



PLANNING COMMISSION  
At Marshall Township Hall

13551 Myron Avery Drive. Marshall, MI. 49068

Tuesday, January 2, 2023, at 7:00 P.M.

AGENDA

- I. Call to order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Election of Officers, Chairperson, Vice Chairperson, and Secretary.
- V. Approval of Agenda – Items can be added or deleted by Commission action.
- VI. Public Comment – **Persons addressing the Commission must give their name and address for the record when called upon by the Chair. Public members shall be limited to speaking for a maximum of five (5) minutes.**
- VII. Approval of minutes – December 5, 2023.
- VIII. Old Business
  - 1) Marshall Township PC Bylaws Discussion and final draft.
  - 2) Master Plan – Well Head Protection Area.
- IX. New Business
  - 1) 2023 Planning Year review
  - 2) Appointing Commissioner Johnson to the Joint Planning Commission and appointing an alternative.
- X. Public comment - **Persons addressing the Commission are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes.**
- XI. Zoning Administrators Report
- XII. Commissioner comments
- XIII. Adjournment

Resume postponed meeting on January 24 at 7PM

Next Regular Meeting February 5, 2024



PLANNING COMMISSION MEETING  
Tuesday, December 5, 2023, at 7:00 P.M.  
Minutes

The meeting was called to order at 7:00 PM by Chairperson Egnatuk.

Attendance was done by roll call vote.

Present: Commissioners Lyng, Johnson, Boshears, Egnatuk, Gresly and Hoffman

Excused: Lindsey

Others Present: Zoning Administrator Paul Anderson and several citizens.

The Commission held a moment of silence for Paul Kiessling for his dedication and service to the Marshall Township Planning Commission.

Commissioner Egnatuk led the Pledge of Allegiance.

Motion by Lyng and seconded by Hoffman to approve the agenda.

Voice Vote

Aye: Commissioners Lyng, Boshears, Johnson, Lindsey Hoffman, Egnatuk, and Gresly. Opposed none.

Excused: Lindsey

#### Public Comments

Three emails were submitted to the Planning Commission concerning the bylaw change for public comments against the 5 minutes to 3 minutes. They will be placed on file.

Citizen comments: Comments were made by two citizens who commented on the proposed bylaw changes for public comment from 5 minutes to 3 minutes and opposed it. Seven comments were made opposing changes to zoning to Highway Service Commercial on G Drive N and were opposed. Comments were made about NextEra, the water issue, why the public hearing was not held, and transparency. Comments were made about conflict of interest and conduct. Comments were made about the concerns about the minutes. There was a comment about the Blue Oval project.

Motion by Commissioner Johnson and seconded Boshears to approve the October 5, 2023, minutes.

The Planning Commission discussed and amended changes for the final minutes.

Roll Call Vote: Aye: Commissioners Lyng, Boshears, Johnson, Hoffman, Egnatuk, Gresly. Opposed none.

Excused: Lindsey

Marshall Township PC Bylaws Proposed and Approval. Commission Johnson moved not to approve the presented bylaws, which Boshers seconded. There was discussion about the proposed changes in public



## PLANNING COMMISSION MEETING

Tuesday, December 5, 2023, at 7:00 P.M.

### Minutes

comments, reducing the time to 3 minutes. There was also discussion about some of the language concerns, such as the issue of semantics of wording. There is also a concern about conflict of interest. The consensus of the Commission was to continue to modify the bylaws. The Commission said they would submit changes so the attorney would review them.

Roll Call Vote: Aye: Commissioners Boshears, Lyng, Hoffman, Johnson, Egnatuk, Gresly. Opposed none.  
Excused: Lindsey

2024 Meeting Dates – Moved by Commissioner Johnson and seconded by Hoffman to approve 2024 Meeting Dates. Discussion and Approval: There was a discussion of the need to change. Two dates were changed.

Voice Vote: Aye: Commissioners Boshears, Lyng, Hoffman, Johnson, Egnatuk, Gresly. Opposed none.  
Excused: Lindsey

Master Plan Discussion. There was a discussion of working on the work plan and addressing a section at a time, putting it on the agenda, starting with chapter two.

Public Comments: Comment about the master plan and record keeping. Concern about public comments time, Master Plan concerns—comments about public servants and the rights to debate. Comments about a mailer were sent out connected to Blue Oval, and they opposed Blue Oval. There were also comments about G Drive. The Zoning Administrator explained that the applicant pulled the application, and that was done after the October Planning Commission Meeting. Nothing is pending now, but the applicant has the right to re-apply.

Zoning Administrator – NONE

Commissioner Comments- Johnson asked why the Revocation Suspension did not go to the Planning Commission. It was explained that the water problem was corrected by NextEra and approved by the Township Engineer. That would make the need for a revocation hearing mute. It was also a recommendation by the Township Attorney to allow NextEra to resume work. The suspension was effective in correcting the water issue. She also talked about the Governor signing the bills for alternative energy and taking away local control and the effects on the Township. She asked if the Township Board would try to schedule a public meeting with Ford about the Blue Oval project. Commissioner Johnson asked if there was any activity at the possible Recycling Center on 15 Mile Road, but there was no activity. She wished everyone a Merry Christmas. Commissioner Egnatuk informed the Commission that Gresly was retiring at the end of the meeting. The Commission thanked Commissioner Gresly for her community service and her years of service.



PLANNING COMMISSION MEETING  
Tuesday, December 5, 2023, at 7:00 P.M.  
Minutes

It was moved by Commissioner Lyng and second by Commissioner Hoffman for adjournment at 9:09 PM.  
Voice Vote Aye: Boshears, Lindsey, Johnson, Egnatuk, Hoffman, Gresly, and Lyng Opposed none.  
Excused: Lindsey

Respectfully Submitted by Zoning Administrator Paul Anderson for Secretary Lindsey.

Next Meeting, January 2, 2024

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**MARSHALL TOWNSHIP PLANNING COMMISSION  
BY-LAWS AND RULES OF PROCEDURE**

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**1. NAME PURPOSE**

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- a. The name shall be the Marshall Township Planning Commission, hereafter known as the "Commission."

**2. AUTHORITY**

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- a. These rules of procedures are adopted by the ~~Marshall Township Planning~~ Commission pursuant to ~~Public Act 33 of 2008, the Michigan Planning Enabling Act Public Act (PA) 33 of 2008 as~~ as may be amended, and ~~Public Act 267 of 1976, as amended, and the Open Meetings Act (OMA) PA 267 of 1976 as amended.~~
- b. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in ~~P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act PA 110 of 2006 as amended, (M.C.L. 125.3101 et seq.)~~, hereinafter "the Zoning Act."

Commented [JJ1]: Also linked to the corresponding PA.

**3. MEMBERSHIP**

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- a. Members of the Commission (Commissioners) are appointed by the ~~Marshall~~ Township (Township) Supervisor and affirmed by the ~~Marshall~~ Township Board pursuant to the ~~Marshall Township Planning~~ Commission Ordinance of May 2017 as amended.
- b. -First priority, each ~~member~~ Commissioner shall represent and advocate what is best for the ~~Marshall~~ Township as a whole, putting aside personal or special interests.
- c. Second priority, each ~~member~~ Commissioner shall represent a separate important segment of the community, as appointed by the ~~Marshall~~ Township Supervisor and affirmed by the ~~Marshall~~ Township Board.
- d. One (1) ~~Member~~ Commissioner shall be a ~~The~~ Township Board Representative.
- e. One (1) ~~member~~ Commissioner shall be ~~The~~ Planning Commission representative to the Zoning Board of Appeals.
- e-f. ~~Three (3) Commissioners shall be the Township representatives on the City of Marshall and Township Joint Planning Commission.~~

Commented [JJ2]: What is this ordinance? Please link to it on our website.

Commented [JJ3]: We should recognize this as well. Are there other areas we serve as Commissioners?

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**4. ATTENDANCE**

- a. If ~~any member of the Commission~~Commissioner is absent from three (3) consecutive regularly scheduled meetings without an excusal, then that ~~member~~Commissioner shall be considered delinquent. ~~Delinquency may be grounds for the Marshall Township Board to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter.~~ The Commission ~~Secretary or acting secretary in the absence of the elected secretary~~ shall keep attendance records and shall immediately notify the ~~Marshall~~ Township Supervisor whenever any ~~member of the Commission~~Commissioner is absent from ~~three~~3 consecutive regularly scheduled meetings, so the ~~Marshall~~ Township Supervisor can consider further action ~~allowed under the law~~ or excuse the absences. Delinquency may be grounds for the Township Board to remove a Commissioner for nonperformance of duty, or misconduct, after holding a public hearing on the matter.

**Commented [JJ4]:** Most of this is changing the order of the sentences.

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## 5. TRAINING

- a. Each ~~member-Commissioner~~ shall have attended at least four (4) hours per year of training in planning and zoning during the ~~member's-Commissioner's~~ current term of office. ~~If so, provided in the ordinance creating the Commission,~~ Failure to meet the training requirements may result in the member not being ~~considered for~~ reappointed to the Commission. Training may be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

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Commented [JJ6]: Not sure what this means referring to the ordinance?

## 6. OFFICERS

- a. ~~2.1~~ SELECTION. At the organizational meeting in January, the Commission shall select ~~officers including from its membership~~ a Chairperson, Vice-Chairperson, and Secretary and representatives to the Zoning Board of Appeals and Joint Planning Commission who shall serve for a twelve (12) -month period and who shall be eligible for ~~another term-re-election~~. Nominations shall be made from the floor, and the ~~election-vote~~ shall be held immediately thereafter. A ~~candidate-Commissioner~~ receiving a majority vote ~~of the members present~~ shall be ~~selected/declared elected~~.
- b. ~~2.2~~ DUTIES. A Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The Vice-Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson and shall succeed to the office of the Chairperson in the event of a vacancy in that office, in which case the Commission shall select a ~~successor-Commissioner~~ to the office of Vice-Chairperson at the earliest practicable time. The Secretary shall perform such duties as the Commission may determine and shall coordinate these responsibilities with Township staff members, such as the Clerk and/or Zoning Administrator.
- c. ~~2.3~~ TENURE. ~~The officers shall take office immediately following their election. They shall hold their office for a term for one year, or until their successors are elected and assume office.~~

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## 7. MEETINGS

- a. MEETING NOTICES. All meetings shall be posted at the Township ~~h~~Hall and ~~or~~ posted on the Township ~~w~~Website according to the OMA. The notice shall include ~~the reason for the meeting,~~ the date, ~~and~~ time ~~and location~~ of the meeting.
- b. REGULAR MEETINGS. Regular meetings of the Commission shall be held monthly if there is business to conduct. Meetings shall be in the Township ~~h~~Hall on the first Tuesday of ~~each~~the month unless scheduled for another date. ~~The dates and times of all meetings shall be posted at the Township Hall and or posted on the Township Web Site.~~
- c. SPECIAL MEETINGS. A special meeting may be called by the Chairperson or ~~by two (2) members of the Planning Commission-Commissioners~~ upon written request to the Secretary. The

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Secretary shall send written notice of a special meeting to Commissioners ~~members~~ not less than 48 hours in advance of the meeting.

d. QUORUM. In order for the Commission to conduct business or take any official action, a quorum ~~of consisting of five members~~ Commissioners shall be present. When a quorum is not present, no official action, except for ~~closing adjournment~~ of the meeting may take place. The ~~members of the Commission~~ Commissioners may discuss matters of interest but can take no action until the next regular meeting or special meeting. All public hearings without a quorum shall be scheduled for the next regular meeting or special meeting, ~~and no additional public notice is required provided the date, time and place is announced at the meeting.~~

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e. PUBLIC HEARINGS. Public Hearings shall be scheduled and due notice given in accordance with ~~Commission~~ the Bylaws, ~~-OMA~~, provisions of the State Acts and Ordinances of the Township. ~~All comments shall be addressed to the Chairperson and the Commission. Second comments are not permitted until all have had an opportunity to speak for the first time. The Chairperson may terminate a presentation or ask for summation if comments are repetitive. A time limit for speakers may be imposed by the Chairperson. Once the public hearing is closed, further public comment shall be at the discretion of the Chairperson based upon additional information that may be submitted by the applicant, the staff or based upon a comment by the Planning Commission.~~

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f. ORDER OF BUSINESS. The general order of business at regular meetings shall be as follows:

- I. Call to order
- ~~II. Roll Call~~
- ~~2. Attendance~~
- III. Pledge of Allegiance
- IV. Approval of Agenda – Items may be added or deleted by Commission action.
- V. Public Comments on Agenda Items Only – Person addressing the Commission must give their name and address for the record when called upon by the Chair. Public members shall be limited to speaking for a maximum of three (3) minutes.
- ~~3.~~
- ~~4-VI. Approval of minutes of previous meetings~~
- ~~5. Audience comments regarding items, not on the Agenda~~
- VII. Noticed Public Hearings – public comment for each item followed by
  - ~~1. Presentation by petitioner as necessary.~~
  - ~~6-2. Public Comment – Standard public comment rules apply.~~
  - ~~1-3. Commission discussion and action.~~
- ~~7-VIII. Old Unfinished Business – public comment for each item followed by~~
  - ~~2-1. Commission discussion and action.~~
- ~~8-IX. New Business – public comment for each item followed by~~
  - ~~3-1. Commission discussion and action.~~
  - ~~9. Commission Proposed Business~~
- X. Public Comments – Persons addressing the Commission must give their name and address for the record when called upon by the Chair. Public members shall be limited to speaking for a maximum of three (3) minutes.
- XI. Zoning Administrator’s Report
- ~~10-XII. Planning Commissioner Comments~~
  - ~~11. Final Citizen Comment~~
- ~~12-XIII. Adjournment~~
  - ~~b. This order of business may be suspended by a vote of a majority of the~~
  - ~~c. members present.~~

g. ~~3-7~~ VOTING. An affirmative vote of a majority of the ~~members present~~ Commissioners shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be by voice vote, provided however that a roll call vote shall be required if requested by any Commissioner ~~member~~ or directed by the Chairperson. All ~~members of the Commission~~ Commissioners including the Chairperson shall vote on all matters, but the Chairperson shall vote last. ~~Members-Commissioners~~ may be excused from voting only if the ~~person has a bonafide~~ Commissioner has a conflict of interest as recognized by ~~the majority of the remaining members of the Commission.~~ Any member abstaining from a vote shall not participate in the discussion of the ithe Commission Bylaws.em.

h. ~~3-8~~ RULES OF ORDER. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Order.”

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i. PUBLIC COMMENT. Members of the public shall have an opportunity, under at Public Comment, to address the Commission for up to five~~three (53)~~ minutes. Minutes will not be allowed to be donated to others to increase time limitations. Only after being acknowledged by the Chairperson shall a member of the public initiate their comments. If physically able, public comment shall be from the podium and be seated when finished speaking.

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Any member of the public wishing to present statements, correspondence, comments, or questions to the Commission under these provisions, shall identify themselves by name, address, and if they represent an organization. While all the comments, statements, and questions will be received by the Commission, it will be at the discretion of the Commission and Commissioners to respond or to refer items to staff for response at a later time or to the Commissions future agenda. The time limit for comments may be reduced at the discretion of the moderator depending on the expected number of speakers and the remaining Agenda items to be addressed.

