenaw County Parks demanding compensation for the Clark Road pump station. She noted that the letter not been received and asked for an update on the matter.
- Supervisor Schwartz explained that he forwarded the letter to OHM for review regarding the damage claims and was waiting for feedback. He mentioned that George from OHM found the demands reasonable but not yet heard back from Attorney Lucas, Township Attorney. Schwartz was trying to arrange a meeting with Washtenaw County Parks and OHM to address possible inaccuracies in the claims.
- Trustee Lindke confirmed that while rent was expected, damages were not anticipated.
- Trustee Lindke also asked for an update on reaching out to Ron Deneweth, Township Attorney, regarding the LaSalle lawsuit and if they could absorb some of the charges. She noted that invoices been received but a comprehensive report was lacking.

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- Clerk Findley added that the only reports available were through the invoices and suggested that Attorney Lucas should provide a written update to the Board. She expressed concern over the substantial fees being paid without clear updates.
- Supervisor Schwartz responded that the case was currently tied up in Discovery. He acknowledged the need for a detailed report on the ongoing legal matters.
- Trustee Lindke emphasized the need for a comprehensive update on all outstanding legal issues and suggested that a report be prepared for the August meeting.
- Supervisor Schwartz agreed and confirmed that a report would be provided on the pending suits and other legal issues for the next meeting.

B. UTILITY DEPARTMENT REPORT

- Trustee Lindke noticed that Mary Burton, Utility Director, attended a conference and wanted to discuss the specifics since Mrs. Burton was not present at the moment at the meeting. She pointed out that there is no clear process for approving travel or conference attendance for the Utilities Department and suggested that the Board appoint a member to handle these approvals.
- Clerk Findley noted that Mrs. Burton an agenda item and expressed surprise that she was not present.
- Trustee Lindke emphasized the need for a clear process and suggested that the Board appoint a liaison to handle vacation time, travel, and related matters for the Utilities Department.
- Trustee McGill agreed, stating that the liaison role was initially intended to address issues and concerns, but there was no clarity regarding HR matters such as sick leave, vacation, and conference approvals. She highlighted the importance of having an HR person to manage these aspects, especially now that Mary Burton and Ricky Harding, Maintenance Superintendent, report directly to the Board.
- Trustee Lindke suggested appointing a single board member to whom Mrs. Burton and Mr. Harding could report travel and vacation plans, who would then bring it to the Board.
- Clerk Findley added that it should be the current liaison, Trustee McGill.
- Trustee McGill agreed, noting that if the liaison is to handle these responsibilities, the role should be clearly defined, and she would have no problem assuming that responsibility.

C. CONTROLLER'S REPORT

- Trustee Lindke emphasized the need for a controller that is on-site to handle financial matters and noted that this would be discussed later in the meeting. She raised questions about budget amendments for the Utilities Department and costs associated with the Dixboro Village Green purchase, which she thought was around \$46,000.00.
- Supervisor Schwartz confirmed that there were additional costs incurred during the closing but did not recall the exact final amount. He mentioned that one additional cost was a \$2,000.00 bill from the Dixoboro Methodist church's attorney.
- Trustee Lindke questioned why the Township was being billed by the church's attorney. She noted that the cost should have been included in the overall purchase price.

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- Clerk Findley agreed, stating that the attorney fees should have been part of the purchase cost.
- Supervisor Schwartz explained that the cost was only based on the appraised value and suggested reviewing the purchase agreement for clarity.
- Trustee Lindke proposed asking Keith Lockie, Township Controller, for clarification on these questions and suggested that the additional funds might have been included to provide some financial flexibility for other potential issues.
- Supervisor Schwartz agreed to find out more details the following day.
- Trustee Lindke concluded that it would be good to have clear answers regarding these costs.

9. UNFINISHED BUSINESS

A. RESOLUTION 2024-32, AWARD FIRE STATION NO. 2 BID CONTRACT TO ALLIED BUILDING SERVICE, INC. KITCHEN REMODEL

- Fire Chief Vic Chevrette provided an update on the kitchen remodel project at the fire station. He mentioned that he sent out a request for proposals (RFP) through BidNet in April, and after bids were reviewed, only one response was received from Allied Building. The proposal has since expired, but he plans to contact Allied Building to see if they will honor their original bid of \$40,800.00.
- Clerk Findley confirmed the bid amount and added that the fire station, built in 1976, has not had its kitchen remodeled since the mid-1980s. She emphasized the need for the remodel due to increased staff and outdated facilities.
- Fire Chief Chevrette noted the purchase of new refrigerators but mentioned the absence of a dishwasher and the overall cramped and outdated condition of the kitchen. He asked whether to accept Allied Building Service, Inc.'s bid or redo the RFP.
- Supervisor Schwartz suggested moving forward with a vote on the resolution, noting that the RFP had been publicly posted on BidNet. He acknowledged the difficulty in getting multiple bids and assumed Allied Building would honor their original proposal.
- Trustee McGill supported the remodel, emphasizing the importance of accommodating the firefighters' needs. She recalled past discussions about building a new fire station, noting the significant funds available in the undesignated fund balance and questioned the long-term plan for the fire station.
- Fire Chief Chevrette provided pictures of the current building's problems, including structural issues, leaks, and insect infestations. He mentioned previous estimates for a new fire station, which ranged from \$6 to \$12 million, and the unsuitability of a property at Geddes and Prospect for building a new station.
- Supervisor Schwartz added that informal estimates for a new fire station were quite high, making it financially challenging. He noted that any new construction would likely take at least three years, including planning and securing funding through a millage.
- Trustee Lindke asked about the timeline for addressing the current building's issues and forming a committee to plan for a new fire station. She emphasized the urgency due to the building's poor condition.

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- Fire Chief Chevrette suggested starting with the new board to plan for future improvements, possibly rebuilding the current property. He stressed the immediate need for the kitchen remodel to ensure healthier conditions for the firefighters.
- Supervisor Schwartz acknowledged that even with a solid plan and funding, building a new station would take years. He supported starting the discussion and planning process.
- Trustee McGill asked if there were any immediate relief measures for the firefighters. Fire Chief Chevrette indicated that significant improvements would require closing the station, which would negatively impact response times.
- Supervisor Schwartz mentioned that Pittsfield Township received federal funds for their new fire station and that a complete plan is required to apply for such funding. He reiterated the need to start planning despite the high costs and long timeline.

The following resolution was moved by Trustee McGill supported by Trustee Lindke.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION TO AWARD FIRE STATION NO. 2 BID CONTRACT TO
ALLIED BUILDING SERVICE, INC. KITCHEN REMODEL**

RESOLUTION NUMBER: 2024-32

DATE: May 20, 2024

WHEREAS, on March 7, 2024, a Request for Proposal was placed on Bidnet for vendors to view. This proposal is to remodel the kitchen at Fire Station No. 2 on MacArthur Blvd. The station was built in 1970 and the kitchen was remodeled in the mid 1980's. As of date, the kitchen at Fire Station No. 2 needs remodeling to accommodate the six firefighters at the station. The current accommodation was for three firefighters; and,

WHEREAS, we received only one proposal from Allied Building Service Company of Detroit, Inc. for \$40,800.00 as the Request for Proposal closing date was April 15, 2024. Update of the kitchen is listed in the attached RFP#2024-03 for your review. Also, attached with the Request for Proposal is the actual proposal from Allied Building Service Company of Detroit, Inc. The bid amount includes any permits needed and assurance the project completion date is within 4 weeks or 30 days from the start of said project; and,

WHEREAS, the contract consists of removing old and install new kitchen cabinets, counter tops, sink, faucet, garbage disposal, dishwasher, microwave with light and exhaust fan over the stove, move gas on/off valve, trench cut concrete floor and bury electric to island at Station No. 2; and,

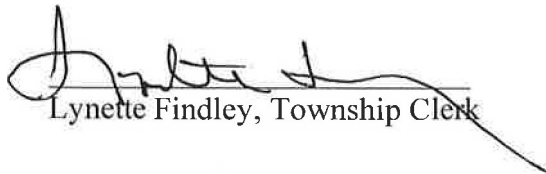
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WHEREAS, to minimize interference with the facility’s normal operations, all on-site work shall be scheduled and performed between the hours of 8:00 AM. and 4:00 PM., Monday through Friday. Allied Building Service Company of Detroit, Inc. is deemed highly qualified and able to perform the work efficiently and effectively based on plans and contract documents. All flooring, counter tops, hardware type and styles shall be approved by the Charter Township of Superior Fire Chief;

NOW, THEREFORE, BE IT RESOLVED, based on the proposal received and the summary above, the Charter Township of Superior Board of Trustees awards the Fire Station No. 2 Kitchen Remodel project to Allied Building Company of Detroit, Inc. for a total amount of \$40,800.00.

CERTIFICATION STATEMENT

I, Lynette Findley, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Charter Township of Superior Board held on July 15, 2024, and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.


Lynette Findley, Township Clerk

07/15/2024
Date Certified

Roll Call

Ayes: Treasurer Lewis
Trustee Lindke
Trustee Secrest
Trustee McGill
Supervisor Schwartz
Trustee Caviston
Clerk Findley

Nays: None.

Motion carried by unanimous vote.

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10. NEW BUSINESS

A. RESOLUTION 2024-44, APPROVE HURON RIVER WATERSHED COUNCIL (HRWC) INVOICE

The following resolution was moved by Trustee Lindke supported by Trustee Caviston.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION TO APPROVE HURON RIVER WATERSHED COUNCIL (HRWC)
INVOICE**

RESOLUTION NUMBER: 2024-44

DATE: JULY 15, 2024

WHEREAS, the Charter Township of Superior has received an invoice from the Huron River Watershed Council (HRWC) for services rendered under the 2024-2028 Middle Huron Partners contract; and

WHEREAS, the HRWC provides essential facilitation services, watershed planning, public education, and stormwater compliance assistance to the Township in support of the Middle Huron River Watershed management; and

WHEREAS, the contract period for these services spans from January 1, 2024, to December 31, 2028, with the current invoice covering the period from January 1, 2024, to December 31, 2024; and

WHEREAS, the total amount invoiced for the 2024 period is \$6,535.75; and

WHEREAS, the HRWC has communicated that due to changes brought about by the COVID-19 pandemic and improved implementation efficiencies, there has been a surplus carried over from the previous contract period (2019-2023), resulting in a reduced invoice amount for 2024; and

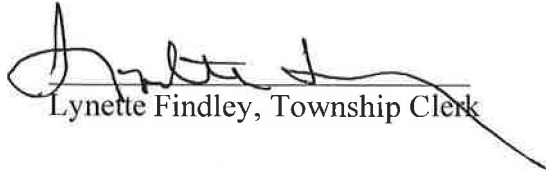
WHEREAS, this reduction reflects a commitment to cost-effective service provision while ensuring compliance with state stormwater permit requirements and contributing to the overall water quality goals of the local watershed.

