

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JULY 18, 2011
ADOPTED MINUTES
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1. CALL TO ORDER

The regular meeting of the Superior Charter Township Board was called to order by the Supervisor at 7:30 p.m. on July 18, 2011, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

The Supervisor led the assembly in the pledge of allegiance to the flag.

3. ROLL CALL

The members present were William McFarlane, Brenda McKinney, David Phillips, Nancy Caviston, Rodrick Green and Alex Williams. Lisa Lewis was absent.

4. ADOPTION OF AGENDA

It was moved by McKinney, seconded by Green to adopt the agenda as presented.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF JUNE 20, 2011

It was moved by McKinney, seconded by Caviston, to approve the minutes of the regular Board meeting of June 20, 2011, as presented.

The motion carried by a voice vote.

6. CITIZEN PARTICIPATION

A. CITIZENS COMMENTS

Helen Bryant owns a home at 1575 Harvest Lane, which she rents out. She explained to the Board that the Township had cited her for the grass not being cut. She was prepared to cut the grass prior to the deadline, but the Township cut the grass prior to the deadline and billed her. She felt the Township was in error by cutting the grass prior to the deadline. She requested that the Township's bill for the cost of the grass cutting and the administrative fees be waived. Supervisor McFarlane responded that he would investigate her complaint and would follow-up with her.

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7. REPORTS

A. SUPERVISOR REPORT

Supervisor McFarlane reported on the following:

Fairfax Manor recently had an eight acre parcel placed into tax foreclosure. Fairfax Manor is a total of 22 acres. The eight acres contains a creek, woodlands and other significant natural features. It is part of Fairfax's Planned Community Area Plan and during the rezoning it was restricted as a preservation zone. The Township is working with the Washtenaw County Treasurer for the Township to obtain ownership by exercising its right of first refusal. The Township would then enter into an agreement for Fairfax Manor to buy back the property so that the integrity of the Area Plan and preservation zone could be maintained. The Washtenaw County Treasurer's Office is changing to BS&A.net software. The Township will also purchase the software for use by the Assessing Dept., Building Dept. and for tax receipting. The Township recently received \$248,615 in State Shared Revenue payments for back-payment for the increase in Superior Township State Shared Revenue payments due to the increase in population. Beginning with FY 2011, the Township will receive an additional \$182,253 per year in State Shared Revenue. However, this increase in revenue will be somewhat negated. Since 2008, the Township has experienced a decrease in Taxable Value, which has decreased the amount of property taxes collected. In FY 2011 the Township will experience a decrease of \$10- \$15 million in taxable value. Due to numerous pending tax assessment appeals, it is expected that there will be additional reductions in Taxable Value in future years.

B. DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, FIRE MARSHAL, HOSPITAL FALSE ALARM, ORDINANCE OFFICER REPORT, PARK COMMISSION MINUTES, SHERIFF'S REPORT, UTILITY DEPT. REPORT

It was moved by McKinney, seconded by Green, that the Superior Township Board receive all reports.

The motion carried by a voice vote.

8. COMMUNICATIONS

A. DAVID PHILLIPS, CLERK, FOIA COST

The Board received a memo dated July 1, 2011 from Clerk David Phillips about determining the costs of processing FOIA requests. He analyzed the costs involved in making copies and made the following recommendations: black and white Copies, 8 ½ x 11 and 8 ½ x 14- \$0.20 per copy, color copies-8 ½ x 11 and 8 ½ x 14- \$0.35 per copy, Research labor – assign the lowest paid

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employee who is capable of retrieving the necessary information to comply with the FOIA request; fees for all other materials and activities, i.e.: computer disks, e-mail search, text message search, envelopes, postage, copies larger than 8 ½ x 14, etc., shall be the same as the actual cost incurred by the Township. Clerk Phillips explained that if the Board accepts his recommendations, they will be incorporated into the Board Policies, which are also on tonight's agenda for Board consideration.

It was moved by McKinney, seconded by Caviston to accept Clerk Phillips', July 18, 2011 letter regarding charges for F.O.I.A. requests and to concur with his recommendations.

The motion carried by voice vote.

B. MICHIGAN LIQUOR CONTROL COMMISSION, NOTICE, DENIAL OF APPLICATION

The Michigan Liquor Control Commission (MLCC) carbon copied the Board a letter dated June 28, 2011 to ZJM, Inc., which informed ZJM, Inc., that their application to transfer ownership of the SDD & SDM liquor license for the Superior Party Store, 9049 MacArthur Blvd., was denied. They have 20 days from the date of the letter to request a hearing. Supervisor McFarlane explained that the Township had the Township attorney submit information to the MLCC to oppose the transfer and it looks like the MLCC used some of this information to deny the transfer.

It was moved by McKinney, seconded by Caviston, to receive the June 28, 2011 Notice: Denial of Application from the Michigan Liquor Control Commission to ZJM, Inc.

The motion carried by a voice vote.

9. UNFINISHED BUSINESS

There was no unfinished business.

10. NEW BUSINESS

A. UTILITIES DEPARTMENT, AUTUMN WOODS CONTRACT EXTENSION

Rick Church, Utilities Director, was present, and presented a Memorandum to the Board requesting to approve a three year extension of a contract which would allow Autumn Woods Development, L.L.C. to finance the unpaid balance of the Water and Sewer Availability Fees owned by them for the Autumn Woods development. The Board approved similar contracts in 2004 and 2008. Autumn Woods presently owes \$28,858.47. They would have to pay \$14,429.24 at the time they request connection to either of their two remaining un-built multiplex units. They

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would pay the Township 6% annual interest on the unpaid balance with due date scheduled in the contract.

It was moved by McKinney, seconded by Green, to approve the following contract with Autumn Woods L.L.C. and to approve the Supervisor to sign the contract:

CONTRACT

A CONTRACT BETWEEN THE CHARTER TOWNSHIP OF SUPERIOR AND AUTUMN WOODS DEVELOPMENT, LLC. TO PROVIDE FOR THE PAYMENT OF WATER AND SEWER AVAILABILITY FEES FOR AUTUMN WOODS CONDOMINIUM.

WHEREAS, Autumn Woods Condominium has been assessed \$115,433.90 for water and sewer availability fees to pay for their share of the costs of providing water and sewer service to their development, and

WHEREAS, Autumn Woods Development, L.L.C. (“Autumn Woods”) has requested that the Township finance the payment of the unpaid fees over a three-year period at six per cent (6%) annual interest. As of the date of this contract the unpaid fees total \$28,858.47, and

WHEREAS, Autumn Woods Development, L.L.C. has proposed that the payoff (principal and interest) for each unit be prorated and due with the application for each utility connection permit, and

WHEREAS, Autumn Woods Development, L.L.C. has proposed that if no application for a Utility Department connection permit is made, they agree to pay six per cent (6%) annual interest on the unpaid balance according to the schedule below, and

WHEREAS the Superior Charter Township Board (“the Township”) has approved this financing arrangement in principle,

NOW THEREFORE BE IT AGREED that:

1. Autumn Woods has paid \$86,575.43 as of the date of this contract and will continue to pay 1/8th of the \$115,433.90, or \$14,429.24, and the prorated interest to the Township’s Utilities Department each time an application for a Utility Department connection permit is submitted. Or, if no connection permit is submitted, Autumn Woods will pay six percent (6%) annual interest on the unpaid balance according to the schedule below.
2. On August 1, 2011, the six per cent (6%) annual interest payment on the unpaid balance will be due and payable to the Utilities Department by Autumn Woods.

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3. On June 1, 2012 the six per cent (6%) annual interest payment on the unpaid balance will be due and payable to the Township's Utilities Department by Autumn Woods.
4. On June 1, 2013, the six per cent (6%) annual interest payment on the unpaid balance will be due and payable to the Township's Utilities Department by Autumn Woods.
5. Autumn Woods Development, L.L.C. agrees to install an eight (8') foot-wide asphalt non-motorized trail along the Prospect Road frontage of the Autumn Woods Condominium Development with the same design and construction as the non-motorized trail along Clark within twelve months of the issuance of the final utility connection permit for the development.
6. The Township may secure the obligations of Autumn Woods under this Contract by filing a lien against each condominium unit.
7. In the event Autumn Woods refuses, neglects or otherwise fails to meet its obligations under this Contract, the Township may apply any payments made by or on behalf of Autumn Woods to the Township for any reason to the obligations of this Contract before satisfying any other obligations.

AGREED TO ON THIS DAY _____ of 2011.

Martin A. Merk
Autumn Woods Development, L.L.C.

William McFarlane
Superior Charter Township

The motion carried by unanimous voice vote.

B. PARKS DEPARTMENT, LIGHTING IN COMMUNITY PARK

The Parks Department provided a resolution and Parks Commission Chairperson Jan Berry provided a memo both of which requested the Board approve and pay for the installation of a light at Community Park. Chairperson Berry indicated that Parks Dept. maintenance staff often finds evidence in the parking lot of drug and alcohol use and other undesirable behaviors. She indicated most of the other parks in Superior Township have lighting and that the Parks Commission feels that a light would decrease the loitering and undesirable behavior occurring in the park. Board members requested more information on the issue, such as an opinion from the Sheriff's Department, the cost for the light and the type and style of the light. They indicated they wanted this additional information before taking action on the request.

It was moved by Phillips, seconded by Green, to postpone action on the Parks Commission's request for the Board to approve and pay for the installation of a light at Community Park's

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parking lot until the Board's August 15 meeting so that the Parks Commission could provide the Board with additional information.

The motion carried by unanimous voice vote.

C. SALARY ADJUSTMENTS FOR ACHIEVING LEVEL III ASSESSOR CERTIFICATION

Paula Calopisis has been employed as a Level II Assessor for Superior Township for over seven years. She recently obtained her Level III Assessor Certification. She presented extensive information on the requirements she completed to obtain her Level III Assessor Certification, her other qualifications and pay rates in other communities for Level III Assessors. She requested her current salary of \$37,685.00 be increased to \$45,000.00. In a Memo dated July 18, 2011, Supervisor McFarlane recommended Ms. Calopisis' salary be increased to \$41,500.00. Supervisor McFarlane indicated that the current lead assessor is planning on retiring at the end of 2012 and that it is planned for Ms. Calopisis to take over as the lead assessor position at that time.

It was moved by McKinney, seconded by Caviston, for the Superior Township Board to concur with Supervisor McFarlane's recommendation and to approve the increase of the annual salary of Assessor Paula Calopisis to \$41,500.00.

The motion carried by unanimous voice vote.

D. RESOLUTION 2011-09, TEMPORARY MORATORIUM UPON THE ISSUANCE OF PERMITS, LICENSES AND APPROVALS FOR THE PRODUCTION FOR COMPENSATION, SALE OR DISPENSATION OF MEDICAL MARIJUANA

Fred Lucas, Township Attorney, provided a letter to the Board dated May 20, 2011, in which he recommended that the Board extend the current moratorium on medical marijuana until March of 2012. He said recent pronouncements by the federal government have him concerned about the potential for exposing township officials and staff to criminal liability for being involved in the legislation, regulation or enforcement of medical marijuana. He indicated that he felt it would be wise for the township to extend the moratorium to await further direction from both the state and federal governments regarding the appropriateness of such regulations. The Board received Mr. Lucas' letter at their June 20, 2011 meeting. The Board members concurred on extending the moratorium.

