

Village of Spring Lake

Council Work Session

June 8, 2015

7:00 p.m.

102 West Savidge Street (Upstairs Conference Room)
Spring Lake, MI 49456

www.springlakevillage.org

1	7:00 p.m. – EXECUTIVE SESSION Motion to enter into an Executive Session to discuss pending litigation. The Village Council can meet in executive session for reasons permitted by Section 8(C) of the Michigan Open Meetings Act, MCL 15.268 (e); MSA 4.1800(18)(e); as requested by the Village Manager, to confer with legal counsel on matters permitted by Section (e) of the Open Meetings Act. Motion to enter back into Open Session.
2	7:18 p.m. - Raffle License: Spring Lake Junior Sailing Association Mr. Patrick Reeg has requested Council's approval for a raffle license so the Spring Lake Junior Sailing Association may raffle a Butterfly sailboat that was recently donated to the organization. The permit and resolution are attached for Council review. Mr. Reeg has been invited to attend the meeting.
3	7:20 p.m. – Liquor License Request: Village Baker Mr. Jim Storey, representing Village Baker, will be present at the meeting to discuss a request for a liquor license on behalf of his client.
4	7:30 p.m. – FOIA Policy Village Attorney Bob Sullivan has reviewed the policy (<i>see letter & Resolution 2015 - 10</i>). It is mandatory to adopt the policy at the June meeting in order to meet the state-mandated adoption date of July 1, 2015.
5	7:35 p.m. - Purchasing Policy Village Auditors recommended the Council consider reviewing and

	<p>potentially amending the purchasing policy, which was adopted on June 7, 2004. A copy of the proposed policy and Resolution 2015 – 12 are attached for Council review.</p>
6	<p>7:45 p.m. – Proposed Change to Barber School Rental & Rate Structure</p> <p>The Friends of Barber School (FOBS) have been meeting regularly to discuss how to best address issues such as alcohol consumption on property, rental agreements, cleaning and the rate structure. Attached, please find the recommendations that are being proposed for Barber School.</p>
7	<p>8:00 p.m. - Budget Amendments (Marv Hinga)</p> <p>The list of budget amendments necessary to close out the fiscal year will be reviewed by the Finance Committee prior to presentation to Council. Finance Director Marv Hinga will report to Council, as a whole, the outcome of those discussions.</p>
8	<p>8:10 p.m. - Budget Discussion + Millage Rate (Marv Hinga)</p> <p>Staff has incorporated Council’s recommendations from the April 27, 2015 budget work session. Please bring your budget books with you to the work session so that they can be updated with the most current information. Included please find:</p> <ul style="list-style-type: none"> • Public Notice • Resolution 2015 – 08 (2015/2016 Budget Resolution) • Resolution 2015 – 09 (2015/2016 Millage Rate) • 2015/2016 Fee Schedule
9	<p>8:15 p.m. - Disbursement of School Taxes Captured by TIF for 2005-2007 (Marv Hinga)</p> <p>This item will be reviewed by the Finance Committee immediately prior to the work session. A recommendation from the Finance Committee is expected at the meeting.</p>
10	<p>8:25 p.m. - Board & Committee Appointments</p> <p style="text-align: center;">DACC - Cindy Reinhart (term expiring 12/15)</p> <p>The DACC is fully appointed; Cindy expressed an interest in serving but her application had not been received as of press time. Bob Sullivan has</p>

	indicated that Ms. Reinhart can serve as an alternate.																
11	<p>8:28 p.m. - Vehicle Lease</p> <p>The 2012 Buick Regal lease is expiring shortly. Staff has researched replacement vehicles and lease rates. This issue is slated for the Finance Committee agenda earlier in the evening. A recommendation will be forthcoming from the Finance Committee.</p>																
12	<p>8:30 p.m. - Insurance Proposals</p> <p>The Village partnered with Spring Lake Township and the City of Grand Haven to solicit proposals for liability & property insurance. Three bids were received. The Finance Committee will review the bids on Monday, June 8th and will offer a recommendation to the Council regarding the bids.</p> <table border="1" data-bbox="272 821 1344 1020"> <thead> <tr> <th></th> <th>Liability Premium</th> <th>Property Coverage</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Selective</td> <td>19,960.00</td> <td>14,397.00</td> <td>34,357.00</td> </tr> <tr> <td>MML</td> <td></td> <td></td> <td>27,756.00</td> </tr> <tr> <td>MMRMA</td> <td></td> <td></td> <td>42,215.00 plus 1,564 for sewer back-up</td> </tr> </tbody> </table>		Liability Premium	Property Coverage	Total	Selective	19,960.00	14,397.00	34,357.00	MML			27,756.00	MMRMA			42,215.00 plus 1,564 for sewer back-up
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MMRMA			42,215.00 plus 1,564 for sewer back-up														
13	<p>8:35 p.m. - Communications</p> <ul style="list-style-type: none"> • Lakeside Beach Repair Request (SLT) • Library Calendar • Managers Calendar (June & July) • Puglise Brush Chipping Complaint 																
14	<p>8:45 p.m. - Minutes</p> <p>Minutes of May 18, 2015 meeting are attached for review. Should you wish to make edits, please share that information with Chris Burns or Maryann Fonkert prior to June 11, 2015.</p>																

Christine Burns

From: Patrick Reeg <p_reeg@yahoo.com>
Sent: Wednesday, June 03, 2015 11:55 AM
To: Christine Burns
Cc: marksattic@charter.net
Subject: Re: Raffle license approval
Attachments: Raffle Qualification info BSL-CG-1453_39156_7.pdf

Chris:
Please add approval for a Raffle License for Spring Lake Junior Sailing Association to the next Village Council meeting in June. It is very important that this does not get moved to a later meeting. Our event is July 14 and it is typically six weeks to process the license in Lansing. I am currently working with the gaming division to make it happen for our event. The donation of a 2015 Butterfly sailboat came in unexpectedly.

Attached is Raffle Qualification see page 3 only.

Sincerely,

Patrick Reeg
Co-chair 2105 Butterfly Nationals Regatta
Spring Lake Yacht Club

On Friday, May 29, 2015 3:45 PM, Patrick Reeg <p_reeg@yahoo.com> wrote:

Mark:
Thanks for the information!

Patrick

On Friday, May 29, 2015 3:31 PM, "marksattic@charter.net" <marksattic@charter.net> wrote:

Patrick, It would have to go through June council meetings... Chris Burns did wonder if you could use someone else's pre-existing license? For example, the SLPS has a sailing club...which uses SLYC facilities...and the school has one???

Or someone else affiliated with SLYC???

Otherwise you will need to submit the forms to the village for the June meetings...

She didn't seem to offer a quicker alternative which I asked about...

Mark

On Fri, May 29, 2015 at 12:18 PM, Patrick Reeg wrote:

Mark:
Per our discussion last night, we now have a Butterfly sailboat available to raffle off.

Page 3 of this of this form is for local governing body approval. The State of Michigan takes 6 weeks to process (the event is 6.5 weeks away) so I am hoping there is a way to do this without waiting for the next counsel meeting June 8.

Can you check around to see what options are doable?

Thanks,

Patrick Reeg



Charitable Gaming Division
 c/o Accounting
 Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
 101 E. Hillsdale, Lansing, MI 48933
 (517) 335-5780
 www.michigan.gov/cg

RAFFLE LICENSE APPLICATION

For Bureau Use Only

ALLOW 6 WEEKS FOR PROCESSING.
 PLEASE PRINT OR TYPE IN BLUE OR BLACK INK.

QUALIFICATION INFORMATION	1. Organization Name				2. Organization ID Number or Last License Number Issued	
	3. Organization Street Address		City	State		
	Organization Mailing Address		City	State	Zip Code	County
	4. Has your organization ever received a license such as bingo, millionaire party, raffle, charity game ticket, or numeral game? <input type="checkbox"/> Yes - Complete application and submit with the appropriate fee. <input type="checkbox"/> No - Please follow the instructions on the qualification guideline. If a guideline was not included or you do not understand it, contact our office at (517) 335-5780 to inquire as to what documentation must be submitted to qualify for licensing.					
5. Is your organization a candidate committee, political committee, political party committee, ballot question committee, independent committee or any other committee as defined by, and organized pursuant to, the Michigan Campaign Finance Act 388 of the Public Acts of 1976, as amended, being sections 169.201 to 169.282 of the Michigan Compiled Laws? <input type="checkbox"/> Yes <input type="checkbox"/> No			6. Has your organization received contributions or made expenditures of \$500 or more in the last calendar year for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of a candidate, or the qualification, passage, or defeat of a ballot question? <input type="checkbox"/> Yes <input type="checkbox"/> No			

SIGNATURE(S)	7. Provide name, title, home address, and telephone numbers for the PRINCIPAL OFFICER, e.g., president, grand knight, worthy matron, etc., and the vice president or equivalent and one other officer of the organization. SIGNATURE OF PRINCIPAL OFFICER REQUIRED - OR - signatures of the vice president or equivalent and one other officer. NOTE: Executive director signature not acceptable.		
	Name and Title	Street, City, State, ZIP Code	Telephone Numbers
	Principal Officer		Day ()
	Title		Evening ()
	Signature of Principal Officer		Date
	- OR -		
	Name and Title	Street, City, State, ZIP Code	Telephone Numbers
	Vice President or Equivalent		Day ()
	Title		Evening ()
	Signature of Vice President or Equivalent		Date
	Name and Title	Street, City, State, ZIP Code	Telephone Numbers
	Other Officer		Day ()
Title		Evening ()	
Signature of Other Officer		Date	
By signing above, I CERTIFY that I am at least 18 years of age, the organization applying is a NONPROFIT organization, I have examined this application and there is no misrepresentation or falsification in the information stated or attached, and the facts underlying our original qualification status remain unchanged. I FURTHER CERTIFY that I am aware that false or misleading statements will be cause for rejection of this application or revocation of the right to obtain any future licenses and I AM AWARE OF AND AGREE TO the conditions of Act 382 of the Public Acts of 1972, as amended, and the rules and directives of the Michigan Bureau of State Lottery.			

**PLEASE COMPLETE THE BACK PAGE OF THIS APPLICATION
 PLEASE MAKE A COPY OF THE COMPLETED APPLICATION FOR YOUR RECORDS**





Charitable Gaming Division
 Box 30023, Lansing, MI 48909
 OVERNIGHT DELIVERY:
 101 E. Hillsdale, Lansing MI 48933
 (517) 335-5780
 www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
 (Required by MCL.432.103(K)(ii))

At a Regular Meeting meeting of the Spring Lake Village Council
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by President James MacLachlan on June 15, 2015
DATE

at 7:00 p.m. a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from Spring Lake Junior Sailing Assoc. of Spring Lake,
NAME OF ORGANIZATION CITY

county of Ottawa, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for Approval.
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
 adopted by the Spring Lake Village Council at a Regular Meeting
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL
 meeting held on June 15, 2015.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

Marvin Hinga, Clerk/Treasurer
PRINTED NAME AND TITLE

102 W. Savidge Street, Spring Lake, MI 49456
ADDRESS

COMPLETION: Required
 PENALTY: Possible denial of application.
 BSL-CG-1153(R6/09)

Christine Burns

From: Jim MacLachlan
Sent: Thursday, June 04, 2015 10:43 AM
To: Christine Burns
Subject: FW: Village Baker Liquor License

Chris: Any reason why we can't get a liquor license request on the agenda for our June 15 Council meeting (see letter below)?

Jim

-----Original Message-----

From: James Storey [<mailto:jmstore@yahoo.com>]
Sent: Thu 6/4/2015 10:14 AM
To: Jim MacLachlan
Cc: Village Baker
Subject: Village Baker Liquor License

Dear President MacLachlan:

I am a liquor licensing consultant working with Sara and Oran to help speed the approval of a liquor license for their Village Baker bakery and restaurant. On Monday, June 1, we filed an application for the transfer of a license from the former bowling alley on Cove street to the Village Baker. Sara asked me to contact you directly about this matter. As you may know, the Liquor Control Commission has changed some of its regulations for the transfer of licenses and issuing new licenses. In most cases, the transfer of a license from one owner to another no longer requires the approval by resolution of the local legislative body, in this instance the Village of Spring Lake Council.

However, this particular license was located within the city limits of Ferrysburg, which I did not know since it had a Spring Lake mailing address. Therefore, the license will be transferred from one governmental unit to another, Ferrysburg, to the Village of Spring Lake.

In speaking with a member of the Liquor Control Commission's licensing staff this morning, it was unclear until an analyst reviews the license application whether a village council resolution approving the transfer of the license into the Village of Spring Lake will be required. That determination is unlikely to be made until sometime next week at the earliest. In the meantime, the deadline, tomorrow at 4 pm., for requesting an item for the next village council meeting, June 15, will have passed and, according to village staff, there is no way to get it on the agenda for the June meeting once the deadline has passed.

The nexus of the problem is this: if the liquor control commission staff does require a village council resolution, the entire licensing process stops until that resolution reaches Lansing. In other words, the process may be shifted to neutral until mid-July for lack of a village council resolution. There is reasonable hope that if the licensing process can continue to step through the paces required by the LCC that Sara and Oran could have their license by early-to-mid July and thus realize its economic investment for the current tourism season.

For that important reason, my question is this, should we schedule a "just-in-case" appearance before the council for June 15 or can we somehow get on that agenda if its needed at a date later than tomorrow at 4 pm?

Thank you for your time in reviewing this communication. Please do not hesitate to contact me should you have questions or need more information. Jim StoreyStoreyLine Connections.616-848-9767, mobile616-355-6582,landline

Christine Burns

From: James Storey <jmstore@yahoo.com>
Sent: Friday, June 05, 2015 12:05 PM
To: Christine Burns
Cc: villageprez@gmail.com; Village Baker
Subject: Request memo
Attachments: SLC-VBakerSpringLake memo.docx

Hi, Chris,

Please find attached the request memo for the Village Baker's appearance on the June 15 Village Council meeting agenda as requested.

If I can provide further information, please do not hesitate to contact me. Once the Council has scheduled the matter, I will prepare the MLCC's resolution form the agency prefers for documenting the actions of local legislative bodies.

Thank you for your assistance in helping the Village Baker expand its business and job opportunities.

Jim Storey
[StoreyLine Connections](#)
616-848-9767, mobile
616-355-6582, landline

TO: President Jim MacLachlin and Members of the Council, Village of Spring Lake

FROM: Jim Storey, StoreyLine Connections
Consultant for Village Baker-Sara Rathbun and Oran Rankin

DATE: June 5, 2015

REF: Class C Liquor License for Six Seventeen LLC

Cc: Village Manager Christine Burns
Sara Rathbun and Oran Rankin

On Monday, June 1 at 11am, Six Seventeen LLC, the legal entity for the Village Baker, filed an application with the Michigan Liquor Control Commission (MLCC) at its Lansing headquarters to transfer a Class C (on-premise) liquor license under the control of Macatawa Bank from Ferrysburg to the Village of Spring Lake. This license was formerly owned by the bowling center at 18000 Cove Street.

While recent changes in the interpretation of Michigan's liquor regulations have made these transactions more seamless, it is unclear today from MLCC staff whether or not action by the Village of Spring Lake Council is required before the agency begins processing this application. As a prudent action, Village Council approval is requested "just-in-case" such action becomes required by the MLCC.

Given the Council's meeting calendar, it would be helpful to advancing this business expansion for the Village Baker if the council would take-up at its June 15 regular meeting and hopefully endorse through a resolution the approval of this license transfer to Six Seventeen LLC, d/b/a the Village Baker.

With timely action, the Village Baker could realize the benefits to their expanding business yet this summer season. The license application includes providing beverage service to clearly defined and marked outdoor service areas as well as a catering permit to provide service to private parties. In addition to the Class C on-premise license, Village Baker is also seeking an SDM, beer and wine takeout license, to accompany take-out orders of food and baked goods. Pairings of Class C and SDM licenses are common arrangements in Michigan.

By way of background, I served on the Liquor Control Commission from 1999 to 2007. Since my term of office expired, I have helped a number of establishments in West Michigan gain licenses or permits for their operations. Based in Holland, I am also an elected Allegan County Commissioner.

It is our intent to be present at the June 15 Council meeting to respond to questions. In the interim, if more information is requested, please do not hesitate to contact me at 616-848-9767 concerning the mechanics of liquor licensing in Michigan. Sara Rathbun can respond to your questions about the business use of the licenses. Sara's cell phone is 616-499-5628.

Thank you for your consideration of this request and your support for the Village Baker's growth.



Scholten Fant
Attorneys

Over 50 Years of Service

Robert E. Sullivan • rsullivan@scholtenfant.com • 616.842.3030 • Fax 616.846.6621
100 North Third Street, P.O. Box 454, Grand Haven, MI 49417
www.scholtenfant.com

May 13, 2015

Ms. Chris Burns
Village of Spring Lake
102 West Savidge Street
Spring Lake, Michigan 49456

Re: Freedom of Information Act (FOIA)

Dear Ms. Burns:

Enclosed you will find the following documents which we have reviewed and revised concerning the amendments to the Michigan Freedom of Information Act:

1. Freedom of Information Act Procedures & Guidelines; and
2. Written Public Summary of FOIA Procedures and Guidelines; and

In reviewing the documents, you will note that in the appeal provision we have replaced the language indicating that appeals would be filed with the Office of the Village President. Our recommendation is that the appeals would be reviewed by the Village Council after submission to the Office of the Village President.

In terms of the FOIA coordinator, we have retained the language indicating that the Village Attorney would serve as the Village coordinator. This may be a more involved position than you are seeking at this time. While certainly that is a function in which the Village Attorney could serve, it may be best to appoint a Village employee to be the FOIA coordinator and have that individual consult with the Village Attorney as necessary to fulfill their responsibilities. If you would like to revise this provision, please advise.

You will also note that we are enclosing a proposed Resolution pursuant to which the Village Council would adopt the FOIA Procedures and Guidelines as well as the Public Summary.

Finally, proposed forms were not included with the information which you forwarded to our office. We have prepared such forms for other municipalities. If you would like us to prepare those documents as well, please advise.

As always, your anticipated attention is appreciated.

Very truly yours

SCHOLTEN FANT

A handwritten signature in blue ink, appearing to read 'R. Sullivan', with a long horizontal flourish extending to the right.

