

Village Council Guide

The intent of this guide is to provide elected and appointed officials' and employees of the Village of Estral Beach with guidance on their new appointment to the position of serving the Village. This is a living document and should be reviewed periodically and updated as needed. The Village Clerk shall own this document and may request that the President assign Council members (Commissioners) and /or Village employees the task of reviewing this document, as needed, to verify that the information contained within is current and correct. Changes will be made and the document revised accordingly. The references used in preparation of this guide were verified current at the time it was written. This policy manual is only to be used as a guide and not in place of the Village Charter, Village ordinances, or Federal and State laws.

<u>Revision</u>	<u>Date</u>	<u>Change(s)</u>		
0	05/05/09	Initial preparation	<u>Danny Swindle /s/</u> President Pro-Tempore	<u>Carol Vandercook /s/</u> Clerk

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I. Contact Information

Village of Estral Beach Hall

7194 Lakeview Boulevard
Newport, Michigan 48166
Phone: 734-586-8380
Fax: 734-586-2600
Website: www.EstralBeachVillage.com
Email: EstralBeachClerk@Charter.net

Emergency # 911

Miss Dig # 811

Village Attorney

Jeffrey Osment
23 Washington Street
Monroe, MI
734-242-0808

Village Accountant / Auditor

Cooley Hehl Wohlgamuth & Carlton, CPAs
Peter H. Carlton
1 S Monroe St
Monroe, MI 48161
734-241-7200

United States Army Corp of Engineers (USACE)

Joel Pepper
PepperJ@michigan.gov

Department of Natural Resources (DNR)

Report a violation: 1-800-292-7800

Garbage Service

Waste Management
866-729-6476

FEMA

Gary A. Bailey
Gary.A.Bailey@USACE.army.mil

Noel Lawn Service

734-243-0380
Yearly contract - mow Village Hall Property

Berlin Township Hall

800 Swan View Drive
Newport, Michigan 48166
Phone: 734-379-3255
734-586-2187
734-586-8680

Township Board:

2nd and 4th Monday of each month at 7:30 pm

Planning Commission:

3rd Monday of each month @ 7:30 pm

Estral Beach Fire Department Backup

Newport Fire Department

II. Emergencies

Ordinance 1040 addresses Emergency Preparedness. The Village Coordinator during the time of Emergencies is the President unless otherwise designated. At this time, the Fire Chief of Estral Beach is designated as the Village Emergency Coordinator. An Emergency Plan is filed with the Clerk. The Village of Estral Beach is within the 10 mile radius of the Fermi Nuclear Plant. Refer to the emergency pamphlets distributed by DTE Energy regarding alarm response associated with Fermi Nuclear Power Station. The EMERGENCY phone number for the Village is 911.

III. Definitions

Ad valorem –

Dictionary: Latin term meaning "according to value" and referring to a way of assessing duties or taxes on goods or property. As one example, ad valorem [Duty](#) assessment is based on the value of the imported item rather than on its weight or quantity.

By-laws –

Dictionary: A law or rule governing the internal affairs of an organization. A secondary law.
Example: township ordinances.

Charter –

Dictionary: A document issued by a sovereign, legislature, or other authority, creating a public or private corporation, such as a city, college, or bank, and defining its privileges and purposes. A document outlining the the principles, functions, and organization of a corporate body; a constitution.

MML.org: The basic laws of a municipal corporation describing the powers, rights and privileges which may be exercised within a political or geographic area by that municipal corporation and its officers. Similar to a constitution on the state and federal levels of government.

Council –

Dictionary: The legislative body of the municipality.

MML.org: A legislative, executive, advisory or administrative governmental body whose elected or appointed members are assigned certain duties and responsibilities by law such as a city/village council or a citizens advisory council.

Et seq. – and the following

Exception –

Dictionary: A case that does not conform to a rule or generalization.

Home Rule –

MML.org: The authority of local governments to frame, adopt or change their own charter and to manage their own affairs with minimal state interference.

Motion –

Dictionary: A formal proposal put to the vote under parliamentary procedures.

Municipality or Municipal –

Dictionary: Relating to the Village of Estral Beach.

Ordinance –

Dictionary: A statute or regulation, especially one enacted by a city government. Long term use.

MML.org: A law or an order enacted by the legislative body of a local unit of government, usually pertaining to a specific subject. An ordinance code is a systematic integration of all municipal ordinances into a single book, organized by subject matter, tied together by a common numbering system and indexed.

Pro Tempore or Pro Tem –

Dictionary: For the time being; temporarily

Public Act –

MML.org: Legislation passed by both the state House and Senate and signed by the Governor. When legislation is signed into law, it becomes a public act, assigned a number and is denoted by PA and the year in which it became law.

Quorum –

Dictionary: The minimal number of officers and members of a committee or an organization who must be present for valid transaction of business. For the Estral Beach Council, this is a majority of the six Commissioners, or four Commissioners constitutes a quorum in order to conduct Village business.

Resolution –

Dictionary: A formal statement of a decision or expression of opinion put before or adopted by an assembly or parliament. Short term or one time use.

MML.org: Official action of a legislative body, primarily administrative or ministerial in nature.

Revenue Sharing –

MML.org: A state program to share tax revenues with all eligible units of government, but particularly local government in accordance with a method of distribution, as by formula or per capita. The term refers to revenues collected by the state and shared with municipalities. These include revenues from the sales tax.

Special Assessment –

MML.org: A method of raising funds for special purposes available to municipalities as an alternative to imposing a tax. A special assessment may only be levied on land and may only be imposed to pay the cost of the improvement or service by which the assessed land is specially (as opposed to generally) benefited. To impose a special assessment, a municipality must first have the statutory authority to make the improvement or provide the service for which the assessment will be imposed and, second, the statutory authority to assess for that type of improvement or service. Special assessments are not subject to constitutional and statutory general ad valorem property tax restrictions such as the Headlee Amendment and Proposal act of 1994.

Statutory –

Dictionary: Created, defined, or relating to a statute; required by statute; conforming to a statute. A statutory penalty, for example, is punishment in the form of a fine, prison sentence, or both, that is imposed against an offender for committing some statutory violation.

Variance –

Dictionary: License to engage in an act contrary to a usual rule: a zoning ordinance.

MML.org: Authorization for the construction of a structure or for the establishment of a use which is prohibited by a zoning ordinance. Generally, a variance may not be granted unless the literal enforcement of the zoning ordinance would cause a property owner “practical difficulties or unnecessary hardship.”

Vote –

Dictionary: A formal expression of preference for a candidate for office or a proposed resolution of an issue.

IV. Village

For additional information about Estral Beach and the surrounding area, refer to T. Victor Menard's book "RFD Newport, A History of Newport and Berlin Township, Michigan", ISBN 0-940696-42-8.

General

The Village of Estral Beach is a Stevens Subdivision.

There are approximately 200 homes, and 500 residents in the Village of Estral Beach.

Businesses:

Estral Beach Lounge – CLOSED as of September 2008

- Built in 1921

Island Marina – CLOSED as of 2000

- Opened in 1982

Two Public Accesses to Lake Erie:

- End of Phyllis Street at Lakeshore Drive
- South West end of Lakeshore Drive, opposite of boat ramp

Three Drainage Water Pumps:

- Pump house at the end of Michael Street
- Pump house on Lakeshore Drive, just south west of Lakeview Avenue
- Pump at Swan Creek-Lakeshore

Two Sewer Forwarding Pump Stations:

- End of Lakeview Avenue at Lakeshore Drive
- South West end of Lakeshore Drive

Potable water supplied by Berlin Township

Village Attorney

The function of the Village Attorney is to provide legal advice to the Village Council to assist in the decision making process, defend the Village in the Court of law if required, and to enforce Village ordinances through legal means for offenders that fail to comply. The attorney charges a flat yearly retainer fee, to which adjustments are made accordingly based on the work load assigned. Motion 9-97-7 carried on 11/02/97 to appoint Jeffery Osment to the position of Village attorney.

Only the following personnel are authorized to contact the Village Lawyer unless given specific permission otherwise by the Village President or the Village Attorney:

- President
- President Pro Tempore
- Clerk

Village Accountant / Auditor

The function of the Village Accountant / Auditor is to provide input on Village investments, dispersions, and other financial issues associated with operating the Village. In addition, an audit of the Village financial books is performed once a year (as required by state law) to ensure that the books are being properly maintained, and that the laws associated with governmental finances are followed.

As part of the normal services of the independent auditor, tests of financial controls should be conducted to assure adherence to laws and regulations.

The Village Accountant / Auditor is Pete Carlton.

Village Hall

The Village Hall was originally located on Lakeshore Drive, at the end of Lakeview Avenue. The building was purchased by a resident and moved from its original location to its present location across from the existing hall on Lakeview Boulevard. The present Village Hall is separated into two portions; the Fire Department side, and the Village Hall side. The Village Hall contains an office shared by the Clerk and Building Inspector, separate sex restrooms, a kitchen area, attic storage area, and a meeting area. The Village Hall is a No Smoking area during Public meetings and Public activities (Motion 1-87-6 carried on 01/06/87 that the Village Hall be designated a No Smoking area during public meetings and Public Activities, and motion 10-93-5 carried on 10/05/93 to approve the smoking policy). The Village Hall is available for rent by Village residents after meeting the following requirements:

Village Hall Rental

- Rental charge of \$85 (\$75 with a \$10 inspection fee) plus a \$200 deposit.
- Deposit refunded after post rental inspection.
- Copy of homeowners or renters insurance required. Money needs to be to Clerk at least one week prior to rental date. Clerk also has a list of rules that need to be followed.
- Please clean up for the next group.

The hall may also be used free of charge for functions approved by the Village Council (e.g., wakes, bunco, etc.).

- Motion 8-95-16 carried on 08/24/95 to authorize the Monday night Bunco league use of the hall from 09/11/95 to June 1996.
- Motion 11-97-12 carried on 11/18/97 to approve the Village Hall rules and regulations for non-profit Village Organizations, clubs, and service groups policy. Approved the application from the Monday night elite bunco club for the use of the Village Hall under the non-profit club and service group policy.
- Motion 9-05-5 carried to let the Monday Elite Bunco club use the hall.
- Motions 2-05-3 and 9-05-8 were for use of the hall by the Bunco club during previous years.