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The following Resolution was moved by McKinney, seconded by Caviston:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
JULY 18, 2011
RESOLUTION 2011-09**

**A RESOLUTION TO IMPOSE A TEMPORARY MORATORIUM UPON THE
ISSUANCE OF PERMITS, LICENSES AND APPROVALS FOR THE PRODUCTION
FOR COMPENSATION, SALE OR DISPENSATION OF MEDICAL MARIHUANA**

WHEREAS, the production for compensation, sale or dispensation of medical marihuana was not envisioned when the current ordinances and amendments were adopted; and other than the general regulations relating to commercial and production activities, the growth and sale of medical marihuana is not regulated; and,

WHEREAS, Superior Charter Township desires to ascertain the best and safest path to compliance with the Michigan Medical Marihuana Act, PA 2008, MCLA 333.26421 *et seq.* in order to protect the public health, safety, and welfare.

WHEREAS, on September 20, 2010, the Superior Township Board of Trustees imposed a moratorium upon the issuance of any and all permits, licenses and approvals for the production for compensation, sale or dispensation of medical marihuana for twelve (12) months or until an amendment of all applicable codes, whichever occurs first. This moratorium is scheduled to expire on September 20, 2011.

NOW THEREFORE, BE IT RESOLVED that the Superior Township Board of Trustees imposes a ten (10) month extension of the current moratorium upon the issuance of any and all permits, licenses and approvals for the production for compensation, sale or dispensation of medical marihuana. This extended moratorium shall expire on July 18, 2012 or until an amendment of all applicable codes, whichever occurs first.

BE IT FURTHER RESOLVED that this moratorium does not restrict or otherwise ban the lawful use of medical marihuana, as provided in the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26421 *et seq.*

CERTIFICATION

I, David Phillips, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on July 18, 2011 and

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that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

David Phillips, Superior Township Clerk

The motion carried by a unanimous voice vote.

**E. RESOLUTION 2011-10, DESIGNATING THE OFFICIALS FOR THE JAYCEES,
“RUNNING THE RAILS RACE”**

Clerk Phillips explained that the numerous years the Ypsilanti Jaycees have conducted their “Running the Rails” running race. The race requires the temporary closure of several roads in the Township. In order to authorize the closure, the Township must adopt a resolution, which outlines the details of the race, responsibilities of the Jaycees and names the Jaycees designated representative(s).

The following Resolution was moved by McKinney, seconded by Caviston:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
RESOLUTION 2011-10**

**A RESOLUTION DESIGNATING THE OFFICIAL FOR THE
JAYCEES “RUNNING THE RAILS” RACE**

Resolution authorizing the temporary road closure of sections of Superior (from the Township border to Geddes Road), Geddes (from Superior Road to LeForge Road), LeForge (from Geddes Road to Clark Road), and Clark Road (from LeForge Road to N. River Road) on Sunday, August 21, 2011 from 7:30 am to 9:30 am for the Ypsilanti Area Jaycees “Running the Rails” Race.

WHEREAS, the Township of Superior has approved the temporary closure of Superior, Geddes, LeForge and Clark Roads as indicated; and,

WHEREAS, the Driveway’s Banners and Parades Act 200 of 1969 requires the Township to authorize an official designated by resolution to make such request from the Road Commission.

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WHEREAS, the Ypsilanti Area Jaycees have agreed to provide adequate liability insurance coverage for the event, naming the Township as an additional insured, at no cost to the Township.

WHEREAS, the Ypsilanti Jaycees have agreed to provide adequate additional public safety coverage for the event by local police and fire departments, at no cost to the Township.

NOW THEREFORE, BE IT RESOLVED that the Township of Superior Board of Trustees approves of the event if the above conditions are met; and, designates and agrees that Tim Vroom and Jed Dreher of the Ypsilanti Area Jaycees be the authorized officials designated in this instance, when application is made to the Washtenaw County Road Commission for this temporary road closure.

CERTIFICATION

I, David Phillips, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on July 18, 2011 and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

David Phillips, Superior Township Clerk

The resolution was adopted by unanimous voice vote.

F. ADOPT POLICIES OF THE SUPERIOR TOWNSHIP BOARD

Clerk Phillips explained that the Board has adopted numerous policies over the years, but they have never been compiled. Township Administrative staff and department heads met numerous times to review and revise the policies. They were then compiled into a document with a table of contents and index. Clerk Phillips explained that he researched requirements in the policies to make sure they were in compliance with the law. He indicated that the areas of conflict of interest; publication of notices, minutes and ordinances; and Freedom of Information Act were policies that required research and revision. Clerk Phillips indicated that he felt the package of policies would be a good reference tool for future board members or others interested in how the Township operates.

It was moved by McKinney, seconded by Williams for the Board to adopt the “Adopted Policies of the Superior Township Board of Trustees” as follows:

ADOPTED POLICIES
OF THE
SUPERIOR TOWNSHIP
BOARD OF TRUSTEES

July 18, 2011
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01- ORGANIZATION

01.01.001 BOARD BY-LAWS

1. Authority

These by-laws are adopted by the Board of the Charter Township of Superior pursuant to the provisions of section 42.7 (7) of the Compiled Laws of Michigan.

2. Meetings

2.1 Regular Schedule The Township Board shall meet monthly as designated on the adopted schedule on the first and/or the third Monday of each month in regular session. Any regularly scheduled meeting that falls on one of the legal holidays (New Year's Day, Presidents Birthday, Martin Luther King Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve, Christmas Day, New Year's Eve), shall be held on the next secular day that is not a holiday.

2.2 Special Meetings The Charter Township Board shall meet in special session at the call of the Township Clerk upon the written request of the Supervisor or two members of the Township Board. Notice shall be given at least 24 hours in advance of the special meeting to each Township Board member. Such notices shall be served personally or left at the member's usual place of residence by the Township Clerk or the Clerk's designee. The notice shall also contain the time, place and purpose of the meeting.

2.3 Place of Meeting Regularly scheduled meetings shall be held in the Township Hall. Whenever the regular meeting place of the Township Board shall appear to be inadequate for members of the public to attend, the Supervisor and Clerk may change the meeting to a larger facility located in the Township. A notice of such change shall be prominently posted on the door of the regular meeting place. The Clerk shall also post a notice of such change in the place of meeting at the Township Hall and on the Township website, not less than 24 hours before such a meeting is scheduled.

2.4 Time of Meetings Regularly scheduled meetings shall begin at 7:30 o'clock in the evening unless the Board shall by majority vote in session set a different starting time.

2.5 Change in Schedule Changes in the regular schedule shall not be made except upon the approval of a majority of the Board members in session. In the event the Board shall meet and a quorum is not present, the Board upon the action

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of a majority of those present may adjourn the meeting to another day provided that proper notice to members and public is given.

3. Public Notice of Meetings

The Township Clerk shall be responsible for providing the proper notice for all meetings of the Township Board. Such notification shall include but not necessarily be limited to the following:

3.1 Regular meeting The Clerk shall post, at the Township Hall, a notice within 10 days after the first meeting of the Township Board in each calendar year, indicating the dates, times and places of the Board's regular meeting schedule.

3.2 Schedule Change Whenever the Board shall change its regular schedule of meetings, the Clerk shall post, at the Township Hall, a notice of the change within 3 days following the meeting in which the change was made.

3.3 Rescheduled or Special Meetings If the Board shall reschedule a meeting under the provisions of Rule 2.5 or call a special meeting under Rule 2.2, the Clerk shall post a notice of such change immediately at the Township Hall and no meeting except emergency meetings shall be held until the notice shall have been posted at least 18 hours. An emergency meeting shall be held upon the consent of two-thirds of the members and only if a delay would pose severe and imminent danger to the health, safety and welfare of the public.

3.4 Notification to Media and Others The Clerk shall notify, without charge, any newspaper or radio of such meeting schedule, schedule changes or special meetings, whenever such newspapers or radio stations shall have filed with the Clerk a written request for such notice. The Clerk shall also notify such other parties of regular meeting schedules, changes in the schedule or special meetings upon their written request and agreement to pay the Township for printing and postage expenses. The Clerk shall mail all such notices pursuant to this rule by first class mail.

4. Quorum. Attendance. Call of the Township Board

4.1 Quorum Four members shall constitute a quorum for the transaction of business at all meetings of the Township Board.

4.2 Absent without Permission Any elected official who absents himself from a regularly scheduled meeting without timely notification to the Clerk shall be deemed absent without permission. Should this action occur three (3) times within the course of a 12 month period, such action shall be deemed misconduct of office.

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5. Regular Meeting Agenda

5.1 Agenda The Township Clerk shall prepare, for review and approval by the Supervisor, the agenda of business for all regularly scheduled Township Board meetings. Any other Board member or representative of Township committees, boards, or commissions desiring to place a matter on the agenda shall notify the Clerk of such item by noon on the Thursday preceding the next regular meeting. Such items shall be placed under the heading of "Pending Business" or "New Business" as appropriate. Items that the Clerk does not receive by the stated deadline may not be considered by the Board except upon the majority consent of the members present.

5.2 Special Meeting Agenda Whenever the Board shall be called into a special meeting (by the Supervisor or by two of its members), the matters to be considered shall be stated in the call of the meeting. No other matters shall be considered except when all members are present and a majority of the Board concurs.

5.3 Distribution of Agenda and Materials Upon completion of the agenda, the Clerk shall distribute copies of the agenda together with copies of reports, explanations, etc., that relate to the business matters coming to the Board by 5:00 p.m. on Friday preceding the meeting. The Clerk may distribute such materials by mail, electronically, place the materials in the Township Hall vestibule, or by personal delivery.

5.4 Order of Business The agenda shall be arranged in the following order of business:

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Adoption of Agenda
5. Approval of Minutes
6. Citizen Participation
7. Reports
8. Communications
9. Unfinished Business
10. New Business
11. Approval of Bills
12. Pleas and Petitions
13. Adjournment

6. Conduct of Meetings

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6.1 Chairperson The Township Supervisor shall moderate and chair all meetings of the Township Board. In the absence of the Supervisor the chairperson *pro tempore* shall assume the duties of the chair.

6.2 Approval of the Chair Board members wishing to speak shall first obtain the approval of the chair and each person who speaks shall address the chair. Other persons at the meeting shall not speak unless called on by the chair.

6.3 Disorderly Conduct at Meetings The Supervisor is responsible for the good order and discipline of Township meetings and shall call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities.

7. Citizen Participation

7.1 Citizen Participation Two portions of the agenda are set aside for citizen input. "Citizen Participation", held at the beginning of a meeting and "Pleas and Petitions", held at the end of each meeting. Persons wishing to express a view or concern at the beginning of a Township Board meeting will be allowed to do so under the following rules:

1. A maximum of three minutes is allowed to speak to the matter at this time, under the discretion of the Chair.
2. The Board is not obligated to respond to the concern at this time. The name of the person and area of concern will be noted in the minutes.
3. If the concern is a question, an official will call the questioner concerning the problem within a calendar week.

8. Record of Meetings

8.1 Clerk Responsibility The Township Clerk or a deputy shall be responsible for maintaining the official record and minutes of each meeting of the Board. The minutes shall include all the actions of the Board with respect to motions. The record shall include the names of the mover and supporter and the vote of the Board. The record shall also state whether the vote was by voice vote or by roll call, and when by roll call, the record shall show the yes, no, or abstention for each member.

8.2 Record of Discussion The Clerk shall not be responsible for maintaining a written record or summary written record of the discussion or comments of the Board members nor of comments made by members of the public.