Robert E. Sullivan

RES/kat
Enclosures

VILLAGE OF SPRING LAKE
OTTAWA COUNTY, MICHIGAN

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

RESOLUTION NO. 2015-10

**A RESOLUTION TO ADOPT THE VILLAGE OF SPRING LAKE
FOIA PROCEDURES AND GUIDELINES AND
THE PUBLIC SUMMARY**

WHEREAS, Public Act 563 of 2014 (the "Act"), which amends the FOIA, Public Act 442 of 1976, is effective as of July 1, 2015; and

WHEREAS, the Act will require public bodies to establish specific written procedures and guidelines for FOIA requests; and

WHEREAS, the Village Council has determined to adopt the FOIA Procedures and Guidelines and the Public Summary, attached as Exhibit A, to comply with the requirements of the Act and to provide the public with a written set of procedures governing FOIA requests made to the Township;

NOW, THEREFORE, the Village Council resolves that:

1. The Village of Spring Lake FOIA Procedures and Guidelines and the Public Summary, attached as Exhibit A, are adopted to be effective July 1, 2015.
2. The Village officials are authorized and directed to make the Village of Spring Lake FOIA Procedures and Guidelines and the Public Summary available to the public at the Village's offices and on the Village's website as provided in the Act.
3. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded, and any existing policy or guidelines regarding FOIA requests are superseded under this Resolution.

YES: _____

NO: _____

RESOLUTION DECLARED ADOPTED.

Dated: June 15, 2015

Marv Hinga, Clerk
Village of Spring

EXHIBIT A

VILLAGE OF SPRING LAKE
**FREEDOM OF INFORMATION ACT PROCEDURES &
GUIDELINES**

Preamble: Statement of Principles

It is the policy of the Village of Spring Lake that all persons, *except those who are incarcerated*, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The Village of Spring Lake's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The Village of Spring Lake acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The Village of Spring Lake acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

The Village of Spring Lake will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The Village of Spring Lake's policy is to disclose public records consistent with and in compliance with State law.

The Village Council has established the following written Procedures and Guidelines to implement the FOIA and will create a Written Public Summary of the specific Procedures and Guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written response, deposit requirements, fee calculations, and avenues for challenge and appeal. The Written Public Summary will be written in a manner to be easily understood by the general public.

Section 1: General Policies

The Village Council, acting pursuant to the authority at MCL 15.236, designates the Village Attorney as the FOIA Coordinator. He or she is authorized to designate other Village staff to act on his or her behalf to accept and process written requests for the Village's public records and approve denials.

If a request for a public record is received by facsimile or e-mail, the request is deemed to have been received on the following business day. If a request is sent by e-mail and delivered to a Village spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator shall review Village spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with Village Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect Village systems from computer attacks which may be imbedded in an electronic FOIA request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The Village is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other Village staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records received by the Village on file for a period of at least one year.

The Village will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the Village cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

A copy of this Procedures and Guidelines document and the Village's Written Public Summary must be publicly available by providing free copies both in the Village's response to a written request and upon request by visitors at the Village's office.

This Procedures and Guidelines document and the Village's Written Public Summary will be maintained on the Village's website at: www.springlakevillage.org, so a link to those documents will be provided in lieu of providing paper copies of those documents.

Section 2: Requesting a Public Record

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by Village of Spring Lake must do so in writing. The request must sufficiently describe a public record so as to enable Village personnel to identify and find the requested public record.

No specific form to submit a request for a public record is required. However, the FOIA Coordinator may adopt a FOIA Request Form and make it available at the Village office and on the Village's website for use by the public.

Written requests for public records may be submitted in person or by mail to any Village office. Requests may also be submitted electronically by facsimile and e-mail. To ensure a prompt response, the request should contain the term "FOIA REQUEST" on the first/cover page of the fax or as the subject line of the e-mail. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, electronically mailed or otherwise provided to him or her in lieu of paper copies. The Village will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by the Village of Spring Lake on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person who makes a verbal, non-written request for information believed to be available on the Village's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the request, within 5 business days of receipt of a FOIA request the Village will issue a response. If a request is received by facsimile, e-mail or other electronic transmission, the request is deemed to have been received on the following business day. The Village will respond to the request in one of the following ways:

- Grant the request;
- Issue a written notice denying the request;
- Grant the request in part and issue a written notice denying in part the request;
- Issue a notice indicating that due to the nature of the request the Village needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted; or
- Issue a written notice indicating that the public record requested is available at no charge on the Village's website.

When a Request is Granted:

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available. The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request. A copy of these Procedures and Guidelines and the Written Public Summary shall be provided to the requestor with the response to a written request for public records, provided however, that because these Procedures and Guidelines, and the Written Public Summary, are maintained on the Village's website at: www.springlakevillage.org, then a website link to those documents may be provided in lieu of providing paper copies.

If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If based on a good faith calculation by the Village, the cost of processing a FOIA request is expected to exceed \$50, or if the requestor has not fully paid for a previously granted request, the Village will require a good-faith deposit before processing the request. In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the Village to process the request and also provide a best efforts estimate of a time frame it will take the Village to provide the records to the requestor. The best efforts estimate shall be nonbinding on the Village, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

When a Request is Denied or Denied in Part:

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the Village; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and

- An explanation of the person's right to submit an appeal of the denial to either the Village Council through the office of the Village President, or seek judicial review in the Ottawa County Circuit Court; and
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court; and
- The Notice of Denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

Requests to Inspect Public Records:

The Village shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect Village records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal Village operations.

Request for Certified Copies:

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4: Fee Deposits

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation by the Village, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not fully paid the Village for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- The final fee for the prior written request is not more than 105% of the estimated fee;
- The public records made available contained the information sought in the prior written request and remain in the Village's possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by the Village to provide the records;
- Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
- the individual is unable to show proof of prior payment to the Village; and
- The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to the Village;
- The Village is subsequently paid in full for the applicable prior written request; or
- Three Hundred Sixty-five (365) days have passed since the person made the request for which full payment was not remitted to the Village.

Section 5: Calculation of Fees

A fee may be charged for labor cost associated with copying/duplication. A fee will **not** be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information **unless** failure to charge a fee would result in unreasonably high costs to the Village because of the nature of the request in the particular instance, and the Village specifically identifies the nature of the unreasonably high costs.

Costs for the search, examination review, and deletion and separation of exempt from nonexempt information are "unreasonably high" when they are excessive and beyond the normal or usual amount for those services (Attorney General Opinion 7083 of 2001) compared to the costs of the Village's usual FOIA requests, not compared to the Village's operating budget. (*Bloch v. Davison Community Schools*, Michigan Court of Appeals, Unpublished, April 26, 2011).

The following factors shall be used to determine an unreasonably high cost to the Village:

- Volume of the public record requested
- Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
- Whether public records from more than one Village department or various Village offices is necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The Michigan FOIA statute permits the Village to charge for the following costs associated with processing a FOIA request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the Village.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the Village.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the Village's website if the requestor asks for the Village to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requestor asks for records in non-paper physical media. This may include the cost for copies of records already on the Village's website if the requestor asks for the Village to make copies.
- The cost to mail or send a public record to a requestor.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid

Village employee capable of doing the work in the specific fee category, regardless of who actually performs work.

- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
- The Village may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs until agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the State minimum hourly wage).

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the Village has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- In order to ensure the integrity and security of the Village's technological infrastructure, the Village will procure any requested non-paper media and will not accept non-paper media from the requestor

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The Village may provide records using double-sided printing, if it is cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- The Village may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless specified by the requestor.

If the FOIA Coordinator does not respond to a written request in a timely manner, the following shall be required:

- Reduce the labor costs by 5% for each day the Village exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
 - The late response was willful and intentional;
 - The written request, within the first 250 words of the body of a letter facsimile, e-mail or e-mail attachment conveyed a request for information; or
 - The written request included the words, characters, or abbreviations for “freedom of information,” “information,” “FOIA,” “copy” or a recognizable misspelling of such, or legal code reference to MCL 15. 231 et seq or 1976 Public Act 442 on the front of an envelope or in the subject line of an e-mail, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form

Section 6: Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because such can be considered as primarily benefitting the general public. The Village Council may identify specific records or types of records it deems should be made available for no charge or at a reduced charge.

Section 7: Discounted Fees

The FOIA Coordinator will waive the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

Indigence:

- Indigent and receiving specific public assistance; or

- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigency.

An individual is not eligible to receive the waiver if:

- The requestor has previously received discounted copies of public records from the Village twice during the calendar year; or
- The requestor requests information in connection with other persons who are offering or providing payment to make the request.

An affidavit is a sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

Non-Profit Organization Advocating for Developmentally Disabled or Mentally Ill Individuals:

A nonprofit organization designated to by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, if the request meets all of the following requirements:

- Is made directly on behalf of the organization or its clients;
- Is made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Mental Health Code, MCL 330.1931;
- Is accompanied by documentation of its designation by the State.

Section 8: Appeal of a Denial of a Public Record

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the Village Council by filing an appeal of the denial with the Office of the Village President. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. The Village FOIA Appeal Form (To Appeal a Denial of Records), may be used.

The Village Council is not considered to have received a written appeal until the first regularly scheduled Village Council meeting following submission of the written appeal.

Within 10 business days of receiving the appeal the Village President will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial;
- Reversing the disclosure denial in part and upholding the disclosure denial in part; or
- Under unusual circumstances, issuing a notice extending for not more than 10 business days the period during which the Village Council shall respond to the written appeal. The Village Council may issue not more than 1 notice of extension for not more than 10 business days to respond to the appeal.

If the Village Council fails to respond to a written appeal, or if the Village Council upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Circuit Court.

Whether or not a requestor submitted an appeal of a denial to the Village Council, he or she may file a civil action in Ottawa County Circuit Court within 180 days after the Village's final determination to deny the request.

If a court that determines a public record is not exempt from disclosure, it shall order the Village to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or Village prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that the Village has arbitrarily and capriciously violated the Act by refusal or delay in disclosing or providing copies of a public record, the court shall order the Village to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the State Treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person

seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 8: Appeal of an Excessive FOIA Processing Fee

“Fee” means the total fee or any component of the total fee calculated under Section 4 of the FOIA, including any deposit. If a requestor believes that the fee charged by the Village to process a FOIA request exceeds the amount permitted by state law, he or she must first submit a written appeal for a fee reduction to the Village Council by submitting a written appeal for a fee reduction to the Office of the Village President. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The Village FOIA Appeal Form (To Appeal an Excess Fee) may be used. The Village Council is not considered to have received a written appeal until the first regularly scheduled Village Council meeting following submission of the written appeal

Within 10 business days after receiving the appeal, the Village President will respond in writing by:

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee, accompanied by a certification by the Village Council that the statements in the determination are accurate and the reduced fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA;
- Upholding the fee and issuing a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee, accompanied by a certification by the Village Council that the statements in the determination are accurate and the fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Village President will respond to the written appeal.

Within 45 days after receiving notice of the Village Council's determination of a fee appeal, a requestor may commence a civil action in Ottawa County Circuit Court for a fee reduction. If a civil action is filed appealing the fee, the Village is not obligated to process the request for the public record until the Court resolves the fee dispute.

An action shall not be filed in circuit court unless **one** of the following applies:

- The Village does not provide for appeals of fees;
- The Village Council fails to respond to a written appeal as required, or
- The Village Council issued a determination to a written appeal.

If a court determines that the Village required a fee that exceeds the amount permitted under its publicly available Procedures and Guidelines or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that the Village has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the Village to pay a civil fine of \$500.00, which shall be deposited in the general fund of the State Treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 10: Conflict with Prior FOIA Policies and Procedures; Effective Date

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by Village Council or the Village Administration these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the Village Council or the Village Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable

statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the Village Council or the Village Administration, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the Village Council of any change these Policies and Guidelines.

These FOIA Policies and Guidelines become effective July 1, 2015.

Section 11: Appendix of Village of Spring Lake FOIA Forms

- Request For Public Records Form
- Notice to Extend Response Time Form
- Notice of Denial Form
- Waiver of Fee Form
- Detailed Itemization of Fees Form
- Appeal of Denial of Records Form
- Certification Form
- Appeal of Excess Fee Form

VILLAGE OF SPRING LAKE WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES

**It is the public policy of this state that all persons
(except those persons incarcerated in state or local correctional facilities)
are entitled to full and complete information regarding the affairs of government
and
the official acts of those who represent them as public officials and public
employees.**

**The people shall be informed so that they may fully participate in the democratic
process.**

Consistent with Public Act 563 of 2014 amending the Michigan Freedom of Information Act (FOIA), the following is the Written Public Summary of the Village's FOIA Procedures and Guidelines relevant to the general public.

This is only a summary of the Village's FOIA Procedures and Guidelines. For more details and information, copies of the Village's FOIA Procedures and Guidelines are available at no charge at the Village Hall and on the Village's website: www.springlakevillage.org

1. How do I submit a FOIA request to the Village of Spring Lake?

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Village of Spring Lake must be submitted in writing.
- A request must sufficiently describe a public record so as to enable the Village to find it.
- No specific form to submit a written request is required. However, a FOIA request form for your use and convenience is available on the Village's website at www.springlakevillage.com.
- Written requests can be made in person by delivery to the Village office in person or by mail.
- Request can also be made by facsimile by calling 616-847-1393.
- A request may also be submitted by e-mail. To ensure a prompt response, e-mail requests should contain the term "FOIA" or "FOIA Request" on the subject line and be sent to Lori@springlakevillage.org.

Note: If you are serving a sentence of imprisonment in a local, state or federal correctional facility you are not entitled to submit a request for a public record.

2. What kind of response can I expect to my request?

- Within 5 business days of receipt of a FOIA request the Village will issue a response. If a request is received by facsimile or e-mail, the request is deemed to have been received on the following business day. The Village will respond to your request in one of the following ways:
 - Grant the request;
 - Issue written notice denying the request;
 - Grant the request in part and issue a written notice denying in part the request;
 - Issue a notice indicating that due to the nature of the request the Village needs an additional 10 business days to respond; or
 - Issue a written notice indicating that the public record requested is available at no charge on the Village's website.
- If the request is granted, or granted in part, the Village will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available. If the cost of processing the request is expected to exceed \$50.00, or if you have not paid for a previously granted request, the Village will require a deposit before processing the request.

3. What are the Village's fee deposit requirements?

- If the Village has made a good faith calculation that the total fee for processing the request will exceed \$50.00, the Village will require that you

provide a deposit in the amount of 50% of the total estimated fee. When the Village requests the deposit it will provide you a non-binding best efforts estimate of how long it will take to process the request following receipt by the Village of your deposit.

- If the Village receives a request from a person who has not paid the Village for copies of public records made in fulfillment of a previously granted written request, the Village will require a deposit of 100% of the estimated processing fee before it begins to search for the public records for any subsequent written request when all of the following conditions exist:
 - The final fee for the prior written request is not more than 105% of the estimated fee;
 - The public records made available contained the information sought in the prior written request and remain in the Village's possession;
 - The public records were made available to the individual, subject to payment, within the time frame estimated by the Village to provide the records;
 - 90 days have passed since the Village notified the individual in writing that the public records were available for pickup or mailing;
 - The individual is unable to show proof of prior payment to the Village; and
 - The Village has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The Village will not require the 100% estimated fee deposit if any of the following apply:
 - The person making the request is able to show proof of prior payment in full to the Village;
 - The Village is subsequently paid in full for all applicable prior written requests; or
 - 365 days have passed since the person made the request for which full payment was not remitted to the Village.

4. How does the Village calculate FOIA processing fees?

- A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the Village because of the nature of the request in the particular instance, and the Village specifically identifies the nature of the unreasonably high costs.
- The Michigan FOIA statute permits the Village to assess and collect a fee for six designated processing components. The Village may charge for the following costs associated with processing a request:
 - Labor costs associated with searching for, locating and examining a

requested public record.

- Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
 - The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media.
 - The cost of duplication or publication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the Village's website if you ask for the Village to make hard copies for you.
 - Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
 - The cost to mail or send a public record to a requestor.
- Labor Costs.
- All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
 - Labor costs will be charged at the hourly wage of the lowest-paid Village employee capable of doing the work in the specific fee category, regardless of who actually performs work.
 - Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The Village may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits; but in no case may it exceed the actual cost of fringe benefits.
 - Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit costs.
- Copying and Duplication.
- The Village must use the most economical method for making copies of public records, including using double sided printing, if cost-saving and available.
- Non-Paper Physical Media.
- The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
 - This cost will only be assessed if the Village has the technological capability necessary to provide the public record in the requested non-paper physical media format.

- Paper Copies.
 - Paper copies of public records made on standard letter (8-1/2 x 11) or legal (8-1/2 x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- Mailing Costs.
 - The cost to mail public records will use a reasonably economical and justified means.
 - The Village may charge for the least expensive form of postal delivery confirmation.
 - No cost will be made for expedited shipping or insurance unless you request it.

5. How do I qualify for a reduction of the processing fees?

- The Village may waive or reduce the fee associated with a request when Village determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.
- The Village will waive the first \$20.00 of the processing fee for a request if you submit an affidavit stating that you are:
 - Indigent and receiving specific public assistance; or
 - If not receiving public assistance, stating facts demonstrating an inability to pay because of indigency.
- You are not eligible to receive the \$20.00 waiver if you:
 - Have previously received discounted copies of public records from the Village twice during the calendar year; or
 - Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.
- An affidavit is a sworn statement. For your convenience, the Village has provided an Affidavit of Indigency form for the waiver of FOIA fees on its website.
- The Village will waive the fee for a nonprofit organization which meets all of the following conditions:
 - The organization is designated by the State under federal law to carry out activities under Subtitle C the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals With Mental Illness, Act

Public Law 99-319;

- The request is made directly on behalf of the organization or its clients;
- The request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code; and
- The request is accompanied by documentation of the organization's designation by the State, if requested by the public body.

6. How may I challenge the denial of a public records or an excessive fee?

NOTE: THE VILLAGE COUNCIL IS NOT CONSIDERED TO HAVE RECEIVED A WRITTEN APPEAL UNTIL THE FIRST REGULARLY SCHEDULED VILLAGE COUNCIL MEETING AFTER SUBMISSION OF THE WRITTEN APPEAL.

○ Appeal of a Denial of Public Record

If you believe that all or a portion of public records has not been disclosed or has been improperly exempted from disclosure; you may appeal to the Village Council by filing a written appeal of the denial with the Office of the Village President. The appeal must be in writing, specifically state the word "appeal," and identify the reason or reasons you are seeking a reversal of the denial. You may use the Village FOIA Appeal Form (To Appeal a Denial of Records) which is available on the Village's website.

Within 10 business days of receiving the appeal the Village Council will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not the requestor submitted an appeal of a denial to the Village Council, the requestor may file a civil action in Ottawa County Circuit Court within 180 days after the Village's final determination to deny your request. Should you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that the Village acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.00.

○ Appeal of an Excessive FOIA Processing Fee

If you believe that the fee charged by the Village to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the Village Council by filing a written appeal for a fee reduction to the Office of the Village President. The appeal must be in writing, specifically

state the word “appeal” and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal, the Village Council will respond in writing by:

- Waiving the fee;
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Village Council will respond to the written appeal.

