

A photograph of a dam in a winter setting. The dam is a low, dark structure with a small opening in the center. It is surrounded by a thick layer of snow. In the background, there are bare trees and a body of water. The sky is overcast. The entire image is framed by a blue border.

LAKE IMPROVEMENT BOARD MANUAL

Tipsico Lake Dam - Photo by John Benedict

GUIDELINES FOR EFFECTIVE ADMINISTRATION OF LAKE IMPROVEMENT BOARDS FOR OAKLAND COUNTY

A Lake Improvement Board is a Michigan statutory public agency established under the Part 309 of the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of the Public Acts of 1994, as amended; Part 309 derives from the former Michigan "Inland Lake Improvement Act", Public Act 345 of the Public Acts of 1966). Part 309 is a project-oriented statute that authorizes (either through petition of lake front property owners or resolution from a local unit of government) the creation of a lake improvement board to carry out projects for improvement of an inland lake. Such improvements include projects designed to improve or develop recreational and conservation benefits; to eliminate pollution or water conditions that jeopardize the public health and safety; and to increase the value or use of lands and property arising from an improvement to an inland lake.

The Oakland County Water Resources Commissioner (OCWRC) is a statutory member of all lake improvements boards established in Oakland County. In an effort to provide consistent and effective administration of the affairs undertaken by Lake Improvement Boards, the OCWRC has prepared the following guidelines. The purpose of these guidelines is to provide assistance to all members of a Lake Improvement Board in fulfilling their statutory duties under Part 309. These guidelines are not intended to abrogate or conflict with Michigan law. A Lake Improvement Board may accept or reject, all or part of these guidelines, or establish its own policy for effective administration.

This Lake Improvement Board Manual was diligently and meticulously compiled by Gayle Murphy of the Oakland County Water Resource Commissioner's staff, with assistance by Terry Dohany and Sid Lockhart, in May 2003 and revised in October 2007 due to legislative changes.

LAKE IMPROVEMENT BOARD GUIDELINES

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LAKE IMPROVEMENT BOARD GUIDELINES

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WHAT IS A LAKE IMPROVEMENT BOARD?

A LAKE IMPROVEMENT BOARD IS A BOARD FORMED BY PETITION

The Lake Board is charged with the responsibility of carrying out desired improvements for a specific lake --- and is governed by Public Act 451 of 1994, Part 309, as amended.

- On Public Inland Lakes - a Lake Board may be formed either by petition of 2/3 of the freeholders owning land abutting the lake; or upon a motion of the local governing body; or petition by MDEQ.
- On Private Inland Lakes - a Lake Board may be formed only by petition of 2/3 of the freeholders owning land abutting the lake.

Members of a Lake Improvement Board are designated by law.

(Detailed information in Tab 3, Summary of Part 309,
Inland Lake Improvements)

**LAKE IMPROVEMENT BOARDS ARE NOT PART OF NOR RUN BY THE
OAKLAND COUNTY WATER RESOURCE COMMISSIONER'S OFFICE**

LAKE IMPROVEMENT BOARD PROCEDURES

CHRONOLOGICAL SUMMARY OF LAKE BOARD PROCEDURES
Part 309, Inland Lake Improvements, Natural Resources and Environmental Protection Act
(P.A. 451 of 1994, as amended)

Lake Improvement Boards are formed by
receipt of petition(s) by municipality or by motion of governing body

*(within 60 days)

Lake Improvement Board established by
resolution of local governing body

Lake Board: (FIRST meeting called by municipality)

- a. elects riparian representative
- b. elects chairperson, secretary and treasurer
- c. retains engineer to prepare feasibility report

Lake Board receives and accepts reports

(within 60 days; public notice published at
least 20 days prior to Hearing of
Practicability)

Public Hearing of Practicability

(public notice published twice; first notice
not less than 20 days prior to hearing)

Lake Board determines practicability of project;
if determined practicable, publishes resolution to that effect.

After resolution published, the sufficiency of the petition shall not be
subject to attack except in court within 30 days after publication.

Lake Board establishes special assessment district and
directs local assessor(s) to prepare special assessment roll

(public notice mailed first class and
published at least 10 days prior to
Assessment Hearing)

Public Hearing of Assessment

(public comments received by mail or in
person)

Special assessment roll confirmed and
notice of confirmation published

Legal objections/appeals must be made to the State Tax Tribunal
within 30 days of the confirmation of the special assessment

Lake Board advertises for bids; accepts bids; awards contract(s)

(within 10 days)

Within 10 days of awarding contract(s) Lake Board
computes total cost of project

SUMMARY OF PART 309

INLAND LAKE IMPROVEMENTS
Public Act 451 of 1994, As Amended

- PLUS -

SENATE BILL NO. 1266 of 2005
An Act to amend 1994 Public Act
amending Sections 30903 and 30927 (MCL
324.30903 and 324.30927, as added by
1995 Public Act 59, and by adding Section
30929)

**SUMMARY OF PART 309, INLAND LAKE IMPROVEMENTS
OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
PUBLIC ACT 451 OF 1994, AS AMENDED**

Part 309, Inland Lake Improvements, of PA 451 of 1994, as amended, provides for the improvement of certain inland lakes, including nuisance aquatic plant control, authorizes the dredging and removal of undesirable materials from lakes; and authorizes the raising of money by taxation and special assessment.

Part 309 provides for the establishment of a "lake board" that is charged with the responsibility of carrying out desired improvements.

On public inland lakes, lake board may be established by the governing body of a local unit of government (city, village, township or county) upon its own motion or by petition of 2/3 of the freeholders owning lands abutting the lake. Such action can be taken by the governing body of any local unit in which all or any part of the lake is located. The MDEQ may also petition for the lake board.

On private inland lakes, a lake board can be established by petition only.

Upon receipt of a petition(s), or on its own motion, the governing body of a local unit shall within 60 days establish a lake board. The lake board shall consist of the following:

1. A member of the board of commissioners appointed by the chairperson of the board of commissioners of each county affected by the lake improvement project.
2. Two representatives from each local unit of government appointed by the legislative body of the local unit if a lake with a Lake Board is totally within a particular Township; OR, if a lake with a Lake Board is located in more than one Township, then each Township appoints one (1) representative.
3. The county drain commissioner, or his or her designee, or a member of the county road commission in counties not having a drain commissioner.
4. A property owner, appointed by the board, who owns land abutting the lake. Note: The homeowners' association may nominate three people for lake board membership. The government appointed members elect the property owner member from the nominees to serve a four-year term.

Lake Boards established under Part 309 must do the following:

1. Retain a registered professional engineer to prepare an engineering feasibility report, an economic study report and an estimate of project costs. The report must include a proposed special assessment district and a recommendation for the apportionment of benefits. The assessment district may include all parcels of land and local units benefited by the improvement project.
2. Hold a Public Hearing of Practicability to review the feasibility report, the proposed special assessment district, the apportionment of benefits and to determine the practicability of the project. Publish Notice of Hearing of Practicability twice.
3. Once a project is determined to be practical and approved by the lake board and the special assessment district and an apportionment of benefits are determined, the lake board may then proceed to finalize the plans for the approved lake improvement project and prepare an assessment roll.
4. Before confirming the assessment roll, the lake board must hold a Hearing of Assessment to review and hear any objections to the assessment roll. Notice of the hearing must be published twice and mailed to homeowners in special assessment district.
5. After the hearing, the lake board may confirm the assessment roll and proceed with carrying out the approved lake improvement project.

Act No. 522
Public Acts of 2004
Approved by the Governor
January 3, 2005
Filed with the Secretary of State
January 3, 2005
EFFECTIVE DATE: March 1, 2005

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senators Bishop, Kuipers, Cassis and Birkholz

ENROLLED SENATE BILL NO. 1266

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 30903 and 30927 (MCL 324.30903 and 324.30927), as added by 1995 PA 59, and by adding section 30929.

The People of the State of Michigan enact:

Sec. 30903. (1) The lake board shall consist of all of the following:

(a) A member of the county board of commissioners appointed by the chairperson of the county board of commissioners of each county affected by the lake improvement project; 1 representative of each local unit of government, other than a county, affected by the project, or, if there is only 1 such local unit of government, 2 representatives of that local unit of government, appointed by the legislative body of the local unit of government; and the county drain commissioner or his or her designee, or a member of the county road commission in counties not having a drain commissioner.

(b) A member elected by the members of the lake board serving pursuant to subdivision (a) at the first meeting of the board or at any time a vacancy exists under this subdivision. Only a person who has an interest in a land contract or a record interest in the title to a piece or parcel of land that abuts the lake to be improved is eligible to be elected and to serve under this subdivision. An organization composed of and representing the majority of lakefront property owners on the affected lake may submit up to 3 names to the board, from which the board shall make its selection. The terms served by this member shall be 4 years in length.

(2) The lake board shall elect a chairperson, treasurer, and secretary. The secretary shall attend meetings of the lake board and shall keep a record of the proceedings and perform other duties delegated by the lake board. A majority of the members of the lake board constitutes a quorum. The concurrence of a majority in any matter within the duties of the board is required for the determination of a matter.

(3) The department, upon request of the lake board, shall provide whatever technical data it has available and make recommendations in the interests of conservation.

Sec. 30927. (1) Within 10 days after the letting of contracts, or, in case of an appeal, immediately after the appeal has been decided, the lake board shall make a computation of the entire cost of a project under this part that includes all preliminary costs and engineering and inspection costs incurred and all of the following:

- (a) The fees and expenses of special commissioners.
- (b) The contracts for dredging or other work to be done on the project.
- (c) The estimated cost of an appeal if the apportionment made by the lake board is not sustained.

(d) The estimated cost of inspection.

(e) The cost of publishing all notices required.

(f) All costs of the circuit court.

(g) Any legal expenses incurred in connection with the project, including litigation expenses, the costs of any judgments or orders entered against the lake board or special assessment district, and attorney fees.

(h) Fees for any permits required in connection with the project.

(i) Interest on bonds for the first year, if bonds are to be issued.

(j) Any other costs necessary for the administration of lake board proceedings, including, but not limited to, compensation of the members of the lake board, record compilation and retention, and state, county, or local government professional staff services.

(2) In addition to the amounts computed under subsection (1), the lake board may add not less than 10% or more than 15% of the gross sum to cover contingent expenses, including additional necessary hydrological studies by the department. The sum of the amounts computed under subsection (1) plus the amount added under this subsection is considered to be the cost of the lake improvement project.

(3) A lake board shall not expend money for improvements, services, or other purposes unless the lake board had adopted an annual budget.

(4) A lake board may retain an attorney to advise the lake board in the proper performance of its duties. The attorney shall represent the lake board in actions brought by or against the lake board.

Sec. 30929. A lake board for a public inland lake is dissolved if all of the following requirements are met:

(a) The governing body of each local unit of government in which all or part of the lake is located holds a public hearing on the proposed dissolution, determines that the lake board is no longer necessary for the improvement of the lake because of the reasons for the establishment of the lake board no longer exist, and approves the dissolution of the lake board. The governing body of each local unit of government in which all or part of the lake is located may hold the public hearing on the dissolution of the lake board on its own initiative. The governing body of each local unit of government in which all or part of the lake board is located shall hold a public hearing on the dissolution of the lake board upon petition of 2/3 of the freeholders owning land abutting the lake. Notice of the public hearing shall be published twice in a newspaper of general circulation in each local unit of government in which all or part of the lake is located. The first notice shall be published not less than 10 days before the date of the hearing.

(b) All outstanding indebtedness and expenses of the lake board are paid in full.

(c) Any excess funds of the lake board are refunded based on the last approved special assessment roll. However, if the amount of excess funds is de minimis, the excess funds shall be distributed to the local units of government in which all or part of the lake is located, apportioned based on the amounts assessed against each local unit of government and lands in that local unit on the last approved special assessment roll.

(d) The lake board determines that it is no longer necessary for the improvement of the lake, because the reasons for its establishment no longer exist, and adopts an order approving its dissolution.

Enacting section 1. This amendatory act takes effect March 1, 2005.

This act is ordered to take immediate effect.

s/s Carol Morey Viventi
Secretary of the Senate

s/s Gary E. Randall
Clerk of the House of Representatives

Approved _____

Governor

STEPS TO FOLLOW IN IMPROVING A LAKE

**CHRONOLOGICAL STEPS TO BE FOLLOWED IN IMPROVING A LAKE
UNDER THE AUTHORITY OF PART 309, INLAND LAKE IMPROVEMENTS,
OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
PUBLIC ACT 451 OF 1994, AS AMENDED**

- 1. Formation of a Lake Board, Public and Private Lakes, Sections 30902 and 30904.**
 - a. On public inland lakes, a lake board may be formed either by petition of 2/3 of the freeholders owning land abutting the lake or upon a motion of a local governing body.
 - b. On private inland lakes, a lake board may be formed only by petition of 2/3 of the freeholders owning land abutting the lake.
- 2. Resolution by Local Governing Body, Sections 30906 and 30908.** In creating a lake board, the local governing body shall direct the lake board to do the following:
 - a. Institute proceedings as prescribed in the Part 309 to bring about the desired lake improvement.
 - b. Determine the scope of the project.
 - c. Establish a special assessment district including all parcels of land and local units which will be benefited by the improvement of the lake.
- 3. Lake Board Membership, Section 30903(1). The Lake Board shall consist of the following:**
 - a. A member of the county board of commissioners appointed by the chairperson of the board of commissioners of each county in which the lake is located.
 - b. Two representatives from each local unit of government (City, Village or Township) in which the lake is located, OR, if a lake is located in more than one CVT, each CVT appoints one representative.
 - c. The drain commissioner, or his/her designee, or a member of the county road commission in counties not having a drain commissioner.
 - d. A property owner, appointed by the board, who owns land abutting the lake. The Homeowners' Association will nominate three people. From these nominees, one person will be appointed by the lake board to serve a four-year term.
- 4. Election of Officers, Section 30903(2).** The first duty of the lake board is to elect a chairperson, treasurer, and secretary. A majority of the members shall constitute a quorum.
- 5. Selection of Engineer, Section 30903(1).** The lake board shall retain a registered professional engineer to provide an engineering feasibility report, an economic study report and an estimate of cost. The report shall include, when applicable, recommendations for normal lake levels and the methods for maintaining such lake levels.
- 6. Engineering Feasibility Study, Section 30909(2) and (3).** The engineering feasibility study, which is to be prepared by the selected engineering consultant, shall include the following:
 - a. The methods proposed to implement the recommended improvements.
 - b. An investigation of the groundwater conditions and possible effects on lake levels from removal of bottom materials (if applicable).
 - c. A study of existing nutrients in the lake and a projection of future lake conditions which may result from a reduction in nutrient levels.
 - d. An estimate of project costs.
 - e. Probable assessments for the project to individual property owners.
 - f. An economic report which analyzes the existing local tax structure and the effects of the proposed assessment on the local unit(s) of government involved.

7. **Funding by County Board of Commissioners, Sections 30905 and 30911.** The county board of commissioners may provide for a revolving fund to pay for preliminary costs of improvement projects. Such funds must be repaid on collection of funds from the assessment district. The county board may also provide up to 25% of the cost of a lake improvement project on any public inland lake.

8. (Note: **Bond Counsel.** *If bonding is anticipated as a means of financing the lake improvement project, bond counsel should be retained as early in the project as possible. Whether bonding is needed depends on the cost of the project. Normally, only dredging projects require bonding because of the high cost of such projects. Bond counsel, if needed, can provide valuable assistance to a lake board to ensure that the necessary legal steps are taken so that bonds can be sold without problems or defaults.*)

9. **Hearing of Practicability, Section 30910.** Within 60 days following receipt and final acceptance of the engineering feasibility study, the lake board shall hold a public hearing to review the report and to determine the practicability of the project. Notice of the hearing must be published twice in a newspaper of general circulation in each local unit of government affected. The first publication shall not be less than 20 days prior to the time of the hearing.

(Note: *Part 309 does not require notice of the hearing of practicability to be sent by first class mail to all residents within the proposed special assessment district. However, it is recommended that lake boards do so.*)

The lake board shall, by resolution, determine the practicability within 10 days after the hearing. The resolution shall be published once in a newspaper of general circulation in each local unit to be affected.

10. **Preparation of Assessment Roll, Section 30912.** After finally accepting the special assessment district, the lake board shall prepare an assessment roll based upon benefits to be derived from the proposed lake improvement and shall direct the assessing official of each local unit of government to be affected to join in making the assessing roll.

11. **Public Hearing and Confirmation of Assessment Roll, Section 30913.** After the assessment roll is reported to the lake board by the local assessing officials, the lake board shall hold a public hearing on the assessment roll. Notice of the hearing must be published twice in a newspaper of general circulation in each local unit of government affected. The first publication shall not be less than 10 days prior to the time of the hearing. Notice of the public hearing must also be mailed first class to all property owners in the special assessment district in accordance with Act 162, Public Acts of 1962.

After the hearing, the lake board may confirm the assessment roll as reported, or as amended or corrected by it, or may refer it back to the assessing officials for revision, or may annul it and direct a new roll to be made. When an assessment roll has been confirmed, the lake board shall direct the assessments therein to be collected, and the clerk of each local unit shall endorse therein the date of confirmation. Notice of confirmation of the special assessment roll must be published in the same manner as the notice of the public hearing on the roll.

12. **Project Financing, Section 30922.** Lake boards have three methods to finance lake improvement projects in anticipation of the collection of special assessment. They are:

- a. Borrow money from a local lending institution.
- b. Issue lake level orders. These are promissory notes issued to the contractor that promises payment upon collection of funds from the special assessment district. In cases where contractor does not wish to hold such a note, a purchaser for the lake level orders would have to be found. In some cases, local units of government have purchased lake level orders.
- c. Bonding.

(Note: *Bond counsel may not render a favorable opinion on the salability of bonds issued under Part 309 of Act 451. Therefore, it is recommended bonds be sold under a different statute, but may be paid for via the special assessment district established by the lake boards.*)

- 13. Advertising for and Letting of Contract, Section 30926(1) and (2).** Except as provided below, the chairperson of the lake board shall advertise for bids. The contract shall be let to the lowest bidder giving adequate security for the performance of the contract, but the lake board shall reserve the right to reject any and all bids.

The lake board may contract with a local homeowner association without advertising for public bids provided the homeowner association can provide adequate security for the performance of the contract.

There should be a contract between the homeowner association and the lake board.

- 14. Computation of Project Costs, Section 30927.** Within 10 days after the letting of contracts, or after appeals have been decided, the lake board shall make a computation of the entire cost of a project (items to be included in computing total project costs are listed in Section 30927).

- 15, Further Lake Board Meetings.** After letting of the contract(s), the lake board will need to meet periodically to review the progress of the project and to take action on the payment of bills. The lake board must act annually on delinquent assessments as reported by the Treasurer of each local unit of government involved.

SAMPLE PETITION TO FORM A LAKE IMPROVEMENT BOARD

Upon receipt of a petition, or on its own motion, the governing body of a local unit shall within 60 days establish a lake improvement board

SAMPLE PETITION TO FORM A LAKE IMPROVEMENT BOARD

PETITION

WHEREAS, the undersigned are two-thirds (2/3) of the freeholders owning land abutting (name of lake) Lake, located in the (city/village/township) of (municipality) and by their signature on this Petition attest that they desire to conserve the natural resources of the State of Michigan and to preserve property values around (name of lake) Lake, and further they believe that the creation of a Lake Improvement Board for (name of lake) Lake will protect the public health, welfare, and safety of the residents on (name of lake) Lake.

NOW, THEREFORE, the undersigned do respectfully petition the (city/village/township) Board of the (city/village/township) of (municipality) to set up a Lake Improvement Board for (name of lake) Lake under the provisions of Part 309 of Act No. 451 of Public Act of 1994, as amended, within sixty (60) days of their receipt of this Petition.

"Signature" Name	"Print" Name	Address	Description of Property Owned	Date

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

_____ being duly sworn, deposes and says that he/she circulated the foregoing petition and that each signature thereto is the genuine signature of the person whom it purports to be.

Subscribed and sworn before me this ____ day of _____, 20__.

Notary Public, Oakland County, Michigan
My Commission Expires:_____

Carl W. Solden, Supervisor
Betty Fortino, Clerk
Dee A. Minton, Treasurer
Todd Fox, Trustee
David J. Maloney, Trustee
Stan Moore, Trustee
Bette O'Shea, Trustee

WATERFORD

A CHARTER TOWNSHIP

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www.twp.waterford.mi.us

Betty Fortino
Clerk

EAGLE LAKE IMPROVEMENT BD
GAYLE MURPHY

RECEIVED

AUG 24 2005

OAKLAND COUNTY
DRAIN COMMISSIONER

CHARTER TOWNSHIP OF WATERFORD RESOLUTION ESTABLISHING EAGLE LAKE BOARD AUGUST 22, 2005

The Charter Township of Waterford ordains:

WHEREAS, Eagle Lake is located within the territorial boundaries of the Charter Township of Waterford, and

WHEREAS, a petition to establish a lake board has been submitted to the Township Board of the Charter Township of Waterford bearing the signatures of two-thirds (2/3) of the freeholders owning land abutting the lake, and

WHEREAS, the Township Board determines that the establishment of a lake board under Act 345 of the Public Acts of 1966 is necessary to conserve the water quality of the lake and to preserve the property values around the lake,

NOW, THEREFORE, BE IT RESOLVED, that the Eagle Lake Board of the Charter Township of Waterford be hereby established. The Township Board shall hereafter appoint the board members pursuant to Sec. 4 of Act 345. The lake board shall thereafter proceed with the necessary steps for improving the condition of the lake.


AYES: Solden, Fortino, Minton, Fox, Maloney, Moore, O'Shea
NAYS: none
ABSENT: none

Motion carried.

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

I, **THE UNDERSIGNED**, the duly elected and qualified Clerk of the Charter Township of Waterford, do hereby certify that the above Waterford Township resolution is a true and accurate copy of the resolution adopted unanimously by the Waterford Township Board at a regular meeting held August 22, 2005.

IN WITNESS WHEREOF, I hereto affix my official signature the twenty-third day of August 2005.


Betty Fortino, Clerk

ELECTION OF OFFICERS AND DUTIES

As designated by law, the first duty of the Lake Improvement Board at its first meeting is to elect officers as follows:

- Chairperson
- Secretary
- Treasurer

It is the duty of the Lake Improvement Board to retain a registered professional engineer to provide:

- An Engineering Feasibility Report
- An Economic Study Report
- An Estimate of Cost

Further responsibilities of the Lake Improvement Board Members:

- **Chairperson:**

- Shall advertise for bids for lake projects or the Lake Improvement Board may contract with a local Homeowner Association on behalf of the Lake Improvement Board
- May obtain Bonds and/or Lake Level Orders on behalf of the Lake Improvement Board
- Prepare Agendas for the Lake Improvement Board Meeting
- Run the Lake Improvement Board Meeting

- **Secretary:**

- Record and distribute Lake Improvement Board Minutes
- Prepare information for Lake Improvement Board Meetings
- Prepare information for Legal Ads
- Request Assessment Roll from local governing body assessor
- Prepare individual assessment notices to be mailed 1st Class to homeowners in assessment district. Mail or direct Assessor's office to mail notices.
- Maintain all Lake Improvement Board records
- Provide all copies to the Oakland County Drain Office for permanent "legal" files

ELECTION OF OFFICERS AND DUTIES

- **Treasurer:**

- Follow-up to verify the Township Treasurer has paid invoices and the pre-approved bills/invoices submitted by the Lake Improvement Board
- Verify all Lake Improvement Board bills have been paid
- Maintain all Lake Improvement Board financial records
- Create financial reports and oversee annual budgets. Annual budget must be adopted before any money can be expended by Board, according to the statute.

- **Lake Board:**

- Contracts with licensed Professional Engineer for Feasibility Study
- Professional Engineer identifies the boundaries of the Special Assessment District
- Local Assessor(s) verifies which properties within the District have lake access
- Lake Board and Professional Engineer will develop units of benefit rates
- Advertise for Public Hearings and meetings
- Determine practicability of project at Public Hearings
- Award contracts with Contractor or Homeowner's Association for projects
- Hold Assessment Hearing
- Confirm Special Assessment
- **Direct clerk of local governing body(s) to collect assessment**
- Take action to approve payment of the Lake Improvement Board's expenses as submitted by Board Members and/or Homeowners' Association
- Act annually on delinquent assessments, as reported

- **Local Assessor(s):**

- Shall prepare Assessment Roll for Lake Improvement Board Assessment District
- Provide Assessment Roll to Lake Improvement Board Secretary to assist in the preparation of 1st Class individual homeowner mailings
- If directed by Lake Board, mail 1st Class individual homeowner notices.
- Report Assessment Roll to Lake Improvement Board
- Certify Assessment Roll
- File Assessment Roll with Clerk to collect Assessments

Note: A majority of the Lake Improvement Board Members shall constitute a quorum (i.e., three of five members or four of six members)

LAKE IMPROVEMENT BOARD MEMBERS

Members of the Lake Improvement Board are as follows:

- **Municipality**
(two, depending on the Assessment District)
- **County Commissioner**
- **Homeowners Association/Riparian Representative**
(four-year term)
- **Water Resources Office Representative**

REGULAR LAKE IMPROVEMENT BOARD MEETINGS:

- NOTICES - *Sample*
- AGENDAS - *Sample*
- MINUTES - *Sample*

REGULAR MEETING NOTICES

SAMPLE OF NOTICE - REGULAR MEETING

No. _____

**NOTICE OF MEETING OF THE
LAKE IMPROVEMENT BOARD**

FOR

_____ LAKE

A meeting of the Lake Board for _____
will be held on _____ **at** _____
at the _____

Posted: _____ (date posted)

_____ (time posted)

NOTE: Notices of Lake Improvement Board meetings must be posted 18 hours prior to the time of the meeting in accordance with the Michigan Open Meetings Act, Act 267 of 1976.

MEETING AGENDAS

AGENDA

_____ LAKE LAKE IMPROVEMENT BOARD MEETING (date)

- I. Call meeting to order
- II. Introduction of Members and Guests
- III. Presentation of Meeting Notice as posted
- IV. Brief explanation of Procedures
- V. Elections:
 - a. Riparian Owner Resident
 - b. Chairperson
 - c. Secretary
 - e. Treasurer
- VI. Receive Resolution(s) from Local Governing Unit(s) creating Lake Improvement Board
- VII. Discuss proposal for Engineering Feasibility Study
- VIII. Discussion/development of Special Assessment Roll(s) by Local Governing Unit(s)
- IX. Public Comment
- X. Other Business
- XI. Adjournment

AGENDA

_____ LAKE LAKE IMPROVEMENT BOARD MEETING (date and time)

- I. Call Meeting to Order
- II. Introduction of Members and Guests
- III. Presentation of Meeting Notice as posted
- IV. Approval of Minutes of _____, 20__
- V. Public Comment
- VI. Presentation of Lake Improvement Board Financial Report and Bills
- VII. Old Business
- VIII. New Business
- IX. Adjournment

REGULAR MEETING MINUTES

SAMPLE - MINUTES OF LAKE IMPROVEMENT BOARD

LAKE IMPROVEMENT BOARD MEETING MINUTES

(DATE)

The meeting of the Lake Improvement Board for _____ Lake was held at _____, on the _____ day of _____, 20____. The meeting was called to order by _____, (Chairperson, Secretary, etc.), at _____ .m.

Present: (Board Members Present)

Absent: (Board Members Absent)

Also Present: (Guests)

APPROVAL OF MINUTES:

It was moved by _____, supported by _____, to approve the minutes of the Lake Improvement Board meeting held _____.

Adopted: Yeas: _____ OR *Motion Carried Unanimously*
Nays: _____

PUBLIC COMMENT: (IF ANY)

PRESENTATION OF LAKE IMPROVEMENT BOARD TREASURER'S REPORT AND INVOICES:

It was moved by _____, supported by _____, to approve invoice number _____, for payment in the amount of \$_____ to _____.

Adopted: Yeas: _____ OR *Motion Carried Unanimously*
Nays: _____

OLD BUSINESS:

NEW BUSINESS:

ADJOURNMENT:

There being no further business and no objections, the meeting at adjourned at _____ .M.

OR

There being no additional business, it was moved by _____, supported by _____, that the _____ meeting of the Lake Improvement Board for _____ Lake be adjourned at _____ .M.

Adopted: Yeas: _____ OR *Motion Carried Unanimously*
Nays: _____

SAMPLE - MINUTES OF LAKE IMPROVEMENT BOARD

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

I hereby certify that the foregoing is a true and complete copy of the minutes of the Lake Improvement Board for _____ Lake, Oakland County, Michigan held on the ____ day of _____, 20____ and that the said minutes are on file at the Office of the Oakland County Drain Commissioner and are available to the public.

I further certify that notice of the meeting was posted at least 18 hours before the meeting at the Office of the Oakland County Drain Commissioner, which is the principal office of the Lake Improvement Board for _____ Lake.

(Name)
Lake Improvement Board Secretary

Dated: _____

PAYMENT OF LAKE IMPROVEMENT BOARD BILLS

****PLEASE NOTE****

- Only projects or services approved in the proposed budget at the time of Public Hearings are eligible to be paid from the Special Assessment funds, according to statute. (See Oakland County Corporation Counsel Opinion, page 26b)
- Association expenses are not covered for payment from Special Assessment Funds, according to statute. (Association should be made aware of this fact.)
- If a homeowner is performing maintenance for the Lake Improvement Board and expects payment from the Special Assessment Funds, under the statute, a contract or agreement should be established before work is undertaken, including hourly rates, unit costs and insurance coverage.
- Since 2005 the Oakland County Treasurer's Office and the Department of Fiscal Services no longer serve as the fiduciary agency for the purpose of collecting assessments nor for holding or dispersing funds for the payment of invoices for Lake Improvement Boards.

According to Act 451 of 1994, Part 309, as amended, section 30916 Special assessments; collections. (Also see Tab 22 - Page 193 of the LIB manual); It is the responsibility of the Treasurer of the local unit of government to collect the assessments in the roll in accordance with the direction of the Lake Board.

- The service of paying invoices has been assumed by individual municipalities and their respective Treasurer.

PAYMENT OF LAKE IMPROVEMENT BOARD BILLS

- According to the statute, a Lake Board shall not expend money for improvements, services, or other purposes unless the Lake Board has adopted an Annual Budget.
- When paying bills, always make a copy for the Lake Improvement Board Chairperson and Treasurer.
- The original of everything goes to the Oakland County Water Resource Commissioner's Office for the permanent "legal" file.
- Lake Improvement Board's Chairperson must have the original invoice to present to the Lake Improvement Board Members to approve payment of bill before the Lake Improvement Board Treasurer can turn invoice over to the municipality Treasurer for payment.
 - * Exception: If a contract has been agreed upon and a fee established between the Lake Improvement Board and a Vendor, then a meeting would not be required to approve payment of a project and costs already approved by the Board, as long as the matter is verified by the Chairperson before submitting it for payment and entered in meeting minutes. (See Resolution to Authorize Payment of Invoices on page 28.)
- The Invoice for payment of a legal ad should be attached to the Affidavit of Publication, after approval or pre-approved not to exceed a specific amount at the meeting, and submitted to the municipality Treasurer for payment.

OAKLAND COUNTY

MEMO

PRIVILEGED AND CONFIDENTIAL
ATTORNEY CLIENT COMMUNICATION

CORPORATION COUNSEL

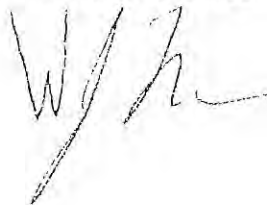
To: Joseph W. Colaianne, Oakland County Drain Commissioner's Office

From: William J. Mann, Assistant Corporation Counsel

Date: January 23, 2007

Re: Lake Improvement Board Expenses

File #: 2007-0043



You have requested this office for a legal opinion¹ as to "what are the appropriate expenses that may be incurred and specially assessed against property owners" by a Lake Improvement Board. The specific factual context, surrounding the posed question, is that "lakefront property owners associations have submitted their own bills or proposed expenses (as part of the Lake Improvement Board's budget process) to the lake improvement board for reimbursement since it has the ability to specially assess "

As discussed below, it is my opinion that there is no legal basis for the submission of bills or expenses incurred by lakefront property owners associations to a Lake Improvement Board. Likewise, there is no legal basis for a Lake Improvement Board to levy special assessments for such bills and expenses.

A Lake Board is created by the legislative body of a local unit of government in which all or part of a public inland lake is situated. MCL 324.30902. A Lake Board is a political subdivision of the state. MCL 691.1401(b), OAG, No 6579 (April 26, 1989).

As a political subdivision of the state, a Lake Board is subject to the proscription contained in Const 1963, art 9, § 18 "The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution." *In re: Advisory Opinion on 1986 PA 281*, 430 Mich 93, 119 (1988). The state or its subdivision cannot give anything away without consideration. The constitution makes no difference between a public and a private purpose in this regard. *Alan v County of Wayne*, 388 Mich 210, 325 (1972).

¹This opinion is intended for the sole use and benefit of the Oakland County Drain Commissioner and any members of the Oakland County Board of Commissioners appointed to serve on a Lake Improvement Board

Therefore, a Lake Board would be constitutionally prohibited from paying the "bills or proposed expenses" of a lakefront property owners association.

Moreover, there is no legal basis for a Lake Board to levy a special assessment against property owners for expenses incurred by a lakefront property owners association. Part 309 of the Natural Resources and Environmental Protection Act, MCL 324.101 *et seq.* provides the statutory basis upon which Lake Boards may levy special assessments. MCL 324.30902 states:

Sec. 30902

(1) The local governing body of any local unit of government in which the whole or any part of the waters of any public inland lake is situated, upon its own motion or by petition of 2/3 of the freeholders owning lands abutting the lake, for the protection of the public health, welfare, and safety and the conservation of the natural resources of this state, or to preserve property values around a lake, may provide for the improvement of a lake, or adjacent wetland, and may take steps necessary to remove and properly dispose of undesirable accumulated materials from the bottom of the lake or wetland by dredging, ditching, digging, or other related work.

(2) Upon receipt of the petition or upon its own motion, the local governing body within 60 days shall set up a lake board as provided in section 30903 that shall proceed with the necessary steps for improving the lake or to void the proposed project.

MCL 324.30906, in pertinent part, states:

Sec. 30906

(1) Whenever a local governing body, in accordance with section 30902, considers it expedient to have a lake improved, it, by resolution, shall direct the lake board to institute proceedings as prescribed in this part.

MCL 324.30908, in pertinent part, states:

Sec. 30908.

The lake board, when instructed by resolution of the local governing body, shall determine the scope of the project and shall establish a special assessment district, including within the special assessment district all parcels of land and local units which will be benefited by the improvement of the lake.

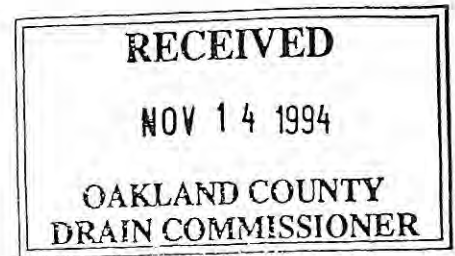
As evidenced by the above statutory provisions, a Lake Board may only initiate a special assessment when directed to undertake a lake improvement pursuant to a resolution by the local governing body. Further, prior to actually levying a special assessment, the Lake Board is to retain a licensed professional engineer to prepare a feasibility report, economic study, and cost estimate. MCL 324.30909. After receiving such reports, the Lake Board is required to review them and determine the practicability of the project after a public hearing. MCL 324.30910. If the Lake Board passes a resolution in which it determines the project to be practicable, it determines to proceed with the project, approves the plans and estimate of costs, and prepares an assessment roll. MCL 324.30912. After further notice and public hearing giving the opportunity for objections to the assessment to be filed, the special assessment roll may be confirmed. MCL 324.30913. If the initial special assessment is insufficient for the improvement, the deficiency can be made up by the Lake Board making an additional pro rata assessment. MCL 324.30919.

It is evident that the submission of bills and proposed expenses, incurred or to be incurred by lakefront property owners associations, to a Lake Board for reimbursement does not comport with the above statutory provisions for the levying of special assessments by Lake Boards. Additionally, as discussed above, a Lake Board would be constitutionally prohibited from paying the bills or proposed expenses of a lakefront property owners association.

If I may be of additional assistance, please let me know.

c: Bill Bullard
John McCulloch

November 9, 1994



Mr. Glen Yrjanainen, P.E./P.S.
Chief Deputy
Oakland County Drain Commissioner
One Public Works Drive
Waterford, Michigan 48328-1907

Re: White Lake, Proposed Island Purchase

Dear Mr. Yrjanainen:

You have asked three questions relating to the Inland Lake Improvement Act, 1966 PA 345, as amended; MCL 281.901, et seq. Specifically, you have asked:

1. Whether a Lake Improvement Board may use earmarked special assessment funds for a purpose other than that for which they were collected?
2. Whether the term "lake improvement" can be defined to include the purchase of property to be used for recreational purposes?
3. Whether special assessment funds may be utilized for the operation and maintenance of land purchased as part of a lake improvement?

Question 1

Whether a Lake Improvement Board may use earmarked special assessment funds for a purpose other than that for which they were collected?

In answering this question, it is essential to first note the additional information provided in your packet. The press reports and other materials provided indicate that it is the desire of the White Lake Citizens League, a nonpublic entity the membership of which is comprised of residents on White Lake, to purchase Hubbell (Youth) Island, located within White Lake.

The League's proposal is to fund the purchase by borrowing from the Lake Improvement Board some \$89,000 collected during the last three years for a dredging and weed control project. The plan is to have the funds "repaid" to the Board by renewing the special assessment district assessments, which expire 1995, for three additional years.

(Mr. Glen Yrjanainen, P.E./P.S.)
November 9, 1994
Page 2

It is my opinion that the Lake Improvement Board, a political subdivision as defined at MCL 691.1401(B), is constitutionally forbidden to extend credit in the form of a loan to the White Lake Citizens League. Const 1963, art 9, § 18.