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NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Superior Board of Trustees approves the payment of the invoice in the amount of \$6,535.75 to the Huron River Watershed Council for the services described.

CERTIFICATION STATEMENT

I, Lynette Findley, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Charter Township of Superior Board held on July 15, 2024, and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.


Lynette Findley, Township Clerk

07/15/2024
Date Certified

B. RESOLUTION 2024-45, APPROVE INVOICE FOR ANNUAL MEMBERSHIP DUES TO THE SOUTHEAST MICHIGAN COUNCIL OF GOVERNMENTS

The following resolution was moved by Treasurer Lewis supported by Trustee Lindke.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION TO APPROVE INVOICE FOR ANNUAL MEMBERSHIP DUES TO
THE SOUTHEAST MICHIGAN COUNCIL OF GOVERNMENTS (SEMCOG)**

RESOLUTION NUMBER: 2024-45

DATE: JULY 15, 2024

WHEREAS, the Charter Township of Superior has received an invoice from the Southeast Michigan Council of Governments (SEMCOG) for the 2024 Annual Membership Dues; and

WHEREAS, SEMCOG's principal purpose is to help local governments improve and maintain Southeast Michigan's transportation systems, environmental quality, economic interests, and infrastructure; and

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WHEREAS, SEMCOG's coordinated efforts with its members ensure that resources are used efficiently and policies and procedures are optimized using the best and most complete data available; and

WHEREAS, SEMCOG is involved in several areas of public interest including regional transportation planning, environmental quality planning under the federal Water Pollution Control Act and the Clean Air Act, and specific housing and land use planning elements authorized by the U.S. Department of Housing and Urban Development; and

WHEREAS, SEMCOG's Work Program, which serves as the basis for all SEMCOG activities, discusses regional issues, a framework for regional decision making, and specific task activities and budgets for SEMCOG and its pass-through agencies; and

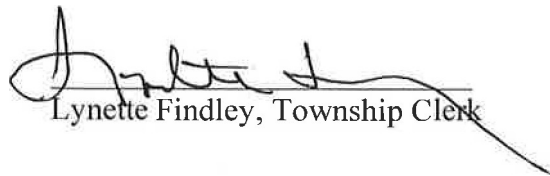
WHEREAS, the total amount due for the 2024 Annual Membership Dues is \$2,786.00 as per Invoice #INV02220 dated July 1, 2024; and

WHEREAS, the payment of these membership dues is essential for maintaining the Township's participation and benefit from SEMCOG's planning and improvement efforts; and

NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Superior Board of Trustees approves the payment of the invoice in the amount of \$2,786.00 to the Southeast Michigan Council of Governments for the 2024 Annual Membership Dues.

CERTIFICATION STATEMENT

I, Lynette Findley, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Charter Township of Superior Board held on July 15, 2024, and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.


Lynette Findley, Township Clerk

07/15/2024
Date Certified

C. RESOLUTION 2024-46, APPROVE CHARTER TOWNSHIP OF SUPERIOR PURCHASING POLICY

The following resolution was moved by Trustee Lindke supported by Treasurer Lewis.

- Trustee McGill raised a concern about exceptions to purchase authorization, specifically in the utilities space, due to the high costs often associated with emergencies. She noted that the

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current policy seems to lack a clear limit for emergency expenses and questioned who determines an emergency and grants authorization when the supervisor is unavailable.

- Clerk Findley confirmed that Mary Burton was present to answer questions.
- Trustee McGill suggested that the language in the policy should include "or designee" to ensure someone can make decisions in the absence of the Supervisor. She asked if a department head could be considered a designee, allowing them to give authorization in an emergency.
- Supervisor Schwartz explained that in the past, emergencies were treated as situations that must be addressed immediately, with the understanding that costs would be tallied later. He emphasized that waiting for approval in critical situations, such as a major water main break, is not feasible. He assured the Board that the Utility Department and maintenance workers are trusted to handle such emergencies and inform the Board afterward.
- Trustee McGill agreed but emphasized the need to formalize this process to prevent potential misuse of the policy or disagreements within the Board. She reiterated the importance of adding "or designee" to the language.
- Trustee Lindke and Mary previously discussed the lack of a defined limit for emergency spending and acknowledged that costs could vary significantly.
- Trustee McGill pointed out the need to update specific subsections related to escrow accounts and zoning ordinances, as mentioned in the document. She emphasized the importance of these updates to maintain proper controls.
- Supervisor Schwartz asked if the base document was sourced from the Michigan Townships Association (MTA).
- Trustee Lindke clarified that the purchasing policy was based on Pittsfield Township, which may have initially been influenced by MTA guidelines.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION TO APPROVE CHARTER TOWNSHIP OF SUPERIOR PURCHASING
POLICY**

RESOLUTION NUMBER: 2024-46

DATE: JULY 15, 2024

WHEREAS, the Charter Township of Superior Board of Trustees recognizes the importance of maximizing the purchasing power and value of public funds while maintaining a system of quality that promotes efficiency, effectiveness, consistency, and equity in purchasing; and

WHEREAS, the intent of the Purchasing Policy is to ensure accountability and transparency in the Township's purchases and payments; and

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WHEREAS, the Purchasing Policy applies to all purchases for supplies, goods, services, construction, equipment purchases, rentals, or leases made on behalf of the Township; and

WHEREAS, the policy outlines the roles and responsibilities of Directors or Department Heads, along with elected administrators with supervisory authority over departments, in acting as purchasing agents for the Township; and

WHEREAS, the policy includes guidelines for local purchasing, cooperative purchasing, and environmental purchasing to ensure that purchases are made in the best interest of the Township; and

WHEREAS, the policy specifies purchasing authorization levels, requirements for competitive pricing, and procedures for purchasing by contract to maintain fiscal responsibility and transparency; and

WHEREAS, the policy addresses the procurement of professional services, blanket purchasing orders, and exceptions to purchasing authorization, including emergency, sole source, grant, routine operating costs, and escrow/pass-through/user fee accounts; and

WHEREAS, the policy includes provisions for requests for proposals or qualifications, competitive sealed bidding, sales tax exemption, disposal of surplus property, payment procedures, and controls to ensure proper management and oversight of Township funds; and

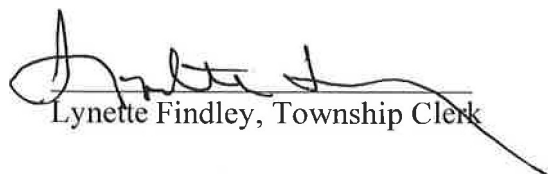
WHEREAS, the policy emphasizes the responsibility of employees with purchasing authority to comply with its terms and the importance of maintaining ethical standards in purchasing decisions; and

WHEREAS, the policy is maintained and reviewed by the Clerk, with any revisions subject to approval by the Board.

NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Superior Board of Trustees approves the Purchasing Policy as presented.

CERTIFICATION STATEMENT

I, Lynette Findley, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Charter Township of Superior Board held on July 15, 2024, and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.


Lynette Findley, Township Clerk

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The resolution carried by unanimous vote.

**D. RESOLUTION 2024-47, APPROVE PROSPECT POINTE WEST PHASE 2
DEVELOPMENT AGREEMENT**

The following resolution was moved by Trustee McGill supported by Trustee Lindke.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION APPROVING PROSPECT POINTE WEST PHASE 2
DEVELOPMENT AGREEMENT**

RESOLUTION NUMBER 2024-47

DATE: JULY 15, 2024

WHEREAS, the Developer desires to develop Phase Two of a four-phase project, an overall parcel of a size totaling approximately 67.99 acres located south of Geddes Road and adjacent to the Prospect Pointe Subdivision in the northeast quarter of Section 33, in accordance with the approved Final Site Plan dated May 20, 2024 (the "**Development**") as more particularly described in the attached **Exhibit A**; and

WHEREAS, the Developer is developing the residential development pursuant to the Superior Township Zoning Ordinance No. 174, as amended, and other applicable law; and

WHEREAS, the Developer desires to build all necessary on-site infrastructure for the Development, including but not limited to: water mains, sanitary sewers, non-motorized trails, open space, storm water management system, sidewalks and private roads, and similar amenities in the Development ("**Site Improvements**"); and

WHEREAS, the Developer desires to install grading and soil erosion and sedimentation control improvements to facilitate the drainage of storm water from the Development in such a manner as is not expected to result in damage to any adjacent property outside of the Development or any site, building, or residential unit within the Development from an increase in the flow of storm water or decrease in water quality of storm water from the Development, as more fully set forth in the final engineering plans approved by the Township ("**Engineering Plans**"); and

WHEREAS, all agreements, approvals, and conditions agreed to by the Developer and the Township remain in effect for the Development, including, but not limited to, conditions of all approvals by the Township regarding zoning and site plan approval for the Development and

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permits that may have been issued by appropriate governmental review agencies for the Development; and

WHEREAS, on May 22, 2024, the Township approved, by action of the Superior Township Planning Commission, the Final Site Plan for STPC #24-01, Prospect Pointe West Phase 2, with conditions (“**Final Site Plan**”) and all conditions of the Final Site Plan have been satisfactorily met; and,

WHEREAS, the approved Final Site Plan for the Development is consistent with the purposes and objectives of the Township's Zoning Ordinance pertaining to the use and development of the Development; and

WHEREAS, Section 10.05(G) of the Superior Township Zoning Ordinance requires the execution of a Development Agreement in connection with the approval of the Final Site Plan for the Development; and

WHEREAS, the Development Agreement shall be binding upon the Township, the Developer of the Development, their successors-in-interest, and assigns.

NOW, THEREFORE BE IT RESOLVED, in consideration of the premises and the mutual covenants of the parties described in this Agreement, and with the express understanding that this Agreement contains important and essential terms as part of the approval of the Developer's Final Site Plan for the Development, the parties hereby agree as follows:

**ARTICLE I.
GENERAL TERMS**

Section 1.01 Recitals Part of Agreement.

Developer and the Township acknowledge and represent that the foregoing recitals are true, accurate and binding on the respective parties and are an integral part of this Agreement.

Section 1.02 Zoning District.

The Township acknowledges and represents that the property is zoned R-4 (Single Family Residential) for the Development and, for purposes of recordation, shall be referred to as Prospect Pointe West Phase 2, and that the Developer's intended use as described herein is a permitted use under the R-4 (Single-Family Residential) zoning district designation.

Section 1.03 Approval of Final Site Plan.