Village Master Plan

An Estral Beach Village Master Plan was approved by the Village Council on 09/02/08 to provide direction to the Village as to the priority of issues. See the Master Plan for details. Below are the main priorities identified in the original issue:

- Flood Control Devices or Structures
 - Clay / Earthen Dikes
 - Rock / Concrete Cribbings
 - Flood Control Pumps
- Building Ordinances / Permits
- Blight Ordinance / Building Maintenance Code Enforcement
- Roads and Ditches
- Dredging / Boat Ramps
- Park / Veteran’s Memorial / Playground / Buildings
 - Park / Playground
 - According to the 11/21/96 Council meeting minutes, a grant was obtained from MichCon Gas for the playground and two swimming access points. Per the available records, this grant was never received. Fundraising efforts are underway to raise money to purchase replacement playground equipment. See the Village Master Plan for details.
 - Veteran’s Memorial
 - Buildings
- Neighborhood Watch
- Estral Beach Volunteer Fire Department (EBVFD)
- Charter / Ordinances
- Animal Control
- Grants
- Website

Village Major Equipment (Non-Fire Department)

Charter Chapter VI, Clerk, section 3, “The Clerk shall have charge of all the book, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issues, and keep a list of all property and effects belonging to the Village, ...”

Tractor:

Year / Make / Model: Holland
Mileage / Hours as of **/**/**:
Notes:

Box Truck

Year / Make / Model: 1981 / Cargo Van
Mileage / Hours as of **/**/**:
Notes: All six tires were replaced with new ones in October 2008.

V. Public Acts

The following Public Acts are a few of the laws that the Village government is required to follow as part of their performance of their governmental duties. These and others can be found in their entirety at www.legislature.mi.gov.

Act 1 of 1966, Utilization of Public Facilities by Physically Limited Persons

An ACT to provide for the accessibility that no local unit of government may levy an ad valorem property tax for operating purposes in excess of the base tax rate, as defined in the act, without first holding a public and utilization by physically limited persons of public facilities, creates the barrier for the design board with duties and powers, prescribes powers and duties of other state and local authorities. As amended by MCL 125.1351 et seq.

Act 5 of 1982, Truth in Taxation

An ACT to provide that no local unit of government may levy an ad valorem property tax for operating purposes in excess of the base tax rate, as defined in the act, without first holding a public hearing pursuant to notice which contains the proposed additional millage rate and percentage increase in operating revenue which would be generated from the levy. A truth in taxation hearing is not necessary if the local unit complies with section 16 of the Uniform Budgeting and Accounting Act.

Act 33 of 1951, Police and Fire Protection

An ACT to provide police and fire protection for cities, villages and other units, authorizes contracts for protection and purchase of equipment, authorizes creation of special assessment districts and creation of administrative boards and authorizes collection of fees for such services.

Act 43 of 1963, Budget Hearings of Local Governments

An ACT to require public notice and hearing on annual proposed budget.

Act 116 of 1954, Election Law

An ACT to provide for the nomination, election, resignation, removal and recall of elected public officials. Act 116 provides a framework for filling vacancies in public office and governs the conduct of primary and general elections to guard against fraud. Section 381 of Act 166 (MCL 168.381) addresses the election of village officers. MCL 168.951 provides for the recall of elected officials.

Act 160 of 1964, Government Tort Liability

An ACT to define and limit liability of municipal corporations when engaged in exercise or discharge of governmental function. As amended by MCL 211.1 et seq.

Act 196 of 1973, Standards of Conduct for Public Officers and Employees

An ACT to prescribe standards of conduct for public officers and employees; to create a state board of ethics and prescribe its powers and duties; and to prescribe remedies and penalties.

Act 267 of 1976, Open Meetings Act

An ACT to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of acts.

- This act shall supersede all local charter provisions, ordinances, or resolutions which relate to requirements for meetings of local public bodies to be open to the public.
- After the effective date of this act, nothing in this act shall prohibit a public body from adopting an ordinance, or resolution, rule, or charter provision which would require a greater degree of openness relative to meetings of public bodies than the standards provided for in this act.

The basic intent of the Michigan Open Meetings Act is to strengthen the right of all Michigan citizens to know what goes on in government. The Open Meetings Act requires that nearly all deliberations and decisions of a public body be made in public.

Act 206 of 1893, General Property Tax

An ACT to provide the primary but not exclusive source of statutory law concerning property taxation. All property, except that which is expressly exempt, is taxable. The act also provides for collection of delinquent property taxes by providing for the sale and redemption to collect tax liens on such property.

Act 267 of 1976, Open Meetings

An ACT to require public bodies (legislative or governing public body including boards, commissions, committees, subcommittees, authorities or councils which are empowered to perform governmental or proprietary functions or a lessee thereof performing an essential public purpose pursuant to a lease) to conduct nearly all business at open meetings.

Act 278 of 1909, The Home Rule Village

All villages within this state incorporated before September 1, 1909 under any general or special act of the legislature shall continue their corporate character, and any general and special character provisions for the government of such villages shall continue in force until superseded, amended, or repealed pursuant to this act. A village is subject to all general laws of this state. A village incorporated under this act shall have a seal and may sue or be sued.

Act 317 of 1968, Contracts of Public Servants with Public Entities

An ACT relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts.

Act 318 of 1968, Conflicts of Interest of Legislators and State Officers

An ACT to prohibit legislators and state officers from having an interest in any contract with the state or any political subdivision which would cause a substantial conflict of interest.

Act 442 of 1976, Freedom of Information Act

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, consistent with this act. The people shall be informed so that they may fully participate in the democratic process.

VI. Government

General

The Village of Estral Beach is a Home Ruled government (Home Rule Village Act - Public Act 278 of 1909) versus General Law government.

Home rule generally refers to the authority of a city or village under a state's constitution and laws to draft and adopt a charter for its own government. This contrasts with legislative establishment of local charters by special act, which results in mandated charters from state capitols. Home rule frees cities and villages to devise forms of government and exercise powers of local self government under locally prepared charters adopted by local referendum.

The 1908 Michigan State Constitution, and in particular Article VIII, Section 21, gave the electors of each city and village the ability to frame and adopt a charter and "pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of the state." It was determined that each municipality is the best judge of its local needs and the best able to provide for its local necessities.

Motion 4-95-25 carried on 04/18/95 to re-join Michigan Municipal League (www.MML.org). This website is a wealth of information on operation and activities associated with a municipality.

Decision Making

Following an effective decision making process is one of the most important methods of avoiding, or at least surviving, challenges to decisions. A well supported decision provides the background needed to build a solid legal foundation for the decision. Accurate records must be maintained for all decisions made, clearly stating how the ordinance standards were, or were not met. Questions of doubt should be resolved before taking action; do not act hastily. Base all decisions on the ordinances and facts rather than emotions or opinions.

The foremost concern that any decision maker should have is to ensure fairness for all concerned, therefore, allow everyone interested the opportunity to speak and present evidence at public meetings. Creating and maintaining an effective enforcement program requires a good COP (Commitment, Ordinances, & Process):

- **Commitment:** The community, including its enforcement officials, administration and legislative body, needs to have a firm commitment to the enforcement of its ordinances. This means providing the necessary resources to monitor and penalize.
- **Ordinances:** Ordinances must be clearly written and be able to be reasonably monitored and enforced.
- **Process:** It is important that there be consistent, well documented enforcement process.

Charter

The Village Charter provides the rules that the governmental body of Estral Beach must follow. ALL Charter amendments must be submitted to the Governor of the State for approval. This should be done immediately after the resolution to submit the amendment to a vote of the electors is adopted. The amendment is approved by the Governor if it is legally unobjectionable. The Charter requires one President and six Commissioners (assuming no vacant seats). In addition, one of the Commissioners also serves as the President Pro Tempore to fill in for the President in their absence. Commissioners are expected to be familiar with the content of the Village Charter.

Ordinances / Resolutions

If a statute or local charter does not specify whether an action must be taken by ordinance or resolution, the nature of the proposed action must be examined to determine whether an ordinance or resolution is required. Typically, any act imposing a sanction for the violation of the act must be by ordinance. Generally, resolutions implement ministerial functions of government for short-term purposes, while ordinances are intended to have permanent and more general effect.

Ordinances

The Charter provides a means for the governmental body to create laws specific to the Village, including penalties for violations of these ordinances. After an ordinance is adopted, it must be published in a local newspaper of general circulation before it becomes effective. Commissioners are expected to be familiar with the content of the Village ordinances. Some of the ordinances are outdated or obsolete and need to be revised or repealed (See the Village Master Plan). Below is a list of Village ordinances:

- 1000 Regulate Use of Firearms, etc.
- 1001 Traffic
- 1002 Disorderly – Public Peace
- 1003 Hunting on the Beach
- 1004 Business Licenses
- 1005 Speed of Boats on Canals
- 1006 Curfew and Amendment
- 1007 Cutting of Weeds (Repealed by Ordinance 1010)
- 1008 Government Dikes (Repealed by Ordinance 1052)
- 1009 House Trailers
- 1010 Repealing Ordinance 1007 and Amendment Penalty
- 1011 Garbage
- 1012 Building and Building Safety (Repealed by the adoption of the International Property Code)
- 1013 Traffic Control – Stop Streets
- 1014 Trucks prohibited on Sundays and Holidays
- 1015 Careless or Negligent Driving
- 1016 Uniform Traffic Code (See 1012)
- 1016a Uniform Traffic Code (in 1982)
- 1017 Minors in Possession
- 1018 Fire Prevention Code
- 1019 Storage of Unlicensed Motor Vehicles
- 1019a Amendment to Ordinance # 1019
- 1020 Salary Ordinance and amendment
- 1021 Police Department an amendment

- 1022 Expenses for Officials – Curfew on Village Hall (Resolution)
- 1023 Littering
- 1024 Preventing Blight
- 1025 Water Supply System Rates
- 1026 Public Property – Curfew and Littering (see Ordinance 1023)
- 1027 Sewers and Rates
- 1028 Regulation of Speed Control of Vessels on Waters
- 1029 Village Planning Commission
- 1030 Sewer Use, Connection and Extension
- 1030a Establishing Sewer and Water Department
- 1031 Zoning
- 1032 Unsafe Buildings
- 1033 Maintenance of Sewage Disposal System
- 1034 The Keeping of Domestic Animals
- 1035 State Construction Code (See Ordinances 1012 and 1016)
- 1036 Dangerous Buildings
- 1037 Sanitary Sewer Systems and Connection Ordinances
- 1038 Tap Fee and Amendment for Ordinance # 1033
- 1039 Change Present Tap-In Fees and Amendment for Ordinance # 1033
- 1040 Emergency Preparedness Policy and Emergency Plan
- 1041 Excavation, Grading and Soil Erosion
- 1042 Prohibiting Unnecessary Noises
- 1043 Regulate Burning, Reduce Air Pollution, etc.
- 1044 Prohibiting Parking on Turnaround, Streets, etc.
- 1045 Cable Television Ordinance
- 1046 Floodplain District
- 1047 Michigan Consolidated Gas Company Gas Franchise Ordinance
- 1050 Election Ordinance
- 1051 Adoption of the International Maintenance Code
- 1051 International Property Code (attachment)
- 1052 Flood Control Device Ordinance

Resolutions

Motion 11-83-14 carried on 11/01/83 to make a Resolution Book for all resolutions.