Article 9, § 18 states the general rule that the state shall not lend its credit except as provided in the Constitution. The prohibition of Article 9, § 18 applies to local governments as political subdivisions and instrumentalities of the state. In re: Advisory Opinion on 1986 PA 281, 430 Mich. 93, 119 (1988). Accordingly, the proposal, as outlined in the paper, for the Lake Improvement Board to loan its funds to the White Lake Citizens League is prohibited under the Michigan Constitution.

In addition to the Constitutional prohibition, it is my opinion that it would be improper for the Lake Improvement Board to deviate earmarked special assessment funds from the project for which they were collected in order to fund a different project.

The Inland Lake Improvement Act is a project-oriented statute. After a lake board is created by the local governing body, it is charged by resolution of the local governing body with the duty of determining the scope of the project and with establishing a special assessment district benefited by the improvement. MCL 281.909. Before making this determination, the law requires the board obtain an engineering feasibility report, an economic study report, and an estimate of project cost. MCL 281.910. Within 60 days of the receipt of these reports, the lake board must hold a public hearing to determine the practicability of the project. MCL 281.913.

Upon project approval, a special assessment roll is prepared. The lake board is then required to appoint a time and place to publically meet and hear objections thereto. MCL 281.914.

After the roll is approved and amounts assessed, additional assessments may be imposed to pay for the improvement for which the initial assessments were made. MCL 281.920.

These provisions make it clear that individual projects are to be executed by a lake board. A project is assigned to the lake board by resolution of the local governing body. MCL 281.909. That project is evaluated by the lake board after it first receives the engineering feasibility report, economic study reports, and an estimate of cost. MCL 281.910. A public hearing is then conducted under MCL 281.911 to determine the practicability of the project. Upon the board's determination by resolution that the project is practicable, it determines to proceed with the project. MCL 281.913. After further notice and public hearing providing an opportunity to object, special assessment rolls are created and the cost of the project apportioned. Deficiencies in initial assessments for the improvement can be made up pursuant to MCL 281.920.

Clearly, in order for the purchase of the island to be considered a lake board project, it is necessary for the project to be assigned to the lake board by the local unit; for feasibility, engineering and cost estimate reports to be prepared; for public hearings to be held to determine the practicability of the project; and for assessment rolls to be created, with the public being provided the opportunity to object. The proposal presented at this time does not contemplate these statutory procedures and is, therefore, inappropriate.

(Mr. Glen Yrjanainen, P.E./P.S.)
November 9, 1994
Page 3

[Note: The supplemental packet of materials indicates that the DNR has denied the dredging permits requested by the Lake Improvement Board for which \$250,000 in assessments has been collected. It would seem that if it was the desire of the Lake Improvement Board to enable the White Lake Citizens' League to develop a pool of money for its constituent members to be utilized for the purchase of the island by the League, it would be appropriate for the Lake Improvement Board to void a portion of the approved project for dredging and weed control due to the fact of the DNR's denial of permit. The funds may be returned to those persons who paid into the assessment district, thereby creating a pool of resources for homeowners who may wish to join the White Lake Citizens' League's program to purchase the island to be held in the name of the League. These revenues can be made up for future projects by establishing a new project for dredging and weed control with a view to identifying a project that the DNR will approve.]

Question II

Whether "lake improvement" can be defined to include the purchase of property to be used for recreational purposes?

It is my opinion that a lake board may acquire land as part of a lake improvement project. In addition, it is my opinion that a lake improvement can be for the purpose of conferring recreational benefits on public corporations, the inhabitants of public corporations, the inhabitants of the state and property within public corporations.

Considering first the ability of a lake board to acquire land, two sections of the act are important. MCL 281.924 provides that a lake board may condemn private property to effectuate the purpose of the act. In addition, MCL 281.925 provides that a lake board may receive and accept gifts for the purpose of carrying out the provisions of the act. Such gifts could certainly include grants of land. Finally, to the extent that it can be argued that these provisions are ambiguous with respect to the acquisition of land, it is appropriate to consider the legislative intent as expressed in the title of the statute. Recorder's Court v City of Detroit, 134 Mich. App. 239 (1984); Grantham v Grantham, 117 Mich. App. 678 (1982).

The title to 1966 Public Act 345 specifically provides that it is an "act to provide for the improvement of certain inland lakes; to authorize the dredging and removal of undesirable materials from lakes; to authorize the acquisition of lands and other property by gift, grant, purchase or condemnation;" (Emphasis added.) Clearly, land acquisition is authorized by the act.

The next component of the question concerns whether or not a recreational improvement is appropriate under the act. Again, in determining the legislative intent, the act is to be interpreted as a whole and construed so as to give effect to each provision and to produce a harmonious and consistent result. Grantham v Grantham, supra, at 681.

(Mr. Glen Yrjanainen, P.E./P.S.)

November 9, 1994

Page 4

While the act does not define "improvement", it does define the term "benefit" or "benefits". MCL 281.902(l) defines "benefit" or "benefits" to mean advantages resulting from a project to public corporations, inhabitants of public corporations, inhabitants of this state and property within public corporations. The term includes benefits which result from elimination of pollution and elimination of flood damage, elimination of water conditions which jeopardize the public health or safety; increase the value or use of lands and property arising from improving a lake or lakes as a result of a lake project and the improvement or development of a lake for conservation of fish and wildlife and the use, improvement or development of a lake for fishing, wildlife, boating, swimming or any other recreational, agricultural or conservation uses. Clearly, the legislature intended improvements that conferred recreational benefits upon the individuals who were charged with paying for the improvements, the members of the special assessment district, to be appropriate.

Question III

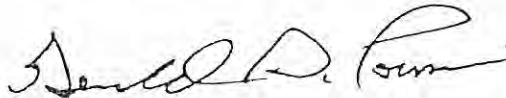
Whether special assessment funds can be utilized for the operation and maintenance of land purchases of lake improvement?

It is my opinion that under MCL 281.909 a lake board has the authority to maintain any project initiated under the act as it may be necessary. This would include the use of special assessment funds to pay for ongoing operational and maintenance fees and costs necessary for the proper execution of the project.

If you have any questions concerning this matter, please do not hesitate to contact the undersigned at 858-0553.

Sincerely,

OAKLAND COUNTY CORPORATION COUNSEL



Gerald D. Poisson,
Corporation Counsel

GDP/egm

SAMPLES OF:

- Resolution to Authorize Pre-Payment of Invoices
- Invoice for Algae Control, plus map
- Reimbursement for Flouridone Application
- MDEQ Permit Fee Invoice

SAMPLE - RESOLUTION TO AUTHORIZE PAYMENT OF INVOICES

At a special meeting of the Lake Louise Improvement Board held in the Brandon Township Hall on the 19th day of November, 2004, at 3:00 p.m., local time.

PRESENT:

ABSENT:

The following resolution was offered by member _____ and seconded by member _____.

WHEREAS, a lake improvement project for Lake Louise is currently being implemented under the direction of the Lake Louise Improvement Board in accordance with provisions of Part 309 (Inland Lake Improvements) of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended; and

WHEREAS, the current project began in 2004 and will continue through 2008 with an annual budget of \$28,700 for aquatic plan control, \$5,000 for administration and inspections, and \$3,000 for contingencies; and

WHEREAS, the Lake Board desires to process payments to its engineering consultant and plant control contractors in a timely manner.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Lake Board hereby authorizes Brandon Township to process and pay contractor invoices contingent upon the following: a) receipt of a written recommendation for payment from the consultant documenting that plant control work has been completed in a satisfactory manner; b) a letter from the lake resident member of the Lake Board authorizing payment; and c) work was completed within the approved budget.
2. The Lake Board hereby authorizes Brandon Township to process and pay consultant invoices contingent upon the following: a) a letter from the lake resident member of the Lake Board authorizing payment; and b) work was completed within the approved budget.
3. Upon receipt of the aforementioned letters requesting and authorizing payment, Brandon Township is hereby authorized to pay outstanding invoices.
4. In the event there is a dispute regarding payment of an invoice or the invoice exceeds the amount in the approved budget, the Lake Board shall hold a meeting prior to the approval of payment.

ADOPTED: AYES: _____
NAYS: _____

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

I, _____, secretary of said Lake Louise Improvement Board, do hereby certify that this is a true and correct copy of a resolution adopted by the Lake Board as a meeting held on the 19th day of November, 2004. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan 1976, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand, this _____ day of _____, 2004.

_____, Secretary
Lake Louise Improvement Board



9353 Hill Road, Swartz Creek, MI 48473
Bus (810) 635-4400 Fax (810) 635-4404

INVOICE

Invoice Number:

05-0375

Invoice Date:

Aug 18, 2005

Page:

1

Sold To:

Walters Lake Improvement Board
Attn: Paul Haulser-Progressive
1811 4 Mile Road, NE
Grand Rapids, MI 49525

Ship to:

Walters Lake Improvement Board
Attn: Paul Haulser-Progressive
1811 4 Mile Road, NE
Grand Rapids, MI 49525

Customer ID	Customer PO	Payment Terms	
WALTER001		Net 30 Days	
Sales Rep ID	Ship Via	Ship Date	Due Date
DOMIPJ001	US Mail		9/17/05
Description			Price
Treatment #3 on August 15th, 2005. We treated 18 surface acres for algae control @ \$32.86 per acre applied. See Map Enclosed.			591.48 ✓
RECEIVED AUG 22 2005 ProgressiveAE			

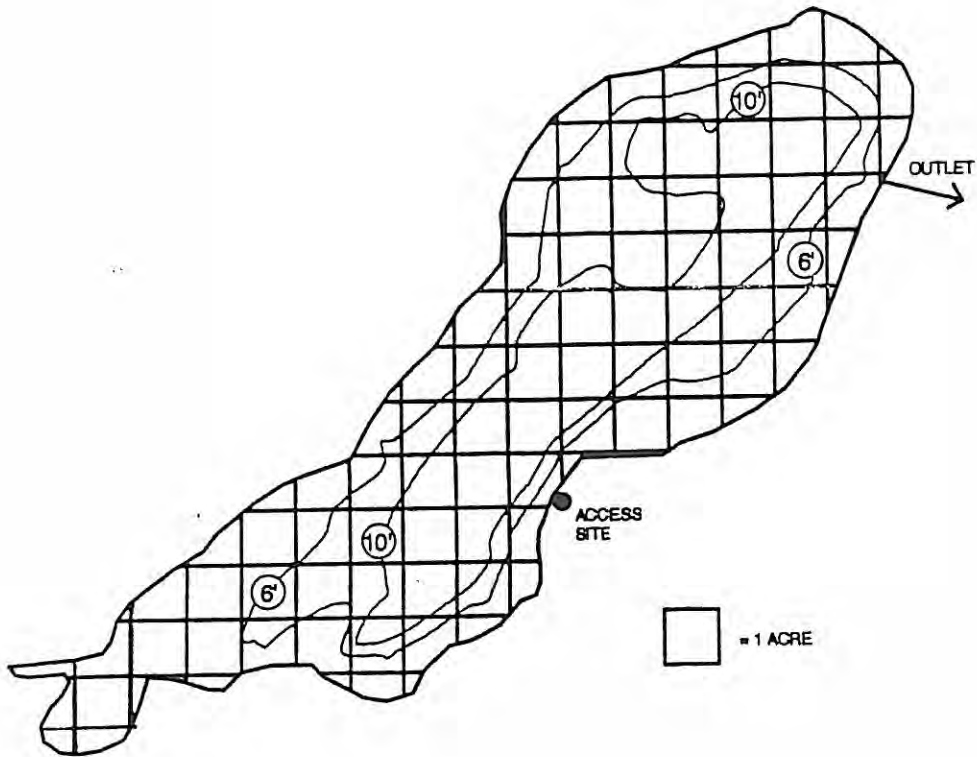
Please make checks payable to LakePro, Inc.
Thank you- We value your business.

Check/Credit Memo No:

Subtotal	591.48 ✓
Sales Tax	
Total Invoice Amount	591.48
Payment/Credit Applied	
TOTAL	591.48

WALTERS LAKE

PAYMENT SUBMITTAL FORM
AQUATIC HERBICIDE TREATMENTS



GRID MAP



DATE OF TREATMENT: August 15th 2015

LAKE AREA TREATED: 185/A ACRES (SHADE AREA TREATED ON MAP)

AQUATIC PLANT TYPES TARGETED FOR CONTROL: Algae

TYPE AND QUANTITY OF HERBICIDES: 4.4#/AFT. C/S

SIGNATURE OF APPLICATOR:

Paul Demwick
(PRINTED)

Big Lake Quality Water Association
PO Box 113
Davisburg, MI 48350

Big Lake

Date 8 June 04

Signed [Signature]
#07601



Big Lake Improvement Board
Oakland County Drain Commission
Building 95 West
One Public Works Drive
Pontiac, MI 48328

Attn: Bernard Wendt, President

DEQ Permit Fees

Reimbursement

- Fee for 2004 Flouridone Application paid by BLQWA, December 2003.

Total Now Due \$ 1,500.00

Terms: Net 30
Due by July 1st
Payable to Big Lake Quality Water Association

Thank You!

February 28, 2006

ProgressiveAE

Mr. James Wenger, Treasurer
Charter Township of Independence
90 North Main Street
P.O. Box 69
Clarkston, MI 48347-0069

Re: Walters Lake - 2006 Aquatic Herbicide Treatments

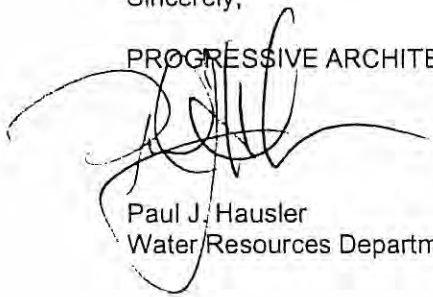
Dear Mr. Wenger:

As you may be aware, the Michigan Department of Environmental Quality has installed a new fee structure for aquatic nuisance control permit applications. Based on the higher fee, enclosed is an invoice from LakePro, Inc., requesting the difference in the permit application fee. As previously indicated in the contract extension letter dated November 28, 2005, we recommend that the Walters Lake Improvement Board cover the difference between the previous fee and the new fee. At your earliest convenience, please forward payment in the amount of \$650 to LakePro, Inc.

If you have any questions feel free to call.

Sincerely,

PROGRESSIVE ARCHITECTURE ENGINEERING



Paul J. Hausler
Water Resources Department

Progressive AE
1811 4 Mile Road, NE
Grand Rapids, MI 49525 2442
616 361 2664 VOICE
616 361 1493 FAX
www.progressiveae.com

PJH/eas
50720103/002
Enclosures
cc: LakePro, Inc. – Paul Dominick
Walters Lake Improvement Board – John Lutz (1), Gayle Murphy (1)
X:\WGEN5\50720103\2006\PH02261.doc

Revised Oct. 2007



9353 Hill Road, Swartz Creek, MI, 48473
Bus (810) 635-4400 Fax (810) 636-7002

PERMIT INVOICE

December 10th, 2005. Duplicate sent 02/14/06

Customer Information

Walters Lake C/O
ProgressiveAE
Water Resources Department
Attn: Paul Hausler
1811 4 Mile Road.
Grand Rapids, MI 49525-2442

Invoice#: 06-0001
Due Date: 1-06-06

Description	Sub Total
2006 Area of Impact Permit Fee.....	\$ 800.00
Less LakePro inc. Contribution.....	\$ 150.00
Total	\$ 650.00

Comments

Please make the check payable to the "State of Michigan" and included it with the authorization form and page 3 of the permit application enclosed.

Please don't allow MDEQ to delay treatment this summer, by returning the necessary paperwork after January 6th. Your water body is important, so please forward all necessary documentation as soon as possible.



AQUA-WEED CONTROL, INC.
11245 Milford Rd., Holly, MI 48442

248 634-8388
248 634-8870 Fax
Web Site: www.aquaweed.com
E-mail: awc@aquaweed.com

CONTRACT FOR LAKE TREATMENT - 2005, 2006
Susin Lake, Oakland County

Mike Forst
9676 Susin Lane
Clarkston, MI 48348

248 625-5218 home
248-597-1633 work

The Susin Lake SAD defined as the lake property owners group (LPOG) and as represented by the undersigned agrees to the following season treatment program and/or contract. The LPOG is free to alter or change the treatment plan and/or contract because of the uncertainties of weather and weed growth. These changes will be discussed by the LPOG and Aqua-Weed Control and can result in a new agreement both in scope of service and cost. At any time the LPOG may cancel this agreement by paying for all services provided to that date and informing Aqua-Weed Control of the cancellation. The LPOG assumes responsibility for the distribution of the required lake treatment notice according to MDEQ regulations. The LPOG agrees to remove all posted water restriction signs after the longest restriction date has expired.

The LPOG authorizes Aqua-Weed Control to file documents with the MDEQ to secure a permit and any permit amendments that may be required for chemical treatment of the water body. The LPOG will be the permit applicant (permittee) and warrants that they have control of the lake bottom land where chemical treatment is requested to be performed and/or have obtained permission from all riparian owners for the pesticide applications proposed before treatment takes place as required by law. The LPOG is responsible for all permit fees. When using granular 2,4-D and/or granular endothal a drinking water well set back is required by the MDEQ. They are: 75' from all wells; 250' from wells less than 30' deep. The LPOG is responsible for locating the drinking water wells (particularly shallow wells) and for providing this information to Aqua-Weed Control Inc before the first chemical treatment.

By signing below, the LPOG agrees to indemnify and hold harmless Aqua-Weed Control and its employees for any and all claims or causes of action arising from and in connection with the lawful chemical treatment of these waters. Because of oxygen depletion concerns resulting in fish kills, particularly during the warmest months of the summer, herbicide and algaecide applications must be limited. Even with limited treatments, the risk of a fish kill remains. Aqua-Weed Control Inc. will take steps to limit the possibility of a fish kill event. By signing below the LPOG understands and accepts these risks.

SPECIFICS: Your permit will be secured by Aqua-Weed Control Inc. during the Winter months so that we can respond to specific weed and algae control problems in Susin Lake as directed by Mr. Mike Forst and/or other lake officials. The shoreline of the lake will be posted with water use restriction signs as required.

Prices for 2005:

2,4-D.....	\$3.65 per pound
Aquathol-K....	\$140. per gallon
Reward.....	\$195. per gallon
Hydrothol-191 (G)...	\$3.75 per pound
Komeen.....	\$52. per gallon
Copper Sulfate....	\$535. per treatment

Unit Pricing

Prices for 2006:

\$3.70/#
\$145./gal.
\$200./gal.
\$3.85/#
\$54./gal.
\$550. per

2 year Treatment Plan and cost estimates

2005	2006
Reward...20 gallons x 2...	2,4-D... 500#...
Algae treatments four	Reward... 20 gallons x 2
Permit fee ...	Algae treatments four
Cost estimates.....	Permit fee
\$7,800	\$1,850
\$2080	\$7,800
\$800	\$2080
\$10,680.	\$800
	\$12,530.

If requested, we will mail a copy of the notice to the lake residents according to your mailing list at a cost of \$.55 per addressee (stamp, envelope, notice, associated effort.). Mailing charge will be added to first invoice of the summer.

YES ☐ please mail these notices for us NO ☒ the LPOG will distribute these notices

Aqua-Weed Control is properly insured as required by law, however being an "Additional Insured" adds you to our policy and would require our insurance company to defend you and your association against a claim. Because of the additional cost incurred, we must charge \$50. for this additional coverage. We will supply a "Certificate of Insurance" at no charge. The "Certificate of Insurance" is your proof that we have insurance.

Do you wish to be an Additional insured? YES ☐ NO ☒ (If yes, \$50. will be added to your first invoice of the summer.)

Accepted by: Mike Forst Title: Susin Lake Date: 4-12-05

We agree to perform the above services for the agreed upon price. Because of the MDEQ requirements and restrictions with respect to the amount of aquatic vegetation that we can eradicate in a given water body/ area and conditions outside our control such as weather and water flow, we cannot guarantee our work. Rather, we wish to state that we value and appreciate each customer and will strive to achieve results that will satisfy your expectations. If at the time of treatment the job circumstances and conditions are different than anticipated we will discuss the problem before we do the treatment. These statements do not represent any change from the policies that we have successfully worked with since we began in 1975.

Dick Pinagel
Dick Pinagel
Aqua-Weed Control, Inc.

March 30th 2005
Date

SAMPLE - LAKE IMPROVEMENT BOARD DIRECTORY

LAKE IMPROVEMENT BOARD FOR _____ LAKE (as of - date)

Lake Association/Citizen Representative:

Name	(____) Phone Number (w/h)
Title	(____) Fax Number (w/h)
Address	E-mail Address, if available

Board of Commissioner's Representative:

Name	(____) Phone Number (w/h)
Title	(____) Fax Number (w/h)
Address	E-mail Address, if available

Township Representative(s):

Name	(____) Phone Number
Title:	(____) Fax Number
Address:	E-mail Address, if available

Name	(____) Phone Number
Title:	(____) Fax Number
Address:	E-mail Address, if available

Water Resource Commissioner's Representative:

Name	(____) Phone Number (w/h)
Title	(____) Fax Number (w/h)
Address	E-mail Address, if available

Treasurer:	(Municipality)
-------------------	----------------

Municipality(ies):

Clerk and/or Supervisor	Clerk and/or Supervisor
Address	Address
(____) Phone Number	(____) Phone Number
(____) Fax Number	(____) Fax Number
E-mail Address, if available	E-mail Address, if available

Mail Notices and/or Minutes to: (Interested Citizens, Association Members, etc.)

Name	(____) Phone Number
Address:	(____) Fax Number
	E-mail Address, if available
 Name	 (____) Phone Number
Address:	(____) Fax Number
	E-mail Address, if available

REQUEST FOR FEASIBILITY STUDY

REQUEST FOR A FEASIBILITY STUDY

Services of a registered professional engineer to include,
but not limited to:

- FEASIBILITY STUDY
- ECONOMIC STUDY REPORT
- ESTIMATE OF COST

SAMPLE
OF
REQUEST
LETTER
FOR
PROFESSIONAL
SERVICES

SAMPLE - LETTER SENT TO CONSULTING ENGINEERING FIRMS

LETTER SENT TO ATTACHED LIST

Interoffice Copies:
Clarkston Mill Ponds Lake Board File

Reference: **Clarkston Mill Pond, Independence Township
Oakland County, Michigan**

Gentlemen:

The Clarkston Mill Ponds Lake Improvement Board wishes to receive proposals for professional engineering services to undertake a study and to prepare a report for improvement of the upper and lower Clarkston Mill Ponds.

Attached is a copy of the "Request for Professional Services" which provides the necessary details. Please submit your proposals no later than 5:00 p.m. on August 25, 1999 to the following:

Clarkston Mill Ponds Lake Improvement Board
c/o Oakland County
Drain Commissioner's Office
One Public Works Drive
Waterford, Michigan 48328-1907
Attention: _____

At the Lake Board's option, low bidders may be requested to make a presentation at a meeting of the Clarkston Mill Ponds Lake Improvement Board to explain their proposal.

Very truly yours,

CLARKSTON MILL PONDS LAKE IMPROVEMENT BOARD

____/____

Attachments

cc: w/attachments: Lake Improvement Board Members

REQUEST FOR PROFESSIONAL SERVICES (Sample 1)

SAMPLE 1 - REQUEST FOR PROFESSIONAL SERVICES

REQUEST FOR PROFESSIONAL SERVICES

The Clarkston Mill Ponds Lake Improvement Board is seeking the services of a consulting, registered professional engineer to identify problems of the upper and lower Clarkston Mill Ponds and to present recommendations for lake improvement.

The upper and lower Clarkston Mill Ponds have a total surface area of approximately 14 acres and is located in Section 20, T.4N., R.9E., Independence Township, Oakland County, Michigan.

As required by Public Act No. 451 of 1994, Inland Lake Improvements, as amended (copy attached), the services will involve preparation of an engineering feasibility report, an economic study report and estimates of cost. The following items, while not all-inclusive, will each be considered for study and report:

- A. Analyze aquatic weed growth and make recommendations for removal and control. Prepare a map which shows the locations and types of aquatic vegetation, and approximate lake bottom contours.
- B. Determine the lake water quality with respect to oxygen content and its relationship to fish population; determine possible adverse effects of stratification, and recommend whether aeration and/or other water conditioning are required.
- C. Determine lake water quality using the following listed parameters and recommend appropriate action to improve water quality.
 - 1. Ph
 - 2. Oxygen concentration
 - 3. Phosphorous concentration
 - 4. Nitrogen concentration
 - 5. Chlorophyll a concentration
 - 6. Secchi disc Transparency
 - 7. Theoretical nutrient budget
- D. Evaluate the lake bottom sediments and associated nutrients, and their removal and appropriate disposal.
- E. Investigate alternative methods of lake improvement other than weed control, aeration and dredging, etc., if any.
- F. Recommend methods to eliminate or reduce future sediment loading of the upper and lower Clarkston Mill Ponds.

SAMPLE 1 - REQUEST FOR PROFESSIONAL SERVICES

- G. Prepare estimates of costs for each of the above items, individually, with an analysis of effects of proposed assessments on the local unit of government and interested landowners and residents.
- H. Estimate how long it will take to complete the study report. State when you will be available to begin work on the study.

The Report Study is to be coordinated with the residents of the Clarkston Mill Ponds, the Township of Independence, the City of the Village of Clarkston, the Oakland County Drain Commissioner's Office, the Michigan Department of Environmental Quality, and others as may be required.

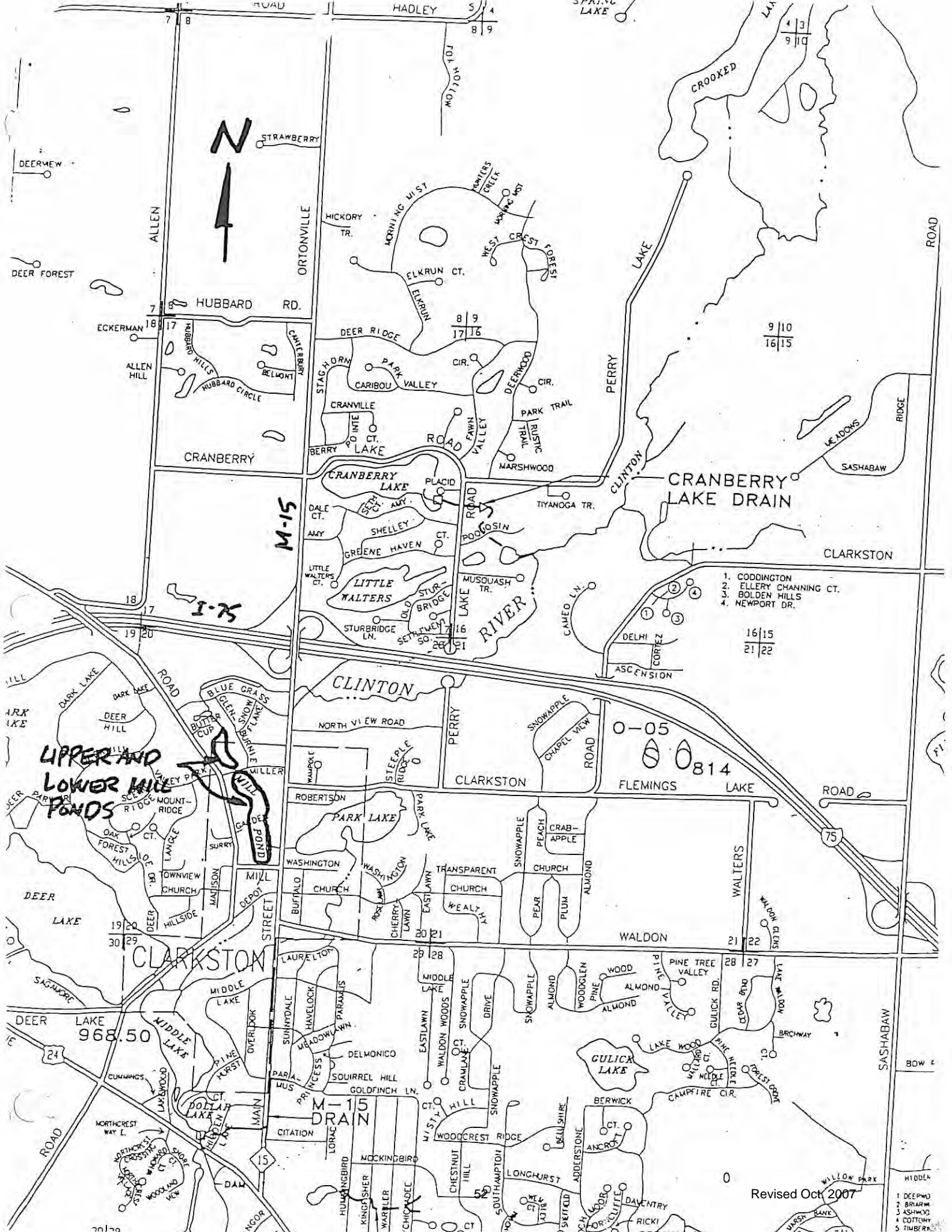
Interested registered professional engineering firms possessing expertise in lake improvement projects are invited to submit a proposal including fees for services. Fees are to be quoted as Lump Sum not to exceed a Maximum Amount.

Proposals are to be submitted in a sealed envelope to:

(Lake Board Representative for Clarkston Mill Ponds)
Lake Improvement Board for the Clarkston Mill Ponds
C/o Oakland County Drain Commissioner's Office
One Public Works Drive
Waterford, Michigan 48328

It is anticipated that the contract for services will be awarded to a firm qualified to perform this type of work for the most appropriate fee. The award of contract will also be contingent upon the approval of a special assessment roll to finance the cost of the engineering feasibility study.

The Clarkston Mill Ponds Lake Improvement Board reserves the right to reject any and all proposals received. Selection of the professional engineering firm will be made by the Clarkston Mill Ponds Lake Improvement Board, and its decision will be final.



UPPER AND LOWER MILE PONDS

1. CODDINGTON
2. ELLERY CHANNING CT.
3. GOLDEN HILLS
4. NEWPORT DR.

Revised Oct 2007

1. DEEPWOOD
2. BRIARW
3. ASHWOOD
4. COTTONY
5. TIMBER

REQUEST FOR PROFESSIONAL SERVICES (Sample 2)

SAMPLE 2- REQUEST FOR PROFESSIONAL SERVICES

REQUEST FOR PROFESSIONAL SERVICES

The Waumegah Lake Improvement Board is seeking the services of a licensed, professional engineer to evaluate the lake and its berms, and to present recommendations for its improvement.

Waumegah Lake is a 112 acre headwater lake and is located in portions of Springfield and Independence Townships in north Oakland County, Michigan.

As required by Public Act No. 451 of 1994, Part 309, Inland Lake Improvements, as amended (copy attached), the services will involve preparation of an engineering feasibility report, an economic study report, and estimates of cost. The following items, while not all inclusive, will each be considered for study and report:

- A. Evaluation of all lake berms for structural integrity and stability at the legal lake level of 1049.9 feet above sea level, including recommendations for repair and future maintenance.
- B. Analyze aquatic weed growth and make recommendations for removal and control. Prepare a map which shows the locations and types of aquatic vegetation, and approximate lake bottom contours.
- C. Determine the lake water quality using the following listed parameters and recommend appropriate action to improve water quality:
 - 1. pH
 - 2. Oxygen concentration
 - 3. Phosphorous concentration
 - 4. Nitrogen concentration
 - 5. Chlorophyll a concentration
 - 6. Secchi disc Transparency
 - 7. Theoretical nutrient budget
- D. Prepare estimates of costs for each of the above items, individually, with an analysis of effects of proposed assessments on interested landowners and residents.
- E. Estimate how long it will take to complete the study report. State when you will be available to work on the study.
- F. Please provide references of similar projects you have completed in the past.

SAMPLE 2- REQUEST FOR PROFESSIONAL SERVICES

Interested registered professional engineering firms possessing expertise in lake improvement projects are invited to submit a proposal including fees for services. Fees are to be quoted as Lump Sum not to exceed a Maximum Amount.

Please submit two copies of proposals in a sealed envelope to:

(Lake Improvement Board Secretary)
Waumegah Lake Improvement Board
Address
_____, Michigan 483____

It is anticipated that the contract for services will be awarded to a firm qualified to perform this type of work for the most appropriate fee. The award of contract will also be contingent upon the approval of a special assessment roll to finance the cost of the engineering feasibility study.

The Waumegah Lake Improvement Board reserves the right to reject any and all proposals received. Selection of the professional engineering firm will be made by the Waumegah Lake Improvement Board and its decision will be final.

SAMPLE OF RESPONSE FROM ENGINEERING FIRMS

July 12, 2001

ProgressiveAE

Mr. Secretary
Waumegah Lake Improvement Board
8715 Waumegah Lake Road
Clarkston, MI 48348

Re: Waumegah Lake

Dear Mr.

Thank you for the opportunity to submit a proposal for a study of Waumegah Lake. Progressive AE maintains a professional staff with specialists in lake management and the engineering disciplines related to water quality improvement. We have had extensive experience working with lake communities in Oakland County and throughout the state. Information regarding prior experience and references are enclosed for your review.

The study of Waumegah Lake would include the following work items:

1. Compile and review available data on the lake.
2. Evaluate the physical characteristics of the lake and its watershed.
3. Evaluate land use and drainage patterns in the watershed and conduct a theoretical nutrient budget evaluation.
4. Conduct a visual inspection and hand borings of all berms around the lake and evaluate their structural integrity and stability with respect to the freeboard requirements at the 1049.9 feet legal lake level.
5. Conduct surveys of the lake and prepare a map that depicts lake bottom contours and the type and location of aquatic plants.
6. Collect samples to evaluate the present condition of the lake. At a minimum, samples would be collected over the deepest portion of the lake to measure total phosphorus, nitrogen, temperature, dissolved oxygen, pH, and alkalinity. In addition, surface water chlorophyll-*a* levels and water transparency would be measured.
7. Evaluate the feasibility of in-lake management alternatives for aquatic plant control and make recommendations for the repair and future maintenance of the berms around the lake.
8. Evaluate long-term management alternatives to reduce nutrient and sediment loading to the lake from the surrounding watershed.

AIA
Grand Valley
2000 Inaugural
Firm Achievement Award
Winner

Progressive AE
1811 4 Mile Road, NE
Grand Rapids, MI 49525 2442
616 361 2664 VOICE
616 361 1493 FAX
www.progressiveae.com

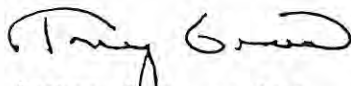
M. y, Secretary
July 12, 2001
Page 2

9. Develop and define a comprehensive lake management plan.
10. Prepare a detailed cost estimate for each element of the recommended lake improvement program.
11. Recommend a special assessment district and a method to spread the cost of the improvement to benefiting properties.
12. Prepare a written report of study findings, recommendations, and conclusions.
13. Present study findings at formal public hearings.
14. Assist with the organizational proceedings required to implement the project.

The time frame for the study requires approximately nine months. The total cost of the study would be \$ () () dollars). We would bill for our services on a lump sum basis at the completion of the report. If this proposal is acceptable to you, please sign in the space provided below and return this proposal to us. Work would begin immediately upon receipt of your authorization to proceed.

If you have questions, please feel free to call. We look forward to hearing from you.

Sincerely,



Anthony F. Groves, M.S.
Water Resources Director



Bradley H. Thomas, P.E.
Senior Vice President

AFG/mkf
01200108/001
Enclosures
Proposal
Cc: Progressive AE - Mary Beth Ruskowski
W:\WMAJ01\01200108\2001\ag0712p.doc

ACCEPTED BY:

ENGINEERING FIRMS FOR FEASIBILITY STUDY

FOR

**PROFESSIONAL
ENGINEERING FIRMS**

CHECK:

- LOCAL YELLOW PAGES
- INTERNET

FINANCING PROJECTS

This section includes the following:

1. Improper Use of Lake Improvement Board Funds:
 - b. 2005 Legislative Change - SB1266 Sec. 30927 (No. 3)
 - c. Corporation Counsel Opinion, 1994
 - d. Corporation Counsel Opinion, 2007
2. Project Financing - Section 30922
3. Advertising for and Awarding of Contracts
4. Sample of Bid Form and Contracts
5. Computation of Project Costs
6. Further Lake Improvement Board Meetings
7. Project Costs - Proposed Budget
8. Assessment Calculation & Unit of Benefit
9. Three Samples of Contracts between Lake Improvement Boards and Lake Associations

1.

IMPROPER USE OF LAKE IMPROVEMENT FUNDS

Approved by the Governor
January 3, 2005
Filed with the Secretary of State
January 3, 2005
EFFECTIVE DATE: March 1, 2005

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senators Bishop, Kuipers, Cassis and Birkholz

ENROLLED SENATE BILL NO. 1266

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 30903 and 30927 (MCL 324.30903 and 324.30927), as added by 1995 PA 59, and by adding section 30929.

The People of the State of Michigan enact:

Sec. 30903. (1) The lake board shall consist of all of the following:

(a) A member of the county board of commissioners appointed by the chairperson of the county board of commissioners of each county affected by the lake improvement project; 1 representative of each local unit of government, other than a county, affected by the project, or, if there is only 1 such local unit of government, 2 representatives of that local unit of government, appointed by the legislative body of the local unit of government; and the county drain commissioner or his or her designee, or a member of the county road commission in counties not having a drain commissioner.

(b) A member elected by the members of the lake board serving pursuant to subdivision (a) at the first meeting of the board or at any time a vacancy exists under this subdivision. Only a person who has an interest in a land contract or a record interest in the title to a piece or parcel of land that abuts the lake to be improved is eligible to be elected and to serve under this subdivision. An organization composed of and representing the majority of lakefront property owners on the affected lake may submit up to 3 names to the board, from which the board shall make its selection. The terms served by this member shall be 4 years in length.

(2) The lake board shall elect a chairperson, treasurer, and secretary. The secretary shall attend meetings of the lake board and shall keep a record of the proceedings and perform other duties delegated by the lake board. A majority of the members of the lake board constitutes a quorum. The concurrence of a majority in any matter within the duties of the board is required for the determination of a matter.

(3) The department, upon request of the lake board, shall provide whatever technical data it has available and make recommendations in the interests of conservation.