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If physically able, persons wishing to make public comment shall address the Commission from the podium and be seated when they are finished speaking. The Commission may not take action in response to a public comment at the same meeting the comment is presented unless by unanimous consent of the Commissioners present. Individual Commissioners are not required to respond to questions presented during public comment, however, if a Commissioner so wishes, they may respond to questions during the Commissioner Comments section of the Agenda.

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i. RULES FOR CONDUCT AT MEETINGS. To promote open meetings without disruptions and the Commission's performance of its functions without obstruction, impairment, or hindrance, in an atmosphere of fairness, courtesy, and respect for different points of view, all persons in attendance at a Planning Commission meeting shall it is expected that all present will conduct themselves respectfully and without disruptions to the Commission's performance of its function.

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**Commented [JU14]:** Anything further here including threatening arrest is unacceptable. Is this a possibility sure, but does not belong in our Bylaws.

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- Not engage in or encourage others to engage in behavior which disrupts or impedes the orderly conduct of the meeting. Such prohibited conduct includes making loud noises, clapping, shouting, booing, hissing, or interrupting Commissioners or other persons who are speaking.
- Not, by actions or words, create, provoke, encourage, engage, or participate in any type of assaultive, threatening, or abusive behavior, or disturbance that disrupts the meeting.
- Silence and refrain from using mobile phones and/or pagers while the meeting is in session unless the device is being used to record the meeting and not for two way conversations.
- Not use threatening, obscene, insulting, or abusive language during the meeting.

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The meeting moderator shall determine compliance with and enforce these rules as provided in Section 7.k. Failure to comply with these rules will be considered a breach of the peace for which the offender may be excluded from (ordered to leave) the meeting as provided in Section 3 of the Open Meetings Act, MCL 15.263. Failure to leave a meeting upon being ordered to do so by the moderator shall be deemed a breach of the peace for which the violator may be arrested and physically removed from the meeting.

— DISORDERLY CONDUCT AT MEETING. The meeting moderator may call to order any person who is not complying with one or more of the meeting conduct rules in Section 7.j. A person who continues to violate a rule after being called to order, shall be notified by the meeting

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~~moderator that they are subject to removal from the meeting as provided in Section 7.j if the failure to comply continues. If further violations occur after such a notice, the offending person may be ordered to leave the meeting by the meeting moderator, and upon failure to comply with such an order, may be arrested and physically removed from the meeting as provided in Section 7.j by a law enforcement officer that is either in attendance at the meeting, or comes to the meeting for that purpose at the meeting moderator's request.~~

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~~i. **3.9 NOTICE OF DECISION.** A written notice, or a copy of the draft or approved meeting minutes, containing any final decision of the Planning Commission shall be provided to the applicant upon request.~~

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Commented [JJ15]: This made no sense to me. This is a normal operating procedure and not necessary in the bylaws.

## 8. MINUTES

Commission minutes shall be prepared by the ~~Secretary of the Commission, Township clerk or designated person.~~ The minutes shall contain a brief synopsis of public comments and Commission discussion of an item, including a complete restatement of all motions and recording of votes, complete statement of the conditions or recommendations made on any action and recording of attendance.

Commented [JJ16]: Already noted in earlier provision that could be other designee.

## 9. AMENDMENTS

These Bylaws and Rules of Procedure may be amended by the Commission by a ~~concurring majority~~ vote ~~of five members~~ at any regular meeting, provided that all ~~Commissioners~~ members have received advanced notice of the proposed amendments by at least three ~~(3) Township business days~~ prior to the regular meeting at which such amendments are to be considered on the agenda.

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Commented [JJ17]: To allow appropriate time and not just over weekends for review or for public review.

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## 10. CONFLICT OF INTEREST

~~Planning Commission members~~ Commissioners shall declare a potential conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request when:

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- a. The request for which the Planning Commission is asked to make a decision:
  1. that involves his/hers spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law or members of their/his/her household;
- b. The Planning Commission neru-member has a business or financial interest in the:
  1. pProperty involved in the request or has a potential business or financial interest in The the applicant's company, organization, ageneagency, or association;

- c. The ~~Planning~~ Commissioner ~~member~~ owns or has a financial interest in the:
1. adjoining property. For purposes of this section, property separated only by an abutting public or private road, street or highway shall be deemed an adjoining property; or
- d. ~~There is a reasonable appearance of a conflict of interest, as determined by a m~~Majority vote of the ~~remaining~~ ~~remaining members of the Planning Commission~~ ~~present~~Commissioners.
- f. ~~Failure of a member~~Commissioner to disclose a potential conflict of interest ~~as required~~ by
- g. ~~These by laws shall~~ constitute malfeasance in office ~~and grounds for the Township Board to remove a Commissioner after holding a public hearing on the matter.~~

~~Commission Board - A Review and approval 1/21/19~~ ~~1-21-19~~  
~~Commission Revised Attorney Review and approval 2-27-19~~ ~~2-27-19~~  
~~Update on 2-27-19 PDA TBD~~

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MARSHALL TOWNSHIP PLANNING COMMISSION  
BY-LAWS AND RULES OF PROCEDURE

1. NAME PURPOSE

- a. The name shall be the Marshall Township Planning Commission, hereafter known as the "Commission."

2. AUTHORITY

- a. These rules of procedures are adopted by the Marshall Township Planning Commission pursuant to Public Act 33 of 2008, the Michigan Planning Enabling Act, as may be amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.
- b. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter "the Zoning Act."

3. MEMBERSHIP

- a. Members of the Commission (Commissioners) are appointed by the Marshall Township Supervisor and affirmed by the Marshall Township Board pursuant to the Marshall Township Planning Commission Ordinance of May 2017 as amended.
- b. First priority, each ~~member~~-Commissioner shall represent and advocate what is best for the Marshall Township as a whole, putting aside personal or special interests.
- c. Second priority, each ~~member~~-Commissioner shall represent a separate important segment of the community, as appointed by the Marshall Township Supervisor and affirmed by the Marshall Township Board. One Member shall be The Township Board Representative. One ~~member~~-Commissioner shall be The Planning Commission representative to the Zoning Board of Appeals.

#### 4. ATTENDANCE

- a. If any member of the Commission is absent from three consecutive regularly scheduled meetings without an excusal, then that member shall be considered delinquent. Delinquency may be grounds for the Marshall Township Board to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary or acting secretary in the absence of the elected secretary shall keep attendance records and shall notify the Marshall Township Supervisor whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Marshall Township Supervisor can consider further action allowed under the law or excuse the absences.

#### 5. TRAINING

- a. Each ~~member~~ Commissioner shall have attended at least four hours per year of training in planning and zoning during the member's current term of office. If so, provided in the ordinance creating the Commission, failure to meet the training requirements may result in the member not being reappointed to the Commission. Training may be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

#### 6. OFFICERS

- a. ~~2.1~~ SELECTION. At the organizational meeting in January, the Commission shall select from its membership a chairperson, vice-chairperson and secretary who shall serve for a twelve-month period and who shall be eligible for reelection. Nominations shall be made from the floor, and the election shall be held immediately thereafter. A candidate receiving a majority vote of the members present shall be declared elected.
- b. ~~2.2~~ DUTIES. A chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the chairperson in the absence of the chairperson and shall succeed to the office of the chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of vice-chairperson at the earliest practicable time. The Secretary shall perform such duties as the Commission may determine and shall coordinate these responsibilities with Township staff members, such as Clerk and/or Zoning Administrator.

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- c. ~~2.3~~ **TENURE**. The officers shall take office immediately following their election. They shall hold their office for a term for one year, or until their successors are elected and assume office.

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## 7. MEETINGS

- a. **MEETING NOTICES**. All meetings shall be posted at the Township Hall and or posted on the Township Web Site. according to the Open Meetings Act. The notice shall include the date and time of the meeting.

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- b. **REGULAR MEETINGS**. Regular meetings of the commission shall be held monthly if there is business to conduct. Meetings shall be in the Township Hall on the first Tuesday of the month unless scheduled for another date. The dates and times of all meetings shall be posted at the Township Hall and or posted on the Township Web Site.

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- c. **SPECIAL MEETINGS**. A special meeting may be called by the Chairperson or two members of the Planning Commission upon written request to the Secretary. The Secretary shall send written notice of a special meeting to Commission members not less than 48 hours in advance of the meeting.

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~~1-II.~~ Roll Call

~~2.~~ Attendance

III. Pledge of Allegiance

IV. Approval of Agenda – Items may be added or deleted by Commission action.

V. Public Comments on Agenda Items Only – Person addressing the Commission must give their name and address for the record when called upon by the Chair. Public members shall be limited to speaking for a maximum of three (3) minutes.

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~~9.~~ Commission Proposed Business

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XI. Zoning Administrator's Report

~~10-XII.~~ Planning Commissioner Comments

~~11.~~ Final Citizen Comment

~~12-XIII.~~ Adjournment

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g. ~~3-7.~~ VOTING. An affirmative vote of a majority of the members present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be by voice vote, provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last. Members may be excused from voting only if the person has a bonafide conflict of interest as recognized by the majority



of the remaining members of the Commission. Any member abstaining from a vote shall not participate in the discussion of the item.

h. ~~3.8~~ **RULES OF ORDER.** All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Order.”

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i. PUBLIC COMMENT. Members of the public shall have an opportunity, under Public Comment, to address the Commission for up to three (3) minutes. The time limit for comments may be reduced at the discretion of the moderator depending on the expected number of speakers and the remaining Agenda items to be addressed. If physically able, persons wishing to make public comment shall address the Commission from the podium and be seated when they are finished speaking. The Commission may not take action in response to a public comment at the same meeting the comment is presented unless by unanimous consent of the Commissioners present. Individual Commissioners are not required to respond to questions presented during public comment, however, if a Commissioner so wishes, they may respond to questions during the Commissioner Comments section of the Agenda.

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j. RULES FOR CONDUCT AT MEETINGS. To promote open meetings without disruptions and the Commission’s performance of its functions without obstruction, impairment, or hindrance, in an atmosphere of fairness, courtesy, and respect for different points of view, all persons in attendance at a Planning Commission meeting shall:

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- a. Not engage in or encourage others to engage in behavior which disrupts or impedes the orderly conduct of the meeting. Such prohibited conduct includes making loud noises, clapping, shouting, booing, hissing, or interrupting Commissioners or other persons who are speaking.
- b. Not, by actions or words, create, provoke, encourage, engage, or participate in any type of assaultive, threatening, or abusive behavior, or disturbance that disrupts the meeting.
- c. Silence and refrain from using mobile phones and/or pagers while the meeting is in session unless the device is being used to record the meeting and not for two-way conversations.
- d. Not use threatening, obscene, insulting, or abusive language during the meeting.

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The meeting moderator shall determine compliance with and enforce these rules as provided in Section 7.k. Failure to comply with these rules will be considered a breach of the peace for which the offender may be excluded from (ordered to leave) the meeting as provided in Section 3 of the Open Meetings Act, MCL 15.263.

Failure to leave a meeting upon being ordered to do so by the moderator shall be deemed a breach of the peace for which the violator may be arrested and physically removed from the meeting.

k. DISORDERLY CONDUCT AT MEETING. The meeting moderator may call to order any person who is not complying with one or more of the meeting conduct rules in Section 7.j. A person who continues to violate a rule after being called to order, shall be notified by the meeting moderator that they are subject to removal from the meeting as provided in Section 7.j if the failure to comply continues. If further violations occur after such a notice, the offending person may be ordered to leave the meeting by the meeting moderator, and upon failure to comply with such an order, may be arrested and physically removed from the meeting as provided in Section 7.j by a law enforcement officer that is either in attendance at the meeting, or comes to the meeting for that purpose at the meeting moderator's request.

h.

~~i. 3.9~~ NOTICE OF DECISION. A written notice, or a copy of the draft or approved meeting minutes, containing any final decision of the Planning Commission shall be provided to the applicant upon request.

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## 8. MINUTES

Commission minutes shall be prepared by the Secretary of the Commission, Township clerk or designated person. The minutes shall contain a brief synopsis of public and Commission discussion of an item, including a complete restatement of all motions and recording of votes, complete statement of the conditions or recommendations made on any action and recording of attendance.

## 9. AMENDMENTS

These rules may be amended by the Commission by a concurring vote of five members at any regular meeting, provided that all members have received advanced notice of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.

## 10. CONFLICT OF INTEREST

Planning Commission members shall declare a potential conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request when:

- a. The request for which the Planning Commission is asked to make a decision:
  1. that involves his/her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law or members of his/her household;
- b. The Planning Commission member has a business or financial interest in the:
  1. Property involved in the request or has a business or financial interest in ~~The~~the applicant's company, agency or association;
- c. The Planning Commission member owns or has a financial interest in the:
  1. adjoining property. For purposes of this section, property separated only by an abutting public or private road, street or highway shall be deemed an adjoining property; or
- d. There is a reasonable appearance of a conflict of interest, as determined by a Majority vote of the remaining members of the Planning Commission present.
- f. Failure of a member to disclose a potential conflict of interest as required by
- g. These by-laws constitute malfeasance in office.

Board Review and approval 1-21-19  
Attorney Review and approval 2-27-19  
Update on 2-27-19 PDA

MARSHALL TOWNSHIP PLANNING COMMISSION  
BY-LAWS AND RULES OF PROCEDURE

1. NAME PURPOSE

- a. The name shall be the Marshall Township Planning Commission, hereafter known as the "Commission."

2. AUTHORITY

- a. These rules of procedures are adopted by the Marshall Township Planning Commission pursuant to Public Act 33 of 2008, the Michigan Planning Enabling Act, as may be amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.
- b. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter "the Zoning Act."

3. MEMBERSHIP

- a. Members of the Commission (Commissioners) are appointed by the Marshall Township Supervisor and affirmed by the Marshall Township Board pursuant to the Marshall Township Planning Commission Ordinance of May 2017 as amended.
- b. First priority, each ~~member~~ Commissioner shall represent and advocate what is best for the Marshall Township as a whole, putting aside personal or special interests.
- c. Second priority, each ~~member~~ Commissioner shall represent a separate important segment of the community, as appointed by the Marshall Township Supervisor and affirmed by the Marshall Township Board. One Member shall be The Township Board Representative. One ~~member~~ Commissioner shall be The Planning Commission representative to the Zoning Board of Appeals.

#### 4. ATTENDANCE

- a. If any member of the Commission is absent from three consecutive regularly scheduled meetings without an excusal, then that member shall be considered delinquent. Delinquency may be grounds for the Marshall Township Board to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary or acting secretary in the absence of the elected secretary shall keep attendance records and shall notify the Marshall Township Supervisor whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Marshall Township Supervisor can consider further action allowed under the law or excuse the absences.

#### 5. TRAINING

- a. Each ~~member~~ Commissioner shall have attended at least four hours per year of training in planning and zoning during the member's current term of office. If so, provided in the ordinance creating the Commission, failure to meet the training requirements may result in the member not being reappointed to the Commission. Training may be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

#### 6. OFFICERS

- a. ~~2.1~~ SELECTION. At the organizational meeting in January, the Commission shall select from its membership a chairperson, vice-chairperson and secretary who shall serve for a twelve-month period and who shall be eligible for reelection. Nominations shall be made from the floor, and the election shall be held immediately thereafter. A candidate receiving a majority vote of the members present shall be declared elected.
- b. ~~2.2~~ DUTIES. A chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the chairperson in the absence of the chairperson and shall succeed to the office of the chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of vice-chairperson at the earliest practicable time. The Secretary shall perform such duties as the Commission may determine and shall coordinate these responsibilities with Township staff members, such as Clerk and/or Zoning Administrator.