Village Resolutions to date:

- No such book could be located

Election

The term for elected officials is four years. Elections are held every two years for three of the Commissioners positions instead of all six to maintain continuity. The President (even years) and Clerk/Treasurer (odd years) are elected at alternate elections. The Building Inspectors are appointed, not elected officials. The voting is held at the Estral Beach Village Hall.

Revenue Sources

The sources of revenue for the Village are as follows:

- Property Taxes (controlled by law and charter)
- Michigan state Shared Revenue (intergovernmental)
- ACT 51 monies (intergovernmental)
- Licenses and Permits (Business, building, plumbing, electrical, occupancy)
- Grants
- Fines
- Interest income

Note: Intergovernmental revenues may be around 25% of the total Village revenues.

Major Expenditures

The major expenditures associated with the Village are as follows:

- Insurance (Insurance costs may be around 50% of total costs.)
- Payroll (Maintenance, Deputy Treasurer)
- Electricity, Gas
- Attorney fees
- Auditor fees
- Street lighting
- Rubbish pickup

Purchases / Contracts

Municipalities have the power to expend funds only for a public purpose. Generally, a public purpose has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the residents within the Village. Non-public purpose expenditures might be contributions to employee picnics, retirement dinners, flowers for sick employees, etc. Purchasing and contracting requirements of charters usually include provisions that 9a) limit authority to acquire without approval of the governing body, (b) require advertisement in approved publications, and (c) require receipt of sealed bids which are to be opened in public. The purpose of this requirement is to prevent favoritism, corruption, extravagance, and improvidence in the awarding of municipal contracts. The charter establishes who is responsible for purchasing and also includes the maximum dollar amount that can be appropriated before advertising for competitive bids. Per Charter Chapter XVI section 33, bids are required for purchases \geq \$500, however, purchases $<$ \$1,000 can be made with a two thirds vote by the members of the Commission-elect. It is being proposed to increase this upper limit to \$5,000. One thousand (\$1,000) 1929 dollars is equivalent to approximately twelve thousand (\$12,000) 2009 dollars. Public Highway Act 283 of 1909 section 224.19 allows for \$20,000 without approval, however, Act 40 of 1956 section 280.221 for construction of drains has a limit of \$5,000.

Per Charter Chapter VI, Compensation, section 8, “No member of the Commission, nor any elective or appointive officer of the Village shall be co-partner, stockholder, director, officer, or agent of, or be directly or indirectly in the employ of any person, firm, company or corporation holding or seeking to hold any franchise from or contract with the Village of Estral Beach; nor shall any member of the Commission or any other officer or employee of the Village be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from Village moneys or by any assessment levied by ordinance or resolution of the Commission.”

Large purchases may require that the Village incur debt in the form of a bond issuance to finance such improvements and facilities (similar to a homeowner’s mortgage). There are pitfalls in incurring bonded indebtedness. Scarce resources are consumed by interest and principal costs and the cost of issuance. There are several types of bonds.

- General obligation (GO) bonds: These are the highest quality because they pledge the taxing capacity of the municipality to retire the bonds and pay the interest on them. Revenue bonds on the other hand, have a lower quality because only the revenues from service fees and charges for use of the system (e.g., water, sewer, electric, etc.) are available to pay principal and interest on the issued bonds.
- Revenue bonds are used to finance municipal operations which are characterized as being self-supporting and having their own revenue source such as service fees (e.g., sewer and water systems, recreation facilities, etc.).

Section 4 of the General Sales Tax Act (MCL 205.54(7)) and Michigan Sales and Use Tax Administrative Rule, 1979 AC, R 205.79 provide that sales to the United States government, the State of Michigan and their political subdivisions are not taxable when ordered on a governmental

purchase order and paid for by warrant on government funds. A certificate of Exemption may be required by your vendors.

The Construction Contracts with Certain Public Agencies Act (1980 PA 524, MCL 125.1561) provides that cities and villages may retain not more than 10% of the total dollar amount of a construction contract to assure proper performance until the work is 50% in place and sets the terms and conditions for payment of the amount retained. The act requires that the village deposit the funds retained in an interest bearing account. When the contract is 94% completed, at the request of the contractor, the village must release the amount retained plus interest.

In Michigan “statutory and case law neither requires the lowest bidder be awarded a state contract nor creates a property interest in disappointed bidders on state contracts”.

Credit Cards

There are two public acts that allow municipalities to use credit cards for procurement (1995 PA 266, MCL 129.41 et seq.) and for accepting payments (1995 PA 280, MCL 129.221 et seq.). Both require some type of action by the local legislative body. To use credit cards for procurement, a written policy is required. The act lists what must be included in the policy. An authorizing resolution is required to accept payments by credit cards. Sample policies are available on MML.org.

Special Assessments

Municipalities often raise funds for special purposes by imposing special assessments or user charges as an alternative to imposing a tax (See Village Charter). While special assessment bears some of the characteristics of a tax, it differs in that a special assessment may be levied only on land and may be imposed only to pay the cost of an improvement or service by which the assessed land is specifically benefited. Typical subjects of special assessments are street improvements, including paving, curb, gutter and sidewalk improvements, and water and sewer improvements. Special assessments may only be levied for direct benefits (i.e., the street upon which their homes are fronted) and such may not be levied for indirect benefits (for the major thoroughfare to which their street connects). The improvements made with a special assessment generally must increase or maintain the value of the lands specially benefited. An improvement which reduces property value may not be specially assessed, and the cost of the improvements may not exceed the anticipated increase in the value of the property resulting from the improvement. Many charter provisions require public hearings for special assessments. Once confirmed, assessments may become a lien on the assessed property. Revenues derived from user charges (or assessments) must be segregated from other municipal funds and applied solely to the expenses of providing the service or the improvement. In anticipation of special assessments, the municipality often finances an improvement through the issuance of bonds.

President / Commissioners / Clerk / Treasurer

Election to the Village Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in council activities and represent the residents of the Village to the best of your ability. The only time you should take action as a Commissioner is in the presence of the other members at a scheduled meeting. Encourage residents to come to the meetings to voice their concerns, or ask them to submit their comments in writing should they approach you outside of the scheduled meetings. Governments are always open to lawsuits, regardless of the quality of their decisions, therefore, the Council should not be influenced by whether their decision will result in a lawsuit, provided the ordinances were followed and they acted within their authority. Motion 10-5-03 was passed on 10/07/03 to adopt the resolution for Adoption of Policy Providing Legal Representation and Indemnification for the Village of Estral Beach officers and employees.

Duties

Charter Chapter VII, Ordinances, section 16, subsection 34, “To require that the several officers of the Village perform their duties faithfully and to provide proper measures to punish neglect of duty on the part of any officer of the Village.

President

Chief executive of the Village, and thus exercises supervision over the affairs of the Village and over the public property owned by the Village. Duties include, but are not limited to:

- Preside over Village Council Meetings.
- Is a member of the Commission, but does not vote except in case of a tie.
- Ensures the laws relating to the Village and the ordinances and regulations of the Commission are enforced.
- Conservator of the peace.
- Signs, with the Clerk, all records of the Commission
- Assign work and provide direction to the Maintenance personnel, or delegate the task to other(s) if desired.
- Supervises the affairs of the Village.

President Pro-Tempore

A sitting Commissioner, nominated by the President, whose nomination is approved by the Council.

- Serves the duties of the President in their absence.
- Cosigns with the President and Clerk on all Village checks written. Checks are normally signed by the President, Clerk, and Treasurer but because of the Deputy Treasurer position (Clerk and Treasurer positions are filled by the same person), the President Pro Tempore signs for the third signature.

Commissioners

A quorum is considered four or more of the six elected or appointed Commissioners. Duties include, but are not limited to:

- Determines its own rule of procedure
- Appropriates money by a two thirds vote
- Pass or adopt resolutions by a majority vote
- Appoint a Commissioner to fill in for the Clerk in their absence
- Notify the Clerk, no later than 4:00 pm the day of the scheduled meeting (as early as possible), if they are unable to attend, otherwise it will be considered an unexcused absence.
- Decide what can and cannot be done to Village owned property.

Removal of an elected Official from office: A council may prescribe the rules of its own proceedings including attendance at council meetings (see “Council Meeting Rules of Procedure” section). The trick is in enforcing such an ordinance. Sometimes an open discussion is all that is needed. The person’s resignation can be suggested or requested. An extreme measure is a citizen recall. A council member who was appointed to fill a vacancy is subject to recall, the same as if they were elected. This is still an elected position even though the trustee was appointed. According to the State Elections Bureau, MCL 168.951 of the state elections statute applies to all officials in elected positions. It also states that a person cannot be recalled within the first or last six months of office (three months after election per Charter chapter XIII section 12). Except under truly extraordinary circumstances, this is the only way to remove an elected official from office. Sometimes you just have to wait out the term until a more responsible council member can be elected.

Clerk

Duties include, but are not limited to:

- Keeps the corporate seal and all documents and records of the Village
- Record all of the proceedings and resolutions of the Commission. Meeting minutes shall include: 1) Time, date, and place of the meeting; 2) Members present as well as absent; 3) Record of any decisions made at the meeting and a record of all roll call votes; and 4) An explanation of the purpose(s) if the meeting is a closed session.
- Countersigns with the president on Village documents (e.g., meeting minutes, ordinances, etc.).
- Serves as general accountant of the Village
- Cosigns with the President and Treasurer on all Village checks written.
- Have charge of all books, vouchers and documents
- Report to the Commission a statement of receipts, expenditures, and financial condition of the Village
- Make copies of requested documents. However, copies and distribution may take up to two weeks to perform (i.e., limited same day service).
- Schedule special meeting, and reschedule normal meetings if a quorum of Commissioners cannot attend.
- Monthly balances with Treasurer on ledger books.
- Has to be certified with the Election Commission to run elections.

Treasurer

Duties include, but are not limited to:

- Have custody of all money, etc. belonging to the Village
- Receive, disperse, and keep account of all receipts and expenditures
- Render a report to the Clerk each month
- Render an annual report to the Commission
- Cosigns with the President and Clerk on all Village checks written.
- Balances the Village books with the Clerk every month.
- Send out tax bills and collect tax money and take to Monroe County all reports, paid taxes, and delinquencies.
- Monroe County handles all delinquents and penalties.

