

CALUMET VILLAGE COUNCIL WORK SESSION MEETING AGENDA
TUESDAY, DECEMBER 12, 2023 – 6:00 PM

CALUMET VILLAGE TOWNHALL, 340 SIXTH STREET

Public viewing available via ZOOM.com “Join A Meeting” - Meeting ID: 897 0467 4551

<https://us02web.zoom.us/j/89704674551> or via phone: 1-312-626-6799

- I. Call to Order / Roll Call / Pledge of Allegiance
- II. Petitions from the Public (*members of the public have 5 minutes to speak*)
- III. Approval of Agenda
- IV. Reports
 - 1. Manager
 - 2. DDA
 - 3. Planning Commission
 - 4. HDC
- V. Unfinished Business
 - 1. Main Street Calumet Inc. agreement with the Downtown Development Authority
(*Dwyer*)
 - 2. Ordinances: (*Haselden*)
 - i. Codification Update
 - ii. Ordinance No. 144: Real Estate Tax Exemption
 - iii. Ordinance No. 146: Blight
 - iv. Restated Ordinance No. 149: Municipal Civil Infractions Violations
Ordinance (*Haselden*)
 - v. New Ordinances/Amendments being drafted:
 - 1. Amendment to Ordinance No. 157: Clerk Appointment
 - 2. Dangerous Buildings Ordinance
 - 3. Marijuana Ordinance (*Planning Commission*)
 - 3. Sidewalks (*Dwyer*)
 - 4. Rules of Procedure (*Germain*)
 - 5. Committees (*Germain*)
- VI. New Business
 - 1. Budget v Actuals – General Fund as of October & Budgeting Process (*Haselden*)
- VII. Announcements – Other Council Business
- VIII. Comments from the Public (*members of the public have 5 minutes to speak*)

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IX. Adjourn

AGREEMENT FOR SERVICES
BETWEEN MAIN STREET CALUMET, INC (MSC) AND
THE VILLAGE OF CALUMET DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

This Agreement for Services supports the purpose of the Village of Calumet DDA, to promote economic growth in the DDA District in the Village of Calumet. It also supports the mission of Main Street Calumet (MSC), to Promote, Develop and Preserve downtown Calumet, and

MSC provides the Village of Calumet with a variety of events and efforts that benefit the whole community but especially impact the health of the downtown district. The services outlined in this document fulfill and are in line with the goals laid out by the Village of Calumet Master Plan (2018) and the Village of Calumet Development Plan & Tax Increment Financing Plan (July 2021).

PROMOTION MSC shall coordinate and administer volunteer-led activities and events, including but not limited to; Pasty Fest, Ladies Day Out shopping event, Christmas in Calumet, and Trunk-or-Treat.

MSC will continue to present a publicity for the Village of Calumet downtown district on social media via Facebook, Instagram and the MSC website to promote a positive image of the community and increase avenues of communication between area residents and the Village of Calumet DDA. When requested, MSC will post material specifically requested by the Village of Calumet or Village of Calumet DDA such as dates for job postings, fall/spring clean-up dates, etc.

MSC will develop and distribute a Calumet area brochure, to increase awareness of assets in the Calumet area. These brochures are distributed to MDOT Visitors Centers across the state as well as locally.

MSC will maintain the tourism and relocation specific sections of its website to provide information to tourists and people interested in relocation to the Calumet area.

MSC will publish its e-newsletter which features local events, news items and local business and property owners. This e-newsletter is another tool that can be used to increase communication between Village entities and the public.

DESIGN MSC will advocate for the Calumet Area Trails Planning effort that was initiated in early 2019. MSC will continue to work with local and regional entities to plan improvements to our area trails that will increase connectivity to our downtown district, create uniform wayfinding signage for trails and other physical improvements such as trailheads, parking areas, etc.

MSC will continue to coordinate with local businesses, volunteers and relevant Village employees to plan and implement seasonal decor in the downtown district, such as hanging flower baskets, Christmas decorations, or flower plantings.

ECONOMIC DEVELOPMENT MSC will continue to build relationships with local, state and federal agencies on behalf of the Village of Calumet DDA including but not limited to; Keweenaw Economic Development Authority (KEDA), Western Upper Peninsula Planning and Development Region (WUPPDR), Michigan Economic Development Corporation (MEDC), Team Peninsula, Houghton County Landbank Authority (HCLBA) and the Keweenaw National Historical Park (KNHP) and KNHP Advisory Commission (KNHPAC).

MSC will connect prospective property and business owners with relevant needs; including available real estate, property redevelopment incentives such as grants and loans, and business assistance tools.

MSC will host quarterly business networking events to help build relationships between business owners and provide an opportunity for Village of Calumet Boards and Commissions to interact directly with business owners as well, increasing communication between the Village and the public.

DDA ADMINISTRATION MSC will assist the Village of Calumet DDA Board and Chairperson to develop meeting agendas and conduct continuing education with the DDA board quarterly. MSC staff will assist the DDA Board in executing the DDA Plan and achieving reporting requirements defined by the State of Michigan as directed.

MSC will continue to work with the Village to assist in the achievement of the Redevelopment Ready Communities (RRC) designation from the State of Michigan. This designation will bring the Village increased support from the Michigan Economic Development Corporation (MEDC) team.

TERM. The term of this Agreement shall be March 1, 2023 – February 28, 2024.

PAYMENT FOR SERVICES The DDA will pay MSC \$10,000 for the contract term. Payment for MSC's services shall be payable as services are rendered, with \$5,000 due December 31, 2023, and the remaining \$5,000 due February 28, 2024.

REPORTING It is intended that a "high level of communication" between DDA, Village of Calumet, and MSC shall include the following;

- The DDA and MSC will participate jointly in twice yearly public informational meetings. This will be done to help the public better

understand the working relationship that exists between the organizations and ensure the DDA receives credit for supporting the work on MSC.

- MSC will provide the DDA an update on services provided no later than December 31, 2023 for the period of March 1, 2023 - November 30, 2023 and no later than March 31, 2024 for the period of December 1, 2023 - February 28, 2024.

INSURANCE Prior to the DDA payment for Services under this Agreement, MSC shall furnish the Village of Calumet proof of insurance, and the policy(s) will require a 30-day notice of cancellation to be given to the Village of Calumet while this Agreement is in effect. These policies will be in effect at the time MSC commences work under this Agreement.

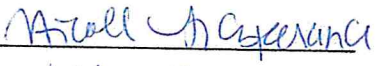
Agreed and Accepted by:

Main Street Calumet


Nathan Sturos, Treasurer

Date: 11/13/23

Village of Calumet DDA


Nicole L'Esperance, Chair

Date: 11/13/23

Village of Calumet Administrator

From: Wm Paul Slough <paul@gaylordlaw.com>
Sent: Tuesday, November 21, 2023 12:58 PM
To: Village of Calumet Administrator
Subject: Re: Main Street Calumet

Hi Megan, I have reviewed the contract. I don't see anything objectionable in this agreement. The DDA can certainly contract with a third-party to provide services for the betterment of the downtown.