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- c. ~~2.3~~ **TENURE.** The officers shall take office immediately following their election. They shall hold their office for a term for one year, or until their successors are elected and assume office.

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## 7. MEETINGS

- a. **MEETING NOTICES.** All meetings shall be posted at the Township Hall and or posted on the Township Web Site. according to the Open Meetings Act. The notice shall include the date and time of the meeting.

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- b. **REGULAR MEETINGS.** Regular meetings of the commission shall be held monthly if there is business to conduct. Meetings shall be in the Township Hall on the first Tuesday of the month unless scheduled for another date. The dates and times of all meetings shall be posted at the Township Hall and or posted on the Township Web Site.

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- a. The request for which the Planning Commission is asked to make a decision:
  1. that involves his/her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law or members of his/her household;
- b. The Planning Commission member has a business or financial interest in the:
  1. Property involved in the request or has a business or financial interest in ~~The~~the applicant's company, agency or association;
- c. The Planning Commission member owns or has a financial interest in the:
  1. adjoining property. For purposes of this section, property separated only by an abutting public or private road, street or highway shall be deemed an adjoining property; or
- d. There is a reasonable appearance of a conflict of interest, as determined by a Majority vote of the remaining members of the Planning Commission present.
- f. Failure of a member to disclose a potential conflict of interest as required by
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Board -Review and approval 1-21-19  
Attorney Review and approval 2-27-19  
Update on 2-27-19 PDA

MARSHALL TOWNSHIP  
13551 Myron Avery Drive  
Marshall, MI 49068  
(269)781-7976 Fax (269)781-4403  
Hours: Monday ~ Wednesday 8AM to 3:30 PM

Alec,

This is you're meeting to run, but just my thoughts to try to get this done as quickly as possible.

- 1) When you open the public hearing, I would set your ground rules.
- 2) Let Next Era make their presentation without interruption from the public or any questions about their presentation. Question should be addressed to the board.
  - a. Time limit for speakers 3~5 minutes.
  - b. Speakers must come to the lectern to speak and state their name and address
  - c. Make it clear that all comments will need to be directed to the board
  - d. Make it clear that the board will not and should not engage with the speaker and any questions to the board will be noted.
  - e. Start off with either opposing view or for the project
  - f. Ask that people refrain from talking during the deliberations, so everyone can hear.
- 3) After all the public has spoken then close the public hearing.
- 4) Open the deliberations for the board, these deliberations are for the board, the public comment period is over. If the board would like to address the public comments this would be the time to do that. I would refrain from allowing the public to re-comment or debate the answers provided. After the deliberations are over you should ask for a motion.

I hope this help you.

Paul

# **Marshall Township Board Rules of Procedure**

## **Adopted 4-20-2020**

1. **AUTHORITY.** These rules are adopted by the Marshall Township Board of pursuant to Michigan laws governing general law townships. These rules may be amended from time to time by the affirmative vote of at least three (3) members of the Board.
  
2. **MEETINGS**
  - 2.1 **REGULAR SCHEDULE.** The Township Board shall normally meet on the third Monday of each month in regular session. Prior to the start of the calendar year, the Township Board shall establish the schedule of meetings for the year. Changes in the regular schedule shall not be made except by majority vote of the Board.
  - 2.2 **SPECIAL MEETINGS.** The Township Board shall meet in special session upon notice from the Township Clerk when requested by the Supervisor or two members of the Township Board. Notice of special meetings shall be given to each Township Board member at least 24 hours in advance of the special meeting and Board members shall acknowledge receipt of the notice. Such notice shall be sent by email and/or text message, and by phone if necessary, to each member by the Township Clerk or the Clerk's designee. The notice shall contain the time, place, and the agenda for the meeting. The Clerk shall make a written record of notices, means of notification and acknowledgements by Board members. In establishing the date and time of the meeting, the Clerk will poll members to assure the presence of a quorum.
  - 2.3 **PLACE OF MEETING.** Regularly scheduled meetings shall be held at the Township Hall. Whenever the regular meeting place of the Township Board appears to be inadequate for the number of members of the public expected to attend, the Supervisor may change the meeting location to a larger facility located in the Township. At least 18 hours before the meeting, a notice of such change shall be posted on the door of the regular meeting place and the Clerk shall also post notice of such change in the place of meeting on the township's website.
  - 2.4 **TIME OF MEETING.** Regular meetings shall begin at 7:00 p.m. local time unless the Board by majority vote sets another starting time. The Township Board shall not begin considering any matter on the agenda not yet under consideration by the hour of 10:00 p.m. except by unanimous consent of the Board members present. Matters on the agenda and not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or special meeting if one is called.

2.5 CANCELLATION OR POSTPONEMENT. If the Township offices have been closed due to extreme weather conditions on the day of a scheduled Board meeting or the Clerk has received written notice that three (3) or more Board members will not be able to attend a scheduled Board meeting, the meeting may be cancelled or postponed by the Supervisor. Further, if the township is under a state of emergency declared by the Governor of Michigan the Supervisor may cancel or postpone a scheduled meeting by notice to the Clerk. Notice of a cancellation or postponement and the reason for it shall be posted at the building entrances and on the Township's website, with notice of the cancellation provided under Section 3.4.

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 MEETINGS. The Clerk shall post a notice within ten days after the first meeting of the Township Board in each calendar year, indicating the dates 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 a notice of the change within three days following the meeting in which the change was made.

3.3 EMERGENCY MEETINGS. If the Board reschedules a meeting under the provisions of the Rule 2.1 or a special meeting is called under Rule 2.2, the Clerk shall post a notice of that rescheduled or special meeting at least 18 hours before the meeting. An emergency meeting may be held on less notice but only if two-thirds (2/3rds) of the serving Board members decide that a delay to provide the required notice would be detrimental to efforts to lessen or respond to a specified threatened severe and imminent danger to the health, safety, and welfare of the public. The township shall comply with emergency meeting noticing provisions as contained in section 5 of the Open Meetings Act as it may be amended.

3.4 NOTIFICATION TO MEDIA AND OTHERS. The Clerk shall notify by email, without charge, any newspaper, or radio or television station of scheduled Township Board meetings whenever such newspaper, radio or television station shall have filed with the Clerk a written request for such notice. The Clerk shall also notify by email other individuals or organizations of regular meeting schedules, changes in the schedule, or special meetings, upon their written request.

3.5 POSTING DEFINITION. Reference to the term "post" or "post a notice" under this section shall mean a written notice posted at the public entries to the township hall visible from the outside of the building and on the township's website.

4. QUORUM. Three (3) members shall constitute a quorum for the transaction of

business at all meetings of the Township Board, except less than three (3) members may adjourn a regular or special meeting to a later date if a quorum is not present.

## 5. AGENDAS

5.1 REGULAR MEETING AGENDA. The Township Clerk shall prepare 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 close of business on the Wednesday prior to the next regular meeting. Items that the Clerk does not receive by the stated deadline shall not be placed on the Agenda by the Clerk but may be added to the Agenda by majority vote of the Board members present at the meeting.

5.2 CONSENT AGENDA. Each Board meeting Agenda may include a Consent Agenda consisting of items generally considered to be routine such as approval of Minutes, acceptance of reports, payment of bills, and other matters not anticipated to require discussion. Upon the request of any board member, an item shall be removed from the Consent Agenda for individual discussion and action on the regular agenda under new business or immediately after approval of the Consent Agenda as proposed by the Board member requesting removal unless decided otherwise by majority vote of the Board. Approval of all of the items not removed from the Consent Agenda shall be accomplished by a single majority vote to approve the Consent Agenda.

5.3 SPECIAL MEETING AGENDA. At a special meeting of the Board, the matters to be considered shall be stated in the notice of the meeting under Rule 2.2. No other matters shall be considered except when all members are present and a majority of the Board concurs.

5.4 DISTRIBUTION OF AGENDA AND MATERIALS. For regularly scheduled meeting, upon completion of the Agenda, the Clerk shall distribute to the Board and make available to the public, copies of the Agenda and materials submitted to the Clerk for any Agenda item by 4:00 p.m. on the Friday preceding a regular Board meeting. For good cause and with the approval of the Supervisor, or Treasurer in the Supervisor's absence, that deadline may be extended to no later than 4:00 p.m. on the following Monday. Agendas and materials for rescheduled and special Board meeting shall be distributed to the Board and made available to the public as far in advance of the meeting as possible. The Clerk will distribute such materials by email and posting to the Township website.

5.5 ORDER OF BUSINESS. The agenda prepared by the Clerk shall be arranged in the following order of business:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Consent Agenda Approval  
Approval of Minutes

- Financial Reports
- Department Reports
- Correspondence
- Approval of Bills
- Other items not anticipated to require discussion
- 6. Items Removed from Consent Agenda, if any
- 7. Announcements
- 8. Public Comment
- 9. Presentations, if any
- 10. Pending Business
- 11. New Business
- 12. Closed Session Discussion, if any
- 13. Adjournment

6. CONDUCT OF MEETINGS

- 6.1 MODERATOR. The Township Supervisor shall moderate and chair all meetings of the Township Board. In the absence of the Supervisor, the Deputy Supervisor shall act as moderator. In the absence of the Supervisor and Deputy Supervisor, the Treasurer or the Clerk, in that order, shall assume the duties of moderator.
- 6.2 BOARD MEMBERS WISHING TO SPEAK. Members 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 recognized by the chair.
- 6.3 PUBLIC COMMENT. Members of the public shall have an opportunity, under Public Comment, to address the board for up to five (5) minutes. The time limit for comments may be reduced at the discretion of the moderator depending on the expected number of speakers and the remaining Agenda items to be addressed within the time left for the meeting under Rule 2.4, which will be announced at the beginning of public comment. If physically able, persons wishing to make public comment will address the board from the podium and be seated when they are finished speaking. The Board may not take action in response to a public comment at the same meeting the comment is presented unless by unanimous consent of the members. Individual Board members are not required to respond to questions presented during public comment. A Board member that believes a public comment or question should be discussed or addressed by the Board may have it place on a future Agenda as provided in Section 5.
- 6.4 RULES FOR CONDUCT AT MEETINGS. To promote open meetings without disruptions and the Board's performance of its functions without obstruction, impairment, or hindrance, in an atmosphere of fairness, courtesy and respect for different points of view, all persons in attendance at a Township Board meeting shall:
  - (a) Not engage in or encourage others to engage in behavior which disrupts or impedes the orderly conduct of

the meeting, with such prohibited conduct including making loud noises, clapping, shouting, booing, hissing, or interrupting Board members or other persons that are speaking.

(b) Not, by actions or words, create, provoke, encourage, engage, or participate in any type of assaultive threatening, or abusive behavior, or disturbance that disrupts the meeting.

(c) Silence and refrain from using mobile phones and/or pagers while the meeting is in session unless the device is being used to record the meeting and not for two-way conversations.

(d) Not use threatening, obscene, insulting, or abusive language during the meeting.

The meeting moderator shall determine compliance with and enforce these rules as provided in Section 6.5 Failure to comply with these rules will be considered a breach of the peace for which the offender may be excluded from (ordered to leave) the meeting as provided in Section 3 of the Open Meetings Act, MCL 15.263. Failure to leave a meeting upon being ordered to do so by the moderator shall be deemed a breach of the peace for which the violator may be arrested and physically removed from the meeting.

6.5 DISORDERLY CONDUCT AT MEETING. The meeting moderator may call to order any person who is not complying with one or more of the meeting conduct rules in Section 6.4. A person who continues to violate a rule after being called to order, shall be notified by the meeting moderator that they are subject to removal from the meeting as provided in Section 6.4 if the failure to comply continues. If further violations occur after such a notice, the offending person may be ordered to leave the meeting by the meeting moderator, and upon failure to comply with such and Order, may be arrested and physically removed from the meeting as provided in Section 6.4 by a law enforcement officer that is either in attendance at the meeting, or comes to the meeting for that purpose at the meeting moderator's request.

6.6 ELECTRONIC ATTENDANCE BY MEMBERS. No more than two (2) members may participate by electronic means so long as at least three (3) members are physically present at the meeting site. Members attending electronically shall be allowed, unless otherwise provided by law, to fully participate in the meeting the same as those physically present including, but not limited to voting. Members attending electronically shall comply with the Michigan Open Meetings Act, regardless of their location.

## 7. RECORD OF MEETINGS/PROCEEDINGS

7.1 CLERK RESPONSIBILITY. The Township Clerk or designee 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 seconder 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 of each member.

The Clerk shall maintain in the office of the Clerk copies of each Resolution and Ordinance or other matter acted upon by the Board. The official minutes, however, may refer to those matters by an identifying number or title descriptive of the Ordinance, Resolution, or other matter.

- 7.2 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 or members of the public. The Clerk may make notes either in writing or electronically to assist in preparing the meeting proceedings required by law. Such notes shall be retained until the records are approved at a subsequent meeting
- 7.3 PUBLIC ACCESS TO MEETING RECORDS. The Clerk shall make available to members of the public the records and minutes of Board meetings in accordance with the Open Meetings Act and Freedom of Information Act. Proposed Minutes prepared by the Clerk, but not approved by the Board, shall be available for public inspection not more than eight (8) business days following the meeting. Minutes of regular and special Board meetings shall be reviewed and approved no later than the Board's next regular meeting. Minutes approved by the Board shall be available within five (5) business days of the meeting at which they were approved. The Clerk shall also promptly post the proposed and approved minutes to the Township website.
- 7.4 PUBLICATION OF PROCEEDINGS. The Clerk shall be responsible for publication of the proceedings of the Board as required by law.
- 7.5 RECORDING OF MEETINGS. As provided in the Open Meetings Act, any person with a right to attend a meeting has a right to make video and/or audio recordings of the meeting and to broadcast the recording live or at a later time. Any such broadcasts shall disclose that the recording is not a public record of the Township. The exercise of the right to record meetings shall be subject to the Township Board's right, exercised by the Supervisor, to impose reasonable rules and regulations as necessary to minimize the possibility of meeting disruptions. If, in the future the Township Board determines to make video and/or audio recordings of its meeting, this Rule will be amended to provide for that development.

## 8. COMMITTEES

- 8.1 CREATION. Subject to Board approval by majority vote, at any meeting of the Board, a standing or special committee of the Board may be created, which unless otherwise provided in the Board's approval,

shall consist of no more than three (3) members of the Board appointed by the Supervisor.

- 8.2 COMMITTEE CHAIR. The person first listed on the roster of the Supervisor's appointments for each Committee shall be the Committee chair. In the absence of the Committee chair at any Committee meeting, the person next listed shall assume the chair.
- 8.3 COMMITTEE DUTIES AND RESPONSIBILITIES. Each Committee shall thoroughly investigate any matters referred to it by the Supervisor or the Board and shall report, in writing, its findings to the Board without undue delay. Unless a Committee's existence was limited at the time of the appointments, it shall continue in existence until dissolved by the Board. Upon the motion of any Board member, and approval of a majority of the Board, the Board may dissolve or discharge a Committee from further consideration of any matter.
- 8.4 COMMITTEE MEETINGS. A majority of the members shall constitute a quorum.

Each committee that does not consist of a quorum of the Township Board may determine by majority vote whether its meetings shall be open to members of the public.

