

The Newaygo County Governmental Summit

“Statutory Lake Improvement Boards”

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The Grant Middle School

Clifford H. Bloom
Attorney at Law
Law Weathers
800 Bridgewater Place
333 Bridge Street, N.W.
Grand Rapids, Michigan 49504-5320
(616) 459-1171
cbloom@lawweathers.com

- I. Introduction.
- II. MCL 324.30901 *et seq.*—The Statute that Authorizes Michigan Statutory Lake Improvement Boards.
 - A. The statute is not a model of clarity.
 - B. Keep going back to the statute.
 - C. Many matters are not covered.
- III. A Statutory Lake Board is a Government Body!
 - A. Independent to semi-independent.
 - B. The statute is silent as to the following matters:
 - 1. Where its office is located.
 - 2. Staff.
 - 3. All powers/authority of the board.
 - 4. Running meetings.
 - 5. Miscellaneous matters.
 - C. Subject to the Michigan Open Meetings Act and the Freedom of Information Act.
- IV. The Michigan Open Meetings Act (MCL 15.261 *et seq.*).
 - A. All meetings must be public.
 - B. Committees and subcommittees.
 - C. Deliberations and decisions.
 - D. Posting/notices of meetings.
 - Proof of posting.
 - E. Meeting locations.
 - F. Conducting meetings.
 - MCL 324.30903(2).
 - G. Agendas.

- H. Minutes.
 - I. Public comment.
 - 1. Time limits.
 - 2. Identification.
 - J. Videotaping, audiotaping, etc.
 - K. Closed meeting/executive sessions.
 - L. Robert's Rules of Order.
 - M. Rules of procedure.
 - N. Motions/decisions.
 - O. Security/disruptions.
 - P. Recording secretary.
 - Q. Closed sessions.
 - R. Violations/penalties.
- V. The Michigan Freedom of Information Act (MCL 15.231 *et seq.*).
- A. The Act applies to all Michigan Statutory Lake Improvement Boards and their officers, staff, etc.
 - B. Assume every document, writing, etc., is subject to the Act.
 - C. The Freedom of Information Act Coordinator.
 - D. How someone makes a request under the Act.
 - E. Responding to a request under the Act.
 - 1. Time limits.
 - 2. Written response.
 - 3. Statutory language.
 - 4. Options.

- F. Computer records.
 - G. Violations/penalties.
 - H. Copying versus inspecting.
 - I. Need not create new documents.
 - J. Subscriptions.
 - K. Fees.
 - L. Unclear or overbroad requests.
 - M. Exempt items.
- VI. Special Assessment Districts.
- A. What are they?
 - B. Use of legal counsel.
 - C. Follow everything precisely.
- VII. The Composition of a Statutory Lake Improvement Board.
- A. MCL 324.30903.
 - B. Members.
 - 1. County commissioner.
 - 2. Local government representation or representatives (2).
 - 3. County drain commissioner.
 - 4. One riparian.
- VIII. Liability Issues.
- A. Government Immunity.
 - B. Insurance.
 - C. Insurance of independent contractors.
- IX. The Importance of Good Written Contracts.
- X. Ethics, Conflict of Interest and Similar Matters.

- A. What constitutes a conflict of interest.
 - B. Disclosure.
 - C. Abstention.
 - D. *Ex parte* communications.
- XI. The Powers of a Particular Statutory Lake Improvement Board.
- A. The statute.
 - B. The authorization documents.
- XII. A “Project” (MCL 324.30908)
- A. Engineering and reports (MCL 324.30909).
 - B. Public hearing on the reports (MCL 324.30910).
- XIII. Hiring employees and agents.
- XIV. Eminent Domain.
- MCL 324.30923.
- XV. Bidding.
- MCL 324.30926.
- XVI. Dissolution.
- MCL 324.30929.
- XVII. Resources.
- A. The Law Weathers municipal website at www.michiganmunicipallaw.com or riparian website at www.riparianexpert.com.
 - B. The Michigan Lake & Stream Associations, Inc., and its website at www.mlswa.org.
 - C. The Michigan Riparian Magazine and its website at www.mi-riparian.org.
 - D. The Michigan Townships Association and its website at www.michigantownships.org.
 - E. MCNALMS- www.mcnalms.org.

XVIII. The Michigan Lakes & Stream Associations, Inc. Book Entitled “Lake Associations—
The Nuts & Bolts” (can be ordered through the Michigan Lakes & Stream’s website at
www.mlswa.org).

99999 (710) 533855.1