Within 45 days after receiving notice of the Village Council's determination of the processing fee appeal, the requestor may commence a civil action in Ottawa County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that the Village acted arbitrarily and capriciously by charging an excessive fee, the court may also award the requestor punitive damages in the amount of \$500.00.

7. Need more details or information?

This is only a summary of the Village of Spring Lake's FOIA Procedures and Guidelines. For more details and information, copies of the Village of Spring Lake's FOIA Procedures and Guidelines are available at no charge at any Village office and on the Village's website, www.springlakevillage.org.

Records Located on Website

If the Village directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (*separate exempt information from nonexempt information*).

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the Village must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the Village must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If the Village has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the Village must provide the public records in the specified format (if the Village has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

Request for Copies/Duplication of Records on Village Website

I hereby stipulate that, even if some or all of the records are located on a Village website, I am requesting that the Village make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

Requestor's Signature

Date

Overtime Labor Costs

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

Consent to Overtime Labor Costs

I hereby agree and stipulate to the Village using overtime wages in calculating the following labor costs as itemized in the following categories:

- 1. Labor to copy/duplicate
- 2. Labor to locate
- 3a. Labor to redact
- 3b. Contract labor to redact
- 6b. Labor to copy/duplicate records already on Village's website

Requestor's Signature

Date

Request for Discount: Indigence

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year,
- (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

Office Use: Affidavit Received Eligible for Discount Ineligible for Discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:

Date:

Requestor's Signature:

Request for Discount: Nonprofit Organization

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by the Village.

Office Use: Documentation of State Designation Received Eligible for Discount Ineligible for Discount

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931:

Date:

Requestor's Signature:

Village: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Village of Spring Lake, Ottawa County
102 West Savidge Street
Spring Lake, MI 49456
Phone: (616) 842-1393

Denial Form

Notice of Denial of FOIA Request
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ **Date Received:** _____ Check if received via: Email Fax Other Electronic Method
Date of This Notice: _____ **Date delivered to junk/spam folder:** _____
(Please Print or Type) **Date discovered in junk/spam folder:** _____

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

Request for: Copy Certified copy Record inspection Subscription to record issued on regular basis

Delivery Method: Will pick up Will make own copies onsite Mail to address above Email to address above
 Deliver on digital media provided by the Village: _____

Record(s) You Requested: *(Listed here or see attached copy of original request)* _____

All OR **Part** of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact _____ at _____

Reason for Denial:

1. Exempt from Disclosure: This item is exempt from disclosure under FOIA Section 13, Subsection _____ *(insert number)*, because: _____

2. Record Does Not Exist: This item does not exist under the name provided in your request or by another name reasonably known to the Village. A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record: _____

3. Redaction: A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection _____ *(insert number)*, because: _____

A brief description of the information that had to be separated or deleted: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the Village Council or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the Village has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. *(See back of this form for additional information on your rights.)*

Signature of FOIA Coordinator: _____

Date: _____

FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A Council or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that Council or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

Village: Keep original and provide copy, along with Public Summary, to requestor at no charge.

Village of Spring Lake, Ottawa County
102 West Savidge Street
Spring Lake, MI 49456
Phone: (616) 842-1393

Extension Form

Notice to Extend Response Time for FOIA Request
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ **Date Received:** _____ **Check if received via:** Email Fax Other Electronic Method
Date of This Notice: _____ **Date delivered to junk/spam folder:** _____
(Please Print or Type) **Date discovered in junk/spam folder:** _____

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

Request for: Copy Certified copy Record inspection Subscription to record issued on regular basis
Delivery Method: Will pick up Will make own copies onsite Mail to address above Email to address above
 Deliver on digital media provided by the Village: _____

Record(s) You Requested: (Listed here or see attached copy of original request) _____

We are extending the date to respond to your FOIA request for no more than 10 business days, until _____ (month, day, year).
Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact _____ at _____

Estimated Time Frame to Provide Records: _____ (days or date)
The time frame estimate is nonbinding upon the Village, but the Village is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

Reason for Extension:

1. The Village needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the Village must:

2. The Village needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the Village office. Specifically, the Village must coordinate documents from the following locations:

3. Other (describe): _____

Signature of FOIA Coordinator:	Date:
---------------------------------------	--------------

Village: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Village of Spring Lake, Ottawa County
102 West Savidge Street
Spring Lake, MI 49456
Phone: (616) 842-1393

Denial Appeal Form

FOIA Appeal Form—To Appeal a Denial of Records

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ Date Received: _____ Check if received via: Email Fax Other Electronic Method
Date of This Notice: _____ Date delivered to junk/spam folder: _____
(Please Print or Type) Date discovered in junk/spam folder: _____

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

Request for: Copy Certified copy Record inspection Subscription to record issued on regular basis
Delivery Method: Will pick up Will make own copies onsite Mail to address above Email to address above
 Deliver on digital media provided by the Village: _____

Record(s) You Requested: (Listed here or see attached copy of original request) _____

Reason(s) for Appeal:

The appeal must specifically identify the reasons for reversal of the denial of records. You may use this form or attach additional sheets:

Requestor's Signature: _____ Date: _____

Village Response:

The Village must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

Village Extension: We are extending the date to respond to your FOIA denial of records appeal for no more than 10 business days, until _____ (month, day, year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: Village of Spring Lake FOIA Coordinator.

Village Determination:

Denial Reversed Denial Upheld Denial Reversed in Part and Upheld in Part

The following previously denied records will be released: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the Village Council or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the Village has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: _____

Date: _____

FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A Council or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that Council or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015.

Village: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Village of Spring Lake, Ottawa County
102 West Savidge Street
Spring Lake, MI 49456
Phone: (616) 842-1393

Fee Appeal Form

FOIA Appeal Form—To Appeal an Excess Fee
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: _____ Date Received: _____ Check if received via: Email Fax Other Electronic Method
Date of This Notice: _____ Date delivered to junk/spam folder: _____
(Please Print or Type) Date discovered in junk/spam folder: _____

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

Request for: Copy Certified copy Record inspection Subscription to record issued on regular basis
Delivery Method: Will pick up Will make own copies onsite Mail to address above Email to address above
 Deliver on digital media provided by the Village: _____

Record(s) You Requested: (Listed here or see attached copy of original request) _____

Reason(s) for Appeal:

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:

Requestor's Signature: _____ Date: _____

Village Response:

The Village must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

Village Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until _____
(month, day, year). Only one extension may be taken per FOIA appeal.
Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: **Village of Spring Lake Supervisor**.

Village Determination: Fee Waived Fee Reduced Fee Upheld

Written basis for Village determination: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the Village's written Procedures and Guidelines to the Village Council or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the Village Council. If a civil action is commenced in court, the Village is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the Village required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: _____

Date: _____

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240a.added Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.

Sec. 10a.

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A Council or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that Council or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

History: Add. 2014, Act 563, Eff. July 1, 2015

Village: Keep original and provide copies of both sides of each sheet, along with Public Summary, to requestor at no charge.

Village of Spring Lake, Ottawa County
 102 West Savidge Street
 Spring Lake, MI 49456
 Phone: (616) 842-1393

Detailed Cost Itemization

Freedom of Information Act Request Detailed Cost Itemization

Date: _____ Prepared for Request No.: _____ Date Request Received: _____

<p>The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the Village's FOIA Policies and Guidelines.</p>			
<p>1. Labor Cost for Copying / Duplication</p> <p>This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.</p> <p>This shall not be more than the hourly wage of the Village's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in _____-minute time increments as set by the Village Council (for example: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.</p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____ OR Hourly Wage with Fringe Benefit Cost: \$ _____ OR Multiply the hourly wage by the percentage multiplier: _____% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate. Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:</p> <p>Number of increments</p> <p>x _____ = _____</p>	<p>1. Labor Cost</p> <p>\$ _____</p>	
<p>2. Labor Cost to Locate:</p> <p>This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the Village that are excessive and beyond the normal or usual amount for those services compared to the Village's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____</p> <hr/> <p>The Village will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in _____-minute time increments (must be 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.</p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____ OR Hourly Wage with Fringe Benefit Cost: \$ _____ OR Multiply the hourly wage by the percentage multiplier: _____% (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate. Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:</p> <p>Number of increments</p> <p>x _____ = _____</p>	<p>2. Labor Cost</p> <p>\$ _____</p>	

3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a Village employee. If contracted, use No. 3b instead).

The Village will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the Village that are excessive and beyond the normal or usual amount for those services compared to the Village's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

This is the cost of labor of a **Village employee**, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the **Village's lowest-paid employee** capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in _____-minute time increments (*must be 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ _____

Charge per increment: \$ _____

OR

Hourly Wage with Fringe Benefit Cost: \$ _____
 Multiply the hourly wage by the percentage multiplier: _____%
 (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

OR

Charge per increment: \$ _____

Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the *number of minutes*:
 _____, divide by _____-minute increments, and round down.
 Enter below:

Number of increments

3a. Labor Cost

x _____ = \$ _____

3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)

The Village will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the Village that are excessive and beyond the normal or usual amount for those services compared to the Village's usual FOIA requests, because of the nature of the request in this particular instance, specifically: _____

As this Village does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of _____ (*currently \$8.15*).

Name of contracted person or firm: _____

These costs will be estimated and charged in _____-minute time increments (*must be 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Cost Charged: \$ _____

Charge per increment: \$ _____

To figure the number of increments, take the *number of minutes*:
 _____, divide by _____-minute increments, and round down to:
 _____ increments.
 Enter below:

Number of increments

3b. Labor Cost

x _____ = \$ _____

4. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): _____ cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): _____ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): _____ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- **Circle applicable:** Disc / Tape / Drive / Other Digital Medium Cost per Item: _____

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed** 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A Village must utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

Number of Sheets:

x _____ = \$ _____
 x _____ = \$ _____

Costs:

x _____ = \$ _____

No. of Items:

x _____ = \$ _____

4. Total Copy Cost

\$ _____

5. Mailing Cost:

The Village will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The Village **may** charge for the least expensive form of postal delivery confirmation.
- The Village **cannot** charge more for expedited shipping or insurance unless specifically requested by the requestor.*

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp
 \$ _____ per pound
 \$ _____ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

*Expedited Shipping or Insurance as Requested: \$ _____

Number of Envelopes or Packages:

x _____ = \$ _____
 x _____ = \$ _____

Costs:

5. Total Mailing Cost

\$ _____

* Requestor has requested expedited shipping or insurance

6a. Copying/Duplicating Cost for Records Already on Village's Website:

If the public body has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the Village will provide the public records in the specified format and may charge copying costs to provide those copies.

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): _____ cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): _____ cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): _____ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- **Circle applicable:** Disc / Tape / Drive / Other Digital Medium Cost per Item: _____

Requestor has stipulated that some / all of the requested records that are already available on the Village's website be provided in a paper or non-paper physical digital medium.

Number of Sheets:	Costs:
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
No. of Items:	
x _____ =	\$ _____
	6a. Web Copy Cost
	\$ _____

6b. Labor Cost for Copying/Duplicating Records Already on Village's Website:

This shall not be more than the hourly wage of the Village's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in _____-minute time increments (i.e.: 15-minutes or more); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ _____	Charge per increment: \$ _____
OR	OR
Hourly Wage with Fringe Benefit Cost: \$ _____	Charge per increment: \$ _____
Multiply the hourly wage by the percentage multiplier: _____%	
and add to the hourly wage for a total per hour rate.	
The Village may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.	

Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:

Number of increments	6b. Web Labor Cost
x _____ =	\$ _____

6c. Mailing Cost for Records Already on Village's Website:

Actual Cost of Envelope or Packaging: \$ _____
Actual Cost of Postage: \$ _____ per stamp / per pound / per package
Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____
*Expedited Shipping or Insurance as Requested: \$ _____

* Requestor has requested expedited shipping or insurance

Number:	Costs:
x _____ =	\$ _____
	6c. Web Mailing Cost
	\$ _____

Subtotal Fees Before Waivers, Discounts or Deposits:

- Cost estimate
- Bill

- 1. Labor Cost for Copying: \$ _____
- 2. Labor Cost to Locate: \$ _____
- 3a. Labor Cost to Redact: \$ _____
- 3b. Contract Labor Cost to Redact: \$ _____
- 4. Copying/Duplication Cost: \$ _____
- 5. Mailing Cost: \$ _____
- 6a. Copying/Duplication of Records on Website: \$ _____
- 6b. Labor Cost for Copying Records on Website: \$ _____
- 6c. Mailing Costs for Records on Website: \$ _____

Subtotal Fees: \$ _____

Estimated Time Frame to Provide Records:

_____ (days or date)

The time frame estimate is nonbinding upon the Village, but the Village is providing the estimate in good faith. Providing an estimated time frame does not relieve the Village from any of the other requirements of this act.

Waiver: Public Interest

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the Village determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

- All fees are waived **OR** All fees are reduced by: _____%

Subtotal Fees After Waiver: \$ _____

Discount: Indigence

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, **OR**
- (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

- Eligible for Indigence Discount

Subtotal Fees After Discount (subtract \$20): \$ _____

Discount: Nonprofit Organization

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by the Village.

- Eligible for Nonprofit Discount

Subtotal Fees After Discount (subtract \$20): \$ _____

<p>Deposit: Good Faith The Village may require a good-faith deposit before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. Percent of Deposit: _____%</p>	<p>Date Paid: _____</p>	<p>Deposit Amount Required: \$ _____</p>
<p>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full After a Village has granted and fulfilled a written request from an individual under this act, if the Village has not been paid in full the total amount of fees for the copies of public records that the Village made available to the individual as a result of that written request, the Village may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:</p> <p>(a) The final fee for the prior written request was not more than 105% of the estimated fee. (b) The public records made available contained the information being sought in the prior written request and are still in the Village's possession. (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request. (d) Ninety (90) days have passed since the Village notified the individual in writing that the public records were available for pickup or mailing. (e) The individual is unable to show proof of prior payment to the Village. (f) The Village calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.</p> <p>A Village can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <p>(a) The individual is able to show proof of prior payment in full to the Village, OR (b) The Village is subsequently paid in full for the applicable prior written request, OR (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the Village.</p>	<p>Date Paid: _____</p>	<p>Percent Deposit Required: _____%</p> <p>Deposit Required: \$ _____</p>
<p>Late Response Labor Costs Reduction If the Village does not respond to a written request in a timely manner as required under MCL 15.235(2), the Village must do the following:</p> <p>(a) Reduce the charges for labor costs otherwise permitted by 5% for each day the Village exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies:</p> <p>(i) The late response was willful and intentional, OR</p> <p>(ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.</p>	<p>Number of Days Over Required Response Time: _____</p> <p>Multiply by 5% = Total Percent Reduction: _____</p>	<p>Total Labor Costs \$ _____</p> <p>Minus Reduction \$ _____</p> <p>= Reduced Total Labor Costs \$ _____</p>
<p>The Public Summary of the Village's FOIA Procedures and Guidelines is available free of charge from: Website: _____ Email: _____ Phone: _____ Address: _____</p> <p style="text-align: center;">Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed</p>	<p>Date Paid: _____</p>	<p>Total Balance Due: \$ _____</p>

TO: Village Staff
FROM: Ryan Cotton
DATE: November 10, 2005
SUBJECT: PURCHASING PROCEDURES

On June 7, 2004, the Spring Lake Village Council adopted the enclosed purchasing procedures. Please review them carefully and follow them when making purchases.

Please make sure that your department personnel also understand the new procedure.

Please let me know if you have any questions.

PURCHASING GUIDELINES

All materials purchased in excess of \$500 and not purchased at a qualified vendor, designated below, are required to have an official purchase order created and should conform to the following guidelines:

1. An official request for material shall be created by the supervisor or department director detailing the vendor, date, department, purchase order description, quantity, item description, unit price, accounts to be charged, and account numbers to be charged in advance of purchase or repairs. The request for material shall be signed by the department director or supervisor. If the item to be purchased exceeds a value of \$200, the department shall request quotes from item vendors, via telephone or mail, prior to submitting a request for materials.

If the item is expected to cost more than \$2,000, formal written quotes should be secured from the vendor and a requested purchase order written. Purchases or more than \$2,000, but less than \$5,000, may require Village Council approval.

If the cost of the item is expected to exceed \$5,000, a formal bid specification shall be written and a bid shall be formally advertised and opened. Purchases of more than \$5,000 shall be approved by the Village Council. The formal bid process shall comply with the Villages Competitive Bidding Policy, as adopted and amended from time to time by the Village Council. ~~Said Policy is included as Exhibit A to this Policy and is incorporated herein by reference.~~

2. The supervisor or department director shall review the Accounts Payable system for available funds and forward the purchase order to the Village Manager or forward the completed request for material to the Village Clerk-Treasurer to do so. If so, the Village Clerk-Treasurer shall forward the request for material to the Village Manager for authorization and advise him/her of the funds available.
3. Once the purchase order is authorized by the Village Manager's signature, the request for material or repairs shall be returned to the Village Clerk-Treasurer. The funds shall be thereby encumbered.
4. Once the Village Manager signed the purchase order, the purchase of the material may be made.
5. No request for material is necessary for purchases that do not require individual purchase orders. All purchases which do not require purchase orders must be made with the following local qualified vendors who have been extended blanket purchase orders:

Purchasing Guidelines

Page 2 of 2

Bilz Plumbing & Heating
Rite-Aid Pharmacy
Meijer, Inc.
Northern Lighting
Lakeside Auto
Tire City
Haven Motors
Tri-City Automobile
Rycenga Lumber
Port City Paints
Village Hardware
D. Baker & Sons Lumber
Robbins Road Hardware
Southtown Car Wash
Wesco
Shell Super Mart
Citgo
Spring Lake Schools
De Lass Farm Market
Sevens Paint Store
Frame & Mat Shop
Crouse Supply
Verplanks
Orchard Market
Ship and Shop
Menard's
Leppinks
Ace Hardware

Additional vendors may be added to this list from time to time by action of the Village Manager.

6. Staff members and department directors are responsible for keeping records of purchases (by retaining receipts) from qualified vendors. Receipts for purchases should be accumulated for each vendor and submitted to the Village Clerk-Treasurer as soon as possible. These purchases will be audited by the Village Clerk-Treasurer.
7. To the extent possible, purchases requiring Village Council approval shall be addressed during budget preparation, or as may be deemed necessary by the Village Council or Village Manager as budget amendments.
8. These purchasing policies may be waived in the case of a bona-fide emergency by decision of the Village Manager. If an emergency waiver is granted for an item exceeding \$5,000 in cost, subsequent ratification of the emergency action by the Village Council will be required.

Exhibit A

1/10/94

EXCERPT OF MINUTES

At a regular meeting of the Village Council of the Village of Spring Lake held at the Village Hall at 102 West Savidge Street, Spring Lake, Michigan, at 7:30 o'clock p.m. on the 17th. day of January, 1994.