The Final Site Plan dated May 20, 2024, attached hereto as **Exhibit B** has been approved pursuant to the authority granted to and vested in the Township pursuant to the Michigan Public Act 110 of the 2006 Zoning Enabling Act, as amended.

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Section 1.04 Conditions of Final Site Plan Approval.

The Developer and the Township acknowledge that the approved Final Site Plan for the Development referenced in Section 1.03 incorporates the Township's complete and final approved conditions and requirements for the Final Site Plan that were adopted by the Township Planning Commission pursuant to recommendations by the consultants and departments of the Township.

Section 1.05 Agreement Running with the Land.

The terms, provisions and conditions of this Agreement shall be deemed to be of benefit to the Development described herein, shall be deemed a restrictive covenant which shall run with the land and be binding upon and inure to the benefit of the parties and their successors and assigns, and binding upon the successors-in-interest to any portion of the Development, and may not be modified or rescinded except as provided in Section 3.01 below.

Section 1.06 Developer Responsibilities for Improvements and Assessments.

Except as otherwise provided for in this Agreement and except as dedicated by the Developer to the Township or other governmental authorities after approval of the Township, the Developer shall be responsible for the maintenance of all Site Improvements.

**ARTICLE II.
PROVISIONS REGARDING DEVELOPMENT**

Section 2.01 Permitted Principal Uses.

The permitted principal uses within the Development shall conform to the list of allowable land uses specified on the adopted Site Plan for the Development, along with any other accessory uses and/or amenities permitted under the Township's ordinances.

Section 2.02 Payment of Fees and Invoices.

Developer shall pay all such applicable fees and invoices as may be due and payable prior to the issuance of building permits. Construction permit fees for buildings to be constructed within the Development shall be the responsibility of the party requesting such permits.

Section 2.03 Common Elements.

As used in this Agreement the term Common Elements refers to the following items:

- (a) Open space
- (b) Parks
- (c) Pathways
- (d) Detention areas
- (e) Storm water drainage; and

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(f) Any other items depicted in the Final Site Plan and designated as a Common Element.
Section 2.04 Use of Detention Areas; Use of Open Space and Park Areas.

Certain portions of the Development are to be used for storm water detention and drainage; recreation, open space, wetlands as depicted in the approved drainage plan and/or Final Site Plan.

Section 2.05 Changes and Improvements.

Incidental changes to the Development, the Final Site Plan, or to the Site Improvements may be installed or constructed with the prior approval of the Township Building Official, Planning & Zoning Administrator, and the Township Supervisor per Section 10.02(C), Administrative Approval, of Zoning Ordinance No. 174, which approval shall not unreasonably be withheld. All other improvements and changes must be approved by the Township Planning Commission.

Section 2.06 Performance Guarantees.

Prior to the commencement of any work on the Site Improvements in the Development, the Developer shall deliver to the Township financial security by means of a certified check, cash, or an irrevocable letter of credit (hereafter referred to as the "**Security**") that names the Township as the beneficiary thereof in an amount equal to the estimated costs as approved by the Township consulting engineers, which approval may not be unreasonably withheld for the following items with respect to the Development:

- (a) All Site Improvements to be installed pursuant to the Final Site Plan and approved Engineering Plans.
- (b) Repairs to underground public utility infrastructure.
- (c) Maintenance and Restoration of slopes installed by Developer may be necessary in future after initial construction, prior to the installation of adjacent phases to complete the public utilities and road through Phase 2. It is also possible that if the adjacent phase(s) do not proceed in future, the Township may need to implement some work to integrate the Phase 2 improvement as an existing condition. Therefore, this guarantee shall be held until adjacent phase(s) is installed.

The Security may be amended or replaced from time to time as expressly provided in this Agreement.

The Security may be drawn upon by the Township only as expressly permitted in this Agreement. The Security shall be fully returned by the Township to the Developer when all of the conditions to its release set forth in **Exhibit C** (the "**Security Itemization**"), attached hereto, have been satisfied.

The Security shall be reduced from time to time as those items in (a) through (b) above are completed by the Developer and approved by the Township. Further, the Developer shall receive partial reductions in the amount of the Security and/or partial returns of the Security when individual units within the Development to which the Security pertains, receives a final certificate of occupancy. The Developer shall provide written notice of completion to the Township and the

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Township shall inspect the items as soon as reasonably possible. The reduction or return of the Security shall be made annually and be based on the percentage of dwellings within the phase to which such the Security pertains that have received final certificates of occupancy.

Section 2.07 Completion of Site Improvements.

All Site Improvements for Phase 2 will be installed in one phase, including those necessary to connect to the existing Township water main and sanitary sewer systems. Improvements for subsequent phases will not be installed until Final Site Plans are approved for each of those phases. Site Improvements shall be installed, as depicted on the Final Site Plan and approved final Engineering Plans by no later than the time of application for the building permit for the construction of the first building. The first building permit may be issued if the franchise utilities (gas, electric, telephone, cable TV) are not installed, but no certificate of occupancy will be issued until the franchise utilities have been completed.

Section 2.08 Responsibility to Preserve, Retain, and Maintain the Development and Common Elements.

The Developer shall regularly remove, but no less frequently than once a month, all construction debris and rubbish within the Development and for maintaining the function of all Common Elements. The Developer shall be responsible for the function and maintenance of all Common Elements. No burning of any kind will be allowed on the site, including the burning of trees, brush, stumps, or vegetative materials while clearing the site, or of construction materials during construction.

In the event the Developer fails at any time to preserve, retain, or maintain the function of the Common Elements, the Township may serve written notice upon the Developer setting forth the manner in which the Developer has failed to maintain or preserve the Common Element. Such notice shall include a demand that deficiencies in maintenance or preservation be cured within thirty (30) days of the notice. If the deficiencies set forth in the original notice, or any modification thereof, are not cured within such thirty (30) day period or any extension thereof, the Township, in order to prevent the Common Element from becoming a nuisance, may, but is not obligated to, enter upon the Common Element and perform the required maintenance or otherwise cure the deficiencies. The Township's reasonable cost to perform any such maintenance or cure, together with a surcharge equal to fifteen percent (15%) for administrative costs, shall be assessed against the Developer, on the Township's tax rolls for the Development.

Section 2.09 Private Roads.

All roads within the Development shall be private roads as depicted on the approved Final Site Plan and approved Engineering Plans.

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Section 2.10 Storm Water Management.

The Developer shall notify the Township in writing within thirty (30) days of the date the Washtenaw County Water Resources Commission (WCWRC) becomes responsible for the storm water management system, including its related detention basin areas, inlet and outlet areas (the "**Storm Water Management System**") as depicted on the Final Site Plan. Notwithstanding the dedication and acceptance of the Storm Water Management System by the WCWRC, the Developer shall be responsible for the maintenance and appearance of the Storm Water Management System. The detention basin(s) or components thereof, shall not be maintained in an unkempt manner.

Section 2.11 Public Sewer and Water

- (a) The Development shall have public sanitary sewers and public water mains ("**Public Utilities**") installed as approved by the Charter Township of Superior, Ypsilanti Community Utilities Authority, the Great Lakes Water Authority and/or the Michigan Department of Environmental Quality, subject to applicable laws and regulations. All standard connection and inspection costs and fees imposed by the Township, or other regulatory agencies, including, but not limited to, engineering inspections, shall be paid by the Developer or its successors (e.g. builders).
- (b) Developer acknowledges that the Township shall not issue utility connection permits or building permits unless and until the Public Utilities required by the Township to be constructed under this Agreement are substantially complete. Developer agrees, for itself and its successors and assigns, that neither Developer nor its successors or assigns shall do any work on or in preparation for the installation of "public water" on the site without the appropriate permits; provided, however, that Developer shall not be liable for the actions of its successors and assigns.
- (c) The Developer shall provide public utility easements for the Public Utilities prior to the issuance of any building permits. Upon approval from Township staff, the public utility easements shall be recorded with the Washtenaw County Register of Deeds. Recording fees are the responsibility of the Developer.

Section 2.12 Repair of Public Utilities.

The Township may draw down from the Security an amount necessary to pay the out-of-pocket costs incurred by the Township to repair any damages which occur to the Public Utilities installed by the Developer after substantial completion of any portion of the Development connected to such Public Utilities but prior to final acceptance of such Public Utilities within such portion of the Development if the Developer (or the Developer's successor or assign) does not complete such repairs within a reasonable amount of time after the Township's request. The Security shall be reduced by the portion thereof allocated to the repair of Public Utilities as set forth in attached **Exhibit C** within 30 days after the Township issues final acceptance of Public Utilities.

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Section 2.13 Escrow Amounts.

Prior to the pre-construction meeting, the Developer shall pay the Township an amount to be established by the Township's engineers as an escrow to cover the costs of construction administration and inspection of the Public Utilities, Site Improvements, and other related infrastructure in the Development. The Developer will deposit additional funds from time to time to cover the costs of inspections performed by the Township's consultants, as outlined in the Zoning Ordinance and engineering standards, or when the escrow amount has been depleted prior to final approval of the Public Utilities, Site Improvements, and other related infrastructure in the Development.

Section 2.14 Engineering Approval of Plans.

In accordance with Superior Township Ordinance and Superior Township Engineering Design Specifications, no construction work or grading shall be performed on the Development until Engineering Plans are reviewed and approved.

Section 2.15 Driveways.

All driveways shall be constructed of Portland Cement Concrete. Driveways shall be 4-inches thick through the drive approach to the garage as shown on the Engineering Plans. All driveways shall have a maximum grade of eight percent (8%) as shown on the Engineering Plans.

Section 2.16 Sidewalks and Non-Motorized Trails.

The Developer shall install all public and private sidewalks and paved pathway improvements shown on the Final Site Plan on the Development in full conformance to the Final Site Plan.

Section 2.17 Landscaping Improvements and Replacement Trees.

The Developer shall be responsible for installing landscaping improvements and replacement trees as indicated on the Final Site Plan. The Developer shall inform the Township in writing of the date of the planting of landscaping improvements and replacement trees and shall be responsible for replacing any plant material that does not survive in a healthy condition for the time period indicated in Section 14.05(F)(6) of Zoning Ordinance No. 174. The Township shall reserve the right to use the Security to pay the out-of-pocket cost incurred by the Township in replacing any such trees that the Developer fails to replace as required per Section 14.05(F)(6) and as permitted under Section 2.06 of this Agreement.

Section 2.18 Construction Access.

Developer shall take all reasonable measures requested by the Township to reduce any dirt, mud and dust created by trucks traveling to and from the Development during construction. This may include regular cleaning of streets, cleaning and replacement of the mud mat at the entrance to the Development, as well as deploying a water truck on site when dust conditions create a nuisance

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during the site development stage of construction, the expense of which shall be borne exclusively by the Developer.