Each committee shall maintain a written record of its meetings and shall deliver such record to the Township Clerk. The Township Clerk shall maintain a separate file for each committee. The record of each committee shall include at least the following: date and place of the meeting, members attending, and any final recommendations that the committee has approved. Such meeting record shall constitute a public record within the meaning of the Freedom of Information Act, and shall be made available to any persons as required by that Act.

No committee shall meet during a meeting of the Township Board unless the Board grants it leave to do so.

- 8.5 WORK SESSIONS. In addition to or during its regular and special meetings, the Board may meet for work sessions that shall be conducted as provided in Section 6 and shall conform to the requirements of the Open Meeting Act with respect to public notice.

Unless otherwise stated in the published notice and Agenda, the Board may not introduce or adopt an ordinance, adopt a resolution, or take final action on any other business at a work session. This restriction does not prevent the Board from taking votes on preliminary or subsidiary issues related to the subject matter of the work session as necessary or appropriate to developing an ordinance, resolution, or other matter for final consideration and action by the Board at a regular or special meeting.

The rules in Section 10 shall not apply to Township Board work sessions.

## 9. CLOSED SESSIONS

9.1 PROCEDURE. The Township Board may meet in a closed session which is not open to the public for a reason allowed by the applicable provisions of the Open Meetings Act listed in Rule 9.2 that is identified in a motion by any member and that is approved by roll call vote of at least four (4) members for the reasons in subsections (c), (d), (e), and (f) in Rule 9.2 and by at least three (3) members for the reasons in subsections (a) and (b) of Rule 9.2. The vote shall be recorded in the minutes of the meeting at which the decision to hold a closed session was made.

9.2 PURPOSES. The Township Board may meet in closed session only for the following purposes:

- (a) To consider the dismissal, suspension, or disciplining of a public officer, employee, staff member, or individual; or to hear complaints of charges against such a person, but only when the subject of the proposed action or charges requests the meeting to be closed.
- (b) To consider strategy connected with the negotiation of collective bargaining agreement.
- (c) To consider the purchase or lease of real property prior to the time that an option to lease or purchase such real property is secured.
- (d) To consult with an attorney for the Township regarding trial or settlement strategy in connection with specific pending legislation but only when an open meeting would have a detrimental effect on the Township's litigating or settlement position.
- (e) To review the specific contents of an application for employment and the applicant requests that the application remain confidential. Whenever the Board shall meet to interview an applicant it shall be in open session.
- (f) Other matters exempt from disclosure by state or federal law.

It is the intention of the Board to fully follow the Michigan Open Meetings Act. Therefore, if there is a conflict between these rules and the Act, the requirements of the Act shall prevail.

9.3 MINUTES. At each executive session, the Clerk shall keep a separate Record. This record of minutes shall be stamped "Confidential" and 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.

## 10. MOTIONS AND RESOLUTIONS

10.1 MOTIONS, AND WRITTEN RESOLUTIONS. All Board action is by a motion that is made, seconded, and approved by the required number of affirmative votes. Board action to introduce or adopt an ordinance or adopt a written Resolution may be by a motion to do that without the need to read or include the language of the ordinance or resolution in the motion. Before voting on a verbal motion, a majority of the Board members present may vote to recess the meeting to allow the motion to be placed in written form.

### 10.2 PARLIAMENTARY PROCEDURES AND TYPICAL MOTIONS.

The Board wishes to ensure that basic rules of parliamentary procedure are followed in undertaking motions and actions of the Board. To this end, the Board hereby approves and adopts the following general rules of procedure and types of motions and how and when they are made as follows:

- (a) Table
- (b) Postpone
- (c) Call the Question (vote immediately)
- (d) Suspend Rules
- (e) Appeal Moderator Decision
- (f) Reconsider
- (g) Rescind or Amend

Whenever a motion is pending, no motion shall be received except a motion to:

- (a) Fix the time to adjourn
- (b) Adjourn
- (c) Recess
- (d) Vote immediately
- (e) Table the motion
- (f) Postpone to a certain time
- (g) Refer to committee or resume consideration
- (h) Amend the motion

These motions shall take precedence in the order in which they are stated above.

10.3 NONDEBATABLE MOTIONS. The motions to fix time to adjourn, adjourn, recess, table, vote immediately, and all motions relating to priority of business shall be voted upon without debate.

10.4 RULES ON PROCEDURAL MOTIONS. The subsections of this Rule, which summarize the features and use of the identified motion. In questions of parliamentary procedure, the moderator if provided the authority to make decisions so as to ensure the meeting is efficiently and effectively conducted.

10.4.1 VOTE IMMEDIATELY. Passage ends debate allowing for and requiring an immediate vote on a pending motion.

Requires a 2/3rds vote of the members present. If the Board rejects a motion to vote immediately, the consideration of the matter shall be resumed as if no motion therefore had been made.

10.4.2 RECONSIDER. Passage puts a previously adopted motion back before the Board as if it had not been voted on, allowing it to then be voted on again, amended, withdrawn, postponed, or otherwise disposed of. Requires a majority vote of the members present and must be made no later than the next Board meeting by a member who voted on the prevailing side of the vote to be reconsidered. The vote on a motion to reconsider may not be reconsidered and a motion may not be subject to more than one motion to reconsider Is not in order regarding a motion to amend if the main question has been voted upon, an affirmative vote whose provisions have been partly carried out or that is in the nature of a contract the other party has been notified of, or a vote that has caused something to be done that is impossible to undo

10.4.3 A MOTION TO TEMPORARILY SUSPEND THE RULES. May be made at any time to temporarily suspend the strict application of one or more of these Rules for a specified item of business to facilitate the accomplishment of any legal objective of the Board in a legal manner. Requires a 2/3rds vote of the members present and may be for a full or partial suspension of a rule and include conditions that apply to the suspension.

10.4.4 APPEAL FROM A DECISION OF THE MODERATOR. A decision or ruling by the moderator may be challenged by an immediate appeal being stated by a Board member and seconded by another Board member. On all appeals the question shall be, "Shall the decision of the moderator stand as the judgment of the Township Board?" Appeals shall be debatable except when decision or ruling relates to a pending motion that is not debatable or the priority of business, with each member entitled to speak once and the moderator entitled to speak twice. A majority vote of the members present is required to approve an appeal and the moderator is entitled to vote unless the moderator is the Deputy Supervisor.

10.4.5 POINT OF ORDER. This procedure is available to a Board member that thinks one of these Rules are not being complied with and, upon being presented, calls for the moderator to make a ruling on and enforce the Rule. Generally, may be made at any time, does not require a second, is not debatable, and does not involve a vote of the Board unless the moderator refers the Point of Order to the Board, in which case it is debatable and decided by

a majority vote of the members present.

10.4.6 TABLE AND REMOVE FROM TABLE. A motion to table delays consideration of an item of business or further debate on a pending motion, requires a majority vote of the members present, and should not be used when the intent is to postpone to a future meeting, date, or event. A motion to remove a matter from the table may be made and seconded when no other motion is pending, is not debatable, and requires a majority vote of the members present.

10.4.7 POSTPONE. A motion to postpone to a future time or after a designated event is debatable as to the proposed postponement and requires a majority vote of the members present. A motion to postpone indefinitely is debatable, including on the merits of the motion proposed for postponement, requires a majority vote of the members present, and is only a subject to reconsideration if it passes.

10.5.8 RESCIND/AMEND SOMETHING PREVIOUSLY ADOPTED. Passage of a motion to rescind or amend something previously adopted has the effect of changing or cancelling all or part of a previously adoption motion. Requires a 2/3rds vote of the members present, or a majority vote of the members present if advance notice of an intent to make the motion has been provided to the Clerk as provided in Rule 5.1. Although there is no time limit for making this motion, it is out of order if a motion to reconsider the same motion is pending, or if something has been done as a result of the vote on the motion to be rescinded/amended that is impossible to undo. An approved motion to rescind/amend may not be reconsidered.

11. VOTING. Whenever a question is put by the moderator, every member present shall vote on all questions decided by the Township Board. No member present may abstain from voting “yes” or “no”, unless they state on the record a direct conflict of interest exists and the nature of the conflict or gives a personal or financial reason for doing so.

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

11.2 When a record roll call vote is demanded on a question and after the moderator 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 roll call is completed and the result announced.

12. RECORD OF ORDINANCES. Following the publication of any new or amended Ordinance, the Township Clerk shall comply with state law with respect to the recording of such Ordinances.

13. RECORD OF RESOLUTIONS. The Clerk shall keep a written record of each resolution of the Board in a separate file or book. The record of each resolution shall provide the date of adoption, the record vote of each Board member by name, and any amendments thereto adopted by the Board. The Clerk shall develop a system of numbering and titling such resolutions and an index of matters included in the total of such resolution.

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# Open Meetings Act Handbook

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of Attorney General  
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Additional copies available  
at: [mi.gov/foia-ag](https://mi.gov/foia-ag)





The Handbook is intended to be a quick reference guide. It is not intended to be encyclopedic on every subject or resolve every situation that may be encountered.

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# THE BASICS

## OPEN MEETINGS ACT

### THE ACT

[The Open Meetings Act \(OMA\) is 1976 PA 267, MCL 15.261 through 15.275.](#) The OMA took effect January 1, 1977. In enacting the OMA, the Legislature promoted a new era in governmental accountability and fostered openness in government to enhance responsible decision making.<sup>1</sup>

Nothing in the OMA prohibits a public body from adopting an ordinance, resolution, rule, or charter provision that requires a greater degree of openness relative to public body meetings than the standards provided for in the [OMA](#).<sup>2</sup>

### WHAT BODIES ARE COVERED?

The [OMA applies to all meetings of a public body](#).<sup>3</sup> A “public body” is broadly defined as:

*[A]ny state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the [lease agreement](#). [Emphasis added.]<sup>4</sup>*

As used in the OMA, [the term “public body”](#) connotes a collective entity and does not include an individual government official.<sup>5</sup> The [OMA does not apply to private, nonprofit corporations](#).<sup>6</sup>

### PUBLIC NOTICE REQUIREMENTS

[A meeting of a public body cannot be held unless public notice is given consistent with the OMA](#).<sup>7</sup> A [public notice](#) must contain the public body’s name, telephone number, and address, and must be posted at its principal office and any other locations the public body considers appropriate.<sup>8</sup> If a public body is a part of a state department, [a public notice must also be posted in the principal office of the state department](#).<sup>9</sup>

Public notice requirements are specific to the type of meeting:

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1 *Booth Newspapers, Inc v Univ of Michigan Bd of Regents*, 444 Mich 211, 222-223; 507 NW2d 422 (1993).

2 MCL 15.261.

3 MCL 15.263. When the Handbook refers to a “board,” the term encompasses all boards, commissions, councils, authorities, committees, subcommittees, panels, and any other public body.

4 MCL 15.262(a). The provision in the OMA that includes a lessee of a public body performing an essential public purpose is unconstitutional because the title of the act does not refer to organizations other than “public bodies.” OAG, 1977-1978, No 5207, p 157 (June 24, 1977). Certain boards are excluded “when deliberating the merits of a case.” MCL 15.263(7). See also MCL 15.263(8) and (10).

5 *Herald Co v Bay City*, 463 Mich 111, 129-133; 614 NW2d 873 (2000) – a city manager is not subject to the OMA. *Craig v Detroit Public Schools Chief Executive Officer*, 265 Mich App 572, 579; 697 NW2d 529 (2005). OAG, 1977-1978, No 5183A, p 97 (April 18, 1977).

6 OAG, 1985-1986, No 6352, p 252 (April 8, 1986) – the Michigan High School Athletic Association is not subject to the OMA. See also *Perlongo v Iron River Cooperative TV Antenna Corp*, 122 Mich App 433; 332 NW2d 502 (1983).

7 MCL 15.265(1). *Nicholas v Meridian Charter Twp*, 239 Mich App 525, 531; 609 NW2d 574 (2000).

8 MCL 15.264(a)-(c).

9 MCL 15.264(c).

1. For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.
2. For a change in schedule of regular meetings of a public body, there shall be posted within three days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.
3. For a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting.
4. [A meeting of a public body which is recessed for more than 36 hours shall be reconvened only after public notice has been posted at least 18 hours before the reconvened meeting.](#)<sup>10</sup>

At their first meeting of the calendar or fiscal year, each board must set the dates, times, and places of the board's regular meetings for the coming year. The OMA does not require any particular number of meetings. The board's schedule of regular meetings is not, of course, set in stone. The board is free to cancel or reschedule its meetings.

[The minimum 18-hour notice requirement is not fulfilled if the public is denied access to the notice of the meeting for any part of the 18 hours.](#)<sup>11</sup> The requirement may be met by posting at least 18 hours in advance of the meeting using a method designed to assure access to the notice. For example, the public body can [post the notice at the main entrance](#) visible on the outside of the building that houses the principal office of the public body.<sup>12</sup>

A public body must send copies of the public notices by first class mail to a requesting party, upon the party's payment of a yearly fee of not more than the reasonable estimated cost of printing and postage. Upon written request, a public body, at the same time a public notice of a meeting is posted, must provide a copy of the public notice to any newspaper published in the state or any radio or television station located in the state, [free of charge](#).<sup>13</sup>

## AGENDAS AND THE OMA

While the OMA requires a public body to give public notice when it meets, it has no requirement that the [public notice include an agenda](#) or a specific statement as to the purpose of a meeting.<sup>14</sup> No agenda format is required by the OMA.<sup>15</sup>

## PENALTIES FOR OMA VIOLATIONS

[A public official who "intentionally violates" the OMA may be found guilty of a misdemeanor](#)<sup>16</sup> and may be [personally liable](#) for actual and exemplary damages of not more than \$500 for a single meeting.<sup>17</sup> The exemptions in the OMA must be strictly construed. The "rule of lenity" (i.e., courts should mitigate punishment when the punishment in the criminal statute is unclear) does not apply to construction of the OMA's exemptions.<sup>18</sup>

<sup>10</sup> MCL 15.265(2)-(5).

<sup>11</sup> OAG, 1979-1980, No 5724, p 840 (June 20, 1980).

<sup>12</sup> OAG No 5724.

<sup>13</sup> MCL 15.266.

<sup>14</sup> OAG, 1993-1994, No 6821, p 199 (October 18, 1994). But, as discussed in OAG No 6821, other statutes may require a public body to state in its notice the business to be transacted at the meeting.

<sup>15</sup> *Lysogorski v Bridgeport Charter Twp*, 256 Mich App 297, 299; 662 NW2d 108 (2003).

<sup>16</sup> MCL 15.272.

<sup>17</sup> MCL 15.273.

<sup>18</sup> *People v Whitney*, 228 Mich App 230, 244; 578 NW2d 329 (1998).

A decision made by a public body may be invalidated by a court, if the public body has not complied with the requirements of [MCL 15.263\(1\), \(2\), and \(3\)](#) [i.e., making decisions at a public meeting] or if failure to give notice in accordance with section 5 has interfered with substantial compliance with [MCL 15.263\(1\), \(2\), and \(3\)](#) and the court finds that the noncompliance has impaired the rights of the public under the OMA.