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8.3 Request for Remarks to be Included Any member of the Board may request to have his or her comments printed as part of the record. If there are no objections by any member of the Board, the comments may be included. If there is an objection to such printing of the comments, the Board shall decide the matter by majority vote. Such comments requested to be included as part of the official record shall be provided in writing by the member.

8.4 Public Access to Meeting Records The Clerk shall make available to members of the public, records and minutes of Board meetings in accordance with the Freedom of Information Act. Minutes prepared by the Clerk, but not approved by the Board, shall be first reviewed and approved by the Supervisor and then made available for public inspection not more than 8 business days following the meeting. Minutes approved by the Board shall be available within 5 business days of the meeting at which they were approved. The Clerk shall also promptly send copies of the unapproved minutes to persons who have subscribed and paid the fee therefore at cost.

8.5 Publication of Minutes The Clerk shall be responsible for publication of a summary of the minutes on the Township Website with a notice of such summary in a newspaper of general circulation within 10 days after a meeting of the Board. However, the Supervisor shall approve the summary prior to publication.

8.6 Permanent Minutes After the minutes have been adopted by the Township Board, the Clerk shall record the approved minutes in the Official Permanent Minute Book, signed by the Supervisor and Clerk, and place the approved minutes on the Township Website. At the end of each year, all the meeting minutes for that year shall be recorded on a CD or other permanent electronic means, and a copy placed in the Township Hall Vault and in the Utility Department Safe.

9. Committees

9.1 Committee of the Whole Whenever a majority of the Board shall meet in working meetings, the Board shall meet as a committee of the whole. In the absence of the Supervisor, the Board shall designate one of its members to preside.

9.2 Public Notice Meetings of a committee of the whole shall conform to the requirements of the Open Meetings Act with respect to public notice except when the Board shall devolve into a committee of the whole at one of its regular meetings.

9.3 By-Laws Observed The By-laws of the Township Board shall be observed in meetings of a committee of the whole as far as they are applicable, except with respect to limiting debate, moving to vote immediately, and taking a roll call vote.

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9.4 Ordinances Ordinances referred to a committee of the whole, unless otherwise ordered by the committee, may be read through by the Township Clerk and then considered and adopted by sections. All amendments shall be offered in writing in duplicate and read by the Clerk. Whenever a committee of the whole shall have completed its deliberations, a member shall move that the committee rise and report to the Township Board. The motion to rise is always in order and shall be decided without debate. Motions recommending action by the Township Board shall take precedence in the same order as analogous motions in the Township Board. A motion to reconsider any matter of substance acted upon by the committee of the whole and made by a member of the voting majority shall always be in order.

10. Executive Sessions

10.1 Procedure The Township Board may meet in executive session, closed to the public, upon the motion of any member and concurrence of five members. The vote shall be recorded in the minutes of the meeting at which the decision to hold an executive session was made.

10.2 Purposes The Township Board shall hold executive sessions only for the following purposes:

To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.

For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this

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subdivision, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act. .

To consider material exempt from discussion or disclosure by state or federal statute.

10.3 Minutes At each executive session, the Clerk shall keep a separate record. These minutes can be approved prior to adjourning the closed meeting. Or, members may individually review and pass around the table a single copy of the minutes of the closed meeting at the next Board meeting for approval. This record of minutes shall not be disclosed to the public except upon court order. The Clerk may destroy said minutes after one year and one day have passed following the approval of the minutes of the meeting at which the Board approved the closed session.

11. Motions and Resolutions

Statement by Chair, written Motions and Resolutions No motion or resolution shall be adopted until the motion or resolution is stated by the person chairing the meeting. All motions, except procedural motions, and resolutions may be required to be in writing upon the demand of any member. A request to recess for the purpose of writing out a motion or resolution shall be in order. Each written motion or resolution in writing may be read by the Township Clerk before being debated.

12. Boards and Commissions

Appointments The Supervisor shall appoint, with Township Board confirmation, individuals to fill vacancies on the Township Planning Commission. All other Township Boards and commissions shall be appointed or filled by a majority vote of the Township Board.

13. Voting

13.1 Whenever a question is put by the chair, every member present shall vote on all questions decided by the Township Board. No member present shall abstain from voting "yes" or "no", unless there is a Conflict of Interest, or where a Board member wishes to be appointed to another public office.

According to the Charter Township Act, "...a member of the township board who is recorded as present shall vote on all questions decided by the board unless excused by unanimous consent of the other members present. If, at a meeting of the township board, a member of the township board states that he or she desires to be appointed by the township board to fill a vacancy in a

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township office, that member may abstain from voting on the appointment to fill the vacancy”.

Prior to participating in discussion, casting a vote, or participating in any deliberations on a matter on which any Township Board of Trustees member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the other members and request to abstain from voting on the matter. For the purposes of this policy, conflict of interest is defined as:

- a. The member or an immediate family member is involved in any request for which the Board is asked to make a decision. Immediate family member is defined as a spouse, mother, father, brother, sister, son, or daughter, including an adopted child, and a relative of any degree residing in the same household as the member.
- b. The member has a business or financial interest in the matter under consideration.
- c. The member owns or has a financial interest in property which neighbors property under consideration for rezoning, variance or other planning commission related action. Neighboring property is defined as within 300’ from the property under consideration for action.
- d. There is a reasonable appearance of a conflict of interest, as determined by a unanimous vote of the remaining members of the Board.

Upon the request for abstention being approved by the unanimous consent of the Board, the member with the conflict of interest will leave the meeting room until after all discussion of the matter in question is completed. The member shall not discuss, or in any way attempt to influence the actions of the other Board members.

Failure of a member of any Board, commission or committee to disclose a potential conflict of interest constitutes malfeasance of office.

13.2 On demand by any Township Board member the vote on any pending question shall be taken by a record roll call vote.

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13.2 When a record roll call vote is demanded on a question and after the chair has stated the question, the Township Clerk is directed to call the roll. No member of the Township Board is entitled to speak on the question, nor shall any motion be in order until such a roll call is completed and the results announced.

14. Parliamentary Authority

Roberts Rules of Order, newest revised edition, shall govern all questions of procedure that are not otherwise provided by these by-laws or by state law.

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01.01.002 PRINCIPLES OF GOVERNANCE

To maintain the highest standards and traditions of Michigan townships, we, the Superior Charter Township Board, embrace these principles to guide our stewardship, deliberations, and constituent services as we commit to safeguard our community's health, safety, and general welfare.

We pledge to:

- Insist on the highest standards of ethical conduct by all who act on behalf of this township
- Bring credit, honor, and dignity to our public offices through collegial board deliberations, and diligent, appropriate responses to constituent concerns
- Actively pursue education and knowledge, and embrace best practices
- Treat all persons with dignity, respect and impartiality, without prejudice or discrimination
- Practice openness and transparency in our decisions and actions
- Cooperate in all reasonable ways with other governmental entities and consider the impact our decisions may have outside our township's borders
- Communicate to the public on township issues, challenges, and successes, and welcome active involvement of stakeholders to further the township's well-being
- Strive for compliance with all state and federal statutory requirements
- Refuse to participate in any decisions or activities for personal gain, at the expense of the best interests of the township
- Further the understanding of the obligations and responsibilities of American citizenship, democratic government, and freedom

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**01.01.003 FREEDOM OF INFORMATION ACT
POLICY AND GUIDELINES REGARDING FEES**

In calculating the costs of supplying or allowing inspection of public records pursuant to the Freedom of Information Act, Public Act 442 of 1976, the following guidelines and procedures are followed:

1. The costs of labor where allowable for copying, mailing, search, separation, examination, deletion, duplication and supervision of examination are limited to the Township's actual costs for such labor.
2. The most economical means available for providing copies or examination of public records will be employed.
3. Fees shall not be charged for the cost of search, separation, examination, deletion and supervision of examination unless failure to do so would result in unreasonably high costs for the Township. Unreasonably high costs are defined as any request that meets any of the following criteria:
 - a. The request results in 30 minutes, or more, of staff time to complete the search, review, examination, appropriate deletion of materials requested or any other task related to the processing of the request. This could be the result of the need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request. Or, the need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.
 - b. The request results in the Township incurring additional costs, which are over and above the Township's regular cost of doing business.
4. Superior Township's charge for a Freedom of Information Request under Public Act 442 of 1976 is as follows on the attached Fee Schedule.
5. If Township costs are estimated to exceed \$50.00, a deposit of not greater than one-half the estimated total costs will be required.
6. Upon submission of an affidavit that the requester is receiving public assistance, or upon submission of other facts showing an inability to pay, copies of the requested public record(s) shall be furnished at no charge up to the amount of \$20.00.

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01.01.003 Freedom of Information Act Fee Schedule for Requests

- I. Duplication
 - A. Copies (Township owned copier used)
8 ½ x 11 inch or 8 ½ x 14 inch paper, \$0.20 per page/side for black and white copy; \$0.35 per page/side for color copy.
Fee for oversize documents shall be at the rate of the actual costs incurred by the Township
 - B. Computer Disks
Actual cost incurred by the Township
- II. Mailing
Envelopes
Actual cost incurred by the Township
- III. Postage
Actual cost of postage or shipping
- IV. Hourly Labor Rate
The labor rate charged shall be the hourly wage of the lowest paid township employee capable of retrieving the information necessary to comply with a request under the Freedom of Information Act.
- V. Research Fee
The research fee charged shall be the hourly wage of the lowest paid township employee capable of retrieving the information necessary to comply with a request under the Freedom of Information Act. This fee shall be charged only if the request meets the definition of “Unreasonably high costs” as defined in Superior Township’s FOIA Policy and Guidelines Regarding Fees.
- VI. Other Charges
If the request includes or requires any other actions that result in additional charges to the Township, i.e.: text message searches and retrievals, e-mail search and retrievals or supervision of examination, the requestor will be charged the actual cost incurred by the Township.
- VII. Deposit
If the anticipated charges for a requested record will exceed \$50.00, a good faith deposit of one-half of the total anticipated charges will be required.
- V. Waiver of Fees

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If an individual submits an affidavit stating that he or she is receiving public assistance or is able to state fact showing inability to pay fees because of indigence, a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request.

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01.01.004 ELECTRONIC MAIL RETENTION

1. Purpose: The Superior Charter Township Board requires its employees to retain and destroy e-mail messages that are sent and received in the course of conducting official business in accordance with the following records Retention and Disposal Schedule:
2. Procedures
 - 2.1 Definitions:
 - a. **Electronic mail (e-mail)** is a means of exchanging messages and documents using telecommunications equipment and computers. A complete e-mail message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc.; as well as aliases and names of members of groups), and any attachments. Transactional information can be found and printed or saved from the e-mail system (see the software manual for instructions).
 - b. **Records Retention and Disposal Schedules** are listings of records or records series that are maintained by government agencies in the course of conducting their official business that identify how long the records must be kept, when they may be destroyed and when certain records can be sent to the Archives of Michigan for permanent preservation. In accordance with Michigan law, records cannot be destroyed unless their disposal is authorized by an approved Retention and Disposal Schedule. Retention and Disposal Schedules are developed by the Department of History, Arts and Libraries, Records Management Services, through consultation with an agency about its records. These schedules are then approved by the Michigan Historical Center, the Attorney General of the State of Michigan, the Auditor General of the State of Michigan, and the State Administrative Board.
 - 2.2 Employee Responsibilities:
 - a. Senders and recipients of e-mail messages shall evaluate each message to determine if they need to keep it as documentation of their role in a business process.
 - b. Senders are generally considered to be the person of record for an e-mail message. However, if recipients of the message take action as a result of the message, they should also retain it as a record.
 - c. It is recommended that employees retain only the final message in a communication string that documents the contents of all previous communications. This is preferable to retaining each individual message, containing duplicate content.