Sec. 30927. (1) Within 10 days after the letting of contracts, or, in case of an appeal, immediately after the appeal has been decided, the lake board shall make a computation of the entire cost of a project under this part that includes all preliminary costs and engineering and inspection costs incurred and all of the following:

- (a) The fees and expenses of special commissioners.
- (b) The contracts for dredging or other work to be done on the project.
- (c) The estimated cost of an appeal if the apportionment made by the lake board is not sustained.
- (d) The estimated cost of inspection.

(e) The cost of publishing all notices required.

(f) All costs of the circuit court.

(g) Any legal expenses incurred in connection with the project, including litigation expenses, the costs of any judgments or orders entered against the lake board or special assessment district, and attorney fees.

(h) Fees for any permits required in connection with the project.

(i) Interest on bonds for the first year, if bonds are to be issued.

(j) Any other costs necessary for the administration of lake board proceedings, including, but not limited to, compensation of the members of the lake board, record compilation and retention, and state, county, or local government professional staff services.

(2) In addition to the amounts computed under subsection (1), the lake board may add not less than 10% or more than 15% of the gross sum to cover contingent expenses, including additional necessary hydrological studies by the department. The sum of the amounts computed under subsection (1) plus the amount added under this subsection is considered to be the cost of the lake improvement project.

(3) A lake board shall not expend money for improvements, services, or other purposes unless the lake board has adopted an annual budget.

(4) A lake board may retain an attorney to advise the lake board in the proper performance of its duties. The attorney shall represent the lake board in actions brought by or against the lake board.

Sec. 30929. A lake board for a public inland lake is dissolved if all of the following requirements are met:

(a) The governing body of each local unit of government in which all or part of the lake is located holds a public hearing on the proposed dissolution, determines that the lake board is no longer necessary for the improvement of the lake because of the reasons for the establishment of the lake board no longer exist, and approves the dissolution of the lake board. The governing body of each local unit of government in which all or part of the lake is located may hold the public hearing on the dissolution of the lake board on its own initiative. The governing body of each local unit of government in which all or part of the lake board is located shall hold a public hearing on the dissolution of the lake board upon petition of 2/3 of the freeholders owning land abutting the lake. Notice of the public hearing shall be published twice in a newspaper of general circulation in each local unit of government in which all or part of the lake is located. The first notice shall be published not less than 10 days before the date of the hearing.

(b) All outstanding indebtedness and expenses of the lake board are paid in full.

(c) Any excess funds of the lake board are refunded based on the last approved special assessment roll. However, if the amount of excess funds is de minimis, the excess funds shall be distributed to the local units of government in which all or part of the lake is located, apportioned based on the amounts assessed against each local unit of government and lands in that local unit on the last approved special assessment roll.

(d) The lake board determines that it is no longer necessary for the improvement of the lake, because the reasons for its establishment no longer exist, and adopts an order approving its dissolution.

Enacting section 1. This amendatory act takes effect March 1, 2005.

This act is ordered to take immediate effect.

s/s Carol Morey Venti
Secretary of the Senate

s/s Gary E. Randall
Clerk of the House of Representatives

Approved _____

Governor

November 9, 1994

RECEIVED**NOV 14 1994****OAKLAND COUNTY
DRAIN COMMISSIONER**

Mr. Glen Yrjanainen, P.E./P.S.
Chief Deputy
Oakland County Drain Commissioner
One Public Works Drive
Waterford, Michigan 48328-1907

Re: White Lake, Proposed Island Purchase

Dear Mr. Yrjanainen:

You have asked three questions relating to the Inland Lake Improvement Act, 1966 PA 345, as amended; MCL 281.901, et seq. Specifically, you have asked:

1. Whether a Lake Improvement Board may use earmarked special assessment funds for a purpose other than that for which they were collected?
2. Whether the term "lake improvement" can be defined to include the purchase of property to be used for recreational purposes?
3. Whether special assessment funds may be utilized for the operation and maintenance of land purchased as part of a lake improvement?

Question I

Whether a Lake Improvement Board may use earmarked special assessment funds for a purpose other than that for which they were collected?

In answering this question, it is essential to first note the additional information provided in your packet. The press reports and other materials provided indicate that it is the desire of the White Lake Citizens League, a nonpublic entity the membership of which is comprised of residents on White Lake, to purchase Hubbell (Youth) Island, located within White Lake.

The League's proposal is to fund the purchase by borrowing from the Lake Improvement Board some \$89,000 collected during the last three years for a dredging and weed control project. The plan is to have the funds "repaid" to the Board by renewing the special assessment district assessments, which expire 1995, for three additional years.

(Mr. Glen Yrjanainen, P.E./P.S.)

November 9, 1994

Page 2

It is my opinion that the Lake Improvement Board, a political subdivision as defined at MCL 691.1401(B), is constitutionally forbidden to extend credit in the form of a loan to the White Lake Citizens League. Const 1963, art 9, § 18.

Article 9, § 18 states the general rule that the state shall not lend its credit except as provided in the Constitution. The prohibition of Article 9, § 18 applies to local governments as political subdivisions and instrumentalities of the state. In re: Advisory Opinion on 1986 PA 281, 430 Mich. 93, 119 (1988). Accordingly, the proposal, as outlined in the paper, for the Lake Improvement Board to loan its funds to the White Lake Citizens League is prohibited under the Michigan Constitution.

In addition to the Constitutional prohibition, it is my opinion that it would be improper for the Lake Improvement Board to deviate earmarked special assessment funds from the project for which they were collected in order to fund a different project.

The Inland Lake Improvement Act is a project-oriented statute. After a lake board is created by the local governing body, it is charged by resolution of the local governing body with the duty of determining the scope of the project and with establishing a special assessment district benefited by the improvement. MCL 281.909. Before making this determination, the law requires the board obtain an engineering feasibility report, an economic study report, and an estimate of project cost. MCL 281.910. Within 60 days of the receipt of these reports, the lake board must hold a public hearing to determine the practicability of the project. MCL 281.913.

Upon project approval, a special assessment roll is prepared. The lake board is then required to appoint a time and place to publically meet and hear objections thereto. MCL 281.914.

After the roll is approved and amounts assessed, additional assessments may be imposed to pay for the improvement for which the initial assessments were made. MCL 281.920.

These provisions make it clear that individual projects are to be executed by a lake board. A project is assigned to the lake board by resolution of the local governing body. MCL 281.909. That project is evaluated by the lake board after it first receives the engineering feasibility report, economic study reports, and an estimate of cost. MCL 281.910. A public hearing is then conducted under MCL 281.911 to determine the practicability of the project. Upon the board's determination by resolution that the project is practicable, it determines to proceed with the project. MCL 281.913. After further notice and public hearing providing an opportunity to object, special assessment rolls are created and the cost of the project apportioned. Deficiencies in initial assessments for the improvement can be made up pursuant to MCL 281.920.

Clearly, in order for the purchase of the island to be considered a lake board project, it is necessary for the project to be assigned to the lake board by the local unit; for feasibility, engineering and cost estimate reports to be prepared; for public hearings to be held to determine the practicability of the project; and for assessment rolls to be created, with the public being provided the opportunity to object. The proposal presented at this time does not contemplate these statutory procedures and is, therefore, inappropriate.

(Mr. Glen Yrjanainen, P.E./P.S.)
November 9, 1994
Page 3

[Note: The supplemental packet of materials indicates that the DNR has denied the dredging permits requested by the Lake Improvement Board for which \$250,000 in assessments has been collected. It would seem that if it was the desire of the Lake Improvement Board to enable the White Lake Citizens' League to develop a pool of money for its constituent members to be utilized for the purchase of the island by the League, it would be appropriate for the Lake Improvement Board to void a portion of the approved project for dredging and weed control due to the fact of the DNR's denial of permit. The funds may be returned to those persons who paid into the assessment district, thereby creating a pool of resources for homeowners who may wish to join the White Lake Citizens' League's program to purchase the island to be held in the name of the League. These revenues can be made up for future projects by establishing a new project for dredging and weed control with a view to identifying a project that the DNR will approve.]

Question II

Whether "lake improvement" can be defined to include the purchase of property to be used for recreational purposes?

It is my opinion that a lake board may acquire land as part of a lake improvement project. In addition, it is my opinion that a lake improvement can be for the purpose of conferring recreational benefits on public corporations, the inhabitants of public corporations, the inhabitants of the state and property within public corporations.

Considering first the ability of a lake board to acquire land, two sections of the act are important. MCL 281.924 provides that a lake board may condemn private property to effectuate the purpose of the act. In addition, MCL 281.925 provides that a lake board may receive and accept gifts for the purpose of carrying out the provisions of the act. Such gifts could certainly include grants of land. Finally, to the extent that it can be argued that these provisions are ambiguous with respect to the acquisition of land, it is appropriate to consider the legislative intent as expressed in the title of the statute. Recorder's Court v City of Detroit, 134 Mich. App. 239 (1984); Grantham v Grantham, 117 Mich. App. 678 (1982).

The title to 1966 Public Act 345 specifically provides that it is an "act to provide for the improvement of certain inland lakes; to authorize the dredging and removal of undesirable materials from lakes; to authorize the acquisition of lands and other property by gift, grant, purchase or condemnation;" (Emphasis added.) Clearly, land acquisition is authorized by the act.

The next component of the question concerns whether or not a recreational improvement is appropriate under the act. Again, in determining the legislative intent, the act is to be interpreted as a whole and construed so as to give effect to each provision and to produce a harmonious and consistent result. Grantham v Grantham, *supra*, at 681.

(Mr. Glen Yrjanainen, P.E./P.S.)

November 9, 1994

Page 4

While the act does not define "improvement", it does define the term "benefit" or "benefits". MCL 281.902(I) defines "benefit" or "benefits" to mean advantages resulting from a project to public corporations, inhabitants of public corporations, inhabitants of this state and property within public corporations. The term includes benefits which result from elimination of pollution and elimination of flood damage, elimination of water conditions which jeopardize the public health or safety; increase the value or use of lands and property arising from improving a lake or lakes as a result of a lake project and the improvement or development of a lake for conservation of fish and wildlife and the use, improvement or development of a lake for fishing, wildlife, boating, swimming or any other recreational, agricultural or conservation uses. Clearly, the legislature intended improvements that conferred recreational benefits upon the individuals who were charged with paying for the improvements, the members of the special assessment district, to be appropriate.

Question III

Whether special assessment funds can be utilized for the operation and maintenance of land purchases of lake improvement?

It is my opinion that under MCL 281.909 a lake board has the authority to maintain any project initiated under the act as it may be necessary. This would include the use of special assessment funds to pay for ongoing operational and maintenance fees and costs necessary for the proper execution of the project.

If you have any questions concerning this matter, please do not hesitate to contact the undersigned at 858-0553.

Sincerely,

OAKLAND COUNTY CORPORATION COUNSEL



Gerald D. Poisson,
Corporation Counsel

GDP/egm

OAKLAND COUNTY

MEMO

PRIVILEGED AND CONFIDENTIAL
ATTORNEY CLIENT COMMUNICATION

CORPORATION COUNSEL

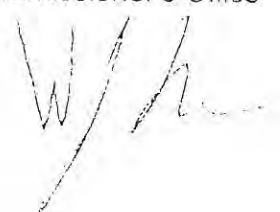
To: Joseph W. Colaianne, Oakland County Drain Commissioner's Office

From: William J. Mann, Assistant Corporation Counsel

Date: January 23, 2007

Re: Lake Improvement Board Expenses

File #: 2007-0043



You have requested this office for a legal opinion¹ as to "what are the appropriate expenses that may be incurred and specially assessed against property owners" by a Lake Improvement Board. The specific factual context, surrounding the posed question, is that "lakefront property owners associations have submitted their own bills or proposed expenses (as part of the Lake Improvement Board's budget process) to the lake improvement board for reimbursement since it has the ability to specially assess."

As discussed below, it is my opinion that there is no legal basis for the submission of bills or expenses incurred by lakefront property owners associations to a Lake Improvement Board. Likewise, there is no legal basis for a Lake Improvement Board to levy special assessments for such bills and expenses.

A Lake Board is created by the legislative body of a local unit of government in which all or part of a public inland lake is situated. MCL 324.30902. A Lake Board is a political subdivision of the state. MCL 691.1401(b). OAG, No. 6579 (April 26, 1989).

As a political subdivision of the state, a Lake Board is subject to the proscription contained in Const. 1963, art. 9, § 18: "The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution." *In re: Advisory Opinion on 1986 PA 281*, 430 Mich. 93, 119 (1988). The state or its subdivision cannot give anything away without consideration. The constitution makes no difference between a public and a private purpose in this regard. *Alan v. County of Wayne*, 388 Mich. 210, 325 (1972).

¹ "An opinion rendered by the Attorney General or the Attorney General's Office in response to a request from a public body or officer of a public body for an opinion on a question of law or fact." MCL 2.101(1).

Therefore, a Lake Board would be constitutionally prohibited from paying the "bills or proposed expenses" of a lakefront property owners association

Moreover, there is no legal basis for a Lake Board to levy a special assessment against property owners for expenses incurred by a lakefront property owners association. Part 309 of the Natural Resources and Environmental Protection Act, MCL 324 101 *et seq.*, provides the statutory basis upon which Lake Boards may levy special assessments. MCL 324.30902 states:

Sec 30902

(1) The local governing body of any local unit of government in which the whole or any part of the waters of any public inland lake is situated, upon its own motion or by petition of 2/3 of the freeholders owning lands abutting the lake, for the protection of the public health, welfare, and safety and the conservation of the natural resources of this state, or to preserve property values around a lake, may provide for the improvement of a lake, or adjacent wetland, and may take steps necessary to remove and properly dispose of undesirable accumulated materials from the bottom of the lake or wetland by dredging, ditching, digging, or other related work

(2) Upon receipt of the petition or upon its own motion, the local governing body within 60 days shall set up a lake board as provided in section 30903 that shall proceed with the necessary steps for improving the lake or to void the proposed project

MCL 324 30906, in pertinent part, states

Sec 30906

(1) Whenever a local governing body, in accordance with section 30902, considers it expedient to have a lake improved, it, by resolution, shall direct the lake board to institute proceedings as prescribed in this part

MCL 324 30908, in pertinent part, states

Sec 30908

The lake board, when instructed by resolution of the local governing body, shall determine the scope of the project and shall establish a special assessment district, including within the special assessment district all parcels of land and local units which will be benefited by the improvement of the lake.

As evidenced by the above statutory provisions, a Lake Board may only initiate a special assessment when directed to undertake a lake improvement pursuant to a resolution by the local governing body. Further, prior to actually levying a special assessment, the Lake Board is to retain a licensed professional engineer to prepare a feasibility report, economic study, and cost estimate. MCL 324.30909. After receiving such reports, the Lake Board is required to review them and determine the practicability of the project after a public hearing. MCL 324.30910. If the Lake Board passes a resolution in which it determines the project to be practicable, it determines to proceed with the project, approves the plans and estimate of costs, and prepares an assessment roll. MCL 324.30912. After further notice and public hearing giving the opportunity for objections to the assessment to be filed, the special assessment roll may be confirmed. MCL 324.30913. If the initial special assessment is insufficient for the improvement, the deficiency can be made up by the Lake Board making an additional pro rata assessment. MCL 324.30919.

It is evident that the submission of bills and proposed expenses, incurred or to be incurred by lakefront property owners associations, to a Lake Board for reimbursement does not comport with the above statutory provisions for the levying of special assessments by Lake Boards. Additionally, as discussed above, a Lake Board would be constitutionally prohibited from paying the bills or proposed expenses of a lakefront property owners association.

If I may be of additional assistance, please let me know.

c: Bill Bullard
John McCulloch

FINANCING PROJECTS

2.

PROJECT FINANCING

Section 30922

Lake Boards have 3 methods available to finance lake improvement projects in anticipation of the collection of special assessment. They are:

1. Borrow money from a Local Lending Institution.
2. Issue lake level orders. These are promissory notes issued to the contractor that promises payment upon collection of funds from the special assessment district. In cases when the contractor does not wish to hold such a note, a purchaser for the lake level orders would have to be found, in some cases, local units of government have purchased lake level orders.
3. Bonding.

3.

ADVERTISING FOR AND AWARDING OF CONTRACT

- Except as provided below, the chairperson of the lake improvement board shall advertise for bids. The contract shall be awarded to the lowest bidder giving adequate security for the performance of the contract, but the lake improvement board shall reserve the right to reject any and all bids.
- The lake improvement board may contract with a local, incorporated, nonprofit homeowner association, the membership of which is open on a nondiscriminatory basis to all residents within the geographic area to be assessed or serviced, without advertising for public bids provided the homeowner's association can provide security for the performance of the contract

4.

SAMPLE OF BID FORM AND CONTRACTS

SAMPLE - BID FORM

BID FORM

BID DATE:

BID TO:

_____ Board

_____, Michigan _____

BID FROM:

_____ (Company Name of Bidder)
_____ (Company Address)

_____ (Telephone Number)

In compliance with your invitation for bids, bidder hereby proposes to perform all work related to aquatic plan harvesting of:

_____ Township
_____ County, Michigan

In strict accordance with the contract documents, within the time set forth therein, and at the prices stated below.

By submission of this bid, the bidder certifies that this bid has been arrived at independently without consultation, communication or agreement as to any matter relating to this bid with any other bidder or with any competitor.

Further, the bidder also certifies that he/she has examined the contract documents and the location of the work described herein and is fully informed as to the nature of the work and the conditions relating to its performance.

The bidder understands that the acreage listed is approximate only and subject to either increase or decrease. The bidder agrees that the unit prices named will be used if additions or deductions are made to the quantity of work.

The bidder shall include and be deemed to have included in his bid all Michigan sales and use taxes currently imposed by legislative enactment and as administered by the Michigan Department of Revenue on the bid date.

All work described in the contract documents and required for completion of the project shall be considered as incidental work unless designated as a pay item on the Bid Form.

SAMPLE - BID FORM

The undersigned, having familiarized himself/herself with the instructions to bidders and the specifications, hereby proposes to perform everything required and to provide and furnish all of the labor, materials, equipment, and all utility and transportation services necessary to perform and complete all the work required for aquatic plant cutting and removal on Lake _____ in a workmanlike manner, all in accordance with the specifications at and for the following named price to wit:

ITEM DESCRIPTION	BASIS OF BID	BID PRICE
Plant Harvesting	Cost Per Acre	\$ _____ Per Acre

Statement of plant harvesting equipment proposed to be utilized on _____ Lake: Trucks (model, year, and date of purchase); Harvesters (state manufacturer, model, year, depth of cut, width of cut and date of purchase); Conveyors (if any are to be used); and personnel to be used. Also include estimated time each machine requires to harvest one acre.

Contract extensions beyond calendar year 20__ at the amount bid, plus three percent of the base bid per year, are contingent upon the discretion of the Board.

In the interest of expediting the award of this contract, the undersigned may be required to show that he/she has performed work similar to that included under the proposed contract for which this bid is offered.

In submitting this bid, it is understood that the right is reserved by the Board to reject any and all bids and to waive defects in the bids.

Signed this _____ day of _____, 20__

SIGNATURE: _____

NAME AND TITLE: _____
(Printed)

SAMPLE - BID FORM

_____ LAKE	
BID TABULATIONS	
BID DATE: _____	
Contractor	Project per Acre
•	\$
	\$
	\$

- Apparent Low Bidder

SAMPLE -CONTRACT

CONTRACT

THIS AGREEMENT, made and entered into this _____ day of _____
_____, 20____, by and between the _____ Lake Improvement Board
hereinafter called the "Board" and _____ hereinafter called the
"Contractor", to wit:

1. That the bid form, instructions to bidders, insurance requirements, specifications and addenda hereto attached or herein referred to, shall be and are hereby made a part of this agreement and contract.
2. That the Contractor shall furnish all labor, materials and equipment necessary and do all the work as set forth in the bid according to the specifications and contract documents, which have hereinbefore been made a part of this contract in a manner, time and place as herein set forth.

IN CONSIDERATION WHEREOF, said Board promises and agrees to pay to said Contractor the sum provided in the attached bid, dated _____, 20____,
\$_____ per acre (_____ dollars/acre).

Payment shall be made upon satisfactory completion of the _____
work based on a review of the daily log records and a visual inspection by the Consultant.

For the faithful performance of all of the stipulations, terms and conditions of this agreement, said parties respectfully bind themselves and their successors, heirs, executors, administrators and assign.

SAMPLE -CONTRACT

IN WITNESS WHEREOF, the parties have hereunto set their hands, in duplicate, the day and year first above written.

**LAKE
LAKE IMPROVEMENT BOARD**

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

WITNESS:

(Signature)

Name: _____
(Printed)

(Contractor)

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

WITNESS:

(Signature)

Name: _____
(Printed)

SAMPLE -WEED HARVESTING CONTRACT

WEED HARVESTING CONTRACT **FOR LAKEVILLE LAKE**

THIS AGREEMENT, made this _____ day of _____, 2000, by and between the **LAKE IMPROVEMENT BOARD FOR LAKEVILLE LAKE**, a statutory governmental agency created pursuant to Part 309 of the Natural Resources and Environmental Protection Act, 1994, P.A. 451 as amended, being Section 30901 through 30928 (MCL 324.30901 through 324.30928) (hereinafter referred to as the "Lake Improvement Board") and **LAKE RESTORATION ASSOCIATION**, a Michigan non-profit corporation, having its principal offices located at Box 96, Lakeville, Michigan 48366-0096 (hereinafter referred to as "Contractor"):

WHEREAS, Lakeville Lake, located Addison Township, Oakland County, Michigan, has approximately 460 acres of surface area of which approximately 200 acres require weed harvesting.

WHEREAS, the Lake Improvement Board desires to engage a Contractor for the purpose of cutting, and the removal of cut vegetation from the lake's approximately 200 acres weed harvesting and for disposal of same in accordance with conditions provided herein, and

WHEREAS, Contractor has agreed to harvest, remove and dispose of aquatic weeds from approximately 200 acres of Lakeville Lake in accordance with the conditions provided herein; and

WHEREAS, Contractor is awarded this contract pursuant to Section 30926 (2) of Part 309 of the Natural Resources and Environmental Protection Act, 1994, P.A. 451, as amended, by Act No. 59 of the Public Acts of 1995 (MCL 324.30926); and

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

SAMPLE -WEED HARVESTING CONTRACT

1. DESCRIPTION OF WORK

The work shall consist of mechanical harvesting, removal and disposal of aquatic weeds from approximately 200 surface acres of Lakeville Lake. Weeds will be cut to within six (6') feet of the lake bottom or the maximum depth allowed by the equipment, whichever is greater, but a minimum of five (5') feet below water surface in areas where water depth is over five and one half feet (5 ½'). Work shall include the purchase, care and maintenance of the equipment and performed in accordance with the Specifications as provided in paragraph 2 of this agreement.

2. SPECIFICATIONS FOR WEED HARVESTING ON LAKEVILLE LAKE

The scope of work shall be limited to that provided for in this agreement and specifically these Specifications. In no event shall the work conducted by Contractor exceed the scope of work authorized by section 30902 of the Natural Resources and Environmental Protection Act being MCL 324.309902.

- a. Weed harvesting shall consist of cutting and complete removal of cut vegetation.
- b. Lakeville Lake has approximately 460 acres of surface area. Approximately 200 acres require harvesting. A determination by the Lake Restoration Association to conduct additional surface area harvesting will be made as needed. The harvesting will stay approximately 25 feet away from the shoreline.
- c. Contractor shall be responsible for removal of the harvested vegetation from the lake and for disposal of same. Disposal shall be at acceptable sites and in accordance with all applicable laws, rules, regulations and requirements by all governmental agencies. Vegetation shall be removed daily from shore transfer sites.
- d. Transfer sites are to be regularly maintained by Contractor and shall be returned to as good as or better condition than existed prior to Contractor entering said premises.
- e. Contractor shall keep records in a format to be provided by the Lake Improvement Board for Lakeville Lake and available for review as basis for all work completed.
- f. Contractor, at its sole expense, shall comply with all federal, state and local statutes or ordinances and obtain any permits necessary to accomplish the work under this agreement.

3. TIME OF COMPLETION

Work under this contract shall consist of a regular schedule of weed cutting during each contract year, with weed cutting to begin on or after May 1 of each year, and to conclude on or before October 31 of each year.

4. TERM OF CONTRACT

The work will be performed each year for five (5) years, beginning in December of 2000 and continuing through December 2004, unless terminated.

SAMPLE -WEED HARVESTING CONTRACT

5. TERMINATION AND OPTION TO RENEW

a. This contract shall terminate at the conclusion of the term of the contract as provided herein. In addition, during the term of the contract, the Lake Improvement Board has sole right to terminate this contract prior to the expiration of the term if for any reason the Lake Improvement Board is dissatisfied with the services provided by the Contractor. Should the Lake Improvement Board exercise its option and terminate this contract, a 30-day written notice must be provided to Contractor.

b. The Lake Improvement Board shall have the right to renew or extend this Agreement.

c. As a condition to entering into this Agreement and any subsequent extension, the Contractor shall provide upon request of the Lake Improvement Board, copies of the Contractor's federal tax returns and statement of revenue and interest earned by Contractor.

6. ACCESS/TRANSFER SITES

Contractor shall be responsible for identifying property on Lakeville Lake suitable for an access/transfer site for the weed harvesting equipment, and securing proper written authorization for its use.

7. SUBCONTRACTORS

a. Contractor shall not transfer, sublet, or subcontract any portion of the work required under this Agreement without the prior written consent of the Lake Improvement Board.

b. In the event that the Contractor desires to request the Lake Improvement Board's approval to subcontract any portion of this contract, the name(s) and qualifications of any subcontractor shall be submitted to the Lake Improvement Board. If Lake Improvement Board agrees to permit Contractor to subcontract any portion of this contract, Contractor shall accept full responsibility for the performance of any subcontractor. All provisions of this contract shall apply equally to any subcontractor. Contractor indemnifies the Lake Improvement Board as to subcontractor and will ensure that the Lake Improvement Board is protected from any liability that may occur as a result of any subcontractor's performance under this Agreement. Lake Improvement Board shall in no way be obligated to approve any request for consent to subcontract merely by virtue of Contractor's submission of such a request.

8. PAYMENT

The Lake Improvement Board promises and agrees to pay the Contractor in a timely manner for the cost to complete the work. It is understood that services under this agreement are contingent upon Lake Improvement Board's appropriation of the necessary funds on an annual basis to utilize these services, and therefore the total amount shall not exceed the approved budget unless approved by the Lake Improvement Board.

On or before May of each year, the Contractor shall submit an invoice to the Lake Improvement Board's Contract Administrator or other designee for partial payment on account for contracted work. Within 30 days of the end of the calendar year, the Contractor shall submit a final invoice with its year end report to the Lake Improvement Board's Contract Administrator or other designee for all expenses for work performed less the partial payment on account with and any

SAMPLE -WEED HARVESTING CONTRACT

other payments made, with the difference settled between the parties within thirty (30) days after approval by the Lake Improvement Board.

The Lake Improvement Board reserves the right to make partial payments on account of the amount due Contractor as the services progress. The Lake Improvement Board shall have no obligation to make payment until a proper invoice of service is submitted.

The Lake Improvement Board or at its direction, the Lakeville Lake Property Owners Association, may inspect and certify the amount of work satisfactorily performed.

9. INSURANCE REQUIREMENTS

a. Contractor shall not commence work, nor allow any subcontractor to commence work, under this contract until all insurance requirements stated in this section have been complied with.

b. Contractor shall procure and maintain during the life of this contract, except where otherwise indicated, the following insurance coverage:

1. **WORKER'S COMPENSATION** – Insurance affording coverage in accordance with the Worker's Compensation Laws of the State of Michigan. In addition, coverage included for Employer's Liability shall provide a limit of liability of not less than \$100,000.00.

2. **COMPREHENSIVE GENERAL LIABILITY** – Providing not less than \$1,000,000.00 Combined Single Limit Comprehensive policy (bodily injury, property damage and contractor's protective liability).

3. **COMPREHENSIVE AUTO** – Insurance affording fleet automatic coverage on all owned, non-owned or hired vehicles with limits of liability of not less than \$250,000.00 per person and \$500,000.00 per occurrence for Bodily Injury Liability and \$100,000.00 Property Damage Liability per occurrence.

c. **NOTICE OF REDUCTION OR CANCELLATION** – All policies affording the various coverage required by this section shall be endorsed to provide for a 10-day prior written notice to be delivered to the Lake Improvement Board for Lakeville Lake before any of the coverage afforded by these policies are either reduced or canceled.

d. **ADDITIONAL NAMED INSURED** – In the policies to be issued as required herein, the named insured shall include the County of Oakland, the Lake Improvement Board for Lakeville Lake and the individual members of the Lake Improvement Board for Lakeville Lake.

e. **OWNERS PROTECTIVE ENDORSEMENT** – The policies shall include an Owners Protective Endorsement for the Lake Improvement Board for Lakeville Lake.

SAMPLE -WEED HARVESTING CONTRACT

10. CERTIFICATE OF INSURANCE

Certificates of Insurance for the coverage shall be delivered to the Lake Improvement Board for Lakeville Lake. These certificates shall clearly indicate that the provisions of the applicable policy are in compliance with all requirements of this section. If coverage confirmed by these certificates will expire prior to the termination date of this contract, certificates for renewals must be delivered to the Lake Improvement Board prior to the expiration date.

11. HOLD HARMLESS AGREEMENT

Contractor shall indemnify and save harmless Oakland County, its elected officers and employees, the Lake Improvement Board for Lakeville Lake and the individual members of the Lake Improvement Board for Lakeville Lake from any and all claims, demands, payments, attorney fees, suits, actions, recoveries, and judgments, or every name and description brought or recovered against them or either / or any of them for or on account of any injuries to or death of any person or any other loss or damages to persons or property received or sustained by any person or persons whosoever by reason of the performance of the work of this contract, and on account of liability or obligation imposed directly or indirectly upon the County, the Association, and all additional named insured, by reasons of any law of the State of Michigan or of the United States, now existing or which shall hereafter be enacted, imposing any liability or obligation or providing for compensation to any person or persons on account of, or arising from the death of, or injuries to employees. The Contractor shall pay, settle, compromise and procure the discharge of any and all such claims and all such losses, damages, expenses, liabilities, and obligations, and shall defend at its own cost and expense, and any and all claims, demands, suits and actions made or brought against Oakland County, the Lake Improvement Board for Lakeville Lake and all additional named insureds, for or upon any such claim.

In case the said Contractor shall fail, neglect, or refuse to comply with any of the provisions of this paragraph, Oakland County, the Lake Improvement Board for Lakeville Lake or any additional named insured may at its option but without obligation to do so, in order to protect itself and all additional named insured, from liability, defend any such claim, demand, suits, or action and pay, settle, compromise and procure the discharge thereof, in which case the said Contractor shall repay Oakland County, the Lake Improvement Board for Lakeville Lake, and all additional named insured, any and all such loss, damage, and expense, including attorney's fees paid, suffered or incurred by the same. So much of the monies due, or to become due, to Contractor under this agreement as shall be deemed necessary by the Lake Improvement Board for Lakeville Lake shall or may be retained by the Lake Improvement Board until every and all such claims, demands, suits, actions, recoveries, judgments, liabilities and obligations have been settled and discharged and evidence to that effect furnished the Lake Improvement Board, or the Lake Improvement Board may collect the same in whole or in part in any lawful manner from said Contractor.

Nothing in this section shall be construed to apply whenever the damages arising out of bodily injury to persons or damage to property are caused by or result from the sole negligence of any indemnity hereunder, its agents or employees.

SAMPLE -WEED HARVESTING CONTRACT

12. NO WAIVER OF RIGHTS

Lake Improvement Board's review, approval, acceptance of, or payment for any of the services required under the Agreement shall not be construed to operate as a waiver by Lake Improvement Board of the rights under the Agreement or of any cause of action arising out of the performance of the Agreement by the Contractor. Contractor shall be liable to Lake Improvement Board in accordance with applicable law for all damages to Lake Improvement Board caused in whole or part by Contractor's negligent acts in the performance of any of the services furnished under the Agreement.

Notwithstanding any other provision in this Agreement, no provision in this Agreement is intended, nor shall any such provision be construed, as either waiving or constituting a waiver of any public or governmental immunity afforded to the Lake Improvement Board, and/or Lake Improvement Board's agents, employees, representatives as provided by applicable statutes and/or court decisions.

13. OTHER TERMS AND CONDITIONS

a. That Contractor shall secure and solely employ the necessary personnel to perform the services described herein and all personnel shall be employees or shall be under the direct control and supervision of Contractor. Contractor shall accept responsibility for and make payments as required by law for worker's compensation insurance, social security, income tax reductions, unemployment compensation, and any other taxes or payroll deductions as required by law for its employees. All personnel or employees, working under this agreement on behalf of Contractor shall be professionally qualified to perform the duties required.

b. That any and all employees employed by Contractor are employed at Contractor's own expense (including taxes and insurance) and Contractor remains solely responsible for and fully liable for the conduct and supervision of any of its employees. Contractor warrants that services performed by Contractor's assistants and/or subcontractors shall fully comply with the terms of this agreement.

c. That Contractor's relationship to the Lake Improvement Board is that of an independent contractor. This contract shall not cause the Lake Improvement Board to be liability for, or Contractor to accrue benefits such as, but not limited to, worker's compensation, retirement, pension, vacation pay, sick pay, merit increases, annual leave days, promotion, disability pay, insurance of any kind, or any other rights or liabilities arising out of the contract to hire or employer-employee relationship.

14. SECTION HEADINGS AND SEVERABILITY

a. All section headings contained herein are for convenience of reference only and are not intended to define or limit the scope of any provisions of this contract.

b. If any provision of this contract is held invalid or unenforceable, such provision shall be deemed deleted from this contract and/or shall be replaced by a valid and enforceable provision which so far as possible achieves the same objectives as the severed provision was intended to achieve, and the remaining provisions of this contract shall continue in full force and effect.

SAMPLE -WEED HARVESTING CONTRACT

15. **ENTIRE AGEEMENT**

The terms contained in this contract constitute the entire agreement between the parties with respect to the subject matter hereof, superseding all prior understandings, proposals and other communications, oral or written. This contract may only be modified by amendment signed by both parties.

16. **LAW**

This Agreement shall be interpreted in accordance with the laws of the State of Michigan.

17. **DISPUTES**

All disputes arising under this Agreement or in any the result of this Agreement shall be filed in the Circuit Court for the County of Oakland, State of Michigan; the District Court for 52nd-3rd Division for the State of Michigan; or the United States District Court for the Eastern District of Michigan, Southern Division if the court otherwise has jurisdiction.

IN WITNESS WHEREOF, the undersigned have caused this contract to be made and entered into effective as of date reference above.

WITNESSES:

**LAKE IMPROVEMENT BOARD FOR
LAKEVILLE LAKE**

By: _____
Lawrence A. Obrecht,
Chairman

**CONTRACTOR: LAKE RESTORATION
ASSOCIATION**

By: _____
Deborah Broderick,
President

5.

COMPUTATION OF PROJECT COSTS

Section 30927

- Within 10 days after the letting of contract, or after appeals have been decided, the lake improvement board shall make a computation of the entire cost of a project (items to be included in computing project costs are listed in Section 30927).

(See **7.** of this Section for sample budget and project costs)

6.

FURTHER LAKE IMPROVEMENT BOARD MEETINGS

- After awarding of the contract(s), the Lake Board will need to meet periodically to review the progress of the project and to take action on the payment of bills.
- The lake board must act annually on delinquent assessments as reported by the treasurer of each local unit of government involved.

7.

PROJECT COSTS

Proposed Budget



PROPOSED BUDGET

**LAKE IMPROVEMENT BOARD
1999 PROPOSED BUDGET**

Legal Ads		\$	500.00*
Hearing of Practicability (2)			* Cost varies according to size of ad.
Hearing of Assessment (2)			
Determination of Practicability (1)			
Confirmation of Assessment Roll (2)			

Mailing

Postage	(68 @ \$0.33)	\$	22.44
Copies	(68 @ \$0.05)	\$	3.40

Consulting Engineer

\$ 9,500.00

Sub-Total \$ 10,025.84

Contingency (15%)

\$ 1,503.88

TOTAL \$ 11,529.72

Rounded to: \$ **11,500.00**

Estimated Assessments:

\$11,500.00 / 68 Lots \$ 169.1176 per lot

Rounded to: \$ **169.12** per lot

\$169.12 x 68 lots = \$11,500.16 to be collected

SAMPLE

**PROPOSED BUDGET FROM
CONSULTING ENGINEER**

**WALTERS LAKE IMPROVEMENT BOARD
1993-1995 PROPOSED BUDGET**

1993

Sonar Aquatic Herbicide		
(26 quarts at \$450 per quart)	\$	11,700
Algae Control		
(80 acres at \$30 per acre)	\$	2,400
Aquatic Plant Harvesting		
(50 acres at \$180 per acre)	\$	9,000
Engineering/Administration/Contingency	\$	5,000
Total	\$	28,100

1994

Aquatic Herbicide Treatments		
(30 Acres at \$250 per acre)	\$	7,500
Algae Control		
(40 acres at \$30 per acre)	\$	1,200
Aquatic Plant Harvesting		
(80 acres at \$180 per acre)	\$	14,400
Engineering/Administration/Contingency	\$	5,000
Total	\$	28,100

1995

Sonar Aquatic Herbicide		
(26 quarts at \$450 per quart)	\$	11,700
Algae Control		
(80 acres at \$30 per acre)	\$	2,400
Aquatic Plant Harvesting		
(50 acres at \$180 per acre)	\$	9,000
Engineering/Administration/Contingency	\$	5,000
Total	\$	28,100

8.

**SAMPLE
OF
ASSESSMENT
CALCULATIONS
AND
UNIT OF
BENEFIT**

Section 30901 of Part 309 of Act 451 of 1994, as amended, states:

- (a) "Benefit" or "benefits" means advantages resulting from a project to public corporations, the inhabitants of public corporations, the inhabitants of this state, and property within public corporations. Benefit includes benefits that result from elimination of pollution and elimination of flood damage, elimination of water conditions that jeopardize the public health or safety; increase of the value or use of lands and property arising from improving a lake or lakes as a result of the lake project and the improvement or development of a lake for conservation of fish and wildlife and the use, improvement, or development of a lake for fishing, wildlife, boating, swimming, or any other recreational, agricultural, or conservation uses.