Maintenance Personnel

Duties include, but are not limited to (See section XI Employee Appraisal for additional duties):

- Mow grass not mowed by lawn service
- Salt roads
- Maintain Village equipment
- Clean ditches
- Maintain, prime and operate the Village flood control pumps
- Maintain and walk down dikes with Army Corp of Engineers during yearly inspections. Motion 3-08-13 carried on 03/18/08 to make the Village maintenance personnel the “Dike Coordinators”.
- Cut the grass / weeds on properties of negligent property owners. Motion 1-81-12 carried on 03/17/81 to raise the weed cutting fee to \$30 per hour and a minimum billing charge of 1 hour. A weed notice must be put in the paper before June 1st, the property number has to be verified correct with the Treasurer, then the Berlin Township assessor can place the fee on the property owner’s taxes.

Street or Road Commissioner

Since the Village receives Act 51 funds from the Michigan Department of Transportation (MDOT), the Village has to designate someone the “street administrator” to comply with Act 51 regulations. Section 13(7) of Act 51, Public Acts of 1951 provides that each incorporated Village to which funds are returned under the provisions of this section, that, “the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act.” Duties include, but are not limited to:

- Monitor the conditions of the Village roads on a routine basis and report any issues to the Council.
- Coordinate and oversee repairs to the Village roads.

Local road construction must have matching dollars from the general fund in order to use Act 51 dollars. However, matching funds are not required for the use of Act 51 funds for routine maintenance.

Council Meeting Rules of Procedure

All meetings of the Village Council will be held in compliance with the Village charter, state statutes, including the Open Meetings Act, 1976 PA 267 as amended. Per Chapter VII section 6, “each Commission shall prescribe the rules of its own proceeding and shall keep a record thereof”. Per Charter Chapter VI, Compensation, section 4, “The Commission shall determine it’s own rules of procedure and may punish it’s members for disorderly conduct.” The Clerk prepares the meeting agenda based on the direction of the President and/or Commissioners, or by any Village Resident by submitting their request in writing to the Clerk in the advance of any meeting. A public hearing is that portion of a meeting designed specifically to receive input from the public on a single issue. It may be required by ordinance or statute. A special meeting is any meeting of the governing body other than those called for by the charter.

Regular Estral Beach Village council meetings are held at the Village Hall on the 1st and 3rd Tuesday of every month, starting at 7:00 pm. Resolution was passed on 02/05/08 to move the start time of regular council meetings from 7:30 pm to 7:00 pm. There is no time limit set for when the meetings must conclude.

If a quorum of council members is not present, the meeting will be adjourned and rescheduled to a later date to be announced by the Clerk, with proper notification made to the general public (e.g., posting of the new date on the Village Hall door). If the President or President Pro Tempore is absent from a meeting, the Commissioner who has the longest consecutive service on the council shall preside.

1976 PA 267, Open Meetings Act provides:

- The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right shall not be dependent upon the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.
- All decisions of a public body shall be made at a meeting open to the public.
- A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body. The legislature or a house of the legislature may provide by rule that the right to address may be limited to prescribed times at hearings and committee meetings only.
- This act does not apply to a meeting which is a social or chance gathering or conference not designed to avoid this act.
- A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.
- For a rescheduled regular or special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting.

CLOSED meetings

Closed meetings may be held only for the reasons authorized in the Open Meetings Act, which are the following:

- a. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent when the named person requests a closed meeting.
- b. For strategy and negotiations sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- c. To consider the purchase or lease of rental property up to the time an option to purchase or lease that real property is obtained.
- d. To consult with the municipal attorney or another attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the council.
- e. To review the specific contents of an application for employment or appointment to a public office when a candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting.
- f. To consider material exempt from discussion or disclosure by state or federal statute.

General Meeting Agenda

Call to Order:

Meetings start at 7:00 pm every 1st and 3rd Tuesday of the month per resolution passed on 02/05/08. Note that a change to the Charter is being prepared to require only one meeting per month.

“Pledge of Allegiance”

Meeting starts will ALL present rising, facing the American flag (Hats off and right hand over the heart), and reciting the Pledge of Allegiance to the flag of the United States of America.

Roll Call of Commissioners

- The Clerk, or designee, will call out the names of each of the Council members. The Commissioners present will in turn respond, after which, the Clerk will then enter the names of those present and those absent into the official meeting minutes.
- Election to the Village Council is a privilege freely sought by the nominee, and carries with it the responsibility to participate in village Council activities and represent the residents of the Village of Estral Beach. Attendance at Village Council meetings is critical to fulfilling this responsibility. The Council Members may take excused absences from Village activities as long as they are justifiable and are not excessive. The Council Member asking for an excused

absence must notify the Clerk no later than 4:00 pm on the date of the activity or it will be considered an unexcused absence. If a Council Member has more than three unexcused successive absences for regular or special Village Council meetings, or is absent for over 25% of the meetings in any year of their term, the Village Council may, after a public hearing, declare a vacancy in their office. These excessive absences are to be considered a “willful neglect of duty” as required for recall in Chapter XIII section 15(e) of the Village Charter.

Meeting Starts

- The Chairman, which is usually the President, presides over the meeting ensuring the rules are followed and that the meeting is conducted in an orderly fashion. Meetings should be governed by consistent rules. Motion 7-84-18 carried on 07/10/84 to adopt procedures of Robert’s Rule of Order. These rules are loosely followed, which is all that is needed for our small community. The rules and customs are designed to help and not hinder the process. This includes preventing side conversations, speakers being interrupted, and controlling rather than antagonizing potentially irate citizens. The chairman should announce each agenda item and note the rules that apply to the hearing. In the absence of the President, the President pro tempore presides. In the absence of both the President and President Pro Tempore, the member present who has the longest consecutive service on the council shall preside. If things get out of hand, take a recess.

The Clerk is responsible for taking the meeting minutes unless it is delegated to someone else (e.g., Clerk is absent) by the Commissioners. It does not matter how well you did your job to follow the Charter and ordinances if you fail to properly document the actions of the Council. The meeting minutes should contain enough detail so that a person not present can understand what was discussed, who spoke and what their general comments were, actions taken by the Council, and why that action was taken and the basis.

For additional guidance on meeting protocol, refer to Henry M. Robert’s book “Robert’s Rules of Order”, ISBN 1-599869-41-1, or visit MML.org, or other similar reference.

- Motions:

Motions are made to accept, or put a subject out on the table for the Council to consider. It takes one Council member to make the motion, and a separate Council member to second the motion before it can be considered. After which, the Council quorum votes on the issue. Village business cannot be conducted where motions or resolutions need passed unless a quorum is present. A quorum is also required for the Council to allocate funds.

- Voting:

Election to a deliberative body carries with it the obligation to vote. A Council member who is present and abstains or does not respond to a roll call vote shall be counted as voting with the prevailing side and shall be so recorded, unless otherwise excused or prohibited by law from voting (i.e., silence gives consent). Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. In all cases where a vote is taken, the Chairman shall declare the result. Let everyone know why you are voting, whether for or against the issue. Do NOT feel compelled to make a hasty decision on the night of the

meeting. Decisions are always based on the standards of the ordinances and facts, not on emotion or opinion of the applicant, or due to real or perceived pressure from individual(s). Approvals and denials must be thoroughly supported, clearly stating how the ordinance standards were or were not met. A quorum must be present to take legal action. On other matters, usually a majority vote decides. Only one main proposition can be on the floor at a time, only one member can speak at a time, and only the issue (not the person) is under discussion.

- **Tabling:**

Meant to mean that any issue which needs further investigation or additional information prior to making a decision will be postponed for a specified length of time. For example, “I move to table the issue of the building exception until the next scheduled meeting pending further review of the design plans”.

Review and acceptance of previous meeting minutes

- The Chairman asks the Council to review the last meeting minutes for accuracy. Council members have the opportunity to ask for changes to the Treasurer’s report as written. A motion is made to accept the Treasurer’s report, including any changes, with a seconding of the motion to put it on the table for acceptance. A vote is taken by yea (yes) or nea (No) for accepting or rejecting of the Treasurer’s report with a majority vote needed for acceptance. The Michigan Open Meetings Act (1976 PA 267, MCL 15.261 et seq.) requires that corrections in the minutes must be made no later than the next meeting to which the minutes refer.

Review and acceptance of the Treasurer’s Report (i.e., Payment of the Bills)

- The Chairman asks the Council to review the Treasurer’s Report for accuracy. Council members have the opportunity to ask for changes to the meeting minutes as written. A motion is made to accept the meeting minutes, including any changes, with a seconding of the motion to put it on the table for acceptance. A vote is taken by yea (yes) or nea (No) for accepting or rejecting of the minutes with a majority vote needed for acceptance.

Building Inspector’s Report

- The Building Inspector reports to the Council on important information pertaining to the Building Department.
- The Building Inspector will present all building permits that may require an exception to the Council at one meeting with the vote on whether to approve the exception to occur at the next meeting, thus giving the Commissioners at least two weeks to evaluate the requested exception. This requirement was agreed upon at the 11/20/07 Council meeting. Motion 10-84-15 carried on 10/02/84 required all permits to come before the Council. This has changed over the years so that only permits that require an exception or a variance come before the Council.

Fire Department's Report

- The Fire Chief, or designee, reports to the Council on important information pertaining to the Fire Department. This may be to advise the Council of upcoming training, to request funds to support the operation of the Fire Department, to nominate a new member to the fire department, etc.

Maintenance Report

- The maintenance personnel either in person, or normally through written documentation, indicate what was worked on over the past month. A motion is made to accept the Maintenance Report, including any changes, with a seconding of the motion to put it on the table for acceptance. A vote is taken by yea (yes) or nea (No) for accepting or rejecting of the maintenance report with a majority vote needed for acceptance.

Communications

- Letters or other documents received by the Village or Village Council pertaining to Village business. A motion is made to accept and file all communications received.
- In addition, to allow the Council to decide on what action(s) to take in response to the communication if an action is required.

New Business

- Issues that have not been brought up at previous meetings, or old business that was thought to have been resolved but was determined to have continuing issues, is brought before the Council. The business may be purely informative, or may require a Council vote.

Old Business

- The Clerk tracks the issues from past meetings, both new and old business, that have not been resolved. These issues are either resolved or tabled and left on the old business list until they are resolved.

Audience Participation

If requested by a member of the council, the presiding officer shall have discretion to allow a member of the audience to speak at times other than reserved time for audience participation.

- The audience is to direct their questions and comments to the Chairman (i.e., President), not to others at the meeting.
- Each member of the audience is allowed to speak to the Chairman for up to three minutes unless permission is given by the Chairman to exceed the three minute limit based on the circumstances (e.g., subject matter). The three minute limit was passed by Council Motion 10-85-23 on 10/01/85.