## LAWSUITS TO COMPEL COMPLIANCE

[Actions must be brought within 60 days after the public body's approved minutes](#) involving the challenged decision are made publicly available.<sup>19</sup> If the decision involves the approval of contracts, the receipt or acceptance of bids, or the procedures pertaining to the issuance of bonds or other evidences of indebtedness, [the action must be brought within 30 days after the approved minutes are made publicly available](#).<sup>20</sup> If the decision of a state public body is challenged, [venue is in Ingham County](#).<sup>21</sup>

## CORRECTING NON-CONFORMING DECISIONS

In any case where a lawsuit has been initiated to invalidate a public body's decision on the ground that it was not made in conformity with the OMA, the public body may, without being deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with the OMA. A decision reenacted in this manner shall be effective from the [date of reenactment](#) and is not rendered invalid by any deficiency in its initial enactment.<sup>22</sup> If the board acts quickly, the reenactment may defeat a claim for attorney's fees, since plaintiffs would not be successful in "obtaining relief in the action" within the meaning of the OMA.<sup>23</sup>

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<sup>19</sup> MCL 15.270(3)(a).

<sup>20</sup> MCL 15.270(3)(b).

<sup>21</sup> MCL 15.270(4).

<sup>22</sup> MCL 15.270(5).

<sup>23</sup> *Leemreis v Sherman Twp*, 273 Mich App 691, 700; 731 NW2d 787 (2007). *Felice v Cheboygan County Zoning Comm*, 103 Mich App 742, 746; 304 NW2d 1 (1981).

# DECISIONS MUST BE MADE IN PUBLIC MEETINGS

## ALL DECISIONS MUST BE MADE AT A MEETING OPEN TO THE PUBLIC

The OMA defines “decision” to mean “a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a [public body](#) effectuates or formulates public policy.”<sup>24</sup> The OMA provides that “[a]ll decisions of a public body shall be made at a meeting open to the public,” and that, with limited exceptions, “[a]ll deliberations of a public body constituting a quorum of its members shall take place at a meeting [open to the public](#).”<sup>25</sup>

The OMA does not contain a “voting requirement” or any form of “formal voting requirement.” A “consensus building process” that equates to decision-making would fall under the act.<sup>26</sup> For example, where board members use telephone calls or sub-quorum meetings to achieve the same intercommunication that could have been achieved in a full board or commission meeting, the members’ conduct is susceptible to “round-the-horn” decision-making, which achieves the same effect as if the entire board had met publicly and formally cast its votes. A “round-the-horn” process violates the OMA.<sup>27</sup>

## MEETING “INFORMALLY” TO DISCUSS MATTERS

While the OMA “does not apply to a meeting which is a social or chance gathering or conference not designed to avoid this act,”<sup>28</sup> a meeting of a public body must be open to the public. The OMA does not define the terms “[social or chance gathering](#)” or “[conference](#),” and provides little direct guidance as to the precise scope of this [exemption](#).<sup>29</sup>

To promote openness in government, however, the OMA is entitled to a broad interpretation and exceptions to conduct closed sessions must be construed strictly.<sup>30</sup> Thus, the [closed session exemption](#) does not apply to a quorum of a public body that meets to discuss matters of public policy, even if there is no intention that the deliberations will lead to a decision on that occasion.<sup>31</sup>

## CANVASSING BOARD MEMBERS ON HOW THEY MIGHT VOTE

An informal canvas by one member of a public body to find out where the votes would be on a particular issue does not violate the OMA, so long as no decisions are made during the discussions and the discussions are not a deliberate attempt to the avoid the OMA.<sup>32</sup>

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24 MCL 15.262(d).

25 MCL 15.263(2) and (3).

26 *Booth Newspapers, Inc v Univ of Michigan Bd of Regents*, 444 Mich at 229.

27 *Booth Newspapers, Inc*, 444 Mich at 229 – “any alleged distinction between the [public body’s] consensus building and a determination or action, as advanced in the OMA’s definition of ‘decision,’ is a distinction without a difference.”

28 MCL 15.263(10).

29 OAG, 1981-1982, No 6074, p 662, 663 (June 11, 1982).

30 *Wexford County Prosecutor v Pranger*, 83 Mich App 197, 201, 204; 268 NW2d 344 (1978).

31 OAG, 1977-1978, No 5298, p 434, 435 (May 2, 1978). See also OAG, 1979-1980, No 5444, p 55, 56 (February 21, 1979) – anytime a quorum of a public body meets and considers a matter of public policy, the meeting must comply with the OMA’s requirements. Compare OAG, 1979-1980, No 5437, p 36, 37 (February 2, 1979), where members of a public body constituting a quorum come together by chance, the gathering is exempt from the OMA; however, even at a chance meeting, matters of public policy may not be discussed by the members with each other.

32 *St Aubin v Ishpeming City Council*, 197 Mich App 100, 103; 494 NW2d 803 (1992).

## MAY A QUORUM OF A BOARD GATHER OUTSIDE AN OPEN MEETING WITHOUT VIOLATING THE OMA?

Yes, in some instances. In addition to a purely [social gathering or chance gathering](#)<sup>33</sup> that does not involve discussions of public policy among the members of the board, a quorum may accept an invitation to address a [civic organization](#),<sup>34</sup> listen to the concerns of a neighborhood organization, or observe demonstrations, if the [board doesn't deliberate toward, or make, a decision](#).<sup>35</sup>

A board quorum also may meet for a workshop, seminar, informational gathering, or professional conference designed to convey, to the conference participants, information about areas of [professional interest](#) common to all conference participants.<sup>36</sup> These kinds of meetings involve a conference designed primarily to provide training or background information and involve a relatively broad focus upon issues of general concern, rather than a more limited focus on matters or issues of [particular interest](#) to a single public body.<sup>37</sup> However, when gatherings are designed to receive input from officers or employees of the public body, the [OMA requires that the gathering be held at a public meeting](#).<sup>38</sup>

The OMA was not violated when several members of the board of county commissioners attended a public meeting of the county planning committee (which had more than fifty members, two who were county commissioners), which resulted in a quorum of the board being present at the meeting (without the meeting also being noticed as a county commission meeting), so long as the nonmember commissioners did not [engage in deliberations or render decisions](#).<sup>39</sup>

## ADVISORY COMMITTEES AND THE OMA

The OMA does not apply to committees and subcommittees composed of less than a quorum of the full public body if they “are merely [advisory](#) or only capable of making ‘recommendations concerning the exercise of governmental authority.’”<sup>40</sup>

Where, on the other hand, a committee or subcommittee is empowered to act on matters in such a fashion as to deprive the full public body of the opportunity to consider a matter, a decision of the committee or subcommittee “is an exercise of governmental authority which effectuates public policy” and the committee or subcommittee proceedings are, therefore, [subject to the OMA](#).<sup>41</sup>

If a joint meeting of two committees of a board (each with less than a [quorum of the board](#)) results in the presence of a quorum of the board, the board must comply in all respects with the OMA and notice of the joint meeting must include the fact that a quorum of the board will be present.<sup>42</sup>

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33 OAG, 1979-1980, No 5437, p 36 (February 2, 1979).

34 OAG, 1977-1978, No 5183, p 21, 35 (March 8, 1977).

35 OAG, 1977-1978, No 5364, p 606, 607 (September 7, 1978).

36 OAG, 1979-1980, No 5433, p 29, 31 (January 31, 1979).

37 OAG, 1981-1982, No 6074, at p 664.

38 OAG No 5433 at p 31.

39 OAG, 1989-1990, No 6636, p 253 (October 23, 1989), cited with approval in *Ryant v Cleveland Twp*, 239 Mich App 430, 434-435; 608 NW2d 101 (2000) and *Nicholas v Meridian Charter Twp*, 239 Mich App at 531-532. If, however, the noncommittee board members participate in committee deliberations, the OMA would be violated. *Nicholas*, 239 Mich App at 532.

40 OAG, 1997-1998, No 6935, p 18 (April 2, 1997); OAG No 5183 at p 40.

41 *Schmiedicke v Clare School Bd*, 228 Mich App 259, 261, 263-264; 577 NW2d 706 (1998); *Morrison v East Lansing*, 255 Mich App 505; 660 NW2d 395 (2003); and OAG, 1997-1998, No 7000, p 197 (December 1, 1998) – a committee composed of less than a quorum of a full board is subject to the OMA, if the committee is effectively authorized to determine whether items will or will not be referred for action by the full board, citing OAG, 1977- 1978, No 5222, p 216 (September 1, 1977).

42 OAG, 1989-1990, No 6636, at p 254.



## USE OF E-MAIL OR OTHER ELECTRONIC COMMUNICATIONS AMONG BOARD MEMBERS DURING AN OPEN MEETING

E-mail, texting, or other forms of electronic communications among members of a board or commission during the course of an open meeting that constitutes deliberations toward decision-making or actual decisions violates the OMA, since it is in effect a “closed” session. While the OMA does not require that all votes by a public body must be by roll call, voting requirements under the act are met when a vote is taken by roll call, show of hands, or other method that informs the public of the public official’s decision rendered by his or her vote. Thus, the OMA bars the use of e-mail or other electronic communications to conduct a secret ballot at a public meeting, since it would prevent citizens from [knowing how members of the public body have voted](#).<sup>43</sup>

Moreover, the use of electronic communications for discussions or deliberations, which are not, at a minimum, able to be heard by the public in attendance at an open meeting are contrary to the OMA’s core purpose – the promotion of openness in government.<sup>44</sup>

Using e-mail to distribute handouts, agenda items, statistical information, or other such material during an open meeting should be permissible under the OMA, particularly when copies of that information are also made available to the public before or during the meeting.

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<sup>43</sup> See *Esperance v Chesterfield Twp*, 89 Mich App 456, 464; 280 NW2d 559 (1979) and OAG, 1977-1978, No 5262, p 338 (January 31, 1978).

<sup>44</sup> See *Booth Newspapers, Inc*, 444 Mich at 229; *Schmiedicke*, 228 Mich App at 263, 264; and *Wexford County Prosecutor*, 83 Mich App at 204.



# CLOSED SESSIONS

## MEETING IN CLOSED SESSION

A public body may meet in a [closed session](#) *only* for one or more of the permitted purposes specified in section 8 of the OMA.<sup>45</sup> [The limited purposes for which closed sessions are permitted include, among others](#)<sup>46</sup>:

1. 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](#).<sup>47</sup>
2. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement [if either negotiating party requests a closed hearing](#).<sup>48</sup>
3. To consider the purchase or lease of real property up to the time an option to purchase or lease that [real property](#) is obtained.<sup>49</sup>
4. 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.<sup>50</sup>
5. 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, [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](#).<sup>51</sup>
6. [To consider material exempt from discussion or disclosure by state or federal statute](#).<sup>52</sup> But note – a board is not permitted to go into closed session to discuss an attorney’s oral opinion, as opposed to a written legal memorandum.<sup>53</sup>

## A CLOSED SESSION MUST BE CONDUCTED DURING THE COURSE OF AN OPEN MEETING

[Section 2\(c\) of the OMA defines “closed session”](#) as “a meeting or part of a meeting of a public body that is closed to the public.”<sup>54</sup> [Section 9\(1\) of the OMA provides that the minutes of an open meeting must include “the purpose or purposes for which a closed session is held.”](#)<sup>55</sup>

45 MCL 15.268. OAG, 1977-1978, No 5183, at p 37.

46 The other permissible purposes deal with public primary, secondary, and post-secondary student disciplinary hearings – section 8(b); state legislature party caucuses – section 8(g); compliance conferences conducted by the Michigan Department of Community Health – section 8(i); and public university presidential search committee discussions – section 8(j).

47 MCL 15.268(a) (Emphasis added.)

48 MCL 15.268(c) (Emphasis added.)

49 MCL 15.268(d).

50 MCL 15.268(e) (Emphasis added.)

51 MCL 15.268(f) (Emphasis added.)

52 MCL 15.268(h).

53 *Booth Newspapers, Inc v Wyoming City Council*, 168 Mich App 459, 467, 469-470; 425 NW2d 695 (1988).

54 MCL 15.262(c).

55 MCL 15.269(1).

## GOING INTO CLOSED SESSION

[Section 7\(1\) of the OMA](#)<sup>56</sup> sets out the procedure for calling a closed session:

A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

Thus, a public body may go into closed session only upon a motion duly made, seconded, and adopted by a [2/3 roll call vote of the members appointed](#) and serving<sup>57</sup> during an open meeting for the purpose of (1) considering the purchase or lease of real property, (2) consulting with their attorney, (3) considering an employment application, or (4) considering material exempt from disclosure under state or federal law. A majority vote is sufficient for going into closed session for the other OMA permitted purposes.

We suggest that every motion to go into closed session should cite one or more of the permissible purposes listed in [section 8 of the OMA](#).<sup>58</sup> An example of a motion to go into closed session is:

I move that the Board meet in closed session under section 8(e) of the Open Meetings Act, to consult with our attorney regarding trial or settlement strategy in connection with [the name of the specific lawsuit].

Another example is the need to privately discuss with the public body's attorney a memorandum of advice as permitted under [section 8\(h\) of the OMA – "to consider material exempt from discussion or disclosure by state or federal statute."](#)<sup>59</sup> The motion should cite section 8(h) of the OMA and the statutory basis for the closed session, such as [section 13\(1\)\(g\) of the Freedom of Information Act](#), which exempts from public disclosure "[i]nformation or records subject to the attorney-client privilege."<sup>60</sup>

## LEAVING A CLOSED SESSION

The OMA is silent as to how to leave a closed session. We suggest that you recommend a motion be made to end the closed session with a majority vote needed for approval. Admittedly, this is a decision made in a closed session, but it certainly isn't a decision that "effectuates or formulates public policy."

When the public body has concluded its closed session, the open meeting minutes should state the time the public body reconvened in open session and, of course, any votes on matters discussed in the closed session must occur in an open meeting.

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56 MCL 15.267(1).

57 And not just those attending the meeting. OAG No 5183 at p 37.

58 MCL 15.268.

59 MCL 15.268(h). Proper discussion of a written legal opinion at a closed meeting is, with regard to the attorney-client privilege exemption to the OMA, limited to the meaning of any strictly legal advice presented in the written opinion. *People v Whitney*, 228 Mich App at 245-248.

60 MCL 15.243(1)(g).

## **DECISIONS MUST BE MADE DURING AN OPEN MEETING, NOT THE CLOSED SESSION**

[Section 3\(2\) of the OMA requires that “\[a\]ll decisions of a public body shall be made at a meeting open to the public.”](#)<sup>61</sup> Section 2(d) of the [OMA defines “decision”](#) to mean “a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.”<sup>62</sup>

## **AVOID USING THE TERMS “CLOSED SESSION” AND “EXECUTIVE SESSION” INTERCHANGEABLY**

We suggest that a public body not use the term “executive session” to refer to a “closed session.” The term “executive session” does not appear in the OMA, but “closed session” does. “Executive session” is more of a private sector term and is often used to describe a private session of a board of directors, which is not limited as to purpose, where actions can be taken, and no minutes are recorded.

## **STAFF AND OTHERS MAY JOIN THE BOARD IN A CLOSED SESSION**

[A public body may rely upon its officers and employees for assistance when considering matters in a closed session.](#) A public body may also request private citizens to assist, as appropriate, in its considerations.<sup>63</sup>

## **FORCIBLY EXCLUDING PERSONS FROM A CLOSED SESSION**

A public body may, if necessary, exclude an [unauthorized individual](#) who intrudes upon a closed session by either (1) having the individual forcibly removed by a law enforcement officer, or (2) by recessing and removing the closed session to a new location.<sup>64</sup>

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61 MCL 15.263(2). *St Aubin v Ishpeming City Council*, 197 Mich App at 103. See also, OAG, 1977-1978, No 5262, at p 338-339 – the OMA prohibits a voting procedure at a public meeting which prevents citizens from knowing how members of the public body have voted and OAG, 1979-1980, No 5445, p 57 (February 22, 1979) – a public body may not take final action on any matter during a closed meeting.