My only caution would be the title "DDA Administration." Consulting, assisting, and joint education is fine, but make sure the MSC is not being delegated any of the DDA's authority or administrative responsibility. Otherwise, MSC would be subject to the municipal statutes that regulate the village and the DDA (open meetings act, FOIA, etc). Perhaps "DDA Assistance" would be a better heading. Just a suggestion.

As I said before, the MSC should update its articles of incorporation (including a name change), but otherwise I don't see any issue.

Paul

Kirkpatrick, Slough, Duitsman-Coy & Mott, PLC
145 North Otsego Avenue
Gaylord, MI 49735
989.732.2912 f:989.732.8612

From: Village of Calumet Administrator <manager@villageofcalumet.com>
Date: Tuesday, November 21, 2023 at 12:39 PM
To: Wm Paul Slough <paul@gaylordlaw.com>
Subject: RE: Main Street Calumet

Hi Paul:

Thank you for the information; I have attached the contract between the Village DDA and Main Street Calumet, if you could please take a look and let me know of any concerns to the Village.

Megan Haselden, Village Manager
Village of Calumet

From: Wm Paul Slough <paul@gaylordlaw.com>
Sent: Tuesday, November 21, 2023 9:46 AM
To: Village of Calumet Administrator <manager@villageofcalumet.com>
Subject: Re: Main Street Calumet

Good morning Megan, I apologize for missing your voicemail yesterday – my secretary Connie was out of the office and I didn't realize there was some urgency to this.

I am available all week on my cell: 989-217-1395. Please call and we can discuss.

I did review the public corporate documents for Main Street Calumet, Inc. and there are concerns here. The articles of incorporation (see attached) limit the corporation's authority to acting under the National Trust for Historic Preservation, and the Michigan Economic Development Corporation's Main Street Program, as well as providing "affordable housing." Any action it has taken in furtherance of promoting the downtown or distributing funds for that purpose, if done outside the Main Street Program, was done *ultra vires* – outside the scope of their corporate authority.

As Ms Dwyer points out, using the "Main Street" trademark also appears to be prohibited.

Fortunately, the Michigan Nonprofit Corporation Act renders actions taken outside the scope of a nonprofit corporation's articles valid, unless they are challenged by a director or officer or the Attorney General. MCL 450.2271. A third-party, like a concerned citizen, cannot challenge the validity of any action taken by the nonprofit. For that reason, it is unlikely that any prior act would be held invalid, unless there was a dispute involving a director or officer, or an act by the AG to dissolve the corporation.

Further, I question if there is any damage to the Main Street program for using its trademark, as the nonprofit was likely still furthering the program's goals.

However, if the nonprofit wants to continue, it should amend its articles to revise its stated purpose, and change its name to not violate the Main Street program's trademark.

I have not reviewed the contract with the village so I cannot comment on the terms, or the assertion below that the village should not be involved with the nonprofit. If you would like me to review the contract please send me a copy.

I hope this answers the question. Call if you would like to discuss further. Thanks Megan.

Paul

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From: Village of Calumet Administrator <manager@villageofcalumet.com>
Date: Monday, November 20, 2023 at 11:49 AM
To: Wm Paul Slough <paul@gaylordlaw.com>
Subject: FW: Main Street Calumet

Good morning Paul:

Can you please review the below email and let me know your thoughts? For context, the DDA recently contracted with Main Street Calumet, a registered non-profit for promotion and administrative services.

Megan Haselden, Village Manager
Village of Calumet

From: virginia dwyer <virgwdwyer@hotmail.com>
Sent: Monday, November 20, 2023 9:45 AM

To: Village of Calumet Administrator <manager@villageofcalumet.com>

Subject: Main Street Calumet

After hearing the presentation by John from Beckett & Raeder about municipalities funding a Main Street in Michigan, I had questions. John stated that "most of Main Streets in Michigan were nonprofits". After checking into this statement, here's what was found.

There are 25 Main Streets in Michigan. 21 are associated with the DDA/ municipality. 4 are independent nonprofits. Main Street Calumet was NOT on the list.

I called Laura Krizvo who is the director of the Main Street program in Michigan. I have included a letter from Laura in response to my question. She stated that Calumet had disengaged from the program as of June 7th, 2014 and provided a letter verifying that.

Main Street Calumet is not associated with the Michigan Main Street program and CANNOT use the name or any rights, privileges or obligations that Main Street provides.

The Village of Calumet cannot continue to be involved financially or otherwise with a nonprofit that represents a program that they are not. They are in violation and have been using the name fraudulently according to this letter. Please forward this email to all council and DDA members. The village needs to get back to regular order and be a good fiduciary of the taxpayers' money.

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Village of Calumet Administrator

From: Wm Paul Slough <paul@gaylordlaw.com>
Sent: Friday, December 8, 2023 7:24 PM
To: Village of Calumet Administrator
Cc: Connie Stubli
Subject: Re: DDA contracts
Attachments: CH 8 Ethics.pdf

Good evening Megan:

I have had an opportunity to review the contracts and the e-mails below.

There are primarily two state laws that address ethical conflicts with public officials. The first is Act 196 regarding individual behavior. The second is Act 317 that regulates approval of public contracts.

I am attaching an important handout from the Michigan Municipal League that outlines these two acts in detail, and provides three hypothetical applications of the act. Please review Situation No. 3 on page 38 and the answer to that situation on page 39. I believe this hypothetical addresses the concern in the e-mail thread.

It is my understanding that Leah Polzien was both the director of the DDA as well as the president of Main Street Calumet at the time the provided contract was approved in 2020. Under Act 317, Leah Polzien could not solicitate, negotiate, or be a party directly or indirectly to any contract between the two entities unless one of the exceptions to Act 317 applies.

For example, the contract could be approved if she was paid less than 25 hours per week by the DDA, and (i) she made a prompt disclosure of any pecuniary interest; (ii) the contract was approved by 2/3 of the full DDA membership (excluding her vote); and (iii) the minutes reflect the name of each party to the contract, the contract terms, and the nature of her pecuniary interest.

Without more details, I cannot comment on whether there was compliance with Act 317. Please note there are other exceptions contained in Act 317, some which are not addressed in the attached summary. For instance, public servants in a village with less than 25,000 residents may, with compensation, serve as fire fighters, or contract with the village to provide services to the village. MCL 15.323a.