- When a person addresses the council, he or she shall state his or her name and home address. This may not be required if the speaker is known by all of the Council.

President's Report

- The President has the opportunity to bring up a question, issue, information, direction, etc. to the Council members.
- All statements should be clearly stated and loud enough for those in the audience to hear.

Commissioner's Comments

- Each Commissioner has the opportunity to bring up a question, issue, etc. between the Council members. All comments should be directed to the Chairman.
- All statements should be clearly stated and loud enough for those in the audience to hear.

Treasurer's Comments

- The Treasurer has the opportunity to bring up a question, issue, information, etc. to the President and Council members.
- All statements should be clearly stated and loud enough for those in the audience to hear.

Clerks Comments

- The Clerk has the opportunity to bring up a question, issue, information, etc. to the President and Council members.
- All statements should be clearly stated and loud enough for those in the audience to hear.

Adjournment

- A motion is made to adjourn. The motion is seconded. And a vote taken to adjourn.

Topics may be added to the agenda if they are considered important and/or are a continuing subject that needs to be addressed for an indefinite period of time.

VII. Canals / Dredging / Boat Ramps

Dredging (See Village Master Plan):

Review of historical meeting minutes showed that dredging of the canal has been an issue for many years, with the first mention being in the 04/07/96 minutes. It's been told that the issue of dredging has been ongoing since the 1970's. Attempts were made by the Council to coordinate the dredging efforts, but these efforts were abandoned after residents took it upon themselves to hire a private contractor due to the perceived excessive wait period. A partial dredging of the canal along the south end of Lakeshore Drive was performed in 2008 by Michigan Marine Services, Inc.

Motion 5-00-8 carried on 05/02/00 that the Council has no objections for individuals to dredge their part of the canal if they have all necessary permits.

Boat Ramp (See Village Master Plan):

North End

Not economically feasible to dredge from the north end boat ramp to the lake due to back filling with sand along the north end as an after effect of Pointe Mouillee being installed.

South End

Motion 7-03-4 carried on 07/01/03 to get the south end boat ramp surveyed to establish the boundaries.

Motion 8-04-7 carried to get the south end boat ramp surveyed.

Meeting minutes dated 05/03/05 stated that the Village received grants from Monroe County road commission for south end boat ramp (survey included).

Motion 9-05-7 carried to get the boat ramp surveyed.

Motion 5-06-10 carried to have Michigan Marine Service to dredge the boat ramp canal area for \$999. Payment not due until next fiscal year. Approximately 20' in length and 30' wide.

Motion 10-06-7 carried to allow a resident to remove the corner at the south boat ramp to form a triangle to open up the boat ramp.

Meeting minutes dated 03/06/08 stated that a new dredging committee had been formed. No actions by this dredging committee have been taken to date.

VIII. Building Department

Motions

Motion 79-9-17 carried on 09/18/79 for the following procedure for obtaining a Building Permit:

1. Applicant goes to the Planning Commission to verify whether in conformity with Zoning & Building Ordinances.
2. If no variances are required the Planning Commission will recommend to the Building Inspector for a permit to be issued.
3. If there are variances required for the Building then the applicant is to proceed to the next Council meeting with the recommendation for the Planning Commission for disposition of the Council.
4. All recommendation for planning commission to be sent in writing.

Note: This procedure is no longer being followed. Contact the Building Inspector for process.

Motion 3-81-4 carried that Building permits for restoration & home improvements be good for 6 months. New construction one year and demolitions 30 days.

Motion 6-81-6 carried on 06/23/81 that we put in effect a moratorium prohibiting any Mobile Homes, House Trailers or any similar permanent structure pending passage of a trailer ordinance compatible with any State law regulating the same.

Motion 10-84-15 carried on 10/02/84 to have all Building Permit Applications be submitted to Council. Motion 10-84-20 carried on 10/16/84 to correct motion 10-84-15 to say all Buildings Permits applications to be submitted to Council with recommendation by Building Inspector.

Motion 3-94-10 carried on 03/22/94 to place a moratorium on construction / placement of any auxiliary buildings between road and live canal and road and drainage ditch on entire length of Lakeshore Drive and Michael Street.

Meeting minutes dated 12/05/95 stated:

President – Exceptions on set back especially on lakefront.

Building Inspector – Lakeshore property wetland locked new construction and substantial improvement have to meet shoreline protection. How do we handle for all additions. Does new construction and additions come before council?

President – Every permit because of shoreline protection comes before council.

Building Inspector – Asking homeowner to wait 2 weeks because of it coming before council.

President – We need to wait until next council meeting for decision. Department of Labor audit on the Building Department. Performance evaluation.

Meeting minutes dated 11/07/96 states, Court order from Judge Wiepert to maintain cribs until ordinance can be written.

Motion 7-01-4 carried on 07/17/01 to adopt the Michigan Building Code, the Michigan Plumbing Code, using the International Residential Code and State Amendments as provided, under the State Construction Code Act provides us as a local unit of government to administer and enforce the codes promulgated under the act. To take effect July 31, 2001.

Meeting minutes dated 10/07/03 state:

Building Inspector – Height of cribs:

Lake Erie side 581.00' (IGLD) – 582.43' (NGVD)

All others 578.4' (IGLD) – 579.83' (NGVD)

Advance Measures Flood Control Program 1986 (revised Feb. 1991)

Motion 12-03-5 carried on 12/02/03 to have a workshop on January 15 to cover break walls, cribbing heights, regulate foundation to the road, Moratorium between Lakeview and Michael on Lakeshore and Dangerous buildings.

Motion 1-04-15 carried on 01/20/04 to hold a work shop on dikes and breakwalls, height and dangerous buildings on 2/24. Meeting minutes dated 03/06/04 state to accept a three part resolution for 1) dike height, 2) material for construction, 3) set back building from break wall.

Workshop meeting minutes dated 03/09/04 state:

President – Had workshop for new and repair of sea walls, foundation height on new homes, set back from break walls and material for construction.

3-04-6 motion carried to accept three part resolution for 1) dike height, 2) material for construction, 3) set back building from break wall.

Adopted new Ordinance 1052, “Flood Control Device Ordinance” on 03/26/08.

Variances and Exceptions

Ordinance 1031, Article II, Zoning Exceptions and Variances:

Zoning Exceptions and Variances:

- a. Exception: An exception is a use permitted only after review of an application by the Board of Appeals, Planning Commission, or Legislative Body other than the Administrative Official (Building Inspector), such review being necessary because the provisions of the Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this Ordinance.
- b. Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Permission to waive or alter a requirement or limitation of the zoning ordinance. There are two types of variances: “Use Variance” is authorized if strict enforcement of the ordinance would cause unnecessary hardship for the property owner due to circumstances unique to the property. “Non-Use Variance” is

authorized if strict enforcement of the ordinance would cause practical difficulties for the property owner due to circumstances unique to the property. Non-Use Variances are typically associated with modifications of required yard setbacks, building heights, buffering restrictions, and related building or facility placement matters and sizes. Too often variances are granted because no one sees any harm in doing so, rather than carefully considering the ordinance standards. The Board soon gains the reputation for not following its ordinances; one merely has to go to the Council to obtain relief from the ordinances. Eventually, the offhand granting of variances harms the community's ability to enforce the ordinances.

The crucial points of a variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

- c. The "Exception" differs from the "Variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this Ordinance appear as "conditional approval" by the Planning Commission, Legislative Body, or Board of Appeal. These land uses could not be conveniently allocated to one zone or another, or the affects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:
1. They require large areas.
 2. They are infrequent.
 3. They sometimes create an unusual amount of traffic.
 4. They are sometimes obnoxious or hazardous.
 5. They are required for public safety and convenience.

Exceptions:

If the same types of exceptions are being asked for, they should be evaluated for their merit and the ordinance(s) revised accordingly.

Questions that Council members need to ask themselves prior to approving an exception. ALL of the answers should be YES for an acceptable exception.

1. Will the exception maintain acceptable access for fire fighters should a fire occur, either at the residence in question or at a neighbor's property?
2. Will the exception maintain or increase the property value of the surrounding homes?
3. Will the exception improve, maintain, or have minimal impact on the existing view from the neighbor's property?
4. Will the exception improve, maintain, or have minimal impact on the neighbor's privacy?
5. Will denial of the variance negatively impact the landowner's right to a reasonable rate of return?
6. Would you be willing to have the proposed exception implemented next to your house?

An additional question that needs to be asked, which may not have a simple yes or no answer, is do the neighbors approve of the proposed exception, and if not, why?

Variances:

The standard fee to be charged for considering variances was set at \$250 by motion 8-08-11. The fee is to cover the Clerk's time, Building Inspector's time, and Council's time. It will also cover the cost of mailing letters of notification to neighbors, hall usage fee, etc. The same or similar questions asked for an exception also apply when approving a variance.

See EstralBeachVillage.com or call the Building Inspector for specifics on the Permit Application Process.

IX. Estral Beach Volunteer Fire Department (EBVFD)

The EBVFD was formed in 1956 by a few of the residents (Otto "Bay" Gearhart, Dan "Hank" Knierim, Bill Broge, John Knierim, Bill Farcus) which grew quickly to 13 to 15 strong. It serves the residents of the Village of Estral Beach, and supports the Newport and South Rockwood Fire Departments on an as needed basis. In return, these fire departments serve as back up to the EBVFD. The EBVFD has medical as well as fire fighting capabilities. The majority of the fire department volunteers serve an active function in the Village, and in the surrounding communities, and coordinate a yearly fund raising festival in the Village (usually the third weekend of August).

Motions:

- Motion 10-95-20 carried on 10/17/95 to approve the fire department by laws as presented.
- Motion 4-01-7 carried on 04/03/01 to purchase a fire truck, 1988 Emergency One Hurricane Custom Pumper for \$43,500.
- Motion 10-01-3 carried on 10/02/01 to adopt resolution with Monroe County Emergency Medical Authority.
- Motion 2-03-4 carried on 02/04/03 to authorize the Village Of Estral Beach Volunteer Fire Department to enter into the automatic mutual aid pact with Berlin Township fire department to automatically respond outside of the Incorporated Village Limits of Estral Beach to any reported fire emergency on the following streets: U.S.Turnpike, Masserant, Strong, Trombley, Blanchette, and Lilly Patch. The Berlin Township Newport Fire Department will in turn automatically respond inside the Village of Estral Beach to any reported fire emergency. Automatically responding units may be canceled at any time by the jurisdictional authority, if deemed that assistance is so needed. Further, there shall be no charge for services. This motion will assist with the grading of the Estral Beach Fire Department by the Insurance services office in their upcoming audit.
- The responsibility of maintaining the burn pile located behind the Village Hall falls on the Maintenance personnel and the EBVFD. This involves the burning of the pile when weather conditions are favorable and the pile size warrants. The desire is that these controlled burns will coincide with Village events whenever possible.