Therefore, only projects meeting the above criteria and identified in the engineering feasibility study are eligible.

ASSESSMENT CALCULATIONS BASED ON UNITS OF BENEFIT

**WALTERS LAKE IMPROVEMENT BOARD
FOR 1993, 1994 AND 1995**

Cary Over into 1993	\$ 21,774.17
Less: Revolving Fund (Newsletter mailing)	\$ 635.01
Less: Publications of Legal Notice and Mailing (est.)	\$ 500.00
Less: Balance for emergencies and minor projects	<u>\$ 5,000.00</u>
Total amount to be rolled into future assessment	\$ 15,639.16
 Proposed Annual Budget (per consulting engineer)	 \$ 28,100.00
 Proposed budget for 3 years (\$28,100.00 x 3)	 \$ 84,300.00
 Proposed 1 time fish stocking	 \$ 2,500.00
 Total proposed budget for 3 years	 \$ 86,800.00
 Less: amount rolled in from previous years	 <u>\$ 15,639.16</u>
 Total	 \$ 71,160.84
 Annual Amount to be assessed (\$71,160.84 / 3)	 \$ 23,720.28
 Based upon 170 units of benefit and an annual collection of \$23,720.28, the annual assessment for 1.00 unit of benefit is:	
(\$23,720.28 / 170 units of benefit)	\$ 139.53

SAMPLE

September 21, 1992

INTEROFFICE COPIES:
Walters Lake Improvement Board File

Independence Township
90 North Main Street
P.O. Box 69
Clarkston, Michigan 48347

Attention: _____, Assessor

Reference: Walters Lake Improvement Board
Special Assessment Roll for 1993, 1994 and 1995 Seasons

Dear _____:

On August 20, 1992 the Lake Improvement Board passed a resolution to adopt an annual budget for \$28,100.00 for Aquatic Weed Control, which was later amended to \$28,933.33 to include fish stocking. Since there were some funds available from the 1992 collection, the Lake Board will only need to assess \$23,720.28 per year for the years 1993, 1994 and 1995. As per the previous assessment roll, the special assessment district is to include all properties which border the lake and all back lots which have deeded or dedicated lake access, but excluding community lake access lots or parks.

Based upon Independence Township's latest property count dated October 4, 1991, for the special assessment roll, I offer the following special assessment calculations:

13	Group 1	x	.80 Benefit Unit	=	10.40
52	Group 2 & 5	x	1.00 Benefit Unit	=	52.00
300	Group 3 & 4	x	.30 Benefit Unit	=	90.00
12	Group 6	x	.50 Benefit Unit	=	6.00
10	Group 7	x	.40 Benefit Unit	=	4.00
113	Group 8 & 9	x	.10 Benefit Unit	=	11.30
Total Units of Benefit				=	173.70
USE: 170 Units of Benefit for calculations.					
(See next page for explanation of different groups)					

Based upon 170 Units of Benefit, and an annual assessment of \$23,720.28, the individual assessment rates per group are therefore:

_____, Assessor
 September 21, 1992
 Page Two

Group 1

\$139.53 x 0.80 Benefit Unit = \$ 111.62

Group 2 and 5

\$139.53 x 1.00 Benefit Unit = \$ 139.53

Group 3 and 4

\$139.53 x 0.30 Benefit Unit = \$ 41.86

Group 6

\$139.53 x 0.50 Benefit Unit = \$ 69.76

Group 7

\$139.53 x 0.40 Benefit Unit = \$ 55.81

Group 8 and 9

\$139.53 x 0.10 Benefit Unit = \$ 13.95

Independence Township will need to verify the property count, as there is a slight chance that there may have been some lot splits or combinations since the last property count of October 4, 1991. After Independence Township has verified the roll, please submit a copy of the certified roll, with addresses of the property owners to this office. I will then contact the other members of the Lake Board to select a date for the Public Hearing.

Very truly yours,

By: _____

Acting Secretary, Walters Lake Improvement Board

Attachment

cc: Lake Board Members
 Consulting Engineer

Group:	Property Distribution by Groups	Property Quantity	Cost Benefit Multiplier	Equivalent Units
1.	Lake Front Improved Thendara Park	13	.80	10.40
2.	Lake Front Improved Sunny Beach and Low Meadow	52	1.00	52.00
3.	Off Lake Improved Sunny Beach (S.) (Included in Group 4)		.30	
4.	Off Lake Improved Sunny Beach (N.), John Bussko and Low Meadow	300	.30	90.00
5.	On Lake Improved Acreage (Included in Group 2)		1	
6.	On Lake Unimproved Vacant Acreage and Vacant Sunny Beach and Low Meadow	12	.50	6.00
7.	On Lake Unimproved Thendara Park	10	.40	4.00
8.	Off Lake Unimproved Sunny Beach (N.), John Bussko and Low Meadow	113	.10	11.30
9.	Off Lake Unimproved Sunny Beach (S.) (Included in Group 8)		.10	
	Total			173.70
	USE: 170 Units of Benefit for Calculations			

9.

**CONTRACTS
BETWEEN
LAKE
IMPROVEMENT
BOARDS
AND
LAKE
ASSOCIATIONS**

SAMPLE

CONTRACT

THIS AGREEMENT, made and entered into this 30th day of June, 1992, by and between the Lake Improvement Board for Lake Ona, hereinafter called "Lake Board" and the Lake Ona Homeowners Association, a Michigan Nonprofit Corporation, hereinafter called "Contractor," whose address is c/o _____, _____, White Lake, Michigan 48____, for the annual harvesting of aquatic weeds from Lake Ona, Oakland County, Michigan, for the years 1993 through and including 1996.

The specifications and scope of work to be performed by Contractor are as follows:

1. Weed harvesting shall consist of the cutting and complete removal from the water of all aquatic weeds from that portion of the lake from the surface to six inches from the bottom or to four feet from the surface where depth permits in those areas designated to be harvested by the Lake Board.
2. Lake Ona has approximately 27 acres. Approximately 25 acres require harvesting. Some areas will require a second harvest after regrowth.
3. Actual areas of operation will be proposed by the Contractor and approved by the Lake Board.
4. Periods of harvesting shall be between May 1 and September 30 of each year.
5. Contractor shall provide lake weed harvesting using an Aquamarine H4-100 Harvester and a Model 177 New Idea Shore Conveyor (or their equivalent) each year.
6. The Contractor shall be responsible for the removal of all harvested vegetation from the lake and for disposal of same. Disposal shall be at a site acceptable to the Lake Board and in accordance with all applicable regulations and requirements. Vegetation shall be removed daily as it is harvested by direct loading into trucks without interim placement of weeds at shore transfer sites. The Lake Board may authorize exceptions to this requirement by agreement with the Contractor.
7. Location of one or more transfer sites for the transfer of weeds from harvesting equipment to vehicle for removal shall be arranged by the Contractor.
8. Transfer sites are to be regularly maintained by the Contractor and shall be returned to the condition existing before weed harvesting on or before October 15 of each year.
9. Where necessary, Contractor will obtain written permission for the use of any transfer sites located on private property.
10. The Contractor shall submit to the Lake Board a monthly statement requesting payment for weed harvesting work and related approved lake maintenance expenses performed on Lake Ona. IF no expenses are incurred during any one month, a request for payment may be delayed to the following month.

Reimbursement will be for actual expenses incurred, such expense categories having been approved in a budget submitted to the Lake Board prior to the beginning of a new harvesting year. Contractor will retain appropriate documentation to support expenses for which reimbursement is requested.
11. The Contractor shall not commence work, and shall not allow any subcontractor to commence work, under this contract until all insurance requirements stated in Section 12 below have been complied with.

12. The Contractor shall procure and maintain during the life of this contract, except where otherwise indicated, the following insurance coverages:
- A. Workers' Compensation -- Insurance affording coverage in accordance with the Workers' Compensation Laws of the State of Michigan. In addition, coverage included for Employer's Liability shall provide a limit of liability not less than \$100,000. However, if the Contractor uses the services of a temporary-help agency to provide operators for the harvesting operations, this section will not apply.
 - B. Comprehensive General Liability -- Providing not less than \$500,000 Combined Single Limit Comprehensive policy (bodily injury, property damage and Contractor's Protective Liability.)
 - C. Comprehensive Auto -- Insurance affording fleet automatic coverage on all owned, nonowned or hired vehicles with limits of liability of not less than \$250,000 per person and \$500 per occurrence for Bodily Injury Liability and \$100,000 Property Damage Liability per occurrence.
13. All policies of insurance affording the various coverages required by Section 12 above shall be endorsed to provide for a 10-day prior written notice to be delivered to the Lake Board before any of the coverages afforded by these policies are either reduced or canceled.
14. In the policies to be issued as required herein, the named insured shall include the Lake Board and the individual members thereof as they may be from time to time.
15. Certificates of Insurance for the coverages required herein shall be delivered to the Lake Board. These certificates shall clearly indicate that the provisions of the applicable policy are in compliance with all requirements of this contract. If coverages confirmed by these certificates will expire prior to the termination of this contract, certificates for renewals must be delivered to the Lake Board not less than 10 days prior to the expiration date.
16. The Contractor shall indemnify and save harmless the Lake Board and the individual members thereof for and from all claims, demands, payments, suits, actions, recoveries and judgments, of every name and description brought or recovered against them or either/or any of them for or on account of any injuries to or death of any person or any other loss or damages to persons or property received or sustained by any person or persons whomsoever by reason of the performance of work of this contract, and on account of liability or obligation imposed directly or indirectly upon the Lake Board, and all additional named insureds, by reason of any laws of the State of Michigan or of the United States, now existing or which shall hereafter be enacted, imposing any liability or obligation or providing for compensation to any person or persons on account of, or arising from the death of, or injuries to employees.

Said Contractor shall pay, settle, compromise and procure the discharge of any and all such claims and all such losses, damages, expenses, liabilities and obligations, and shall defend at its own cost and expense, any and all claims, demands, suits and actions made or brought against the Lake Board, and all additional named insureds, for or upon any such claim.

In case of the said Contractor shall fail, neglect, or refuse to comply with any of the provisions of this section, the Lake Board or any additional named insured may at its option, but without obligation to do so, in order to protect itself and all additional named insureds from liability, defend any such claim, demand, suits or action and pay, settle, compromise and procure the discharge there, in which case the said Contractor shall repay the Lake Board or such additional named insured any and all such loss, damage and expense, including the attorney's fees paid, suffered or incurred by the Lake Board or such additional named insured. The Lake Board may collect the same in whole or in part in any lawful manner from said Contractor.

Nothing in this section shall be construed to apply whenever the damages arising out of bodily injury to persons or damage are caused by or result from the sole negligence of any promisee or indemnitee hereunder, his agents or employees.

17. The Contractor reserves the right to assign this contract and the proceeds to be derived herefrom to such lending institution as shall be designated in writing by the Contractor as additional security for a loan or loans to be made to Contractor by it and to be also secured by a first lien on equipment to be purchased by Contractor for the benefit of this contract. The Lake Board hereby consents to such assignment and further agrees that in the event of such assignment that it will notify said lending institution in writing, at its office at the address of the lending institution designated by the Contractor, by certified mail, return receipt requested, of any default on the part of the Contractor of any of Contractor's obligations under this contract and shall give said lending institution or its agents or assigns a reasonable time to cure such default.
18. The Contractor shall be excused for the period of any delay in the performance of any obligation hereunder when prevented from so doing by cause or causes beyond Contractor's control which shall include, without limitation, all labor disputes, civil commotion, riot, insurrection, hostilities, military or usurped power, sabotage, governmental regulations or controls, fire or other casualty, inability to obtain any material or services or financing, delays in obtaining material or workmen, or through acts of God.

IN CONSIDERATION WHEREOF, said Lake Board, for it and its successors, promises and agrees to pay to said Contractor the sum of \$_____, to be paid at the rate of not to exceed \$_____ per year. This amount is to be paid for weed harvesting work performed on Lake Ona and related approved expenses of the lake maintenance program as approved by the Lake Board within ten calendar days of receipt of statement as provided in Paragraph 10.

For the faithful performance of all and singular of the stipulations, terms and conditions of this agreement, said parties respectfully bind themselves, their successors, administrators and assigns.

IN WITNESS WHEREOF, the parties have hereunder set their hands and seals, in duplicate, the day and year first above written.

WITNESS: LAKE IMPROVEMENT BOARD FOR LAKE ONA

By: _____, Chairman

WITNESS: LAKE ONA HOMEOWNERS ASSOCIATION

By: _____, President

By: _____, Resident Agent

SAMPLE

CONTRACT FOR SCOTT LAKE

THIS AGREEMENT, MADE AND ENGERED INTO THIS 16TH DAY OF MAY, 1988 BY AND BETWEEN THE SCOTT LAKE IMPROVEMENT ASSOCIATION, HEREINAFTER CALLED THE ASSOCIATION AND THE SCOTT LAKE IMPROVEMENT BOARD, HEREINAFATER CALLED THE BOARD.

RECITALS

1. THE ASSOCIATION, ESTABLISHED IN SEPTEMBER 1984, WISHES TO ENTER INTO A CONTRACT WITH THE BOARD, ESTABLISHED IN 1985 UNDER THE PROVISIONS OF THE INLAND LAKE IMPROVEMENT ACT, TO CARRY OUT THE ATTACHED STATED IMPROVEMENTS FOR SCOTT LAKE.
2. THE ASSOCIATION IS A LOCAL NON-PROFIT LAKEFRONT PROPERTY OWNERS ASSOCIATION WHOSE MEMBERSHIP IS OPEN TO ALL LAKEFRONT PROPERTY OWNERS ON A NON-DISCRIMINATORY BASIS WITHIN THE GEOGRAPHIC AREA OF THE SPECIAL ASSESSMENT DISTRICT FOR SCOTT LAKE.
3. AFTER HOLDING A PUBLIC HEARING THE BOARD MADE A DETERMINATION THAT A LAKE IMPROVEMENT PROJECT FOR SCOTT LAKE WAS PRACTICABLE AND APPROVED A LAKE MANAGEMENT PROJECT CONSISTING OF WEED HARVESTING FOR THE 1988 SEASON.
4. UNDER THE PROVISIONS OF SECTION-27 OF THE INLAND LAKE IMPROVEMENT ACT THE ASSOCIATION REQUESTS THAT THE BOARD ENTER INTO A CONTRACT WITH THE ASSOCIATION FOR THE WEED CONTROL PROGRAM OF SCOTT LAKE.
5. THE ASSOCIATION WILL TAKE THE NECESSARY ACTION TO ACCOMPLISH THE AFOREMENTIONED PROGRAM REQUIRED AS MORE FULLY DESCRIBED IN THE "DESCRIPTION OF THE PROGRAM" WHICH IS AGTTACHED TO THIS CONTRACT AND MADE PART HEREOF.
6. THE ASSOCIATION WILL PROVIDE TO THE BOARD THE INSURANCE DESCRIBED IN THE "INSURANCE REQUIREMENTS" WHICH IS ATTACHED TO THIS CONTRACT AND MADE PART HEREOF.
7. THE BOARD HAS APPROVED A SPECIAL ASSESSMENT ROLL WHICH SHALL GENERATE THE REVENUE NECESSARY TO PAY FOR THE COST OF THE LAKE IMPROVEMENT PROJECT ON SCOTT LAKE.
8. THE ASSOCIATION AGREES TO COMPLETE THE WEED HARVESTING PROGRAM DESCRIBED IN THE "DESCRIPTION OF THE PROGRAM" IN A SATISFACTORY MANNER IN 1988 FOR THE TOTAL OF \$_____,
(_____ DOLLARS) TO BE PAID BY THE BOARD AS FOLLOWS:

\$	PAID	30	DAYS AFTER	COMPLETION OF FIRST CUTTING (APPROX. JUNE 24)
\$	PAID		DAYS AFTER	COMPLETION OF SECOND CUTTING (APPROX. AUGUST 5)
\$	PAID		DAYS AFTER	
OR				

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT ON THIS DAY MONDAY, 5/16/88.

SCOTT LAKE IMPROVEMENT ASSOCIATION SCOTT LAKE IMPROVEMENT BOARD

BY: _____, CHAIRMAN BY: _____, CHAIRMAN

SAMPLE

1. SCOTT LAKE HAS AN APPROXIMATE SURFACE AREA OF 790.0 ACRES. THE AREA OF THE LAKE TO BE HARVESTED IS AS FOLLOWS:
 - A. APPROXIMATELY 40.0 ACRES OF WEEDS FROM THE SHORELINE TO A DEPTH OF 5' BELOW THE SURFACE OR 6" ABOVE THE BOTTOM _____.
 - B. FOR ADDITIONAL DETAILS REFER TO ATTACHED CONTRACT BETWEEN SCOTT LAKE IMPROVEMENT BOARD AND (CONTRACTOR), DATED 5/16/88.
2. THE ASSOCIATION SHALL PROVIDE THE BOARD WITH A COPY OF THEIR CONTRACT WITH THE COMPANY PERFORMING THE WORK REQUIRED TO COMPLETE THE PROGRAM.
3. THE FOLLOWING ARE ATTACHED:
 - A. THE WORKERS' COMPENSATION INSURANCE POLICY *
 - B. THE GENERAL COMPREHENSIVE INSURANCE POLICY *
 - C. THE AUTOMOBILE COMPREHENSIVE INSURANCE POLICY *
 - D. A COPY OF THE "PROGRAM" CONTRACT
 - E. _____

* LAST YEAR'S POLICY ATTACHED. CURRENT POLICY TO BE PROVIDED PRIOR TO 1ST CUTTING IN ACCORDANCE WITH SCOTT LAKE BOARD REQUIREMENTS FOR INSURANCE.

**LAKE IMPROVEMENT BOARD
FOR BIG LAKE**

AND

**BIG LAKE QUALITY WATER
ASSOCIATION, INC.**

CONTRACT

FOR

WEED HARVESTING

1997 - 1999

LAKE IMPROVEMENT BOARD FOR BIG LAKE

CONTRACT

THIS AGREEMENT, made and entered into this ____ day of _____, 1997, by and between the **Lake Improvement Board for Big Lake**, hereinafter called "**Lake Board**" and the **Big Lake Quality Water Association, Inc.**, a Michigan Non-Profit Corporation, hereinafter called "**Contractor**", whose address is P.O. Box 118, Davisburg, Michigan 48350, for the annual harvesting of aquatic weeds from Big Lake, Oakland County, Michigan for all completed work beginning January 1, 1997 through December 31, 1999.

The specifications and scope of work to be performed by **Contractor** are as follows:

1. Weed harvesting shall consist of the cutting and complete removal from the water of all aquatic weeds from that portion of the lake from the surface to six inches from the bottom or to five feet from the surface where depths permits in those areas designated to be harvested by the **Lake Board**.
2. Big Lake has approximately 220 acres. Approximately 175 acres require harvesting. Some areas will require a second harvesting after re-growth.
3. Harvesting shall not commence before March 1st each year, nor shall harvesting be performed after October 15th of each year or as deemed necessary.
4. Contractor shall provide at least 320 actual hours of operation with aquatic harvester and shore conveyor each year.
5. Contractor shall normally operate said equipment approximately 32 hours per calendar week during the harvesting period.

LAKE IMPROVEMENT BOARD FOR BIG LAKE

6. Actual areas of operation will be determined by the **Contractor**.
7. The **Contractor** shall be responsible for the removal of all harvested vegetation from the lake and for disposal of same. Disposal shall be at a site acceptable to the **Lake Board** and in accordance with all applicable regulations and requirements. Vegetation shall be removed without interim placement of weeds at shore transfer sites. The **Lake Board** may authorize exceptions to this requirement by agreement with the **Contractor**.
8. Location of transfer site for the transfer of weeds from harvesting equipment to vehicle for removal shall be arranged by the **Contractor**.
9. The transfer site is to be regularly maintained by the **Contractor** and shall be returned to the condition existing before weed harvesting on or before October 31st of each year.
10. Where necessary, **Contractor** will obtain written permission for the use of any transfer sites located on private property.
11. The **Contractor** shall submit to the **Lake Board** a monthly statement requesting payment for weed harvesting work performed on Big Lake. The statement shall include a summary of the actual hours of operation of the weed harvester, the areas on the lake harvested, and the number of harvester loads of weeds removed from Big Lake, and such other information as the **Lake Board** may reasonably request (maintenance, downtime, etc.).
12. The **Contractor** shall not commence work, nor shall it allow any sub-contractor to commence work, under this Contract until all insurance requirements stated in Section 13 below have been complied with.
13. The **Contractor** or sub-contractor shall procure and maintain during the life of this Contract, except where otherwise indicated, the following insurance coverages:

LAKE IMPROVEMENT BOARD FOR BIG LAKE

- A. Workers' Compensation -- Insurance affording coverage in accordance with the Worker's Compensation Laws of the State of Michigan. In addition, coverage included for Employer's Liability shall provide a limit of liability of not less than \$100,000.
 - B. Comprehensive General Liability -- Providing not less than \$300,000 Combined Single Limit Comprehensive Policy (bodily injury, property damage and Contractor's Protective Liability).
 - C. Comprehensive Auto -- Insurance affording fleet automatic coverage on all owned, non-owned or hired vehicles with limits of liability of not less than \$250,000 per person and \$300,000 per occurrence for Bodily Injury Liability and \$100,000 Property Damage Liability per occurrence.
- 14. All policies of insurance affording the various coverages required by Section 13 above shall be endorsed to provide for a 10-day prior written notice to be delivered to the **Lake Board** before any of the coverages afforded by these policies are either reduced or canceled.
 - 15. In the policies to be issued as required herein, the named insured shall include the **Lake Board** and the individual members thereof as they may be from time to time.
 - 16. Certificates of insurance for the coverages required herein shall be delivered to the **Lake Board**. These certificates shall clearly indicate that the provisions of the applicable policy are in compliance with all requirements of this contract. If coverages confirmed by these certificates will expire prior to the termination of this contract, certificates for renewals must be delivered to the **Lake Board** not less than 10 days prior to the expiration date.

LAKE IMPROVEMENT BOARD FOR BIG LAKE

17. The **Contractor** shall indemnify and save harmless the **Lake Board** and the individual members thereof for and from all claims, demands, payments, suits, actions, recoveries and judgements, of every name and description brought or recovered against them or either/or any of them for or on account of any injuries to or death of any person or any other loss or damages to persons whomsoever by reason of the performance of work of this Contract, and on account of liability or obligation imposed directly or indirectly upon the **Lake Board**, and all additional named insured, by reasons of any laws of the State of Michigan or of the United States, now existing or which shall hereafter be enacted, imposing any liability or obligation or providing for compensation to any person or persons on account of, or arising from the death of, or injuries to employees.
18. **Contractor** shall be excused for the period of any delay in the performance of any such obligation hereunder when prevented from so doing by cause or causes beyond **Contractor's** control which shall include, without limitation, all labor disputes, civil commotion, riot, insurrection, hostilities, military or usurped power, sabotage, governmental regulations or controls, fire or other casualty, inability to obtain any material or service or financing delays in obtaining materials or workmen, or through an act of God.

Said **Contractor** shall pay, settle, compromise and procure the discharge of any and all such claims and all such losses, damages, expenses, liabilities and obligations, and shall defend at its own cost and expense, any and all claims, demands, suits and actions made or brought against the **Lake Board**, and all additional named insured, for or upon any such claim.

In case the said **Contractor** shall fail, neglect, or refuse to comply with any of the provisions of the Section, the **Lake Board** or any additional named insured may at its option, but without obligation to do so, in order to protect itself and all additional named insured, from liability, defend any such claim, demand, suits or action and pay, settle, compromise and procure the discharge thereof, in which case the said **Contractor** shall

LAKE IMPROVEMENT BOARD FOR BIG LAKE

repay the **Lake Board** or such additional named insured any and all such loss, damage and expense, including the attorney's fees paid, suffered and incurred by the Lake Board or such additional named insured. The **Lake Board** may collect the same in whole or in part in any lawful manner from said **Contractor**. Nothing in this Section shall be construed to apply whenever the damages arising out of bodily injury to persons or damage to property are caused by or result from the sole negligence of any promises or indemnitee hereunder, his agents or employees.

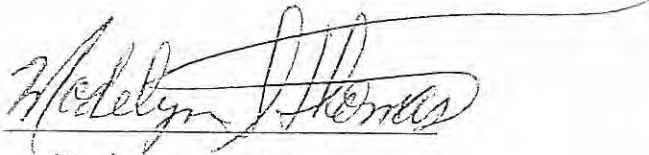
IN CONSIDERATION WHEREOF, said **Lake Board**, for it and its successors, promises and agrees to pay to said **Contractor** the sum not to exceed \$_____ for the three years of the Contract through the 1999 harvest, to be paid at a rate not to exceed \$_____, per year. This amount is to be paid for weed harvesting work performed on Big Lake at the same rate of \$_____ per hour for operation of the weed harvester, within 10 days of receipt of billing as provided in Section 11, hereof. For the faithful performance of all and singular of the stipulation, terms and conditions of this agreement, said parties respectfully bind themselves, their successors and assigns. The **Lake Board** will also review the annual costs of the **Contractor** on an annual basis. Cost reduction, if applicable, will be reflected in lower assessments to the properties affected in the Special Assessment District.

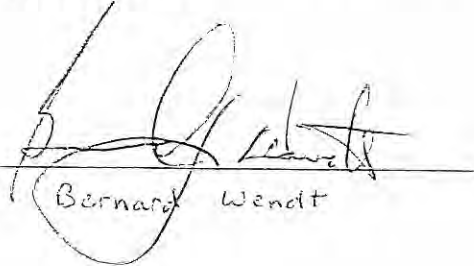
LAKE IMPROVEMENT BOARD FOR BIG LAKE

IN WITNESS WHEREOF, the parties have hereunder set their hands and seals, in duplicate, the date and year first above written.

WITNESS:


**LAKE IMPROVEMENT BOARD
FOR BIG LAKE**

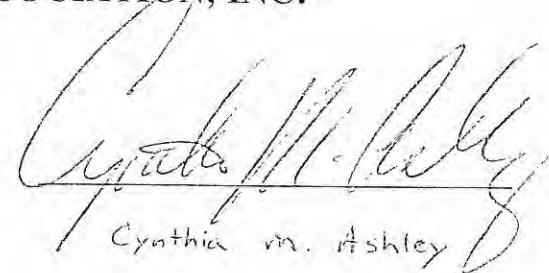

Madelyn Thomas

By: 
Bernard Wendt

WITNESS:

**BIG LAKE QUALITY WATER
ASSOCIATION, INC.**


Steven A. Korth

By: 
Cynthia M. Ashley

The contractors insurance coverages indicated in item 13 have been revised as follows:

The required limits of liability for insurance coverages shall be not less than the following:

(1) Workers' Compensation

Coverage A - Compensation	Statutory
Coverage B - Employer's Liability - (Each Accident)	\$ 100,000
Employer's Liability - (Disease Policy Limit)	\$ 500,000
Employer's Liability - (Disease - Each Employee)	\$ 100,000

(2) Commercial General Liability

General Aggregate	\$ 2,000,000
Personal & Advertising Injury	\$ 1,000,000
Each Occurrence	\$ 1,000,000
Fire Damage (any one fire)	\$ 50,000
Medical Expense (any one person)	\$ 5,000

(3) Comprehensive Automobile Liability
Combined single limit

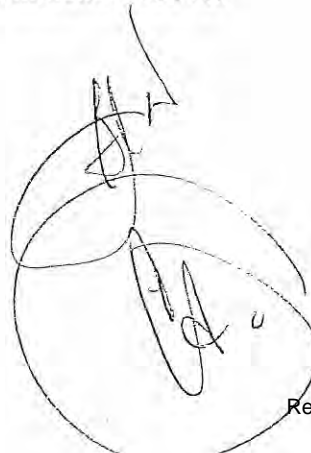
\$ 1,000,000

Other Requirements

(1) The following are to be listed as additional insured:

Big Lake Improvement Board
Big Lake Quality Water Association

The Big Lake Water Quality Association agrees to pay the difference in cost of the contractor's insurance premium to provide the additional insurance coverage indicated above.



ACORD

CERTIFICATE OF LIABILITY INSURANCE

P.01

PRODUCER

DATE (MM/DD/YY)

6-17-97

LaFlamme Insurance Services, Inc.
600 W. Maple Rd., #D-407
West Bloomfield, MI 48322

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY

A

Lake States Insurance Company

COMPANY

B

COMPANY

C

COMPANY

D

INSURED

Gerald E. Cook dba: Clearwater
Weed Harvesting Company
12751 Big Lake Road
Davisburg, MI 48019

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY				
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				GENERAL AGGREGATE \$ 2,000,000
A	<input checked="" type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR	5S 005 3919	8-12-96	8-12-97	PRODUCTS - COMP/OP AGG \$ N/A
	<input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT				PERSONAL & ADV INJURY \$ 1,000,000
					EACH OCCURRENCE \$ 1,000,000
					FIRE DAMAGE (Any one fire) \$ 100,000
					MED EXP (Any one person) \$ 5,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT \$
	ANY AUTO				
	ALL OWNED AUTOS				
	<input checked="" type="checkbox"/> SCHEDULED AUTOS	5S 005 3919	8-12-96	8-12-97	BODILY INJURY (Per person) \$ 1,000,000
	<input checked="" type="checkbox"/> HIRED AUTOS				BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> NON-OWNED AUTOS				PROPERTY DAMAGE \$
	GARAGE LIABILITY				
	ANY AUTO				AUTO ONLY - EA ACCIDENT \$
					OTHER THAN AUTO ONLY:
					EACH ACCIDENT \$
					AGGREGATE \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	UMBRELLA FORM				AGGREGATE \$
	OTHER THAN UMBRELLA FORM				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS: OTHER \$
	THE PROPRIETOR/PARTNER/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EL EACH ACCIDENT \$
	OTHER				EL DISEASE - POLICY LIMIT \$
					EL DISEASE - EA EMPLOYEE \$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

Fax to: Steven A. Korth, P.E. - Oakland County Drain Commission
Engineering & Construction Division

CERTIFICATE HOLDER

and Additional Insured

Big Lake Improvement Board &
Big Lake Quality Water Association
c/o Clearwater Weed Harvesting Co.
12751 Big Lake Road
Davisburg, MI 48019

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

173

Revised Oct. 2007

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TOTAL P.01

ORD 25-S (1/95)

HOW TO CONDUCT HEARINGS OF PRACTICABILITY AND HEARINGS OF ASSESSMENT

1. Hearing of Practicability
2. Assessment Advice
3. Hearing of Assessment
4. Checklist for Public Hearings

1.

HEARING OF PRACTICABILITY

(See Public Act 451 of 1994, Part 309, as amended, for complete details)

The Lake Improvement Board has the option of holding the hearings on the same evening or conducting them separately.

Within 60 days after the Lake Improvement Board has received and accepted the Feasibility Study:

- The Lake Board shall hold a Public Hearing to review the report and to "Determine the Practicability" of the project.
- The Notice of the Hearing of Practicability must be published twice in a newspaper of general circulation in each local unit of government affected. The first publication shall not be less than 20 days prior to the time of the hearing.
- NOTE*** Part 309 does not require Notice of Hearing of Practicability to be sent by first class mail to all residents within the proposed special assessment district. The Lake Improvement Board can determine this.
- The Lake Board shall by resolution, determine the practicability within 10 days after the hearing, or at the time of the hearing. The resolution shall be published once in a newspaper of general circulation in each local unit to be affected.

2.

ASSESSMENT ADVICE

PRIOR TO SCHEDULING A HEARING OF ASSESSMENT:

- Obtain from the Local Assessor a copy of the proposed Assessment Roll with the amounts of the individual assessments, property description and names of the owners.
- Keep one copy of the Assessment Roll at OCDC (Oakland County Water Resource Commissioner's Office) and another at the Township(s) for the residents to examine.
- Also, obtain a set of mailing labels for the Assessment District for the first class mailing.
- Do not schedule the Hearing until you receive the proposed Assessment Roll and mailing labels.
- The Assessment Hearing Legal Notice states that a copy of the Assessment Roll will be available for public examination, so the Roll needs to be available before the ad is placed.

3.

HEARING OF ASSESSMENT

Preparation of Assessment Roll, Section 30912

After finally accepting the Special Assessment District, an Assessment Roll based upon benefit to be derived from the proposed lake improvement shall be prepared by the assessing official of each local unit of government to be affected. The assessing official(s) shall provide the Lake Improvement Board with the Assessment Roll.

Public Hearing and Confirmation of Assessment Roll, Section 30913

After the Assessment Roll is reported to the Lake Improvement Board by the local assessing official(s) and filed in the office of the Clerk of each local unit of government affected:

- The Lake Improvement Board, before confirming the Assessment Roll, shall designate a time and place to meet and review the Assessment Roll and hear any objections to the Assessment Roll.
- The Lake Improvement Board shall hold a Public Hearing on the Assessment Roll
- Notice of the Hearing must be published twice in a newspaper of general circulation in each local unit of government affected. The first publication shall not be less than 10 days prior to the time of the Hearing.
- Notice of the Public Hearing must also be mailed first class to all property owners on the Special Assessment District in accordance with Act 162, Public Act of 1962.
- After the Hearing, the Lake Improvement Board may confirm the Assessment Roll as reported, as amended, as corrected by it, or may annul it and direct a new Roll be made.
- When an Assessment Roll has been confirmed, the Secretary of the Lake Improvement Board shall send a letter to the local assessing official(s) directing the assessments therein be collected, and the Clerk of each local unit shall endorse therein the date of confirmation.
- Notice of Confirmation of the Special Assessment Roll must be published twice in the same manner as the Notice of the Public Hearing in a newspaper of general circulation.

4.

CHECKLIST FOR PUBLIC HEARINGS

BASIC NEEDS

- Sign-in Sheet
- Pens or Pencils
- Tape recorder - blank tapes
- Extension Cord
- Map(s) of Specific Lake(s)
- Legal and Correspondence Files
- Index Cards (for those who wish to speak)
- Extra Copies of Agenda (optional)
- Special Assessment District Map

Folder for each Board Member containing each of the following:

(If Hearings are combined, duplicate copies will not be needed.
If Hearings are held individually, you will need items as listed.)

Hearing of Practicability Items	Hearing of Assessment Items
<ul style="list-style-type: none"> • Minutes from Last Meeting • Hearing of Practicability Agenda • Copy of Notice of Hearing • Copy of Feasibility Study • Copy/Legal Ad of Practicability • Letters from Public • Copy of 1st Class Mailing (if sent) 	<ul style="list-style-type: none"> • Minutes from Last Meeting • Hearing of Assessment Agenda • Copy of Notice of Hearing • Copy of Feasibility Study • Copy/Legal Ads of Assessment • Letters from Public • Copy of 1st Class Mailing • Copy of Assessment Roll

LEGAL AD AND MAILING DEADLINES

1. Hearing of Practicability:

- 1st ad in newspaper - not less than 20 days prior to Hearing
- 2nd ad in newspaper - any time before Hearing
- Determination of Practicability - published once after the Hearing

2. Hearing of Assessment:

- 1st ad in newspaper - not less than 10 days prior to Hearing
- 2nd ad in newspaper - any time before Hearing
- Notice of Confirmation - published in the same manner as the Notice of Public Hearing on the Roll

3. 1ST Class Mailing:

- 10 days prior to a Public Hearing on Assessment a 1st Class Mailing must be sent to the property owners of record, in accordance with Act 162 of Public Act of 1962, as amended.

SAMPLES
OF
HEARING OF
PRACTICABILITY
LEGAL ADS
AND
AFFIDAVITS
OF
PUBLICATION



July 16, 2002

Via Facsimile and U.S. Mail

Spinal Column Newsweekly
Legal Ad Department
P.O. Box 14
Union Lake, Michigan 48387-0014

Reference: **Notice of Hearing of Practicability
for the Lake Improvement Board for Lake Ona**

Gentlemen::

Please publish the enclosed Legal Notice in the following editions of your newspaper:

Wednesday, July 24, 2002
Wednesday, July 31, 2002

Please provide this office with one (1) Affidavit of each publication and bill the Lake Improvement Board for Lake Oakland for the cost. The Affidavit and bill should be sent to:

(Lake Board Secretary)
Lake Improvement Board for Lake Ona

Very truly yours;

, Secretary

Enclosure

cc: Lake Improvement Board Members
Lake Improvement Board File
Treasurer (municipality)

SAMPLE

**CHARTER TOWNSHIP OF BLOOMFIELD
OAKLAND COUNTY, MICHIGAN**

NOTICE OF PUBLIC HEARING

**UPPER LONG LAKE – LAKE BOARD
SPECIAL ASSESSMENT DISTRICT NO. 288**

UPPER LONG LAKE ESTATES CANAL

**HEARING OF PRACTICABILITY
OCTOBER 10, 2006**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTIES:

T2N, R10E, Section 7, all properties abutting and/or with canal access to Upper Long Lake, Bloomfield Township, Michigan, Oakland County, Michigan.

Notice is hereby given that the Lake Board for Upper Long Lake, Charter Township of Bloomfield, County of Oakland, will meet on **Tuesday, October 10, 2006, Bloomfield Township Hall, 4200 Telegraph Road, 4:00 p.m.**, to hear and consider the practicability of **canal dredging** for the **Upper Long Lake Estates Canal**. All interested persons are welcome to attend and comments will be heard. Residents can review the engineering evaluation and assessment by accessing the following website:

<http://www.bloomfieldtp.org/Services/EES/Environmental/LakeImprovementBoards.html>

This Hearing is called pursuant to the provisions of Part 309, P.A. 451 of 1994, as amended March 1, 2005.

An address list of homeowners affected by the proposed **Upper Long Lake Estates Canal Dredging Project** is on the reverse side of this notice.

Upper Long Lake-Lake Board

JANET RONCELLI
BLOOMFIELD TOWNSHIP CLERK

Publish September 24 and October 5, 2006 in Observer & Eccentric Newspaper
Notice Mailed 1st Class, September 29, 2006

The Charter Township of Bloomfield will provide necessary, reasonable auxiliary aids and services at all meetings to individuals with disabilities. All such requests must be made at least five days prior to said meeting. Individuals with disabilities requiring auxiliary aids or services should contact the Bloomfield Township Clerk's Office by writing or calling the following: Bloomfield Township Clerk's Office, P.O. Box 489, Bloomfield Hills, MI 48303-0489. Telephone: (248) 433-7702.