Turning to your question, Act 317 is "aimed to prevent public servants from engaging in certain activities and is not intended to penalize innocent persons." MCL 15.325. As such, contracts signed in violation of the act remain valid, and are only voidable with a court order. Any action challenging the contract must be filed with a court within one year after the circumstances are known. *Id.*

With regard to David Geisler serving on both boards, my understanding, based on your e-mail, that he was attending the Main Street Calumet meetings as essentially a liaison DDA member, without any voting right. It appears he was at all times acting on behalf of the DDA, only, and was present at Main Street Calumet meetings to represent the DDA's interests and report to the DDA board. So long as he was not acting with any authority on behalf of Main Street Calumet, my opinion is that there is no conflict. Main Street Calumet may consider retitling this position to DDA liaison rather than director, so there is no confusion over the individual's role.

In any event, I believe the contract signed in 2020 remains valid unless a lawsuit was filed within one year of its execution and public disclosure.

With regard to the contract signed this year, I am not aware of any potential conflict as outlined above because Ms. Polzien resigned prior to the DDA's approval. However, Mrs. Dwyer raises an important concern. I would suggest that a copy of the attached ethics chapter and this e-mail be provided to all members of the DDA, and the village counsel, for future reference, so that any potential conflict of interest can be avoided in the future.

I hope that this sufficiently addresses your questions and Mrs. Dwyer's concerns.

Thank you for the opportunity to assist.

Wm Paul Slough

Kirkpatrick, Slough, Duitsman-Coy & Mott, PLC
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Gaylord, MI 49735
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From: Village of Calumet Administrator <manager@villageofcalumet.com>
Date: Tuesday, December 5, 2023 at 2:54 PM
To: Wm Paul Slough <paul@gaylordlaw.com>
Subject: FW: DDA contracts

Good afternoon Paul:

Can you please review and respond to the below? I am attaching the contracts between the DDA and Main Street Calumet.

Megan Haselden, Village Manager
Village of Calumet

From: virginia dwyer <virgwdwyer@hotmail.com>
Sent: Tuesday, December 5, 2023 1:44 PM
To: Village of Calumet Administrator <manager@villageofcalumet.com>
Subject: Re: DDA contracts

I would like my original email forwarded to the attorney as well as yours since yours does not encompass all my concerns

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From: Village of Calumet Administrator <manager@villageofcalumet.com>
Sent: Tuesday, December 5, 2023 1:30:02 PM
To: virginia dwyer <virgwdwyer@hotmail.com>
Subject: RE: DDA contracts

Hello:

I will contact the attorney today with the following facts/questions, please let me know if that encompasses your questions and/or if you have additional questions from the attorney regarding the Agreement between Main Street Calumet Inc and the DDA.

Facts:

1. Review the attached contracts with the DDA & Main Street Calumet for this year ending 2/28/2024 as well as the prior contract during 2019/2020.

2. Polzien is the Executive Director of Main Street Calumet. She was also the DDA Chair in 2019/2020 and remained chair of the DDA until she resigned on October 10, 2023.
3. The current contract with the DDA/Main Street Calumet was approved at the November DDA Meeting (after Polzien resigned as chair).
4. David Geisler was the president of the Village in 2019/2020, who automatically has a seat on the DDA and typically has a seat on the Main Street board as a non-voting Trustee (he was not Treasurer).

Questions:

1. Are there any issues preventing the DDA from having a contract with Main Street Calumet Inc?
2. Are there conflict of interest issues to be aware of during the 19/20 contract and moving forward?

Megan Haselden, Village Manager
Village of Calumet

From: virginia dwyer <virgwdwyer@hotmail.com>

Sent: Monday, December 4, 2023 11:11 AM

To: Village of Calumet Administrator <manager@villageofcalumet.com>

Subject: DDA contracts

I am requesting our contractual attorney review this information contained in this email.

•Main Street Calumet has been operating in violation of conditions of a Michigan Main Street. The letter from the state was provided to you before.

- •Former DDA chair Leah Polzien(she resigned very recently) is the Executive Director of Main Street Calumet. Polzien created the new retroactive contract with MSC and DDA and presented it to the DDA along the the MSC treasurer the month after resigning. This contract allows MSC to have control of the DDA.

Here is the 2020 contract that DDA chair Polzien wrote and presented to the DDA then. Polzien was the executive director of MSC at the time. As a village trustee I made a motion at the last meeting to account for the \$20,000 previous contract. It was voted down. I asked for this because we were recently thanked by the Main Street Calumet chair for "paying Polziens salary at MSC."

There is a summary of the people involved when the two contracts.

1. 2020- Polzien was the executive director of Main Street Calumet. She was also the Chair of the DDA. David Geisler who signed the contract was the village president, DDA member and Main Street Calumet treasurer.
2. 2023-Polzien was the DDA chair and executive director of Main Street Calumet.
 1. The law pertaining to conflicts of interest forbids a financial gain.

Thanks for addressing.

Virginia Dwyer
Trustee
Village of Calumet

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Section 2: Roles and Responsibilities

Chapter 8: Ethics

So there you were, as a councilmember, trying to do the best job you could juggling competing demands—answering calls from residents; asking questions of your city manager, finance director, and DPW director—trying to keep up with what’s going on. And all of a sudden, an angry resident jumps up at a council meeting, charges you with having “a conflict of interest” on a zoning matter, and says you are violating the state ethics law. Your friendly local newspaper reporter corners you after the meeting and asks, “Well, what about it? Are you in violation of the law?”

Who said serving on the city or village council would be easy?

Like it or not, we live in a time of unparalleled cynicism toward government at all levels. Fair or not, critics are quick to point to alleged ethical improprieties as further proof of the untrustworthiness of government officials. In this environment, even the suggestion of improper action can trigger unhappy consequences. Local officials thus need to be aware of the state laws under which they can be held accountable.

This chapter summarizes the two statutes comprising the principal ethics regulation of Michigan local government officials: The State Ethics Act, 1973 PA 196 (Act 196); and 1968 PA 317, dealing with public contracts. Every local public official in Michigan is subject to them and should be familiar with them.

What Is a Conflict of Interest, and Why Should We Care?

To understand the Michigan laws on the subject, let’s begin with what they are trying to address: What is a “conflict of interest,” and why should we care about it?

The second question is easy to answer: Public office is a public trust. Elected officials are merely hired hands, delegated power from the public, obliged to exercise that power as the public’s trustees. We owe a duty of loyalty to the public interest. Actions or influences tending to undermine that loyalty are destructive to the public’s

confidence in government. We all should care about that.

A conflict of interest is any interest competing with or adverse to our primary duty of loyalty to the public interest. A competing interest may be a personal interest, or it may be a duty or loyalty we owe to a third party. In either case, there is a “conflict” if the competing interest impairs our ability to decide a public question objectively and independently.

That is a broad definition, and not everything which might fall within it is necessarily a problem. Each of the statutes discussed below is based upon this general concept: An influence which could impair our impartiality is a potential problem. The laws distinguish between conflicts which are permissible and those which are not.

State Laws

The two state laws each address different aspects of conflict and ethics issues. Act 196 is concerned with individual behavior, and Act 317 regulates approval of public contracts in which local officials may have an interest. Each statute has its own peculiarities.