62 MCL 15.262(d).

63 OAG, 1979-1980, No 5532, p 324 (August 7, 1979).

64 OAG, 1985-1986, No 6358, p 268 (April 29, 1986), citing *Regents of the Univ of Michigan v Washtenaw County Coalition Against Apartheid*, 97 Mich App 532; 296 NW2d 94 (1980).

# PUBLIC ATTENDING OPEN MEETINGS

## EXCLUDING INDIVIDUALS

No one may be excluded from a meeting otherwise open to the public except for a [breach of the peace](#) actually committed at the meeting.<sup>65</sup>

## IDENTIFYING PUBLIC ATTENDEES

No one may be required to register or otherwise provide his or her name or other information or otherwise to [fulfill a condition precedent to attend a public meeting](#).<sup>66</sup>

Building security at the meeting site may cause issues. [Members of the public might object, based on the OMA, to signing in to gain access to the building where a public meeting is being held](#).<sup>67</sup> We, therefore, recommend that public bodies meet in facilities or areas not subject to public access restrictions.

If the public body wishes the members of the public to identify themselves at the meeting, we suggest the board chair announce something like this:

“The Board would appreciate having the members of the public attending the meeting today identify themselves and mention if they would like the opportunity to speak during the public comment period. However, you do not need to give your name to attend this meeting. When the time comes to introduce yourself and you do not want to do so, just say pass.”

Since speaking at the meeting is a step beyond “attending” the public meeting and the OMA provides that a person may address the public body “under rules established and recorded by the public body,” [the board may establish a rule requiring individuals to identify themselves if they wish to speak at a meeting](#).<sup>68</sup>

## LIMITING PUBLIC COMMENT

[A public body may adopt a rule imposing individual time limits for members of the public addressing the public body](#).<sup>69</sup> In order to carry out its responsibilities, the board can also consider establishing rules allowing the chairperson to encourage groups to designate one or more individuals to speak on their behalf to avoid cumulative comments. [But a rule limiting the period of public comment](#) may not be applied in a manner that denies a person the right to address the public body, such as by limiting all public comment to a half-hour period.<sup>70</sup>

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65 MCL 15.263(6).

66 MCL 15.263(4).

67 In addition, “[a]ll meetings of a public body . . . shall be held in a place available to the general public.” MCL 15.263(1).

68 MCL 15.263(5). OAG, 1977-1978, No 5183, at p 34.

69 OAG, 1977-1978, No 5332, p 536 (July 13, 1978). The rule must be duly adopted and recorded. OAG, 1977-1978. No 5183, at p 34.

70 OAG No 5332 at p 538.

## MEETING LOCATION

[The OMA only requires that a meeting be held “in a place available to the general public;”](#) it does not dictate that the meeting be held within the geographical limits of the public body’s jurisdiction.<sup>71</sup> However, if a meeting is held so far from the public which it serves that it would be difficult or inconvenient for its citizens to attend, the meeting may not be considered as being held at a place available to the general public. Whenever possible, the meeting should be held within the public body’s geographical boundaries.

## TIMING OF PUBLIC COMMENT

[A public body has discretion under the OMA when to schedule public comment during the meeting.](#)<sup>72</sup> Thus, scheduling public comment at the beginning<sup>73</sup> or the [end<sup>74</sup> of the meeting](#) agenda does not violate the OMA. [The public has no right to address the commission during its deliberations on a particular matter.](#)<sup>75</sup>

## TAPING AND BROADCASTING

[The right to attend a public meeting](#) includes the right to tape-record, videotape, broadcast live on radio, and telecast live on television the proceedings of a public body at the public meeting.<sup>76</sup> A board may establish [reasonable regulations governing the televising or filming by the electronic media](#) of a hearing open to the public in order to minimize any disruption to the hearing, but it may not prohibit such coverage.<sup>77</sup> And the [exercise of the right to tape-record, videotape, and broadcast public meetings](#) may not be dependent upon the prior approval of the public body.<sup>78</sup>

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71 OAG, 1979-1980, No 5560, p 386 (September 13, 1979). Of course, local charter provisions or ordinances may impose geographical limits on public body meetings.

72 MCL 15.263(5).

73 *Lysogorski v. Bridgeport Charter Twp*, 256 Mich App at 302.

74 OAG, 1979-1980, No 5716, p 812 (June 4, 1980).

75 OAG, 1977-1978, No 5310, p 465, 468 (June 7, 1978).

76 MCL 15.263(1).

77 OAG, 1987-1988, No 6499, p 280 (February 24, 1988).

78 MCL 15.263(1).

# MINUTES

## WHAT MUST BE IN THE MINUTES

At a minimum, the minutes must show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. [The minutes must include all roll call votes taken at the meeting.](#)<sup>79</sup> The OMA does not prohibit a public body from preparing a more detailed set of minutes of its public meetings if it chooses to do so.<sup>80</sup>

## WHEN MUST THE MINUTES BE AVAILABLE

Proposed minutes must be made available for public inspection within eight days after the applicable meeting. [Approved minutes must be made available for public inspection within five days after the public body's approval.](#)<sup>81</sup>

## WHEN MUST THE MINUTES BE APPROVED

[At the board's next meeting.](#)<sup>82</sup> Corrected minutes must show both the original entry and the correction (for example, using a "strikethrough" word processing feature).

## CLOSED SESSION MINUTES

A separate set of minutes must be taken for closed sessions. While closed session minutes must be approved in an open meeting (with contents of the minutes kept confidential), [the board may meet in closed session to consider approving the minutes.](#)<sup>83</sup>

Closed session minutes shall only be disclosed if required by a civil action [filed under sections 10, 11, or 13 of the OMA.](#)<sup>84</sup> The board secretary may furnish the minutes of a closed session of the body to a board member. A [member's dissemination of closed session minutes to the public, however, is a violation of the OMA,](#) and the member risks criminal prosecution and civil penalties.<sup>85</sup>

An audiotape of a closed session meeting of a public body is part of the minutes of the session meeting and, thus, must be filed with the clerk of the public body for retention under the OMA.<sup>86</sup>

[Closed session minutes may be destroyed](#) one year and one day *after approval of the minutes of the regular meeting at which the closed session occurred.*<sup>87</sup>

## INADVERTENT OMISSIONS FROM THE MINUTES

The OMA does not invalidate a decision due to a simple error in the minutes, such as inadvertently omitting the vote to go into closed session from a meeting's minutes.<sup>88</sup>

<sup>79</sup> MCL 15.269(1).

<sup>80</sup> Informational letter to Representative Jack Brandenburg from Chief Deputy Attorney General Carol Isaacs dated May 8, 2003.

<sup>81</sup> MCL 15.269(3).

<sup>82</sup> MCL 15.269(1)

<sup>83</sup> OAG, 1985-1986, No 6365, p 288 (June 2, 1986). This, of course, triggers the need for more closed session minutes.

<sup>84</sup> MCL 15.270, 15.271, and 15.273; *Local Area Watch v Grand Rapids*, 262 Mich App 136, 143; 683 NW2d 745(2004); OAG, 1985-1986 No 6353, p 255 (April 11, 1986).

<sup>85</sup> OAG, 1999-2000, No 7061, p 144 (August 31, 2000).

<sup>86</sup> *Kitchen v Ferndale City Council*, 253 Mich App 115; 654 NW2d 918 (2002).

<sup>87</sup> MCL 15.267(2).

<sup>88</sup> *Willis v Deerfield Twp*, 257 Mich App 541, 554; 669 NW2d 279 (2003).

# PARLIAMENTARY PROCEDURES

## CORE PRINCIPLE

For the actions of a public body to be valid, they must be approved by a [majority vote of a quorum](#), absent a controlling provision to the contrary, at a lawfully convened meeting.<sup>89</sup>

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<sup>89</sup> OAG, 1979-1980, No 5808, p 1060 (October 30, 1980). Robert's Rules of Order Newly Revised (RRONR) (10th ed.), p 4. We cite to Robert's Rules in this Handbook as a leading guide on parliamentary procedures. This is not to imply that public bodies are, as a general rule, bound by Robert's Rules.



# QUORUM

A quorum is the minimum number of members who must be present for a board to act. Any substantive action taken in the absence of a quorum is invalid. If a public body properly notices the meeting under OMA, but lacks a quorum when it actually convenes, the board members in attendance may receive reports and comments from the public or staff, ask questions, and comment on matters of interest.<sup>90</sup>

## WHAT IS A QUORUM?

Look to the statute, charter provision, or ordinance creating the board. On the state level, the Legislature in recent years has taken care to set the board quorum in the statute itself. The statute will often provide that “a majority of the board appointed and serving shall constitute a quorum.” For a 15-member board, that means eight would be the quorum, assuming you have 15 members appointed and serving. Without more in the statute, as few as five board members could then decide an issue, since they would be a [majority of a quorum](#).<sup>91</sup> But, be careful as recent statutes often provide that “voting upon action taken by the board shall be conducted by [majority vote of the members appointed and serving](#).” In that instance, the board needs at least eight favorable votes to act.<sup>92</sup> The Legislature has a backstop statute, which provides that any provision that gives “joint authority to 3 or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority.”<sup>93</sup>

## DISQUALIFIED MEMBERS

A member of a public body who is disqualified due to a [conflict of interest](#) may not be counted to establish a quorum to consider that matter.<sup>94</sup>

## LOSING A QUORUM

Even if a meeting begins with a quorum present, the board loses its right to conduct substantive action whenever the attendance of its members falls below the necessary quorum.<sup>95</sup>

## RESIGNED MEMBERS

The common law rule in Michigan is that a public officer’s resignation is not effective until it has been accepted by the appointing authority (who, at the state level, is usually the governor). [Acceptance of the resignation](#) may be manifested by formal acceptance or by the appointment of a successor.<sup>96</sup> Thus, until a resignation is formally accepted or a successor appointed, the resigning member must be considered “appointed and serving,” be counted for quorum purposes, and be permitted to vote.

<sup>90</sup> OAG, 2009-2010, No 7235, p (October 9, 2009).

<sup>91</sup> See OAG, 1977-1978, No 5238, p 261 (November 2, 1977).

<sup>92</sup> See OAG, 1979-1980, No 5808, at p 1061.

<sup>93</sup> MCL 8.3c. *Wood v Bd of Trustees of the Policemen and Firemen Retirement System of Detroit*, 108 Mich App 38, 43; 310 NW2d 39 (1981).

<sup>94</sup> OAG, 1981-1982, No 5916, p 218 (June 8, 1981). But see MCL 15.342a, which provides a procedure for disqualified public officials to vote in some limited circumstances where a quorum is otherwise lacking for a public body to conduct business.

<sup>95</sup> RRONR (10th ed.), p 337-338.

<sup>96</sup> OAG, 1985-1986, No 6405, p 429, 430 (December 9, 1986), citing *Clark v Detroit Bd of Education*, 112 Mich 656; 71 NW 177 (1897).



# VOTING

## ABSTAIN

Abstain means to refuse to vote. Thus, a board member does not “vote” to abstain. If a vote requires a majority or a certain percentage of the members present for approval, an abstention has the same effect as a “no” vote.<sup>97</sup>

## ADJOURNING THE MEETING

A presiding officer cannot arbitrarily adjourn a meeting without first calling for a vote of the members present.<sup>98</sup>

## CHAIRPERSON VOTING

Perhaps as a spillover from the well-known constitutional rule that the vice president can only vote to break a tie in the United States Senate<sup>99</sup> or that a legislative presiding officer usually refrains from voting unless his or her vote affects the result,<sup>100</sup> some believe that a board’s presiding officer (usually, the chairperson) can only vote to break a tie. However, absent a contrary controlling provision, [all board members may vote on any matter coming before a board](#).<sup>101</sup> A board’s presiding officer can’t vote on a motion and then, if the vote is tied, vote to break the tie unless explicitly authorized by law.<sup>102</sup>

## EXPIRED-TERM MEMBERS

Look first to the statute, charter provision, or ordinance creating the public body to determine when a member’s term expires. Many statutes provide that “a member shall serve until a successor is appointed.” Absent a contrary controlling provision, the general rule is that a public officer holding over after his or her term expires [may continue to act until a successor is appointed and qualified](#).<sup>103</sup>

## IMPOSING A GREATER VOTING REQUIREMENT

Where the Legislature has required only a majority vote to act, public bodies can’t impose a greater voting requirement, such as requiring a two-thirds vote of its members, to [alter certain policies or bylaws](#).<sup>104</sup>

## MAJORITY

Majority means simply “more than half.”<sup>105</sup> Thus, on a 15-member board, eight members constitute a majority.

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97 RRONR (10th ed.), p 390-395.

98 *Dingwall v Detroit Common Council*, 82 Mich 568, 571; 46 NW 938 (1890),

99 US Const, art I, §3.

100 RRONR (10th ed.), p 392-393 – an assembly’s presiding officer can break or create a tie vote.

101 See OAG, 1981-1982, No 6054, p 617 (April 14, 1982).

102 *Price v Oakfield Twp Bd*, 182 Mich 216; 148 NW 438 (1914).

103 OAG, 1979-1980, No 5606, p 493 (December 13, 1979), citing *Greyhound Corp v Public Service Comm*, 360 Mich 578, 589-590; 104 NW2d 395 (1960). See also, *Cantwell v City of Southfield*, 95 Mich App 375; 290 NW2d 151 (1980).

104 OAG, 1979-1980, No 5738, p 870 (July 14, 1980). OAG, 2001-2002, No 7081, p 27 (April 17, 2001), citing *Wagner v Ypsilanti Village Clerk*, 302 Mich 636; 5 NW2d 513 (1942).

105 RRONR (10th ed.), p 387.

## PROXY VOTING

The OMA requires that the deliberation and formulation of decisions effectuating public policy be conducted at open meetings.<sup>106</sup> Voting by proxy effectively forecloses any involvement by the absent board member in the board's public discussion and deliberations before the board votes on a matter effectuating public policy.<sup>107</sup> Without explicit statutory authority, [this practice is not allowed](#).<sup>108</sup>

## ROLL CALL VOTE

There is no bright line rule for [conducting a roll call vote](#).<sup>109</sup> We suggest some rules of thumb. When a voice vote reveals a divided vote on the board (i.e., more than one no vote), a roll call vote should be conducted to remove doubt about the vote's count. When the board is acting on matters of significance, such as contracts of substantial size or decisions that will have multi-year impacts, a roll call vote is the best choice.

## ROUND-ROBIN VOTING

Round-robin means approval for an action outside of a public meeting by passing around a sign-off sheet. This practice has its roots in the legislative committee practice of passing around a tally sheet to gain approval for discharging a bill without a committee meeting. "[Round-robinning](#)" defeats the public's right to be present and observe the manner in which the body's decisions are made and violates the letter and the spirit of the OMA.<sup>110</sup>

## RULE OF NECESSITY

If a state agency's involvement in prior administrative or judicial proceedings involving a party could require recusal of all of its board members or enough of them to prevent a quorum from assembling, the common law rule of necessity precludes recusing all members, if the disqualification would leave the agency unable to adjudicate a question.<sup>111</sup> But the rule of necessity may not be applied to allow members of a public body to vote on matters that could benefit their private employer.<sup>112</sup>

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106 *Esperance v Chesterfield Twp*, 89 Mich App at 464, quoting *Wexford County Prosecutor v Pranger*, 83 Mich App 197; 268 NW2d 344 (1978).

