

The Newaygo County
Governmental Summit
“Statutory Lake Improvement
Boards”

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The Grant Middle School



LAW WEATHERS

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Introduction



MCL 324.30901 *et seq.*—The Statute that
Authorizes Michigan Statutory Lake
Improvement Boards.

- The statute is not a model of clarity.
- Keep going back to the statute.
- Many matters are not covered.

A Statutory Lake Board is a Government Body!

- Independent to semi-independent.
- The statute is silent as to the following matters:
 - Where its office is located.
 - Staff.
 - All powers/authority of the board.
 - Running meetings.
 - Miscellaneous matters.
- Subject to the Michigan Open Meetings Act and the Freedom of Information Act.

The Michigan Open Meetings Act (MCL 15.261 *et seq.*).

- All meetings must be public.
- Committees and subcommittees.
- Deliberations and decisions.
- Posting/notices of meetings.
 - Proof of posting.
- Meeting locations.
- Conducting meetings.
 - MCL 324.30903(2).

The Michigan Open Meetings Act (MCL 15.261 *et seq.*).

- Agendas.
- Minutes.
- Public comment.
 - Time limits.
 - Identification.
- Videotaping, audiotaping, etc.
- Closed meeting/executive sessions.

The Michigan Open Meetings Act (MCL 15.261 *et seq.*).

- Robert's Rules of Order.
- Rules of procedure.
- Motions/decisions.
- Security/disruptions.
- Recording secretary.
- Closed sessions.
- Violations/penalties.

The Michigan Freedom of Information Act

(MCL 15.231 *et seq.*).

- The Act applies to all Michigan Statutory Lake Improvement Boards and their officers, staff, etc.
- Assume every document, writing, etc., is subject to the Act.
- The Freedom of Information Act Coordinator.
- How someone makes a request under the Act.

The Michigan Freedom of Information Act

(MCL 15.231 *et seq.*).

- Responding to a request under the Act.
 - Time limits.
 - Written response.
 - Statutory language.
 - Options.
- Computer records.
- Violations/penalties.
- Copying versus inspecting.
- Need not create new documents.

The Michigan Freedom of Information Act

(MCL 15.231 *et seq.*).

- Subscriptions.
- Fees.
- Unclear or overbroad requests.
- Exempt items.

Special Assessment Districts

- What are they?
- Use of legal counsel.
 - Follow everything precisely



The Composition of a Statutory Lake Improvement Board.

- MCL 324.30903.
- Members.
 - County commissioner.
 - Local government representation or representatives (2).
 - County drain commissioner.
 - One riparian.

Liability Issues.

- Government Immunity.
- Insurance.
- Importance of independent contractors



The Importance of Good Written Contracts.



Ethics, Conflict of Interest and Similar Matters.

- What constitutes a conflict of interest.
- Disclosure.
- Abstention.
- *Ex parte* communications.

The Powers of a Particular Statutory Lake Improvement Board.

- The statute.
- The authorization documents



A “Project” (MCL 324.30908)

- Engineering and reports (MCL 324.30909).
- Public hearing on the reports (MCL 324.30910).

Hiring employees and agents.



Eminent Domain.

- MCL 324.30923.



Bidding.

- MCL 324.30926.



Dissolution.

- MCL 324.30929.



Resources.

- The Law Weathers municipal website at www.michiganmunicipallaw.com or riparian website at www.riparianexpert.com.
- The Michigan Lake & Stream Associations, Inc., and its website at www.mlswa.org.
- The Michigan Riparian Magazine and its website at www.mi-riparian.org.

Resources.

- The Michigan Townships Association and its website at www.michigantownships.org
- MCNALMS- www.mcnalms.org.
- The Michigan Lakes & Stream Associations, Inc. Book Entitled “Lake Associations—The Nuts & Bolts” (can be ordered through the Michigan Lakes & Stream’s website at www.mlswa.org).