PRESENT: Verplank, Fischer, Donner, Ruiter, Fonte

ABSENT: MacLachlan, Bolthouse

After certain other items of business were concluded, the President stated the next order of business was the consideration of a resolution adopting a Village Competitive Bidding Policy. After discussion, the following resolution was offered by Donner and supported by Fonte:

RESOLUTION

WHEREAS, the Village desires to adopt a Competitive Bidding Policy in accordance with the requirements of Public Acts 167 and 168 of the Michigan Public Acts of 1993, as amended; and

WHEREAS, a proposed Competitive Bidding Policy has been submitted to the Village Council and reviewed carefully by the Village Council at this meeting.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Competitive Bidding Policy presented to and reviewed by the Village Council at this meeting and attached to this Resolution as Exhibit A is hereby adopted. This Policy shall become effective as of the date on which this Resolution is adopted.

2. That all resolutions in conflict herewith in whole or in part are hereby revoked to the extent of such conflict.

YES: Donner, Fischer, Fonte, Ruitter, Verplank

NO: None

RESOLUTION DECLARED ADOPTED.

Date: January 17, 1994


Village Clerk

CERTIFICATE

I, the undersigned, the duly qualified and acting Village Clerk of the Village of Spring Lake, Ottawa County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the Village Council at a regular meeting of the Village Council held on the 17th. day of January, 1994. I do further hereby certify that public notice of said meeting was given pursuant to and in full compliance with Michigan Act 267 of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

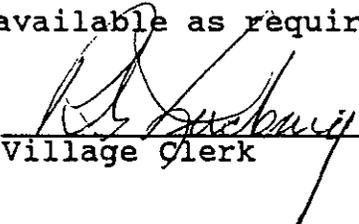

Village Clerk

EXHIBIT A

Draft as of
1/10/94

**VILLAGE OF SPRING LAKE
COMPETITIVE BIDDING POLICY**

A policy to require and specify procedures for sealed competitive bidding for any Village contract of more than Five Thousand and no/100 (\$5,000.00) Dollars; and to provide for exceptions to the competitive bidding requirement.

Section 1. PURPOSE. The Village Council of the Village of Spring Lake ("Village Council") hereby determines that competitive sealed bidding shall be required for all contracts in excess of Five Thousand and no/100 (\$5,000.00) Dollars, in order to comply with Public Acts 167 and 168 of the Michigan ~~Public Acts~~ of 1993, as amended, and to ensure the efficient awarding of these contracts.

Section 2. PURCHASES ON COMPETITIVE SEALED BIDDING. For any purchase of goods or services involving an anticipated expenditure of more than Five Thousand and no/100 (\$5,000.00) Dollars, competitive sealed bids shall be solicited. Bids may be solicited through advertising in one or more appropriate publications and/or mailing or delivering the request for bids to potential responsible bidders known to the Village of Spring Lake, Ottawa County, Michigan ("Village").

Section 3. REQUEST SOLICITING BIDS. The request for sealed bids shall specify the place where the bids shall be

received, the date and time of opening the bids received, the final date and time for submission of sealed bids and the address to which the sealed bids are to be submitted. All requests shall also include a description of the services, materials and/or supplies to be purchased and whether performance and/or payment bonds are requested, and shall also request such information concerning the bidder as may be appropriate. The Village shall have the right, and each request for bids shall state that the Village reserves the right, to accept or reject any or all bids, to negotiate with any bidder, to waive any informality or errors in the bidding process and to accept any bid deemed to be in the best interest of the Village, including a bid that is not the low bid.

Section 4. BIDS. Each bid shall be in writing. Each bid shall be signed by the bidder and shall contain the full name of any person or company interested therein. Each bid shall be marked on the outside "sealed bid for (description of goods or services)."

Section 5. OPENING OF BIDS. At the time and place prescribed in the request for opening bids, an authorized Village official shall publicly open all bids and publicly read each bid. Any interested party may be present for the bid opening.

Section 6. AWARDING CONTRACTS. All purchases shall be made in compliance with the Village's Purchasing Guidelines, as adopted and amended from time to time by the Village Council. The Village shall award the contract in a timely manner and shall then

notify all bidders concerning the award. In considering the award of a contract, all pertinent information shall be considered, including without limitation all of the following:

- a. Cost;
- b. Reliability and quality of goods or services;
- c. Timeliness of delivery of goods or services;
- d. Ability of bidder to supply the goods or services;
- e. Experience, reputation and efficiency of the bidder;
- f. Ability to provide future maintenance and service;
- g. Warranties; and
- h. Conditions attached to bid.

Section 7. EXCEPTIONS. Competitive sealed bids shall not be required pursuant to this Policy for contracts for professional services, necessary emergency repairs, intergovernmental contracts or the following services: all kinds and types of insurance.

Section 8. EFFECTIVE DATE. This Policy shall be effective January 18, 1994.

R\2458

Village of Spring Lake
Purchasing Policy
(Adopted by Resolution 2015-12)

Section 1. Introduction & Purpose

This Policy shall provide the general framework for purchasing and sale of materials, supplies, equipment and property of the Village of Spring Lake (hereafter referred to as the "Village"). The designated officer responsible for serving as the Purchasing Agent is the Village Manager or his/her designee. The Spring Lake Village Council (hereafter referred to as the "Council") may establish by Resolution the detailed purchasing procedures of the Village. By adoption of this Purchasing Policy (hereafter referred to as the "Policy"), the Council has determined that the best interests of the citizens of the Village are served by enactment of this Policy. Future amendments of this Policy may be accomplished by Council action, which shall be provided by a formal resolution amending this Policy. This Policy, together with any amendments, shall be kept by the Village Clerk/Treasurer as the official Purchasing Policy of the Village.

The following Policy represents the standard purchasing procedure for the Village and is intended to serve as a basic reference document for department heads and staff involved in purchasing and sale of materials, supplies, equipment and property; and the retaining of professional services.

Section 2. Purchasing Agent.

The Village Council may designate one of the administrative officers of the Village as the Purchasing Agent, and that individual shall be responsible for the purchase and sale of all Village property. The Council may authorize the making of public improvements or the performance of any other Village work by a Village agency without competitive bidding. The Council may establish detailed purchasing, sale and contract procedures by ordinance or resolution.

It shall be the duty of the Village Manager to establish and maintain a central purchasing service for the Village with the Village Manager or their authorized representative being designated as the Purchasing Agent for the Village.

Section 3. General Provisions

- A. Conformance with Policy: All purchases for the Village shall be made in accordance with this Policy and shall be made through the Purchasing Agent.
- B. Sale of Surplus Village Property. The Purchasing Agent is authorized to sell supplies or equipment which have become unsuitable for Village use by reason of obsolescence, or other reasons, or may exchange the same for, or trade in the same on, new supplies or equipment. Surplus supplies or equipment shall be sold on a competitive basis to the highest bidder if the estimated value of each item exceeds \$500 and in a manner prescribed by Council if less than \$500.
- C. Purchase of Used Equipment. In the event that the Village's needs can be met through the

purchase of used equipment, the Purchasing Agent shall make every effort to obtain comparable costs to submit to the Council, along with a statement justifying the purchase.

D. Exceptions - Emergency Purchases. In the event of an emergency or such extenuating circumstances wherein time is of the immediate essence, the Village Manager is authorized to make purchases of such supplies, materials, equipment, or contractual services which in their discretion is deemed necessary to protect the public health, safety and welfare of the community, without complying with the bidding procedures outlined in this Policy. In the event of such emergency purchase, the Village Manager shall report the details of the purchase to the Council at its next regular meeting.

E. Professional Services. Professional services such as those provided by architects, engineers, accountants, consultants, appraisers, attorneys and risk management auditors, which are expected to exceed \$500, shall be secured through an evaluation and negotiation process administered by the Village Manager, with the assistance of a Committee (to include representation from the Council, the Finance Director/Clerk/Treasurer, a Department Head, and the Village Manager). This process will be initiated by the preparation of a "Request for Proposals" and distribution to appropriate individuals, companies, and corporations, allowing adequate public notice with sufficient time prior to the date set for submission of proposals. The "Request for Proposals" should include the following:

- A full description of the service to be contracted;
- The specific criteria that will be used in evaluating proposals;
- Other such pertinent information such as delivery dates or time frame within which the proposed work must be completed; and
- Responsible Village personnel who are available to answer questions and to whom the proposals should be addressed.
- A statement indicating that the Village reserves the right to reject any and all bids, to waive irregularities and nonconformities in bids, to accept and reject bids based on what the Village Council deems is in the best interests of the Village, to negotiate with the selected bidder, and to make the bid award as the Village Council deems is in the best interests of the Village.

Note: a. If the professional services desired are for a board of the Village Council, i.e. Planning Commission, DDA, etc. the Council representation on the Committee will be replaced in total or in part by representation from the respective board membership. b. Professional services retained in this section may be for a specific project, with a specific anticipated time line, or general services for an unspecified length of time. c. Nothing in this section shall address selecting a Village Attorney by the Council, who's selection shall be at the sole discretion of the Council, under the guidelines of the Village Charter; and under terms and conditions determined by the Council to be in the best interests of the Village.

Section 4. Purchasing Guidelines

- A. **General Guidelines.** The expected cost of a purchase shall determine which procedures are required, as detailed below. If the bids or quotes obtained fall into a higher classification than expected, the procedures must be followed for the higher classification.

0-\$100

Petty Cash with receipt

0-\$500

Commercial Accounts with local vendors. Accounts established by the Finance Director with authorized staff signatories.

\$100 - \$5,000

No formal request for written quotations required. Every effort to obtain best price will be made. Finance Director or Village Manager approval required.

Greater than \$5,000 - \$10,000

Three (3) written quotations required. Village Manager and Council approval required.

Greater than \$10,000

Purchase order required. All purchases shall be by competitive bidding. After advertisement in a local newspaper of general circulation and/or regional construction RFP/RFQ listings such as Builders Exchange, with the sealed bids received by and opened in public under the control and oversight of the Village Clerk/Treasurer, or the deputy of either. The Village Manager shall prepare a report and recommendation to the Council with regard to the bids received. Council approval required.

- B. **Contracts With Other Governmental Units.** The provisions of this Policy relating to contracting shall not relate to contracts with other governmental units, which contracts are subject to approval by the Council at any regular or special meeting.
- C. **Blanket Purchases.** For recurring purchases costing more than \$1,000 but less than \$5,000, blanket purchase orders must originally be submitted to Council under the Purchasing Guidelines. Blanket purchase orders are valid for not more than three years from the date of Council approval.
- D. **Evaluation of Bids on Total Cost: Acquisition Cost Basis.** In cases where bids are solicited for materials, supplies, or services, the award by the Council may be based on evaluation of the total cost to the Village considering the purchase price and the projected lifetime operation (life cycle analysis). The bid invitation shall state that the total cost criteria may

be used to evaluate bids.

- E. Noncompetitive Negotiation. Contracts or agreements in excess of \$5,001 may be made by noncompetitive negotiation only when competition is not suitable, as determined by the Council, following consideration of a recommendation from the Village Manager.
- F. Request for Proposals.
1. When in the judgment of the Village Manager, the specifications are varied on the type of material, supply or equipment acceptable to the Village, the Village Manager is authorized to seek proposals by written request to two or more vendors requesting they submit sealed proposals which will include bid price and the specifications of their product.
 2. While advertisement in the newspaper is not required in seeking proposals, the Village Manager may place the advertisement in a local newspaper of general circulation or in a regional construction RFP/RFQ listing such as Builders Exchange if there are three or more vendors within the area of the newspaper distribution who would be qualified to submit a sealed proposal.
 3. The procedures for accepting proposals under this section shall follow the guidelines as established herein (bidding procedures) except that the Council will evaluate the specifications and quality equally with price.
- G. Limited Suppliers. When in the judgment of the Village Manager there are two or less suppliers of an item to be purchased in the area of the general distribution of the newspaper, the request for bids may be made by letter to the suppliers. All other requirements of the bidding procedure shall remain the same.
- H. State of Michigan MiDeal Purchases. The Village Manager is authorized to purchase from the State of Michigan budgeted items or supplies that have been placed out for competitive bid by the state and contracts awarded and said items and prices then extended to the units of government within the state under an extended purchase program. Items and supplies purchased in this manner are an exception to this Policy.
- I. Ottawa County Reverse Auction Purchase: The Village Manager is authorized to purchase from the Ottawa County Reverse Auction budgeted items or supplies that have been placed out for competitive bid by the county and contracts awarded and said items and prices then extended to the units of government within the county under an extended purchase program. Items and supplies purchased in this manner are an exception to this Policy.
- J. Additions to Construction Contracts. Should the Council determine that additional construction needs to be undertaken as part of, or in conjunction with an already awarded construction contract, it may authorize a contract or change order for such additional work with the original contractor, and without the necessity of putting the additional work out for competitive bidding, if:

- The price of the additional work does not exceed 25% of the original contract price;
- The Village Manager has certified their opinion to the Council that it is not economically feasible for another contractor to undertake such additional work because of the cost or set-up or because of the cost of work which would have to be duplicated by such other contractor; or
- The Public Works Director and/or the Project Engineer retained by the Village to design such additional work, have certified their opinions to the Council that the price offered by the original contractor for doing the additional work is a fair price, considering the cost of materials and labor on the present market, and that such price gives the Village the benefit of savings which the contractor will realize as a result of doing the work in conjunction with the original contract work.

K. Additional Purchases After Competitive Bids. The Village may purchase materials, supplies or services which are substantially identical to those previously purchased by the Village after complying with the terms of this policy and without obtaining new competitive bids, under the following conditions:

- The purchase does not exceed in value 50% of the prior purchase;
- The purchase occurs not more than twelve months after the opening of the bids for the prior purchase; and
- The Village Manager has certified in writing to the Council that they have made diligent inquiry as to the market price of the item being purchased and has been reliably informed that such price has not declined since the original bids were obtained.

L. Local Bidders. The Village may grant an award to a qualified local bidder/vendor as defined below for an amount equal to the lowest bid submitted which meets specifications. The following businesses shall be given the opportunity to lower their overall bid amount on any transaction if they are within the following percentage:

- a) Village of Spring Lake, Spring Lake Township, Grand Haven Township, City of Ferrysburg and City of Grand Haven businesses – within 5% for projects up to \$100,000 and 4% for project at or over \$100,000.
- b) Ottawa County businesses – within 4% for projects up to \$100,000 and 3% for projects at or over \$100,000.

Village of Spring Lake, Spring Lake Township, Grand Haven Township, City of Ferrysburg and City of Grand Haven businesses shall have priority over Ottawa County businesses.

To be considered for local bidder preference, a local bidder/vendor shall have met the following qualifications for a minimum of one year prior to the date bids are due:

- Shall have a legal and permanent business address within the areas outlined in subsections (a) and (b) above.
- Shall be a personal property and/or real property taxpayer within the areas outlined in subsections (a) and (b) above.
- Shall be in compliance with all Village codes and ordinances.
- Shall not be indebted or in default to the Village.

M. Purchase Order Procedures

1. Purchase orders are issued at the request of the vendor. The Purchase Order shall include the following information:
 - The summary Name and address of vendor;
 - Date of requisition, expected date of delivery and any shipping instructions (e.g. UPS);
 - Delivery location;
 - Provisions for the "Account" where the account number is provided by a department head indicating the account to which the item should be charged. This number will be checked by the Finance Director/Clerk/Treasurer (where the Finance Director/Clerk/Treasurer desires to make a purchase it will be checked by the Village Manager) for verification of adequate funds in the account;
 - Provisions for "Quantity" where the definite unit to be purchased is provided. Provisions for "Description", where the type and variety of materials wanted is provided;
 - Provisions for "Price" where the unit amount and total is provided;
 - The department head requesting the purchase shall sign the Purchase Order Once the Purchase Order is signed by the department head, it is then forwarded to the Clerk/Treasurer/Finance Director to verify the account number and funds available.
2. The verified Purchase Order is then forwarded to the Village Manager or Finance Director for approval.
3. Purchases shall not be confirmed with vendors and purchase order numbers will not be furnished to vendors until the above items are completed.
4. All Purchase Orders are to be numbered consecutively.

Section 6. Bid Procedure

- A. **Bid Forms.** The Bid Procedure Forms shall be established by the Purchasing Agent, reviewed by the Village Manager and recommended to and approved by the Village Council. The official Bid Procedure Forms are to be attached to the original Purchasing Policy of the Village, and retained within the Village Clerk/Treasurer's office. The Bid Procedure Forms to be used upon adoption of this Policy are attached, and are noted as Addendum to this Policy.
- B. **Bidding Procedures.**
1. The Purchasing Agent shall prepare, or cause to be prepared, specifications for the articles or services required, and shall advertise the requirements of the Village at least once in a newspaper of general circulation in the Village, inviting the tender of bids in writing for the furnishing of such requirements.
 2. The bids shall be opened and read aloud by the Village Clerk/Treasurer or deputy of either, in public at the Village Hall, at the time and place specified in the published notice.
 3. Any bid or proposal received at the place designed for submission after the time set for opening of bids is a late bid. It is the Village's policy that all late bids be rejected unless such lateness was occasioned by acts or omissions of the Village.
 4. Bid deposits or surety may be prescribed in the public notice inviting bids. The bid deposit or surety shall be returned to all unsuccessful bidders within 30 days of the opening date. Should a successful bidder fail to enter into a contract with the Village within the time specified after written notification of the bid award, the bid deposit or surety shall be forfeited to the Village.
 5. Performance bonds may be required in such amount as shall be found necessary to protect the best interests of the Village.
 6. The Village Manager shall report to the Village Council the bids and tabulation thereof, and may recommend to the Council the bid which best meets the interest of the Village, or if the interest of the Village would be better served, the rejection of any or all bids.
 7. The Council shall have the right to reject any and all bids, to waive irregularities in bidding and to accept bids, which do not conform in every respect to the bidding requirements, and to negotiate with the selected bidder. If the Council shall find any of the bids satisfactory, it shall award the contract to the lowest, responsible bidder unless the Council shall determine that the public interest will be better served by accepting the higher bid. The Council shall authorize the execution of the contract by the successful bidder and the filing of any bond, which may have been required. If two or more of the lowest bids received are for the same total amount or unit price, quality

and service being equal, the contract or purchase may be awarded to one of the tied bidders by drawing lots in public.

8. No contract for purchase of articles or services in excess of \$1000 in cost shall be made unless the Village Council has authorized the same to be made by motion or resolution, and if a contract is required, it shall be approved as to form by the Village Attorney's office and certified as to availability of funds by the Village Finance Director/Treasurer.