State Ethics Act (Act 196)

Act 196 prescribes general standards of conduct for public officers and employees by establishing seven areas of prohibited conduct. A local government official shall not:

1. divulge confidential information

2. represent his or her opinion as that of the local government.
3. use governmental personnel, property, or funds for personal gain or benefit
4. solicit or accept gifts/loans/goods/services, etc. which tend to influence his or her performance of official duties.
5. engage in a business transaction in which he or she may profit from confidential information
6. engage in or accept employment/render services for a public or private interest which is incompatible/in conflict with the discharge of official duties or which may tend to impair his or her independence of judgment.
7. participate in the negotiation or execution of contracts/making loans/granting subsidies/fixing rates/issuing permits, certificates, or other regulation/supervision relating to a business entity in which the public officer has a financial or personal interest.

In practice, subparts (6) and (7) created a serious hardship for part-time local officials—such as elected trustees—who are usually employed full-time at other jobs. The Legislature thus amended Act 196 to provide narrow exceptions to subparts (6) and (7), enabling the official to participate in and vote on the governmental decision, but only if all of the following occur:

- a. a quorum is not available because the public officer's participation would otherwise violate (6) or (7);
- b. the official is not paid for working more than 25 hours per week for the governmental unit; and
- c. the officer promptly discloses any interest he or she may have in the matter and the disclosure is made part of the public record of the governmental decision to which it pertains.

In addition, if the governmental decision is the award of a contract, the officer's direct benefit from the contract cannot exceed the

lesser of \$250 or five percent of the contract cost; and the officer must file a sworn affidavit as to the amount of direct benefit, which is made part of the public record.

The exceptions are of limited use since they are available only if there otherwise would be a failure to obtain a quorum.

Prohibitions on Public Contracts (Act 317)

Unlike Act 196, which seeks to regulate the behavior of the individual official directly, Act 317 addresses conflict concerns by prohibiting local public officials from pursuing certain public contracts. Section 2 of the act provides that a local official shall not:

1. be a party, directly or indirectly, to a contract between himself or herself and the official's governmental entity.
2. directly or indirectly solicit a contract between the official's governmental entity and any of the following:
 - a. himself or herself;
 - b. any co-partnership of which he or she is a partner, member, or employee;
 - c. any private corporation in which he or she is a stockholder (over certain thresholds) or of which he or she is a director, officer, or employee; or
 - d. any trust of which he or she is a beneficiary or trustee.

Act 317 further prohibits the official from either taking part in the negotiation or renegotiation of any such contract or representing either party in the transaction. As with Act 196, there are exceptions. The principal exception is that the prohibitions do not apply to officials paid for working an average of 25 hours per week or less for the governmental entity. The prohibitions also do not apply to community college, junior college or state college or university employees. This is a more useful exception for trustees than that found in Act 196, since the quorum issue is not a precondition.

Even if the exception is available, Act 317 imposes strict disclosure and approval requirements:

- a. Prompt disclosure of any pecuniary interest, which is made part of the public record. Disclosure must be made at least seven days prior to the meeting at which a vote will be taken.
- b. Approval requires a vote of at least 2/3 of the full membership of the approving body (not 2/3 of those present) without the vote of the official making the disclosure.
- c. The minutes must include summary information regarding the name of

Other Considerations

In addition to the two principal ethics statutes, local elected officials should be aware of other potential sources of ethical rules. One example is local charter requirements or local ethics ordinances or policies. Prior to 1997, Act 317 contained a provision which said that the act superseded all local charter provisions pertaining to conflicts of interest, and that Act 317 constituted the “sole law in this state” with respect to conflicts of interest in public contracts. This created an argument that all local ethics regulation was preempted by the act. In 1997, however, the legislature

Ethics questions: What would you do in these situations?

Situation #1

You work for a large manufacturing company which also happens to be your village’s largest taxpayer and employer. The company applies for a tax abatement for the plant in your village. You work at another facility and the tax abatement does not impact your job. Should you vote on the abatement?

Situation #2

Before you were elected to the village council, you served on the zoning board of appeals (ZBA), so you know the ZBA procedures very well. A few months after your election, your neighbor files a petition with the ZBA seeking a variance. Since you know how the ZBA works, he asks you to accompany him to the ZBA and to speak on his behalf. Should you do it?

Situation #3

You are a member of the board of directors of your local chamber of commerce and have been for many years. You then run for and are elected to your village council. The chamber later proposes that the chamber and the village enter into a contract in which the village pays the chamber for economic development services. Should you vote on the contract?

each party to the contract, the principal terms, and the nature of the official’s pecuniary interest.

Finally, Act 317’s prohibitions do not apply to contracts between public entities, regulated public utility contracts, and contracts awarded to the lowest qualified bidder (other than the public official) upon receipt of sealed bids pursuant to published notice.

amended Act 317 to reduce the scope of the potential preemption and expressly approve of local ethics regulation in subjects other than public contracts (1997 PA 145). The legislative analysis accompanying the bill makes it clear the state

preemption is narrow, and therefore, that local regulation—regarding disclosure, conflicts of interest in other situations and nepotism, for example—is permitted. Local officials should consult with their city or

village attorney to become familiar with such local regulations.

Local officials should also be aware of 1978 PA 566 (Act 566), which generally prohibits a public officer from holding two or more “incompatible offices” at the same time. Act 566 is based upon general principles of conflict of interest by prohibiting a public official from serving in two public offices whose duties are directly adverse to one another. “Incompatible offices” is defined to mean public offices held by a public official which, when the official is performing the duties of either public office, results in:

1. subordination of one office to another,
2. supervision of one office by another, or
3. a breach of duty.

The Michigan Supreme Court has said that a breach of duty occurs if the two governmental entities in which the official holds offices are parties to a contract or

enter into contractual. Local public officials seeking to hold two public offices should first ask whether Act 566 will preclude the dual service as a way to avoid potential embarrassment. For more information, the League has sample ethics ordinances and policies, an ethics handbook, and the following One Pager *Plus* Fact Sheets available at mml.org:

- Ethics: Contracts of Public Servants with Public Entities
- Ethics: Incompatible Public Offices - 2010 Updates
- Ethics: Misconduct in Office by Public Officers
- Ethics: Standards of Conduct for Public Officers/Employees

Conclusion

Local elected officials should be mindful of the relevant laws governing ethical issues.

Ethics answers

Situation #1:

No. Act 196 states that a local public official shall not participate in the granting of subsidies, issuance of permits or certificates, or any other regulation relating to a business entity in which the official has an interest. An exception may be available, but only if the official’s participation is necessary to achieve a quorum. The Attorney General has said that if the council person does participate, the council action may be void or voidable where the person’s vote was determinative. See OAG No. 5864 (1981); OAG No. 6005 (1981).