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- d. Shall evaluate the content and purpose of each e-mail message to determine which Retention and Disposal Schedule defines the message's approved retention period.
- e. Employees shall retain e-mail that has not fulfilled its legally-mandated retention period by printing the message and filing it with other paper records that document the business process.
- f. Shall retain transactional information (see definition of e-mail above) with the e-mail message if there is a substantial likelihood of relevancy to litigation.
- g. Shall organize their e-mail messages so they can be located and used.
- h. Shall dispose of transitory, non-record and personal e-mail messages from the e-mail system.
- i. Shall dispose of e-mail messages that document the official functions of the agency in accordance with an approved Retention and Disposal Schedule. Note: Records, including e-mail, shall not be destroyed if they have been requested under FOIA, or if they are part of on-going litigation, even if their retention period has expired.
- j. Shall provide access to their e-mail to the FOIA or Litigation Coordinator upon request.
- k. Shall retain all work-related appointments, tasks and notes stored in the e-mail system for 2 years.
- l. Recognizing that e-mail messages that are sent and received using the Township of Superior's e-mail system are not private, employees are encouraged to manually delete personal appointments (such as sick leave or annual leave) from the e-mail system after the event takes place.

2.3 Superior Charter Township Responsibilities:

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- a. Shall ensure that its records are listed on an approved records Retention and Disposal Schedule.
- b. Shall ensure that all employees with e-mail accounts are aware of and implement this policy.
- c. Shall notify the Clerk when the accounts of former employees can be closed.
- d. Shall ensure that the e-mail messages (and other records) of former employees are retained in accordance with approved Retention and Disposal Schedules.
- e. Shall notify the litigation or FOIA coordinator when an agency becomes involved in litigation or receives a FOIA request.
- f. Exceptions to the procedures in this document may be granted in writing by the Clerk.

2.4 Freedom of Information Act (FOIA) and Litigation Coordinator Responsibilities:

- a. Shall identify if the records that are requested by the public are stored in e-mail, even if the public does not specifically request e-mail.
- b. Shall notify affected employees that a FOIA request involving e-mail was received to prevent the destruction of relevant messages.
- c. May in appropriate instances notify the Clerk that a FOIA request involving e-mail was received to prevent the destruction of relevant messages.
- d. Shall identify all records relevant to litigation to which the agency is a party that are stored in e-mail.
- e. Shall notify the Clerk that e-mail related to litigation cannot be destroyed until after the case is closed.

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01.01.005 IDENTITY THEFT PROTECTION

1. Purpose

To establish an Identity Theft Prevention Program designed to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with the Federal Trade Commission's Red Flags Rule (Part 681 of Title 16 of the Code of Federal Regulations) implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity, and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

2. Definitions

2.1 Identifying Information: Identifying information means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

2.2 Identify Theft: Identify theft means fraud committed or attempted using the identifying information another person without authority.

2.3 Covered Account: A covered account means:

1. An Account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin

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accounts, cell phone accounts, utility accounts, checking accounts and savings accounts.

2. Any other account that the financial institution or creditor from identify theft, including financial, operation, compliance, reputation or litigation risks.

2.4 Red Flag: A Red Flag means a pattern, practice or specific activity that indicates the possible existence of identity theft.

3. Policy

3.1 Identification of Red Flags. The Township identifies the following red flags, in each of the listed categories:

1. Suspicious Documents

- a. Identification document or card that appears to be forged, altered, or inauthentic;
- b. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
- c. Other document with information that is not consistent with existing customer information (such as if a person's signature on and check appears forged) and
- d. Application for service that appears to have been altered or forged.

2. Suspicious personal Identifying Information

- a. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates;
- b. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
- c. Identifying information presented that is the same information shown on other applications that were found to be fraudulent;
- d. Identifying information presented that is consistent with fraudulent activity (such as an invalid telephone number or fictitious billing address);
- e. Social security number presented that is the same one given by another customer;

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- f. An address or telephone number presented that is the same as that of another person;
 - g. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law, social security numbers must not be required); and
 - h. A person's identifying information is not consistent with the information that is on file for the customer.
3. Suspicious Account Activity or Unusual Use of Account
- a. Change of address for an account followed by a request to change the account holder's name;
 - b. Payments stop on an otherwise consistently up-to-date account;
 - c. Account used in a way that is not consistent with prior use (example: very high activity);
 - d. Mail sent to the account holder is repeatedly returned as undeliverable;
 - e. Notice to the Township that an account has unauthorized activity;
 - f. Breach in the Township's computer system security;
 - g. Unauthorized access to or use of customer account information.
4. Alerts from others
- a. Notice to the Township from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.
- 3.2 Detecting Red Flags
- 1. New Accounts: In order to detect any of the Red Flags identified above associated with the opening of a new account, Township personnel will take the following steps to obtain and verify the identity of the person opening the account:
 - a. Require certain identifying information such as name, date of birth, residential or business address, principal place of

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business for an entity, driver's license, or other identification;

- b. Verify the customer's identity (for instance, review a driver's license or other identification card);
- c. Review documentation showing the existence of a business entity; and/or
- d. Independently contact the customer.

2. Existing Accounts: In order to detect any of the Red Flags identified about for an existing account, Township personnel will take the following steps to monitor transactions with an account:

- a. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
- b. Verify the validity of requests to change billing addresses; and
- c. Verify changes in banking information given for billing and payment purposes.

3.3 Preventing and Mitigating Identify Theft

In the event Township personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

1. Prevent and Mitigate:
 - a. Continue to monitor an account for evidence of Identify Theft;
 - b. Contact the customer;
 - c. Change any passwords or other security devices that permit access to accounts;
 - d. Not open a new account' Close an existing account;
 - e. Reopen an account with a new number;
 - f. Notify the Township Supervisor for determination of the appropriate step(s) to take;
 - g. Notify law enforcement; and/or
 - h. Determine that no response is warranted under the particular circumstances.
2. Protect Customer Identifying Information

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- a. In order to further prevent the likelihood of identity theft occurring with respect to Township accounts, the Township will take the following steps with respect to its internal operating procedures to protect customer identifying information:
- b. Ensure that its website is secure or provide clear notice that the website is not secure;
- c. Ensure complete and secure destruction of paper documents and computer files containing customer information;
- d. Ensure that office computers are password protected and that computer screens lock after a set period of time;
- e. Keep offices clear of papers containing customer information;
- f. Request only the last 4 digits of social security numbers (if any);
- g. Ensure computer virus protection is up-to-date; and
- h. Require and keep only the kinds of customer information that are necessary for utility purposes.

3.4 Program Updates

This program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Township from Identity Theft. The Township Supervisor will consider the Township's experiences with Identity Theft situation, changes in Identity Theft methods, Changes in types of accounts the Township maintains, and changes in the Township's business arrangements with other entities. After considering these factors, the Township Supervisor will determine whether changes to the program, including the listing of Red Flags, are warranted. If warranted, the Township Supervisor will present the Township Board with his/her recommended changes and the Board will make a determination of whether to accept, modify, or reject those changes to the program.

3.5 Program Administration

1. Oversight. Responsibility for developing, implementing and updating this program lies with an Identity Theft Committee for the Township. The Committee is headed by the Township Manager, with the Township Clerk and Township Treasurer comprising the remainder of the committee membership. The Township Supervisor will be responsible for the program

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administration, for ensuring appropriate training of Township staff on the program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the program.

2. Staff Training and Reports. Township staff responsible for implementing the program shall be trained either by or under the direction of the Township Supervisor in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Township staff is required to provide reports to the Township Supervisor on incidents of Identity Theft, the Township's compliance with the program, and the effectiveness of the program.
3. Specific Program Elements and Confidentiality. For the effectiveness of Identity Theft prevention program, the Red Flag Rule envisions a degree of confidentiality regarding the Township's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this program, knowledge of such specific practices is limited to the Identity Theft Committee and those employees who need to know them for purposed of preventing Identity Theft. Because this program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore only the program's general Red Flag detection, implementation, and prevention practices are listed in this document.

4. Authority and Revisions

This policy is enacted immediately upon approval of the Township Board, as reflected in the regular meeting minutes dated April 6, 2009. Revisions to this policy shall only be enacted with approved by the Township Board and reflected in the applicable meeting minutes. This policy shall be reviewed at least biennially by the Township Supervisor and updated as appropriate.

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**01.01.006 POLICY AND PROCEDURE FOR USE AND OPERATION OF
TOWNSHIP POOL VEHICLES, TOWNSHIP OWNED VEHICLES AND
PRIVATELY OWNED VEHICLES FOR TOWNSHIP BUSINESS**

1. Purpose

To establish the policies and procedures for the use and operation of the Township pool vehicles, Township owned vehicles and the use of privately owned vehicles for Township Business.

2. Vehicle Use:

2.1 The Township pool vehicles and Township owned vehicles shall only be used for legitimate Township business. The vehicles shall not be used for lunch breaks or personal errands. Exceptions for lunch breaks shall be made only when the vehicle is needed for extended field use. When employees are required to be in the field more than three hours, lunch breaks may be taken using the Township pool vehicles and Township owned vehicles.

2.2 All Township owned vehicles are smoke free. No smoking shall be allowed inside the pool vehicles or Township owned vehicles.

2.3 The Assessing Department shall be responsible for fueling and maintaining the Township pool vehicles.

3. Authorized Drivers:

3.1 Prior to operating any Township owned vehicle, or operating a privately owned vehicle for Township business, the driver shall be recognized by the Township Administration prior to use and will be subject to periodic driver's license history checks at the Township's expense.

3.2 Drivers of any Township vehicle, or privately owned vehicle for Township business, shall obey all traffic laws. Township owned vehicles shall not be driven in a manner or to locations that may subject the vehicle to harm or civil liability. A reasonable expectation of proper use shall be required. Intentional harming or improper use of any Township owned vehicle shall be grounds for discipline.

3.3 Drivers of any Township vehicle, or privately owned vehicle for Township use, must have a current and valid driver's license, free of any restrictions which would prohibit them operating a Township owned vehicle or privately owned vehicle for Township use.

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- 3.4 Prior to operating a Township vehicle, or privately owned vehicle for Township use, the driver must inform Township Administration of any restrictions on their driver's license, which may prohibit them for operating a vehicle for such use.
- 3.5 Privately owned vehicles used for Township business must meet all legal requirements for insurance.
4. Procedure for Use of Township Pool Vehicle:
- 4.1 The vehicles' keys shall be maintained by the Township Clerk's office. A clipboard with a request for authorized use shall also be maintained in the Township Clerk's office and shall be accessible to the Supervisor and Treasurer in the absence of the Clerk.
- 4.2 A mileage log shall be maintained in each vehicle indicating the starting and ending mileage of each trip. The destination and purpose of each trip shall also be documented.
- 4.3 Employees requesting use of the vehicles shall coordinate with other vehicle users in advance whenever possible. Otherwise, the first employee to sign up will be the authorized user. Disputes shall be presented to the Township Supervisor for resolution.

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01.01.007 PUBLICATION OF NOTICES, ORDINANCES AND SYNOPSES

In compliance with Section 42.8 of the Charter Township Act, Act 359 of 1947, the Superior Charter Township Board shall publish by posting all notices, ordinances and synopses of meetings for which the method of publication is not prescribed by other laws. Publication by posting is defined as the entire notice, ordinance or proceedings shall be posted in the office of the clerk and on the Township Website. Within seven days of the posting, a notice of the posting describing the purpose or nature of the notice, ordinance, or proceeding and the location of the places where posted, shall be published at least once in the *Ypsilanti Courier*, or other qualified newspaper.