BE IT MADE KNOWN THAT THE FOLLOWING LEGAL AD APPEARED IN
BIRMINGHAM ECCENTRIC

BLOOMFIELD TOWNSHIP
PO BOX 489
BLOOMFIELD MI 483030489

REFERENCE: 1189097
8475510 Public Hearing 10/10

STATE OF MICHIGAN

COUNTY OF Oakland

THE OBSERVER & ECCENTRIC and MIRROR Newspapers, a newspaper published in the English language for the dissemination of local or transmitted news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published on the date indicated below.

CHRISTINE M. THOMPSON
Notary Public, Wayne County, MI
My Commission Expires May 1, 2006

NOTARIZED BY:

(Acting in Oakland Notary Public in
and for said County

Commission expires _____

PUBLISHED ON: 09/24 10/05

TOTAL COST: 173.76 AD SPACE: 12.000 INCH
FILED ON: 09/24/06

All questions may be directed to Customer Service 734 953-2231 during
normal business hours of Monday through Friday 8:30 am until 5:00 pm.

CHARTER TOWNSHIP OF BLOOM
OAKLAND COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

UPPER LONG LAKE - LAKE BO
SPECIAL ASSESSMENT DISTRICT

UPPER LONG LAKE ESTATES C

HEARING OF PRACTICABILITY
OCTOBER 10, 2006

TO THE OWNERS OF THE FOLLOWING DI
UPPER LONG LAKE ESTATES CANAL PRO

T2N, R10E, Section 7, all properties abutting and
access to Upper Long Lake, Bloomfield Townsh
Oakland County, Michigan.

Notice is hereby given that the Lake Bo
Long Lake, Charter Township of Bloomfield, Coun
will meet on Tuesday, October 10, 2006, Bloomf
Hall, 4200 Telegraph Road, 4:00 p.m., to hear a
practicability of canal dredging for the Uppe
Estates Canal. All interested persons are welcome
comments will be heard. Residents can review t
evaluation and assessment by accessing the followin

<http://www.bloomfieldtwp.org/Services/DES/LakeImprovementBoards.htm>

This Hearing is called pursuant to the pr
809, P.A. 461 of 1994, as amended March 1, 2005.

Upper Long Lake-Lake Bo

JANET RONCELLI
BLOOMFIELD TOWNSH

Published September 24 & October 5, 2006

SAMPLES
OF
HEARING OF
ASSESSMENT
LEGAL ADS
AND
AFFIDAVITS
OF
PUBLICATION

SAMPLE

January 2007

Via Facsimile and U.S. Mail

Ms. Norma Laurie Snyder
Spinal Column Newsweekly
Legal Ad Department
P.O. Box 14
Union Lake, Michigan 48387-0014

Reference: **Notice of Hearing of Assessment
for the Lake Improvement Board for Lake Ona**

Dear Ms. Snyder:

Please publish the enclosed Legal Notice in the following editions of your newspaper:

Wednesday, July 24, 2002
Wednesday, July 31, 2002

Please provide this office with one (1) Affidavit of each publication and bill the Lake Improvement Board for Lake Oakland for the cost. The Affidavit and bill should be sent to:

(Lake Board Secretary)
Lake Improvement Board for Lake Ona

Very truly yours;

, Secretary

Enclosure

cc: Lake Improvement Board Members
Lake Improvement Board File
Treasurer (municipality)

SAMPLE

**CHARTER TOWNSHIP OF BLOOMFIELD
OAKLAND COUNTY, MICHIGAN**

NOTICE OF ASSESSMENT HEARING

**ISLAND LAKE – LAKE BOARD
SPECIAL ASSESSMENT DISTRICT (S.A.D.) NO. 285
FEBRUARY 5, 2007**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTIES:

T2N, R10E, Sections 17 and 18, all properties abutting and/or with access to Island Lake, Bloomfield Township, Oakland County, Michigan.

Notice is hereby given that the Lake Board for Island Lake, Charter Township of Bloomfield, County of Oakland, will meet on **Monday, February 5, 2007, Bloomfield Township Hall, 4200 Telegraph Road, 4:00 p.m.**, to review, hear any objections to, and confirm a revised Special Assessment Roll. This roll will now encompass five (5) parcels not previously included. Riparian parcels are assessed \$998.54 and lake access parcels are assessed \$72.41 per year.

Any person may appeal and be heard at the said Hearing, which is called pursuant to the provisions of Part 309 of Public Acts No. 451 of 1994, as amended, provides that the special assessment must be protested at the Hearing held for the purpose of confirming the special assessment roll before the Michigan Tax Tribunal may acquire jurisdiction of any special assessment dispute. Appearance and protest of the special assessment the time and place of review is required in order to appeal the amount of the special assessment to the Michigan Tax Tribunal. An owner of or party in interest in property to be assessed, or his or her agent, may appear in person to protest the special assessment or may protest the special assessment by letter filed with **Janet Roncelli, Clerk, Bloomfield Township, 4200 Telegraph Road, Bloomfield Hills, MI 48302**, or prior to the time of review, in which case personal appearance is not required. If the special assessment is protested as provided above, the owner or any party having an interest in the real property may file a written appeal of the special assessment with the Michigan Tax Tribunal within 30 days after the confirmation of the special assessment roll has been published in a newspaper of general circulation.

An address list of homeowners in S.A.D. 285 is on the reverse side of this notice. The five parcels, not previously included, are indicated by an asterisk.

Janet Roncelli
Bloomfield Township Clerk

BE IT MADE KNOWN THAT THE FOLLOWING LEGAL AD APPEARED IN
BIRMINGHAM ECCENTRIC

BLOOMFIELD TOWNSHIP
PO BOX 489
BLOOMFIELD MI 483030489

REFERENCE: 1189097
8502180 Hearing of Assessment

STATE OF MICHIGAN

COUNTY OF

THE OBSERVER & ECCENTRIC and MIRROR Newspapers, a newspaper published in the English language for the dissemination of local or transmitted news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published on the date indicated below.

CHRISTINE M. THOMPSON
Notary Public, Wayne County, MI
My Commission Expires May 1, 2008

NOTARIZED BY (Acting in) Notary Public in
and for said County

Commission expires

PUBLISHED ON: 01/25 02/01

TOTAL COST: 188.24 AD SPACE: 13.000 INCH
FILED ON: 01/25/07

All questions may be directed to Customer Service 734 953-2231 during
normal business hours of Monday through Friday 8:30 am until 5:00 pm.

CHARTER TOWNSHIP OF BLOOMFIELD
OAKLAND COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

ISLAND LAKE - LAKE BOARD
SPECIAL ASSESSMENT DISTRICT NO. 285

HEARING OF ASSESSMENT
FEBRUARY 5, 2007

TO THE OWNERS OF THE FOLLOWING DESCRIBED
PROPERTIES:

T2N, R10E, Sections 17 and 18, all properties abutting and/or with
access to Island Lake, Bloomfield Township, Oakland County,
Michigan

Notice is hereby given that the Lake Board for Island Lake,
Charter Township of Bloomfield, County of Oakland, will meet on
Monday, February 5, 2007, Bloomfield Township Hall, 4200
Telegraph Road, 4:00 p.m., to review, to hear any objections to,
and confirm a revised Special Assessment Roll. The Special
Assessment Roll will be on file at the Bloomfield Township
Clerk's Office for public examination.

Any person may appeal and be heard at the said Hearing, which is
called pursuant to the provisions of Section 30913 of Part 309 of
Public Acts No. 451 of 1994, as amended, provides that the special
assessment must be protested at the Hearing held for the purpose
of confirming the special assessment roll before the Michigan Tax
Tribunal may acquire jurisdiction of any special assessment
dispute. Appearance and protest of the special assessment at the
time and place of review is required in order to appeal the amount
of the special assessment to the Michigan Tax Tribunal. An owner
of or party in interest in property to be assessed, or his or her
agent, may appear in person to protest the Special Assessment or
may protest the special assessment by letter filed with Janet
Roncelli, Clerk, Bloomfield Township, 4200 Telegraph Rd.,
Bloomfield Hills, MI 48302, or prior to the time of review, in
which case personal appearance is not required. If the special
assessment is protested as provided above, the owner or any party
having an interest in the real property may file a written appeal of
the special assessment with the Michigan Tax Tribunal within 30
days after the confirmation of the special assessment roll has been
published in a newspaper of general circulation.

JANET RONCELLI,
Bloomfield Township Clerk

Published January 25 and February 1, 2007

OPTIONAL

1ST CLASS MAILING / RIGHT TO APPEAL TO PROPERTY OWNERS

THE SPECIAL ASSESSMENT ROLL
MUST BE MAILED 1ST CLASS TO EACH
PROPERTY OWNER IN THE
SPECIAL ASSESSMENT DISTRICT
IN ACCORDANCE WITH
ACT 162, PUBLIC ACT OF 1962

IT WILL INCLUDE: NAME, ADDRESS, SIDWELL
NUMBER, TIME AND PLACE OF HEARING, TYPE OF
PROJECT AND STATE---

Any person may be heard at said hearing, called pursuant to the provisions of Section 30913, Part 309 of Public Act 451 of 1994, as amended. Act 186 of the Public Act of Michigan 1973, as amended, provides that the special assessment must be protested at the Hearing. An owner of or party to interest in real property to be assessed may appear in person to protest the special assessment or may protest the special assessment by letter filed with the Oakland County Water Resource Commissioner, at or prior to the time of review, in which case personal appearance is not required. If the special assessment is protested as provided above, the owner or any party having interest in the real property may file a written appeal of the special assessment with the Michigan Tax Tribunal within 30 days of confirmation of the Special Assessment Roll being published in a newspaper of general circulation.

SAMPLE
OF
1ST CLASS
MAILING /
RIGHT TO APPEAL

SAMPLE

**NOTICE OF ASSESSMENT HEARING
LAKE IMPROVEMENT BOARD FOR WATKINS LAKE
TOWNSHIP OF WATERFORD, OAKLAND COUNTY, MICHIGAN**

February 13, 2003

(Individual Homeowner)

SIDWELL NUMBER: 13-14-152-001 UNITS(S) OF BENEFIT: 1.0

PROPOSED ANNUAL ASSESSMENT: \$214.68

NOTICE IS HEREBY GIVEN that the **Lake Improvement Board for Watkins Lake**, Township of Waterford, County of Oakland, will meet at the Public Works Building, Lower Level Conference Room, One Public Works Drive, Waterford, Michigan, at **7:00 P.M. on Wednesday, February 26, 2003**. The meeting will be to review, to hear any objections to, and to confirm a Special Assessment Roll for the purpose of the continuation of a Lake Improvement Program for 2003, 2004 and 2005. Any person may appeal and be heard at the said Hearing, which is called pursuant to the provisions of Section 30913 of Act 451 of the Public Acts of 1994, as amended.

The total proposed Special Assessment Roll, to be collected annually is estimated at **\$61,398.00** that will be assessed approximately **\$214.68** per lot. The Special Assessment Roll is on file at the Waterford Township Offices for public examination.

An owner of or party in interest in property to be assessed, or his or her agent, may appear in person to protest the Special Assessment, or may protest the Special Assessment by letter filed with the Township of Waterford at or prior to the time of review, in which case personal appearance is not required. Appearance and protest of the Special Assessment at the time and place of review is required in order to appeal the amount of the Special Assessment to the Michigan Tax Tribunal.

LAKE IMPROVEMENT BOARD FOR WATKINS LAKE

_____, **CHAIRMAN**

SAMPLE

NOTICE OF ASSESSMENT AND RIGHT TO APPEAL

March 5, 2003

To: **Property Owners in the White Lake
Special Assessment District:**

Annual Amount of Special Assessment:

Lake Front Lots	\$ 200.00
Lake Access Lots	\$ 25.00
Commercial Lots	\$ 400.00

Total Amount of Three-Year Special Assessment:

Lake Front Lots	\$ 600.00
Lake Access Lots	\$ 75.00
Commercial Lots	\$1,200.00

The **Lake Improvement Board for White Lake** will meet in the Highland Township Hall, 205 North John Street, Highland, Michigan at **7:00 P.M. on Monday evening, July 23, 2003** to hold a Public Hearing to confirm a Special Assessment Roll with respect to the White Lake Special Assessment District for the chemical weed control and dredging for the years 2002, 2003 and 2004. Pursuant to the Special Assessment Roll, a special assessment will be levied against your property in the amount as indicated above. Such assessments shall be paid in three equal annual installments, due and payable on the first day of December of 2001, 2002 and 2003.

The owner of, or any person having interest in, the real property described above may file a written appeal of the special assessment with the Michigan Tax Tribunal on or before August 22, 2003 (30 days after the date of confirmation of the Special Assessment Roll) if the special assessment is protested at the meeting held for the purpose of reviewing the apportionment of special assessments for the Special Assessment District, or by letter prior to or on the date of the Hearing.

**LAKE IMPROVEMENT BOARD
FOR WHITE LAKE**

Notice of Reassessment and Right to Appeal

(To each Owner of and Party in interest
in property within the Duck Lake Special
Assessment District)

The **Lake Improvement Board for Duck Lake** will meet in the Charter Township of Highland Senior Center, located at 209 North John Street, Highland, Michigan 48357 at **6:00 p.m. on Thursday, September 26, 2002** to hold a Public Hearing to review, to hear any objections to and to confirm a three-year Special Assessment Roll for the purpose of renewing the Duck Lake improvement activities for the years 2003, 2004 and 2005. Pursuant to the Special Assessment Roll, a Special Assessment will be levied against your property in the amount as indicated below:

Amount of Special Assessment:

Lakefront Owners	\$ 125.00
Backlot Owners	\$ 25.00

Such Special Assessment shall be paid in three equal annual installments, due and payable on the first day of December through the fourteenth day of February the following year without penalty.

Any person may appeal and be heard at the said Hearing, which is called pursuant to the provisions of Section 30913, Part 309 of Public Act No. 451 of 1994, as amended. Act 186 of the Public Acts of Michigan, 1973, as amended, provides that the Special Assessment must be protested at the Hearing held for the purpose of confirming the Special Assessment Roll before the Michigan Tax Tribunal may acquire jurisdiction of any Special Assessment dispute. Appearance and protest of the Special Assessment at the time and place of review is required in order to appeal the amount of the Special Assessment to the Michigan Tax Tribunal. An owner of or party of interest in the property to be assessed, or his or her agent, may appear in person to protest the Special Assessment, or may protest the Special Assessment by letter filed with the Oakland County Drain Commissioner at One Public Works Drive, Waterford, Michigan 48328-1907, Attention: Ms. Karen Warren, P.E., prior to the time of review, in which case personal appearance is not required. If the Special Assessment is protested as provided above, the owner or any party having an interest in the real property may file a written appeal of the Special Assessment with the Michigan Tax Tribunal within 30 days after the confirmation of the Special Assessment Roll has been published in a newspaper of general circulation.

LAKE IMPROVEMENT BOARD FOR WHITE LAKE

PUBLIC HEARING NOTICES

SHOULD BE SENT TO:

- LAKE IMPROVEMENT BOARD
MEMBERS
- APPROPRIATE GOVERNMENT UNIT(S)
OFFICES
- OAKLAND COUNTY WATER RESOURCE
COMMISSIONER'S OFFICE

TO BE POSTED PUBLICLY

SAMPLES OF PUBLIC HEARING:

- 1. NOTICES**
- 2. AGENDAS**
- 3. MINUTES**

1.

PUBLIC HEARING NOTICES

SAMPLE OF NOTICE - PUBLIC HEARING MEETING

**PUBLIC HEARINGS ON
PRACTICABILITY AND
SPECIAL ASSESSMENT**

No. _____

**NOTICE OF MEETING OF THE
LAKE IMPROVEMENT BOARD
FOR
_____ LAKE**

A meeting of the Lake Improvement Board for _____
will be held on _____ at _____
at the _____

Posted: _____ (date posted)

_____ (time posted)

NOTE: Notices of Lake Improvement Board meetings must be posted
18 hours prior to the time of the meeting.

SAMPLE OF NOTICE - PUBLIC HEARING MEETING

**PUBLIC HEARINGS ON
PRACTICABILITY AND
SPECIAL ASSESSMENT**

No. L-02-47

**NOTICE OF MEETING OF THE
LAKE IMPROVEMENT BOARD
FOR
BIG LAKE**

A meeting of the Lake Improvement Board for Big Lake
will be held on Wednesday, August 28, 2002 at 7:00 p.m.
at the Springfield Township Community Center
12000 Davisburg Road, Davisburg, Michigan 48350-1038

Posted: August 19, 2002

11:00 a.m.

SAMPLE OF NOTICE - PUBLIC HEARING MEETING

**PUBLIC HEARING ON
ASSESSMENT**

No. L-02-61

**NOTICE OF MEETING OF THE
LAKE IMPROVEMENT BOARD
FOR
WAUMEGAH LAKE**

A meeting of the Lake Improvement Board for Waumegah Lake
will be held on Monday, October 14, 2002 at 7:00 p.m.
at the Springfield Plains Elementary School
8650 Holcomb Road, Clarkston, Michigan

Posted: October 1, 2002

5:00 p.m.

2.

PUBLIC HEARING AGENDAS



AGENDA

**PUBLIC HEARING FOR
_____ LAKE IMPROVEMENT BOARD**

Hearing of Practicability

Date

Time and Location

1. Circulate sign-in sheet and present meeting notice as posted
2. Call meeting to order
3. Introduction of Board Members
4. Old Business:
 - A. Moved by _____, supported by _____ to approve the minutes of the _____, 20__ Lake Improvement Board meeting.
 - B. Moved by _____, supported by _____ to approve bills that were paid by the County for publication of legal ads in the _____ Newspaper for the Notice of Public Hearing of Practicability for _____ on _____, 20__ and _____, 20__ for the sum of \$_____.
 - C. Moved by _____, supported by _____ to pre-approve bill that will be issued to the County for publication of legal ads in the _____ Newspaper for the Notice of Determination that will be published after the Hearing.
5. Explain purpose of Public Hearing:
 - Hearing of Practicability - held to determine practicability of project for improving lake
6. Present documentation of proper notification for Public Hearing
 - A. Affidavits verifying publication of legal ads run on _____ 20__ and _____ 20__ for the Hearing of Practicability.
 - B. A first class mailing of each individual property owner was mailed on _____ 20__ (if sent).

7. Hearing of Practicability for _____

- A. Description of proposed program and estimate of cost
 - distribute the proposed budget for 20__ through 20__
- B. Open Hearing of Practicability for public comment
 - ____ letters were received
 - floor open for public comment
- C. Close Hearing of Practicability for public comment

8. Resolution

Moved by _____, supported by _____ that the Lake Improvement Board determined the project is practicable and directed that the Notice of Determination be published pursuant to the provisions of Act 451 of the Public Acts of 1994, as amended.

9. New Business

10. Adjourn meeting



AGENDA

**PUBLIC HEARING FOR
_____ LAKE IMPROVEMENT BOARD**

Hearing of Assessment

Date

Time and Location

4. Circulate sign-in sheet and present meeting notice as posted
5. Call meeting to order
6. Introduction of Board Members
4. Old Business:
 - A. Moved by _____, supported by _____ to approve the minutes of the _____, 20__ Lake Improvement Board meeting.
 - B. Moved by _____, supported by _____ to approve bills that were paid by the County for publication of legal ads in the _____ Newspaper for the Notice of Public Hearing of Assessment for _____ on _____, 20__ and _____, 20__ for the sum of \$_____.
 - C. Moved by _____, supported by _____ to pre-approve bill that will be issued to the County for publication of legal ads in the _____ Newspaper for the Notice of Confirmation that will be published after the Hearing.
5. Explain purpose of Public Hearing:
 - Hearing of Assessment - held to review, to hear objections to and to confirm a special assessment roll for the purpose of _____
6. Present documentation of proper notification for Public Hearing
 - A. Affidavits verifying publication of legal ads run on _____ 20__ and _____ 20__ for the Hearing of Assessment and Right to Appeal
 - B. A first class mailing of each individual property owner was mailed on _____ 20__ giving notice of assessments and right to appeal.
 - C. Record to reflect that the following assessment letters were returned by the post office for incorrect address or no forwarding address:

7. Hearing of Assessment for _____ project

A. Presentation of Assessment Roll

- Formula for annual assessment
- Assessment are spread based on the following formula:
_____ lots @ \$_____ per lot
- Annual Assessment Roll is \$_____ per year
- Total Assessment Roll is \$_____

B. Open Hearing of Assessment for Individual Appeals

- Letters from _____
- floor open for public comment

C. Close Hearing of Assessment for Individual Appeals

8. Resolution

Moved by _____, supported by _____ that the Lake Improvement Board confirm a _____-year Special Assessment Roll for _____ as presented (or amended and corrected) by the Lake Improvement Board in the amount of \$_____ and direct the Clerk of _____ Township(s) to endorse upon the Roll the date of _____ as the date of confirmation and direct that the Notice of Confirmation be published pursuant to the provisions of Act 451 of the Public Acts of 1994, as amended.

9. New Business

10. Adjourn meeting

SAMPLE

3.

PUBLIC HEARING MINUTES

**MINUTES OF THE
DUCK LAKE IMPROVEMENT BOARD
HEARINGS OF PRACTICABILITY AND ASSESSMENT
March 19, 2002**

The meeting of the Lake Improvement Board for Duck Lake was called ot order at 7:10 p.m. at the Highland township Hall Auditorium, 205 N. John St., Highland, Michigan by John Stakoe, Chairman.

PRESENT: Gayle Murphy, Oakland County Drain Office, Secretary
John Stakoe, Highland Township Supervisor, Chairman
Bill Brian, Oakland County Commissioner, Member

ABSENT: Diana Klemans, Michigan Department of Environmental Quality, Member
Robert Caldwell, Resident Member

ALSO PRESENT: Karen Warren, Oakland County Drain Office
Several residents, see attached sign-in sheet

Chairman Stakoe opened the meeting by stating the purpose of tonight's Public Hearings. The meeting will be held in two parts:

- g. The purpose of the **Hearing of Practicability** is to determine if the proposed project of widening the narrows of Duck Lake is practicable.
- h. The purpose of the **Hearing of Assessment** is to approve using existing special assessment funds that were collected for contingency items to pay for the project and to receive/hear any protests to the use of the existing assessment funds.

Hearing of Practicability:

The Hearing of Practicability began at approximately 7:10 p.m.

Mr. Stakoe stated that the estimated cost of the project is \$19,165.00. The proposed cost is from Custom Seawalls of White Lake, Michigan. Opportunity will be given for residents to approach the Lake Board concerning the project.

The Hearing of Practicability was then opened to public comment.

A resident questioned how will the dirt be removed from the narrows?

The Vice President of the Duck Lake Property Owners Association responded that the dirt will be removed by an excavator. The spoils will be used to fill in behind the proposed seawall.

A resident asked how deep will the narrows be dug out?

The Vice President of the Duck Lake Property Owners Association responded that they will dig deep enough to have navigable water through the narrows.

There being no further questions, Chairperson Stakoe then closed the meeting to public comment at approximately 7:15 p.m. Mr. Brian asked for a show of hands of those in favor of the project. All people in attendance were for the project.

It was then moved by Mr. Brian, supported by Ms. Murphy that the Duck Lake Improvement Board determines that the proposed project consisting of widening the narrows portion of Duck Lake is practicable, determines to proceed with the project, approves the cost estimate of \$19,165.00 and

authorized the Oakland County Drain Commissioner's office to publish a Notice of Determination of Practicability of the project in the Spinal Column Newspaper as required by statute.

Motion Carried Unanimously

The Hearing of Practicability was closed at 7:16 p.m.

Hearing of Assessment:

The Hearing of Assessment began at approximately 7:16 p.m.

Chairman Stakoe stated that the purpose of the Hearing is to approve the use of assessment funds collected for contingency items to pay for the project to widen the narrows of Duck Lake, to receive/hear any protests to the use of the funds and to allow individuals to approach the Board about the use of the funds for this project.

Open Hearing of Assessment for Individuals to approach the Lake Board concerning the use of the contingency funds to pay for the study at 7:17 p.m.

A resident asked how much money is in the account?

Mr. Stakoe responded \$111,672.61, but that this figure was the total amount not the extra contingency money that was in the account. Ms. Warren noted that the Association has been collecting \$10,000 a year in contingency money for the past two years.

The same resident remarked that he would like to see more contingency money spent to make other needed improvements around the lake.

Ms. Warren stated that the Duck Lake Improvement Board received letters from the following property owners supporting the project:

Joseph & Julia Koterba 2565 Davista, Highland, MI 48356
Joseph & Jill Koterba 3717 Orchard Ave., Highland, MI 48356
Maryann Dobek, 3215 Highland Blvd., Highland, MI 48356

The letters were placed in the official record.

No other individuals addressed the Board. Mr. Stakoe asked for a show of hands of those in favor of using the existing contingency funds for the project. All people in attendance were in favor. M. Stakoe closed the Hearing of Assessment to Individuals.

It was moved by Mr. Brian, supported by Ms. Murphy that the Duck Lake Improvement Board adopt the following resolution:

WHEREAS, this Lake Improvement Board has conducted a Public Hearing on Assessment to confirm using existing Special Assessment funds collected for contingency items to finance the widening of the narrows of Duck Lake project;

WHEREAS, Individual Assessment Notices were sent by first-class mail on February 20, 2002;

WHEREAS, the Hearing of Assessment was advertised in the Spinal Column on February 27, 2002 and March 6, 2002, in accordance with Michigan Public Act 451 of 1994 and a copy of the advertisement has been placed in the official record.

THEREFORE, BE IT RESOLVED, the Lake Improvement Board for Duck Lake determines that:

4. The contingency assessment funds will be used to finance the widening of the narrows project, at a cost not to exceed \$19,165.00 without Board approval.
5. The Secretary will have the required Legal Notice published in the Spinal Column.

Motion Carried Unanimously

Miscellaneous Business:

It was moved by Mr. Brian, supported by Ms. Murphy to reimburse the Drain Revolving Fund in the amount of \$13,789.22.

Motion Carried Unanimously

It was moved by Mr. Brian, supported by Ms. Murphy to approve the minutes of the January 9, 2002 Lake Board Meeting.

Motion Carried Unanimously

There being no further business the meeting was adjourned by Chairman Stakoe at 7:30 p.m.

Respectfully submitted,



STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

I hereby certify that the foregoing is a true and complete copy of the minutes of the Lake Improvement Board for Duck Lake, Oakland County, Michigan held on the 19th day of March 2002, and that the said minutes are on file in the Office of the Oakland County Drain Commissioner and are available to the public.

I further certify that notice of the meeting was posted at least 18 hours before the meeting at the Office of the Oakland County Drain Commissioner, which is the principal office of the Lake Improvement Board for Duck Lake.

Date: March 25, 2002



**MINUTES OF THE BIG LAKE IMPROVEMENT BOARD
PUBLIC HEARING OF ASSESSMENT
SEPTEMBER 26, 2002**

The meeting of the Lake Improvement Board for Big Lake was called to order by Chairman Bernard Wendt at 7:04 p.m. at the Springfield Township Offices located at 12000 Davisburg Road, Davisburg, Michigan.

PRESENT: David Galloway, Board of Commissioners' Representative
Jeffrey Holler, Drain Commissioner's Representative
Robert Walker, Lake Association Citizen Representative
Bernard Wendt, Township Representative and Chairman

ABSENT: Michigan Department of Environmental Quality Representative

ALSO PRESENT: Gayle Murphy, Oakland County Drain Office

Chairman Wendt opened the meeting by introducing the Lake Improvement Board members.

Other Business:

Chairman Wendt asked that a motion be made to accept the agenda as presented.
It was moved by Mr. Walker and supported by Mr. Holler to accept the agenda as presented.

Motion carried unanimously

B. Approval of Minutes of Previous Meetings

1. It was moved by Mr. Holler, supported by Commissioner Galloway, to approve the minutes of the July 24, 2002 meeting as presented.

Motion carried unanimously

2. It was moved by Commissioner Galloway and supported by Mr. Walker to approve the minutes of the August 28, 2002 meeting as presented.

- C. A motion to rescind the previously approved (3) three-year assessment for Weed Harvesting for Big Lake as adopted on July 24, 2002 to a (1) one-year assessment for 2003 was presented by Mr. Walker and supported by Commissioner Galloway.

Motion carried unanimously

- C. A motion to continue the Weed Harvesting Program for a (1) one-year period for the year 2003 at the same assessed values as previously determined was presented by Mr. Holler, supported by Commissioner Galloway.

Motion carried unanimously

- D. A motion to hold a Hearing of Assessment on September 26, 2002 at 7:00 p.m. at the Springfield Township Offices was presented by Mr. Holler and supported by Mr. Walker.

Motion carried unanimously

Chairman Wendt opened the Public Hearing stating the purpose of the Hearing of Assessment.

1. The purpose of the Hearing of Assessment is to approve a one-year extension of the 1999 assessment and weed harvesting program.
2. Acknowledge receipt of letters.

The Hearing of Assessment was then closed to individuals.

It was moved by Mr. Holler, supported by David Galloway that the Big Lake Improvement Board adopt the following resolution:

WHEREAS, the Lake Improvement Board for Big Lake has conducted a Public Hearing of Assessment to confirm using Special Assessment funds for the purpose for 2003 Weed Harvesting for \$62,916.08 for Big Lake.

WHEREAS, individual assessment notices of hearing were sent by first-class mail on September 13, 2002.

THEREFORE, BE IT RESOLVED, the Lake Improvement Board for Big Lake determines that:

- a.) The assessment funds for 2003 will be used to finance the 2003 Weed Harvesting project at a cost not to exceed \$62,916.08.
- b.) The Secretary will have the required Legal Notice of Confirmation published in the Oakland Press.

The Hearing of Assessment was then closed by Mr. Wendt.

Adjournment

There being no further business and no objections, it was moved by Mr. Holler and supported by Commissioner Galloway to adjourn the Public Hearing at 7:30 p.m.

Motion carried unanimously.

SAMPLE OF SIGN IN SHEET

SAMPLE - SIGN IN SHEET

PLEASE SIGN IN

LAKE

LAKE IMPROVEMENT BOARD MEETING

DATE: _____ TIME: _____

[illegible]

HEARING OF PRACTICABILITY

NOTICE OF DETERMINATION



September 2, 2002

Via Facsimile and U.S. Mail

Ms. Noell Klomp
The Oakland Press
Legal Ad Department
48 West Huron Street
Pontiac, Michigan

Reference: **Notice of Determination of Practicability
for the Lake Improvement Board for Scott Lake**

Dear Ms. Klomp:

Please publish the enclosed Legal Notice in the following edition of your newspaper:

Wednesday, September 4, 2002

Please provide this office with one (1) Affidavit of the publication and bill the Lake Improvement Board for Lake Oakland for the cost. The Affidavit and bill should be sent to:

(Lake Board Secretary)
Lake Improvement Board for Scott Lake

Very truly yours;

, Secretary

Enclosure

cc: Lake Improvement Board Members
Lake Improvement Board File
Treasurer (municipality)



**LEGAL NOTICE
Lake Improvement Board for
Scott Lake, Township of Waterford,
Oakland County, Michigan**

**NOTICE OF DETERMINATION OF
PRACTICABILITY**

Notice is hereby given that at a Public Hearing held on August 22, 2002, the **Lake Improvement Board for Scott Lake**, by resolution, determined that the proposed one-year program consisting of weed control, augmentation well pump and fish restocking program was practical and approved the program's estimated annual cost of \$14,850.00.

This Notice of Determination is sent pursuant to the provisions of Act 451 of the Public Acts of 1994, as amended, Part 309.

**LAKE IMPROVEMENT BOARD FOR
SCOTT LAKE**

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN COUNTY OF OAKLAND

JAN MORRIS, being duly sworn, deposes and says that the annexed printed copy of a notice was taken from the SPINAL COLUMN NEWSWEEKLY, a newspaper printed and circulated in said State and County, and that said notice was published in said newspaper on the following Date(s):

SEPTEMBER 4, 2002 (SCOTT LAKE DETERMINATION)

That (s)he is the agent of the printers of above said newspaper and knows well the facts stated herein.

Subscribed and sworn to before me this FOURTH day of SEPTEMBER, 2002 A.D.



CAROLYN J PETHERBRIDGE

Notary Public, Oakland County, Michigan
My Commission Expires March 27, 2004

LEGAL NOTICE

Lake Improvement Board for
Scott Lake, Township of Waterford,
Oakland County, Michigan

NOTICE OF DETERMINATION OF PRACTICABILITY

Notice is hereby given that at a Public Hearing held on August 22, 2002, the Lake Improvement Board for Scott Lake, by resolution, determined that the purposed one-year program consisting of Weed Control, Augmentation Well Pump, and Fish Restocking Program was practical and approved the program's estimated annual cost of \$14,850.

This Notice of Determination is sent pursuant to the provisions of Act 451 of the Public Acts of 1994, Part 309.

LAKE IMPROVEMENT BOARD FOR
SCOTT LAKE

SC: 9-4-02

HEARING OF ASSESSMENT

NOTICE OF CONFIRMATION



October 10, 2002

Via Facsimile and U.S. Mail

Ms. Laurie Snyder
Spinal Column Newsweekly
Legal Ad Department
P.O. Box 14
Union Lake, Michigan 48387-0014

Reference: **Notice of Confirmation of Special Assessment Roll
for the Lake Improvement Board for Duck Lake**

Dear Ms. Snyder:

Please publish the enclosed Legal Notice in the following editions of your newspaper:

Wednesday, October 16, 2002
Wednesday, October 23, 2002

Please provide this office with one (1) Affidavit of each publication and bill the Lake Improvement Board for Lake Oakland for the cost. The Affidavit and bill should be sent to:

(Lake Board Secretary)
Lake Improvement Board for Scott Lake

Very truly yours;

, Secretary

Enclosure

cc: Lake Improvement Board Members
Lake Improvement Board File
Accounting



LEGAL NOTICE
Lake Improvement Board for Duck Lake,
Highland Township, Oakland County, Michigan

NOTICE OF CONFIRMATION OF
SPECIAL ASSESSMENT ROLL

Notice is hereby given that at a Public Hearing held on September 26, 2002, the **Lake Improvement Board for Duck Lake**, by resolution, confirmed a three (3) year special assessment roll for the years 2003 through 2005 for the purpose of weed control, geese deterrent and lake maintenance programs in the annual amount of \$79,200.00.

This Notice of Confirmation is published pursuant to the provisions of Act 451 of the Public Acts of 1994, as amended, Part 309.

LAKE IMPROVEMENT BOARD FOR
DUCK LAKE

LEGAL NOTICE

Lake Improvement Board for
Duck Lake, Highland Township,
Oakland County, Michigan

**NOTICE OF CONFIRMATION OF
SPECIAL ASSESSMENT ROLL**

is hereby given that at a Public Hearing held on September 26, 2002, the Lake Improvement Board for Duck Lake confirmed a three (3) year special assessment roll for the years 2003 through 2005 for the purpose of weed control, geese deterrent and lake maintenance programs.

Notice of this confirmation is published pursuant to the provisions of Part 309 of Act No. 59 of the Public Acts of 1995.

Lake Improvement Board for Duck Lake
SC: 10-16 & 10-23-02

FIDAVIT OF PUBLICATION

STATE OF MICHIGAN

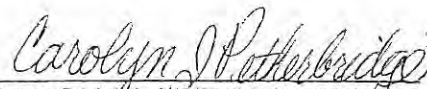
COUNTY OF OAKLAND

JAN MORRIS, being duly sworn, deposes and says that the annexed printed copy of a notice was taken from the SPINAL COLUMN NEWSWEEKLY, a newspaper printed and circulated in said State and County, and that said notice was published in said newspaper on the following Date(s):

OCTOBER 16, 2002 (DUCK LAKE CONFIRMATION)

That (s)he is the agent of the printers of above said newspaper and knows well the facts stated herein.

Subscribed and sworn to before me this SIXTEENTH day of OCTOBER, 2002 A.D.



CAROLYN J. PETHERBRIDGE

Notary Public, Oakland County, Michigan
My Commission Expires March 27, 2004



LEGAL NOTICE
Lake Improvement Board for Waumegah Lake,
Springfield Township, Oakland County, Michigan

NOTICE OF CONFIRMATION OF
SPECIAL ASSESSMENT ROLL

Notice is hereby given that the Lake Improvement Board for Waumegah Lake held a Public Hearing held on Monday, October 14, 2002, adopted and confirmed the special assessment roll, as amended, for the years 2003-20012 for implementing the Waumegah Lake Improvement Project.

This Notice of Confirmation is published pursuant to the provisions of Act 451 of the Public Acts of 1994, as amended, Part 309.

LAKE IMPROVEMENT BOARD FOR
WAUMEGAH LAKE

OAKLAND PRESS 10-25-02

LEGAL NOTICE

Lake Improvement Board for
Waumegah Lake, Township of
Springfield, Oakland County, Michigan

NOTICE OF CONFIRMATION OF SPECIAL ASSESSMENT ROLL

Notice is hereby given that the Lake Improvement Board for Waumegah Lake held a Public Hearing on Monday, October 14, 2002, adopted and confirmed the special assessment rolls, as amended, for the years 2003-2012 for implementing the Waumegah Lake Improvement Projects.

This Notice of Confirmation of the Special Assessment Roll is sent pursuant to the provisions of Part 309, Act 451 of the Public Acts of 1994.

Lake Improvement Board for
Waumegah Lake.

October 25 & November 1, 2002

ACT 162
OF
1962

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SPECIAL
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NOTICE OF SPECIAL ASSESSMENT HEARINGS

Act 162 of 1962

AN ACT to prescribe the method of giving notice of special assessment hearings; to provide for the inclusion of appeal information with a notice of special assessment; to prescribe duties of persons and certain public officials in connection with the keeping and maintaining of tax assessment records; to prescribe the effects of failure to give notice of special assessment hearings; and to validate certain special assessment hearings.