Situation #2:

No. The Michigan Court of Appeals has labeled this situation as “patently improper” and an abuse of public trust for the reason that the person making the argument to the ZBA is also one of the people charged with appointing the ZBA. This creates duress on the ZBA, raising doubt about the impartiality of the ZBA’s decision. Any decision made by the ZBA under these circumstances is void. See *Barkey v. Nick*, 11 Mich App 361 (1968).

Situation #3:

No. Although Act 317 grants to part-time officials an exception from the general rule that officials shall not take any part in the approval or negotiation of a contract between the village and any private corporation of which the official is a director, the Act goes on to require that the contract may only be approved by a 2/3 vote of the full membership “without the vote of the [official].” In other words, Act 317 might permit you to vote, but your approving vote doesn’t count. See OAG No. 6563 (1989). The strict disclosure provisions will apply in any case.

Act 196 and Act 317 provide a good starting point for local elected officials to assure themselves that they are acting appropriately. Adhering to the provisions of these statutes will give you the comfort of knowing, if and when your friendly reporter pulls you aside, that you will be giving the right answers.

Materials for this chapter provided by **Michael McGee**, principal in the law office of Miller, Canfield, Paddock and Stone, P.L.C.

Repeal of Ordinance No. 144 – Real Estate Tax Exemption

Background:

Ordinance No. 144 was adopted in 2006 to provide for a service charge in lieu of taxes for housing developments for elderly persons of low and moderate income to be finance or assisted pursuant to the provisions of the State Housing Development Authority Act of 1966.

The Ordinance specifically identifies Morrison School Apartments and the establishment of a service charge, or an amount set as the payment in lieu of taxes. Because Morrison School Apartments is paying property taxes, and no longer has a payment in lieu of taxes, the Ordinance Committee recommended that Council repeal Ordinance No. 144.

Conclusion re: Repeal:

Village Attorney Tercha reviewed the Ordinance to determine if it can be repealed and found that a mortgage still exists on the property and said mortgage lists the Village of Calumet as a supporter for the housing development to be financed as required by the State Housing Development Authority Act of 1966. Therefore, this Ordinance shall not be repealed.

Further research needed:

- The use of “Shall” as it pertains to paying a percentage of rents. Property owner is now paying property tax on the parcel, not a percentage of rents.
- Is there a mortgage obligation to the Village that we should be aware of/concerned with on this property?
- Are there potential other projects that this ordinance may apply to in the future?

Update as of December, 2023:

- Haselden and Tercha have discussed and will be organizing a meeting with the Michigan State Housing Development Authority (MSHDA) to better understand the impact and need of this Ordinance.
- Research/review is needed to determine when the property owner stopped paying a percentage of rents and started paying property taxes instead.

Village of Calumet Administrator

From: Wm Paul Slough <paul@gaylordlaw.com>
Sent: Wednesday, November 29, 2023 4:09 PM
To: Village of Calumet Administrator
Cc: Connie Stubli
Subject: Re: Ordinances & Enforcement

Good afternoon Megan:

With regard to the blight ordinance, I reviewed this for Amber last year and will forward you my comments. My only suggestion was to revise the enforcement section with a provision authorizing the village to enter the property, abate the nuisance, and charge the cost of abatement against the tax roll (as a special assessment). I provided the village of Elk Rapids' blight ordinance as an example.

Please let me know if you would like me to make that revision (I will use marked changes so council can see what has been modified).

As for the dangerous buildings ordinance, this mirrors the state statute, MCL 125.538 et seq, and provides the same powers that the Housing Law already provides. MCL 125.543 makes it clear that the statutory powers apply even if the village does not adopt the act. Even so, there is no harm in passing the ordinance and it is probably a good idea, as future village staff will look to the ordinances for enforcement options.

The same applies to the municipal civil infraction ordinance. The current ordinance creates a bureau with the village staff under MCL 600.8396. A defendant can pay fees directly to the village staff unless the defendant pleads he or she is not responsible, in which case the ordinance mirrors the process under MCL 600.8701 et seq. for municipal civil infractions.

Creating a bureau is not required – the infraction could be filed directly with the district court. I presume the village takes that approach as it saves the time and expense of a district court case if the defendant is just going to plead responsible for the infraction.

Any adjustments to the procedure would really be to address problems the village staff encounter with day-to-day enforcement. We can certainly do this as time goes on if issues arise.

Note there is one very minor typo under BUREAU AUTHORITY – it should read "Section 4" instead of "137.04"

Paul

--

Kirkpatrick, Slough, Duitsman-Coy & Mott, PLC
145 N Otsego Ave
Gaylord, MI 49735
(989) 732-2912 f: (989) 732-8612

From: Village of Calumet Administrator <manager@villageofcalumet.com>
Date: Tuesday, November 28, 2023 at 11:10 AM
To: Wm Paul Slough <paul@gaylordlaw.com>
Subject: Ordinances & Enforcement

Village of Calumet

County of Houghton, State of Michigan

RESTATED ORDINANCE NO. 149

MUNICIPAL CIVIL INFRACTIONS VIOLATIONS ORDINANCE

An Ordinance adopted pursuant to 1994 Public Act No. 12 to establish a Municipal Civil Infractions Ordinance Violations Bureau for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines and costs for such violations as prescribed herein; and to repeal all conflicting ordinances or parts of ordinances.

THE VILLAGE COUNCIL OF THE VILLAGE OF CALUMET HOUGHTON COUNTY, MICHIGAN ORDAINS THIS RESTATEMENT OF ORDINANCE NO. 149, ORIGINALLY ADOPTED ON OCTOBER 16, 2018:

Section 1 – TITLE

This ordinance shall be known and cited as the Village of Calumet Municipal Civil Infractions Violations Ordinance.

Section 2 – DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. "Act" means Act No. 236 of the Public Acts of Michigan of 1961 (MCL 600.101 et. seq.), MSA 27A.101 et seq.), as amended.

B. "Authorized Village Official" means peace officer or other personnel of the Village authorized by this article or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

C. "Bureau" means the Village municipal civil infractions ordinance violations bureau, as established by this ordinance.

D. "Municipal Civil Infraction Action" means a civil action in which a person is alleged to be responsible for a municipal civil infraction.

E. "Municipal Civil Infraction Citation" means a written complaint or notice prepared by an authorized Village official directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

F. "Municipal Ordinance Civil Infractions Violation Notice" means a written notice prepared by an authorized Village official, directing a person to appear at the Village Municipal Civil Infractions Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the Village.

Section 3 - ESTABLISHMENT, LOCATION AND PERSONNEL OF MUNICIPAL CIVIL INFRACTIONS ORDINANCE VIOLATIONS BUREAU

A. Establishment. The Village of Calumet Municipal Civil Infractions Ordinance Violations Bureau (hereafter "Bureau") is hereby established pursuant to 1994 Public Act 12 (MCL 600.8396), as it may be amended from time to time, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines and costs for such violations as prescribed herein.