Section 2.19 Construction Work Schedule.

Construction work within the Development (including excavation, demolition, alteration, and erection) and construction noises shall be prohibited at all times other than:

Monday through Saturday from 7:00 A.M. to 6:00 P.M.

The Township may issue a work permit for hours other than those identified immediately above upon written request of the owner or owner's representative. The request must demonstrate unusual or unique circumstances relating to the proposed construction hours.

Section 2.20 Engineering and Certification.

- (a) Developer shall furnish as-built drawing plans signed and sealed by an engineer licensed in the State of Michigan indicating that the site grading, water transmission system, sanitary sewer system, storm water conveyance, soil erosion/ sedimentation and detention/retention facilities have been constructed in substantial accordance with the approved Engineering Plans. Format shall be as requested by Township Engineer. All inspections for water and sewer (sanitary and storm) installations are to be performed by the Township engineers, with applicable fees paid by Developer. The Township will review and approve improvements in accordance with the Township "Engineering Design Specification for Site Improvements" and other applicable laws and ordinances.
- (b) Developer shall furnish as-built drawing plans in digital format that is in conformance with the Charter Township of Superior Standards for Submitting Digital As-Built Drawings, Revised March 2007 as amended.

Section 2.21 Underground Utilities.

The Developer shall install all electric, telephone and other communication systems underground in accordance with requirements of the applicable utility company and applicable Township Ordinances. No underground utility structures, i.e. manholes, shall be permitted in sidewalks or driveways per Superior Charter Township Engineering Standards.

Section 2.22 Site Grading

- (a) The Developer or the Developer's representative shall submit as-built plot plans and certify that the as-built lot grading conforms to the Township approved site and engineering drawings within industry standards, and that building setbacks conform to the Township approved site and engineering drawings. This certification shall be prepared by and bear the seal of a professional land surveyor licensed in the State of Michigan.
- (b) The Township shall have the right to spot-check certification grades at its own discretion.

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The final certificate of use and occupancy of each building shall be withheld until the lot grading/setback certification is received and approved by the Township. The Township shall have the right, at its own discretion, to waive some or all of the lot grading and building setback certification requirements.

**ARTICLE III.
MISCELLANEOUS PROVISIONS**

Section 3.01 Amendment and Modifications.

No amendment or modification to or of this Agreement shall be binding upon any party hereto until such amendment or modification is reduced to writing and executed by all parties.

Section 3.02 Governing Law.

This Agreement shall be governed in all respects, whether as to validity, construction, performance and otherwise, by the laws of the State of Michigan.

Section 3.03 Township Approval.

This Agreement has been approved through action of the Township Board at a duly scheduled meeting.

Section 3.04 Developer Approval.

The signers on behalf of the Developer below represent by their signatures that they represent and have authority to bind all owners of legal and equitable title in the Development.

Section 3.05 Execution in Counterparts.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one Agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.

Section 3.06 Preconstruction Meeting with Contractors.

Prior to the commencement of any grading on the Development, the Developer or such other third parties shall schedule a meeting as per the Township's engineering standards with its general contractor, construction manager and the Township's applicable departments, officials, and consultants to review the applicable policies, procedures, and requirements of the Township with respect to construction of the Development.

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Section 3.07 Fees.

The Developer shall pay for any reviews reasonably necessary to determine conformance of the Development to this Agreement. This fee would include review time by the Township Engineer, Planner or Attorney.

Section 3.08 Recordation of Agreement.

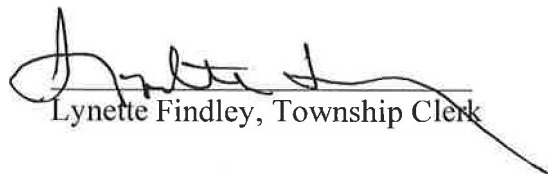
The Township shall record this Agreement with the Washtenaw County Register of Deeds and shall provide a true copy to the Developer. All costs associated with the recording of this Agreement shall be borne by the Developer. This Agreement will run with the land.

Section 3.09 Mutual Cooperation.

Each party to this Agreement shall (i) take all actions required of it by the terms of this Agreement as expeditiously as possible; (ii) cooperate, to the fullest extent possible, with the other party to this Agreement and with any individual, entity or governmental agency involved in or with jurisdiction over the engineering, design, construction or operation of the Development, or any other improvements which are undertaken in connection with the foregoing, in the granting and obtaining of all easements, rights of way, permits, licenses, approvals and any other consents or permissions necessary for the construction or operation thereof, and including cooperation reasonably necessary to obtain loans or grants; (iii) execute and deliver all reasonable documents necessary to accomplish the purposes and intent of this Agreement, including, but not limited to, such documents or agreements as may be required by the lenders with respect to the Development to secure the financing from such lenders; and (iv) use its reasonable efforts to assist the other party to this Agreement in the discharge of their respective obligations hereunder.

CERTIFICATION STATEMENT

I, Lynette Findley, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Charter Township of Superior Board held on July 15, 2024, and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.


Lynette Findley, Township Clerk

07/15/2024
Date Certified

Roll Call

Ayes: Treasurer Lewis
Trustee Lindke
Trustee Secrest
Trustee McGill
Supervisor Schwartz

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Trustee Caviston
Clerk Findley

Nays: None.

The motion carried by unanimous vote.

**E. RESOLUTION 2024-48, AMENDING THE RATES, FEES AND CHARGES
RELATED TO WATER SERVICES PROVIDED BY THE TOWNSHIP'S UTILITY
DEPARTMENT (YPSILANTI COMMUNITY UTILITY AUTHORITY WATER
DISTRICT)**

Mary Burton, Utilities Director, explained the resolution.

The following resolution was moved by Trustee Lindke supported by Treasurer Lewis.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION AMENDING THE RATES, FEES AND CHARGES RELATED TO
WATER SERVICES PROVIDED BY THE TOWNSHIP'S UTILITY DEPARTMENT
(YPSILANTI COMMUNITY UTILITY AUTHORITY WATER DISTRICT)**

RESOLUTION NUMBER: 2024-48

DATE: JULY 15, 2024

WHEREAS, this Board is authorized by statute and by the provisions of Township Ordinance No. 169 to determine by resolution rates, fees and charges for services and benefits by Township's sewer and water systems, and;

WHEREAS, the Ypsilanti Community Utilities Authority has increased the charge for water by 3.07% and sewer by 4.59%, and;

WHEREAS, the Superior Charter Township Utility Fund may not operate at a deficit, and;

WHEREAS, after an analysis of the effect of the new charges for water, it was determined that it would be adequate to increase our water rates by 4.07%, and sewer rates by 5.59%, and;

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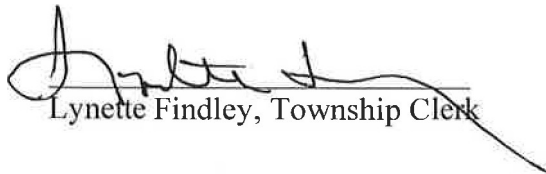
WHEREAS, this Board finds that the amended proposed schedule of fees is reasonable and necessary for the continuing operations of the Township Utility System and consistent with the past practices and policies of the Township.

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board does hereby determine that the fees for services and benefits furnished by the Township's water and sewer systems shall be amended per the attached Schedule A and Appendix B; and

BE IT FURTHER RESOLVED that this Resolution and attached schedule shall be published pursuant to Section 8 of the Charter Township Act being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti 48198 and on the Township website – www.superiortownship.org – with notice of such in *MLive*, an online newspaper of general circulation in the Township qualified under state law to publish legal notices, said rate changes shall be effective immediately upon publication thereof.

CERTIFICATION STATEMENT

I, Lynette Findley, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Charter Township of Superior Board held on July 15, 2024, and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.


Lynette Findley, Township Clerk

07/15/2024
Date Certified

Roll Call

Ayes: Treasurer Lewis
Trustee Lindke
Trustee Secrest
Trustee McGill
Supervisor Schwartz
Trustee Caviston
Clerk Findley

Nays: None.

The motion carried by unanimous vote.

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**F. RESOLUTION 2024-49, AMENDING THE RATES, FEES AND CHARGES
RELATED TO WATER SERVICES PROVIDED BY THE TOWNSHIP'S UTILITY
DEPARTMENT (ANN ARBOR TOWNSHIP WATER DISTRICT)**

Mary Burton, Utilities Director, explained the resolution.

The following resolution was moved by Trustee McGill supported by Trustee Lindke.

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN**

**RESOLUTION AMENDING THE RATES, FEES AND CHARGES RELATED TO
WATER SERVICES PROVIDED BY THE TOWNSHIP'S UTILITY DEPARTMENT
(ANN ARBOR TOWNSHIP WATER DISTRICT)**

RESOLUTION NUMBER: 2024-49

DATE: JULY 15, 2024

WHEREAS, this Board is authorized by statute and by the provisions of Township Ordinance No. 169 to determine by resolution rates, fees and charges for services and benefits by Township's sewer and water systems, and;

WHEREAS, Ann Arbor Township has increased the charge for water by 4.95%, and sewer by 3.16%, and;

WHEREAS, the Superior Charter Township Utility Fund may not operate at a deficit, and;

WHEREAS, after an analysis of the effect of the new charges for water, it was determined that it would be adequate to increase our water rates by 4.95%, and sewer rates by 3.16%, and;

WHEREAS, this Board finds that the amended proposed schedule of fees is reasonable and necessary for the continuing operations of the Township Utility System and consistent with the past practices and policies of the Township.

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board does hereby determine that the fees for services and benefits furnished by the Township's water systems shall be amended per the attached Schedule A, Exhibit A; and

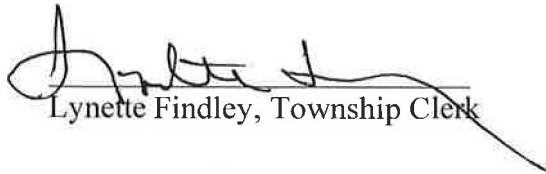
BE IT FURTHER RESOLVED that this Resolution and attached schedule shall be published pursuant to Section 8 of the Charter Township Act being MCL 42.8 by posting in the

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Office of the Clerk, 3040 N. Prospect, Ypsilanti 48198 and on the Township website – www.superiortownship.org – with notice of such in *MLive*, an online newspaper of general circulation in the Township qualified under state law to publish legal notices, said rate changes shall be effective immediately upon publication thereof.

CERTIFICATION STATEMENT

I, Lynette Findley, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Charter Township of Superior Board held on July 15, 2024, and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.