Notices of public hearings before the Planning Commission and the Zoning Board of Appeals shall be published according to the requirements of the Superior Township Zoning Ordinance in effect.

When other boards, commissions or departments want to publish notices or proceedings, they may also publish by posting, unless the method of publication is prescribed by other laws.

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01.01.008 COMMUNICATING WITH THE MEDIA

WHEREAS the media, i.e. newspapers, radio, television reporters, etc., often call for information concerning events or items dealing with the Township; and

WHEREAS often employees do not have full knowledge of the situation;

NOW, THEREFORE, BE IT RESOLVED that all requests for information from the media concerning matters pertaining to Superior Charter Township shall be addressed by an elected official with the following exceptions:

1. The Fire Chief and Captains may report and answer questions pertaining to fires, rescues, emergencies. etc.,
2. The Utility Department may issue emergency warnings and public service announcements pertaining to water and sewer service,
3. The Administrative Staff may authorize department heads to respond to a request for information on a case-by-case basis.

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01.01.009 RECEIVING SERVICE FOR LAWSUITS

1. The Township Supervisor may authorize the Township Attorney to receive service of the summons/complaint.
2. Individuals shall be provided a copy of the summons/complaint when named as a party to the suit.
3. Individuals will be represented by the duly appointed Township Attorney in the pending lawsuit.
4. If an individual wishes to be represented individually, that individual may be represented by an attorney engaged by the individual, but only at that individual's expense.
5. The Township Supervisor and/or Clerk shall notify all listed parties involved in litigation of settlements or results thereof.
6. The Township retains the right to negotiate, compromise, and settle all disputes or claims with regard to pending litigation.

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01.01.010 CONFLICT OF INTEREST, ABSTAINING FROM VOTING

According to the Charter Township Act, Section 42.7(6), "...a member of the township board who is recorded as present shall vote on all questions decided by the board unless excused by unanimous consent of the other members present. If, at a meeting of the township board, a member of the township board states that he or she desires to be appointed by the township board to fill a vacancy in a township office, that member may abstain from voting on the appointment to fill the vacancy".

Prior to participating in discussion, casting a vote, or participating in any deliberations on a matter on which any Township Board of Trustees member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the other members and request to abstain from voting on the matter. For the purposes of this policy, conflict of interest is defined as:

- a. The member or an immediate family member is involved in any request for which the Board is asked to make a decision. Immediate family member is defined as a spouse, mother, father, brother, sister, son, or daughter, including an adopted child, and a relative of any degree residing in the same household as the member.
- b. The member has a business or financial interest in the matter under consideration.
- c. The member owns or has a financial interest in property which neighbors property under consideration for rezoning, variance or other planning commission related action. Neighboring property is defined as within 300' from the property under consideration for action.
- d. There is a reasonable appearance of a conflict of interest, as determined by a unanimous vote of the remaining members of the Board.

Upon the request for abstention being approved by the unanimous consent of the Board, the member with the conflict of interest will leave the meeting room until after all discussion of the matter in question is completed and voting is finished. The member shall not discuss, or in any way attempt to influence the actions of the other members.

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Other Township boards, commissions and committees may have additional requirements for conflicts of interest and abstaining from voting contained in their by-laws. Such additional requirements supersede the requirements of this Board policy.

Failure of a member of any board, commission or committee to disclose a potential conflict of interest constitutes malfeasance of office.

02- HUMAN RESOURCES

02.01.001 Personnel Manual, There are separate Personnel Manuals for Township Union and Non-Union Employees

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02.01.002 MERS HEALTH CARE SAVINGS PLAN

1. Enrollment in Health Care Savings Plan

Effective 5/1/05 Superior Township shall enroll all of its full-time non-union employees in the MERS Health Savings Plan with the following plan benefits:

Mandatory Employee Contribution: 2%
Employer Contribution: \$100/month

The employer contribution shall be reviewed annually by the Board of Trustees. The Board, at its discretion, shall increase the employer annual contribution to compensate for inflation or increases in health care costs. The Board shall also maintain the right to decrease the amount, or freeze any raises, based on the financial position of the Township, or in light of expanded health care coverage by the federal or state government.

2. Vesting for Employer Money:

After six years of full-time employment: 25%
After nine years of full-time employment: 50%
After twelve years of full-time employment: 75%
After fifteen years of full-time employment: 100%

The date of hire used to determine vesting schedule shall be the day the employee began full-time regular employment with Superior Township. This date may differ from the hire date used for sick and vacation day benefits for people who converted from part-time status or temporary status to regular full-time status.

Current full-time employees who enter into release agreements shall have a lump sum of start-up money deposited in their accounts according to the following schedule, based on years of service as of 12/31/05.

Years 1-14 of Service	\$ 1,200.00/year
Years 15-19 of Service	\$ 8,000.00/year
Years 20-25 of Service	\$ 11,000.00/year

This plan start-up money shall be deposited within 10 working days from the date of adoption of this plan.

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There shall be no additional deposit for the fiscal year 2005.

In order to receive the start-up money, employees must sign a Release in Settlement of Disputed Claims in a form approved by Township legal counsel, which states that in consideration of the start-up money being deposited in the employees account, the employee unconditionally releases the Township from future claims or litigation regarding this matter.

The Superior Township Board of Trustees hereby declares that the agreed upon vesting schedule of fifteen years shall be a binding contract between the Township and all non-union full-time employees actively employed by the Township as of 4/1/05 not to be amended by future Board action. The Board reserves the right to change the vesting schedule applicable to employees hired after 4/1/05.

The Township shall add the “30 Years of Service-No Age Requirement for Retirement” rider to the MERS Defined Benefit pension plan for non-union employees as part of this Retirement Health Care Plan Transition Agreement. The increased cost of this addition (estimated to be about ½%) shall be split between employee/employer in the same manner the regular pension plan cost is split.

3. Individual participation Agreements

Employees covered under the MERS Healthcare Savings Plan have individual participation agreements; these participation agreements define employee groups by date of hire and will stipulate the mandatory salary deduction applicable to each employee. The employer contribution is uniform for all employees.

4. Mandatory Leave Conversion

All employees who elect to have Mandatory Leave Conversion as part of the MERS Health Care Savings Plan Participation Agreements shall fill out a “default” election form stating what percentage they want be paid in cash for their sick, vacation and personal time, which shall be also signed by the Township Clerk. A copy of this signed election form shall be given to the employee and one kept in the employee’s personnel file. Employees may fill out as many subsequent election forms as they choose to change their designation of how much they want to receive in cash up until 4:30 p.m. of their last day worked for Superior Township.

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Employees shall only be permitted to change the percentage of their deduction, or the types of pay this deduction shall apply to, during an “open enrollment period” which shall be November 1st - November 15th each year.

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02.01.003 SMOKE FREE ENVIRONMENT

1. Purpose:

It is the intention of the Superior Township Board of Trustees to provide a smoke free environment for all who use Superior Township Facilities and a healthier workplace for all employees, with support for employees in implementing this policy.

2. Application:

A. This policy applies to ALL employees, vendors, guests and customers. It applies, also, to all Superior Township-sponsored meetings, regardless of location.

B. This policy shall be included in any lease or extension of lease of Superior Township-owned space in the future.

3. General Policy:

A. Smoking shall be prohibited in all Township buildings and vehicles, either owned or leased.

B. Smoking shall be allowed outside building/vehicles unless the smoke enters the facility or vehicle through open doors/windows. Smokers may not interfere with the normal entrance area to any building and shall use adequate disposal containers provided and maintained by the Township.

C. Signs designating "smoke-free" shall be posted at all entrances and in all Superior Township buildings and vehicles.

4. Accountability and Assistance:

All employees share in the responsibility for adhering to the policy. The implementation and enforcement of this policy unintentionally and may require Township employees to curtail or stop smoking, at least during working hours.

5. Enforcement:

A. Complaints: Persons observing a violation of this policy should bring it to the attention of the Township Supervisor.

B. Investigation: The Township Supervisor will investigate the complaint and

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take action to resolve the issue as soon as possible.

- C. Violators: Persons found to have violated this policy will be subject to disciplinary action(s) in same matter and magnitude as violations of other Township policies.
6. Disputes: Disputes other than disciplinary issues, arising from this policy shall be presented to the Superior Charter Township Board for resolution.

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02.01.004 HEALTH EMERGENCIES

Washtenaw County Public Health is authorized to use the Township Hall, the Fire Halls, or other Township facilities as necessary upon notification of the Supervisor, or, in the absence of the Supervisor, the Clerk, Treasurer, or Fire Chief in case of a health emergency in the area for Mass Vaccinations, Dispensing of Pharmaceuticals, or Other Public Health Emergencies in the event of such emergencies subject of the Laws of the State of Michigan or the United States of America.

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02.01.005 Drug-Free Work Place

Illegal drugs in the work place impair safety and health, promote crime, lower productivity and work quality, and undermine public confidence. Superior Charter Township will not tolerate the illegal use of drugs. As a Superior Charter Township employee, you are required to abide by the following policies and guidelines regarding use of illegal drugs in the work place. These guidelines are congruent with the Federal Drug-Free Work Place Act of 1988.

All Superior Charter Township premises, including work sites and all Superior Townships vehicles are declared to be drug-free workplaces. As such:

All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing, using, or being under the influence of controlled substances in the work place.

Employees found to be in violation of this policy will be subject to appropriate personnel/disciplinary action, up to and including termination for the first offense, and/or other remedial measures as the individual circumstances warrant.

Employees have the right to know the dangers of drug abuse in the work place, Superior Charter Township's policy regarding drug use, and what help is available to combat drug problems. Superior Charter Township will provide a drug awareness program for all employees on the dangers of drug abuse in the work place. To assist employees in overcoming drug abuse problems, Superior Charter Township may offer an Employee Assistance Program. See the Human Resources Administrator for information regarding this.

Any employee charged with violating any criminal drug statute in the work place must inform Superior Charter Township of the arrest, arraignment and outcome of the charges, including dismissed charges, convictions, or pleas of guilty and nolo contendere within five days of any such action. Failure to so inform Superior Township subjects the employee to disciplinary action, up to and including termination for the first offense. If Superior Township is receiving any Federal Grants, Superior Township shall inform any granting agencies of any convictions or pleas of guilty or nolo contendere of its employees within 10 days of receipt of such notice.

Superior Charter Township reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

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Superior Charter Township supports the purpose and goals of the Drug-Free Work Place Act and by this policy announce its intention to comply with the Act and make continuing “good faith” efforts to provide a drug-free work place. All employees are expected to cooperate and give this policy their full support.

Employee Signature: _____ Date:

03- FISCAL POLICIES

GENERAL POLICIES

03.01.001 PURCHASING POLICY

1. Purpose:

The Superior Charter Township Board recognizes their public accountability for the expenditure of all Township funds, and P.A. 621 of 1978 prohibits the expenditure of Township funds that exceed the approved budget.

2. Policy:

2.1 Except as otherwise provided for in this policy, all purchases for services (unskilled, skilled and professional) require a written contract detailing the nature of such services and their associated costs prior to their purchase. Such service contracts/agreements must be initially approved by the Board and renewed by the Board as needed.