Revenue Sources

Tax millage

Grants

Fines

Interest Income

Donations

Fund Raisers (e.g., Fireman's Festival)

Controlled by the Village with expenditures requiring prior Council approval.

Controlled by the EBVFD with expenditures at the Fire Chiefs discretion.

Major Expenditures

Vehicle Maintenance

Equipment Upgrades

Consumables (e.g., gasoline, oxygen, first aid supplies, etc.)

Salary of \$10 per call paid at the end of each year.

Fire Department Major Equipment

- Engine Rescue 1 (Fire engine)
- Squad Rescue 2 (Brush Truck)
- Rescue 3 (Ambulance)
- Rescue 4 (Ambulance)

Personnel interested in joining the EBVFD make their request known to the Fire Chief, who in turn brings the recommendation before the Council for approval.

Estral Beach Fireman's Festival

Normally held the second weekend of August. The Festival hours are 5:00 pm Friday until 1:00 am Saturday, then 12:00 pm (noon) Saturday until 1:00 am Sunday. The festival is supported by the Estral Beach Council which permits the use of the Village property, including the use of the Village Hall. In the past, the Council has agreed to pay to have the field sprayed for mosquitoes before the festival, and to allow the use of a Maintenance Personnel's personal tractor to re-mow the field where the Life Flight helicopter lands. Other Village support (e.g., Maintenance personnel support for setup or clean up) with prior Commission approval.

Council interface with EBVFD

- Council shares the Village Hall with the Fire Department.
- Council approves expenditure of Fire Department funds.
- Council approves the Fire Chief's nomination of volunteers to support the EBVFD.
- Council approves expenditure of Village funds for public education (e.g., CPR).

X. Flood Control Measures or Structures

General

The Village is covered by the Federal Government's (FEMA) National Flood Insurance Program (NFIP). To qualify for this coverage we are required to maintain our flood control structures to minimize the chance of the Village flooding. We are also required to have an Ordinance that specifically addresses Flood Control Structures (Ordinance 1052). To verify that we are maintaining the dikes and advance measures installed, the Army Corp of Engineers walk down the clay dikes once a year and provides a written report. The Village of Estral Beach is in a zone AE floodplain with a National Geodetic Vertical Datum (NGVD) elevation of 579'.

The last several reports have indicated numerous deficiencies which make us non-compliant. The Village remaining non-compliant could potentially affect the Village's ability to obtain or maintain flood insurance under the National Flood Insurance Plan (NFIP).

Dikes / Cribbing

The clay dikes and rock / concrete cribbings were installed by the United States Army Corp of Engineers (USACE) following flooding of Estral Beach. The Village and homeowners are responsible for maintaining these flood control structures in good repair since they are the primary means of flood control for the Village. Ordinance 1052 "Village of Estral Beach Flood Control Device Ordinance" was passed on 03/26/08 and covers the flood control structures. This ordinance "establish methods, standards and requirements for the construction, maintenance and repair of Flood Control Devices in the Village of Estral Beach, to provide for permits and the submission of plans and specifications to accomplish the same and to provide penalties for the violations of the provisions hereof".

Motion 1-86-3 carried on 01/07/86 to send a letter to persons that have decks or structures over the foresight cribs that these structures must be removed by the property owner prior to Advance Measures works on the cribs or the contractor will remove structures at their expense. These structures must be removed by 01/15/86.

Motion 1-86-4 carried on 01/07/86 to grant a permit to construct a concrete break wall per design and approved by the Army Corp of engineers as part of the Advance Measures Flood Project. Said break wall to be constructed on lot # 67 Stevens Estral Beach Division and to be completed at the same time as advance Measures Flood Project is completed. All Village permit fees are waived.

12/16/86

Note: The dike Coordinator submitted letters from Army Corp of Engineers concerning the unauthorized modifications to the advanced measures diking, a description of what exactly was done to the structure, and their opinion of the integrity of the dike project itself. The dike Coordinator will conduct further discussions with the Army Corps concerning above letters.

Dikes

Prior to the installation of the dike systems, the Village of Estral Beach entered into an agreement with the USACE. The agreement provided permission for the USACE to install the dikes, after which, the Village would be responsible for maintaining these structures. Also as part of this agreement, a representative from the USACE walks down the dikes of Estral Beach once a year and files a report on the condition of the dike maintenance. Motion 3-08-13 carried on 03/18/08 to make the Village maintenance personnel the “Dike Coordinators” since they are the ones out there working the dikes day to day and know the issues. The motion also requires that the Maintenance personnel and the Building Inspector accompany the USACE representative on this walk down, with a courtesy notification to the Estral Beach Fire Chief. The dikes may not be modified in any way without approved permits as directed under Ordinance 1052.

Cribbings

Cribbings may be repaired, modified, or replaced using guidance of Ordinance 1052 and the building permit application process of Estral Beach.

Motion 11-98-15 carried on 11/17/98 to send a letter to a resident about lack of repair to his breakwall and his presence is requested for 12/15/98 council meeting to state his intentions.

Corp of Army Engineers

The United States Army Corp of Engineers (USACE) shall walk down the dikes of Estral Beach once per year and provide a written report of their findings.

Motion 7-85-9 carried on 07/02/85 to resolve that the Village of Estral Beach accepts the \$120,000 from Detroit Edison for use as the Villages 15% contribution to the Army Corp of Engineers advance measures flood protection program.

Motion 9-85-41 carried on 09/27/85 that the Village of Estral Beach assume all responsibilities on certified break walls at the following Lakeshore Drive locations:

7428, 7464, 7468, 7602, 7606, 7610, 7750, 7758

Motion 3-08-13 carried that the Village representatives to accompany the USACE on their yearly walkdown are the Village Maintenance Personnel and the Building Inspector, with a courtesy notification given to the Fire Chief.

Pumps

The function of these pumps is to remove the water from inside of the Village dike system to maintain the lower basin relatively dry. Rain water and seepage water from Lake Erie collects in the drain ponds, mainly due to flow through the Village drainage ditches. These pumps are set to automatic during the spring and summer months, and to manual during the fall and winter months.

	<u>Southwest Pump</u>	<u>Northeast Pump</u>
Pump		
➤ Make:	Gorman-Rupp	Gorman-Rupp
➤ Model:	T8A3-B	T8A3-B
➤ Impeller size:	526162	526164
➤ Drawing #:		
Motor		
➤ Make:	Century C Electric Co.	Century C Electric Co.
➤ Model:	6-313482-01	6-313482-01
➤ Voltage / Amperage:	230/460, 98/49	230/460, 98/49
➤ Phase / Cycles:	3 / 60	3 / 60
➤ Hp:	40.0	40.0
➤ Rpms:	1765	1765
➤ Type:	SC	SC
Drive Belts:		Three belts. Gates Super HC 5V950

XI. Village Employees

See the “Policy Handbook for Employees, Village of Estral Beach” for additional information on Village employment policies.

All Village employees are hired on a part time basis, meaning less than 40 hours per week. Maintenance personnel, seasonal person to plow snow, Police Chief (if needed) are a few of the positions that the Village presently or previously filled.

These positions require that the personnel perform their work to the best of their ability, are self-motivated with little to no supervision, and work under the honor system (productively work the hours that they claim). Proven misrepresentation on employee timesheets as to the actual hours worked is ground for immediate suspension without pay, with termination a distinct possibility.

The Village is a small community with limited revenues, and minimal funds to cover expenses over those budgeted. To this end, the Treasurer monitors the monthly expenditures and limits the employee’s hours if expenditures are higher then expected. For example, the money expended for snow plowing is weather dependent and very difficult to budget to cover the exact cost.

Safety Policy

MIOSHA requires that each employer provide the needed safety personal protective equipment, at no charge to the employee, for the tasks they are assigned.

Work Description

Maintenance Men’s Job Tasks (From past maintenance reports):

Cut trees
Prime, operate, and perform basic maintenance of dewatering pumps as needed
Cut grass along roads and on dikes
Clean Hall as needed (e.g., stove, refrigerator, microwave, mop floors, etc).
Basic maintenance of the Hall and support buildings (e.g., pump houses)
Repair / replace street signs, guardrails, etc. as needed
Miscellaneous small jobs
Patch roads as needed
Basic Village vehicle maintenance (e.g., Clean, Change oil in tractor and box truck)
Paint
Clean vegetation and trash out of ditches (with home owners support)
Spread gravel on road sides as needed
Shovel snow around Hall
Weed whip ditches, dikes, etc. as needed
Install and remove boards at south boat ramp
Spread salt or sand on the roads as needed
Call Edison about street lights that are not working
Clean snow and vegetation from around fire hydrants
Control varmits to protect dikes

Other tasks as needed to support the Village Master Plan

Snow Plowing Contractor

Maintain the roads within the Village plowed following snow accumulation of at least 3”.

XII. Village Budget

The legislative body must annually adopt a budget (spending and revenue plan) for the Village and must make amendments when necessary. Budgets should be amended before you overspend, not after. Proper procedures must be followed in setting the millages. The Uniform Budgeting and Accounting Act (1968 PA 2, MCL 141.421 et seq.) spells out the procedures and requirements of the budgeting process and the accounting function for municipalities. The fiscal year starts on July 1st and ends on June 30th. The budget for the following year is approved by Council motion prior to that date. Budget Hearings of Local Governments Act (1963 PA 43, MCL 141.411 et seq.) requires all local units to hold a public hearing on a proposed budget. Notice must be published at least six days prior to the hearing in a “newspaper of general circulation” and must include a statement, printed in 11-point boldfaced type, stating “**The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.**” This hearing will also fulfill the requirement for a “truth in taxation” hearing.

Millages

1999 PA 248 amends section 24f of the General Property tax Act (MCL 211.24f) to require that the following information be provided on the ballot:

1. the millage rate to be authorized,
2. the estimated amount of revenue that will be collected in the first year that the millage is authorized and levied,
3. the duration of the millage in years,
4. a clear statement of the purpose for the millage, and
5. a clear statement indicating whether the proposed millage is a renewal of a previously authorized millage or the authorization of new additional millage.

Headlee Amendment

In 1978, Michigan voters approved the "Headlee" tax limitation amendments to the Michigan Constitution of 1963 (Article IX, Sections 24 - 34). Article IX, Section 26 establishes an overall limitation on total state spending each fiscal year. The "Headlee" Amendment also creates two significant limitations on the fiscal relationship between state and local units of government.