Lynette Findley, Township Clerk

07/15/2024
Date Certified

Roll Call

Ayes: Treasurer Lewis
Trustee Lindke
Trustee Secrest
Trustee McGill
Supervisor Schwartz
Trustee Caviston
Clerk Findley

Nays: None.

The motion carried by unanimous vote.

G. RESOLUTION 2024-50, REALLOCATING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

Juan Bradford, Parks and Recreation Director, explained the resolution.

The following resolution was moved by Trustee Lindke supported by Clerk Findley.

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WASHTENAW COUNTY, MICHIGAN

RESOLUTION REALLOCATING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

RESOLUTION NUMBER: 2024-50

DATE: JULY 15, 2024

WHEREAS, the Charter Township of Superior Board of Trustee’s has carefully reviewed the American Rescue Plan Act (“ARPA”) obligations, and;

WHEREAS, the Charter Township of Superior Board of Trustees recognizes its responsibility to the citizens of the Charter Township of Superior to carefully monitor the funds, and;

WHEREAS, the Board of Trustees of the Charter Township of Superior has carefully

\$64,000 change		
Expanded Scope for OHM		\$ 37,500.00
Preliminary engineering paid by General		\$ 12,500.00
Add'l funding originally from General		\$ 14,000.00
Total		\$ 64,000.00

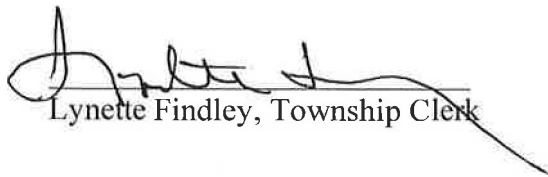
reviewed the revenues and expenditures for 2024 and offers the following ARPA allocations.

NOW THEREFORE BE IT RESOLVED that the Charter Township of Superior Board of Trustees adopt the proposed ARPA allocation of \$64,000.00 as set forth in the attached report.

CERTIFICATION STATEMENT

I, Lynette Findley, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Charter Township of Superior Board held on July 15, 2024, and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

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Lynette Findley, Township Clerk

07/15/2024
Date Certified

Roll Call

Ayes: Treasurer Lewis
Trustee Lindke
Trustee Secrest
Trustee McGill
Supervisor Schwartz
Trustee Caviston
Clerk Findley

Nays: None.

The motion carried by unanimous vote.

**H. MOTION TO APPROVE CLAY HILL COMMUNITY FARM & GARDEN
TRANSIENT AMUSEMENT APPLICATION**

It was moved Treasurer Lewis supported by Trustee Lindke to Approve Clay Hill Community Farm & Garden Transient Amusement Application

- T.C. Collins, Director of Willow Run Acres, addressed the Board about his application aimed at increasing community involvement. He explained that while Willow Run Acres is the main organization, the goal is to establish Clay Hill Community Farm and Garden as a separate, community-led initiative. This would ensure that it is not solely run by Willow Run Acres, fostering a broader community effort.
- Collins mentioned discussions with community members, including Juan, highlighting the importance of bringing more resources, particularly food resources, to the community. The plan includes organizing community involvement days where local farmers and artisans can sell their products and produce, following the model of other farmers' markets. This approach would help manage traffic flow and ensure compliance with health department regulations.
- He emphasized the importance of maintaining compliance with township regulations and keeping operations transparent. The aim is to avoid creating a monopoly for Willow Run Acres-Clay Hill, instead providing opportunities for others to contribute to the area.
- In addition, Collins proposed having community information days, where residents can rent booths to share literature, information, and other positive resources. This initiative would complement farm and garden days, keeping a balance and attracting more people to the Clay Hill community.

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The motion carried by unanimous vote.

I. MOTION TO APPROVE REGIONAL GRANT WRITTEN FOR NOZZLES AND APPLIANCES

- Fire Chief Vic Chevrette provided an update on a FEMA grant application submitted in February for fire equipment. The regional grant involves several communities, including Pittsfield Township, Belleville City, and Northfield Township. The grant is intended for purchasing nozzles and appliances.
- Chief Chevrette apologized for a previous mix-up where the wrong email was sent out, leading to confusion about the grant. The correct grant, for equipment, has been approved with a total amount of \$156,401.00. Each department is required to pay 10% of the grant, amounting to a little over \$3,500 for their share.
- As the fiduciary for this grant, their department will manage all funds, ensuring that the equipment is inventoried according to the new purchasing policy, as FEMA will require this information. Chief Chevrette asked for the Board's approval to move forward with the grant.
- Supervisor Schwartz thanked the Chief and opened the floor for any questions. He confirmed that their department would act as the fiduciary and noted that they had experience managing similar grants in the past. He mentioned that various departments typically manage different regional grants, such as EMS equipment grants by other departments.

It was moved by Treasurer Lewis supported by Trustee Lindke to approve regional grant written for nozzles and appliances.

Roll Call

Ayes: Treasurer Lewis
Trustee Lindke
Trustee Secrest
Trustee McGill
Supervisor Schwartz
Trustee Caviston
Clerk Findley

Nays: None.

The motion carried by unanimous vote.

Discussion Items:

J. 290 W CLARK RD. RESTORATION (HOVING PROPERTY)

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- Supervisor Schwartz mentioned the request for reimbursement regarding the property at 290 West Clark Road, known as the “Hoving” property. Schwartz forwarded the request to Fred Lucas, Township Attorney, but had not yet received a response. He believed that the request was reasonable and suggested that if Mr. Lucas confirms that the release specifically covers this item, the Board should approve the payment.
- Trustee Lindke clarified the amount, noting it was less than \$7,000.
- Supervisor Schwartz emphasized that the property owners have been very cooperative and helpful throughout the process and could have made things difficult for the Township but chose not to. He implied that approving the reimbursement would be a fair and appreciative gesture.

It was moved by Trustee Caviston supported by Clerk Findley to approve the reimbursement payment.

The motion carried by unanimous vote.

K. APPOINTMENT PROCESS TO SUPERIOR TOWNSHIP ROAD COMMITTEE

This item is tabled until the August 19, 2024, Regular Meeting.

L. HUMAN RESOURCES

- Trustee Lindke mentioned that there are still people showing willingness to apply for the open position. She noted that she sent an application from a person who lives in Superior Charter Township and has extensive HR experience. This individual is currently between jobs and expressed interest in being considered for the position.
- Trustee Lindke emphasized the need to move forward with the applications and mentioned that she sent the information to Clerk Findley.
- Treasurer Lewis said she was unaware of the committee's activities and clarified that she was not involved in it. Trustee Lindke reminded Treasurer Lewis she was part of the committee, and that Clerk Findley received another application.
- Clerk Findley mentioned that the committee put a hold on meetings due to issues related to consultancy.
- Trustee Lindke suggested that the committee should start meeting again.
- Clerk Findley agreed but mentioned she had an upcoming State Primary election to manage.
- Supervisor Schwartz said this may have to wait.
- Clerk Findley stressed the importance of not delaying the process.
- Supervisor Schwartz said if this can be done before the election it would be great.
- Clerk Findley acknowledged the Supervisor’s comment.

Discussion moved to the next item but later reconvened at the request of Clerk Findley.

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- Clerk Findley expressed concern about the human resources position, noting a prior discussion about making it a part-time role initially. She emphasized the need to decide on the job status before contacting applicants who have already submitted resumes.
- Trustee Lindke agreed, highlighting the importance of making progress on the position and suggesting that it could start as part-time and potentially transition to full-time if necessary.

M. CONTROLLER STATUS

- Trustee Lindke highlighted the ongoing issue with Keith Lockie, Township Controller, not being present and stressing the need for someone local to assist at the Superior Charter Township Hall. She emphasized the importance of having a controller who is physically present, noting that Mr. Lockie is in Florida.
- Supervisor Schwartz agreed and mentioned that they need to finalize the job description and start the search.
- Trustee Lindke offered to assist in getting the job description prepared and the search initiated.
- Supervisor Schwartz appreciated the offer and suggested starting the transition around July, aiming to hire someone by October, with an additional month for training.
- Trustee Lindke believed the process could be expedited, noting that Aalea Skrycki, Utilities Department, might already be trained in accounting.
- Clerk Findley confirmed that she had spoken with Nancy Mason, Township Bookkeeper, who mentioned that Mrs. Mason was indeed performing much of the accounting work already.
- Trustee Lindke agreed that it was time to move forward with hiring someone local.

N. DEWPOINT (IT SERVICES)

- Trustee Lindke mentioned that she had spoken to Dewpoint, an IT company used by many townships. Dewpoint expressed interest in doing a presentation. Reflecting on a past presentation that did not go well, she emphasized the importance of conducting reference checks before inviting companies for presentations. She noted that Dewpoint is a solid company and had provided dates and times for potential presentations this week and next week. She planned to inform the directors who might be interested.
- Supervisor Schwartz inquired about Dewpoint's location.
- Trustee Lindke replied that Dewpoint is based in Lansing but has staff in various locations.
- Clerk Findley mentioned having information on another company and promised to share it with Trustee Lindke
- Trustee Lindke ensured this will mean the Township has three options to consider.

O. DG ESCROW PAYMENT

- Supervisor Schwartz mentioned the DG escrow payment and noted that Fred Lucas, Township Attorney, was not present to provide an update on the litigation status.

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- Trustee Lindke explained that there was an accounts receivable issue with DG due to a situation involving Infinity. DG requested their money back, but it was discovered that the payment had been sent to Infinity. She requested an update on this matter.
- Supervisor Schwartz believed that DG was patiently waiting for the issue to be resolved, based on information from a couple of months ago.
- Trustee McGill asked if DG understood what happened.
- Supervisor Schwartz clarified that the person from DG passed away and the matter was now being handled by an estate management company.
- Clerk Findley requested written confirmation that DG was waiting, as the Clerk, as she had not seen any documentation regarding this matter.
- Trustee Lindke agreed that obtaining written confirmation would be beneficial for the Board's protection and to ensure clarity on the situation.

P. SIDEWALKS UPDATES

- Supervisor Schwartz provided an update on the sidewalk project, mentioning that he was swamped last week and had not heard from Daryll Morris, Morris Concrete. He promised to contact Mr. Morris and update the Board on the progress.
- Clerk Findley raised a concern about a bill she sent to Mr. Morris, which bounced back due to an incorrect address listed online. She also sent the invoice to his daughter but had not received a response. The payment is due soon and if it wasn't resolved quickly, she suggested not listing Mr. Morris as a contractor for Superior Charter Township, particularly in Bromley Park.
- Supervisor Schwartz suggested that the Township should pay the bill to fulfill their obligation and then recover the amount from Mr. Morris. If Mr. Morris failed to pay back, further action would be taken.
- Clerk Findley emphasized that Mr. Morris previously assured the Board that he would pay any outstanding amounts and insisted that he needed to fulfill his obligation.
- Trustee Lindke asked for the other sidewalk update and mentioned that she had not received the report that Irma Golden, Deputy Supervisor, sent to Supervisor Schwartz.
- Supervisor Schwartz acknowledged and promised to send all the reports that Ms. Golden provided to him, ensuring that all board members would receive the necessary information.