2.2 Except as otherwise provided for in this policy, all contracts/agreements that result in a one-time expenditure, or expenditures that are recurring (i.e.: refilling the postage meter, fuel for Township vehicles, health care plans, pension plans, etc.) must be initially approved by the Board and renewed by the Board as needed.

2.3 The purchase of supplies, materials, equipment, and services is the responsibility of the Board Officers (Supervisor, Clerk, and Treasurer) and should ensure the efficient operation of the Township government. Such purchases include normal items and services that are required to conduct these operations. If these purchases are within the approved budget, do not exceed \$1000.00 and are not an unusual acquisition, they may be approved by the appropriate Department Head, Township Supervisor, Clerk or Treasurer and do not require approval by the full Township Board.

2.4 All material purchases must be preceded by a Purchase Request, must be within the approved budget, and must be approved by the appropriate Department Head or the Township Supervisor, Clerk or Treasurer.

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2.5 Purchases that are part of an approved contract, do not require Board approval, but must be approved by the appropriate Department Head or the Township Supervisor, Clerk or Treasurer.

2.6 In the event of emergencies, in order to protect the health, welfare, safety and well-being of the community, the Supervisor may make or authorize an expenditure exceeding \$1,000.00, after receiving the consent of one other member of the Board of Trustees. In the event the Supervisor is not available, the Clerk or Treasurer may authorize such an emergency expenditure exceeding \$1,000.00, after receiving the consent of at least one other member of the Board of Trustees. Such expenditures shall be reported to the Board of Trustees at the next scheduled Board meeting.

3. Utility Department:

3.1 Due to the nature of the Utility Department and its operations, the Utility Department Manager is authorized to purchase supplies, materials, equipment and services costing up to \$1,000.00 when necessary without prior Board approval. The Utility Department Director shall, however, request approval from the Board for such amounts in excess of \$1,000.00, when possible. If the expenditure is required to respond to an emergency, the Utility Department Manager may obtain approval of the expenditure as indicated in Section 2.6 of this policy. Such expenditures shall be reported to the Board of Trustees at the next scheduled Board meeting.

4. Competitive Bids:

4.1 Notwithstanding the above exceptions, purchases of more than \$1,000.00 require approval of the Township Board and may require competitive bidding in accordance with the following procedure:

- A. Competitive bids require a material specification (prepared by or for the Township)
- B. Request for quotations/bids shall be sent to at least two qualified bidders or suppliers, when possible (see #4 below);
- C. Quotations and bids must be received from at least two such bidders, when possible;
- D. The Board shall award the bid or accept the quotation, or may reject bids and quotations as it deems appropriate.
- E. All requests for bids shall include a statement that the Superior Charter Township Board reserves the right to accept or reject any or all bids, to waive informalities or errors in the bidding process, and to accept any bid deemed to be in the best interest of the Township, including bids that are not for the lowest amount.
- F. The Board shall award the bid or accept the quotation, or may reject bids and quotations as it deems appropriate.

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G. Where the anticipated obligation to the Township is \$20,000.00 or more, the Township may solicit sealed competitive bids as indicated in Board Policy 03.02.002, Competitive Bidding.

4.2 Competitive bids are not required where the materials or services are provided by a "single-source supplier." Single-source supplier procedure requires that the requester document the reason for using a single-source supplier.

5. Reporting:

Expenditures requiring approval by the Township Board shall be addressed by the Board of Trustees as a separate agenda item, or included with the Bills for Payment. Expenditures that, as described above, do not require Board approval will be reported to the Township Board with the Record of Disbursements, which shall contain a listing of all checks written since the last Record of Disbursements was received by the Board. Emergency expenditures will be reported to the Board as a separate agenda item at the next Board meeting following the emergency expenditure.

6, Deviations:

Deviations from this policy require explicit justification to the Board.

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03.01.002 COMPETITIVE BIDDING

1. Sealed Bids

1.1 Size of Project The Superior Charter Township Board may solicit sealed bids for all contracts or which the Township Board anticipates a total township obligation of \$20,000 or more. The requirement for sealed competitive bids shall not apply to intergovernmental contracts, contracts for professional services or emergency repairs, and contracts in which one or more developers agree to fully reimburse the Township for the costs of design and/or construction of utility services. At such time as the solicitation of bids is authorized by the Township Board, the Board shall determine if the authority to award a bid shall be delegated to a named official, or if the Board reserves to itself the authority to award the bid.

1.2 Information Required When sealed bids are required, a Request for Bids shall be developed by the department head responsible for the purchase, which shall be approved by the Township Supervisor and/or the Township Board. The Request for Bids shall require interested bidders to provide the following information as appropriate:

- description of service or goods desired
- delivery date or commencement date desired
- termination date
- bidder's qualifications
- warranties
- references
- performance bonds
- acquisition cost, fees, or other township financial obligation.

The Request for Bids shall also indicate the following information:

- deadline to submit bids
- date, time and place that bids will be publicly opened
- address to which bids are to be submitted.

1.3 Right of Refusal All requests for bids shall include a statement that the Superior Charter Township Board reserves the right to accept or reject any or all bids, to waive informalities or errors in the bidding process, and to accept any bid deemed to be in the best interest of the Township, including bids that are not for the lowest amount.

1.4 Receiving Bids Sealed bids shall be submitted to the township clerk unless otherwise specified, by a date and time specified, and shall be marked on the outside

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"sealed bid for (indicate goods or services)." The township clerk and one department head/supervisor shall publicly open all bids submitted at the date and time indicated on the request for bids. All bidders shall be notified of the contract award in a timely manner.

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3.01.003 MILEAGE REIMBURSEMENTS

The Superior Charter Township Board shall follow the Internal Revenue Service and United States Treasury Department standard mileage rates for mileage reimbursement requests by Superior Charter Township Officials and Employees when such requests are approved by the Township Supervisor. Employees and Officials shall only record mileage for official Township business. The reason for the trip, the location of the destination, and the specific mileage shall accompany the request for reimbursement.

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03.01.004 PETTY CASH FUND

1. Purpose: To enable Township employees and/or representatives to make cash purchases of items necessary to fulfill their duties and responsibilities.

2. Guidelines:
 1. Petty cash items should generally be under \$100.00.
 2. The items purchased through the petty cash fund should be ones that cannot be purchased on credit through one of the Department's usual suppliers.

3. Procedures:
 1. The Administrative Staff or Department Head shall authorize the request for petty cash in advance or approve a request for reimbursement.
 2. The funds expended shall be accounted for through a petty cash form that is filled out so that it contains a description of the item(s) purchased and includes the cost of the item.
 3. A receipt or document must accompany the request for reimbursement.

4. Accounting:
 1. The Petty Cash Fund will be recorded as part of Cash on Hand.
 2. Petty Cash will be reviewed weekly.
 3. Ultimate accountability for the Petty Cash Fund rests with the Township Treasurer.
 4. The monthly Petty Cash balance will be shown on the financials.

5. Responsibility
 1. The General Fund Petty Cash shall be the responsibility of the Treasurer/Deputy Treasurer.
 2. The Utility Fund Petty Cash shall be the responsibility of the Utility Director/Utility Office Manager.
 3. The Building Fund Petty Cash shall be the responsibility of the Building Official.

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03.01.005 INDEPENDENT CONTRACTORS

1. Purpose

The purpose of this policy is to establish a consistent method for all Township Departments to follow regarding the signing of the Superior Township Release Agreement, prior to hiring independent contractors to perform work for the Township. It is also to insure that the Township has proof that all independent contractors doing work for the Township have workers' compensation insurance, when appropriate, and liability insurance.

2. Guidelines

A Release Agreement (Attachment A) must be signed by both the independent contractor and the Township prior to awarding the work to that contractor. The Township also must be provided with proof that the contractor carries both workers' compensation insurance and liability insurance.

If the independent contractor is a sole proprietor, with no employees, the contractor must fill out a Sole Proprietor Form (Attachment B) in lieu of a release agreement. The Township must also be provided with proof that the contractor carries liability insurance.

3. Procedures

Once pricing has been established and/or an independent contractor has been chosen to perform a specific task, a set of tasks, or a project for the Township, a Release Agreement (Attachment A) will be filled out and provided to that contractor for the contractor's signature. Once the contractor has signed the Agreement and returned it to the Township, upon review and approval, it will be signed by an authorized Township representative prior to the commencement of the work. The original of the Agreement will be retained by the Township along with a copy of the contractor's proof of workers' compensation insurance and liability insurance.

Township personnel who are authorized to sign the agreement are:

The Supervisor, Clerk, or Treasurer for any department within the Township,
The Fire Chief for the Fire Department,
The Utility Director for the Utility Department

If the Independent Contractor is a Sole Proprietor, with no employees, the contractor will be provided with a copy of the Sole Proprietor Form (Attachment

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B). Prior to the commencement of the work the contractor will be required to complete the form, have it notarized, and return it to the Township also with proof that the contractor carries liability insurance.

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ATTACHMENT A RELEASE AGREEMENT

This agreement is made by and between _____
(Vendor) and Superior Charter Township, 3040 North Prospect Road, Ypsilanti, MI
48198 on _____, 20 _____.

1.0 Acknowledgments

1.1 Superior Charter Township will issue to Vendor an Acceptance of Proposal under which the Vendor will perform certain services on and/or deliver certain goods to the premises of Superior Charter Township, in consideration for which Superior Charter Township has promised to pay to Vendor the sum of \$_____.

1.2 Vendor is aware of the nature of Superior Charter Township's work, purpose, and premises and all hazards to the Vendor, its employees, agents, or subcontractors arising therefrom and out of the nature of the work to be performed by the Vendor on Superior Charter Township's premises.

1.3 It is the intention of the Vendor and Superior Charter Township that Superior Charter Township, its officers, agents, employees, attorneys, property owners and residents shall not be liable or in any way responsible for damage, loss, or expense resulting to the Vendor, its employees, agents, subcontractors, or any other party, due to accidents, mishaps or injuries, either to person or property, of any kind, arising from any cause whatsoever, except such damage, loss, or expense arising from intentional misconduct by Superior Charter Township, occurring during or in relation to the Vendor's performance of the work specified in the accepted proposal. This provision is not intended and shall not be construed to waive, diminish or abrogate immunity from liability granted by law to Superior Charter Township, its officers, agents, employees, attorneys, property owners and residents.

2.0 Agreement

In consideration of Superior Charter Township's agreement to retain and hire the Vendor, and Superior Charter Township's promise to pay the Vendor as specified and as specified in said proposals, Superior Charter Township and the Vendor agree as follows:

2.1 Vendor will comply with and will cause its employees, agents and subcontractors to comply with all Superior Charter Township safety rules and all rules and standards of applicable state and federal occupational safety and health acts while on Superior Charter Township's premises.

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2.2 Vendor expressly releases Superior Charter Township, its officers, agents, employees, attorneys, property owners and residents from all liability or responsibility of any kind arising from the death or injury to persons or the destruction of property resulting from actions or inactions of Vendor or its employees, agents, or subcontractors while performing under said work specified in accepted Proposal. This Release includes, but is not limited to, falls from scaffolding, ladders, catwalks, beams or other high places; mishaps involving equipment; injuries from electric shock; and, injuries from defects in equipment, instruments or devices.

2.3 Vendor and all subcontractors/independent contractors shall carry liability insurance and workers' compensation insurance as required by law and shall deliver evidence of that insurance to Superior Charter Township on demand.

2.4 If Vender is a sole proprietor they shall carry liability insurance as required by law and shall deliver evidence of that insurance to Superior Charter Township on demand.