B. Location. The Bureau shall be located at the Village Office, 340 6th Street, Calumet, Michigan 49913.

C. Personnel. All personnel of the Bureau shall be Village employees. The Village Board may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise may be delegated by the Village Board.

D. Operational Procedure. The Village Board may adopt rules and regulations for the operation of the Bureau.

Section ~~137.04~~ - BUREAU AUTHORITY - The Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violation notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines and costs for such violations as specified in a Resolution adopted pursuant to this Ordinance. The Bureau shall not accept payment of fines and costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

Commented [MH1]: Should be 4. (not 137.04).

Section 5 - AUTHORIZED VILLAGE OFFICIALS -The following personnel are authorized to issue municipal civil infractions ordinance violation notices and/or municipal civil infraction citations:

A. Any Peace Officer or Deputy Sheriff;

B. Fire Department officers;

C. Building or other duly authorized Code Inspector or officer;

- D. Ordinance Enforcement officers;
- E. Utilities and Public Works officers.
- F. Village Administrator

Commented [MH2]: Change to Manager

The Village Board may by resolution authorize such other personnel to issue municipal civil infractions ordinance violation notices or municipal civil infraction citations as it deems necessary and proper.

Authorized Village officials also include any other individual authorized under any other ordinance of the Village of Calumet as an Authorized Village Official.

Section 6 - MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT

A municipal civil infraction action may be commenced upon the issuance by an authorized Village official of:

- A. A municipal civil infraction citation directing the alleged violator to appear in court; or
- B. A municipal civil infraction violation notice directing the alleged violator to appear at the Village Municipal Ordinance violations Bureau.

Section 7 - ISSUANCE AND SERVICE OF MUNICIPAL ORDINANCE VIOLATION NOTICE OR MUNICIPAL CIVIL INFRACTION CITATION

A. Issuance. An authorized local official may issue a municipal civil infractions ordinance violation notice or a municipal civil infraction citation to a person when:

- (1) The official witnesses a person violate an ordinance which is a municipal civil infraction;
 - (2) Based upon investigation, the official has reasonable cause to believe that a person is responsible for a municipal civil infraction; or
 - (3) Based upon an investigation of a complaint by someone who allegedly witnessed the person violate a municipal civil infraction ordinance, the official has reasonable cause to believe that said person is responsible for a municipal civil infraction and the Village attorney approves in writing the issuance of a citation or notice pursuant to this ordinance.
- B. Personal Service. The authorized local official must personally serve a copy of the municipal civil infractions ordinance violation notice or the municipal civil infraction citation upon the alleged violator, except as provided in (D) herein.

C. Exception to Personal Service for Citation After Notice of Violation. If an authorized local official issues and serves a municipal civil infractions ordinance violation notice and if an

admission of responsibility is not made and the civil fine and costs, if any, are not paid at the Municipal Civil Infractions Ordinance Violations Bureau, a municipal civil infraction citation may be filed with the Court and a copy of the citation may be served by first-class mail upon the alleged violator at his or her last known address.

D. Posting. If the alleged violation involves the use or occupancy of land, or a building or other structure, the municipal civil infractions ordinance violation notice or municipal civil infraction citation may be served by posting the notice or citation on the land, building or structure and mailing a copy by first-class mail to the owner of the land, building or structure at the owner's last known address.

Section 8 - ORDINANCE VIOLATION NOTICE REQUIREMENTS ADMISSION OR DENIAL OF RESPONSIBILITY

A. Ordinance Violation Notice Requirements. Municipal civil infraction violation notices shall be issued and served by authorized Village officials as provided in this ordinance and by law.

A municipal civil infractions ordinance violation notice shall include all of the following:

1. The name and address of the alleged violator;
2. The violation charged;
3. The time, date, and location of the alleged violation;
4. The time within which the person must appear at the Bureau for purposes of admitting or denying responsibility for the violation;
5. A statement that the alleged violator may appear at the Bureau in person or by mail;
6. The amount of the scheduled fines/costs for the violation;
7. The methods by which the violation may be admitted or denied;
8. The consequences of failing to pay the required fines/costs or appear at the Bureau within the required time;
9. The address and telephone number of the Bureau;
10. The days and hours that the Bureau is open.

B. Denial of Responsibility. Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines/costs within the designated time period, the Bureau Clerk or other designated Village employee(s) shall advise the complainant to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of

a sworn complaint containing, at a minimum, the allegations stated in the municipal civil infractions ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

Section 9 - MUNICIPAL CIVIL INFRACTION CITATION REQUIREMENTS

Municipal civil infraction citations shall be issued and served by authorized Village officials as provided in this ordinance and by law. A Municipal civil infraction citation shall comply with the following requirements:

1. The citation shall be in a form approved by the state Court Administrator.
2. Citations shall be numbered consecutively.
3. The original shall constitute a complaint and notice to appear and shall be filed with the district court. Additional copies shall be distributed pursuant to section 8705 of the Act, being MCLA 600.8705; MSA 27A.8705.
4. The citation shall be signed by an authorized local official and shall be treated as made under oath.
5. The citation shall specify the time and place for the violator to appear in court.
6. The citation shall contain all of the following information:
 - (a) The name and address of the alleged violator;
 - (b) The violation charged;
 - (c) The name, address, and phone number where the alleged violator shall appear in Court;
 - (d) The time at or by which the appearance shall be made.
7. The citation shall advise the alleged violator of the following alternatives:
 - (a) The alleged violator may admit responsibility at or by the time set for appearance in court by mail, in person, or by representation.
 - (b) The alleged violator may admit responsibility with explanation. If the alleged violator wishes to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

(c) The alleged violator may deny responsibility. If the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

(d) A hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the municipality.

(e) At an informal hearing the alleged violator must appear in person before a judge or magistrate without the opportunity of being represented by an attorney.

(f) At a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

(g) A notice that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

Section 10 - SCHEDULE OF CIVIL FINES AND COSTS APPLIED TO MUNICIPAL CIVIL INFRACTIONS ORDINANCE VIOLATION NOTICES

The Village Council may establish by resolution a schedule of civil fines and costs payable to the Bureau upon admission of responsibility by persons served with municipal civil infractions ordinance violation notices.

The fine schedule is supplemental to any fine identified in an ordinance. To the extent the fine schedule is inconsistent with the ordinance, the ordinance will govern.

Section 11 - RECORDS AND ACCOUNTING

The Bureau Clerk or other designated Village official/employee shall retain a copy of all municipal civil infractions ordinance violation notices and citations, and shall account to the Village Council once a month or at such other intervals as the Village Council may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines and costs collected with respect to such violations.

The civil fines and costs collected shall be delivered/paid to the Village Treasurer or his/her designated representative, and shall be deposited in the general fund of the Village.