107 Robert's Rules concur: "Ordinarily it [proxy voting] should neither be allowed nor required, because proxy voting is incompatible with the essential characteristics of a deliberative assembly in which membership is individual, personal, and nontransferable." RRONR (10th ed.), p 414. The Michigan House and Senate do not allow proxy voting for their members.

108 OAG, 2009-2010, No 7227, p (March 19, 2009). OAG, 1993-1994, No 6828, p 212 (December 22, 1994), citing *Dingwall*, 82 Mich at 571, where the city council counted and recorded the vote of absent members in appointing election inspectors. The Michigan Supreme Court rejected these appointments, ruling that "the counting of absent members and recording them as voting in the affirmative on all questions, was also an inexcusable outrage."

109 "The fact that the Open Meetings Act prohibits secret balloting does not mean that all votes must be roll call votes." *Esperance v Chesterfield Twp*, 89 Mich App at 464 n 9. The OMA does provide that votes to go into closed session must be by roll call. MCL 15.267.

110 OAG, 1977-1978, No 5222, at p 218. See also, *Booth Newspapers*, 444 Mich at 229, which concluded that "round-the-horn" deliberations can constitute decisions under the OMA.

111 *Champion's Auto Ferry, Inc v Michigan Public Service Comm*, 231 Mich App 699; 588 NW2d 153 (1998). The Court noted that the PSC members did not have any personal financial interest in the matter. Id. at 708-709.

112 OAG, 1981-1982, No 6005, p 439, 446 (November 2, 1981). After OAG No 6005 was issued, the Legislature amended section 2a of 1973 PA 196, MCL 15.342a, to provide a procedure for voting by public officials in some limited circumstances where a quorum is otherwise lacking for a public entity to conduct business.

## SECRET BALLOT

The OMA requires that all decisions and deliberations of a public body must be made at an open meeting and [the term “decision” is defined to include voting.](#)<sup>113</sup> [The OMA prohibits a “voting procedure at a public meeting that prevents citizens from knowing how members of a public body have voted.”](#)<sup>114</sup> Obviously, the use of a secret ballot process would prevent this transparency. All board decisions subject to the OMA must be made by a public vote at an open meeting.<sup>115</sup>

## TIE VOTE

A tie vote on a motion means that the motion did not gain a majority. Thus, the motion fails.<sup>116</sup>

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113 See MCL 15.262(d) and 15.263(2) and (3).

114 OAG, 1977-1978, No 5262, at p 338-339.

115 *Esperance*, 89 Mich App at 464.

116 *Rouse v Rogers*, 267 Mich 338; 255 NW 203 (1934). RRONR (10th ed.), p 392.



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# WELLHEAD PROTECTION PROGRAM PLAN

PREPARED BY.



and the City of Marshall

September 2023

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## ACRONYMS

CCHD – Calhoun County Health Department  
CCEH – Calhoun County Environmental Health  
EGLE – Michigan Department of Environment, Great Lakes, and Energy  
PWSS – Public Water Supply System  
SDWA – Safe Drinking Water Act

## INTRODUCTION

### Purpose

This document serves as an update of the City of Marshall (City) Wellhead Protection Program (WHPP) Plan and was prepared in partnership with Peerless-Midwest, Inc. in accordance with guidance documents available from the Michigan Department of Environment, Great Lakes, and Energy (EGLE). The purpose of preparing and implementing the WHPP Plan (Plan) is to protect the City's Public Water Supply System (PWSS) from becoming impacted by groundwater contamination. The City is committed to protect its community resources, the public health of its citizens, and the natural environment.

### Background

#### Michigan Wellhead Protection Program

Michigan's Wellhead Protection Program was developed in response to the 1986 amendments to the federal Safe Drinking Water Act (SDWA). The purpose of Michigan's WHPP is to protect public water supply systems (PWSS) which use groundwater, from known and potential sources of contamination. Unlike many WHPPs in the country, Michigan's is a voluntary program that is implemented at the local level with the coordination of other organizations.

Although the program is voluntary, PWSSs who choose to participate were directed to develop a local WHPP consistent with the guidelines established by the (then) Michigan Department of Environmental Quality (MDEQ). The seven required program elements are:

- Roles and responsibilities
- Wellhead protection area delineation
- Contaminant source inventories
- Wellhead protection area management
- Contingency planning
- Proper siting of new wells
- Public education and participation.

The 1996 reauthorization of the federal Safe Drinking Water Act required the MDEQ, the organization prior to EGLE, to complete a Source Water Assessment Program to identify the areas that supply public drinking water, inventory contaminants and assess water susceptibility to contamination, and inform the public of the results. In Michigan, an EGLE approved local PWSS WHPP is considered a complete source water assessment.

### Location and Population

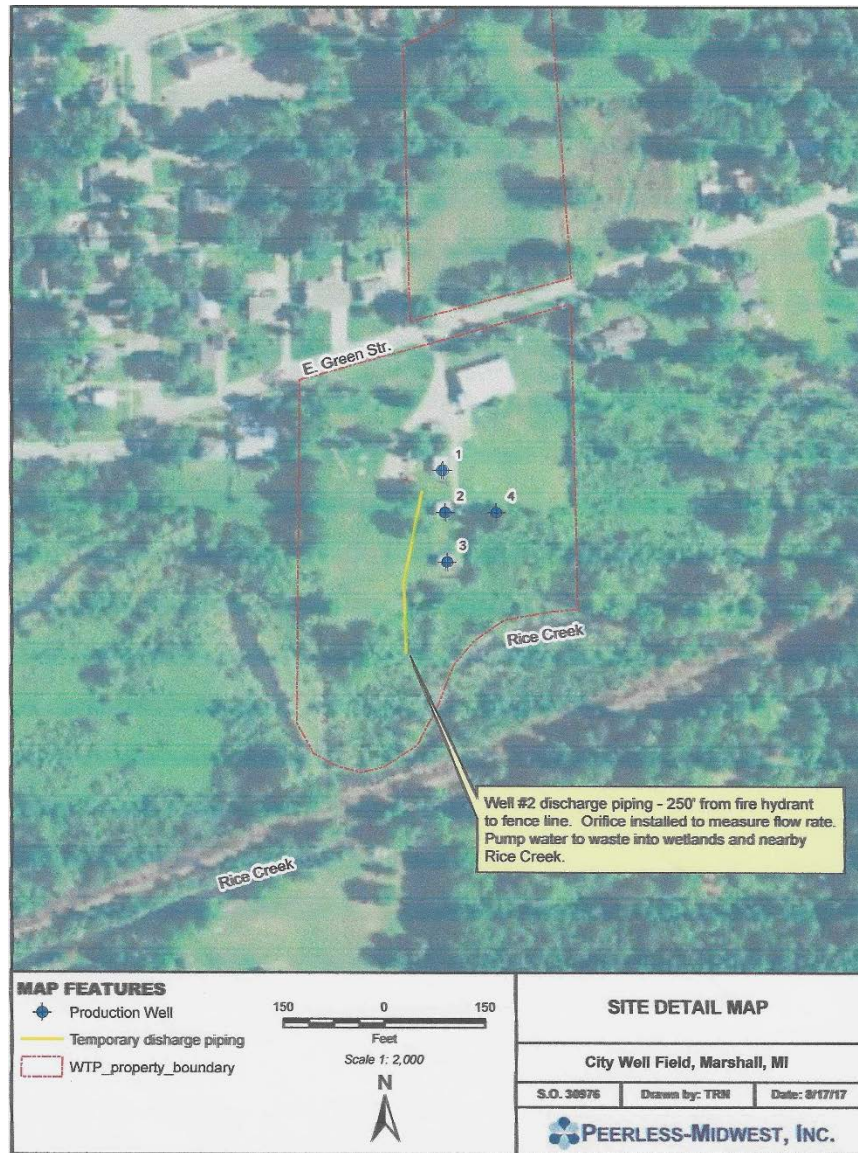
Conveniently located in Southcentral Michigan at the crossroads of I-94 and I-69, Marshall is a picturesque historical town that is beloved by both visitors and residents alike. Marshall offers a vibrant downtown, attractive neighborhoods, an award-winning public school system, a strong



network of local employers, and the safety and charm that makes small towns so appealing. The City of Marshall is a full-service community dedicated to excellent customer service while providing outstanding public services to enable our residents to live a productive and fulfilling life.

The City wellfield is located on the east side of the City, north of Rice Creek, along Green Street as depicted in Figure 1. The City of Marshall is a full-service community with residential, commercial, and industrial representation. The population of the City, according to the 2020 U.S. Census Bureau, was 6,723 people.

Figure 1: Wellfield Map Location





### Local and Regional Geology

Stratigraphic units underlying the Marshall wellfield, in descending order, are glacial deposits, the Marshall Sandstone, and the Coldwater Shale. The glacial deposits are of Pleistocene age (11,000 to 1,000,000 years). The surficial deposits consist primarily of glacial till – unsorted clay, silt, sand, gravel, and boulders – that were deposited directly by glacial ice and ranging in thickness from a few feet (near the Kalamazoo River) to approximately 60 feet. Some sand and gravel lenses were deposited within the till by small meltwater streams draining from the glacial ice.

Beneath the glacial deposits is the Marshall Sandstone, the primary aquifer in the area and the City's PWSS groundwater supply. The Marshall Sandstone ranges in thickness from approximately 40 feet to 100 feet and is a fine to medium-grained sandstone that is interbedded with siltstone and shale. Beneath the Marshall Sandstone is the Coldwater Shale, a fine-grained, dark gray shale up to 1,000-feet thick in Central Calhoun County.

On the south side of the Kalamazoo River, groundwater flows from south to north/southwest to northeast, measured at a gradient of 0.0035 feet per foot (ft/ft) toward the river. The Kalamazoo River acts as a regional groundwater discharge boundary to the aquifers in the Marshall area.

Additional details and references regarding the regional geology and hydrogeology are available in various documents, including those included and contained in the Peerless-Midwest prepared reports "Wellhead Protection Area Delineation for the City of Marshall, Michigan" dated January 31, 1998 (Exhibit A), and "Well 5 Aquifer Performance Test Analysis and Safe Yield Report City of Marshall, Michigan" dated October 2005 (Exhibit B).

### History of the Marshall Wellfield

The wellfield property was acquired from George and Nelly Southworth on September 25, 1897. The Southworth's purchased the property in a foreclosure sale from the Marshall Waterworks Company on September 13, 1897. This purchase included an artesian well (standpipe), property, buildings, equipment, and tools located at the pumping station on East Green Street. Also included in the purchase were meters, service mains, and hydrants.

As the need for water resources increased, additional water supply wells were constructed, replacing the original artesian well. The existing wells were installed between 1950 and 1964 per the chart below:

Table 1: Well Construction Details

Well Number	Year Constructed
1	1950
2	1951
3	1953
4	1964

### Description of the Water Supply and Distribution System

Marshall’s Public Water Supply System uses groundwater from the Marshall Sandstone Bedrock. The City relies entirely on groundwater for its residential, commercial, and industrial water supply needs. The City’s four supply wells each have a capacity of approximately 1,200 gallons per minute (GPM). Well Nos. 1, 2, and 4 will each produce 1,200 GPM or 1.73 million gallons per day (MGD), while Well No. 3 supplies slightly lower than 1,200 GPM. The City's average daily demand is in the range of 0.788 MGD, and the maximum daily demand is approximately 1.39 MGD. This indicates the City could meet its normal demands with two of the four wells out of service.

The City's wells are all located very close together (see inset in Figure 1). This simplifies operation and maintenance of the wellfield. However, it also means that if one well becomes contaminated, there is little to stop the contamination from impacting all four wells. The wells are all completed at essentially the same depth, so they are all equally vulnerable to an exposure of contamination.

The City currently maintains approximately 42 miles of various sized water distribution piping, as well as two elevated storage tanks. The entire system is fed from the single Marshall wellfield. The PWSS has a single water treatment plant that has a treatment capacity of 3.9 MGD, removes iron and magnesium, and adds chlorine as a disinfectant, fluoride for dental benefits, and phosphorus for corrosion control.

The City monitors the water quality of its water supply in accordance with state and federal regulations. Water quality data indicate that the water system quality meets all applicable criteria for safe water, as stated in its annual Consumers Confidence Report (Appendix 1).

## PROTECTION PLAN

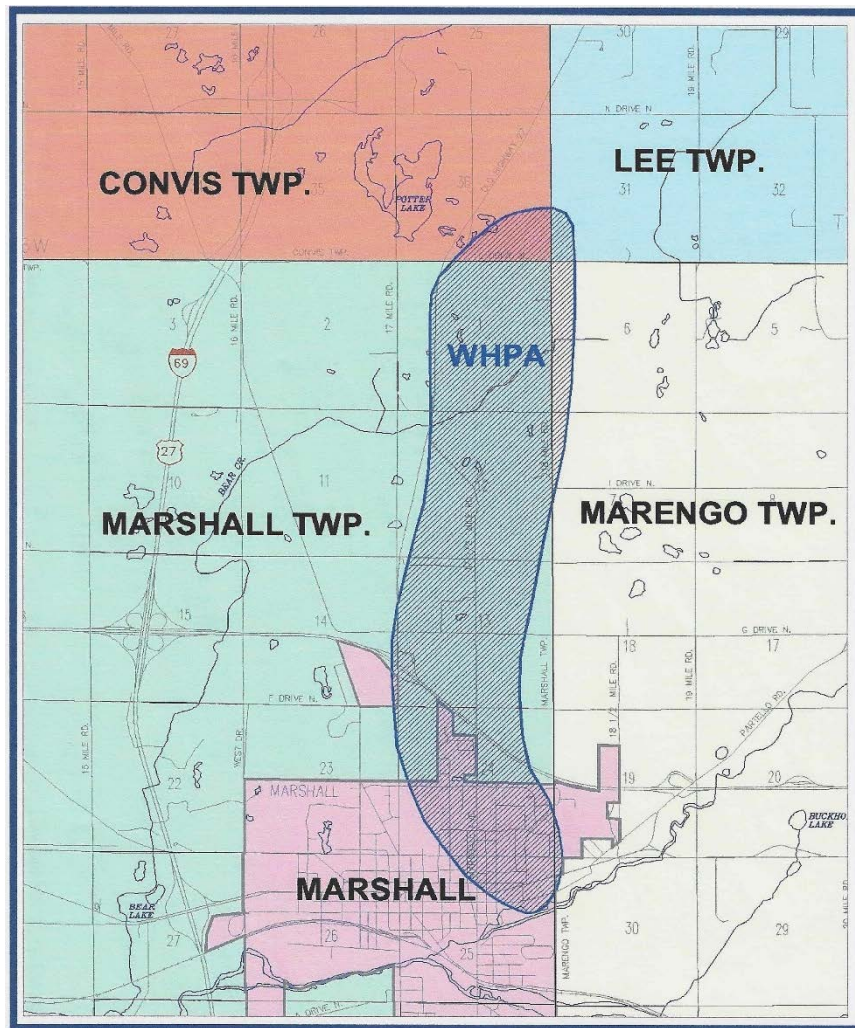
### History

In 1993, the City initiated wellhead protection activities and, in 1994, retained the Peerless-Midwest Company to begin the process of delineating the Wellhead Protection Area (WHPA). A WHPA is defined as the land surface and subsurface surrounding a wellfield through which water, or contaminants, can enter the ground and move toward the wellfield within specific

hydrologic conditions and a specified time. Subsequently, it is important that existing groundwater characteristics are fully understood and adequately considered prior to completing the remaining elements of the WHPP. The previous section provided general information regarding both geology and the PWSS.