2.5 Vendor agrees to indemnify Superior Charter Township and its officers, agents, employees, and community from any claim, damage or liability which Vendor, its employees, agents, subcontractors, or any other party may sustain due to the death or injury to persons or the destruction of property from actions or inactions of Vendor or its employees, agents, or subcontractors arising out of Vendor's or their performance of work specified in the accepted Proposal. Vendor agrees to reimburse Superior Charter Township any costs incurred as a result of Vendor's failure to carry or provide proof of required or adequate insurance. Such costs include, but are not limited to, actual damages, claims for damages, insurance premiums imposed by Superior Charter Township's carrier or underwriter and attorney fees resulting from Vendor's breach.

2.6 Vendors will use all reasonable means, including E-Verify or any successor program implemented by the Federal Department of Homeland Security and the Social Security Administration when hiring their employees in order to ensure that all of their employees are legally documented workers.

2.7 This Release Agreement is supplemental to said accepted Proposal, which is made a part of this Release.

In witness to and in agreement, the parties execute this Release Agreement as of the date written above.

DATED: _____

VENDOR

By:

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Its:

DATED: _____

SUPERIOR CHARTER TOWNSHIP

By:

Its:

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ATTACHMENT B, SOLE PROPRIETOR FORM

FOR SOLE PROPRIETOR'S WITH NO EMPLOYEES

For workers compensation purposes, we are required to maintain verification regarding workers' compensation coverage for all of our independent contractors.

You must complete this form if you:

- a. Are a sole proprietor without employees, or
- b. Do not carry workers' compensation insurance.

Name of Sole Proprietor

Social Security Number or Federal Tax Identification Number

I am doing business as:

Please attach one of the following:

- A copy of the assumed name certificate you filed with the county, or
- Your business card, or
- A copy of your advertisement (Yellow Pages, Newspaper, etc.), or
- List one other business or private homeowner that you have worked for during the past year, including name and address.

Please complete the following statement:

I, _____, a sole Proprietor with no employees will provide _____ services to _____ on a periodic basis. I do understand that I am not entitled to worker's compensation benefits under Michigan Law, therefore, I am personally responsible for any injuries/illnesses I may sustain while performing my services to said entity.

Dated at: _____, on this _____ day of _____, 20__

Signed _____

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Sole Proprietor

STATE OF MICHIGAN, COUNTY OF _____

One this ____ day of _____, 20 ____, before me personally appeared _____ being by me duly sworn did state that s/he is not entitled to worker's compensation benefits indicated under Michigan's Law, and will not responsible the above named entity for any injury(ies) or illness(es) s/he may sustain while performing services to the Township.

Seal/Stamp

Notary Public, _____ County
My Commission expires _____

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03.01.006 TRAVEL POLICY

1. General Policies

2. It is the intent of the Superior Township Board to pay the expenses of the Township Board or the Township staff when they participate in conferences, conventions or staff training, provided the Township board has approved of the Township's participation in the given activity.

2.1 Responsibility: The Township Supervisor shall insure compliance with these policies.

2.2 Authority for Travel. Authority for travel - All request for travel must be made in writing and approved by the supervisor prior to such travel. Travel shall be restricted to essential trips for the provision of Township services or conduct of Township business.

2.3 Degree of Care - All officials and staff traveling on official business are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

3. Definitions

3.1 Travel - A trip made by a Township official or staff member which is authorized and is recognized as an integral part of his duties, or required for the execution of Township business.

3.2 Conference or Convention - Meeting of professional associations or associations of public officials and other similar organizations which the official or staff member is attending as an official representative of the Township. This includes meetings on a local, regional, state, or national level.

3.3 Training and Improvement - Activities associated with training and improvement of Township staff such as seminars, formal training programs or courses sponsored by private organizations, professional organizations or educational institutions. Such activities must be authorized by the Supervisor and/or the Township Clerk, Township Treasurer, or Department Heads of staff directly under the supervision of the Official. All such activities should be directly related to the requestor's job responsibilities.

4. Transportation Policy

3.1 Public Carrier - If travel becomes necessary by public carrier, the expense of traveling by public carrier will be allowed on the basis of

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actual cost. All travelers are expected to travel by the most economical mode of transportation.

- 3.2 Private Automobiles - Private Automobiles - When travel is by automobile, the allowance will be the established mileage rate set by the Township Board. No mileage shall be paid for attendance at general purpose meetings or banquets which are attended for the information of the individual elected official only, even if they would not have attended if they were not an official of the Township. No mileage shall be paid for meetings held within the Township except for meetings at a place within the Township that is not the requestor's normal place of work.

5. Meals Policy

- 4.1 Meal Allowance - The maximum daily meal allowance for staff on official Township business is shown in the following table:

<u>Meal</u>	<u>Maximum Allowance</u>	<u>15% Tip</u>	<u>Total Maximum Allowance</u>
Breakfast	\$ 5.00	\$.75	\$ 5.75
Lunch	10.00	1.50	11.50
Dinner	15.00	2.25	17.25
Daily Total	\$30.00	\$4.50	\$34.50

- 4.2 Guest Meals - The cost of guest meals shall be allowable only in conjunction with the transactions of official Township business. The Township Board authorizes the cost of guest meals only for the Supervisor, Clerk and Treasurer. The amount allowed shall be in conformity with Section IV A. Reimbursement for meals of Township officials attending said meals shall be allowed. Full accountability must be given when requesting reimbursement, including the name and position held by the guest, purpose of the meal/ meeting, location, and date.

- 4.3. Alcoholic Beverages - The cost of alcoholic beverages is **not** a reimbursable expense.

- 4.4 Lodging Policy – Necessary overnight lodging associated with travel is reimbursable when authorized in advance by the Superior Charter Township Board. Employees must use discretion as to rates in choosing lodging.

6. Miscellaneous Expenses Policy

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It is expected that miscellaneous expenses incidental to official Township travel will be held to the minimum required for essential and efficient conduct of Township business.

Reimbursement is allowable for parking charges, ground transportation associated with air travel, valet tips, and telephone calls.

Items not specifically outlined in this policy must get Supervisor approval prior to receiving reimbursement.

Reimbursement is NOT allowed for parking violations, traffic violations, or any infractions of the laws of the State of Michigan or the United States of America.

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03.01.007 POVERTY EXEMPTION GUIDELINES

1. Purpose:

The adoption of guidelines for poverty exemptions is within the purview of the Township Board for the homestead of persons who, in the judgment of the Supervisor and Board of Review, by reason of poverty, are unable to contribute to the public charges per PA 390, 1994. The guidelines shall include but are not limited to the specific income and asset levels of the claimant and all persons residing in the household, including property tax credit returns, filed in the current or immediately preceding year.

2. Guidelines:

The Board of Review shall follow guidelines listed below and the stated policy and Federal guidelines in granting or denying an exemption, unless the Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and Federal guidelines and these are communicated in writing to the claimant:

A. In granting hardship exemptions, the Board of Review realizes this to represent a shift of the portion of the tax burden to the other taxpayers of the community and state.

B. The exemption shall only apply to the homestead, and the applicant must own and reside in the homestead property.

C. Any relief granted is a reduction over and above the \$1,200 maximum Homestead Property Tax Credit granted by the State of Michigan.

D. A copy of the applicant's and spouse's completed and signed FEDERAL INCOME TAX RETURN (IF REQUIRED TO FILE), and MICHIGAN HOMESTEAD PROPERTY TAX CREDIT CLAIM (1040CR) for the prior year must be submitted for the application to be considered. Additionally, a copy of the prior year FEDERAL INCOME TAX RETURN for any other occupant of the homestead is required. (This does not include tenants renting rooms, etc. as the applicant must show rent as income.)

E. The Board, without the applicant being present, may review applications. However, the Board may request that any or all applicants are physically present to respond to any questions the Supervisor, Board or Assessor may have.

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F. Hardship exemptions must be applied for each and every year on the application form approved by the Township. If an exemption is granted, it is for one year only.

G. Homestead properties whose total taxable value exceeds \$90,000 are not eligible for any poverty exemption relief.

H. Applicant's assets other than homestead cannot exceed \$10,000. Assets will include but are not limited to the following: Real estate holdings other than the homestead, in excess of one car per household, pleasure boats, motor homes, bank accounts and or other valuables.

I. The guidelines for maximum income exceed the federal income standards and will be based on the number of individuals in the household and total household income, as shown in Exhibit A.

3. Poverty Thresholds:

The following are the poverty thresholds as of November 19, 2007 which will be used in setting poverty exemption guidelines.

Number of persons residing in homestead	Annual allowable income
1 person if age is not considered	22,000.
1 person under 65 years	22,000.
1 person 65 years and over	21,000.
2 persons if age is not considered	24,000.
2 persons with householder under 65 years	25,000.
2 persons with householder 65 years and older	22,900.
3 persons	28,000.
4 persons	31,600.
5 persons	34,360.
6 persons	37,736.
7 persons	40,736.
8 persons	44,409.
9 persons or more	48,450.

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TREASURER'S OFFICE

03.02.001 INVESTMENT POLICY

1. Purpose:

It is the policy of the Charter Township of Superior to invest public funds in a manner which will provide the safest investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all state statutes and local ordinances governing the investment of public funds.

2. Scope:

This investment policy applies to all transactions involving the financial assets and related activity of the Township except for its employee pension funds and its employee deferred compensation funds which are organized and administered separately. These funds are accounted for in the annual financial report and include the following funds:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Enterprise Funds (Water and Sewer funds)
- Debt Service Funds
- Special Assessment Funds
- Internal Service Funds
- Trust and Agency Funds
- Any new fund created by the governing body, unless specifically exempted by the governing body.

3. Objectives:

Funds of the Township will be invested in accordance with Michigan Public Act 20 of the Public Acts of 1943, as amended, and in accordance with the following objectives in order of priority.

3.1 Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.

3.2 Diversification The investments shall be diversified by specific maturity dates, individual financial institution(s) or a specific class of securities in order that

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potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

3.3 Liquidity The investment portfolio will remain sufficiently liquid to meet all operating requirements which might be reasonably anticipated.

3.4 Return on Investment The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and cash flow characteristics of the portfolio.

4. Delegation of Authority

Authority to manage the investment program is derived from MCL 41.76 management responsibility for the investment program is hereby delegated to the Township Treasurer (investment officer), who shall establish procedures and internal controls for the operation of the investment program, consistent with the investment policy. No person may engage in investment transactions except as provided under the terms of this policy and the procedures established by the investment officer. The investment officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials and shall establish a system of controls to regulate the activities of subordinate officials.

The Treasurer shall reconcile all bank accounts each month and provide the Clerk with a copy of all reconciliations.

All checks written and bank transfers shall require two signatures.

The Treasurer shall provide all financial institutions investing for Superior Township with a copy of the Township's investment policy. The financial institutions must acknowledge receipt of the Township's investment policy and agree to comply with the policy terms.

5. Authorized Instruments

In Accordance with Public Act 20 of the Public Acts of 1943, as amended, the surplus funds of the Township may be invested as follows:

(a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.

(b) Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution that is eligible to be a depository of funds

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belonging to the state under a law or rule of this state or the United States. Financial institution, means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States.

(c) Commercial paper rated at the time of purchase within the two highest classifications established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.

(d) Repurchase agreements consisting of instruments listed in subdivision (a) above. Repurchase agreements shall be negotiated only with dealers or financial institutions with which the Township has negotiated a Master Repurchase Agreement. Repurchase Agreements must be signed with the bank or dealer and must contain provisions comparable to those outlined in the Public Security Association's model Master Repurchase Agreement

(e) Bankers' acceptances of United States banks.