Section 12 - AVAILABILITY OF OTHER ENFORCEMENT OPTIONS

Nothing in this ordinance shall be deemed to require the Village to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice.

As to each ordinance violation designated as a municipal civil infraction the Village may, at its discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

Section 13 – SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 14 – REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 15 - EFFECTIVE DATE

This Ordinance shall become effective 30 days after its publication, as required by law.

Passed and adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan on the ____ day of _____, 20__.

VILLAGE OF CALUMET

By _____
ROB TARVIS
Its President

(SEAL)

Yeas: _____

Nays: _____

Absent/Abstain: _____

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 149, duly adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan, at a regular meeting held on _____ and that this meeting was conducted and a public notice of this meeting was given, pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976, and that the minutes of this meeting were kept and will be or have been made available, as required by said Act.

I further certify that the following members were present at said meeting: _____,
and Rob Tarvis (Village President); and that the following member was absent: _____.

Village of Calumet
Rules of Procedure of the Village Council

All meetings of the Village Council will be held in compliance with state statutes of the Michigan Constitution, including the General Law Village Act - Act 3 of 1895 (GLVA), the Open Meetings Act – Act 267 of 1976 (OMA), and with these rules.

As members of the Calumet Village Council, council members have an opportunity to make important contributions which may shape the future of the community. Above all, council members should recall that they are elected to make decisions as a collective body based on the community needs and established priorities.

MEETINGS

1. The council holds its regular meetings on the third Tuesday of each month at 6:00 p.m.
2. Special meetings can be called from time to time.
3. All regular and special meetings are open to the public.
4. Rules regarding closed meetings are provided by the Michigan Open Meetings Act (OMA) which is the final authority on all matters related to closed meetings.

CONDUCT OF MEETINGS

1. The Council uses Robert Rules of Order as a guide for the conduct of its meetings but has not officially adopted the rules.
2. On or before the regular Council meeting scheduled in December, a resolution stating the dates, times and places of the regular Village Council meetings for the following calendar year shall be adopted by Council and be posted at the Village Office and on the Village Website. In the event that regular or special meetings of the Council are rescheduled, a public notice which states the date, time and place of the rescheduled meeting shall be posted on the Village website and available to the public at the Village office at least eighteen (18) hours before the meeting.
3. Proposed minutes of regular and special meetings of the Council will be posted at the Village office and available by at least eight (8) business days after the meeting. Minutes approved by the Council will be made available for public inspection no later than five (5) business days after the meeting of the Council at which they were approved. Proposed meeting minutes with any documented corrections will be saved in the record book.
4. For the purpose of informing new village officers (as defined in Section 61.1a of the GLVA) regarding laws and rules of particular concern, at the first regular meeting of the Council after the November elections or after the appointment of an officer of the Village, new Village officers shall be given a current copy of each of the following:
 - The General Law Village Act (GLVA)
 - The Handbook for General Law Village Officials (published by the Michigan Municipal League)
 - The Open Meetings Act of the State of Michigan (hereinafter “the OMA”)
 - The Freedom of Information Act of the State of Michigan (FOIA).
 - Village of Calumet Council Rules of Procedure.
5. The first meeting of the Village Council following November elections, the Village Council shall appoint one of its members as President Pro Tempore by a majority vote of a quorum of

the Village Council. The President Pro Tempore will preside at council meetings and exercise the powers and duties of the President when the President is absent. If both the President and the President Pro Tempore are absent from a council meeting the council member present with the longest consecutive time in office shall preside.

6. Council members have a duty to vote on all matters before the Council unless a Council member has a conflict of interest. Members must disclose potential conflicts and may be excused from voting by the procedure outlined in the GLVA.

MEETING ATTENDANCE

1. A quorum of the Village Council consists of four (4) Council members. Votes that require a two-thirds (2/3) majority of the members of the Council for passage require the approval of at least five (5) Council members.

2. Council members should notify either the Village President or the Village Manager if they are unable to attend a meeting. The Council may excuse absences for cause. If a Council member has more than three unexcused successive, the Council may enact a resolution of reprimand. If the member's absences continue for more than three additional successive of the council, the Council may enact a resolution of censure or request the Council member's resignation or both.

3. Council members shall receive compensation for one (1) regularly scheduled meeting per month. Council members shall not be compensated for any regular meeting of the Council from which they are absent.

4. The Village Clerk shall attend all regular and special meetings of the council and shall keep an accurate record of the proceedings. Minutes will be prepared by the Village Clerk and approved by the Council in accordance with the requirements of the OMA. Meetings shall be recorded electronically by the Village Clerk. If the Village Clerk is unavailable, or if the office of the Village Clerk is vacated, an "interim" Village Clerk appointed by the council shall take the minutes.

5. The Village Manager shall attend all meetings of the Village Council with the right to take part in discussions but without the right to vote, except when the Village Manager is away on other Village business, on vacation, indisposed by illness, injury, or on bereavement leave as defined by the Manager Contract.

6. The Village Treasurer shall present annually to the council at a regular meeting as directed in MCL 64.10.

CITIZEN PARTICIPATION

1. Each agenda for a regular meeting of the Village Council shall have an item reserved for public comment.

2. Each person who gives public comment shall be limited to five (5) minutes. There shall be no comments by members of the public outside of the time reserved except when, upon the request of a Council member, the presiding officer shall have the discretion to allow a member of the public to speak.

3. The Village Clerk or “interim” Village shall keep track of the time permitted to each member of the public and notify them when their time has elapsed.
4. At public hearings and special meetings, public comment will be confined to the subject of the public hearing or special meeting.
5. Disorderly conduct by any member of the public at Village meetings or proceedings is prohibited. The Village President may call to order any person who is being disorderly by speaking out of turn, or using vulgar disruptive language.

COMMITTEES

1. The Council may establish committees to make recommendations regarding specific areas of municipal government.
2. Appointments to committees will be voluntary and with the consent of the council.

WORK SESSIONS

1. Work sessions are scheduled times where the council members can come together to study issues, gather and analyze information, and discuss future plans. These sessions are to study issues, not to take action. No decisions are made.
2. All work session are open to the public and a public notice which states the date, time and place of the work session shall be posted on the Village website and available to the public at the Village office at least eighteen (18) hours before the meeting.

COUNCIL VACANCIES

1. When vacancies exist on the Village Council, the Council shall appoint persons to fill such vacancies in accordance with the GLVA. Candidates interested in filling vacancies should apply by submitting a letter of interest to the Village Manager, who will forward to the Council within 5 business days of receipt.
2. If the office of Village President is vacated, any qualified elector may be appointed to fill the vacancy. The President Pro Tempore will not automatically become president but may announce their candidacy for consideration by the Council.