Discussion moved to the next item but later reconvened at the request of Trustee Lindke.

- Trustee Lindke brought up an issue related to sidewalks before the discussion about lights began. She mentioned that after the last board meeting, she met with Nancy Mason, Township Bookkeeper, due to concerns about a \$20,000.00 error from Daryll Morris, Morris Concrete. Upon investigation, she found that the error was actually about \$17,000.00, which was invoiced by Mr. Morris's daughter. Irma Golden, Deputy Supervisor, caught the duplicate billings, contradicting Mr. Morris's claim of being unaware of the issue.
- Clerk Findley confirmed that Mr. Morris was indeed aware of the error, citing text messages from Ms. Golden while she was out of town.

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- Trustee Lindke emphasized the importance of correcting the facts and suggested that if there was a desire to terminate Mr. Morris's contract, the Board should take the necessary steps.
- Supervisor Schwartz indicated he was open to terminating Mr. Morris's contract if that was the Board's decision.
- Trustee Lindke reiterated her concern about Mr. Morris's claim of no complaints, which contradicted what the Board heard repeatedly. She suggested that the Board might consider selecting a different contractor to handle the sidewalk work.
- Trustee McGill agreed, expressing her concern about Mr. Morris's unawareness of the complaints and supported the idea of considering another contractor.

Discussion moved to the next item but later reconvened at the request of Clerk Findley.

- Clerk Findley inquired about the process and current status of the poverty exemption program for sidewalk replacements, questioning why it seemed to have stopped and expressing concern that people who might qualify were not aware or applying.
- Supervisor Schwartz clarified that the program is still active but requires residents to reach out to the Township to apply. He explained that notices are sent out, and residents must respond if they wish to claim the exemption.
- Treasurer Lewis suggested obtaining a list of residents who have received the poverty exemption to ensure the program is effectively reaching those in need.
- Clerk Findley reiterated her concern about the lack of awareness and participation in the poverty exemption program, emphasizing the need for proactive outreach to residents who may qualify. She requested specific information on recent recipients of the exemption.
- Supervisor Schwartz confirmed that the information is available and can be supplied by Ms. Golden.

Q. LIGHTS IN NEIGHBORHOODS

- Trustee McGill raised a discussion about the desire for streetlights in the Geddes Ridge neighborhood. She mentioned that some residents want lights for safety reasons, especially considering recent incidents where lack of lighting hindered police investigations. She emphasized the need for community input to understand the residents' desires before moving forward with any plans.
- Supervisor Schwartz explained the process of installing lights through DTE Community Lighting. He mentioned that DTE would provide a layout and cost estimate for both standard and decorative lights. Typically, a special assessment district would be created to cover the cost of installation and usage, which could be paid through the Township's general fund or by the residents through special assessments.
- Trustee McGill inquired about alternative funding options to avoid burdening the residents with a special assessment, noting the Township's light fund.
- Trustee Lindke asked about the purpose of the \$115,000.00 light fund. Supervisor Schwartz clarified that the fund covers various lighting bills and that a street lighting assessment is prepared annually. He suggested contacting Community Lighting to get an estimate and

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mentioned that the Township could potentially pay for the infrastructure while the usage costs would be covered by a special assessment district.

- Trustee McGill suggested reaching out to the residents of Gettys Ridge to get their feedback on the lighting proposal. Supervisor Schwartz agreed and outlined the legal process for setting up a special assessment district, which involves multiple hearings and notifying all affected residents.
- The Board agreed that it would be beneficial to gather information from DTE Community Lighting and then petition the neighborhood to gauge support for the project. Supervisor Schwartz noted that it would likely take a couple of months to get the necessary information from DTE.

R. PLYMOUTH ROAD SPEED STUDY

- Supervisor Schwartz discussed the speeding issue on Plymouth Road, initiated by concerns raised about a fawn being hit near the Dixboro area. The conversation highlighted the dangerous speeds people are traveling on Plymouth Road, which poses a significant risk to pedestrians, especially around the Tanglewood area.
- Trustee Lindke mentioned that someone recalled a speed study being done about 10 years ago, although some believed it was more recent. Clerk Findley added that the Planning Commission recently proposed a speed study.
- Emily Dabish-Yahkind, Planning Commission member, noted that about a year ago, they proposed a speed study due to the increasing safety concerns on Plymouth Road. Despite initiating this, no follow-up or results were received.
- Supervisor Schwartz explained the options for conducting a speed study, either through the Road Commission or an independent company like OHM, mentioning the prior necessity of such studies for other areas, such as Harris Road for the library.
- Supervisor Schwartz committed to contacting the Washtenaw County Road Commission (WCRC) to request the speed study and would follow up with a representative from the WCRC to initiate the process.

11. BILLS FOR PAYMENT AND RECORD OF DISBURSEMENTS

It was moved by Trustee Lindke supported by Trustee McGill, to receive bills for payment and record of disbursements.

- Trustee Lindke asked Mary about her recent conference attendance.
- Trustee Lindke reiterated the interest in the conference details and mentioned discussing the lack of a point person for conference approvals in the Utilities Department.

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- Mary Burton, Utility Director, explained that she attended the American Water Works Association (AWWA) annual conference, which was held in Anaheim, California, this year. It was her first time attending, and she found it tremendously valuable. She learned about techniques and strategies for identifying and addressing water loss, which has been a concern for the Township. She highlighted a presentation from a Puerto Rican group that successfully identified and mitigated significant water loss.
- Supervisor Schwartz inquired about the cost of attending the conference.
- Mrs. Burton estimated the total cost to be around \$2,600.00 to \$3,000.00.
- Trustee Lindke expressed appreciation for Mrs. Burton's attendance and asked if Rickey Harding, Maintenance Superintendent, also attends conferences.
- Mrs. Burton confirmed that Mr. Harding attends an annual conference in Mount Pleasant, Michigan, and other events such as the Michigan Rural Water Works Association (MRWA) conference.
- Trustee Lindke expressed her satisfaction that Mrs. Burton attended and found the conference interesting and valuable.

The motion carried by unanimous vote.

12. PLEAS AND PETITIONS

- Juan Bradford, Parks and Recreation Director, shared upcoming events happening in the Township. He also mentioned, concerning the Dixboro Village Green purchase, that the property has work that needs to be completed.
- Clerk Findley recalled a committee that received a cost analysis of the work that needed to be completed.
- Mr. Bradford confirmed that there was an analysis completed but the numbers need to be updated.
- Trustee Lindke mentioned observing large dump trucks from dental construction using Church Street and private road Autumn, causing potential damage to the asphalt. A neighbor inquired if anything could be done about it.
- Supervisor Schwartz stated it was the first time he heard of the issue and suggested having the building inspector check it out.
- Trustee Lindke clarified it wasn't urgent yet, but the damage might worsen over time.
- Supervisor Schwartz agreed that if the pavement was being damaged, they would need to address it.
- Supervisor Schwartz asked if there were any other comments before adjourning.
- Steph, Zoom, said that the Supervisor exclusively filed a complaint with the Secretary of State and that deflecting blame to unnamed persons was petty.
- Eric Heard, Zoom, expressed a desire for more lighting in Geddes Ridge, stating it been a long-standing complaint since 2015.
- Steph, Zoom, continues and commented on issues with Morris Concrete, including harassment, bullying, and inappropriate billing practices.

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- Supervisor Schwartz responded that if there were serious issues with Mr. Morris, they needed written complaints to take appropriate action. He emphasized the Board's need to make decisions if such actions were indeed happening.

13. ADJOURNMENT

It was moved by Trustee Secrest supported by Trustee Lindke, that the meeting be adjourned. The motion carried and the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Lynette Findley, Clerk

Kenneth Schwartz, Supervisor



LANSING, MICHIGAN 48918-0001

MS (ENV)-13 (08/20)

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JUL 13 2024

LISA A. LEWIS
SUPERIOR TOWNSHIP TREASURER

Irma Golden
3040 N. Prospect Rd
Ypsilanti, MI 48198



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

July 1, 2024

Irma Golden
3040 N. Prospect Rd
Ypsilanti, MI 48198

Re: *Schwartz v. Golden*
Campaign Finance Complaint No. 24-058

Dear Ms. Golden:

The Department of State (Department) has received a formal complaint filed against you by Ken Schwartz alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). Specifically, the complaint alleges that you used public resources to further your campaign for Superior Township Supervisor by parking your vehicle with campaign signs at the township office. A copy of the complaint is included with this notice.

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing the election of or made in assistance of a candidate. MCL 169.204(1), 169.206(1). An individual who knowingly violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both. MCL 169.257(4).

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true. The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* An explanation of the process is included in the Department's campaign finance complaint guidebook.

If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter. Your response may include any written statement or additional documentary evidence you wish to submit. Materials may be emailed to BOERegulatory@michigan.gov or mailed to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

Schwartz v. Golden
Page 2

A copy of your answer will be provided to Ken Schwartz, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing the statements and materials provided by the parties, the Department will determine whether “there may be reason to believe that a violation of [the MCFA] has occurred [.]” MCL 169.215(10). Note that the Department’s enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement.

If you have any questions concerning this matter, you may contact the Regulatory Section of the Bureau of Elections at BOERegulatory@Michigan.gov.

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

Enclosure
c: Ken Schwartz



Michigan Department of State Campaign Finance and Financial Disclosure Complaint Form

This complaint form may be used to file a complaint alleging that someone violated the [Michigan Campaign Finance Act \(MCFA\)](#), the [Candidate for Office Financial Disclosure Act](#), or the [Public Officers Financial Disclosure Act](#) (financial disclosure acts). Electronic submission of the form to BOERegulatory@michigan.gov is strongly recommended. For instructions on how to complete this form, see the [Campaign Finance and Financial Disclosure Complaint Guidebook](#) document. All spaces are required unless otherwise indicated.

Section 1. Complainant

Your name		Daytime telephone number
ken schwartz		734-480-2060
Mailing address		
3040 N Prospect Road		
City	State	Zip
ypsilanti	mi	48198
Email (recommended)		
kenschwartz@superior-twp.org		

Section 2. Alleged Violator (Respondent)

Name		
irma golden		
Mailing address		
3040 N. Prospect Road		
City	State	Zip
ypsilanti	MI	48198
Email (recommended)		
Irma Golden <igolden51@hotmail.com>		
Committee ID (optional)		

Please include email addresses to expedite processing time and mitigate mail delays.