End of Purchasing Policy

Addendum to Purchasing Policy

1. Bid Procedure Forms

PUBLIC NOTICE SHOULD CONTAIN THE FOLLOWING:

Village of Spring Lake
102 West Savidge St
Spring Lakes, MI 49456
616-842-1393
616-841-1393 FAX

INVITATION TO BID

The Village of Spring Lake is accepting bids for the following goods, equipment and/or services:

Bids must be received in sealed envelope marked: ATTN: MARVIN HINGA, SPRING LAKE VILLAGE CLERK/TREASURER, BID FOR (specific items) _____, prior to and will be opened on _____ at _____ A.M. or P.M., at 102 West Savidge Street, Spring Lake, MI 49456.

Bid packages may be obtained from the Village Clerk at the address listed above or by contacting the Clerk directly at telephone number 616-842-1393.

The Village of Spring Lake reserves the right to reject any and all bids, to waive irregularities and nonconformities in bids, to accept and reject bids based on what the Village Council deems is in the best interests of the Village, to negotiate with the selected bidder and to make the bid award as the Village Council deems is in the best interests of the Village.

Publication Date: _____

VILLAGE OF SPRING LAKE BID PROCEDURE FORMS

CHECKLIST

- _____ Department Head Review/Approval
- Prepare service or product specifications
 - Determine if Bid Performance Bond and/or deposit is necessary
 - Determine insurance requirements (for services only)
 - Prepare Invitation to Bid
 - Village Manager's approval. Complex contracts may also require Village Attorney approval.
- _____ Village Clerk Review/Approval.
- Prepare Publication Notice
 - Clerk publishes notice on _____
 - Mail bid packages to prospective bidders, if known.
 - Public opening and reading of bids by the Village Clerk/Treasurer (Should be scheduled ten or more days before Council meeting.)
 - Prepare recommended bid acceptance resolution
 - Present bids to Council for approval
 - Send letter of acceptance via email or USPS.

ALL BID PACKAGES (equipment, machinery, services, etc.) SHALL CONTAIN THE FOLLOWING:

1. Name and address of the Village
2. Space for business name, address and phone number of the bidder.
3. Signature of bidder his/her title and printed name.
4. Time and date when bids will be opened by which bids must be received.
5. Service or product specifications.
6. Basis for the bid price (each, dozen etc.)

7. Time/date when performance is to be required, commenced, completed or delivered.

The following clauses:

The Village reserves the right to reject any and all bids, to waive irregularities and nonconformities in bids, to accept and reject bids based on what the Village Council deems is in the best interests of the Village, to negotiate with the selected bidder, and to make the bid award as the Village Council deems in the best interests of the Village.

All errors in the Bid will be the sole responsibility of the Bidder.

A contract may be deemed to be executed only upon execution of a written contract.

The bid, bid acceptance notice and any subsequent written contract, signed by the parties, shall constitute the entire agreement of the parties.

All bids must be submitted in a sealed envelope plainly marked identifying the bidder and the project.

Time is of the essence.

Withdrawal of any bid is prohibited for a period of 30 days after the actual date of opening thereof.

BID PACKAGES FOR CONTRACTUAL SERVICES SHALL ALSO CONTAIN:

[Note: determine if bonding clause to be included in package]

Bonding: The successful bidder must provide a 100% performance bond and labor and material bonds. If the contract is under \$50,000, the Village Council may, at its discretion, waive the bond requirement.

Indemnification: The contractor agrees to indemnify, defend and save harmless the Village, its officials, employees, and agents, from and against all loss or expense (including costs and attorney fees) by reason of any liability asserted or imposed on the Village, its officials, agents, or employees, for damages because of bodily injury, including death, at any time resulting therefrom, sustained by any person or persons or on account of damage to property, including loss of use thereof, arising out of or in consequence of the performance of the work described herein, whether such injuries to persons or damage to property is due, or claimed to be due, to the negligence of the Contractor, the Village, or its officials, employees, or agents.

Assignment: No contract shall be assigned without the consent of the Village.

Insurance: The contractor shall furnish copies of all certificates of insurance policies requested herein. The Village shall be named as an insured on each and every insurance policy required herein, and 30 days advance written notice of cancellations will be provided. The contractor must furnish certificates for the following insurance:

- A. Workers Compensation Insurance, including employer's liability to cover employee injuries or disease compensated under the Workers

Compensation Statutes of the State of Michigan.

- B. Broad Form General Liability Insurance to cover bodily injury to persons other than employees and for damage to tangible property, including loss of use thereof, and including the following exposures:

(Insert required coverage amounts)

All policies providing coverage required hereunder shall be written and certified by insurance carriers licensed or approved by the Insurance Bureau of the State of Michigan and shall be a financial and policy holders service rating of no lower than A+ as listed in A.M. Best Key Rating Guide, current edition.

Guidelines for Insurance Requirements for Contractual Services (General Liability)

Definitions:

Low hazard is defined as carpenters, plumbers, painters, and small repair type contractors.

Medium hazard would include roofers, plumbing with minor digging, cement contractors, grading of land, landscapers, building maintenance and cleaning contractors, and brick layers.

High hazard includes excavation and underground contractors, road contractors, erection and welding projects, all major building or parks and recreation playground construction and renovation, and all infrastructure construction and renovation, including removal of so-called pollutants or contaminants.

Recommended Coverage:

Low Hazards. all projects under \$25,000 and under 30 days duration: \$500,000 per occurrence, and/or aggregate combined single limit for Personal Injury, Bodily Injury and Property Damage.

Low Hazard projects between \$25,000 and \$300,000 and between 30 and 180 days d duration: \$1,000,000 per occurrence and/or aggregate combined single limit for Personal Injury, Bodily Injury and Property Damage.

Medium Hazard projects up to \$300.000 and 180 days duration: \$1,000,000 per occurrence and/or aggregate combined single limit for Personal Injury, Bodily Injury and Property Damage.

High Hazard projects and all contracts over \$300.000: \$3,000,000 per occurrence and/or aggregate combined single limit for Personal Injury, Bodily Injury and Property Damage.

PUBLIC NOTICE SHOULD CONTAIN THE FOLLOWING:

1. Name and address of the Village.
2. Brief description of the goods or services sought.
3. Date and time of bid opening.
4. How to obtain bid package.
5. Notice to mark envelope "Bid for _____".
6. Publication date.
7. A statement that the Village reserves the right to reject any and all bids, to waive irregularities and nonconformities in bids, to accept and reject bids based on what the Village Council deems is in the best interests of the Village, to negotiate with the selected bidder, and to make the bid award as the Village Council deems is in the best interests of the Village.

BID ACCEPTANCE RESOLUTION

The resolution by which the Village Council accepts a bid must contain the name of the successful bidder, a description of the project or service, the acceptable price, and a statement that the Village reserves the right to reject any and all bids, to waive irregularities and nonconformities in bids, to accept and reject bids based on what the Village Council deems is in the best interests of the Village, to negotiate with the selected bidder, and to make the bid award as the Village Council deems is in the best interests of the Village.

A copy of the resolution will be mailed to the successful bidder with a cover letter informing the bidder of the Village's acceptance of the bid and other instructions or information deemed appropriate. It may include the bidder's name and address, all conditions of acceptance such as price, time and performance, work to be performed, and completion date. It may also request the endorsement and return of a copy of the letter and may enclose a copy of the proposed contract.

Village of Spring Lake
102 West Savidge Street
Spring Lakes, MI 49456
616-842-1393
616-847-1393 FAX

INVITATION TO BID

Project Name or Goods Required: _____

Bids must be received in sealed envelope marked: ATTN: SPRING LAKE VILLAGE CLERK, BID FOR _____ prior to _____ and will be opened on ____, at _____ p.m., at 102 W. Savidge Street, Spring Lakes, MI 49456.

Specifications for the product or service, basis for the bid price, and time/date for performance of the contract are attached and a part of this bid.

The Village reserves the right to reject any and all bids, to waive irregularities and nonconformities in bids, to accept and rejects bids based on what the Village Council deems is in the best interests of the Village, to negotiate with the selected bidder, and to make the bid award as the Village Council deems in the best interests of the Village. All errors in the bid will be the sole responsibility of the Bidder.

A contract may be deemed to be executed only upon the execution of a written contract. The bid, bid acceptance notice and any subsequent written contract, signed by the parties, shall constitute the entire agreement of the parties.

Time is of the essence.

Withdrawal of any bid prohibited for a period of 30 days after the actual date of opening thereof.

ADDITIONAL REQUIREMENTS

Bonding: The successful bidder must provide a 100 percent performance bond and labor and materials bonds. If the contract is under \$50,000, the Village Council may, at its discretion, waive the bond requirement.

Indemnification: The contractor agrees to indemnify, defend and save harmless the Village of Spring Lake, its officials, employees, and agents, from and against all loss or expense (including costs and attorney fees) by reason of any liability asserted or imposed upon the Village of Spring Lake, its officials, agents, or employees, for damages because of bodily injury, including death, at any time resulting therefrom, sustained by any person or persons or on account of damage to property, including loss of use thereof, arising out of or in consequence of the performance of the work described herein, whether such

injuries to persons or damage to property is due, or claimed to be due, to the negligence of the Contractor, the Village of Spring Lake, or its officials, employees, or agents.

Assignment: No contract shall be assigned without the consent of the Village.

Insurance: The contractor shall furnish copies of all certificates of insurance policies requested herein. The Village of Spring Lake shall be named as an insured on each and every insurance policy required herein, and 30 days advance written notice of cancellations will be provided. The contractor must furnish certificates for the following insurance:

- A. Workers Compensation Insurance, including employer's liability to cover employee injuries or disease compensated under the Workers Compensation Statutes of the State of Michigan.
- B. Broad Form General Liability Insurance to cover bodily injury to persons other than employees and for damage to tangible property, including loss of use thereof, and including the following exposures:

(Insert required coverage amounts)

All policies providing coverage required hereunder shall be written and certified by insurance carriers licensed or approved by the Insurance Bureau of the State of Michigan and shall be a financial and policy holders service rating of no lower than A+ as listed in A.M. Best Key Rating Guide, current edition.

SAMPLE BID FORM
Village of Spring Lake
BID

Project Name of Goods Required: _____

Bidder: _____

Contact Person: _____

Address: _____

Phone: _____

Bid per notice, invitation and specification requirements: \$ _____

Alternate Bid (if any): \$ _____

Explain Alternate: _____

Performance Bond Information: Amount to be obtained \$ _____

Bonding Company Name and Address: _____

Contact Person: _____ Phone: _____

Insurance Requirements: Amount to be provided \$ _____

Insurance Company Name and Address: _____

Agent: _____ Phone: _____

I have read and understand the Notice, Invitation to Bidders and specifications, and the bid that is represented herein complies in all respects to the conditions contained therein, and where different, has been clearly noted in this bid.

Company: _____ Signature: _____

Date: _____ Name: (Print) _____

Title: _____

VILLAGE OF SPRING LAKE
OTTAWA COUNTY, MICHIGAN

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

RESOLUTION NO: 2015 - 12

A Resolution Amending the Village's Investment Policy

WHEREAS, Council adopted a Purchasing Policy on June 7, 2004; and,

WHEREAS, there is a need for revisions to the policy to allow staff to operate effectively and efficiently; and

WHEREAS, the Finance Committee, consisting of President Jim MacLachlan, President Pro-tem Dave Bennett and Council Member Bill Meyers, have reviewed the Village's purchasing policy; so

NOW, THEREFORE, BE IT RESOLVED that the Village of Spring Lake hereby amends the Purchasing Policy, a copy of which is attached hereto; and

Yes:

No:

Absent:

I, Marvin Hinga, Village Clerk, do hereby certify that the foregoing is a true and original copy of a resolution adopted by the Village of Spring Lake at a Regular Meeting thereof held on the 15th day of June, 2015.

RESOLUTION DECLARED ADOPTED.

Dated: June 15, 2015

Marvin Hinga, Clerk
Village of Spring Lake

Friends of Barber School Recommended Rental Fees

	Duration	Current		Proposed	
		Rental	Security Deposit	Rental	Security Deposit
Village Resident/Taxpayer/SLT or SLV Employee	2 hours	60.00	350.00	N/A	N/A
	1/2 day - week day	120.00	350.00	150.00	175.00
	Full day - week day	180.00	350.00	225.00	175.00
	1/2 day - weekend/holiday	0.00	350.00	175.00	175.00
	Full day - weekend/holiday	0.00	350.00	325.00	175.00
Non-Resident/Taxpayer	2 hours	90.00	350.00	N/A	N/A
	1/2 day - week day	200.00	350.00	275.00	175.00
	Full day - week day	275.00	350.00	325.00	175.00
	1/2 day - weekend/holiday	0.00	350.00	300.00	175.00
	Full day - weekend/holiday	0.00	350.00	400.00	175.00
Non-Profit (501c3 status)	2 hours	20.00	350.00	N/A	N/A
	1/2 day - week day	0.00	350.00	50.00	175.00
	Full day - week day	0.00	350.00	100.00	175.00
	1/2 day - weekend/holiday	0.00	350.00	175.00	175.00
	Full day - weekend/holiday	0.00	350.00	325.00	175.00
Meeting Room		20.00	350.00	<i>included in rates above</i>	

*minimum rental is 1/2 day

*add \$50/hour if over 4 hours for Village residents/taxpayers

*add \$60/hour if over 4 hours for Non-Village residents

*rental now includes the meeting room

*Boy Scouts & Girl Scouts exempt

Friends of Barber School Meeting

Minutes from April 29, 2015

Attended by: Traci Boon, Carol Michaels, Diane Schindlbeck, Stacie Stevens-Venhuizen, Karyn Streeting

1. Discussion of building use by the Heritage Festival Committee: They have a 99 year lease for the use of the basement. We would like details on how long the lease is for. Would like to discuss with Heritage Festival about a small area in the basement for building storage. Also, would like to meet with this group to discuss assistance in care of the building with this group.
2. Discussed that the State of Michigan should pay a fee to use the building?
3. Discussed changing 2015/16 rental options to include only ½ day (4 hours) and full day options. Changing options to weekday (Monday – Thursday) and weekend (Friday, Saturday, Sunday) /holiday rates. Will eliminate the 2 hours rental. Will add a cleaning fee into the rental rate.
4. Would like to change the rental to whole building including meeting room.
5. Rental Recommendation Village Residents:
 - Weekday ½ day - \$150
 - Weekday full day - \$225
 - Weekend/holiday ½ day - \$175
 - Weekend full day/holiday - \$325
6. Rental Recommendation Non-Village Residents:
 - Weekday ½ day – \$275
 - Weekday full day - \$325
 - Weekend/holiday ½ day – \$ 300
 - Weekend/holiday full day - \$400
7. Non-profit Rate
 - \$50 - ½ day rate
 - \$100 - full day rate
 - Holidays – Village Resident Rates
 - Boy Scouts exempt – require to complete volunteer service hours
 - Girl Scouts – thoughts??
8. Add \$50 per hour if over the 4 hours for Village Residents and add \$60 per hour if over the 4 hours for Non-Village Residents
9. Village and Township employees to pay at Village Rates
 - Weekday ½ day – \$150

- Weekday full day – \$225
 - Weekend/holiday ½ day rate- \$175
 - Weekend/holiday full day rate - \$325
10. Reduce security deposit to \$175 to help offset the idea of the rate increase. Need to provide all renters with maintenance checklist and have renter return signed checklist and bring back to Village Hall to obtain deposit check.
 11. Next meeting will discuss developing a volunteer committee to upkeep and assess the building for individual meetings. Will develop a rotating schedule for oversight of the building throughout the year. Develop checklist for maintenance. Will complete a walk through for maintenance/ remodel ideas for the future. Discuss Village Counsel decision.
 12. Discussed cleaning responsibilities: How is garbage disposed of?
 13. Michigan State Cooperative Extension Master Gardener Program needs to complete volunteer hours. Karyn will contact

Next Meeting will be Wednesday, May 13 at 5:30PM at Barber School

Christine Burns

From: Stacie L. Stevens-Venhuizen <stacielstevens67@gmail.com>
Sent: Thursday, May 14, 2015 2:37 PM
To: Christine Burns
Subject: Friends of Barber School - Request
Attachments: 10865992_10205903544097896_6154167983351111664_o.jpg; 1014346_10200504004221053_840837952_n.jpg; 1488188_203524289833722_1573320303_n.jpg; 10394591_10203980468614771_7594705240327484802_n.jpg

Dear Christine,

The Friends of Barber School would like to ask the Village Council their thoughts on moving the mural from the Great Room to the Meeting Room. The reason being that there are costs incurred to the Village for a staff member to cover the mural each and every time a rental takes place.

We appreciate the artwork and want to preserve it, however, most events want the artwork covered to not draw attention away from events e.g. weddings, showers, Santa visits, etc. See photos attached of both covered and uncovered mural.

Thank you.

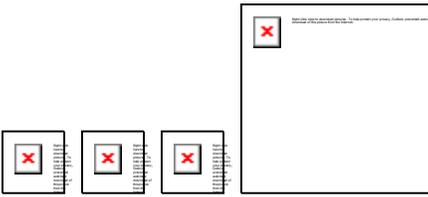
Warm Regards,

The Friends of Barber School

--

Stacie L. Stevens~Venhuizen

509 Buena Vista Drive
Spring Lake, MI 49456
616.340.2377 ~ Mobile
stacievenhuizen ~ Skype



Memorandum

To: Village Staff

From: Ryan Cotton, Village Manager

Date: 9/21/2011

Re: Employee Use of Barber School for Family Events

This policy is written to ensure uniform use of this benefit of working for the Village of Spring Lake.

Each full and part-time permanent employee is free to use the building on a reservation basis at no charge up to twice a year. The customary rental agreement, security deposit, and key pick up and return requirements apply. Please see Mary Paparella, Administrative Assistant for more details.

Lastly, the employee receiving this benefit must be present at all times and ensure that the customary clean-up activities occur to return the facility to its original condition as per the Rental Agreement. If extraordinary time, clean-up or other activities are necessary to restore the facility to a rentable condition, these costs will be deducted from the security deposit.

Please enjoy your opportunity to use this historic Village building.