(f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.

(g) Mutual funds registered under the investment company act of 1940 with the intention to maintain a \$1.00 per share net asset value and purchase only investment vehicles that are legal for direct investment by a public corporation

(h) Obligations described in subdivisions (a) through (g), as named above, if purchased through an interlocal agreement under the urban cooperation act of 1967.

(i) Investment pools organized under the surplus funds investment act, P.A. 367 of 1982.

(j) Investment pools organized under the local government investment pool act, 121 of 1985.

6. Safekeeping and Custody:

All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the Township shall be on a cash basis. Securities may be held by a third party custodian designated by the treasurer and evidenced by safekeeping receipts as determined by the investment officer.

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7. Prudence:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

8. Reports

The Treasurer shall provide the Township Board with a quarterly investment report of all funds.

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03.02.002 NON-SUFFICIENT FUND CHECKS

The Township Treasurer is authorized to charge a \$25.00 fee for any check returned because of non-sufficient funds in the payee's account. The charged fees shall be deposited in the General Fund.

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**03.02.003 FEES RELATED TO THE TREASURER'S OFFICE PLACING
UNPAID BALANCES ON THE TAX ROLL**

WHEREAS, this Board is authorized by statute and by the provisions of various Township Ordinances to determine by resolution rates, fees and charges for services and actions provided by the Township; and

WHEREAS, placing unpaid balances, which are owed to the Township, on the Tax Roll, results in costs to the Township, including staff wages and costs of materials; and

WHEREAS, if these costs are not reimbursed by the party responsible for creating the unpaid balances, the costs will have to be paid for by all other taxpayers of the Township; and

NOW, THEREFORE, BE IT RESOLVED, that the Superior Charter Township Board does hereby determine that Tax Rolled Accounts will be charged an administrative fee of \$30.00; and

BE IT FURTHER RESOLVED, that the administrative fee of \$30.00 shall be applied each time the Treasurer's Office places an unpaid balance on the Tax Roll regardless of the nature of the debt, or which Township Department assessed the debt, or whether other debts and administrative fees are assessed to the same parcel; and

BE IT FURTHER RESOLVED, this Resolution is also adopted as a Policy of the Township Board and shall be entered into the Township Board Policy Manual and numbered accordingly; and

BE IT FURTHER RESOLVED, this Resolution shall be published pursuant to Section 8 of the Charter Township Act, being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – with notice of such in *The Ypsilanti Courier*, a newspaper of general circulation in the Township, qualified under state law to publish legal notices. The fee determined by this Resolution shall be effective immediately upon publication thereof.

04 – RESIDENT RELATIONS

04.01.001 MAILINGS TO RESIDENTS

1. Purpose:

A policy to regulate mass mailings to residents, to require prior approval of such mailings by a majority vote of the Superior Charter Township Board, and to provide for penalties for violation.

2. Mass Mailings: "Mass mailings" are hereby defined as any communication which is sent to fifteen (15) or more Township residents. Mass mailings which are exempt from this policy include mailings which are routinely sent to conduct necessary Township business, such as tax bills, the Township Newsletter, and voter registration information. Parks and Recreation Department bulletins and brochures, monthly Neighborhood Watch reports, and utility Department mailings of utility bills and notices are also exempt from this policy.

3. Intent:

This policy is intended to ensure that:

- A. Mailings accurately represent Township Board actions, inquiries, and/or philosophies;
- B. Mailings do not inconvenience residents with confusing or misleading information;
- C. Township funds and staff time expended for mailings shall be appropriate and necessary;
- D. Township Board members are aware and informed, of all such mailings, and are able to respond to questions and/or comments from residents.

It is further the intent of this policy that all members of the Superior Charter Township Board shall respect and abide by the spirit, as well as the letter, of this policy, and shall cooperate to achieve its objectives.

4. Penalty:

The penalty for violations of this policy shall be that all costs of the unauthorized mailing, including stationary, envelopes, postage and staff time, shall be reimbursed to the Township by the violator. Further penalties may be applied if an unauthorized

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mailing requires a subsequent mailing to correct or clarify the unauthorized mailing, in which case the violator shall also be required to reimburse the Township for all expenses associated with the corrective mailing.

05 – UTILITY DEPARTMENT

05.01.001 SEWER BACKUPS

The Utility Department responds to all reported sanitary sewer backups on a 24- hour basis. The Superior Township telephone answering service has been instructed to immediately notify on-call Utility Department personnel when they receive a report of any type of sewage backup. Utility Department personnel will respond as soon as possible and check the Township's sanitary sewer main line that the complaint is connected to.

If Superior Township's sanitary sewer main line is found to be obstructed and causing sewage to backup into homes or businesses, personnel will work to remove the obstruction and reinstate proper flow in the system. If the problem causing the backup is determined to be located in Superior's Township's sanitary sewer main and the customer has made a request to file a claim for damages, the Township will notify its insurance claims office for any damage consideration.

The Superior Township Utility Department has implemented a procedure to help meet the needs of any customer who has reported a sanitary sewage backup into their home or business.

1. Superior Township personnel will respond to the reported backup and determine if the main line is the cause of the backup. If it is determined that the main line is not causing the backup, the customer will be notified that the obstruction causing the backup is located in the plumbing or lead line of the home or business. As indicated in Superior Township's Utilities Ordinance No. 169, Section 169-02, the property owner is responsible for all maintenance, repair and replacement of the lead line and plumbing.
2. If the backup is the result of a sanitary sewer main obstruction, the obstruction will be removed and proper flow reinstated.
3. If it is determined that a main line obstruction caused the backup, Superior Township may offer to have a company certified in water/sanitary sewer cleanup respond. The cleanup will only be considered if the customer signs a Superior Township supplied agreement authorizing the Township's representative to enter and do the cleanup. If the Utility Department has authorized a company to do a cleanup at the location of a backup, the Township may request reimbursement from the Township's insurance carrier.

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4. If a claim is made against the Township for damages related to a backup, an incident report will be submitted to the Township's insurance claims office for further resolution.
5. When a backup occurs the resident will be advised of Public Act. 222, its contents and notification requirements outlined in the public notice below:

**TO SUPERIOR CHARTER TOWNSHIP PROPERTY OWNERS
OR OCCUPANTS:** If you experience an overflow or backup of a public sewage disposal system, you must file a written claim with Superior Charter Township within 45 days after the overflow or backup was discovered. Notice must be mailed to the Utilities Department Director at 575 E. Clark Rd. Ypsilanti, MI. 48198 Failure to provide the required notice will prevent recovery of damages. Contact Superior Charter Township immediately upon discovery of an overflow or backup to obtain a claim form. However, you do not need to use the Township's form to file a written claim. The written claim should include your name and address, the address of the affected property, the dates of the overflow or back up, the date the back up or overflow was discovered, and a brief description of the overflow or back up.

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05.01.002 UTILITY BILLS ON TAX ROLL

Annually, at an October Board of Trustees Meeting, the Board will review a list of water/sewer billing accounts that have unpaid balances that remain delinquent from the previous year. It is the policy of the Board to authorize the Treasurer to place these unpaid delinquent balances onto the next Winter Tax Roll.

1. In an effort to collect the delinquent balances, prior to their being placed on the Winter Tax Roll, Utility Department personnel will:
 - Notify the affected property owners, by letter, that the outstanding amounts from the previous year are scheduled to be added to their property taxes, unless they are paid
 - Provide a payment deadline as part of the letter
 - Track all payments toward these balances that are received by the Utility Department by the deadline. (Note: Payments that are received after the deadline will be applied to the water/sewer account as a credit toward the following year's tax roll list.)

2. The list that is provided to the Board will include the following information:
 - Property Sidwell Numbers
 - Property Owner(s) Name(s)
 - Street Addresses
 - Delinquent Balances Owed for the Period Described Above

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05.01.003 UTILITIES DEPARTMENT - UNIFORM ALLOWANCE

1. Uniform Allowance shall be \$600.00 per year for all Field Employees.
2. Uniforms are ordered and paid for through the Department. All costs are clearly noted in Accounts Payable
3. If during the course of the year, the employee terminates employment with the Utility Department, all uniforms issued for that year will be returned to the Department.

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05.01.004 COMPENSATION FOR STATE CERTIFICATION

As the Utility Department of Superior Township must have State Certification to operate as a Water and Sewer Company, the following policy was established.

If an employee of the department is willing to take the schooling and passes the testing for State Certification, they will be given a \$300.00 bonus upon receipt of the Certification from the State Health Department.

The Township will pay the school fee.

The Township will not reimburse for mileage.

The Township will not pay salary for the hours spent in class.

The Township will pay a \$300.00 bonus for an upgrade of Certification.

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G. UNCOLLECTIBLE PLANNING ACCOUNTS

In a memo dated July 13, 2011, Deborah Kuehn, Planning Administrator, explained that there are several planning accounts that are long overdrawn. These accounts are the result of consultant’s fees being charged to the applicant for review of a planning commission related activity. The consultant was paid by the Township and the Township billed the applicant. However, the applicant failed to pay the Township. The Township has attempted to contact the applicants to arrange payment, but has been unsuccessful. Superior Mini-Storage’s overdrawn invoices total \$1,436.50. Supervisor McFarlane indicated these charges resulted from a rezoning petition in 2002 that was denied, the property has been sold to a new owner and that the L.L.C. that made the application is probably dissolved. Corlina Condominiums’ overdrawn invoices are the result of a rezoning request in 2006-2007, which the petitioner withdrew. The property has also been sold to a new owner and it is believed the L.L.C. is also dissolved. Supervisor McFarlane recommended that the Board approve the Township to write-off the overdrawn accounts if Administrative Staff determines the applicant no longer has an interest in the property, the L.L.C. has been dissolved or it is otherwise determined the account is uncollectible.

Supervisor McFarlane explained this problem should not occur again as procedures have been implemented to prevent an applicant’s planning account from getting overdrawn. Applicants are required to keep an adequate amount in their escrow to cover payment to the Township’s consultants for their review.

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It was moved by McKinney, seconded by Caviston, for Township Administrative staff to attempt collection of the overdrawn planning accounts for Superior Mini-Storage and Corlina Condominiums. If the Administrative Staff determines the accounts are uncollectible, the Township is approved to write-off the overdrawn accounts.

H. SEMCOG ANNUAL MEMBERSHIP DUES, 2011-2012

SEMCOG submitted an invoice to the Township for the 2011-2012 membership dues in the amount of \$1,555.00. Supervisor McFarlane explained that SEMCOG reviews all submittals for federal grants for roads and other infrastructure. Trustees Green is Superior Township's representative to SEMCOG. He agreed that the Township should maintain its membership in SEMCOG.

It was moved by Green, seconded by McKinney, for the Board to approve the 2011-2012 annual dues for SEMCOG in the amount of \$1,555.00.

The motion carried by a unanimous voice vote.

11. PAYMENT OF BILLS

It was moved by Caviston, seconded by Green, that the bills be paid as submitted in the following amounts: Utilities - \$1,100.00 a total of \$1,100.00. Further, that the Record of Disbursements be received.

The motion carried by a unanimous voice vote.

12. PLEAS AND PETITION

There were none.

13. ADJOURNMENT

It was moved by Caviston, seconded by Green, that the meeting be adjourned. The motion carried by a voice vote and the meeting adjourned at 8:20 p.m.

Respectfully submitted,

David Phillips, Clerk

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William McFarlane, Supervisor