History: 1962, Act 162, Imd. Eff. May 10, 1962;—Am. 1989, Act 64, Eff. July 31, 1989.

The People of the State of Michigan enact:

211.741 Notice of hearings in special assessment proceedings; service on owners or parties appearing on last local tax assessment records; statement that appearance and protest at hearing required for appeal; personal appearance; filing appearance or protest by letter; record of parties appearing to protest.

Sec. 1. (1) For each special assessment made against property, notice of all hearings in the special assessment proceedings shall be given as provided in this act in addition to any notice of hearings to be given by publication or posting as required by statute, charter, or ordinance. The provisions of this act in respect to service of notice by mail shall supersede any existing statutory, charter, or ordinance requirements for mailing notice. Notice of hearings in special assessment proceedings shall be given to each owner of or party in interest in property to be assessed whose name appears upon the last local tax assessment records by mailing by first class mail addressed to that owner or party at the address shown on the tax records at least 10 days before the date of the hearing. The last local tax assessment records means the last assessment roll for ad valorem tax purposes that has been reviewed by the local board of review, as supplemented by any subsequent changes in the names or the addresses of the owners or parties listed on that roll.

(2) The notice of hearing shall include a statement that appearance and protest at the hearing in the special assessment proceedings is required in order to appeal the amount of the special assessment to the state tax tribunal and shall describe the manner in which an appearance and protest shall be made.

(3) An owner or party in interest, or his or her agent may appear in person at the hearing to protest the special assessment, or shall be permitted to file his or her appearance or protest by letter and his or her personal appearance shall not be required.

(4) The governing body shall maintain a record of parties who appear to protest at the hearing. If a hearing is terminated or adjourned for the day before a party is provided the opportunity to be heard, a party whose appearance was recorded is considered to have protested the special assessment in person.

History: 1962, Act 162, Imd. Eff. May 10, 1962;—Am. 1989, Act 64, Eff. July 31, 1989.

211.742 Tax assessment records; filing of names; changes of names and addresses.

Sec. 2. Where any person claims an interest in real property whose name and correct address do not appear upon the last local tax assessment records, he shall be obligated to file immediately his name and address with the local tax assessing officer. This requirement shall be deemed effective only for the purpose of establishing a record of the names and addresses of those persons entitled to notice of hearings in special assessment proceedings. It shall be the duty of each tax assessing officer to immediately enter on the local tax assessment records any changes in the names and addresses of owners or parties in interest filed with him and at all times to keep such tax assessment records current and complete and available for public inspection.

History: 1962, Act 162, Imd. Eff. May 10, 1962.

211.743 Notice of hearings; mailing.

Sec. 3. On and after 30 days following the effective date of this act, any officer whose duty it is to give notice of hearings in special assessment proceedings may rely upon the last local tax assessment records in giving notice of hearing by mail. The method of giving notice by mail as provided in this act is declared to be the method that is reasonably certain to inform those to be assessed of the special assessment proceedings.

History: 1962, Act 162, Imd. Eff. May 10, 1962.

211.744 Invalidation of assessment; reassessment.

Sec. 4. Any failure to give notice as required in section 1 shall not invalidate an entire assessment roll but only the assessments on property affected by the lack of notice. A special assessment shall not be declared invalid as to any property if the owner or the party in interest thereof has actually received notice, has waived

notice, or has paid any part of the assessment. If any assessment is declared void by court order or judgment, a reassessment against the property may be made.

History: 1962, Act 162, Imd. Eff. May 10, 1962;—Am. 1989, Act 64, Eff. July 31, 1989.

211.745 Notice of hearings; validation of previously held hearings.

Sec. 5. Notwithstanding the lack of a statute, charter or ordinance provision for the mailing of notice of hearings, each special assessment hearing heretofore held is validated insofar as any notice of hearing is concerned, if notice was given by mail to the owners or parties in interest whose names appeared at the time of mailing on the last local tax assessment records. Any such special assessment hearing is also validated as to any owner or party in interest who has actually received notice of hearing, has waived such notice, or has paid any part of the special assessment.

History: 1962, Act 162, Imd. Eff. May 10, 1962.

211.746 Statement of right to file written appeal.

Sec. 6. If a special assessment is made against property, the notice of the special assessment sent to the property owner or person responsible for payment of the ad valorem property taxes under the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws, shall include, in addition to any other requirements by statute or charter, a statement that the owner or any person having an interest in the real property may file a written appeal of the special assessment with the state tax tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

History: Add. 1989, Act 64, Eff. July 31, 1989.

ACT 186
OF
1973

TAX
TRIBUNAL
ACT

Michigan Tax Tribunal
611 West Ottawa Street
Lansing, Michigan 48913

or

P.O. Box 30232
Lansing, MI 48909

Phone: 517-373-3003

Fax: 517-373-1633

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TAX TRIBUNAL ACT

Act 186 of 1973

AN ACT to create the tax tribunal; to provide for personnel, jurisdiction, functions, practice and procedure; to provide for appeals; and to prescribe the powers and duties of certain state agencies; and to abolish certain boards.

History: 1973, Act 186, Eff. July 1, 1974.

Compiler's note: For transfer of the Tax Tribunal from the Department of Treasury to the Department of Commerce, budget procurement and management related functions from the Department of Treasury to the Director of the Department of Commerce, and the power to designate the chairperson of the Tax Tribunal to the Governor, see E.R.O. No. 1991-15 compiled at MCL 205.800 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

CHAPTER 1

205.701 Short title.

Sec. 1. This act shall be known and may be cited as the "tax tribunal act".

History: 1973, Act 186, Eff. July 1, 1974.

205.703 Definitions.

Sec. 3. As used in this act:

(a) "Agency" means a board, official, or administrative agency who is empowered to make a decision, finding, ruling, assessment, determination, or order that is subject to review under the jurisdiction of the tribunal or who has collected a tax for which refund is claimed.

(b) "Chairperson" means the chairperson of the tribunal.

(c) "Proceeding" means an appeal.

(d) "Property tax laws" does not include the drain code of 1956, Act No. 40 of the Public Acts of 1956, being sections 280.1 to 280.630 of the Michigan Compiled Laws.

(e) "Tribunal" means the tax tribunal.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976;—Am. 1980, Act 437, Imd. Eff. Jan. 14, 1981;—Am. 1992, Act 172, Imd. Eff. July 21, 1992.

205.707 Provisions effective.

Sec. 7. The provisions of this act are effective notwithstanding the provisions of any statute, charter, or law to the contrary.

History: 1973, Act 186, Eff. July 1, 1974.

CHAPTER 2

205.721 Tax tribunal; creation; quasi-judicial agency; appointment, reappointment, and terms of members; vacancy.

Sec. 21. The tax tribunal is created and is a quasi-judicial agency which, for administrative purposes only, is in the department of treasury. The tribunal consists of 7 members appointed by the governor, with the advice and consent of the senate, for terms of 4 years. The 2 additional members first appointed by this amendatory act shall first serve for 3 years. A member may be reappointed and a vacancy shall be filled for an unexpired term in the same manner as the appointment is made for a full term.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976.

Compiler's note: For transfer of the Tax Tribunal from the Department of Treasury to the Department of Commerce, budget procurement and management related functions from the Department of Treasury to the Director of the Department of Commerce, and the power to designate the chairperson of the Tax Tribunal to the Governor, see E.R.O. No. 1991-15 compiled at MCL 205.800 of the Michigan Compiled Laws.

205.722 Tax tribunal; qualifications of members; oath; requirements; prohibitions; compensation and expenses.

Sec. 22. (1) The members of the tribunal shall be citizens of the United States, residents of this state, of which at least 2 shall be attorneys admitted to practice in this state and shall have been engaged for at least 5 years immediately preceding the appointment in active government, corporate, or private practice dealing with federal and state-local tax matters, including the property tax, or in the discharge of a judicial or quasi-judicial office; at least 1 shall be a certified assessor holding the highest level of certification granted by

the state assessors board; at least 1 shall be a professional real estate appraiser holding a recognized certification indicating competence in the valuation of complex income producing and residential property of the type subject to property taxation, with a certification having required a review of sample appraisals, and 5 years of experience as an appraiser; and at least 1 shall be a certified public accountant with 5 years' experience in state-local tax matters. Not more than 3 members shall be members of the same professional discipline. Additional appointees who are not attorneys, certified assessors, professional real estate appraisers, or certified public accountants shall have at least 5 years' experience in state or local tax matters.

(2) Each member shall take and subscribe the constitutional oath of office before entering on the discharge of his duties.

(3) Each member shall devote his entire time to, and personally perform the duties of, his office and shall not engage in other business or professional activity for remuneration.

(4) Each member shall receive an annual salary as determined by law and shall be reimbursed for his actual and necessary expenses at the rate determined by the administrative board.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976.

205.723 Tax tribunal; election and duties of chairman.

Sec. 23. Annually, the tribunal shall elect 1 of its members as chairman who shall assign matters, apportion business of the tribunal, and perform other duties prescribed by law.

History: 1973, Act 186, Eff. July 1, 1974.

205.724 Tax tribunal; chief clerk; deputy clerks; oath; bond.

Sec. 24. (1) The tribunal shall have 1 chief clerk.

(2) The tribunal shall have such deputy clerks as, with the chairman's approval, are required and assigned by the chief clerk. The chief clerk shall maintain the records and perform such other duties as the chairman directs or as are prescribed by law.

(3) Each clerk, before taking office, shall take and subscribe the constitutional oath of office and furnish a bond pursuant to Act No. 10 of the Public Acts of 1969, being sections 15.1 to 15.6 of the Michigan Compiled Laws.

History: 1973, Act 186, Eff. July 1, 1974.

205.725 Principal office of tribunal and chief clerk; accommodations and equipment; legal, technical, and secretarial assistance; restrictions on clerks or employees; salaries and expenses of tribunal.

Sec. 25. (1) The principal office of the tribunal and its chief clerk shall be in the city of Lansing, and the department of administration shall furnish suitable accommodations and equipment there.

(2) Subject to appropriations therefor, the tribunal shall have such legal, technical, and secretarial assistance as the chairman deems necessary.

(3) A clerk or employee of the tribunal shall not provide legal, accounting, or technical assistance relevant to a federal, state or local tax matter, or to any other matter of which the tribunal may acquire jurisdiction.

(4) Salaries and expenses of the tribunal shall be paid as provided by law.

History: 1973, Act 186, Eff. July 1, 1974.

205.726 Appointment of hearing officers; conducting hearings; notice of hearing; proposed decision of hearing officer.

Sec. 26. The tribunal may appoint 1 or more hearing officers to hold hearings. Hearings, except as otherwise provided in chapter 6, shall be conducted pursuant to chapter 4 of Act No. 306 of the Public Acts of 1969, as amended, being sections 24.271 through 24.287 of the Michigan Compiled Laws and Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the hearing shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended. In matters other than before the small claims division under chapter 6, a proposed decision of the hearing officer shall be considered and decided by 1 or more members of the tribunal.

History: Add. 1976, Act 365, Imd. Eff. Dec. 23, 1976;—Am. 1978, Act 439, Imd. Eff. Oct. 9, 1978;—Am. 1980, Act 437, Imd. Eff. Jan. 14, 1981.

CHAPTER 3

205.731 Tax tribunal; jurisdiction.

Sec. 31. The tribunal's exclusive and original jurisdiction shall be:

(a) A proceeding for direct review of a final decision, finding, ruling, determination, or order of an agency relating to assessment, valuation, rates, special assessments, allocation, or equalization, under property tax laws.

(b) A proceeding for refund or redetermination of a tax under the property tax laws.

History: 1973, Act 186, Eff. July 1, 1974.

205.732 Tax tribunal; powers.

Sec. 32. The tribunal's powers include, but are not limited to:

(a) Affirming, reversing, modifying, or remanding a final decision, finding, ruling, determination, or order of an agency.

(b) Ordering the payment or refund of taxes in a matter of which it may acquire jurisdiction.

(c) Granting other relief or issuing writs, orders, or directives which it deems necessary or appropriate in the process of disposition of a matter of which it may acquire jurisdiction.

(d) Promulgating, pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, rules for the implementation of this act, including rules for practice and procedure before the tribunal.

History: 1973, Act 186, Eff. July 1, 1974.

Administrative rules: R 205.1101 et seq. of the Michigan Administrative Code.

205.733 Tax tribunal; adoption and effect of seal; process.

Sec. 33. (1) The tribunal shall adopt a seal, which when impressed upon a document issued by the tribunal, raises a rebuttable presumption of the validity and authenticity of the document.

(2) Process shall be styled: "In the name of the people of the state of Michigan", shall be effective anywhere in the state and may be served by an officer or person authorized to serve process issued by a circuit court.

History: 1973, Act 186, Eff. July 1, 1974.

205.734 Hearing and deciding proceeding; location; accommodations and equipment; conducting business at public meeting; notice.

Sec. 34. (1) One or more members of the tribunal may hear and decide proceedings.

(2) The tribunal shall sit at places throughout the state as the tribunal determines. The county board of commissioners for the county in which the tribunal is sitting, except when the tribunal is sitting in the city of Lansing, shall provide the tribunal with suitable accommodations and equipment on request of the chairperson. The business which the tribunal may perform shall be conducted at a public meeting on the tribunal held in compliance with Act No. 267 of the Public Acts of 1976, as amended. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976;—Am. 1978, Act 439, Imd. Eff. Oct. 9, 1978;—Am. 1980, Act 437, Imd. Eff. Jan. 14, 1981.

205.735 Applicability before January 1, 2007; de novo proceedings; jurisdiction in assessment disputes; petition to invoke jurisdiction; service; appeal of contested tax bill; amendment of petition or answer; representation.

Sec. 35. (1) The provisions of this section apply to a proceeding before the tribunal that is commenced before January 1, 2007.

(2) A proceeding before the tribunal is original and independent and is considered de novo. For an assessment dispute as to the valuation of property or if an exemption is claimed, the assessment must be protested before the board of review before the tribunal acquires jurisdiction of the dispute under subsection (3), except as otherwise provided in this section for a year in which the July or December board of review has authority to determine a claim of exemption for qualified agricultural property or for an appeal of a denial of a principal residence exemption by the department of treasury, and in section 37(5) and (7). For a dispute regarding a determination of a claim for exemption of qualified agricultural property for a year in which the July or December board of review has authority to determine a claim of exemption for qualified agricultural property, the claim for exemption must be presented to either the July or December board of review before the tribunal acquires jurisdiction of the dispute. For a special assessment dispute, the special assessment must be protested at the hearing held for the purpose of confirming the special assessment roll before the tribunal acquires jurisdiction of the dispute.

(3) The jurisdiction of the tribunal in an assessment dispute is invoked by a party in interest, as petitioner, filing a written petition on or before June 30 of the tax year involved. Except in the residential property and small claims division, a written petition is considered filed by June 30 of the tax year involved if it is sent by certified mail on or before June 30 of that tax year. In the residential property and small claims division, a written petition is considered filed by June 30 of the tax year involved if it is postmarked by first-class mail or delivered in person on or before June 30 of the tax year involved. All petitions required to be filed or served by a day during which the offices of the tribunal are not open for business shall be filed by the next business day. In all other matters, the jurisdiction of the tribunal is invoked by a party in interest, as petitioner, filing a written petition within 35 days after the final decision, ruling, determination, or order that the petitioner seeks to review. Except in the residential property and small claims division, a written petition is considered filed if it is sent by certified mail or delivered in person on or before expiration of the period in which an appeal may be made as provided by law. In the residential property and small claims division, a written petition is considered filed if it is postmarked by first-class mail or delivered in person on or before expiration of the period in which an appeal may be made as provided by law. An appeal of a contested tax bill shall be made within 60 days after mailing by the assessment district treasurer and the appeal is limited solely to correcting arithmetic errors or mistakes and is not a basis of appeal as to disputes of valuation of the property, the property's exempt status, or the property's equalized value resulting from equalization of its assessment by the county board of commissioners or the state tax commission. Service of the petition on the respondent shall be by certified mail. For an assessment dispute, service of the petition shall be mailed to the assessor of that governmental unit if the respondent is the local governmental unit. Except for petitions filed under chapter 6, a copy of the petition shall also be sent to the secretary of the school board in the local school district in which the property is located and to the clerk of any county that may be affected.

(4) The petition or answer may be amended at any time by leave of the tribunal and in compliance with its rules. If a tax was paid while the determination of the right to the tax is pending before the tribunal, the taxpayer may amend his or her petition to seek a refund of that tax.

(5) A person or legal entity may appear before the tribunal in his or her own behalf or may be represented by an attorney or by any other person.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976;—Am. 1983, Act 163, Imd. Eff. July 24, 1983;—Am. 1985, Act 95, Imd. Eff. July 11, 1985;—Am. 1987, Act 23, Imd. Eff. Apr. 24, 1987;—Am. 1989, Act 65, Eff. July 31, 1989;—Am. 1994, Act 254, Imd. Eff. July 5, 1994;—Am. 2000, Act 165, Imd. Eff. June 20, 2000;—Am. 2003, Act 131, Eff. Jan. 1, 2004;—Am. 2006, Act 174, Imd. Eff. May 30, 2006.

Compiler's note: Section 2 of Act 95 of 1985 provides: "This amendatory act, which codifies the petition filing provisions of Rule 201 and Rule 620 of the Michigan tax tribunal, being R 205.1201 and R 205.1620 of the Michigan Administrative Code, is curative in nature and shall be retroactively effective from July 31, 1975."

Administrative rules: R 205.1101 et seq. of the Michigan Administrative Code.

205.735a Applicability after December 31, 2006; de novo proceedings; jurisdiction in assessment disputes; filing of petition; amendment of petition or answer; representation; "designated delivery service" defined.

Sec. 35a. (1) The provisions of this section apply to a proceeding before the tribunal that is commenced after December 31, 2006.

(2) A proceeding before the tribunal is original and independent and is considered de novo.

(3) Except as otherwise provided in this section or by law, for an assessment dispute as to the valuation or exemption of property, the assessment must be protested before the board of review before the tribunal acquires jurisdiction of the dispute under subsection (6).

(4) In the 2007 tax year and each tax year after 2007, both of the following apply:

(a) For an assessment dispute as to the valuation or exemption of property classified under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, as commercial real property, industrial real property, or developmental real property, the assessment may be protested before the board of review or appealed directly to the tribunal without protest before the board of review as provided in subsection (6).

(b) For an assessment dispute as to the valuation or exemption of property classified under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, as commercial personal property, industrial personal property, or utility personal property, the assessment may be protested before the board of review or appealed directly to the tribunal without protest before the board of review as provided in subsection (6), if a statement of assessable property is filed under section 19 of the general property tax act, 1893 PA 206, MCL 211.19, prior to the commencement of the board of review for the tax year involved.

(5) For a dispute regarding a determination of a claim of exemption of a principal residence or qualified agricultural property for a year in which the July or December board of review has authority to determine a

claim of exemption for a principal residence or qualified agricultural property, the claim of exemption shall be presented to either the July or December board of review before the tribunal acquires jurisdiction of the dispute. For a special assessment dispute, the special assessment shall be protested at the hearing held for the purpose of confirming the special assessment roll before the tribunal acquires jurisdiction of the dispute.

(6) The jurisdiction of the tribunal in an assessment dispute as to property classified under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, as commercial real property, industrial real property, developmental real property, commercial personal property, industrial personal property, or utility personal property is invoked by a party in interest, as petitioner, filing a written petition on or before May 31 of the tax year involved. The jurisdiction of the tribunal in an assessment dispute as to property classified under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, as agricultural real property, residential real property, timber-cutover real property, or agricultural personal property is invoked by a party in interest, as petitioner, filing a written petition on or before July 31 of the tax year involved. In all other matters, the jurisdiction of the tribunal is invoked by a party in interest, as petitioner, filing a written petition within 35 days after the final decision, ruling, or determination. An appeal of a contested tax bill shall be made within 60 days after mailing by the assessment district treasurer and the appeal is limited solely to correcting arithmetic errors or mistakes and is not a basis of appeal as to disputes of valuation of the property, the property's exempt status, or the property's equalized value resulting from equalization of its assessment by the county board of commissioners or the state tax commission. Service of the petition on the respondent shall be by certified mail. For an assessment dispute, service of the petition shall be mailed to the assessor of that local tax collecting unit if the respondent is the local tax collecting unit. Except for petitions filed under chapter 6, a copy of the petition shall also be sent to the secretary of the school board in the local school district in which the property is located and to the clerk of any county that may be affected.

(7) A petition is considered filed on or before the expiration of the time period provided in this section or by law if 1 or more of the following occur:

(a) The petition is postmarked by the United States postal service on or before the expiration of that time period.

(b) The petition is delivered in person on or before the expiration of that time period.

(c) The petition is given to a designated delivery service for delivery on or before the expiration of that time period and the petition is delivered by that designated delivery service or, if the petition is not delivered by that designated delivery service, the petitioner establishes that the petition was given to that designated delivery service for delivery on or before the expiration of that time period.

(8) A petition required to be filed by a day during which the offices of the tribunal are not open for business shall be filed by the next business day.

(9) A petition or answer may be amended at any time by leave of the tribunal and in compliance with its rules. If a tax was paid while the determination of the right to the tax is pending before the tribunal, the taxpayer may amend his or her petition to seek a refund of that tax.

(10) A person or legal entity may appear before the tribunal in his or her own behalf or may be represented by an attorney or by any other person.

(11) As used in this section, "designated delivery service" means a delivery service provided by a trade or business that is designated by the tribunal for purposes of this subsection. The tribunal shall issue a tribunal notice not later than December 31 in each calendar year designating not less than 1 delivery service for the immediately succeeding calendar year. The tribunal may designate a delivery service only if the tribunal determines that the delivery service meets all of the following requirements:

(a) Is available to the general public.

(b) Is at least as timely and reliable on a regular basis as the United States postal service.

(c) Records electronically to a database kept in the regular course of business or marks on the petition the date on which the petition was given to the delivery service for delivery.

(d) Any other requirement the tribunal prescribes.

History: Add. 2006, Act 174, Imd. Eff. May 30, 2006.

205.736 Tax tribunal; subpoenas; compliance; assistance from state and local governments.

Sec. 36. (1) Tribunal, upon written request of a party to a proceeding, shall issue subpoenas forthwith requiring the attendance and testimony of witnesses and the production of evidence including but not limited to books, records, correspondence, and documents in their possession or under their control. On written request, the tribunal shall revoke a subpoena if the evidence, the production of which is required, does not relate to a matter in issue, or if the subpoena does not describe with sufficient particularity the evidence, the production of which is required, or if for any other reason sufficient in law the subpoena is invalid. In case of refusal to comply with a subpoena, the party on whose behalf it was issued may file a petition, in the circuit

court for Ingham county or for the county in which the proceeding is held, for an order requiring compliance.

(2) When directed by the chairman, a state or local governmental unit or agency shall make available books, records, documents, information, and assistance to the tribunal.

History: 1973, Act 186, Eff. July 1, 1974.

205.737 Determination of property's taxable value; equalization; burden of proof; joinder of claims; fee; interest; motion to amend petition to add subsequent years; jurisdiction of residential property and small claims division over certain petitions; notice of hearing; appeal without prior protest.

Sec. 37. (1) The tribunal shall determine a property's taxable value pursuant to section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(2) The tribunal shall determine a property's state equalized valuation by multiplying its finding of true cash value by a percentage equal to the ratio of the average level of assessment in relation to true cash values in the assessment district, and equalizing that product by application of the equalization factor that is uniformly applicable in the assessment district for the year in question. The property's state equalized valuation shall not exceed 50% of the true cash value of the property on the assessment date.

(3) The petitioner has the burden of proof in establishing the true cash value of the property. The assessing agency has the burden of proof in establishing the ratio of the average level of assessments in relation to true cash values in the assessment district and the equalization factor that was uniformly applied in the assessment district for the year in question.

(4) If the taxpayer paid additional taxes as a result of the unlawful assessments on the same property after filing the petition, or if in subsequent years an unlawful assessment is made against the same property, the taxpayer, not later than the filing deadline prescribed in section 35 for a proceeding before the tribunal that is commenced before January 1, 2007 or section 35a for a proceeding before the tribunal that is commenced after December 31, 2006, except as otherwise provided in subsections (5) and (7), may amend the petition to join all of the claims for a determination of the property's taxable value, state equalized valuation, or exempt status and for a refund of payments based on the unlawful assessments. The motion to amend the petition to add a subsequent year shall be accompanied by a motion fee equal to 50% of the filing fee to file a petition to commence an appeal for that property in that year. A sum determined by the tribunal to have been unlawfully paid or underpaid shall bear interest from the date of payment to the date of judgment and the judgment shall bear interest to date of its payment. However, a sum determined by the tribunal to have been underpaid shall not bear interest for any time period prior to 28 days after the tribunal's decision. Interest required by this subsection shall accrue for periods before April 1, 1982 at a rate of 6% per year, shall accrue for periods after March 31, 1982 but before April 1, 1985 at a rate of 12% per year, and shall accrue for periods after March 31, 1985 but before April 1, 1994 at a rate of 9% per year. After March 31, 1994 but before January 1, 1996, interest shall accrue at an interest rate set monthly at a per annum rate based on the auction rate of the 91-day discount treasury bill rate for the first Monday in each month, plus 1%. After December 31, 1995, interest shall accrue at an interest rate set each year based on the average auction rate of 91-day discount treasury bills in the immediately preceding state fiscal year as certified by the department of treasury, plus 1%. The department of treasury shall certify the interest rate within 60 days after the end of the immediately preceding fiscal year. The tribunal shall order the refund of all or part of a property tax administration fee paid in connection with taxes that the tribunal determines were unlawfully paid.

(5) A motion to amend a petition to add subsequent years is not necessary in the following circumstances:

(a) If the tribunal has jurisdiction over a petition alleging that the property is exempt from taxation, the appeal for each subsequent year for which an assessment has been established shall be added automatically to the petition. However, upon leave of the tribunal, the petitioner or respondent may request that any subsequent year be excluded from appeal at the time of the hearing on the petition.

(b) If the residential property and small claims division of the tribunal has jurisdiction over a petition, the appeal for each subsequent year for which an assessment has been established shall be added automatically to the petition. The residential property and small claims division shall automatically add to an appeal of a final determination of a claim for exemption of a principal residence or of qualified agricultural property each subsequent year in which a claim for exemption of that principal residence or that qualified agricultural property is denied. However, upon leave of the tribunal, the petitioner or respondent may request that any subsequent year be excluded from appeal at the time of the hearing on the petition.

(6) The notice of the hearing on a petition shall include a statement advising the petitioner of the right to amend his or her petition to include or exclude subsequent years as provided by subsections (4) and (5).

(7) If the final equalization multiplier for the tax year is greater than the tentative multiplier used in preparing the assessment notice and as a result of action of the state board of equalization or county board of

commissioners a taxpayer's assessment as equalized is in excess of 50% of true cash value, that person may appeal directly to the tax tribunal without a prior protest before the local board of review. The appeal shall be filed under this subsection on or before the third Monday in August and shall be heard in the same manner as other appeals of the tribunal. An appeal pursuant to this subsection shall not result in an equalized value less than the assessed value multiplied by the tentative equalization multiplier used in preparing the assessment notice.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976;—Am. 1982, Act 57, Imd. Eff. Apr. 6, 1982;—Am. 1983, Act 163, Imd. Eff. July 24, 1983;—Am. 1985, Act 63, Imd. Eff. June 19, 1985;—Am. 1987, Act 23, Imd. Eff. Apr. 24, 1987;—Am. 1992, Act 172, Imd. Eff. July 21, 1992;—Am. 1993, Act 21, Imd. Eff. Apr. 14, 1993;—Am. 1994, Act 254, Imd. Eff. July 5, 1994;—Am. 1995, Act 232, Imd. Eff. Dec. 19, 1995;—Am. 1996, Act 505, Imd. Eff. Jan. 9, 1997;—Am. 2003, Act 131, Eff. Jan. 1, 2004;—Am. 2006, Act 174, Imd. Eff. May 30, 2006.

CHAPTER 4

205.741 Tax tribunal; proceedings before state tax commission or circuit court.

Sec. 41. A person or legal entity which, immediately before the effective date of this act, was entitled to proceed before the state tax commission or circuit court of this state for determination of a matter subject to the tribunal's jurisdiction, as provided in section 31, shall proceed only before the tribunal.

History: 1973, Act 186, Eff. July 1, 1974.

205.743 Payment of taxes as condition to final decision; taxes to which section applicable; appeal to which section applicable.

Sec. 43. (1) If the date set by law for the payment of taxes has passed, the tribunal shall not make a final decision on the entire proceeding until the taxes are paid. This requirement may be waived at the tribunal's discretion.

(2) This section only applies to taxes paid under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, or 1953 PA 189, MCL 211.181 to 211.182.

(3) This section does not apply to an appeal to the residential property and small claims division of the tribunal under section 62a of a denial of a claim for exemption of a principal residence or of qualified agricultural property under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, from taxes levied under section 1211 of the revised school code, 1976 PA 451, MCL 380.1211.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976;—Am. 1994, Act 254, Imd. Eff. July 5, 1994;—Am. 2003, Act 131, Eff. Jan. 1, 2004.

205.744 Intervention or impleading.

Sec. 44. (1) Except for petitions filed under chapter 6, the tax tribunal may permit the intervention or impleading of any governmental unit which receives tax funds from the petitioner who is making the appeal.

(2) If a petition is filed under chapter 6, the tribunal may permit the intervention or impleading of a state or local governmental unit or officer thereof or of any person or other entity upon a showing of a material monetary interest in the decision of the tribunal which is not likely to be adequately presented by the parties to the proceeding.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976.

205.745 Entering order or decision; appeal.

Sec. 45. An order or decision may be entered by a member of the tribunal upon written consent of the parties filed in the proceeding or stated in the record. The order or decision is not appealable and has like effect as an order or decision in a contested hearing.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1980, Act 437, Imd. Eff. Jan. 14, 1981.

205.746 Evidence; written decision; rules of privilege; objection; official report of proceeding; availability of writings to public; costs for transcripts.

Sec. 46. (1) In a proceeding before the tribunal all parties may submit evidence. The tribunal shall make its decision in writing. The tribunal may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. Effect shall be given to the rules of privilege recognized by law. An objection to an offer of evidence may be made.

(2) A proceeding before the tribunal shall be officially reported. A writing prepared, owned, used, in the possession of, or retained by the tribunal in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.247 of the

Michigan Compiled Laws. Costs assessed for transcripts shall be collected by the clerk and paid into a revolving fund to be used solely to defray the costs of preparing transcripts.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976;—Am. 1978, Act 439, Imd. Eff. Oct. 9, 1978.

Compiler's note: In subsection (2) of this section, "15.247" evidently should read "15.246".

205.749 Fees.

Sec. 49. (1) The tribunal by rule shall prescribe filing fees and other fees to be paid in connection with a proceeding. The fees charged shall be sufficient to cover costs of the tribunal except the costs of publishing its decisions, the salaries of the tribunal members, their chief clerk, and the costs of homestead appeal in the small claims division. The fees shall be paid to the clerk of the tribunal and by order of the tribunal may be taxed as costs.

(2) The residential property division of the tribunal shall not charge fees or costs on appeals of homestead property.

(3) Fees shall be collected by the clerk and paid directly into the state general fund.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1980, Act 437, Imd. Eff. Jan. 14, 1981.

Administrative rules: R 205.1101 et seq. of the Michigan Administrative Code.

CHAPTER 5

205.751 Tax tribunal; requirements as to decisions and opinions; decision delaying collection of taxes.

Sec. 51. (1) A decision and opinion of the tribunal shall be made within a reasonable period, shall be in writing or stated in the record, and shall include a concise statement of facts and conclusions of law, stated separately and, upon order of the tribunal, shall be officially reported and published.

(2) If the implementation of a decision of the tribunal would have the effect of delaying collection of taxes in a taxing unit due to the time of the year in which the decision is rendered, the tribunal shall not order immediate implementation of the decision without consent of all the taxing units involved, but shall order any required adjustment in rate by the taxing unit or units be made in the following tax year.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1978, Act 95, Imd. Eff. Apr. 5, 1978.

205.752 Tax tribunal; decisions and orders final and conclusive; copies; costs.

Sec. 52. (1) A decision and order of the tribunal is final and conclusive on all parties, unless reversed, remanded, or modified on appeal. A copy of the decision or order shall be mailed forthwith to each party or his attorney of record. Costs may be awarded in the discretion of the tribunal.

(2) The tribunal may order a rehearing upon written motion made by a party within 20 days after the entry of the decision or order. A decision or order may be amended or vacated after the rehearing.

History: 1973, Act 186, Eff. July 1, 1974.

205.753 Tax tribunal; appeal from final order or decision; record.

Sec. 53. (1) Subject to section 28 of article VI of the state constitution of 1963, and pursuant to section 102 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being section 24.302 of the Michigan Compiled Laws, and in accordance with the Michigan court rules, an appeal from the tribunal's decision shall be by right to the court of appeals. For purposes of the constitutional provision, the tribunal is the final agency for the administration of property tax laws.

(2) Appeal from the final order or decision of the tribunal may be taken by filing an appeal in accordance with the Michigan court rules after the entry of the order or decision appealed from or after denial of a motion for rehearing timely filed.

(3) An order, ruling, or decision before the final decision of the tribunal is not reviewable unless leave to appeal is granted by the court of appeals.

(4) A decision of the tribunal as to the assessment of real property is binding for the first year of assessment that is determined in the proceeding before the tribunal.

(5) On taking of appeal from the order or decision of the tribunal, the chief clerk of the tribunal shall prepare an official record of the proceeding that shall include the following:

(a) A list showing dates and docket entries of all documents and proceedings as shown by the file of the proceeding.

(b) All notices, pleadings, motions, and intermediate rulings.

- (c) A transcript of the hearing before the tribunal along with exhibits presented.
- (d) The decision, opinion, or order of the tribunal from which appeal is taken.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1989, Act 284, Imd. Eff. Dec. 26, 1989.

205.755 Correction of rolls; collection or refund of tax; commencement of time periods.

Sec. 55. (1) Within 20 days after entry of the order, the officers charged with keeping the rolls on which the affected assessment and tax are spread shall correct the rolls and the officer charged with collecting or refunding to the affected tax shall thereafter collect or refund it, in accordance with the order.

(2) When an appeal is taken, the time periods within which action would otherwise be taken pursuant to subsection (1) shall commence running upon entry of the final order on appeal.

History: 1973, Act 186, Eff. July 1, 1974.

CHAPTER 6

205.761 Residential property and small claims division; creation; composition; duties of hearing officers and referees; authority to contract with other persons or referees.

Sec. 61. (1) A residential property and small claims division of the tribunal is created and consists of 1 or more members of the tribunal appointed and serving pursuant to this act and those hearing officers and referees appointed by the tribunal who shall hear and decide proceedings before this division.

(2) The tribunal may contract with qualified persons other than tribunal employees to act as referees to hear and decide proceedings before the small claims division.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976;—Am. 1992, Act 172, Imd. Eff. July 21, 1992.

205.762 Residential property and small claims division; jurisdiction; “residential property” defined; election; record of proceedings; rehearing; site of hearing or rehearing; form for filing of residential appeals; filing fee.

Sec. 62. (1) The residential property and small claims division created in section 61 has jurisdiction over a proceeding, otherwise cognizable by the tribunal, in which residential property is exclusively involved. Property other than residential property may be included in a proceeding before the residential property and small claims division, if the amount of that property's taxable value or state equalized valuation in dispute is not more than \$100,000.00. The residential property and small claims division also has jurisdiction over a proceeding involving an appeal of any other tax over which the tribunal has jurisdiction if the amount of the tax in dispute is \$6,000.00 or less.

(2) For purposes of this chapter, “residential property” means a homestead or other residential or agricultural real property including less than 4 rental units.

(3) A person or legal entity entitled to proceed under section 31, and whose proceeding meets the jurisdictional requirements of subsection (1), may elect to proceed before either the residential property and small claims division or the tribunal. A formal record of residential property and small claims division proceedings is not required. Within 20 days after a hearing referee issues an order, by leave of the tribunal and for good cause, a party may request a rehearing by a tribunal member. A rehearing is not limited to the evidence presented before the hearing referee.

(4) The residential property and small claims division shall meet in the county in which the property in question is located or in a county contiguous to the county in which the property in question is located. A petitioner-appellant shall not be required to travel more than 100 miles from the location of the property in question to the hearing site, except that a rehearing by a tribunal member shall be at a site determined by the tribunal.

(5) The tribunal shall make a short form for the simplified filing of residential appeals.

(6) In a proceeding before the residential property and small claims division for property other than homestead residential property, if the amount of taxable value or state equalized valuation in dispute is greater than \$20,000.00, or in nonproperty matters if the amount in dispute is greater than \$1,000.00, the filing fee is the amount that would have been paid if the proceeding was brought before the tribunal and not the residential property and small claims division.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976;—Am. 1980, Act 437, Imd. Eff. Jan. 14, 1981;—Am. 1992, Act 172, Imd. Eff. July 21, 1992;—Am. 1993, Act 21, Imd. Eff. Apr. 14, 1993;—Am. 1995, Act 232, Imd. Eff. Dec. 19, 1995.

205.762a Appeal of final determination of claim for exemption of principal residence or qualified agricultural property; jurisdiction; filing.

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Sec. 62a. (1) The residential property and small claims division created under section 61 has exclusive jurisdiction over an appeal of a final determination of a claim for exemption of a principal residence by the department of treasury or of qualified agricultural property under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, from taxes levied under section 1211 of the revised school code, 1976 PA 451, MCL 380.1211.

(2) An appeal of a final determination of a claim for exemption of a principal residence under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, shall be filed not later than 35 days after the department of treasury determines a claim for exemption. An appeal is considered filed if it is postmarked by first-class mail or delivered in person within 35 days after the department of treasury denies a claim for exemption.

(3) An appeal of a final determination of a claim for exemption of qualified agricultural property under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, shall be filed not later than 30 days after the July or December board of review determines a claim for exemption. An appeal is considered filed if it is postmarked by first-class mail or delivered in person within 30 days after the July or December board of review denies a claim for exemption.