Article IX, Section 29 prohibits the state from reducing its share of existing state-mandated programs and requires the state to reimburse local governmental units for any new state-mandated programs.

Article IX, Section 30 prohibits the state from reducing the proportion of total state spending paid to all units of local government as a group below the proportion in effect in fiscal year 1979.

This affects the Village by:

- Requiring local voter approval for increasing tax rates above the rates then authorized by law or charter, and
- Rolling back or decreasing millage rates so the total amount of taxes paid on existing property increases by no more than the rate of inflation during periods when property values increase by more than the rate of inflation.

Background

[APRIL 1, 1998] In November 1978 Michigan voters approved the so-called Headlee Amendment, which added several provisions—sections 25 through 33—to Article IX of the state constitution. The key provisions are presented below.

Section 26

Section 26 limits the revenue collected by the state (except federal aid) to no more than the share it was of total personal income in FY 1978–79. If revenue *exceeds* this limit by more than one percent, the excess is to be refunded to taxpayers, *pro rata* (in proportion to the amount each person and business paid), based on the taxpayer's liability under the single business tax and the income tax. If the excess is *less* than one percent, it may be transferred instead to the Budget Stabilization Fund (the state's "rainy day" fund).

Section 29

Section 29 prohibits the state from mandating that local governments provide new services unless the state reimburses the locals for any necessary increased costs they may incur. The state also is prohibited from reducing the state-financed proportion of the necessary costs of any existing activity or service that state law requires of local governments.

Section 30

Section 30 provides that the proportion of state spending devoted to local governments shall not be less than the proportion in effect in FY 1978–79, the year in which the Headlee amendment passed. That year, local aid as a share of state spending was 41.6 percent; some years later, in the aftermath of a suit brought by Oakland County, the local share was recalculated and set at 48.97 percent. In FY 1994–95 this section effectively was rendered moot by school-finance reform (Proposal A), which sharply increased state support for K–12 education, pushing local aid as a share of state spending to more than 60 percent. This change has made this section ineffective and has allowed the state in recent years to make reductions in state revenue-sharing payments to local governments.

Section 31

This section pertains to local government. It requires that voters approve local government tax increases not authorized by law or charter prior to November 1978 (that is, any local taxes not already in place at the time the Headlee amendment was adopted have to be approved by the people who will pay them). This section also provides that if the definition of the base of an existing tax is broadened, the maximum authorized tax rate on the new base must be reduced to yield the same revenue as the tax on the prior base; for example, if the tax base was increased from \$1,000,000 to \$1,100,000, and the tax rate was one mill, the millage would have to be reduced to .909 mill, so that the yield would be the same— \$1,000—as that generated by the one mill on the original tax base.

A key provision of this section limits revenue from property-assessment increases. If the assessed value of a local unit's total taxable property, excluding new construction and improvements, increases by more than the inflation rate, the maximum authorized property tax rate must be reduced so that the local's total taxable property yields the same gross revenue, adjusted for inflation, as collected on it at its prior assessed value. (However, the assessment on individual property still could increase more than the inflation rate, because the limit applies to all property *combined*, not each parcel.)

This section has had a restraining effect on local revenue. Most units have been required on several occasions to roll back millage rates so as to offset assessment increases. Many government units, particularly school districts, have asked voters to override "Headlee rollbacks"; they have only sometimes been successful. This provision's importance has been reduced by Proposal A, because the latter imposes a limit on assessment increases that is more restrictive than that imposed by the Headlee amendment.

Discussion

The Headlee amendment clearly has significantly affected state-local finances, but it has not had the dire consequences predicted by its opponents. For example, it has neither caused large reductions in needed public services nor seriously hindered local government operations. It has modestly restrained increases in state and local taxes and spending and probably encouraged some government efficiencies; it also has encouraged creative management and accounting, to enable state and local governments to comply with some of its provisions.

Because there have been many state-local financing changes since 1978—principally Proposal A, which put in place school finance reform—several Headlee provisions no longer are relevant. Whether the amendment should be updated may become an issue in the next few years.

Revenue Sharing

Background

[APRIL 1, 1998] Michigan's revenue-sharing program began in the early 1930s and through numerous changes has evolved into the current system.

- In the 1930s the state began taxing enterprises holding licenses to sell alcoholic beverages; 85 percent of the revenue was returned to cities, villages, and townships. Later a portion of the intangibles tax revenue was added to the revenue-sharing pot.

- In 1946 a portion of the state sales tax revenue also was earmarked (dedicated) for local government.
- The 1963 state constitution (Article IX, section 10) expanded the locals' share of state sales tax revenue, dedicating one-eighth of it to cities, villages, and townships.
- In 1967 the state income tax was enacted and 11.5 percent of the gross receipts allocated to local governments: 50 percent to county governments (the first significant unrestricted state aid to counties) and 50 percent to cities, villages, and townships. This and all the above were distributed on a per capita basis.
- In the 1970s there were several substantial changes, and the system took the form that existed until 1996. The most significant revision occurred in 1972 with Public Act 212, which, for the first time tied cities', villages', and townships' share of state income tax revenue to their relative tax effort (RTE). A unit's RTE is measured by comparing its property, income, and excise taxes to the statewide average of all local units. The rationale for this formula is that tax effort better measures local need than does population alone. Local governments have different needs for public services and different revenue-raising ability not directly related to population. (For example, Detroit has a higher crime rate than Troy, and therefore, has a greater need for police services; but to raise the same revenue per capita as Troy, Detroit also must levy higher tax rates because Detroit's property values are much lower than Troy's.)
- In 1974, following voter approval of the food/drugs exemption from the sales tax, the state constitution was amended, increasing the tax revenue earmarked for revenue sharing from one-eighth to one-fifth (raising the percentage of total sales tax revenue allocated to locals from 12 percent to 15 percent).
- In 1975 the single business tax (SBT) was enacted and part of the revenue directed into revenue sharing; a portion of the new revenue-sharing payments was based on RTE and, because one levy that the SBT replaced was the personal property tax on inventories (a local government revenue source), a portion of it was based on the inventory taxes collected that year by local government. Also in 1975 the percentage distribution of the income tax revenue to (1) counties and (2) cities, villages, and townships was changed from 50-50 to 35-65; the adjustment reflected state takeover of county welfare costs.

In the 1980s and early 1990s there were periodic reductions in payments to deal with short-term state budget problems, and there were adjustments (to reflect changes in tax rates) in the percentage of the sales, income, and SBT tax revenue shared with local governments.

In 1996 there were two major changes in state revenue sharing—one having to do with the basis on which the funds are distributed and the other with the source of the funds.

- *Distribution* Public Act 342 of 1996 changed the revenue-sharing distribution formula, effective October 1, 1996 (the beginning of the state's 1996–97 fiscal year). (1) The amount paid under the RTE formula now is capped at the FY 1996–97 level, and any growth in that revenue source (primarily from the sales tax) will be distributed on a *per capita* basis. (2) A bipartisan revenue-sharing task force was established and is charged with recommending future

changes in revenue-sharing sources or distribution. If the legislature fails to act on the task force's recommendations (due in March 1998, but at this writing the task force had not completed its work), in FY 1998–99 local governments will receive payments equal to that of the previous year; any growth that has occurred in the revenue source will go into a revenue-sharing reserve fund that will be distributed when the legislature finally acts.

- *Source* Public Act 342 also changed the source of revenue-sharing funds, removing income tax and SBT revenue and replacing it with additional sales tax revenue; thus, virtually all revenue sharing now comes from sales tax revenue. This likely will slow the growth in revenue-sharing payments, because historically, revenue from the sales tax has grown more slowly than that from the income tax and SBT.

The cities receive the lion's share—well over half—the revenue sharing in Michigan; in contrast, villages receive a very small percentage. This money is very important to the budgets of the various types of government: On average, state revenue sharing makes up only about 10 percent of county general fund budgets, but it accounts for more than 40 percent of the townships' (FY 1994–95 data are used, which is the latest comparable information available).

In Michigan, revenue sharing is *unrestricted*—that is, the state imposes no constraints on how it is spent by the local government that receives it. The amount of unrestricted money that states share with local units varies widely nationwide, and Michigan is more generous than most. Michigan's unrestricted aid

- as a share of state *General Fund* expenditures is 4.4 percent (the national average is 2.6 percent); and
- as a share of *total* intergovernment aid (includes school aid and certain other payments) is 13.5 percent (the national average is 7.8 percent).

Most states, including Michigan, earmark revenue from a specific tax (most frequently, income and sales taxes) for revenue-sharing payments; a few also make General Fund appropriations.

The basis on which revenue-sharing is distributed also varies widely among the states, but the formulae fall roughly into four categories: property tax reimbursement, population, tax effort, and origin.

- *Population* Funds are awarded on a per capita basis: e.g., number of people, per capita income, or urban population.
- *Tax effort* Help is given to those that help themselves. The state funding that a local receives is based on how much the local is taxing itself; this approach is used in many states.
- *Property tax reimbursement (or payment in lieu of taxes)* Funds are given to local governments to reimburse them for local tax revenue they have lost due to state legislation. For example, in Michigan the state reimburses locals for revenue they lost when the state repealed the personal property tax on inventory.

- *Origin* Funds are awarded in proportion to a local's contribution to state government revenue from a particular tax.

In FY 1994–95, before the major changes of 1996, Michigan distributed 53 percent of revenue sharing on the basis of population, 38 percent on tax effort, and 9 percent on the property tax reimbursement. Origin is not used in Michigan.

Discussion

The main purposes of unrestricted revenue sharing are to

- equalize revenue among local governments, which have widely differing capability to raise revenue, and
- supplement the relatively limited revenue-raising ability of most local governments.

One argument against shifting from tax effort to per capita is that such a shift exacerbates urban sprawl and migration from central urban areas. Reducing their revenue-sharing payments will require cities such as Detroit and Flint to raise taxes or reduce services, which will drive even more residents and businesses to suburban areas, where higher revenue-sharing payments will result in residents/businesses having lower taxes or more public services. This will encourage (1) the inefficient, costly practice of abandoning serviceable infrastructure (e.g., highways, sewer systems) in urban areas and duplicating this infrastructure in suburban and rural areas, and (2) continued development of land currently used for farming or recreation.

Supporters of per capita distribution of local aid argue that a tax-effort formula (1) deprives many jurisdictions of their fair share of state aid, (2) encourages local governments to raise taxes in order to get increased state aid, and (3) provides too much aid to Detroit.