Village of Spring Lake
June 2015 Budget Adjustments

	Fund	Dept.	Account	Current	Proposed	Change
101-000.000-417.000	General	Revenue	Personal Property Taxes	33,000	33,790	790
101-000.000-601.403	General	Revenue	Tax Admin Fee	13,450	13,225	(225)
101-000.000-601.404	General	Revenue	Tax Late Fees	4,850	5,050	200
101-000.000-451.100	General	Revenue	Cable TV Franchise Fees	48,000	52,000	4,000
101-000.000-655.000	General	Revenue	Fines, Forfeitures & Costs	11,000	10,000	(1,000)
101-000.000-655.200	General	Revenue	Rental Registration Fees	4,200	3,675	(525)
101-000.000-671.555	General	Revenue	Mill Point Dock Rentals	1,200	3,000	1,800
101-000.000-664.000	General	Revenue	Interest Income	100	600	500
101-000.000-670.100	General	Revenue	Barber School Rent	5,000	6,500	1,500
101-000.000-671.000	General	Revenue	Tanglefoot Park Rentals	65,000	83,000	18,000
101-000.000-677.150	General	Revenue	Insurance Reimbursements	-	17,350	17,350
101-000.000-694.000	General	Revenue	Miscellaneous Income	-	41,500	41,500
101-000.000-818.218	General	General Services	Transfer to Pathways	-	15,000	15,000
101-000.000-975.000	General	General Services	Appropriation to Fund Balance	-	4,122	4,122
101-101.000-860.000	General	Council	Transportation/Training	2,500	500	(2,000)
101-172.000-702.000	General	Village Manager	Full Time Wages	29,064	33,000	3,936
101-172.000-705.000	General	Village Manager	Retirement Fund Contribution	6,444	7,100	656
101-172.000-709.000	General	Village Manager	Medical Insurance	7,399	8,700	1,301
101-210.000-804.000	General	Legal Services	Legal Fees	14,500	12,000	(2,500)
101-215.000-702.000	General	Clerk/Treasurer	Full Time Wages	22,122	42,000	19,878
101-215.000-704.000	General	Clerk/Treasurer	Social Security	1,694	3,000	1,306
101-215.000-705.000	General	Clerk/Treasurer	Retirement Fund Contribution	40,660	50,000	9,340
101-215.000-709.000	General	Clerk/Treasurer	Medical Insurance	6,103	6,450	347
101-215.000-801.000	General	Clerk/Treasurer	Professional Services	72,000	84,000	12,000
101-226.000-702.103	General	Storm Water System	Wages	1,200	3,000	1,800
101-226.000-775.000	General	Storm Water System	Repairs & Maintenance Supplies	3,000	1,000	(2,000)
101-265.000-702.000	General	Village Hall	Full Time Wages	7,134	5,200	(1,934)
101-265.000-703.600	General	Village Hall	Cleaning Service	7,500	7,600	100
101-265.000-709.000	General	Village Hall	Medical Insurance	1,749	2,225	476
101-265.000-801.902	General	Village Hall	Contract Work Crews	-	200	200
101-270.000-702.000	General	Barber School	Full Time Wages	5,845	7,000	1,155
101-270.000-703.441	General	Barber School	Seasonal Wages	-	700	700
101-270.000-704.000	General	Barber School	Social Security	536	625	89
101-270.000-703.600	General	Barber School	Cleaning Service	-	670	670
101-270.000-709.000	General	Barber School	Medical Insurance	1,532	2,060	528
101-270.000-923.000	General	Barber School	Heating	950	1,250	300
101-270.000-940.000	General	Barber School	Equipment Rental	-	1,600	1,600
101-381.000-702.000	General	Planning/Zoning	Full Time Wages	22,710	19,000	(3,710)
101-381.000-801.381	General	Planning/Zoning	Zoning Collaboration	15,000	30,000	15,000
101-441.000-702.000	General	DPW	Full Time Wages	61,519	40,000	(21,519)
101-441.000-702.003	General	DPW	Wages - Admin/Training	6,500	13,000	6,500
101-441.100-887.208	General	Corridor Maintenance	Sidewalk Maintenance	2,000	-	(2,000)
101-441.100-933.400	General	Corridor Maintenance	Light Fixtures	1,000	16,200	15,200
101-441.100-940.000	General	Corridor Maintenance	Equipment Rental	-	700	700
101-450.000-921.000	General	Street Lighting	Electric Service	6,000	7,000	1,000
101-450.000-921.100	General	Street Lighting	M-104 Street Lights	14,000	9,000	(5,000)
101-551.000-702.000	General	Tanglefoot Park	Full Time Wages	5,562	10,600	5,038
101-551.000-704.000	General	Tanglefoot Park	Social Security	1,610	2,000	390
101-551.000-853.100	General	Tanglefoot Park	Cable Service	2,900	700	(2,200)
101-553.000-702.000	General	Central Park	Full Time Wages	10,386	13,000	2,614
101-553.000-703.441	General	Central Park	Seasonal Wages	1,048	4,000	2,952
101-553.000-704.000	General	Central Park	Social Security	998	1,300	302
101-553.000-704.500	General	Central Park	Unemployment Insurance	2,000	-	(2,000)
101-553.000-776.500	General	Central Park	Dog Park	500	5,500	5,000
101-553.000-775.433	General	Central Park	Ballpark Maintenance	3,000	1,000	(2,000)
101-553.000-801.902	General	Central Park	Contract Work Crews	2,500	5,000	2,500
101-553.000-931.000	General	Central Park	Building Repairs	-	4,050	4,050
101-555.000-704.500	General	Mill Point Park	Unemployment Insurance	2,000	-	(2,000)
101-555.000-978.500	General	Mill Point Park	Dredging	6,200	-	(6,200)
101-557.000-704.500	General	Lakeside Beach	Unemployment Insurance	2,000	-	(2,000)
101-557.000-931.000	General	Lakeside Beach	Building Repairs	3,500	7,000	3,500
101-557.000-702.000	General	Lakeside Beach	Full Time Wages	6,383	5,000	(1,383)
101-691.000-801.800	General	Recreation	Contracted Recreation Services	4,568	5,650	1,082
101-692.000-921.002	General	Parks Maintenance	Lakeside Trail Electric	8,000	-	(8,000)
101-692.000-702.000	General	Parks Maintenance	Full Time Wages	4,929	10,000	5,071
101-692.000-704.000	General	Parks Maintenance	Social Security	857	1,150	293
101-857.000-702.000	General	Community Promotions	Full Time Wages	3,000	5,500	2,500
101-857.000-704.000	General	Community Promotions	Social Security	760	1,000	240
101-857.000-881.000	General	Community Promotions	Coast Guard Festival	2,400	2,050	(350)
101-857.000-889.000	General	Community Promotions	Promotions	1,750	2,000	250
101-857.000-940.000	General	Community Promotions	Equipment Rental	-	1,000	1,000

Net Change

0

Village of Spring Lake
June 2015 Budget Adjustments

	Fund	Dept.	Account	Current	Proposed	Change
207-000.000-694.000	Police	Revenue	Miscellaneous Income	-	20,000	20,000
207-000.000-705.207	Police	Police	MERS Pension Fund Contribution	70,383	64,000	(6,383)
207-000.000-801.207	Police	Police	Contracted Police Services	340,000	361,000	21,000
207-000.000-804.000	Police	Police	Legal Fees	8,000	8,500	500
207-000.000-975.000	Police	Police	Appropriation to Fund Balance	19,496	24,379	4,883
					Net Change	0
208-000.000-676.296	Public Improvement	Revenue	Contribution from TIFA	124,000	110,000	(14,000)
208-000.000-975.000	Public Improvement	General Services	Appropriation to Fund Balance	33,800	19,800	(14,000)
					Net Change	0
218-000.000-676.101	Pathways	Revenue	Transfer from General Fund	-	15,000	15,000
218-444.000-801.000	Pathways	Pathways	Professional Services	10,000	16,000	6,000
218-444.000-921.000	Pathways	Pathways	Electric Service	10,000	21,000	11,000
218-444.000-703.441	Pathways	Pathways	Seasonal Wages	7,000	3,000	(4,000)
218-000.000-975.000	Pathways	Pathways	Appropriation to Fund Balance	-	2,000	2,000
					Net Change	0
249-000.000-477.000	Building	Revenue	Building Permits	22,000	42,500	20,500
249-000.000-478.100	Building	Revenue	Electrical Permits	6,000	7,700	1,700
249-000.000-478.200	Building	Revenue	Mechanical/Plumbing Permits	8,000	11,000	3,000
249-000.000-695.000	Building	Revenue	Appropriation from Fund Balance	3,170	-	(3,170)
249-381.000-702.000	Building	Building	Full Time Wages	8,228	12,000	3,772
249-381.000-704.000	Building	Building	Social Security	630	900	270
249-381.000-705.000	Building	Building	Retirement Fund Contribution	1,646	3,100	1,454
249-381.000-707.000	Building	Building	Dental Insurance	82	305	223
249-381.000-708.000	Building	Building	Vision Care Reimbursement	60	120	60
249-381.000-709.000	Building	Building	Medical Insurance	1,391	4,000	2,609
249-381.000-710.000	Building	Building	Life Insurance	-	200	200
249-381.000-711.000	Building	Building	Worker's Comp	640	40	(600)
349-381.000-727.000	Building	Building	Office Supplies	-	200	200
249-381.000-801.000	Building	Building	Professional Services	-	2,000	2,000
249-381.000-801.400	Building	Building	Building Inspections	10,000	14,000	4,000
249-381.000-801.600	Building	Building	Electrical Inspections	4,000	6,500	2,500
249-381.000-801.700	Building	Building	Mechanical Inspections	6,500	10,000	3,500
249-381.000-975.000	Building	Building	Appropriation to Fund Balance	-	1,842	1,842
					Net Change	0
296-000.000-403.000	TIFA	Revenue	Real Property Taxes	269,258	176,758	(92,500)
296-000.000-804.000	TIFA	General Services	Legal Fees	4,000	2,000	(2,000)
296-000.000-804.100	TIFA	General Services	Audit Fees	1,770	1,600	(170)
296-000.000-818.203	TIFA	General Services	Transfer to Local Streets	50,000	20,000	(30,000)
296-000.000-818.208	TIFA	General Services	Transfer to Public Improvement	124,000	110,000	(14,000)
296-000.000-886.000	TIFA	General Services	Chamber Economic Development	3,600	3,400	(200)
296-000.000-956.200	TIFA	General Services	Bank Fees	1,100	970	(130)
296-000.000-975.000	TIFA	General Services	Appropriation to Fund Balance	46,000	-	(46,000)
					Net Change	0

**Village Council
Village of Spring Lake
Spring Lake, Michigan**

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

RESOLUTION NO: 2015-08

**A RESOLUTION TO ADOPT THE VILLAGE OF SPRING LAKE
2015/2016 ANNUAL BUDGET**

WHEREAS, pursuant to the laws of the State of Michigan governing General Law Villages, the State Budget Act and the Village Charter, the following Resolution for Fiscal year July 1, 2015 to June 30, 2016, is hereby submitted for adopting; and

WHEREAS, it has been determined that the following property taxes, State shared revenues, rates, charges and transfers shall be available and necessary for the 2015/2016 budget year;

REVENUES:

NO. FUND	PROPERTY TAX <u>2015/16</u>	REVENUES <u>TOTAL</u>
101 GENERAL	\$988,000	\$1,433,497
202 MAJOR STREET		\$150,074
203 LOCAL STREET		\$104,991
207 SL/FB POLICE DEPT		\$1,030,484
208 PUBLIC IMPROVEMENT		\$131,500
230 HARBOR TRANSIT	\$52,498	\$52,498
236 CENTRAL BUSINESS DISTRICT		\$35,300
249 BUILDING DEPARTMENT		\$39,170
296 TIFA	\$269,258	\$518,253
390 GO CAPITAL BOND DEBT	\$70,300	\$100,578
395 STREET DEBT 2000	\$46,120	\$57,200
590 SEWER		\$439,917
591 WATER		\$461,808
661 CENTRAL EQUIPMENT		\$180,803
662 CENTRAL EQUIPMENT POLICE		\$79,924
TOTAL REVENUES		\$4,815,997

EXPENDITURES:

101 GENERAL FUND

101 ACTIVITY

PROPOSED 15-16

101 VILLAGE COUNCIL	\$51,510
172 VILLAGE MANAGER	\$78,065
210 LEGAL SERVICES	\$16,300
215 CLERK/TREASURER	\$132,740
216 HISTORIC CONSERVATION COMMISSION	\$2,200
226 STORM WATER SYSTEM	\$14,129
265 VILLAGE HALL AND GROUNDS	\$47,064
270 BARBER STREET SCHOOL BUILDING	\$18,453
301 POLICE DEPARTMENT	\$473,137
336 FIRE DEPARTMENT	\$1,250
381 ZONING/PLANNING	\$61,108
441 DEPT OF PUBLIC WORKS	\$187,086
441 CORRIDOR MAINTENANCE	\$15,500
450 STREET LIGHTING	\$20,000
551 TANGLEFOOT PARK	\$82,783
553 CENTRAL PARK	\$47,073
555 MILL POINT PARK	\$56,785
557 LAKESIDE BEACH	\$62,437
691 RECREATION DEPARTMENT	\$7,068
692 PARK MAINTENANCE	\$62,437
857 COMMUNITY PROMOTIONS	\$17,035

SUB TOTAL-GENERAL FUND

\$1,433,497

202 MAJOR STREETS

202 ACTIVITY

PROPOSED 15-16

451 CONSTRUCTION	\$1,510
463 ROUTINE STREET MAINTENANCE	\$64,527
474 TRAFFIC SERVICES MAINTENANCE	\$0
478 WINTER MAINTENANCE	\$42,371
480 STATE TRUNKLINE MAINTENANCE	\$34,791
482 ADMINISTRATION	\$6,875

SUB TOTAL

\$150,074

203 LOCAL STREETS

203 ACTIVITY

PROPOSED 15-16

451 CONSTRUCTION	\$500
463 ROUTINE STREET MAINTENANCE	\$52,179
474 TRAFFIC SERVICES MAINTENANCE	\$0
478 WINTER MAINTENANCE	\$42,677
482 ADMINISTRATION	\$9,635

SUB TOTAL **\$104,991**

REMAINING FUNDS

FUND DESCRIPTION

PROPOSED 15-16

207 POLICE DEPARTMENT	\$1,030,484
208 PUBLIC IMPROVEMENT	\$131,500
230 HARBOR TRANSIT	\$52,498
236 CBDDA	\$15,300
249 BUILDING DEPARTMENT	\$39,170
296 TAX INC. FINANCE AUTHORITY	\$518,253
390 GENERAL OBLIGATION CAPITAL BOND DEBT	\$100,578
395 STREET DEBT	\$57,200
590 SEWER FUND	\$439,917
591 WATER FUND	\$461,808
661 CENTRAL EQUIPMENT FUND	\$180,803
662 CENTRAL EQUIPMENT POLICE	\$79,924

SUB TOTAL **\$3,127,435**

GRAND TOTAL 15-16 PROPOSED BUDGET **\$4,815,997**

IT IS FURTHER ORDERED that upon acceptance of the Village Assessment Roll, the Village Council shall review this budget and pass, pursuant to the Village Charter and State laws governing General Law Villages, by Resolution the required Millage Rate that generates the required Property Tax amounts as set forth in this Financial Plan for the Fiscal Year July 1, 2015 to June 30, 2016.

IT IS FURTHER ORDERED upon setting the Village Tax Rate, the Village Clerk/Treasurer shall proceed to collect the sums ordered in accordance with the Village Charter and the laws of the State of Michigan.

FURTHERMORE it is ordered that the Village Manager shall be designated the Chief Financial Officer of the Village in accordance with the State Uniform Budget Act and shall implement this Financial Plan as adopted or amended in accordance with generally accepted accounting principles and the State Budget Act.

YEAS:

NAYS:

ABSENT:

RESOLUTION NO. 2015-08 DECLARED ADOPTED.

Dated: June 15, 2015

Marvin Hinga, Clerk/Treasurer

**VILLAGE OF SPRING LAKE
OTTAWA COUNTY, MICHIGAN**

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

RESOLUTION NO. 2015-09

**A RESOLUTION TO ESTABLISH THE MILLAGE RATE
FOR REAL AND PERSONAL PROPERTY IN THE
VILLAGE OF SPRING LAKE FOR THE
FISCAL YEAR 2015 - 2016**

WHEREAS, Article VIII of the Village Charter; Financial Procedures, Section 8.05 Village Council Action on Budget states:

- (a.) The Village Council shall publish a general summary of the budget and a notice stating:
- 1) The times and places where copies of the message and budget are available for inspection by the public, and
 - 2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

WHEREAS, The public notice of a public hearing to be held this date on the 2015/16 budget for the Village of Spring Lake was published in The Grand Haven Tribune; and

WHEREAS, by Resolution 2015-08 the Village Council approved of the budget for fiscal year 2015/16 and which was the subject of the public hearing held this date; and

WHEREAS, Chapter VIII of the Village Charter; Financial Procedures, Section 8.05C Adoption states: "The Village Council shall adopt the budget on or before the fifteenth day of June"; and

WHEREAS, Chapter IX of the Village Charter; Taxation, Section 9.02 Limit of Direct Property Taxation states: "The annual general ad valorem tax levy for municipal purposes shall not exceed 2.0 percent (20mills) of the assessed value of real and personal property in the Village"; and

WHEREAS, the Village Council in the Village of Spring Lake Budget for 2015/16 (Resolution No. 2015-09 approved to raise the following Property Tax Revenue:

General Operating	\$ 988,000
Debt Retirement	\$ 116,420
Harbor Transit	\$ 52,498

Tax Increment Finance Authority \$ 269,258

NOW, THEREFORE, BE IT RESOLVED:

That, the Village Council does hereby levy the follow Millage Rate on all real and personal property subject to taxation within the Village of Spring Lake for the purpose of generating the required Property Tax amounts as set forth in the Financial Plan for Fiscal Year July 1, 2015 to June 30, 2016 for the Village of Spring Lake:

	<u>Millage Rate</u>
General Operating	9.50
Debt Retirement	<u>.86</u>
Total	10.36

YEAS:

NAYS:

ABSENT:

RESOLUTION NO. 2015-09 DECLARED ADOPTED.