History: Add. 1994, Act 254, Imd. Eff. July 5, 1994;—Am. 2003, Act 131, Eff. Jan. 1, 2004.

205.763 Appearances.

Sec. 63. A person or legal entity may appear before the division in his own behalf, or may be represented by an attorney or by such other person as the appellant may choose.

History: 1973, Act 186, Eff. July 1, 1974.

205.764 Referral of proceedings; transfer of matter for hearing and decision; fees, costs, and expenses.

Sec. 64. (1) With the permission of the petitioner-appellant, the division or the chairperson may refer a proceeding to the tribunal for its decision.

(2) A party or an intervening party may request a transfer of a matter to the tribunal for hearing and decision. If the request is granted the party requesting the transfer shall pay:

- (a) The fees and costs related to the transfer.
- (b) The reasonable expenses incurred by the other parties incidental to the transfer from the division.
- (c) Costs resulting from subsequent appeals if the other party prevails.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976;—Am. 1980, Act 437, Imd. Eff. Jan. 14, 1981.

205.765 Decision as precedent; designation.

Sec. 65. A decision of the division is not a precedent unless so designated by the tribunal.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1980, Act 437, Imd. Eff. Jan. 14, 1981.

205.766 Evening hearing.

Sec. 66. A tax tribunal hearing in the residential property and small claims division shall be held after 6:00 p.m. if the petitioner requests an evening hearing in his or her initial petition.

History: Add. 1994, Act 254, Imd. Eff. July 5, 1994.

CHAPTER 7

205.771 Provisions applicable to matters pending on effective date of act.

Sec. 71. The following subdivisions are applicable to a matter subject to the tribunal's jurisdiction, but which is pending on the effective date of this act before any forum, described in section 41:

(a) A matter which has not been heard on or before August 31, 1974, is transferred to the tribunal on September 1, 1974.

(b) A matter which has been heard on or before August 31, 1974, but which has not been decided on or before September 30, 1974, is transferred to the tribunal on October 1, 1974.

(c) Where a matter is transferred pursuant to subdivisions (a) or (b), the forum shall transfer to the tribunal, within 30 days after the date of transfer of the matter, all relevant books, records, documents, files, transcripts, funds, deposits, and securities.

(d) Where a matter is transferred pursuant to subdivisions (a) or (b), the forum shall notify, by certified mail, return receipt requested, not later than the date of transfer, the parties to such matter of the transfer, and of the fees required by section 49.

(e) Where a matter is transferred pursuant to subdivisions (a) or (b), the moving party shall pay not later than 30 days after the date of transfer, the filing fee and other fees required by section 49. In default of the payment, or on request of the moving party made before the expiration of the 30 days, the tribunal may dismiss the matter with prejudice.

(f) On the basis of prior proceedings and such supplemental proceedings as it deems necessary, the tribunal shall decide all matters transferred pursuant to subdivisions (a) or (b) as if they had been originally commenced before the tribunal. The tribunal may, in its discretion, waive any defects in pleadings or procedure occurring prior to July 1, 1974, that are not jurisdictional in nature.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 365, Imd. Eff. Dec. 23, 1976.

205.772 Transfer of books, records, documents, files, transcripts, funds, deposits, and securities.

Sec. 72. When a matter is decided by a forum described in section 41, and when, after the effective date of this act, the decision is appealed, the forum shall transfer to the tribunal within 30 days after the date of the filing of the notice of appeal, all relevant books, records, documents, files, transcripts, funds, deposits, and securities.

History: 1973, Act 186, Eff. July 1, 1974.

205.773 Remands.

Sec. 73. When a matter is decided by a forum described in section 41 and the decision is appealed, and when, after the effective date of this act, the matter is remanded, the remand shall be to the tribunal for such action as the appellate court may direct.

History: 1973, Act 186, Eff. July 1, 1974.

205.774 Right to sue agency for refund abolished; payments under protest not required.

Sec. 74. The right to sue any agency for refund of any taxes other than by proceedings before the tribunal is abolished as of September 30, 1974. If a tax paid to an agency is erroneous or unlawful, it shall not be requisite that the payment be made under protest in order to invoke a right to refund by proceedings before the tribunal.

History: 1973, Act 186, Eff. July 1, 1974.

205.779 Effective date; commencement of new proceeding; hearing of new or transferred proceeding; certain persons or legal entities to proceed before tax tribunal only; cases filed under prior law; transfer of certain cases to board of tax appeals.

Sec. 79. (1) This act shall be effective July 1, 1974, but a new proceeding shall not be commenced before the tribunal before September 1, 1974, and a new or transferred proceeding shall not be heard by the tribunal before October 1, 1974.

(2) Except as provided in subsection (3) a person or legal entity which, immediately before January 1, 1976, was entitled to proceed before any quasi-judicial body, court of claims, probate court, district court, municipal court, common pleas court, or circuit court of this state for determination of a matter relating to the state income tax under Act No. 281 of the Public Acts of 1967, as amended, being sections 206.1 to 206.535 of the Michigan Compiled Laws, to the intangibles tax under Act No. 301 of the Public Acts of 1933, as amended, being sections 205.131 to 205.147 of the Michigan Compiled Laws, to the inheritance tax under Act No. 188 of the Public Acts of 1899, as amended, being sections 205.201 to 205.221 of the Michigan Compiled Laws, to the franchise fee under Act No. 284 of the Public Acts of 1972, as amended, being sections 450.1101 to 450.2099 of the Michigan Compiled Laws, to the general sales tax under Act No. 167 of the Public Acts of 1933, as amended, being sections 205.51 to 205.78 of the Michigan Compiled Laws, to the use tax under Act No. 94 of the Public Acts of 1937, as amended, being sections 205.91 to 205.111 of the Michigan Compiled Laws, to gasoline, liquified petroleum gas, and diesel motor fuel taxes under Act No. 150 of the Public Acts of 1927, as amended, being sections 207.101 to 207.194 of the Michigan Compiled Laws, to the cigarette tax under Act No. 265 of the Public Acts of 1947, as amended, being sections 205.501 to 205.522 of the Michigan Compiled Laws, or to the oil and gasoline severance tax under Act No. 48 of the Public Acts of 1929, as amended, being sections 205.301 to 205.317 of the Michigan Compiled Laws, shall proceed only before the tribunal. A case filed under previous law before January 1, 1976, shall proceed under those laws.

(3) Cases appealable to the state board of tax appeals and corporation tax appeal board shall continue to be filed with those boards until December 31, 1976. All such appeals commencing after December 31, 1976 shall be made to the state tax tribunal. Any appeals pending before the state board of tax appeals and the

corporation tax appeal board shall be transferred to the tribunal on December 31, 1977, and the boards are abolished as of such date.

(4) Cases subject to the jurisdiction of the state board of tax appeals which were filed with the tribunal on or after January 1, 1976, and before the effective date of this amendatory act shall be transferred to the board of tax appeals.

History: 1973, Act 186, Eff. July 1, 1974;—Am. 1976, Act 37, Imd. Eff. Mar. 9, 1976.

Constitutionality: Op. Att'y Gen. No. 5138 (1976) states, in part: "I am, therefore, of the opinion that the legislation did not intend to abolish the State Board of Tax Appeals unless its jurisdiction was effectively transferred to another administrative or quasi-judicial body. Consequently, I conclude that 1973 PA 186, § 79, as originally enacted and as amended by 1976 PA 37 is invalid in its entirety and that it does not abolish the State Board of Tax Appeals."

SAMPLE
OF
MICHIGAN
TAX
TRIBUNAL
SPECIAL
ASSESSMENT
PETITION

**STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
MICHIGAN TAX TRIBUNAL**

<Petitioner Name(s)>
Petitioner(s)

v

MTT Docket No. _____

<Respondent Name(s)>
Respondent(s)

SPECIAL ASSESSMENT PETITION

Petitioner, <Petitioner name(s)>, through their attorney(s), <attorney and/or firm name>, petitions this Tribunal as follows:

1. Petitioner is a <corporation> or <individual> whose <principal office> or <legal> address is <address>.
2. Respondent, <City/Township name> levies and collects the special assessment taxes on the subject property.
3. The property identification number is <parcel number> and the property is classified as <classification of property> property. Petitioner's Property is presently used for _____.
Petitioner believes that Petitioner's Property was originally designed to be used for _____.
4. The property is located in <name of county> County and the school districts of <public school name> Public and <intermediate school name> Intermediate (also include community college, if applicable).
5. This matter involves issues relating the <Enter the name of the special assessment being appealed> special assessment.
6. The special assessment levied against the subject parcel is \$_____.
7. On <Enter date of protest>, Petitioner appeared before the appropriate local Board of Review and protested the special assessment of the subject property.
8. The Board of Review denied the relief requested and affirmed the special assessment on <Enter date special assessment was confirmed>.
9. <Enter a clear and concise statement of the facts upon which Petitioner relies to prove its case>
(*Example: The subject assessment is excessive and would have no benefit to the subject parcel*).
10. Petitioner contends the special assessment for the subject property is \$ _____. The amount in contention is \$_____.
11. Petitioner requests that the Tribunal <Enter the relief sought>. (*Example: Reduce the special assessment from the subject property from \$_____ to \$_____ and order a refund with interest, as provided by the Tax Tribunal Act*).

Dated: _____

By: _____

SAMPLE FORM FOR SPECIAL ASSESSMENT PETITION

MTT Rules of Practice and Procedure
R205.1240 Petitions, Rule 240

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ACT 451 OF 1994

PART 309

INLAND LAKE
IMPROVEMENTS

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ACT 451
OF
1994,
PART 309
(AS AMENDED)

LAKE
IMPROVEMENT
ACT

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

PART 309
INLAND LAKE IMPROVEMENTS

324.30901 Definitions.

Sec. 30901. As used in this part:

(a) "Benefit" or "benefits" means advantages resulting from a project to public corporations, the inhabitants of public corporations, the inhabitants of this state, and property within public corporations. Benefit includes benefits that result from elimination of pollution and elimination of flood damage, elimination of water conditions that jeopardize the public health or safety; increase of the value or use of lands and property arising from improving a lake or lakes as a result of the lake project and the improvement or development of a lake for conservation of fish and wildlife and the use, improvement, or development of a lake for fishing, wildlife, boating, swimming, or any other recreational, agricultural, or conservation uses.

(b) "Inland lake" means a public inland lake or a private inland lake.

(c) "Interested person" means a person who has a record interest in the title to, right of ingress to, or reversionary right to a piece or parcel of land that would be affected by a permanent change in the bottomland of a natural or artificial, public or private inland lake, or adjacent wetland. In all cases, whether having such an interest or not, the department is an interested person.

(d) "Local governing body" means the legislative body of a local unit of government.

(e) "Preliminary costs" includes costs of the engineering feasibility report, economic study, estimate of total cost, and cost of setting up the assessment district.

(f) "Private inland lake" means an inland lake other than a public inland lake.

(g) "Public inland lake" means a lake that is accessible to the public by publicly owned lands or highways contiguous to publicly owned lands or by the bed of a stream, except the Great Lakes and connecting waters.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30902 Petition for improvement of lake or wetland; local governing bodies' powers; lake boards.

Sec. 30902. (1) The local governing body of any local unit of government in which the whole or any part of the waters of any public inland lake is situated, upon its own motion or by petition of 2/3 of the freeholders owning lands abutting the lake, for the protection of the public health, welfare, and safety and the conservation of the natural resources of this state, or to preserve property values around a lake, may provide for the improvement of a lake, or adjacent wetland, and may take steps necessary to remove and properly dispose of undesirable accumulated materials from the bottom of the lake or wetland by dredging, ditching, digging, or other related work.

(2) Upon receipt of the petition or upon its own motion, the local governing body within 60 days shall set up a lake board as provided in section 30903 that shall proceed with the necessary steps for improving the lake or to void the proposed project.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30903 Lake board; composition; election of chairperson, treasurer, and secretary; quorum; concurrence of majority required; technical data; recommendations.

Sec. 30903. (1) The lake board shall consist of all of the following:

(a) A member of the county board of commissioners appointed by the chairperson of the county board of commissioners of each county affected by the lake improvement project; 1 representative of each local unit of government, other than a county, affected by the project, or, if there is only 1 such local unit of government, 2 representatives of that local unit of government, appointed by the legislative body of the local unit of government; and the county drain commissioner or his or her designee, or a member of the county road commission in counties not having a drain commissioner.

(b) A member elected by the members of the lake board serving pursuant to subdivision (a) at the first meeting of the board or at any time a vacancy exists under this subdivision. Only a person who has an interest in a land contract or a record interest in the title to a piece or parcel of land that abuts the lake to be improved is eligible to be elected and to serve under this subdivision. An organization composed of

and representing the majority of lakefront property owners on the affected lake may submit up to 3 names to the board, from which the board shall make its selection. The terms served by this member shall be 4 years in length.

(2) The lake board shall elect a chairperson, treasurer, and secretary. The secretary shall attend meetings of the lake board and shall keep a record of the proceedings and perform other duties delegated by the lake board. A majority of the members of the lake board constitutes a quorum. The concurrence of a majority in any matter within the duties of the board is required for the determination of a matter.

(3) The department, upon request of the lake board, shall provide whatever technical data it has available and make recommendations in the interests of conservation.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995;-- Am. 2004, Act 522, Eff. Mar. 1, 2005

Popular Name: Act 451

324.30904 Initiation of action by freeholders.

Sec. 30904. Action may be initiated under section 30902 relating to any private inland lake only upon petition of 2/3 of the freeholders owning lands abutting the lake.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30905 Preliminary costs; revolving funds; assessments.

Sec. 30905. The county board of commissioners may provide for a revolving fund to pay for the preliminary costs of improvement projects within the county. The preliminary costs shall be assessed to the property owners in the assessment district by the lake board after notice of the hearing is given pursuant to Act No. 162 of the Public Acts of 1962, being sections 211.741 to 211.746 of the Michigan Compiled Laws, and shall be repaid to the fund where the project is not finally constructed.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30906 Institution of proceedings for lake improvement; conflicts with local ordinances and charters.

Sec. 30906. (1) Whenever a local governing body, in accordance with section 30902, considers it expedient to have a lake improved, it, by resolution, shall direct the lake board to institute proceedings as prescribed in this part.

(2) When the waters of any inland lake are situated in 2 or more local units of government, the improvement of the lake may be determined jointly in the same manner as provided in this part, if the local governing bodies of all local units of government involved determine it to be expedient in accordance with section 30902 and, by resolution, direct the lake board to institute proceedings as prescribed in this part. Where local ordinances and charters conflict, this part shall govern.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30907 Lake improvement; initiation by department.

Sec. 30907. If the department considers it expedient, in accordance with section 30902, to have a lake dredged or improved, the department may petition the local governing body or governing bodies in which the lake is located for an improvement of the lake. The department may also join with the local governing body of any local unit of government in instituting proceedings for improvements as set forth in this part.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30908 Lake board; determination of scope of project; establishment of special assessment districts; ministerial duties.

Sec. 30908. The lake board, when instructed by resolution of the local governing body, shall determine the scope of the project and shall establish a special assessment district, including within the special assessment district all parcels of land and local units which will be benefited by the improvement of the lake. The local governing body may delegate to the lake board other ministerial duties including preparation, assembling, and computation of statistical data for use by the board and the superintending, construction, and maintenance of any project under this part, as the local governing body considers necessary.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30909 Engineering and economic reports; cost estimates.

Sec. 30909. (1) The lake board shall retain a licensed professional engineer to prepare an engineering feasibility report, an economic study report, and an estimate of cost. The report shall include, when applicable, recommendations for normal lake levels and the methods for maintaining those levels.

(2) The engineering feasibility report shall include the methods proposed to implement the recommended improvements, such as dredging, removal, disposal, and disposal areas for undesirable materials from the lake. The report shall include an investigation of the groundwater conditions and possible effects on lake levels from removal of bottom materials. A study of existing nutrients and an estimate of possible future conditions shall be included. Estimate of costs of right-of-way shall be included.

(3) The estimate of cost prepared under subsection (1) shall show probable assessments for the project. The economic report shall analyze the existing local tax structure and the effects of the proposed assessments on the local units of government involved. A copy of the report shall be furnished to each member of the lake board.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30910 Review of reports by board; determinations of practicability; public hearings; notice; determination.

Sec. 30910. Within 60 days after his or her receipt of the reports, the chairperson shall hold a meeting of the lake board to review the reports required under section 30909 and to determine the practicability of the project. The hearing shall be public, and notice of the hearing shall be published twice in a newspaper of general circulation in each local unit of government to be affected. The first publication shall be not less than 20 days prior to the time of the hearing. The board shall determine the practicability of the project within 10 days after the hearing unless it is determined at the hearing that more information is needed before the determination can be made. Immediately upon receipt of the additional information, the board shall make its determination.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30911 County contributions toward costs of improvement.

Sec. 30911. The county board of commissioners may provide up to 25% of the cost of a lake improvement project on any public inland lake.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30912 Approval of plans and cost estimates; sufficiency of petition; resolution; publication; assessment roll.

Sec. 30912. If the lake board passes a resolution in which it determines the project to be practicable, the lake board shall determine to proceed with the project, shall approve the plans and estimate of costs as originally presented or as revised, corrected, amended, or changed, and shall determine the sufficiency of the petition for the improvement. The resolution shall be published once in a newspaper of general circulation in each local unit of government to be affected. After the resolution has been published, the sufficiency of the petition shall not be subject to attack except in an action brought in a court of competent jurisdiction within 30 days after publication. The lake board, after finally accepting the special assessment district, shall prepare an assessment roll based upon the benefits to be derived from the proposed lake improvement, and the lake board shall direct the assessing official of each local unit of government to be affected to join in making an assessment roll in which shall be entered and described all the parcels of land to be assessed, with the names of the respective owners of the parcels of land, if known, and the total amount to be assessed against each parcel of land and against each local unit of government to be affected, which amount shall be such relative portion of the whole sum to be levied against all parcels of land and local units of government in the special assessment district as the benefit to such parcel of land and local unit of government bears to the total benefit to all parcels of land and local units of government in the special assessment district. When the assessment roll has been completed, each assessing official shall affix to the assessment roll his or her certificate stating that it was made pursuant to a resolution of the lake board adopted on a specified date, and that in making the assessment roll he or she has, according to his or her best judgment, conformed in all respects to the directions contained in the resolution and the statutes of the state.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30913 Report of assessment to lake board; review; notice and hearing; confirmation.

Sec. 30913. The assessment roll shall be reported to the lake board by the assessing official of the local unit or units of government initiating the proceeding and filed in the office of the clerk of each local unit of government to be affected. Before confirming the assessment roll, the lake board shall appoint a time and place when it will meet and review the assessment roll and hear any objections to the assessment roll, and shall publish notice of the hearing and the filing of the assessment roll twice prior to the hearing in a newspaper of general circulation in each local unit of government to be affected, the first publication to be at least 10 days before the hearing. Notice of the hearing shall also be given in accordance with Act No. 162 of the Public Acts of 1962, being sections 211.741 to 211.746 of the Michigan Compiled Laws. The hearing may be adjourned from time to time without further notice. Any person or local unit of government objecting to the assessment roll shall file his or her objection in writing with the chairperson before the close of the hearing or within such further time period as the lake board may grant.

After the hearing, the lake board may confirm the special assessment roll as reported to it or as amended or corrected by it, may refer it back to the assessing officials for revision, or may annul it and direct a new roll to be made. When a special assessment roll has been confirmed, the clerk of each local unit of government shall endorse on the assessment roll the date of the confirmation. After confirmation, the special assessment roll and all assessments on the assessment roll shall be final and conclusive unless attacked in a court of competent jurisdiction within 30 days after notice of confirmation has been published in the same manner as the notice of hearing.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30914 Special assessments; installments; interest; penalties.

Sec. 30914. Upon the confirmation of the assessment roll, the lake board may provide that the assessments be payable in 1 or more approximately equal annual installments, not exceeding 30. The amount of each installment, if more than 1, need not be extended upon the special assessment roll until after confirmation. The first installment of a special assessment shall be due on or before such time after confirmation as the board shall establish, and the several subsequent installments shall be due at intervals of 12 months from the due date of the first installment or from such other date as the board shall establish. All unpaid installments, prior to their transfer to the tax roll of each local unit of government involved, shall bear interest, payable annually on each installment due date, at a rate to be set by the board, not exceeding 6% per annum, from such date as established by the board. Future due installments of an assessment against a parcel of land may be paid to the treasurer of each local unit of government at any time in full, with interest accrued to the due date of the next installment. If any installment of a special assessment is not paid when due, then it shall be considered to be delinquent and there shall be collected on the installment, in addition to interest as above provided, a penalty at the rate of 1/2 of 1% for each month or fraction of a month that it remains unpaid before being reported to the township board for reassessment upon the tax roll.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30915 Special assessments; liens.

Sec. 30915. All special assessments contained in any special assessment roll, including any part of the special assessment payment that is deferred, constitute a lien, from the date of confirmation of the roll, upon the respective parcels of land assessed. The lien shall be of the same character and effect as the lien created for taxes in each local unit of government and shall include accrued interest and penalties. A judgment, decree, or any act of the board vacating a special assessment does not destroy or impair the lien upon the premises assessed for the amount of the assessment as may be equitably charged against the premises, or as by a regular mode of proceeding might be lawfully assessed on the premises.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30916 Special assessments; collections.

Sec. 30916. When any special assessment roll is confirmed, the lake board shall direct the assessments made in the roll to be collected. The clerk of each local unit of government involved shall then deliver to the treasurer of each local unit of government the special assessment roll, to which he or she shall attach his or her warrant commanding the treasurer to collect the assessments in the roll in accordance with the directions of the lake board. The warrant shall further require the treasurer, on September 1 following the date when any assessments or any part of an assessment have become due,

to submit to the lake board a sworn statement setting forth the names of delinquent persons, if known, a description of the parcels of land upon which there are delinquent assessments, and the amount of the delinquency, including accrued interest and penalties computed to September 1 of the year. Upon receiving the special assessment roll and warrant, the treasurer shall collect the amounts assessed as they become due.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30917 Delinquent assessments; reassessment.

Sec. 30917. If the treasurer reports as delinquent any assessment or part of an assessment, the lake board shall certify the delinquency to the assessing official of each local unit of government, who shall reassess, on the annual tax roll of the local unit of government of that year, in a column headed "special assessments", the delinquent sum, with interest and penalties to September 1 of that year, and an additional penalty of 6% of the total amount. Thereafter, the statutes relating to taxes shall be applicable to the reassessments in each local unit of government.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30918 Division of land parcels; uncollected assessment apportioned.

Sec. 30918. If any parcel of land is divided after a special assessment on the land has been confirmed and before the collection of the assessment, the lake board may require the assessment official to apportion the uncollected amounts between the divisions of the parcel of land, and the report of the apportionment when confirmed by the lake board shall be conclusive upon all parties. If the interested parties do not agree in writing to the apportionment, then, before confirmation, notice of hearing shall be given to all the interested parties, either by personal service or by publication as provided in the case of an original assessment roll.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30919 Additional special assessments.

Sec. 30919. If the assessments in any special assessment roll prove insufficient for any reason, including the noncollection of the assessment, to pay for the improvement for which they were made or to pay the principal and interest on the bonds issued in anticipation of the collection of the assessment, then the lake board shall make additional pro rata assessments to supply the deficiency, but the total amount assessed against any parcel of land shall not exceed the value of the benefits received from the improvement.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30920 Special assessments; invalidity and new assessments.

Sec. 30920. Whenever, in the opinion of the lake board, any special assessment is invalid by reason of irregularities or informalities in the proceedings, or if any court of competent jurisdiction adjudges such assessment illegal, the lake board, whether the improvement has been made or not and whether any part of the assessment has been paid or not, may proceed from the last step at which the proceedings were legal and cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on that reassessment and for the collection of the assessment shall be conducted in the same manner as provided for the original assessment. Whenever an assessment or any part of an assessment levied upon any premises has been set aside, if the assessment or part of an assessment has been paid and not refunded, the payment shall be applied upon the reassessment.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30921 Special assessments; exempt lands.

Sec. 30921. The governing body of any department of the state or any of its political subdivisions, municipalities, school districts, townships, or counties, whose lands are exempt by law, may by resolution agree to pay the special assessments against the lands, in which case the assessment, including all the installments of the assessment, shall be a valid claim against the local unit of government.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30922 Borrowing; issuance of lake level orders and bonds.

Sec. 30922. The lake board may borrow money and issue lake level orders or the bonds of the special assessment district in anticipation of the collection of special assessments to defray the cost of any improvement made under this part after the special assessment roll has been confirmed. The bonds or lake level orders shall not exceed the amount of the special assessments in anticipation of the collection of which they are issued. Collections on special assessments to the extent pledged for the payment of bonds or lake level orders shall be set aside in a special fund for the payment of the bonds or lake level orders. The issuance of special assessments bonds or lake level orders shall be governed by the general laws of this state applicable to the issuance of special assessments bonds or lake level orders and in accordance with the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. Bonds or lake level orders may be issued in anticipation of the collection of special assessments levied in respect to 2 or more public improvements, but no special assessment district shall be compelled to pay the obligation of any other special assessment district. The local governing body may pledge the full faith and credit of a local unit of government for the prompt payment of the principal of and interest on the bonds or lake level orders as they become due. The pledge of full faith and credit of the local unit of government shall be included within the total limitation prescribed by the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. Bonds and lake level orders issued under this part shall be executed by the chairperson and secretary of the lake board, and the interest coupons to be attached to the bonds and orders shall be executed by the officials causing their facsimile signatures to be affixed to the bonds and orders.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995 ;-- Am. 2002, Act 218, Imd. Eff. Apr. 29, 2002

Popular Name: Act 451

324.30923 Condemnation; commencement and conduct of proceedings.

Sec. 30923. Whenever the lake board determines by proper resolution that it is necessary to condemn private property for the purpose of this part, the condemnation proceedings shall be commenced and conducted in accordance with Act No. 149 of the Public Acts of 1911, being sections 213.21 to 213.25 of the Michigan Compiled Laws.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30924 Gifts and grants-in-aid; acceptance by lake board; contract or agreement.

Sec. 30924. (1) The lake board may receive and accept gifts or grants-in-aid for the purpose of implementing this part.

(2) The lake board may contract or make agreement with the federal government or any agency of the federal government whereby the federal government will pay the whole or any part of the costs of a project or will perform all or any part of the work connected with the project. The contract or agreement may include any specific terms required by act of congress or federal regulation as a condition for the participation of the federal government.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30925 Gifts and grants-in-aid; acceptance by department.

Sec. 30925.

The department in carrying out the purposes of this part may receive and accept, on behalf of the state, gifts and grants-in-aid.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30926 Advertising for bids; letting of contracts; work relief project.

Sec. 30926. (1) Except as provided in subsection (2), the chairperson of the lake board shall advertise for bids. A contract shall be let to the lowest bidder giving adequate security for the performance of the contract, but the lake board shall reserve the right to reject any and all bids.

(2) The lake board may let a contract with a local, incorporated, nonprofit homeowner association, the membership of which is open on a nondiscriminatory basis to all residents within the geographic area to be assessed or serviced, without advertising for public bids. The homeowner association shall give adequate security for the performance of the contract.

(3) The local governing body may improve a lake as a work relief project pursuant to applicable provisions of law.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30927 Costs of projects; computation; expenditures; representation by attorney.

Sec. 30927. (1) Within 10 days after the letting of contracts or, in case of an appeal, immediately after the appeal has been decided, the lake board shall make a computation of the entire cost of a project under this part that includes all preliminary costs and engineering and inspection costs incurred and all of the following:

- (a) The fees and expenses of special commissioners.
- (b) The contracts for dredging or other work to be done on the project.
- (c) The estimated cost of an appeal if the apportionment made by the lake board is not sustained.
- (d) The estimated cost of inspection.
- (e) The cost of publishing all notices required.
- (f) All costs of the circuit court.
- (g) Any legal expenses incurred in connection with the project, including litigation expenses, the costs of any judgments or orders entered against the lake board or special assessment district, and attorney fees.
- (h) Fees for any permits required in connection with the project.
- (i) Interest on bonds for the first year, if bonds are to be issued.
- (j) Any other costs necessary for the administration of lake board proceedings, including, but not limited to, compensation of the members of the lake board, record compilation and retention, and state, county, or local government professional staff services.

(2) In addition to the amounts computed under subsection (1), the lake board may add not less than 10% or more than 15% of the gross sum to cover contingent expenses, including additional necessary hydrological studies by the department. The sum of the amounts computed under subsection (1) plus the amount added under this subsection is considered to be the cost of the lake improvement project.

(3) A lake board shall not expend money for improvements, services, or other purposes unless the lake board has adopted an annual budget.

(4) A lake board may retain an attorney to advise the lake board in the proper performance of its duties. The attorney shall represent the lake board in actions brought by or against the lake board.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995 ;-- Am. 2004, Act 522, Eff. Mar. 1, 2005

Popular Name: Act 451

324.30928 Intervention by department.

Sec. 30928. Whenever a public inland lake is to be improved, the department may intervene for the protection and conservation of the natural resources of the state.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995

Popular Name: Act 451

324.30929 Lake board for public inland lake; dissolution.

Sec. 30929. A lake board for a public inland lake is dissolved if all of the following requirements are met:

(a) The governing body of each local unit of government in which all or part of the lake is located holds a public hearing on the proposed dissolution, determines that the lake board is no longer necessary for the improvement of the lake because the reasons for the establishment of the lake board no longer exist, and approves the dissolution of the lake board. The governing body of each local unit of government in which all or part of the lake is located may hold the public hearing on the dissolution of the lake board on its own initiative. The governing body of each local unit of government in which all or part of the lake is located shall hold a public hearing on the dissolution of the lake board upon petition of 2/3 of the freeholders owning land abutting the lake. Notice of the public hearing shall be published twice in a newspaper of general circulation in each local unit of government in which all or part of the lake is located. The first notice shall be published not less than 10 days before the date of the hearing.

(b) All outstanding indebtedness and expenses of the lake board are paid in full.

(c) Any excess funds of the lake board are refunded based on the last approved special assessment roll. However, if the amount of excess funds is de minimis, the excess funds shall be distributed to the local units of government in which all or part of the lake is located, apportioned based on the amounts assessed against each local unit of government and lands in that local unit on the last approved special assessment roll.

(d) The lake board determines that it is no longer necessary for the improvement of the lake, because the reasons for its establishment no longer exist, and adopts an order approving its dissolution.

History: Add. 2004, Act 522, Eff. Mar. 1, 2005

Popular Name: Act 451

HOW TO DEACTIVATE A LAKE IMPROVEMENT BOARD

ACCORDING TO THE STATUTE...

Section 30929. A lake board for a public inland lake is dissolved if all of the following requirements are met:

- (b) The governing body of each local unit of government in which all or part of the lake is located holds a public hearing on the proposed dissolution, determines that the lake board is no longer necessary for the improvement of the lake because the reasons for the establishment of the lake board no longer exist, and approves the dissolution of the lake board. The governing body of each local unit of government in which all or part of the lake is located may hold the public hearing on the dissolution of the lake board upon petition of 2/3 of the freeholders owning land abutting the lake. Notice of the public hearing shall be published twice in a newspaper of general circulation in each local unit of government in which all or part of the lake is located. The first notice shall be published not less than 10 days before the date of the hearing.
- (c) All outstanding indebtedness and expenses of the lake board are paid in full.
- (d) Any excess funds of the lake board are refunded based on the last approved special assessment roll. However, if the amount of excess funds is de minimis, the excess funds shall be distributed to the local units of government in which all or part of the lake is located, apportioned based on the amounts assessed against each local unit of government and lands in that local unit on the last approved special assessment roll.
- (e) The lake board determines that it is no longer necessary for the improvement of the lake, because the reasons for its establishment no longer exist, and adopts an order approving its dissolution.

Enacting Section 1. This amendatory act takes effect March 1, 2005.

This act is ordered to take immediate effect.

NUISANCE AQUATIC PLANT CONTROL USING HERBICIDES AND ALGICIDES

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MSU Extension - Oakland County
1200 North Telegraph,
Pontiac, MI 48341

NUISANCE AQUATIC PLANT CONTROL USING ALGICIDES AND HERBICIDES

by
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East Lansing, MI 48824

This publication contains pesticide recommendations based on research and regulations. Changes in pesticide regulations occur constantly. Some pesticides may no longer be available or legal for some uses.
Always read the label before selecting and using a pesticide.

Aquatic plants are a normal and beneficial part of a lake or pond ecosystem. They provide food, directly or indirectly for all of the animals that live in or are associated with aquatic ecosystems, including insects, fish, waterfowl and other types of wildlife. Plants also provide refuge for small fish from predators, are a source of oxygen, and help reduce erosion of the shoreline by reducing turbulence from wind and wave action and boat wakes. However, when aquatic plants become too abundant and interfere with pond and lake recreation or esthetics, they become a nuisance. Usually the first question asked by pond and lake property owners experiencing aquatic plant problems is "What chemical can I use to kill the algae (or weeds)?" The answer to this question, unfortunately, is not as simple as it may seem.

Aquatic plants require light, warm temperatures, water and nutrients for vigorous growth, just like terrestrial plants. If you have adequate levels of these plant requirements, aquatic plants will grow. Aquatic plant growth is affected by the soil type and water depth but is accelerated by chemical nutrient input to lakes and ponds. These increases are most often a result of human activities such as runoff of lawn fertilizers, agricultural runoff, drain tiles, septic systems leakage, erosion due to construction, etc. This process is called "eutrophication," which means over-feeding. The chemical nutrient of primary concern is phosphorus. The only long lasting cure is to bring waste discharges, disruptive land uses and other nutrient sources under control. But the necessary alteration of the surrounding human community can take many years, and in some instances, may be impossible. In the meantime, algicide or herbicide treatments are a band-aid approach to consider in contending with algae or weed problems.

Although the use of aquatic algicides and herbicides can have the advantages of convenience, low initial cost and avoids some of the shortcomings of harvesting (hard work, frequency of treatment, weed disposal, fragmentation and spreading Eurasian watermilfoil, etc.), they have the following drawbacks:

- Algicides and herbicides kill plants without removing them from the water. The plant material sinks after dying and begins to decay. The decaying process consumes oxygen, which could result in a fish kill, and releases nutrients stimulating new plant growth. Formation of lake sediments may be accelerated by chemical treatments.
- The treated plants may disappear slowly from the treated area. Ten days to two months may pass before the nuisance plants sink away.
- Beneficial plants may be killed as well as the nuisance plants. Each algicide and herbicide may kill several or many kinds of plants.
- Algicides and herbicides can drift beyond the point(s) of application. Even lakes that appear placid may have currents making it impossible to confine herbicides to a localized area of a lake without cumbersome physical barriers. In lakes with significant currents, chemicals may be diluted before the desired treatment effects occur.

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- Lake owners and users seem increasingly concerned with the perceived risks of algicide and herbicide use.
- Areas may be closed to swimming, fishing or other uses for one to several days or even weeks depending on the chemical used.
- The killed plants are often replaced by other forms of vegetation, annoyingly soon in some cases. Less than a month after treating rooted plants, the area may become clogged with masses of stringy algae. Algae may reappear in 10-14 days after algicide treatment. As long as light, warmth and nutrients exist in a lake, nature will strive to fill the water with some form of vegetation.
- Treatment costs and efforts are recurring, in most cases annually or even more often. The expenditures must be repeated for as many years as control is desired, for centuries if need be, until the nutrient sources of the problem are abated by some other means. Costs for herbicide treatments can be substantial, depending on the type, frequency and the amount of chemicals needed.

Keeping these limitations in mind, chemicals may still be the best band-aid for your weed control problems. You must ask yourself the following questions to determine what and how much chemical to use.

1) Is a Michigan Department of Environmental Quality (DEQ) permit required?

The use of chemicals to control nuisance aquatic plants in Michigan is regulated by the Aquatic Nuisance Control Act (Act 368 of 1978). The law allows lake and pond front property owners to control nuisance aquatic plants on their property under a permit from the DEQ if certain conditions apply. A DEQ permit is required to add any chemical to a body of water if:

- ▶ The body of water is not entirely private or is under joint ownership.
- ▶ The body of water drains at any time of the year into another body of water (drain, creek, stream, river, pond, lake, etc.).
- ▶ The body of water is 10 surface acres or larger.

You can obtain: Application for Permit for Chemical Treatment to Control Nuisance Aquatic Plant and/or Algae Growth from District DEQ offices or from:

Inland Lakes and Wetlands Unit
Land and Water Management Division
116 West Allegan Street or P.O. Box 30458
Lansing, Michigan 48909-7958

517-373-8000

The best time to apply for a permit is early in the year that you propose to treat your pond or lake. Permit processing begins in January. Failure to obtain a DEQ permit when required is a misdemeanor! Permits are used as a means of recording usage and improving treatments. It also provides a way of informing other so that they can make informed decisions regarding the use of the treated water in shared aquatic ecosystems. Few applications are refused. Applicants will receive useful advice in the process, including any changes in approved chemicals and water use restrictions, safe methods for chemical application and requirements for posting signs.

2) Is there a fee for the DEQ permit?

There is no fee for a permit if the pond or lake is under single ownership. IF ponds or lakes are owned by two or more households, the permit fee is based on the size of the treatment area. No fees are charged for treatment areas less than 1/2 acre. A \$50 fee is charged for treatment areas of 1/2 acre to less than 2 acres. A \$150 fee is charged for treatment areas of 2 or more acres.

3) When is the best time to apply aquatic herbicides?

Generally, late spring or early summer is the best time to apply herbicides. Plants are in a period of rapid growth and highly susceptible to herbicide treatment. However, always follow the label instructions for best results.

4) What chemicals are approved for use in Michigan ponds and lakes and what plants will be killed?

USE ONLY CHEMICALS SPECIFICALLY LABELED FOR AQUATIC USE! Algicides and herbicides approved for aquatic use and the plants they control are listed in Appendix 1. This listing should be used for preliminary planning only since chemical approvals for aquatic use may change. Up-to-date information should be obtained annually from your County MSU-Extension office or the DEQ during the permit application process.

5) How much algicide or herbicide should I add?