Truth in Taxation

Truth in Taxation Act, 1982 PA 5, as amended, MCL 211.24e et seq. Provides that no local unit of government may levy an ad valorem property tax for operating purposes in excess of the base tax rate, as defined in the act, without first holding a public hearing pursuant to notice which contains the proposed additional millage rate and percentage increase in operating revenue which would be generated from the levy. A truth in taxation hearing is not necessary if the local unit complies with section 16 of the Uniform Budgeting and Accounting Act. The money (millage) must be designated to a specific purpose and budgeted for that purpose.

Budget Summary

Funds

General Fund – Monies accrued from Village taxes.

Major Road – Monies obtained from the taxes or State.

Local Road - Monies obtained from the taxes or State.

Dikes – Required to be maintained above \$10,000 per the agreement with the US Government.

Fire Department – Monies accrued from Fire millage, donations, grants, etc.

Recreation / Public Access – Monies accrued by fund raisers, donations, and Council approved transfer from General Fund.

Tax Rate Request

Michigan Department of Treasury 614 (Rev. 4-08) Form L-4029 (See attached blank 2008 form)

County: Monroe

Taxable Value of ALL Properties in the Unit: Cash value provided by Berlin Township or Monroe County

Local Government Unit: Village of Estral Beach

Columns

- (1) Source: Charter – for the millage to operate the Village, Voted – for the fire department millage, Resolution – for garbage collection millage.
- (2) Purpose of Millage: Operation (Charter), Fire Department (Voted), and Garbage (Resolution)
- (3) Date of Election: Operation millage was not voted on since it is allowed by Charter. The garbage collection millage was not voted on since it was a resolution by the Council. The fire department millage was the only one voted on.
- (4) Original Millage Authorized by Election, Charter, etc.: Millage approved by Charter, Vote, or Resolution.
- (5) 200* Millage Rate Permanently Reduced by MCL 211.34d “Headlee”: Last years levied millage
- (6) Current Year “Headlee” Millage Reduction Fraction: Number provided by County. Usually greater than 1.0000
- (7) Millage rate Permanently Reduced by MCL 211.34d”Headlee”: Multiply column (5) by column (6)
- (8) Sec. 211.34d Truth in Assessing or Equalization Millage Rollback Fraction: Does not impact Villages. For Townships and Counties only. Therefore equal to 1.0000 for Village.

- (9) Maximum Allowable Millage Levy: Multiply column (7) by column (8). Note that the garbage collection millage can be increased to the maximum allowed value of 2.0000 by motion from the Council but should not be more than the actual cost for the service.
- (10) Millage Requested to be Levied July 1:
- (11) Millage Requested to be Levied Dec. 1:
- (12) Expiration Date of Millage Authorized: Charter and resolution millage does not expire.

XIII. Village Website

Communications between residents, Council and residents, and between Council Members has been identified as an essential requirement for having an effective government. From MML.org, communication issues also provide barriers;

- Lack of public input in council decisions; too little too late.
- Low level of trust by residents caused by poor information.
- Apathy on the part of the citizens.
- Lack of knowledge of community issues on the part of citizens.
- No local print media.

The function of the website is to disseminate information to the residents of Estral Beach, although it must be remembered that whatever is placed on the website is available to anyone. Therefore, certain rules apply to uploading information to the website:

- Information concerning a person or group of people shall not be slanderous.
- Pictures, information, etc. should be in good taste (not offensive to the majority of people)
- Must contain accurate information to the best of your knowledge (do not knowingly upload false information)
- Maintain the information on the website as up to date as practical
- Attempt to maintain the format professional since the appearance of the website is a reflection on the Village itself.

The Website, Newsletter, and bi-monthly Council meetings are intended to remove these barriers. The “Estral Beach Village News” newsletter was discontinued November 2008 after 20 months of distribution due to lack of resident input and feedback. A change to the Village charter may be passed at the November 2009 election.

The official website, or URL, for the Village of Estral Beach is:

<http://www.EstralBeachVillage.com>.

The host is Total Choice Hosting, LLC (www.TotalChoiceHosting.com)

The website contains information such as the Village Charter, Village ordinances, photos, EBVFD information, etc. Suggestions for additional content are welcome.

XIV. Village Timeline

Stanley G. Stevens of Detroit developed Estral Beach

1919: Only a scattering of cottages along the lake.

1921: The Estral Beach Hotel was built. It had 22 rooms, and gourmet meals were served. Popular waterfront establishment attracted capacity crowds during the summer months. The business remained under family ownership until the mid 1980s.

Across the street from the hotel (where the parking lot is now located) was a grocery store and an ice house.

Hungarian-Americans had acquired property at Estral Beach and set up cottages. A sizeable area was known as Hungarian Park, or Hunky Park. The huge clubhouse at the park (About a 200 person dance floor with a kitchen that could feed about 2,000 people a day.) was the scene of regular ethnic festivals during most weekends beginning Memorial Day and going through the summer. Partiers would park at the Hotel and catch a horse drawn cart back to the Park. The season concluded with wine making ceremonies where barefooted dancers in colorful costumes stomped on the grapes. The clubhouse no longer stands.

1945: There were 9 houses that were lived in year round. The cottages did not have heat or insulation.

1950s: Estral Beach had a winter population of 400 that swelled to 2,000 in the summer. It was a prohibition-era meeting place for bootleggers importing from Canada. The Casino drew hundreds of dancers who capered to the Charleston a few feet from lake's edge. A few expensive homes were built, but mostly it was then a working man's resort.

Flooding

Strong northeastern winds cause a phenomenon called a "wind set-up" which is an actual tilting of the lake's surface. The lake levels have been noted to be 8 feet higher on the western end of the lake. During periods of high lake levels the concern is worsened.

22 March 1952 Flood

High northeastern winds drove high waves into the Village of Estral Beach. Tremendous loss of personnel property and belongings. Most of the official records could not be salvaged. Flood waters reached the first fire hydrant off of the beach.

Monroe Evening News, 25 March 1952: Estral Beach's request for \$10,000 in state aid for flood relief was turned down today while a warning came that Great Lakes waters are rising and will not reach their crest until June or July. Reason cited was that the situation is not an emergency in that human life is not endangered and therefore is not a subject for National Guard assistance.

Volunteer firemen from South Rockwood and Newport dynamited channels in the dike that has been holding the flood waters in a bowl behind the lakefront. Some of the water has run through the channels and today workers are sandbagging the channels to keep the water from behind the dike. Most of the 100 Estral Beach houses have three feet of water on the first floor while six are reported to be severely damaged.

Detroit News, 28 March 1952: The Governor was told at an emergency meeting of five state agencies that it was up to the individual communities and property owners to save themselves. Estral Beach was given up as a total loss as far as officials are concerned. Already 25 refugee families are being housed in the Monroe Armory.

The Monroe Evening News: 29 March 1952: Water showed no signs of receding with three to four feet still standing in the Village proper.

1956 Otto "Bay" Gearhart, Dan "Hank" Knierim, Bill Broge, John Knierim, and Bill Farcus established the Estral Beach Volunteer Fire Department.

1961 Adam Typinski started construction of a landmark windmill at the mouth of Swan Creek.

1966 Adam Typinski finished construction of his windmill.

29 May 1971 - Veteran's war memorial dedication.

The tank in front of the Village Hall was suppose to be a howitzer, and the pad was poured to support the weight of the howitzer. When a tank instead of a howitzer was obtained, the pad could not support the additional weight and one side sank into the ground.

9 April 1973 Flood

Damage was estimated at \$3.5M. Estral Beach was only accessible by boat with water levels of 3 to 4 feet deep. Flood waters reached the old farm house on the north side of Port Sunlight.

In response to the flood of 1973, the Army Corp of Engineers included Estral Beach in a national project "Operation Foresight". Operation Foresight was a project to construct temporary flood protection structures in advance to mitigate future damage due to flooding throughout the Great Lakes with the exception of Lake Superior. These are the pipe, fencing, and stone structures you see along the lake front. After the construction was completed, the dikes were turned over to the local interests for inspection and maintenance. The contract was for 10,362 lineal feet of sand crib

structures, 22,378 lineal feet of clay dike structures, 10 road ramps, and 33 culverts with flap or sluice gates at a cost of \$621,423. During the 8 April 1974 flood, 150 feet of sand crib washed away.

29 April 1973: A five to six foot portion of the 20 year old earth dike gave way where it had been burrowed by muskrats about halfway between Michael Street and Port Sunlight Road. Ten weeks passed before Estral Beach homes were free of water.

The Army Engineers came in October to circle the Village with a new \$180,000, 14,000 foot long dike and put finishing touches on it last week. 5,000 trucks of earth and stone. 16,000 cubic yards of earth and heaped it up to a height of 14 feet in some places.

The Army Corps of Engineers awards a contract to construct dikes in Estral Beach for \$289,302.75. Time and tide began to take a toll in the Village, the Casino crumbled to a rotted ruin.

28 September 1973: The U.S. Army Corp of Engineers outlined a plan to relocate all the residents of Estral Beach (200 homes) to nearly 100 residents attending the Village Council meeting. The cost to the federal government to build permanent dikes was estimated at \$18M while the cost to relocate the residents was estimated at \$9M. The stipulations were that the decision had to be made by June 1977 by a majority of the 400 residents, and those residents must relocate within 50 miles of Estral Beach. Five homes in the community had already relocated.

Village Hall / Fire Department:

- The Village Hall was originally on Lakeshore Drive at the top of Lakeview Avenue next to the Casino.
- The fire department was downstairs and the Village Hall upstairs.
- First fire engine was a Model A pickup fire truck with a hose reel on the back.
- The Building was moved down to 7195 Lakeview Boulevard.

Casino:

- The Casino was located at 7400 Lakeshore Drive, at the end of Lakeview Avenue.
- The parking lot was along the north side of Lakeview Avenue.
- The Casino served food but could not get a liquor license since the Hotel had a year round license and the Lake Breeze Inn had a seasonal liquor license.
- The dance floor could hold about 300 couples, and about 250 in the bar area.
- The stage could hold a twelve piece band.
- There was a small store with one gas pump at the northeast corner of Lakeview Avenue and Sovey.
- Casino was finally torn down after years of deterioration from wave action washing out the soil from under the casino, and neglect.

Lake Breeze Inn:

- Located at the end of Michael Street.

Dance Hall:

- Located on Port Sunlight just past the hump into Estral Beach on the east side of the road.

The live canal on the north end was back filled when the sewage and water lines were installed.

1981: Construction started on Island Marina

1982: Operating License issued to Island Marina

05/04/82: Motion 5-82-8 carried to adopt the 1981 amendment to the Uniform Traffic Code.

1985: Village Police Department disbanded

2007: There are approximately 200 homes in Estral Beach.