Section 3. Allegations (use additional sheets if more space is needed)

I allege a violation of the following:

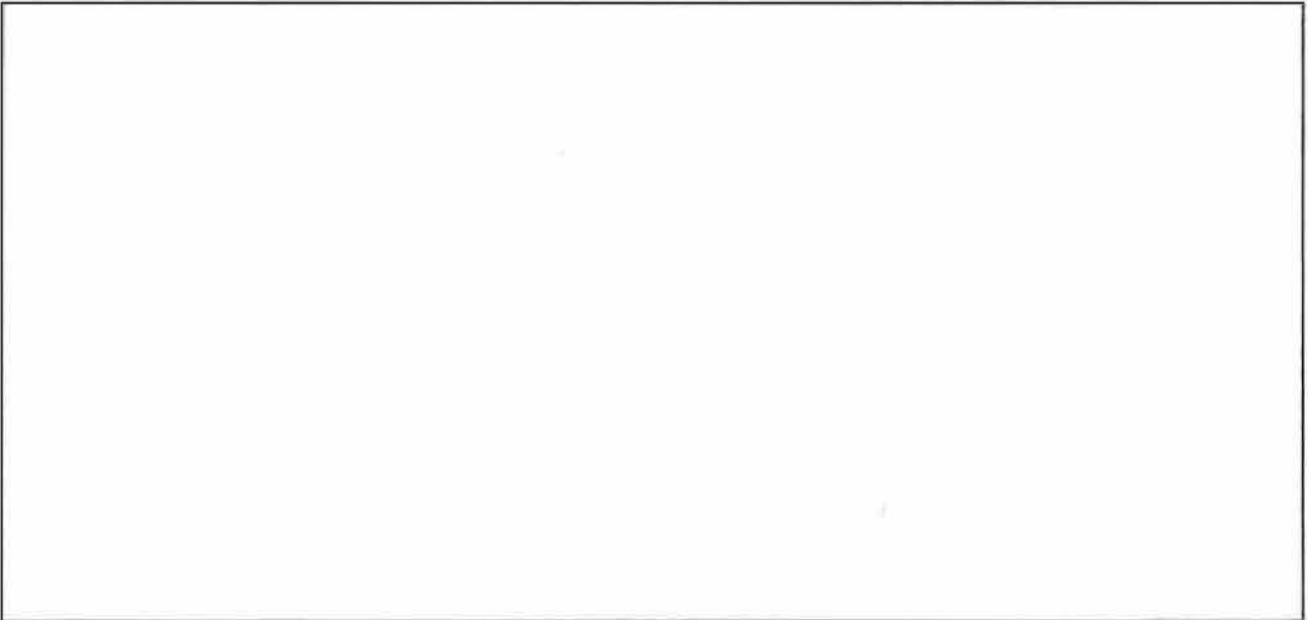
- MCFA
- Public officer disclosure
- Candidate disclosure

Identify the section(s) of the MCFA or relevant financial disclosure act section(s) alleged to be violated and explain how the section(s) were violated:

Irma Golden, candiddate for superior township supervisor, has decorated herentire car with "vote for Irma Golden" signage. She parks the car daily at the Superior Township Offices. I have recieved several complaints about the car being parked in the township parking lot as it sends the message thqt the township is supporting her campaign.

I've attached pictures.

Evidence included with the submission of the complaint that supports the allegations:



Section 4. Certification *(required)*

I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.



Signature of complainant

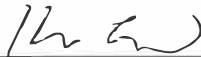
6.20.24

Date

Section 5. Certification without Evidence *(supplemental to Section 4)*

If, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence as indicated above, you may make the following certification:

I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:



Signature of Complainant

6.20.24

Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000 and some, or all, of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint. MCL 169.215(16).

The financial disclosure acts prohibit a person from filing a complaint with a false certification. MCL 169.313(7); MCL 15.713(7).

Section 6. Submission

Once completed, submit the complaint form with your evidence to BOERegulatory@Michigan.gov. Alternatively, you may mail or hand deliver the complaint form with your evidence to the address below. The complaint is considered filed upon receipt by the Bureau of Elections.

Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
430 West Allegan Street
Lansing, Michigan 48918

Can a public official use pictures taken in the public office and/or wearing their official uniform? Maybe. A public body violates the MCFA by expending its resources for prohibited campaign activity. The expenditure of public funds must have "ascertainable monetary value" in order to meet this threshold. There is no ascertainable monetary value in connection with a picture being taken in a public office. In addition, section 57 of the MCFA contains an exception that allows the use of a public facility if any candidate has the same opportunity to use that facility.

Can a public official campaign in their uniform? Maybe. A public body violates the MCFA by expending its resources for prohibited campaign activity. The expenditure of public funds must have "ascertainable monetary value" in order to meet this threshold. There is no ascertainable monetary value in connection with a public official wearing a uniform. In addition, some public officials are asked to purchase their own uniforms. In this case, no public resources are involved.

Can a public official campaign using a publicly funded vehicle such as a patrol car? No. A publicly funded vehicle such as a patrol car must not be used to campaign. The prohibition would extend to attending campaign events, transporting campaign materials or any other exclusively campaign related use.

Can a public official campaign while on publicly paid time? No. At no time can a public official campaign when being paid to work. A public official must use personal time or accrued leave time to campaign during working hours. Public officials that are on call, but not actively working and not being paid are considered to be on personal time unless and until they are called to duty.

Can a public official use official letterhead for campaign purposes? No. A public official cannot use official letterhead of the public body to campaign for himself/herself or any other candidate.

Can a public official endorse another candidate? Yes. An endorsement in and of itself has no value. However, the public official cannot use public resources to promote or advertise the endorsement of himself or any other candidate.

Can a public official use public resources if the cost is reimbursed to the public body? No. A violation of the MCFA occurs at the point that the resources are used and reimbursement to the public body does not cure the violation.

Can campaign signs be placed on public property or displayed in public buildings? No. Campaign signs should not be placed on public owned or leased property. This extends to placing brochures in a public building.

I see signs on public property, can I take them down? No. You do not have the authority to remove signs from any property that you do not own or do not have permission to remove the signs from by the owner.

Can a public facility be used for a candidate meet and greet or ballot question informational meeting? Yes. Public facilities and resources can be used for public forums and public education on candidate elections and ballot questions provided the public resources are not used to influence the outcome of the election and views of all candidates and views of both supporters and opponents of a ballot question are treated equally.

I think a violation has occurred, can I file a complaint? Yes. If you believe a violation of any provision of the MCFA has occurred, the law provides for a specific process that can be followed to file a complaint. A Complaint Process Form has been created to assist you with filing a complaint.

Do I need evidence of the violation to file a complaint? Yes, a complaint that is not substantiated with evidence will be dismissed. Evidence can be in the form of pictures, videos, receipts or vouchers or anything else that substantiates the allegations.

VOTI IRMA

GOLDEN

SUPERVISOR

Superior Charter Township



VOTE IRMA

GOLDEN

SUPERVISOR

Superior Charter Township



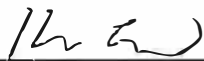
GOLDEN

Commitment to Quality & Commitment

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Signature of Complainant

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MDDOS

Michigan Department of State

CAMPAIGN FINANCE COMPLAINT GUIDEBOOK

FEBRUARY 2023

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Introduction

The purpose of this guidebook is to assist complainants and respondents and educate the public concerning enforcement matters filed under Section 15 of the Michigan Campaign Finance Act (MCFA or Act)¹ with the Michigan Department of State (department). This guidebook summarizes the department's general enforcement policies and procedures and provides a step-by-step guide through filing a complaint with the bureau and the complaint process as a whole.

This guidebook does not replace the law, change its meaning, or create any rights for or against any person. Nor does it bind the department in a specific manner. It is intended to provide guidance and be a general reference guide through the process. It is not intended to be an exhaustive list of procedures and does not attempt to address every situation that may arise during the complaint process.

In addition to the MCFA, everyone should consult the department's administrative rules that have been promulgated, the Declaratory Rulings and Interpretive Statements issued by the department, previously resolved complaints, and relevant case law.

From the outset, please note:

- Except as noted under Section 57 of the Act, there is no private right of action under the Act and the remedies for potential violations are specifically outlined in the Act. The department has the exclusive authority over compliance matters under the Act unless specifically noted in Section 17.
- The designation of "complainant" and "respondent" are based upon who files the complaint (complainant) and the person the complaint is filed against (respondent).
- The department's investigative process is carried out through the Bureau of Elections and is governed by Section 15 of the Michigan Campaign Finance Act (MCFA or Act) along with Part 5 of the department's administrative rules.
- All documents – including emails – sent or received by the department may become part of the department's permanent public record and posted on the department's website.

¹ MCL 169.201 *et seq.*

I. Complaint Requirements

Section 15 governs the filing and processing of complaints. The complaint must include all of the following:

- The complainant's name, address and telephone number
- Respondent's name and address
- A description of how the MCFA was violated
- Evidence supporting the allegation
- The certification statement as outlined in Section 15(6)
- The complainant's signature

Note: inclusion of email addresses is recommended

The failure to submit a complaint that furnishes all of the above must result in a dismissal. In the dismissal, the complainant will be notified which required elements are missing, provided a copy of the department's created form, and provided the opportunity to correct the missing information.

Use of the department's form is not mandatory, but it helps ensure compliance with the Act's requirements.

II. Submitting the Complaint

Pursuant to its authority under the Act, the department has developed a form for the filing of campaign finance complaints. This section reviews the forms requirements and how to fill out the form. Copies of the form are available on the department's website.

Section 1: Complainant Information

First, the person filing the complaint must fill out Section 1. This section requests the complainant to provide his or her name, mailing address, and contact information. An email address is strongly recommended to expedite processing of the complaint and mitigate mail delays. If an email address is provided, the department will communicate via email.

Section 1. Complainant		
Your name	Daytime telephone number	
Mailing address		
City	State	Zip
Email (recommended)		

Except for an email address, these sections are mandatory. MCL 169.215(6)(a)-(c). Failure to fill out the required information may result in a dismissal. Please note the department cannot investigate anonymous complaints.

Section 2: Respondent Information

Section 2 requires the complainant to fill out the alleged violator's information. At a minimum, this section should contain the respondent's name and mailing address. These sections are required, and the failure to include any of this required information will result in a dismissal of the complaint.

If a phone number and email are known, they should also be provided.