- ▶ Dosage rates are listed on the label. FOLLOW LABEL DIRECTIONS CAREFULLY! General application rate recommendations cannot be made since chemicals may be sold with different levels of active ingredient or with different active forms.
- ▶ **DO NOT OVER-TREAT!** Over-treatment will increase the probability of killing fish and other aquatic organisms either directly or indirectly as a result of rapid plant die-off and subsequent oxygen depletion due to decomposition. Some herbicides may not produce the desired effects if applied at concentrations above the recommended level.
- ▶ In general, treatment rates are based on acre feet of water of treatment area. Acre feet can be easily calculated by:

$$\text{Acre feet} = \text{surface acres} \times \text{average depth}$$

where:

$$\begin{aligned} \text{Surface acres} &= \text{Length (feet)} \times \text{Width (feet)} \times 0.000023 \\ \text{or} &= \text{Length (yards)} \times \text{Width (yards)} \times 0.00021 \end{aligned}$$

6) Are there any limitations on pond use after herbicide application?

Use restrictions for lake and pond water after chemical treatment are listed in Appendix 2. This listing should be used for preliminary planning only because the listings may change. Up-to-date information should be obtained annually from your County MSU-Extension office or the DEQ during the permit application process. ALWAYS FOLLOW THE LABEL INSTRUCTIONS AND THE DIRECTIONS SPECIFIED BY THE PERMIT.

7) Are algicides and aquatic herbicides safe to use?

Use directions on algicide and herbicide labels are designed to protect both the environment and the user from unreasonable risk. Maximum allowable dosage rates, proper handling and protective clothing (including goggles, face mask, coveralls, gloves and protective foot wear) will assure a high degree of safety. Once again, it is important to emphasize READ AND FOLLOW ALL THE LABEL INSTRUCTIONS CAREFULLY!

8) I've heard that a common aquatic herbicide 2,4-D causes cancer, contains dioxin and is hazardous to my family's health, is that true?

A recent comprehensive review and evaluation of the safety of 2,4-D (Munro et al. 1992) was published in the Journal of the American College of Toxicology (Volume 11, Number 5). The reviewers concluded that the scientific evidence does NOT support the conclusion that 2,4-D causes cancer in humans. However, ALL LABEL RECOMMENDATIONS SHOULD BE FOLLOWED to ensure maximum safety.

2,4-D belongs to a family of compounds referred to as the phenoxy herbicides. Another member of this group of chemicals, 2,4,5,-T, has received considerable attention recently because it contains trace quantities of a particularly hazardous compound, 2,3,7,8-TCDD, which is commonly referred to as dioxin. However, there are at least 75 different forms of dioxin compounds which are all much less toxic than 2,3,7,8-TCDD. The technical grade of 2,4-D contains dioxins, including extremely low levels of 2,3,7,8,-TCDD; but the technical grade is considered safe by the EPA.

9) I've used Aquazine to control pondweeds for years but it is no longer sold, can I use other simazine products?

No. Only products labeled for control of pondweeds can be used legally in ponds. The manufacturer did not renew the aquatic label for simazine products when it expired because of concerns over possible groundwater contamination.

10) Are there any other precautions that I should take if I choose to use chemicals to kill my aquatic plants/algae?

Yes. Regardless of the type of chemical used:

- ▶ **DO NOT USE VERY OLD PESTICIDE PRODUCTS.** Chemicals can change with time and become unsafe to use. Only buy the amount of chemical that you need.
- ▶ **NEVER STORE PESTICIDES IN ANYTHING BUT THE LEBELED CONTAINER.** Pesticides are poisons which can cause serious illness or even death. Placing a pesticide in an unlabeled or mislabeled container could lead to a serious accident.
- ▶ **DISPOSE OF OLD, UNUSED PESTICIDES AND EMPTY CONTAINERS SAFELY.** Always follow label instructions. If instructions are not available, you can obtain information by calling your County MSU-Extension office, the Michigan Department of Agriculture (MDA), Pesticide and Plant Pest Management Division, or your regional MDA office.

MDA Pesticide and Plant Pest Management Division
P.O. Box 30017
Lansing, Michigan 48909
phone: 517-373-1087

- ▶ Additional information is available from your County MSU-Extension office.

“Hazardous Waste Disposal on the Farm,” MSU-Extension Bulletin E-1781

“Aquatic Pest Management: A Training Manual for Commercial Applicators,” MSU-Extension Bulletin E-2437

11) If I decide to use chemicals to control nuisance aquatic plants, should I do this job myself?

Many aquatic algicides and herbicides are labeled for use by the general public, while others are restricted to certified applicators only. IF YOU ARE UNCERTAIN ABOUT WHAT CHEMICALS TO USE, HOW TO CALCULATE TREATMENT RATES, AND HOW TO APPLY THEM, OR IF RESTRICTED CHEMICALS ARE NEEDED, HIRE A CERTIFIED AQUATIC PLANT CONTROL APPLICATOR.

Current listings of certified aquatic plant applicators can be obtained from the MDA office listed above.

12) Do the blue dyes really help control nuisance aquatic plant growth?

The blue dyes may be used to reduce nuisance aquatic plant growth in very small lakes and ponds under certain conditions. The dye acts as a chemical shade by reflecting some of the blue wavelengths of light needed by the plants for photosynthesis. The plants cannot grow effectively without active photosynthesis. Dyes should only be added to very small lakes and ponds that are under the full control of the applicator. A permit from DEQ is required if conditions under Question 1 are met. There are limitations to using the dyes to reduce aquatic plant growth:

- ▶ Plants can still grow in the top 18 inches of water. If your pond has shallow bank slopes, large areas may be less than 18 inches deep and they will still support active plant growth.
- ▶ If the color intensity is not maintained, plants will grow. Ponds with flowing outlets will lose the dye and the color intensity may decrease over time requiring additional dye treatments. Dyes must be retained in the treated water body it is illegal to discharge the dye into a drainage ditch, stream, or lake.
- ▶ The dye may cause unwanted water colors if the water is not clear and should not be used in an attempt to change water color.
- ▶ Dye and herbicides or algicides should not be added to a pond at the same time. Plants must be actively growing for herbicides or algicides to be effective. After the herbicides and algicides have killed the nuisance aquatic plants, dyes can be added to reduce regrowth in the deeper areas of the pond.
- ▶ Dyes should not be used in ponds that are primarily used for swimming.

13) Can I selectively treat nuisance aquatic plants without eliminating desirable aquatic plants?

Nuisance aquatic plants may be selectively treated by using appropriate chemicals, using lower dose rates, or adjusting the timing of a chemical treatment. Approved granular forms of certain chemicals can be used to treat specific areas; however, drift of the chemicals from the area may occur making “spot” treatment less effective. Drift occurs as the result of wind and wave action after treatment or from in-lake currents caused by springs or in- or out-flow from creeks and streams.

As an example, the DEQ Inland Lakes Management Unit has been investigating the use of Sonar® at low dose rates in Michigan lakes as a selective treatment of Eurasian watermilfoil.

They are beginning to develop rules for Sonar® use in Michigan. While the rules are being developed, DEQ staff may begin issuing permits in regulated ponds and lakes (see Question 1) to use Sonar® under certain circumstances, and on a case-by-case basis, using site-specific information.

- 1) Sonar® at concentrations up to 5ppb may be permitted in lakes with significant Eurasian watermilfoil infestations. The applicant must provide the following information with the permit application: documentation of significant Eurasian watermilfoil infestation; authorization from affected riparian property owners; accurate calculations of lake volume using depth contours; a comprehensive aquatic plant management plan that includes community input to the plan's development; and a Sonar® concentration monitoring schedule.
- 2) Sonar® concentrations up to 8 ppb may be permitted in some regulated ponds with limited public trust value where environmental issues are minor (e.g., golf course ponds, stormwater retention basins, sewage lagoons, and commercial and subdivision ornamental ponds). The applicant will monitor and report Sonar® concentrations.
- 3) Sonar® concentrations up to 8ppb may be permitted in commercial marinas where adjacent wetlands and water bodies will not be affected. The applicant will monitor and report Sonar® concentrations.

Additional research is still needed to resolve several issues related to Sonar®. The DEQ will complete follow-up vegetation surveys of lakes treated with Sonar® in 1996. This will provide valuable information on vegetation response in post-treatment years.

14) Do I have any other choices in treating my aquatic plant problems?

Chemical treatment is only one of a number of band-aid treatments which remove the plants temporarily. Other types of band-aids include phosphorus precipitation chemicals, chemical or physical shading, harvesting, aeration, and water level manipulation. However, none of these band-aids cure the problem: excessive nutrients, primarily phosphorus. Phosphorus inputs must be limited by diverting nutrient laden runoff, use of fertilizers which contain no phosphorus, and the development of marshes and greenbelts (natural grass-shrub areas) to remove nutrients before they reach the lake or pond. Realistically, this may take years or may not be possible as is the case of storm runoff storage ponds and lakes. Ponds and lakes may also have high levels of phosphorus in the lake basin which would reduce the effectiveness of limiting phosphorus inputs. Under these conditions, chemical treatment may be a desirable alternative to weed-choked or algae-filled lakes.

APPENDIX 1. Aquatic herbicides permitted for use in Michigan and their effectiveness ¹ (F = fair, G = good, E = excellent) of control. A name in parentheses is an example of a common brand name. Shaded areas indicate chemicals that re restricted to certified applicators only.

Plant Species	Copper Sulfate ²	Chelated Copper ³ (Cutrine Plus®)	Amine Salts of Endothall (Hydrothol®)	Dispotassium Salts of Endothall (Aquathol®)	Diquat (Reward®) ⁴	2,4-D	Isopropylamine Salts of Glyphosate (Rodeo®) ⁵	Copper Ethylene Diamine (Komeen®)	Fluridone (Sonar®) ^{6,7,8}
ALGAE					CERTIFIED APPLICATORS				
Planktonic	E	E	E						
Filamentous	F – E	F – E	F – E						
Chara, Nitella	E	E	E						
MACROPHYTES									
Submergent									
Curlyleaf pondweed			E	E	E				E
Richardson pondweed			E	E	F				G
Naiad			E	E	E			F – G	E
Bladderwort					G	G			
Coontail			E	E	E	F			G
Watermilfoil			F	F	E	E			E
Elodea			E		E			F – G	E
Wild celery			F		F				
Emergent									
Water Lily						G – E			G ⁸
Pickerelweed						G			
Cattails					G	G	E		F ⁸
Bulrush					F	E	E		
Floating									
Duckweed				F	E	G			F ⁸

¹ Adapted from: Westerdahl and gesinger, 1988, Aquatic plant identification and herbicide use guide. Vol. 2. Tech. Rept. A-88-9, U.S> Army Engineer Waterways Experiment Station, Vicksburg, MS.

² NEVER USE IN TROUT PONDS! Trout may be killed.

³ Do not use in trout ponds if hardness is below 50 ppm calcium carbonate.

⁴ Reward® products are restricted for all aquatic uses except in small farm ponds which do not require permits. Only applicators certified by the MDA can purchase and use this chemical.

⁵ Rodeo® cannot be applied within 0.5 miles upstream of a drinking water intake.

⁶ Sonar® cannot be applied at the full label rate within 0.25 miles of a potable (municipal) drinking water intake in lakes and reservoirs.

⁷ The DEQ will be developing rules for Sonar® use in Michigan for the selective control of Eurasian watermilfoil and curlyleaf pondweed. The DEQ has released strategy for Sonar® use while the rules are being developed, please refer to question 13 for specific guidelines.

⁸ Control of aquatic plants with Sonar® is rate dependent, many of these plans will be eliminated if Sonar® is used at the labeled rate; at the permitted rate of 5 ppb, the plants indicated by the superscript are unlikely to be damaged.

⁹ Due to toxicity to fish, the use of Hydrothol® for submerged macrophytes is suggested only by commercial applicators on a marginal or sectional basis. The DEQ will restrict its use to commercial applicators where permits are required.

APPENDIX 2

Waiting periods for uses of ponds following treatment with chemicals to control quatic nuisance plants (1999).

PRODUCT	TYPE OF POND USE				
	Household	Irrigation	Livestock	Swimming	Fishing
copper sulfate	no waiting	no waiting	no waiting	no waiting	no waiting
chelated copper	no waiting	no waiting	no waiting	no waiting	no waiting
Hydrothol®	14 days	14 days	14 days	24 hours	3 days ¹
Aquathol®	14 days	14 days	14 days	24 hours	3 days ¹
Reward®	3 days	3 days ² 5 days ³	1 day	24 hours	no waiting
2,4-D	indefinite	indefinite	indefinite	24 hours	no waiting
Rodeo® ⁴	no waiting	no waiting	no waiting	24 hours	no waiting
Komeen®	no waiting	no waiting	no waiting	no waiting	no waiting
Sonar® ⁵	no waiting	14 – 30 days	no waiting	24 hours	no waiting

¹ If lake treatment area is 5% or greater, waiting period may not overlap weekends or holidays.

² For turfgrass irrigation.

³ For crop irrigation.

⁴ Rodeo® may not be applied within 0.5 miles upstream of potable (municipal drinking) water intakes.

⁵ Sonar® cannot be applied at the full label rate within 0.25 miles of a potable (municipal drinking) water intake in lakes and reservoirs. The DEQ will be developing rules for Sonar® use in Michigan for the selective control of Eurasian watermilfoil and curlyleaf pondweed. The DEQ has released an interim strategy for Sonar® use while the rules are being developed, please refer to question 13 for specific guidelines.

HIS APPENDIX IS ONLY A GENERAL GUIDE FOR PRELIMINARY PLANNING! This information may be out-of-date in subsequent years or may not apply to certain formulations. IN ALL CASES, USE CHEMICALS SPECIFICALLY LABELED FOR AQUATIC USE AND FOLLOW THE WAITING RESTRICTIONS ON THE CHEMICAL CONTAINER! Never use chemicals from a container that lacks an up-to-date commercial label stating restrictions for aquatic use. The waiting periods are a summary for chemical dosages on label instructions. DO NOT EXCEED DOSAGES IN THE LABEL INSTRUCTIONS.

**Environmental Horticulture and Water Quality Programs
Available Through Michigan State University Extension Oakland County**

MSU Extension Oakland County staff is available to present and/or assist you in putting together hands-on, curriculum-based programs for K-12 students as well as for adults (individuals or groups) on a variety of water quality issues. Programs are designed to help citizens learn about water quality and help them understand what they can do to reduce risks to their groundwater and surface water. Programs also help meet education guidelines for stormwater or wellhead protection requirements. Below are some programs and services that we offer:

- Introduction to Water Quality, Groundwater, and Stormwater Management
- Environmental Landscape and Lawn Care
- Lakescaping to Protect Water Quality: Shoreline Management and Stabilization, Attracting and Detering Wildlife, Use of Natives and Low-Input Plantings, Riparian Buffer Plantings to Protect Water Quality
- Invasive Species: Identification and Management
- Nuisance Aquatic Plant Control
- Protecting Water Quality Around the Home: Managing Household Trash, Hazardous Household Products, Stormwater, Septic Systems, Drinking Water Wells, and Liquid Fuels
- Introduction to Lakes
- Pond Management
- Watershed Short Course

Products, Services, and Training Programs:

- Plant and Pest Hotline and Diagnostic Services
- Soil Testing and Custom Fertilizer Recommendations
- Water Testing (for irrigation water only)
- Wide variety of MSU publications and other printed materials
- Residential Risk Assessments: Lake*A*Syst, Lawn*A*Syst, Home*A*Syst Program
- Groundwater Flow Model Demonstration
- Resource and Partner Referrals
- One-On-One site consultations (available for select programs)
- Training Programs: Michigan Conservation Stewards Volunteer Program, Master Gardener Volunteer Program, Clean Boats Clean Waters Program, Citizen Planner Program (Land Use Planning including Lakes module)

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Seven Simple Steps to Clean Water

Our Water. Our Future.



1. Help keep pollution out of storm drains

2. Fertilize sparingly and carefully

3. Carefully store and dispose of household cleaners, chemicals, and oil

4. Clean up after your pet

5. Practice good car care

6. Choose earth-friendly landscaping

7. Save water

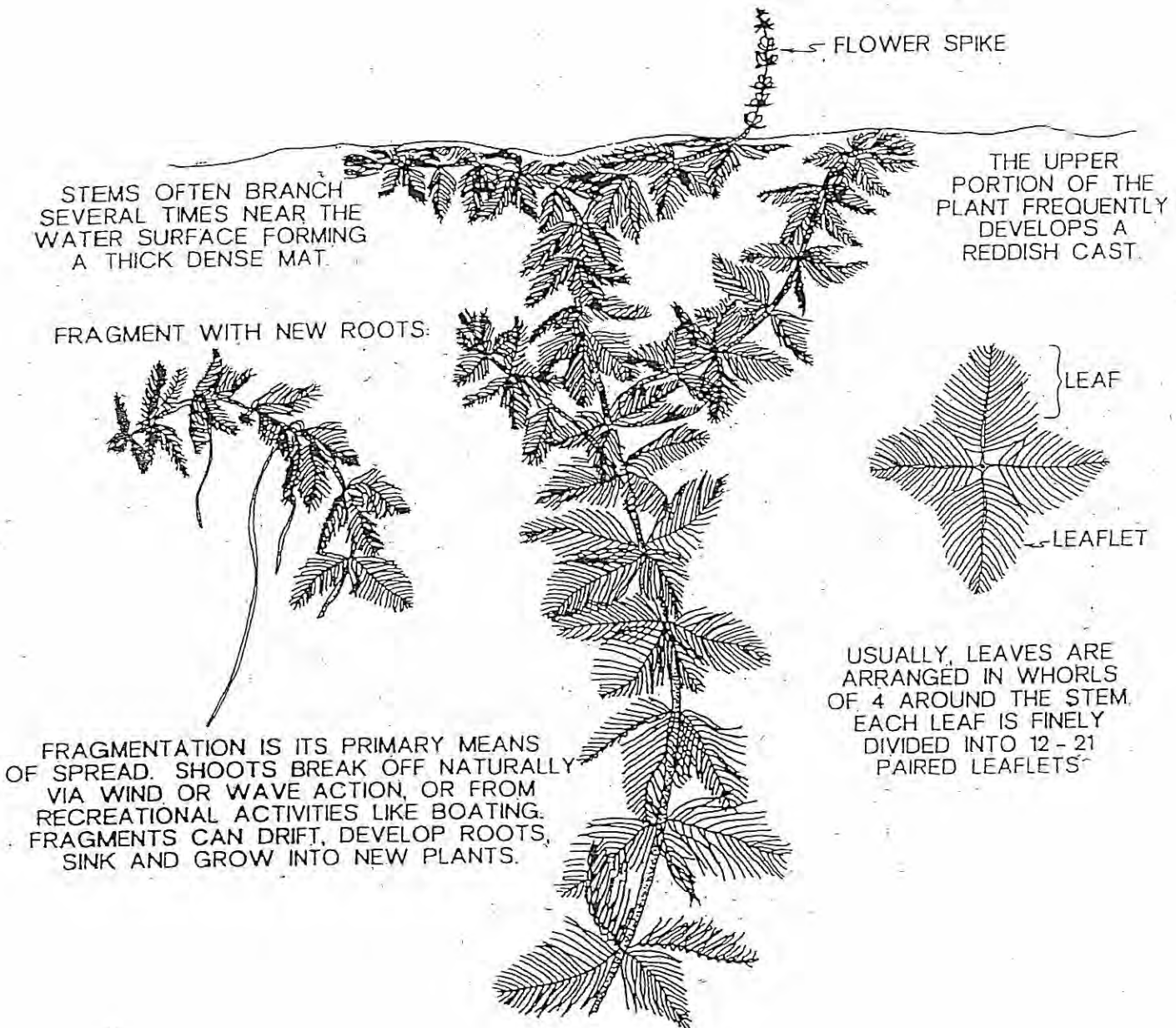
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EURASIAN MILFOIL





Chara



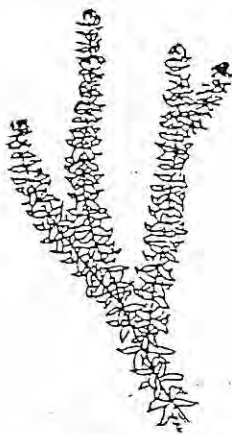
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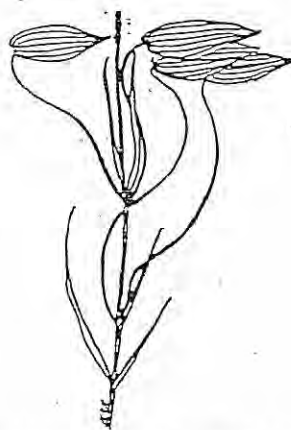
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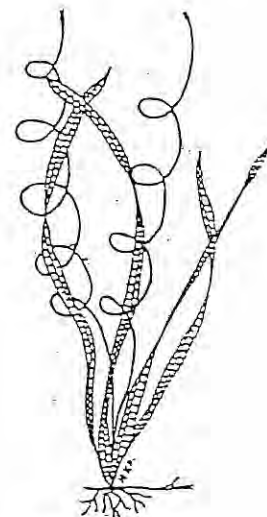
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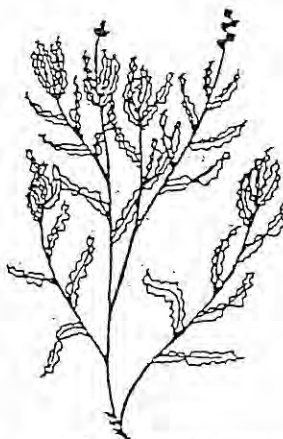
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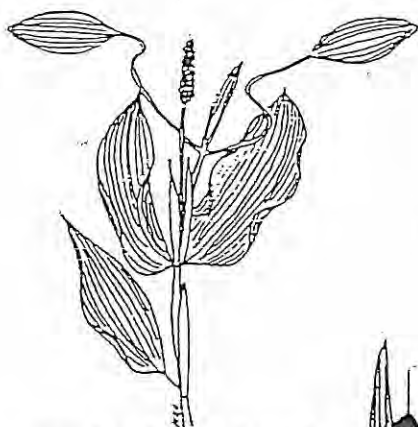
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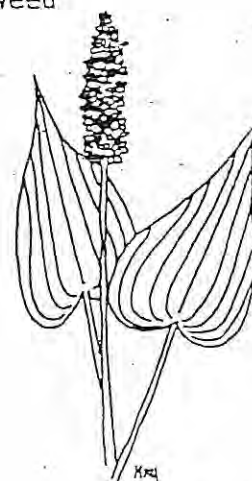
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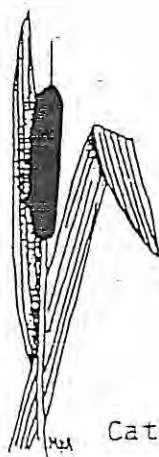
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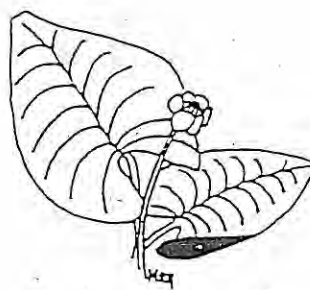
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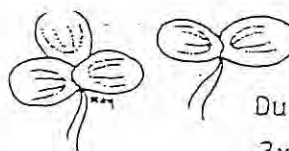
Pickerelweed



Cattail



Yellow Water Lily



Duckweed

3x actual size

purple loosestrife

Beetles and moths are hardly welcome summertime visitors. Most households use insecticides to greet those crawling creatures and flying pests.

Purple loosestrife, a tall, magenta-colored plant, would like more people to kill those insects also. The slender ornamental plant might majestically decorate your yard if you would help remove those pests. The plant, also known as *Lythrum salicaria*, would just as easily set its roots in any wetlands it can find to tame those wild areas too.

What loosestrife is covering up, however, is its appetite to suck the life out of the nation's wetlands. Those beetles and moths are nature's gladiators to control the purple pillager and help preserve nature's nerve centers.

Last August the United States Department of Agriculture (USDA) introduced three European beetles (*Hylobius transversotatus*, *Galerucella californiensis*, and *Galerucella pusilla*) in five states under tightly controlled conditions to begin the attack on loosestrife. The beetles, researchers have discovered, feed almost exclusively on loosestrife and are Europe's controlling agents to prevent the plant from rampaging through Italy, Switzerland, Germany, Great Britain, and Scandinavia.

The USDA, the United States Fish and Wildlife Service (FWS), along with European entomology experts and organizations, have worked for almost a decade to identify natural predators to biologically control the spread of loosestrife in the U.S. All their studies have indicated nothing else is more effective. And, the studies show, the three beetles do not become pests to humans, do not invade other beetle domains, nor do they harm other vegetation. If the beetles are successful here in the U.S., a 1991 report states, control of purple loosestrife would be "permanent, inexpensive, and require little additional funding."

Like most immigrants from Europe in the early 1800s, purple loosestrife took root in the northeastern United States and Canada. Loosestrife, however, bypassed Ellis Island and immigration officials by riding in the ballasts of ships. Later, the plant was promoted in the U.S. as a beautiful ornamental and even as bee forage. Loosestrife then spread westward to California and the Pacific Northwest.

In the Far East, Japan is the center of the Asian distribution of the plant's seeds with loosestrife populations extending into China, southeast Asia, and northern India. Africa too has been invaded by *Lythrum salicaria* along with Australia and Tasmania. Indeed, the purple thief has spread its strife the world over.

On the home front, Michigan faces widespread devastation to its remaining 3

million acres of wetlands as loosestrife, already found in every county in the Lower Peninsula and heavily infesting the Saginaw River area, has begun to loom in the Upper Peninsula from Drummond Island in Potagannissing Bay, the St. Marys River system, and Les Cheneaux Islands to Manistique and Houghton, according to Department of Natural Resources biologists.

Purple loosestrife could wipe out the variety and diversity of native species of vegetation in wetlands because its height (each stalk can grow six to seven feet high) blocks out the sun's rays like a canopy to grasses, sedges, reeds, and ground cover. Eventually that would create a single flora culture, or a monoculture, which, in turn, would eliminate many natural foods and much cover essential to wetland wildlife.

About 35 species of loosestrife are known throughout the world, with 12 identified in the U.S. The plant is easily seen from late June to early September when its spikelike branches produce a pretty reddish-purple flower.

A single plant may have 30 stems with 1,000 capsules of 90 seeds per capsule; with some plants even producing 2 million or more seeds. The seeds are easily and predominantly dispersed by floating in the water, maintaining an 80 percent viability for up to two years. Others spread through mud stuck to wildlife, vehicles, and livestock. Some minimal dispersal is through the wind and the feeding habits of birds.

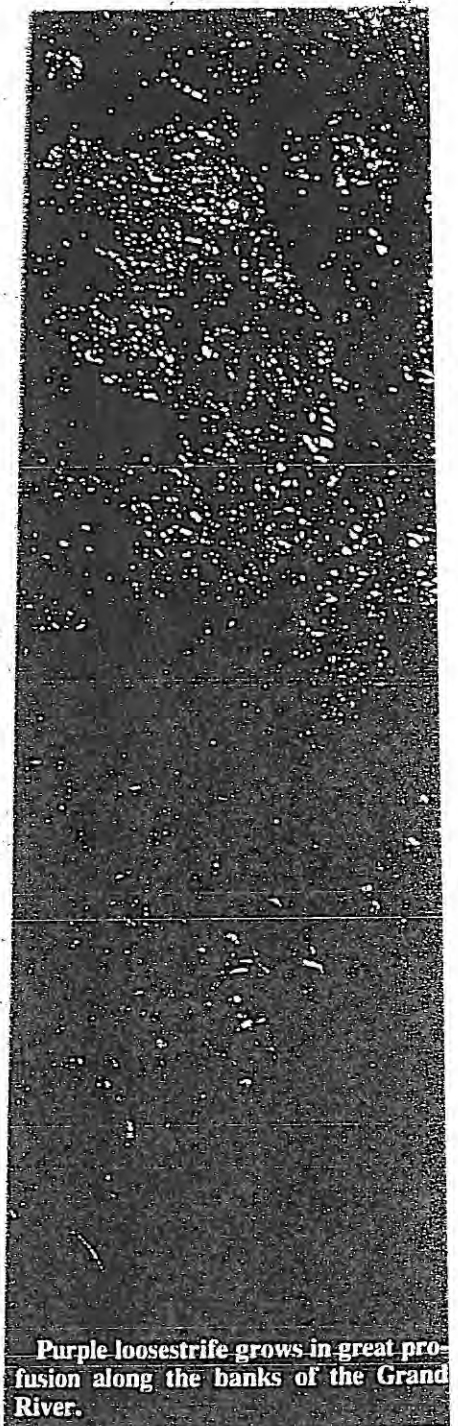
Loosestrife takes hold in wetlands particularly where the soil has been disturbed or exposed through footprints or hoofprints, tire tracks, or water-level reduction and drawdowns. Once loosestrife gains a foothold, the purple vandal can reduce a productive marshland to a biological desert.

While biological controls are the best method of checking loosestrife's spread, legislative efforts and the selective use of herbicides on small stands of the plant are being brought into the fight.

At least nine states (California, Idaho, Illinois, Indiana, Minnesota, Wisconsin, Missouri, Ohio, and Washington) have banned the sale and distribution of *Lythrum salicaria*, with four more (Iowa, Nebraska, Montana, and North Dakota) considering legislation.

Michigan is in its "infancy stage" of considering legislation against loosestrife, said Earl Flegler, wetlands habitat specialist with the DNR. Last December, he said, State Rep. Pat Gagliardi, D-Drummond Island, began to develop legislation on purple loosestrife. Wisconsin's law, in effect since 1987, will be used as a working model, Flegler said.

That slow approach has been frustrating to DNR habitat biologist Doug Reeves in the Shiawassee River State Game area and Greg Souillere, DNR wildlife biologist in



Purple loosestrife grows in great profusion along the banks of the Grand River.

David Kenyon, Michigan DNR

Sault Ste. Marie.

"It's been disturbing to watch loosestrife grow with a minimal arsenal to fight it," Reeves said. Thousands of acres in the Saginaw Bay area and Saginaw River watershed are covered with purple loosestrife, he said, and it continues to spread.

Reeves, however, discovered another potential nature predator to loosestrife native to the U.S., which may be a fourth soldier in the battle—the pearly wood nymph moth.

"We drew down the water in one wetland area for some work in 1991," Reeves said, "when we found six acres of purple loosestrife totally defoliated. The moth larvae were feeding on the stems and

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WAR IN THE WETLANDS

By David Murray

Stopping the spread of purple loosestrife

had kept the plant from flowering."

Last year about 20 acres were defoliated by the moth, said Brian Mastenbrook, a DNR wildlife specialist also in the Shiawassee area. He will take a number of the caterpillars to four other sites this summer and monitor their effectiveness.

"By defoliating the loosestrife," he said, "other plants are given an opportunity to compete. As we learn more about the moth, we could integrate our management of the loosestrife around it."

As a caterpillar, the wood nymph is about three-quarters of an inch long. When it

matures, the white moth with red and black spots has a wing span of about one and a half inches. Its natural main diet is the flower of the morning glory, but Mastenbrook said it appears the nymph has expanded its diet.

The only problem with the wood nymph, said Stephen Hight, a USDA entomologist at the Insect BioControl Laboratory, is its vulnerability to parasites. Hight noted that while the moth may defoliate the loosestrife, the nymph may not attack the plant early enough to damage the seeds. That means the loosestrife may be stressed and

not flower, but it can still spread its seeds.

Another limited method of control is being used in the eastern Upper Peninsula through the cooperative work of three sportsmen's groups, some college students, and the DNR's Souillere.

After making an inventory of several stands of purple loosestrife on Drummond Island and in Les Cheneaux area, Souillere and students from Lake Superior State University worked the smaller stands in 1991 by clipping off the heads of the plants and applying a glyphosate herbicide directly to the plant. Souillere said only dead

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loosestrife plants were found in the areas where the herbicides had been used when he and the students reexamined the area in the summer of 1992.

The sportsmen's groups—Drummond Island Sportsman's Club, Tri-County Wildlife, and the Islands Wildlife group in Les Cheneaux—donated money for the herbicide, wages, and travel expenses for the students, with the Drummond Island club also providing a boat, motor, and sprayer. (Reeves too acknowledged the generous support of the Shiawassee Flats Hunters and Citizens who have provided \$8,000 to help fight loosestrife's incursion.)

Unfortunately, Souillere noted, a three-to five-acre site in Les Cheneaux was discovered later in the year, and he thinks there may be a significant infestation of loosestrife there this year. Also, on the Canadian side of the St. Marys River, a significant stand of loosestrife was found, which means seeds from that group can travel the entire St. Marys system. That, Souillere said, is a little scary.

But the use of glyphosate herbicides such as Roundup on dry sites and Rodeo on wet sites has its limitations. Glyphosate is not selective and will kill anything green within its touch. Careful and specific application is a must to avoid damaging other foliage near loosestrife. That careful approach, although effective on small stands, makes application time-consuming and expensive.

Flegler said a more selective herbicide, Garlon 3-A from DOWELANCO, a subsidiary of Dow Chemical in Midland, was tested last year on a site in the Pointe Mouillee area near Monroe. While Garlon 3-A does not harm grasses, sedges, cattails, rushes, reeds, and others as it is a broad-leaf-selective herbicide, its current legal use is limited to dry-land areas. The spraying at Pointe Mouillee was conducted under an experimental use permit through the Environmental Protection Agency and included some water areas. And it was successful, according to Rex Ainslie, DNR game area manager at Pointe Mouillee.

The testing was in 80 acres of the Long Pond impoundment area, he said, because it is a managed waterfowl hunting area also. The positive effects testers hope to achieve are to improve the vegetation by reintroducing a number of native species once the loosestrife is killed which, in turn, would help hunters since they could more easily recover downed waterfowl and not have their boots and clothing ripped by the branches of the loosestrife stalk.

Ainslie said the Garlon apparently did not harm any aquatic life in the test area. He made a visual inspection of the acres where the Garlon was sprayed and did not find any fish or other aquatic mortality.

Ainslie noted that the DNR is conducting the "largest freshwater project" in the world with the restoration of 1,200 acres

of marsh at Point Mouillee. The marsh was destroyed several years ago when high waters from Lake Erie created a lake where the marsh once was. As the marshland is restored, the management of purple loosestrife will be vital, Ainslie said.

Another part of the battle to control the spread of loosestrife is educating the public about the real threat the plant poses to wetlands. Souillere discovered some loosestrife growing on a patch of privately owned land on Neebish Island in the St. Marys River. The couple who lived there planted it themselves. Some retail stores in the Lower Peninsula continue to sell loosestrife as a decorative plant for yards, Souillere said.

Ainslie works with county drain commissions and Michigan State University Extension agents to educate them and garner their help to control loosestrife in watershed areas, ditches, and near county drains. To succeed, it must be a statewide effort, Ainslie said.

"The destruction of wetlands means, for one thing, altering the food chain for many animals such as frogs, ducklings, and muskrats," Souillere said. "Seed foods for migratory waterfowl and cover for wetland wildlife are also wiped out when loosestrife takes over an area. At least seven different species of plants are endangered when loosestrife moves in."

Too often, notes Richard Henderson, wildlife research biologist for the Wisconsin Department of Natural Resources, purple loosestrife is not considered a problem until it is widespread; then, it is too late to control.

First detected in Wisconsin in the early 1930s, loosestrife is now found in 70 of the state's 72 counties. In 1984 a private citizen's group, the Purple Loosestrife Task Force, began to accumulate information about loosestrife from herbarium records and through observations turned in by volunteers searching from roadsides around the state. The general public was asked to report sightings to the WDNR beginning in 1985 and 1986, along with WDNR field workers and professionals.

More than 2,200 separate colonies of loosestrife were reported representing about 450,000 plants covering 2,600 acres. These figures, however, represent only about eight percent of the total volume of *Lythrum salicaria* across Wisconsin.

Wisconsin passed legislation in 1987 banning the sale, distribution, offering for sale, planting, or cultivating of purple loosestrife. Each violation of the law can bring a \$100 fine. Ohio also has made loosestrife illegal to sell. Ainslie said he would like to see the plant be declared a noxious weed in Michigan.

Along with wetland destruction, loosestrife can harmfully affect agricultural areas by reducing quality wetland pasture

and wild meadows, according to a 1992 report prepared by an international group. Economic loss for agriculture, the report stated, is estimated to exceed \$2.6 million annually.

"Successful, long-term control of purple loosestrife is dependent upon having a variety of insect species that attack different parts of the plant at different stages of its life cycle, are capable of existing over a wide geographic and climatic range, and possess good dispersal and host-finding mechanisms," stated a 1990 research update prepared by Richard Malecki of the FWS and Hight.

The five states to receive the three beetles for this first year of testing were New York, Pennsylvania, Minnesota, Oregon, and Washington. (Hight said officials in Michigan refused to accept the beetle for the first year.)

The beetles were first field tested in 1991 in some parts of western New York and southeastern Pennsylvania following a year-long study conducted in Virginia.

As the population grows within the test sites, more beetles will be available for distribution. The test sites should indicate, Hight said, how many beetles are needed in an area to effectively kill the loosestrife. About 25,000 of the beetles, both adults and eggs, were released in the controlled sites. Results won't be known until later this summer.

The beetles differ from the wood nymph moth by attacking the roots and inner cells of the plant. This prevents the loosestrife from developing new seeds and eventually kills the plant. While the moth puts significant stress on the loosestrife, the plant's seeds are not damaged initially, enabling it to spread its seeds.

Results from the testing, Hight said, will be used to help the FWS in asking Congress for more funding to continue. Since the decade-long project with the beetles started, Hight estimated about \$500,000 has been spent.

"The consensus of the scientists conducting the screening program is that the three insects can be introduced into the United States with little risk to other desirable plants," said the authors of the 1992 report. "Any risk is offset by the potential benefit arising from the control of *Lythrum salicaria*. Since [it] is outcompeting other plants in the environment, the risk to rare or endangered plants appears greater if the plant is not controlled."

Hylobius transversovittatus, *Galerucella californiensis*, and *Galerucella pusilla* are unlikely to become household names, and their success in reducing the threat of purple loosestrife's stranglehold on our wetlands won't be known for awhile. Yet, they are nature's best weapons against the purple menace and welcome immigrants to the U.S.