TRUSTEE CONDUCT

1. Council members may speak with each other from time to time about Village business outside of an Open Meeting, as defined by the OMA, provided they do not violate the OMA, including the act’s prohibitions on “round robin” discussions. Council members should take care to adhere to the OMA and the act’s goal of creating open, transparent government that provides opportunities for meaningful input from citizens.
2. Trustees should be respectful of Village employees’ time. Though, as a body, the Village Council is responsible for overseeing Village operations, individual trustees do not have authority to make decisions or give direction. Members may request information from Village employees but must work with them to determine a suitable and convenient time to meet. If documents are required, members must give employees adequate time to assemble the information. If individual trustees have concerns about Village employees, they should bring these concerns to the Village President or the Village Council.

CONDUCT OF DISCUSSION

1. During the council discussion and debate, no member shall speak until recognized for that purpose by the presiding officer. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted. Speakers should maintain a courteous tone and avoid personal attacks and indecorous language.

DISORDERLY CONDUCT AT MEETINGS

1. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the presiding officer of the meeting shall request such person(s) to moderate or improve their conduct. Any council member may take this same action if the behavior in question is from the presiding officer.
2. If person(s) disregards the request to moderate or improve their conduct, any council member may move that the person no longer be heard or be removed from the meeting. The motion, if seconded, shall be put to the vote without discussion.

COMMITTEES:

Background: A few months ago, the Council organized 2 additional committees, with the Ordinance Committee having organized earlier in the year. This was a split decision with some council members wanting committees and others thinking that they are not effective.

At the October 17, 2023 the question of whether to keep committees was put before the Council, with a failed motion and 5 Council Members voting to disband committees.

See below draft committee agenda layout (for if committees are reinstated):

DRAFT COMMITTEE AGENDA

Needs per Manager Haselden:

1. Towing during the winter.
 - a. Issue: staff have had trouble getting towing companies to move cars parked on the street during the winter hours, resulting in difficulties with plowing streets.
 - b. Action from Committee: Contact Sherriff and towing companies to get information and a plan for towing vehicles in the winter.
2. Older Equipment
 - a. Issue: a lot of our equipment is old and requires high mechanical skills to maintain.
 - b. Action from Committee: Start reviewing auctions for street and snow equipment. Look into possibility of leasing equipment. Report back to Council any information including costs.
 - c. Action from Staff: Provide Committee with a list of equipment on hand, prioritized with replacement need from DPW Superintendent.

Committee Requests from Staff:

- Analyze DPW hours related to sidewalk snow removal and snow contracts with the amounts billed for these services. Recommend new rate to council based on information.
- List of DPW equipment organized in replacement priority.

Action Items for Committee:

- Contact Sheriff re towing. Assigned To: Dwyer

VILLAGE OF CALUMET
GENERAL FUND

FY 2024 BUDGET
3/1/23 - 2/29/24

ADOPTED ON:
FEBRUARY 28, 2023

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ACCOUNT DESCRIPTION	ACTUAL FY 2022	ACTUAL FY 2023	BUDGET FY 2024	ACTUAL AS OF OCTOBER, 2023	PROPOSED BUDGET FY 2025
REVENUES(AND OTHER SOURCES)					
Taxes-Current/ Delinquent	\$112,943	\$137,161	\$137,162	\$137,863	
Licenses-Fees	\$9,247	\$10,651	\$9,500	\$3,185	
Fines-Penalties	\$33	\$179	\$30	\$1,505	
Charges for Services	\$44,314	\$51,421	\$38,000	\$1,007	
Equip. Rent-Rent/Royalties	\$141,275	\$142,343	\$132,000	\$52,611	
Interest	\$1	\$0	\$1	\$584	
Intergovernmental	\$118,244	\$106,743	\$118,000	\$69,316	
Fringes	\$4,927	\$16,532	\$5,500	\$5,598	
Reimbursements	\$232	\$181	\$300	\$109	
Misc.	\$7,427	\$37	\$1,100	\$0	
Sale of Assets	\$0	\$3,750	\$0	\$0	
Misc. grants	\$2,500	\$1,500	\$0	\$10,000	
Donations	\$0	\$205	\$0	\$0	
INHP Grant	\$0	\$2,050	\$2,000	\$0	
Other Revenues		\$55,363	\$0	\$0	
Insurance Reimb.-Misc reimb	\$54,045	\$4,379	\$0	\$15,385	
Transfers From:					
Transfer from DDA	\$0	\$3,000	\$1,200	\$0	
Adit Variance	\$253,995				
Total Revenues	\$749,183	\$535,495	\$444,793	\$297,163	\$0
EXPENDITURES(AND OTHER USES)					
Legislative	\$1,400	\$2,275	\$2,940	\$2,205	
Capital Outlay - Equipment/ Vehicle	\$5,000	\$8,960	\$5,000	\$5,250	
General Government-Town Hall	\$125,326	\$92,219	\$115,000	\$75,849	
Community Safety	\$1,932	\$0	\$2,000	\$0	
Fire	\$34,619	\$28,847	\$29,400	\$24,804	

VILLAGE OF CALUMET
GENERAL FUND

FY 2024 BUDGET
3/1/23 - 2/29/24

ADOPTED ON:
FEBRUARY 28, 2023

32

ACCOUNT DESCRIPTION	ACTUAL FY 2022	ACTUALS AS OF 2/28/23	BUDGET FY 2024	ACTUALS AS OF OCTOBER, 2023	PROPOSED BUDGET FY 2025
DPW	\$153,574	\$137,470	\$145,000	\$79,616	
Street Lights	\$33,121	\$31,186	\$35,000	\$14,379	
Employee Benefits	\$53,884	\$60,674	\$60,000	\$16,811	
Insurances	\$37,640	\$41,091	\$42,000	\$38,161	
Community & Economic Development	\$7,460	\$2,810	\$6,000	\$650	
Parks-Cultural	\$7,567	\$8,162	\$4,000	\$2,561	
Theatre Maintenance Costs	\$32,430	\$485	\$750	\$1,835	
Ordinances	\$466	\$1,445	\$3,700	\$0	
Legal	\$9,089	\$1,980	\$2,500	\$360	
Miscellaneous	\$1,086	\$23	\$500	\$0	
Contracted Services	\$8,463	\$4,041	\$2,000	\$0	
Transfers to:					
ADA TIF and Property Tax	\$0	\$22,680	\$32,000	\$0	
Debt Service	\$2,947	\$2,947	\$2,947	\$0	
Payroll	\$23,093	\$0	\$0	\$0	
KNHP-HDC	\$0	\$1,390	\$2,000	\$0	
Water Fund	\$23,813	\$0	\$0	\$0	
Audit Variance	\$242,606				
TOTAL EXPENDITURES	\$805,516	\$448,685	\$492,737	\$262,481	\$0
NET CHANGE IN FUND BALANCE	(\$56,333)	\$86,810	(\$47,944)	\$34,682	\$0
Fund Balance Beginning of Year			\$146,520	\$146,520	\$146,520
Fund Balance End of Year		\$146,520	\$98,576	\$181,202	\$146,520