Section 2. Alleged Violator (Respondent)		
Name		
Mailing address		
City	State	Zip
Email (recommended)		
Committee ID (optional)		

Section 3: Allegations

Section 3 requires the complainant to provide evidence supporting the allegations in the complaint. If more space is needed, you may use additional sheets.

Section 3. Allegations <i>(use additional sheets if more space is needed)</i>
Section(s) of the MCFA alleged to be violated:

II. Submitting the Complaint

The first part of Section 3 asks the filer to indicate which section of the MCFA is alleged to be violated. While not required, this assists the department in identifying potential violations. The answer to this question should cite a provision of the [Michigan Campaign Finance Act](#). The department cannot investigate claims brought under any other act (e.g. Michigan Election Law).

The second part provides space for the complainant to explain how the section(s) of the MCFA identified in the first question has been violated. In this part, the complainant should describe in reasonable detail the alleged violation and identify any and all legal arguments that support the complainant's position. The department must provide the allegations to the respondent, and allegations that were available at the time of the complaint but not submitted at the time of filing may not be considered in later stages of the complaint process. Complaints should be as factually specific as possible.

Explain how these sections were violated:

The final part asks the complainant to identify the evidence that is being submitted that supports the allegations in the complaint. All available evidence is required to be identified and submitted per the department's administrative rules. R. 169.52(2).

Evidence included with the submission of the complaint that supports the allegations:

If the allegations in the complaint are based in whole or in part upon information contained in an advertisement, news article, or website, the complaint should provide a copy of the relevant advertisement, news article, or link to the website, if possible. If the complaint is about specific campaign material, photocopies or pictures of the material should be provided. Complaints should be filed as soon as possible after the alleged violation becomes known to the complainant in order to preserve evidence as committees are only required to retain records for five years.

In order to be investigated, the burden is placed on the filer to submit any and all available evidence. The department cannot investigate complaints that do not contain sufficient evidence or complaints that are based upon speculation. If the filer is unable to obtain evidence but is able to make the certification statement contained within section 5 of the complaint, the department may investigate the complaint.

Section 4 & 5: Certification

Once the complainant has completed sections 1-3, the complainant must sign the verification statement contained within either Section 4 or 5. If evidence is being submitted with the complaint, the complainant should sign the verification statement in Section 4.

Section 4. Certification *(required)*

I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.

Signature of complainant

Date

II. Submitting the Complaint

If, after a reasonable inquiry under the circumstances, the complainant is unable to obtain evidence, the complainant should sign the verification statement in Section 5 providing enough factual allegations to warrant investigation.

Section 5. Certification without Evidence *(supplemental to Section 4)*

If, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence as indicated above, you may make the following certification:

I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:

Signature of Complainant

Date

A person that files a complaint with a false certification is responsible for a civil violation of the MCFA. MCL 169.215(8). The person may be required to pay a civil fine of up to \$1,000 and some, or all, of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

Section 6: Submission

Once completed, the complainant should submit the complaint form with evidence to BOERegulatory@Michigan.gov. Alternatively, the complainant may mail or hand deliver the complaint form and all evidence to the Bureau of Elections at the following address:

Michigan Department of State
Bureau of Elections
Richard H. Austin Building—1st Floor
430 West Allegan Street
Lansing, MI 48918

Complaints are considered filed on the date the bureau receives the submitted form and the evidence. Complaints must be submitted to the bureau and may not be accepted by county or local clerks.

III. The Investigation

Upon the submission to the department of the complaint, the department will conduct a preliminary review to determine whether there is sufficient information to warrant an investigation or whether the complaint should be summarily dismissed.

Summary Dismissal

If the department determines that complaint does not warrant an investigation, the complaint will be dismissed. R. 169.53. Some reasons where a complaint would not warrant an investigation include (but are not limited to):

- The complaint is frivolous, illegible, unsigned, or does not contain a verification statement. R. 169.53.
- There is no evidence submitted with the complaint. R. 169.52(2).
- The complaint does not contain the form requirements under MCL 169.215(6).
- The violations are brought under other provisions of Michigan law and not the Michigan Campaign Finance Act. R. 169.53.
- The activity alleged in the complaint does not constitute a violation of the MCFA. R. 169.53.

If a complaint is summarily dismissed, the complainant will be notified in writing with the reasons for the dismissal. If the complainant addresses the reasons for dismissal (i.e., by providing new evidence to corroborate the allegation), the complaint may be resubmitted. The department may dismiss portions of the complaint or the complaint in its entirety. Alternatively, the department may issue a warning letter in lieu of investigating.

Successive Complaints

If the department receives multiple complaints which allege the same violation(s) against the same persons regarding the same evidence or activity, the department may investigate only the first complaint filed and may dismiss any successive complaints. Upon the conclusion of the investigation, any complainant that filed a successive complaint that was summarily dismissed as duplicative will be notified of the resolution.

If the complaints are distinct enough to warrant investigation, the department may merge complaints and render one determination for the purpose of administrative efficiency. If the complaints are merged, notice of the merger will be provided to all parties involved.

Responding to the Complaint

The response is the respondent's opportunity to clarify, correct, or supplement the information contained within the complaint or to otherwise demonstrate to the department why the department should not pursue compliance action. There is no prescribed format for responses. While not required, providing documentation or additional evidence or sworn affidavits from persons with first-hand knowledge of the facts is helpful. It is also helpful for the respondent to directly answer every allegation in the complaint that has not been dismissed by the department.

The respondent must respond to the notice of the complaint **within 15 business days of the date of the notice of the complaint**. MCL 169.215(5). The response should be submitted to the department

III. Position Requirement Policies

through the Bureau of Elections via email to BOERegulatory@Michigan.gov, or via mail or hand delivery to the address provided above.

The respondent may request one 15-business day extension upon a showing of good cause. Requests for an extension should be emailed to BOERegulatory@Michigan.gov or may be submitted via mail or email. Failure to respond to the complaint will force the department to render a determination based solely upon the allegations contained within the complaint.

Representation by Counsel

Respondents have a right to be represented by counsel during all or any portion of the complaint process and may designate or change counsel at any point. A respondent who obtains legal representation must inform the department by providing counsel's mailing address, telephone number, and email address.

This notification is most often done via the filing of the response, but if counsel is obtained after the response has been filed, the respondent or counsel must notify the department as soon as practicable. Once counsel has been obtained, the department will cease communicating directly with the respondent absent permission from counsel.

Rebuttal

Upon receipt of a response, the department will email or mail a rebuttal notice, which provides a copy of the response and all evidence to the complainant. A copy of this notice will also be sent to the respondent. MCL 169.215(5).

The complainant has the final opportunity to respond to the department via a rebuttal statement. If a complainant elects to file a rebuttal statement, the rebuttal statement should counter any arguments presented in the response to the complaint. The purpose of the rebuttal is not to present new allegations or evidence.

The rebuttal statement should be submitted via email, mail, or hand delivery to the Bureau of Elections. The rebuttal statement is due **10 business days after the date contained at the top of the rebuttal notice**. If a rebuttal is received, it will be emailed or mailed to the respondent, with a copy sent to the complainant.

The department may extend this deadline once by an additional 10 business days upon a showing of good cause. Requests for an extension should be sent to the bureau and may be submitted via email or mail.

IV. Making a Determination

Upon receipt of the rebuttal statement (or after time has elapsed for the filing of a rebuttal), the department has 45 business days to determine whether there is reason to believe a violation of the Act has occurred. During this stage of the process, the department will typically only correspond with the respondent.

Requests for Additional Information

In order to make a determination, the department will review all documents submitted with the complaint, response, and rebuttal. The department may also conduct in-person or telephone interviews with individuals, including respondents or third-party witnesses, and make informal requests for information and documents from the parties or third-party witnesses. Staff may also examine relevant information from publicly available sources such as campaign finance reports filed with the department or county clerks.

Informal Resolution

If the department determines that there is reason to believe a violation of the Act has occurred, the department is required to endeavor to correct the violation or prevent a further violation through informal methods. MCL 169.215(10).

Informal resolutions include a conference, formal warning letter, or a conciliation agreement. Generally, an offer to informally resolve the complaint will be sent with the initial determination and will only be sent to the respondent.

Conciliation Agreements

One method of informal resolution is entering into a conciliation agreement. If the department enters into a conciliation agreement, the agreement is a complete bar to further action for four years unless the agreement is violated. MCL 169.215(10).

When a determination is made and the respondent receives a conciliation agreement, the respondent should sign the conciliation agreement if he or she accepts the department's offer to resolve the complaint. The original copy must be mailed back to the department. The conciliation agreement is considered received upon the receipt of the original by the Bureau of Elections.

Upon receipt of the conciliation agreement, the department's authorized representative will sign the agreement. The agreement becomes effective upon the department's signing. A copy of the fully executed agreement will be mailed to all parties and is required to be posted on the department's website within 30 days of being signed.

Formal Resolution

If the department is unable to reach an informal resolution after 90 business days, the department is required to either: (1) refer the matter to the Attorney General for enforcement of criminal penalties under the Act; or (2) commence an administrative hearing for enforcement of any civil violation.

IV. Making a Determination

If the department commences an administrative hearing, the department is authorized to seek a civil fine triple the amount of the improper contribution or expenditure plus up to \$1,000 for each violation of the Act. MCL 169.215(11). Hearings are conducted by an administrative hearings officer in accordance with the procedures set forth in Chapter 4 of the Administrative Procedures Act (APA), 1969 PA 306, MCL 24.271 to 24.287.

A final decision and order issued by the department after an administrative hearing is subject to judicial review as outlined under the APA. If a civil fine is imposed after a hearing, the department may commence an action in circuit court to recover the fine.

Posting of File

Upon making a determination, the department is required to post on its website whether there may be reason to believe a violation did or did not occur. MCL 169.215(10). Within 30 days of this determination, the department must post the file. *Id.* At the conclusion of the process, all records that have been gathered during the course of the investigation will be posted online unless they are exempt under the Michigan Freedom of Information Act. Offers to resolve the complaint and general negotiations will not be sent to the complainant and will not be posted online.

V. Additional Resources

Summary of Deadlines

Action item	Due date
Complaint	5 years from date of incident
Notice of complaint or summary dismissal	5 business days from date of receipt
Response to complaint	15 business days from date of the notice of the complaint (absent extension)
Rebuttal	10 business days from the date of the notice of response (absent extension)
Determination & online notification	45 business days from date of receipt of rebuttal statement or date rebuttal statement was due if none received
Posting of entire file	30 days from date of determination
Informal resolution period	90 business days from date of determination
Posting of conciliation agreement	30 days from date of signing

V. Additional Resources

Summary of the Complaint Process