Dated: June 15, 2015

Marvin Hinga, Clerk/Treasurer

2015/2016 Village of Spring Lake Fee Schedule			
BARBER SCHOOL			
Village Resident or Taxpayer	\$60/2 hours	(\$350 Security deposit)	
Village Resident or Taxpayer	\$120/Half day (Between 2 & 5 hrs)	(\$350 Security deposit)	
Village Resident or Taxpayer	\$180/All day	(\$350 Security deposit)	
Non-Village Resident	\$90/2 hours	(\$350 Security deposit)	
Non-Village Resident	\$200/ Half Day (Between 2 & 5 hrs)	(\$350 Security deposit)	
Non-Village Resident	\$275 - \$290 All Day	(\$350 Security deposit)	
Meeting Room: \$20 for 2 hours and \$5 for each additional hour		(\$350 Security deposit)	
Non-profit groups may use for \$20 and the security deposit; the Village reserves the right to reschedule or move the event if a customer conflict.			
EOC ROOM RENTAL			
Village Resident or Taxpayer	No charge	(\$50 Security deposit) \$20	
Non-Village Resident/Non-Profit	\$20	(\$50 Security deposit) \$100	
TANGLEFOOT PARK			
RV Lots			
Daily	\$40.00	\$50	
Weekly	\$265.00	Plus Electrical*	\$300
Monthly	\$750.00	Plus Electrical*	\$850
Seasonal	\$2,600.00	Plus Electrical	\$2700
Coast Guard Week	\$275.00	\$350.00	
4th of July		\$350.00	
Transients ~ 50% of the rental rate is required with the reservation as a refundable deposit. A refund, less a 10% admin fee, will be issued if the cancellation is received 7 days prior to the reservation.			
Dock Rental			
Daily	\$25.00		
Monthly	\$250.00		
Seasonal	\$900.00	\$1,000	*05/01-10/15
50% of the rental rate is required with the reservation as a refundable deposit. A refund, less a 10% admin fee, will be issued if the cancellation is received 7 days prior to the reservation. Seasonal deposits will only be refunded if the Village is able to secure a new tenant.			
MILL POINT PARK			
Launch Pass			
Daily	\$8.00		
Village/Twp. Seasonal	\$30.00		
Non-Village Seasonal	\$50.00		
Senior Village/Twp. Seasonal 65+	\$15.00		
Senior Non-Resident Seasonal 65+	\$30.00		
No Launch Pass Parking Ticket	\$30.00		
Mill Point Band Shell			
Village Resident	\$25.00		
Non-Village Resident	\$50.00		
Mill Point Concession			
Village Resident	\$25.00		
Non-Village Resident	\$50.00		
Kayak Storage - Seasonal			

Village Resident	\$100.00			
Non-Village Resident	\$150.00			
Dock Rental				
Seasonal	\$600.00	\$700		
50% of the rental rate is required with the reservation as a deposit. A refund, less a 10% admin fee, will only be issued if is able to secure a new tenant.				
CENTRAL PARK				
Pavilion Rental	No charge			
RENTAL PROPERTY				
Annual Registration (per unit)	\$25.00			
Annual Registration (after 1/31)	\$35.00			
Biennial Inspection (per unit)	\$40.00	Paid to MTMS		
Re-inspection (per unit)	\$40.00			
DPW PERMITS				
Road Opening/Pavement Cut	\$150.00	plus costs to repair road		
Right-of-Way Permit	\$25.00	(\$300 Security deposit)		
Annual Banner / Pennant Permit*	\$25.00			zoning dept
Temporary Portable Sign*	\$10.00			zoning dept
<i>*May be waived for non-profits</i>				
WATER / SEWER				
<i>As per attached schedule</i>				
BUILDING/PLUMBING/MECHANICAL/ELECTRICAL				
<i>As per attached schedule</i>				
PLANNING/ZONING				
Application Fee - Over \$1 Million		\$425 plus costs & escrow dep		
Application Fee - Site Plan Review with Public Hearing		\$400 plus costs & escrow dep		
Application Fee - Special Land Use		\$400 plus costs & escrow dep		
Preliminary Planned Unit Development Review		\$350 plus costs		
Final Planned Unit Development Review		\$400 plus escrow deposit		
PUD Amendment Review		\$400 plus escrow deposit		
PUD Architectural Review		\$350 plus costs		
Rezoning		\$400 plus costs & escrow dep		
Sign Deviation Request to Planning Commission		\$150.00		
Zoning Permit - New Home		\$50.00		
Zoning Permit (*including home occupation permit)		\$25.00		
<p>The Village requires an escrow to cover anticipated costs for all planning and zoning reviews. An initial deposit of a minimum of \$1,500 (depending on the size and scope of the development) is required to cover the escrow account. The Village may use the funds in escrow for expenses related to the following items; mailing and publishing all legal notices required, professional services of the Village Attorney and Village Engineer, services of other professionals working for the Village (i.e. planner) related to the application, or other cost incurred as a result of processing the application.</p>				
LEASE OF VILLAGE LAND				
50% of Fair Market Value				
Example: \$5/sf. Acquisition cost would equal \$.50/sf lease cost; Village would subsidize 50% for a net of \$.25/sf to lease.				
CLOTHING				
Polo Shirts (S ~ 2XL)	\$25.00		3 XL	\$27.50
Twill Shirts (S ~ XL)	\$37.50	2XL ~ 3 XL		\$40.00

Hats	\$15.00			
<i>(Prices are subject to change based on supplier price changes)</i>				
POLICE DEPARTMENT				Parking
Report copy	\$5.00			
Breathalyzer -- Resident	\$10.00	Non-resident	\$10.00	
Fingerprints -- Resident	\$10.00	Non-resident	\$25.00	
Pistol Purchase Permit	\$5.00			
Notary Public (per document)	\$5.00	Non-resident	\$10.00	move to misc
Impound Release-	\$50.00			
Pepper Spray	\$10.00			
OWI Cost Recovery	\$250.00			
OWI Blood Test (PBT refusal)	As determined by hospital			
Parking	\$20.00	except as noted below:		
Marked Tow Away Zone	\$50.00			
Improper Parking at Boat Launch	\$40.00			
No Boat Launch Permit	\$30.00			
Parking to Interfer with the use of Curb Cut or Ramp by Persons with Disabilities	\$40.00			
Parking in Marked Handicapped Zone without Permit	\$100.00			
Parked in Access Aisle for Access Lane Adjacent to Space Designated for Parking for Persons with Disabilities	\$50.00			
MISCELLANEOUS				
Copies (Agendas* , Council Packets* , Charter*)		\$.25/B&W - \$.50/Color per page		
Community Recreation Plan*	\$20.00			\$100.00
Design Manual	\$30.00			
Master Land Use*	\$75.00			
Zoning Ordinance*	\$50.00			
Historic Commission Booklet	\$15.00	Out of Stock		
Historic Landmark Plaque	\$100.00			Cost
Cable Franchise	5%			
Non-sufficient Funds Check	\$40.00			
Waste Hauler License	\$250.00			
FOIA Request - per page	\$0.25	Time & material plus lowest full-time clerical hourly rate (including benefits.)		\$0.10
*FREE from Village website				



**NOTICE OF PUBLIC HEARING
VILLAGE OF SPRING LAKE**

**MONDAY, JUNE 15, 2015 AT 7:00 P.M.
Barber School Community Building
102 W. Exchange Street, Spring Lake, Michigan**

**PROPOSED OPERATING BUDGET FOR
JULY 1, 2015 TO JUNE 30, 2016**

PLEASE TAKE NOTICE that on Monday, June 15, 2015 at 7:00 p.m., at the Barber School Community Building, 102 West Exchange St, Spring Lake, Michigan, the Village Council of Spring Lake will hold a Public Hearing to consider adoption of the Proposed Operating Budget for the Village of Spring Lake for the fiscal year beginning July, 1, 2015, and ending June 30, 2016.

The proposed property tax millage rate to be levied to support the proposed budget will be a subject of this hearing.

The total proposed property tax millage rate is 10.3600 mills.

The proposed property tax millage rate for operations is 9.5000 mills.

The proposed property tax millage rate for debt service is 0.8600 mills.

A copy of the proposed fiscal year Budget 2015 - 2016 is available for public inspection at the office of the Village Clerk/Treasurer on any day of the week except Saturdays, Sundays, and holidays, between the hours of 8:00 a.m. to 5:00 p.m.

The Village of Spring Lake will provide necessary and reasonable auxiliary aids and services at this hearing, such as signers for hearing-impaired persons and audiotapes of printed materials for visually impaired persons, upon receipt of five (5) days prior notice. Disabled persons requiring such auxiliary aids or services should so notify the Village of Spring Lake by contacting the Village Clerk/Treasurer at 102 West Savidge Street, Spring Lake, Michigan 49456, (telephone (616) 842-1393).

Marvin Hinga
Village Clerk/Treasurer

Village of Spring Lake
Manager's Vehicle Lease

Current Vehicle Lease \$291.13/month

Chevy Equinox Lease Options

No Down Payment

	<u>Payment</u>	<u>Months</u>
Down Payment		
Lease Payments	281.00	39.00

Total Cost

Monthly Cost

\$1,000 Down Payment

	<u>Payment</u>	<u>Months</u>
Down Payment		
Lease Payments	254.00	39.00

Total Cost

Monthly Cost

Savings over life of lease

Annual Return on \$1,000 Down Payment

\$2,000 Down Payment

	<u>Payment</u>	<u>Months</u>
Downpayment		
Lease Payments	226.00	39.00

Total Cost

Monthly Cost

Savings over life of lease

Annual Return on \$2,000 Down Payment

Cost

0.00

10,959.00

10,959.00

281.00

Cost

1,000.00

9,906.00

10,906.00

279.64

53.00

1.63%

Cost

2,000.00

8,814.00

10,814.00

277.28

145.00

2.23%



For:

By: **Mike Geesaman**
Preferred Chevrolet Buick GMC
 1701 South Beacon Blvd
 Grand Haven, MI 49417
 (616) 842-5750

Date: June 4, 2015 09:13 am

Vehicle: New 2015 Chevrolet Truck Equinox 2WD 4dr Wgn 1LT AT

Odometer: 0

Cash Option	
MSRP:	\$28,105.00
Accessories:	\$0.00
Adj. Market Value:	\$28,105.00
Discount:	\$873.10
Vehicle Price:	\$27,231.90
DMV Fees:	\$23.00
Documentation Fee:	\$210.00
Amount Due:	\$27,464.90
Total Rebate:	\$500.00
Balance Due:	\$26,964.90

Trade-In	
Customer Allowance:	\$0.00
Payoff:	\$0.00

Lease Options	
Out of Pocket	39 mos.
\$0.00	\$281
\$1,000.00	\$254
\$2,000.00	\$226
Total Lease Cash	\$2,800.00
Annual Miles	10,000
Residual	\$16,019.85

This is an initial customer proposal. The figures presented are based on estimates. Rates subject to credit approval.

Customer _____ Date _____ Dealership _____ Date _____
 Reference: W16890683



102 W. SAVIDGE ST. • SPRING LAKE, MI 49456

PHONE: 616-842-1393 • FAX: 616-847-1393

www.springlakevillage.org

May 20, 2015

Mr. Gordon Gallagher
106 S. Buchanan
Spring Lake, MI 49456

Dear Gordon,

The Village would like to respectfully request Spring Lake Township's participation in a necessary repair to Lakeside Beach per the agreement between the two entities.

Earlier this spring, portions of the sidewalk were damaged due to water levels and frost heaving. The Village has obtained a quote (*attached*) to perform the repair. Tiles Excavating has submitted a quote of \$4,765.00 to remove the broken concrete and replace with new. They will also be installing a mechanism to prevent washouts in the future.

According to the agreement between our two jurisdictions (Section 2) unknown capital maintenance repairs may be submitted to SLT for up to 50% of the cost, not to exceed \$5,000 per year.

I have included photos of the damage for you to review. If you have further questions, you know where to find me.

Thanks,

Christine Burns
Village Manager

Enclosures

C: Village Council

Spring Lake District Library Calendar of Events

June 2015



Sun	Mon	Tue	Wed	Thu	Fri	Sat
	<p>1 6:30-7:30 pm Kids Book Club; pre-registration required</p>	<p>2 <i>Summer Reading Clubs for children & adults</i> Read great books, earn cool prizes! June 8-August 1 <i>Sponsored by SLDL Friends</i></p>	<p>3 4-5 pm LEGO Block Party</p>	<p>4 Questions? Call 616.846.5770 or visit sllib.org for more info</p>	<p>5 10 am iPad Basics; pre-registration required 2:30 pm Downloading eBooks; pre-registration required</p>	<p>6 Digital resources @ sllib.org </p>
<p>7 Sunday hours resume 9/13</p>	<p>8 4-5:30 pm Chess Club for Kids Summer reading fun begins!</p>	<p>9 7 pm Does Solar Work in W. Michigan? One Woman's Solar Journey</p>	<p>10 9:30-10:30 am OAISD Play 'n Learn, ages 0-5 1 pm John Ball Traveling Zoo Exhibit</p>	<p>11 10:30 am Preschool Storytime: <i>Animal Heroes</i> 2 pm Meet a Hero: Veterinarian 7 pm Warren G. Harding: 20th Century Presidential Scandal</p>	<p>12 10:30 am Preschool Storytime: <i>Animal Heroes</i> 2 pm Family Movie: <i>Paddington</i>, PG, 92 minutes</p>	<p>13</p>
<p>14 Heritage Festival Week: a perfect time to check out the Winsor McCay collection @ SLDL Sunday hours resume 9/13</p>	<p>15 7 pm Understanding & Managing Michigan's Water Resources with Dr. Alan Steinman</p>	<p>16 10:30 am Who was Winsor McCay? with artist Aaron Zenz 2 pm McCay Cartoon Workshop w/ K. Collier 7 pm Family Fun! McCay Sidewalk Chalk Party</p>	<p>17</p>	<p>18 10:30 am Preschool Storytime: <i>Kindermusik</i> 5 pm-8:30 pm SLDL Friends Book Sale</p>	<p>19 10:30 am Preschool Storytime: <i>Kindermusik</i> 9:30 am-5 pm SLDL Friends Book Sale</p>	<p>20 9:30 am-1 pm SLDL Friends Book Sale </p>
<p>21 Sunday hours resume 9/13</p>	<p>22</p>	<p>23 Noon-1 pm Lunch & Learn with Attorney Cara Galbavi; bring your landlord/tenant questions (and a lunch if you wish)</p>	<p>24 2-3:30 pm Teen 'Scape for ages 10-18</p>	<p>25 10:30 am Preschool Storytime: <i>Pow!</i> 2 pm Dr. Zeemo the Magnificent 6:30-8 pm GarageBand for Adults; pre-register</p>	<p>26 9:30-10:30 am 89th District Rep. A. Price 10:30 am Preschool Storytime: <i>Pow!</i> 2:30 pm Digital Conversion Demo; pre-registration required</p>	<p>27</p>
<p>28 Sunday hours resume 9/13</p>	<p>29 2 pm Kalamazoo Nature Center presents: Nature's Superheroes 6:30-7:30 pm Kids Book Club; pre-registration required</p>	<p>30 2 pm Meet a Hero: SL Township Firefighters 6:30 pm Paddling & Pastimes with Doc Fletcher; presentation & book signing</p>		<p> Facebook.com/SpringLakeDistrictLibrary</p>		<p> Sign up today!</p>



102 W. SAVIDGE ST. • SPRING LAKE, MI 49456

PHONE: 616-842-1393 • FAX: 616-847-1393

www.springlakevillage.org

May 21, 2015

Mr. Don Pugliese
319 Lilybells Lane
Spring Lake, MI 49456

Dear Mr. Pugliese,

It is my understanding, according to your wife Karen, that you are the President of the Alden Place Association. Karen contacted me on May 20, 2015 regarding the brush that the association placed at the curb for the Village's bi-annual brush collection. Regrettably, due to her agitated state, it was impossible to have a conversation about the Village's policy regarding brush chipping. Consequently, I felt it was important that a communication regarding brush be shared with you and your neighbors.

The Village does not collect brush for private developments within the Village. When a Planned Unit Development (PUD), such as Alden Place, is established and approved by the Planning Commission and Council, there is a fair amount of "horse trading" that takes place in order to get to a point where the PUD is acceptable to both the developer and the community. The Village allows the developer to "violate" one or more ordinances and in exchange for that, the Association is responsible for numerous things for which they collect monthly dues. For example, homes in your development do not meet Village set-backs, lot coverage and density but that is a trade-off. The Village does not maintain your streets or sidewalks as they are private (nor do we assume liability for such), we do not collect leaves or brush and we don't enforce your covenants, as that is what your association dues cover. *This is the case in every single development within the Village.*

Your wife mentioned that she is still upset that your neighbors on Lakeview Court block your view of the lake with a utility trailer. It was brought to the attention of the Ottawa County Sheriff's Office (OCSO) that the trailer must not be parked as to violate Village ordinances and the OCSO will enforce the ordinance. However, the OCSO may not be on Lakeview at the moment the alleged violation is occurring. If you perceive that your neighbors are violating Village ordinance, please contact the non-emergency number at 1-800-249-0911 and a Deputy will be dispatched. If your developer or realtor represented that you had a guaranteed view of the lake, they were mistaken. The only way to ensure you have a view of the lake is to own property on the lake.

Sincerely,

Christine Burns
Village Manager

C: Village Council
Sgt. Jason Kik
Roger Belknap
Alden Place property owners
Chris Vanderhoff

MINUTES

Monday May 18, 2015
7:00 P.M., Barber School
102 West Exchange Street
Spring Lake, Michigan

1. Call to Order

President **MacLachlan** called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Roll Call

Present: Bennett, MacLachlan, Meyers, Miller, Nauta, Powers, Van Strate.

Absent: None

4. Approval of the Agenda

On a motion by **Bennett**, seconded by **Meyers**, to approve the agenda as presented.

Yes: 7 No: 0

5. Consent Agenda

A. Approved the payment of the bills (checks numbered 56613 - 56687) in the amount of \$97,280.79.

B. Approved the minutes for the April 20, 2015 Council meeting.

C. Approved the request of the Spring Lake Heritage Festival for permission to use Mill Point Park & Central Park from June 15-20, 2015.

D. Approved a request by local developers to obtain a traffic study from MDOT related to traffic on M-104.

E. Approved repairs to Mill Point Docks related to the pre-mature failure of the docks (warping).

F. Approved a bid from Tiles Excavating for repairs to the Lakeside Beach

Sidewalk in an amount not to exceed \$4765.00 with a request submitted to Spring Lake Township to share in the cost of those repairs.

- G. Approved a contract with Tiles Excavating to remove the fenced in storage area at Mill Point Park for an amount not to exceed \$3,800 with work to be completed prior to June 6, 2015.
- H. Approved the following board appointments:

Beautification

- Leslie VanLeeuwen-Vega (11/17)

Development Area Citizens Council

- Vince Blake
- Chip Bohnhoff
- Michelle DeWitt
- Laura DeVries
- Casey Elenbaas
- Cindy Reinhardt
- Gloria Sayen
- James Willison

- I. Approved amendments to the FY 2014/2015 budget.
- J. Approved delinquent water/sewer/mowing charges to be placed on the July, 2015 tax bills.
- K. Approved the rental of the Mill Point Park band shell to Marceline Phillips on August 21, 2015.
- L. Approved a request from St. Mary's to hold a road race in the Village of Spring Lake on July 11, 2015.

On a motion by **Bennett**, seconded by **Miller**, to approve the consent agenda.

Yes: 7 No: 0

6. General Business

A. Spring Lake Public Schools Presentation

On May 4, 2015 the Tree Board considered a request from Spring Lake Public Schools to remove an old-growth Oak Tree on Hammond Street in order to accommodate renovations to the Intermediate School. After considerable discussion and thoughtful contemplation, the Tree Board approved the school's request, based on the fact that the tree, while

healthy now, would likely not survive long after the roots were disturbed and the drip line covered. Council asked that Superintendent Dennis Furton be invited to the Council Meeting to give a presentation so that they could contemplate the Tree Board's recommendation. A representative from the Tree Board will be present at the meeting.

President **MacLachlan** introduced this item and Manager **Burns** explained to the Council that Superintendent Dennis Furton was present to give a rundown of the presentation he gave on May 4th to the Parks & Recreation Board that also serves as the Tree Board. **Burns** explained that after much deliberation, consideration and discussion the Tree Board recommended that the Village allow the school to remove the oak tree that is in the right-of-way on Hammond Street and that at the last Work Session, Council discussed the tree, and asked that Superintendent Furton be present at this meeting.

Superintendent Dennis Furton explained to Council why they felt it was necessary to remove the old-growth Oak Tree on Hammond Street. Furton said that as much as they love the tree and love having it on their campus, as they went through their design process and tried to meet some of their objectives, the tree was continually in conflict with those objectives, so, in the end they made the decision to request for removal of the tree. Furton explained that some of the objectives they tried to achieve with the design were #1, safety and security by adding on to the entrance to the middle school and enhancing the entrance at the intermediate school and in so doing they are going to disrupt the tree root system and that is a concern. Furton said that further safety and security as well, they want to extend the pickup and drop off lane that was originally intended for Spring Lake High School as it stood then, and now, as Spring Lake Intermediate and Spring Lake Middle School they have two entrances, both to be secure, so they are looking to extend the pickup and drop off lane and get traffic off South Street and Hammond Street. Furton showed Council slides of the new designs and explained where they ran into the problems with the tree.

Eric Ikema, from Barton Marlow, was also present and explained where the construction would take place and the odds of hitting the trees root system were great. Ikema explained that besides root damage the other problem was that the root system would be almost completely covered with the sidewalk and ash fault and would not be able to get water and would die.

Council Member **Powers** asked if they had considered putting this new drop off and pickup over in the south parking lot area since this tree was quite significant to the area and people were very attached to it.

Mr. Furton said that in order to do that they would have to construct a new entrance and that would be a significant expense above and beyond what was proposed.

Powers asked that if the tree had to go, what would be done to increase the foliage of the area.

Furton said a committee is proposed with both Village and District appointed members and they would identify the location and type of trees to be planted on the site.

Nauta asked if they had considered some way of watering the tree.

Furton said he did not know what the long term prognosis would be since they would be disrupting the root system and that would have to be a Village decision.

Miller said that he had graduated from Spring Lake and that the tree is an icon and was there before the school was built and pictures of it are in every year book. **Miller** also said that so many trees in the Village have blown down and this one didn't. **Miller** said sometimes you just have to leave things alone when they have been there that long, that the tree is probably over 100 years old. **Miller** asked if there was a way that water could get to the tree with porous materials.

VanStrate asked about moving the the drop off lanes down away from the tree.

Lee Schuitema, Tree Board member, was present and told the Council that the Tree Board had discussed this considerably and determined that what the school planned on doing would eventually kill the tree so they would let the school take it down rather than wait for it to die and then the Village would have to take it down. **Schuitema** said he understood the history but he also understood that they are dealing with another time and another situation and another step forward and here we are, the iconic tree from peoples past is going to be wasted. **Schuitema** said obviously the architect can't draw around it so we are looking at taking it down.

Nauta suggested getting a second opinion and see what can be done to save the tree.

Miller agreed that a second opinion was needed to do everything possible to save the tree.

Bennett asked why the design would not have considered the significance of the tree in the first place.

Furton said that several people that are integral with this planning are graduates from Spring Lake High School who look at the totality of the situation and say " the tree is going to die so we need to make a decision to take it down before it does" Furton said there are more sides than just the people that want it to stay.

Nauta asked if they had talked to any other engineers for a different perspective that might look at it from a different way and have a way to save the tree.

Furton said that might be something collaboratively with the Village if Council decides the tree stays.

On a motion by **Miller**, seconded by **Nauta**, to table the request to remove the old-growth Oak Tree on Hammond Street in order to accommodate renovations to the Intermediate School.

Yes: 6

No: 1 (MacLachlan)

The Village received written communication from the following individuals opposed to the removal of the tree on Hammond Street.

- Dayv Pope
- Kathie Klages
- Karen Dickey
- Bernadette Benkert
- Cindy Nagtzaam
- Larry Lemke
- Jennifer Walsh
- Karyn Streeting
- Jen Dorsey

B. Harbor Transit Presentation

Tom **Manderschied**, Director of Transportation of Harbor Transit, presented Council with their annual report. **Manderschied** gave Council an update on new territory in Spring Lake Township. Originally Harbor Transit covered 10.64 miles and after adding Grand Haven Township that was bumped up to 28 square miles and now adding Spring Lake Township starting on August 31st, they will be up to 55.5 square miles. **Manderschied** also updated Council on their staff and fleet size and their plans to hire more staff and purchase more busses. **Manderschied** reported that in 1012 they had 188,430 rides, 2013 they had 200,437 and in 2014 they had 223,350 rides and for the first 4 months of 2015 ridership was up 9.4% over 2014 and that 67,000 riders for 2014 were in the 18 and

under age bracket. **Manderschied** said he hoped to be able to connect with Muskegon in the near future by dropping off and picking up riders at the Harvey Street Mall and from there riders could get a ride anywhere in Muskegon on one of the Muskegon buses.

C. Consideration of a motion to approve a fireworks permit for the Spring Lake Heritage Festival.

An application/permit & proof of insurance (naming the Village as Additional Insured) has been received from the SLHF for fireworks in June (attached).

On a motion by **Bennett**, seconded by **Miller**, to approve a fireworks permit for the Spring Lake Heritage Festival.

Yes: 7 No: 0

D. Consideration of a motion to approve a lease agreement with Spring Lake Township (SLT)

SLT approved, in concept, the proposed lease agreement that was recommended by the SLT/SLV committee. However, there were a couple of proposed changes to the lease that came out of their discussions at the May 11, 2015 meeting. The red-lined version of the lease is included for Council consideration.

President **MacLachlan** introduced this item and Manger **Burns** explained that items D and E go hand-in-hand and the Village/Township committee has been meeting on a regular basis over the last 6 or 8 months discussing the terms of this agreement to lease out excess space at Village Hall. **Burns** said there were some proposed changes to the agreement to look at and that the Memorandum of Agreement with Spring Lake Township, discussed at the last work session, had been approved last Monday night by Spring Lake Township. **Burns** asked if Council wanted to add "first right of refusal" suggested by Council Member Powers.

President **MacLachlan** asked if there were any questions or concerns regarding this item.

On a motion by **Bennett**, seconded by **Meyers**, to approve a lease agreement with Spring Lake Township.

Yes: 7 No: 0

E. Consideration of a motion to approve a Memorandum of Agreement

with Spring Lake Township related to the Spring Lake Township Hall.

On May 11, 2015 SLT approved the proposed Memorandum of Agreement that was recommended by the SLT/SLV committee (signed copy attached). Council had requested that language be included regarding "first right of refusal." If it is Council desire to request that language, we will need to notify SLT of such for their reconsideration at their June 8, 2015 meeting.

President **MacLachlan** introduced this item and asked if Council wanted to add the "first right of refusal" language. Council Member **Powers** was okay with not having that language added.

On a motion by **Meyers**, seconded by **Bennett**, to approve a Memorandum of Agreement with Spring Lake Township related to the Spring Lake Township Hall.

Yes: 7

No: 0

7. Department Reports

A. Village Manager

Manager **Burns** reported that Preferred Buick, where her car is leased from, contacted her and asked if she would like to turn her car in early. **Burns** said her lease is not up until October. **Burns** also reminded Council of the upcoming Memorial Day Parade at 10:30 Monday morning and asked who would be participating.

B. Clerk/Treasurer/Finance Director

C. OCSO

D. Fire

E. 911

F. DPW

G. Building

H. Water

I. Sewer

J. Minutes from Various Board & Committees

1. Parks & Recreation

2. Planning Commission

3. Barber School - Burns reported that the Friends of the Barber School committee have been meeting regularly with great suggestions and she would be bringing those suggestions to the June meeting. **Burns** said they have been doing a great job.

8. Old Business and Reports by the Village Council

9. New Business and Reports by Village Council

Council Member **Miller** reminded Council of the upcoming Wooden Boat Show on May 30, 2015 featuring Van Pelt Racing and veteran drivers from the 50's that will be recognized.

Council Member **Nauta** read the attached letter that he had written regarding the recently approved budget and some issues he has with the changes.

10. Status Report: Village Attorney

- A.** Motion by **Powers**, seconded by **Nauta**, to enter into a Closed Session to Discuss Attorney/Client Privilege Communication at 8:15 p.m. All in favor. Motion carried

Resolved that the Village Council meet in executive session for reasons permitted by Section 8(C) of the Michigan Open Meetings Act, MCL 15.268 (e); MSA 4.1800(18)(e); as requested by the Village Manager, to confer with legal counsel on matters permitted by Section (e) of the Open Meetings Act.

- B.** Motion by **Bennett**, seconded by **Meyers**, to enter back into Open Session 9:04 p.m. All in favor. Motion carried.

11. Statement of Citizens

The following residents were present and spoke against the driveway from All Shores Wesleyan Church on South Fruitport Road.

- Wally Obitz - 818 River
- Dick Brawn - 808 River
- Larry Bultema - 219 S Fruitport Rd
- Kevin Moon - 210 S Fruitport Rd
- Bob Duer - 222 S Fruitport Rd
- Anita Moon - 210 S Fruitport Rd
- Cal Braun - 121 S Fruitport Rd
- Vernon Miller - 120 S Fruitport Rd
- Nancy Bultema - 219 S Fruitport Rd
- Rita Braun - 121 S Fruitport Rd

John Nash spoke in favor of the bike path.

The Village received written communication from the following individuals in support of the non-motorized pathway project connecting Krueger St. to S. Fruitport Rd. along M104 and through the All Shores Church property and the plans for a new vehicular driveway from All Shores Church parking lot to S. Fruitport Rd. through the lot addressed as 214 S. Fruitport Rd.

- Ottawa County Sheriff Gary A. Rosema

- Jeff Moody - 320 River
- Mary Beth Witte - 613 Parkview
- Courtney Grek - 109 Stonegate
- Kristin Grek - 109 Stonegate
- Michael Kendra - 217 N Park St
- Connie Bird - 213 Rex St
- Michael Duer - 712 River St
- Sandy Duer - 712 River St
- Judy Mulder - 107 Lillybells Ct
- Guillermo Sanchez - 210 N Division
- Michelle Sanchez - 210 N Division
- Steve Bruneau - 225 S Lake Ave
- Mark Kuiper - 718 Winter St
- Jennifer Kuiper - 718 Winter St
- Thomas Royle - 227 E Savidge St
- Stacie Stevens-Venhuizen - 509 Buena Vista
- Village of Spring Lake Parks and Rec. Board - Bike Path
- Doug Heins - 15374 Oak Ridge
- Susan Zwart - 15825 - 152nd Ave
- Rachel Terpstra - 15746 Longview Lane
- Jack Ketchum - 17858 Woodcreek Lane
- Susan Ogden - 17212 Benjamin
- Marv Meiste - 15217 Edgewood Ct
- Connie Meiste - 15217 Edgewood Ct
- James Anderson - 15288 N Scenic Ct
- Eric Rantanen - 18636 Pinecrest Ln
- Ashley VanDerHeide - 16435 Ranch Ln
- Doug VanDerHeide - 16435 Ranch Ln
- Jennifer VanDerHeide - 16435 Ranch Ln
- Jamie Dodge - 18546 Shawnee Dr
- Michael Dodge - 18546 Shawnee Dr
- Jerry Bayhowski - 833 Bluff Creek Dr, Grand Haven
- Troy Ernzer - 16986 136th Ave, Nunica
- Jennifer Hultman, MD, 15253 N Scenic Ct
- Elizabeth Ernzer - 16986 136th Ave, Nunica
- Scott Addison - 15088 Leonard Rd
- Janice Willison - 14929 St Clair Dr
- Michael Walling - 15376 Oak Point Dr
- Mallory Wood - 18386 N Ridge Ct Apt. 18
- Brian & Anne Nelson - 16771 Bridlepath
- Eldred Wood - 18386 N Ridge Ct Apt 18
- Randy & Diane Holton - 16681 152nd Ave
- Deb Stinehart - 15730 River Run Dr
- Richard Stinehart - 15730 River Run Dr

- Virginia Bouwkamp - 17046 Lloyds Bayou Dr apt 302
- J. P. DeLass - 15473 Rannes St
- Delores Baynum - 17864 Woodcreek Ln
- Ronald Bouwkamp - 17046 Lloyds Bayou Dr apt 302
- Lisa DeLass - 15473 Rannes St
- Nels Peterson - 19033 W Spring Lake Rd
- Brian Barker - 15618 View Dr
- Connie E Barker - 15618 View Dr
- Ralph Baynum - 17864 Woodcreek Ln
- Mearlene Peterson - 19033 W Spring Lake Rd
- Sarah Miller - 16221 152nd Ave
- Scott Reyburn - 19030 N Fruitport Rd
- Mike Bradford - 15319 Rannes St
- Mary Beth Bradford - 15319 Rannes St
- Michelle Dewey - 15111 Hickory St
- Gail Constant - 17904 Channel View Dr
- Gary Constant - 17904 Channel View Dr
- Rebecca Gray - 19025 N Fruitport Rd
- Doug Dewey - 15111 Hickory St
- Stephen Gray - 19025 N Fruitport Rd
- Tracy McMartin - 16625 Northwood Trail
- Jeff McMartin - 16625 Northwood Trail
- Donald Lehr - 14995 Thoroughbred Run
- Darlene Wojton - 14995 Thoroughbred Run
- Stefanie Huch - 18239 Clover Way
- Randy Keech - 14661 Quebec
- Phyllis Reyburn - 19030 N Fruitport Rd
- Kelsi Phillips - 16621 152nd Ave
- Luke Johnston - 16621 152nd Ave
- Ashley McCormick - 15295 Concord Dr
- Kevin Curley - 16698 Northwood Trail
- Marie Zietlow - 16268 Gierman Dr
- Susan Deevs - 17046 Lloyds Bayou Dr Apt 323
- Rhonda Little - 15512 Oak Ridge Dr
- Lisa L Wilson - 18391 148th Ave
- David Wilson - 18391 148th Ave
- Brian Wyns - 16276 Taft Rd
- Rosine Krug - Spring Lake
- Pamela Snow - 15656 River Side Dr
- Carl Smith - 14841 Boom Rd
- Leonard Taylor - 19210 Glendale Circle
- Fred Kilbry - 18328 Country Ave
- Ben Barker - 15618 View Dr
- Lynne Smith - 14841 Boom Rd

- Stan & Char Yonker - Bike Path
- Amanda Renee - Bike Path

12. Adjournment

On a motion by **VanStrate**, seconded by **Miller**, Village Council adjourned the meeting at 9:38 p.m.

James MacLachlan, Village President

Maryann Fonkert, Deputy Clerk

To: Council
From: Steve Nauta, Councilman
Re: Budget
Date: 5/18/15

I'm writing this letter to express my concern over the direction our village government is taking as of late. I was shocked after returning from vacation several weeks ago to find out that council had agreed to a reduction in the millage rate. I left on my vacation believing that we were on the right course, addressing our financial problems and beginning the strategic planning (meeting this past winter at Barber School) which would result in a process whereby we would develop a new master plan for the village. I came back to a council voting on austerity measures in order to give tax relief. All the ideas we discussed at that meeting were on hold, including the plan to develop a master plan.

I don't agree with this direction and will be voting against this budget. My discomfort with the direction of village council is two-fold.

First I am uncomfortable with the process whereby this budget came about. When was the decision made to make tax relief council's main goal. I don't recall council having this discussion and directing staff to come up with three budget proposals which all included cutting the millage. This would lead me to conclude that either staff acted without council direction or the finance committee overstepped their boundaries and made this policy decision without the approval of full council. The result is that full council was brought into the process at a point where changing direction was almost at the point of no return. As a council member I feel managed and that doesn't sit well with me nor is it an effective way to conduct village business. Staff needs to present their policy opinions to full council, not just the finance committee.

Second, I don't agree with giving village residents tax relief at this time. Tax relief should be given when the village has more than enough revenue to carry out the villages responsibilities in an effective way. We have problems to fix in the near future which aren't being addressed in this budget and yet we are telling village residents all is fine and we can afford rolling back the millage.

What are our problems? Here are a few that scare me.

1. We have an underfunded pension plan which we have not developed a plan to address.
2. We have wetlands to restore, that we failed to take care of when the greenway was built.
3. We seem to be operating with a skeletal staff, while we keep adding responsibilities to their work load. I suspect we are overworking them.
4. We still have a large debt on Village Hall, which could be paid off ahead of schedule with the rent to be paid by Spring Lake Township.
5. We have roads and sidewalks that need to be repaired.

6. We are expecting a report on the state of our underground utilities which will no doubt tell us we have enormous and expensive problems lurking under our roads.
7. Our Master Plan is so outdated that it states that Tanglefoot Park is supposed to be replaced with a public park of sorts. We spent over \$15,000 there this year to repair it. Master Planning is expensive, but essential to orderly growth and yet we are putting it off in order to offer tax relief. If we don't have a strong sense of where we are going, developers will set the course of growth as it suits their projects as opposed to the community deciding how we want growth to progress. An example would be the traffic signal developers are proposing we pursue. This decision shouldn't be driven by specific projects. It should be a decision made as we look at development as a whole and as we examine this community's values. Otherwise, we will might end up with a street light on every corner. Master Planning is a lengthy process and in my opinion we can't put it off.
8. We have empty storefronts everywhere. It is a long standing problem we have yet to solve. Any solution requires investment.

My sense is that councils relationship to staff is changing and this change needs to be addressed so that unproductive tension doesn't become a major obstacle to managing the village.

First, I sense that we are moving towards micromanaging staff. Previous councils have avoided micromanaging and I'm concerned that is changing. Council needs to establish policy, but should avoid day to day decision on how to carry them out. A recent example would be when council suggested the DPW director tell the exemplary, elder Tanglefoot Park manager to walk behind the mower to get some exercise. I'm concerned this is reflective of where we are headed in our relationship with staff.

Second, I'm concerned about the moral of staff. I haven't had any conversations with them, but I suspect it is low. We have been trimming our staff to meet our budget goals for years and this has to have had an affect on their moral. A wise old friend of mine received a \$5,000.00 dividend check in his mail while I was visiting him. He showed it to me and I thought he was asking me to celebrate with him. Instead he cut me off and said, "I wonder who lost their job so I could get this check." I wonder if we should ask ourselves this question. Are we expecting too much from staff, so we can give our constituents a raise? Perhaps we need a Personnel Committee to work along side our Finance Committee to look out for the needs of staff as we pursue our goal of providing the same services to village residents at a cheaper price.

It would appear to me that Village Council's vision for the next several years is to further reduce our millage to under 10 mills. I'm okay with that as long as it doesn't come at the expense of staff and at the expense of facing our real financial problems.