Three phases of WHPA delineation were completed in January 1998 and subsequently submitted to the State (MDEQ). In April 1998, the MDEQ approved Marshall's submitted WHPA. The WHPA extends from the City and into the townships of Marshall, Marengo, Convis, and Lee. Figure 2 shows the WHPA.

Figure 2: Wellhead Protection Area



In June 2000, the Marshall City Council passed a Resolution supporting Wellhead Protection (Exhibit C). In addition, the City retained Fishbeck, Thompson, Carr & Huber, Inc. (FTC&H) to assist the City with the completion of the remaining elements of the WHPP. In October 2000,

the City received a grant from MDEQ to develop its WHPP Plan. A WHPP Committee was formed and began meeting that same month.

In 2001, the City and FTC&H prepared a Contaminant Source Inventory (CSI) for the Peerless-Midwest Company prepared and MDEQ-approved WHPA.

In September 2001, the City, in partnership with FTC&H, submitted a WHPP Plan which was subsequently approved by the MDEQ. As previously mentioned, funding for the development of the WHPP was originally provided by the City, and the State of Michigan through the Wellhead Protection Grant Program.

For several years, Marshall focused on having abandoned wells within the WHPA properly plugged. It has also prioritized and successfully implemented public education and outreach efforts, including the installation of 25 WHPA signs, development of WHPP information on its City website, preparation and distribution of a WHPP brochure, participation with school and community events (e.g. Battle Creek Groundwater Festival), participation in and public awareness about proper storage and disposal of household hazardous chemicals, and proper use/applications of fertilizers and other lawn chemicals. The prior WHPP was officially updated in January 2015.

The goal of the WHPP Plan now as it was with the original WHPP Plan is to protect the City's groundwater supplies from contamination. This update of Marshall's WHPP Plan reflects the City's commitment to protection of its community resources, the public health of its citizens, and the natural environment. This WHPP Plan is intended to be a working and flexible document. Subsequently, as required and when appropriate, this document will be updated a minimum of every five (5) years. A link to an updated pdf copy of this plan will be available from the City's website.

## PLAN ELEMENTS

After a few years of organizational and staff changes the City, in 2022, reviewed the status of its WHPP and renewed its long-term commitment to its program. The following serves to update each of the WHPP required elements.

### WHPP ELEMENT 1: Roles and Responsibilities

The Wellhead Protection Program Committee (Committee) was revised and updated in 2022 and is scheduled to meet quarterly and has done so on October 19, 2022, February 1, 2023, May 17, 2023, and August 30, 2023. Appendix 2 contains the Quarterly Team Meeting Progress Reports.

The local WHPP Committee will serve two primary purposes:

1. Fulfill the general EGLE requirements for a local WHPP Committee; and
2. Fulfill the EGLE WHP Grant Program requirements.

Initially, the City will rely on the committee for input and collaboration on the WHPP and subsequent updates. Regarding the WHPP, the committee's role is review, comment, and collaboration to ensure the City's goals in the plan are aligned with the needs and desires of the local community and businesses. Post implementation of the WHPP, the primary focus of the Committee will be to assist in the formation of the grant and non-grant projects, select document review and comment, and participation in public education and outreach activities. Overall, the Committee will be engaged in all aspects of the WHPP as needed and appropriate.

The current members of the Committee are presented below, including names, representative category, and organization and title. This Committee is particularly strong and well represented among all required and recommended categories and roles. Each of these participating organizations will attempt to provide replacement staff when the named member cannot attend any scheduled WHPP meeting.

As can be seen upon examination of the Committee summary, the WHPP Committee and the City of Marshall is fully and well represented and exceeds all required and recommended categories. These individuals were carefully selected to optimize opportunities to tap local expertise for all the WHPP elements. Their specific roles are detailed in the following descriptions.

Upper City Administration is represented by Ms. Marguerite Davenport, PE, the Public Services Director that serves as the Municipality Representative which works closely with the City Manager, Mr. Derek Perry. She is responsible for the overall formation of the WHPP Committee, including membership, funding of the program, and meeting the overall requirements of the WHPP, including project selection and grant management. Her primary element focuses are on management strategies, contingency planning, new wells, and public participation and outreach/education.

Mr. Aaron Ambler, Water Superintendent, is responsible for the WHPP Committee formation and daily management, and the day-to-day WHPP activities and implementation. His primary element focuses include the roles and responsibilities of the City of Marshall's WHPP Committee members, WHPA delineation, contaminant source inventory, contingency planning, and new wells.

**MARSHALL WHPP COMMITTEE**

<u>Member Name</u>	<u>Organization/Title</u>	<u>Representation Category</u>
Ms. Marguerite Davenport, PE	City of Marshall Director of Public Services	Government Administration/ City of Marshall Designee
Mr. Aaron Ambler	City of Marshall Water Superintendent	Water Superintendent
Mr. Eric Zuzga	City of Marshall Director of Community Services	Planning & Zoning
Mr. Martin Erskine	City of Marshall Fire Chief	Fire Chief
Mr. Kevin Green	Calhoun County Health Dept. Environmental Health Director	Calhoun County Health
Mr. Paul Anderson	Marshall Township Zoning Administrator	Neighboring Government/ P & Z/Water Customer
Ms. Carol Edwards	Marshall Public Schools Retired HS Science Teacher	Education
Mr. John Rodopoulos	Roak Brewing (former Dark Horse) Operations Manager	Business/Water Customer
Ms. Kelly Hon	Source Water Protection Specialist Michigan Rural Water Association	Environmental Organization (Drinking Water)
Ms. Brittery Clifton	Calhoun County Deputy Water Resources Commissioner	Environmental Organization (Water Resources)
Mr. Isiah Strand/Maureen Reed (shared)	Lead Watershed Technician/Mgmt. Calhoun County Conservation District	Environmental Organization (Land Conservation)
John P. Paquin	Peerless-Midwest, Inc.	Facilitator, Non-Committee Member Support
Adam Gerstbauer	Peerless-Midwest, Inc.	Non-Committee Member Support

Mr. Eric Zuzga, the City's Director of Community Services, will be the key member to manage the incorporation of new Site Plan Review procedural documents and procedures, and any future adoption of a WHP Ordinance and Performance Standards (i.e. management strategies).

Mr. Martin Erskine, Marshall's Fire Chief, will primarily focus on the chemical storage/inventory project management as a management strategy, information associated with the contaminant source inventory element, and portions of the City's contingency planning element.

Mr. Kevin Green, Calhoun County's Environmental Health Director, will focus on management strategies and public education, including the collaboration with the City of Marshall regarding incorporation of relevant Calhoun County program elements into the WHPP. Examples of programs include groundwater management, public education and outreach efforts, well abandonments, and contamination issues. He and his staff will also provide clarification on existing environmental regulations, public health protection parameters, and county-wide priorities.

Mr. Paul Anderson, Marshall Township Zoning Administrator, will focus on the management strategies affecting the neighboring townships that the WHPA extends into. He will be an effective liaison between the planning and zoning staff of the City of Marshall, Marshall Township, and potentially Marengo Township, Convis Township, and Lee Township, as well as county-wide planning efforts. The proposed City of Marshall Wellhead Protection Zoning Overlay Ordinance, and Site Plan Review documents/procedures discussed in the next section, will be promoted by the City of Marshall and Marshall Township for adoption by these other townships.

Ms. Carol Edwards, retired Marshall Public Schools Science Teacher, will primarily focus on the Public Participation and Outreach/Education WHPP element. She will help lead the Committee in selecting and implementing various education and outreach strategies discussed within this WHPP Plan and others as they are presented.

Mr. John Rodopoulos is the Operations Manager of Roak Brewing (formally Dark Horse Brewery) in Marshall. He will primarily assist with and focus on management strategies and public participation and outreach/education and its opportunities and effects on businesses, especially as a water customer.

Ms. Kelly Hon, Michigan Rural Water Association Source Water Protection Specialist, represents environmental organizations with the focus on drinking water. She has over 30 years experience with source water protection for public water supply systems. Because of her comprehensive

knowledge and expertise, Ms. Hon will generally assist in all of the WHPP elements but may primarily perform lead roles with education and outreach, and management strategies.

Ms. Brittery Clifton, Calhoun County Deputy Water Resources Commissioner, also represents an environmental organization but with a focus on water resources. She will assist with the selection and implementation of management strategies associated with natural resources, including surface water infiltration and flooding impacts, and impacts to surface water features. She will also coordinate some of their public education and outreach efforts with the WHPP.

The Calhoun County Conservation District is also represented as an environmental organization, focusing on land management and agriculture. Both Ms. Maureen Reed, former District Manager, and Isiah Strand, Lead Watershed Technician, will share their participation. Their roles and responsibilities will primarily focus will assist in the consideration of any project components potentially affecting agricultural land use on groundwater quality, other impacts by and to agricultural lands, and potential collaboration of educational efforts of their conservation programs with the Wellhead Protection Program.

Finally, Peerless-Midwest staff provide general consulting support to Marshall's WHPP. John P. Paquin will serve as the WHPP Committee as a Facilitator, and Adam Gerstbauer will primarily be a back-up Facilitator and provide general WHPP support as needed.

#### Other Non-WHPP Roles and Responsibilities

The City recognizes the critical role of EGLE to administer and manage the WHPP from a regulatory standpoint (approving future groundwater model delineation updates, contaminant source inventories, WHPP Plan updates, grant applications and implementation, etc.), from an advisory role (making available staff and documents for WHPP guidance, periodic attendance of WHPP meetings, etc.), and to provide funding where possible, such as through the WHP Source Water Grant Program.

It is expected that an occasional change in the WHPP Committee members will occur and replacements for the respected member categories will be made.

#### WHPP ELEMENT 2: Wellhead Protection Area Delineation

There is not a current need to revise the hydrologic modeling to update the WHPA because there have not been any newly incorporated production wells, production well abandonments, or significant changes to the flow rates of existing production wells or wellfield output that would alter the existing WHPA. In addition, there are no known relevant changes and/or updates to watershed boundaries and/or surface water runoff patterns, stormwater drainage facilities, or basins. If these conditions change in the future, a revised hydrologic model will be performed to update the WHPA as appropriate within two years of change. Figure 2 represents



the originally state-approved WHPA, also consistent with Marshall's WHPA as shown on Environmental Mapper of the EGLE website.

### WHPP ELEMENT 3: Contaminant Source Inventory

An updated Contaminant Source Inventory (CSI) was performed in February 2023 largely based on an electronic report prepared by Lightbox/EDR, titled as "EDR Area/Corridor Report"; and EDR DataMap Well Search Report and EDR DataMap - Well Search Map (See Appendix 3). In summary, the type of records searched and found within the central WHPA included:

- Federal RCRA Generators List (RCRA-VSQG) – Very Small Quantity Generators (Formerly Conditionally Exempt Small Quantity Generators): 1 Site.
- Federal ERNS List (ERNS = Emergency Response Notification System): 2 Sites.
- Michigan Leaking Underground Storage Tanks (LUST): 1 Site.
- Michigan Underground Storage Tank Facilities: 2 Sites (both closed).
- Local Brownfield Lists: 1 Site.
- RCRA NonGen/NLR: RCRA/No Longer Regulated: 1 Site.
- FINDS (Facility Index System/Facility Registry System): 4 Sites.
- ECHO (Enforcement & Compliance History Information): 3 Sites.
- MI WDS (Waste Data System): 4 Sites.
- EDR Hist Auto (EDR Exclusive Historical Auto Stations): 1 Site.
- MI RGA LUST (Recovered Government Archive Leaking Underground Storage Tank): 1 Site.

Please note that several of these sites were found/listed in multiple databases (same site, multiple database listings). These sites listed in multiple databases are shown in bold within the report.

The records searched and found within one mile surrounding and outside the central WHPA included:

- SEMS (Superfund Enterprise Management System) - 1 Site.
- RCRA-VSQG (RCRA - Very Small Quantity Generators) [Formerly Conditionally Exempt Small Quantity Generators] - 4 Sites.
- MI LUST (Leaking Underground Storage Tank Sites) - 6 Sites.
- MI UST (Underground Storage Tank Facility List) – 1 Site.
- MI AUL (Engineering and Institutional Controls) – 2 Sites.
- US Brownfields – 3 Sites.
- MI HIST LF (Inactive Solid Waste Facilities – 1 Site.
- MI Inventory (Inventory of Facilities – 8 Sites.
- MI Part 201 (Part 201 Site List) – 5 Sites.

- MI DEL Part 201 (Delisted List of Contaminated Sites) – 2 Sites.
- RCRA NonGen/NLR:RCRA – Non Generators/No Longer Regulated – 2 Sites.
- MI BEA (Baseline Environmental Assessment Database – 5 Sites.
- MI Drycleaners (Drycleaning Establishments) – 1 Site.
- ENR MGP (EDR Proprietary Manufactured Gas Plants) – 1 Site.

An online search of Groundwater Discharge Sites was performed on EGLE’s available databases that resulted in no known/identified sites within the City of Marshall WHPA. In addition, a search of known/identified PFAS Sites was performed on April 3, 2023 that resulted in no known sites within the City of Marshall WHPA. A search of BioSolid Application Sites within Calhoun County was also performed resulting in no identified sites within the WHPA.

The Marshall staff, consulting staff, and the WHPP Committee are in the process of evaluating risks to its groundwater supply based on this updated CSI and all other accumulated information and will prioritize, and if necessary and as appropriate, prepare action plans to address sites to minimize the potential to actual impact to the PWSS. It is expected that various larger-scaled and more specifically focused figures will occasionally be prepared of the most relevant/higher risk sites, using the CSI to effectively minimize risk to Marshall’s WHPA. The CSI will be updated a minimum of every five (5) years.

#### WHPP ELEMENT 4: Management Strategies

The goal of developing management strategies is to plan for and implement measures to minimize risk to its groundwater supplies. Of course, this is primarily performed subsequent to the identification, categorization, and prioritization of recognized threats to the PWSS via completion of the Contaminant Source Inventory.

The City recognized the importance in the early days of the WHPP to have the City’s primary decision-makers understand that protection of its source of drinking water (groundwater within the Marshall Sandstone Bedrock) is a critical and core responsibility of the local government officials. Subsequently, in June 2000, the City passed a Proclamation supporting the WHPP (Exhibit C). Upon approval of this revised WHPP, the WHPP Committee will present an updated Resolution to the City of Marshall City Council and encourage the neighboring townships to adopt one as well.

Plugging of abandoned wells immediately became a priority management strategy that resulted in numerous wells being properly sealed within the WHPA. In addition, public education and outreach is and remains a high priority as a management strategy that has included:

- Installation of 25 Wellhead Protection Area signs
- Incorporation of WHPA information on the City’s website
- Preparation and distribution of a Wellhead Protection brochure

- Participation in the Battle Creek Children’s Groundwater Festival
- Public outreach regarding the importance of proper use, storage, and disposal of household hazardous chemicals
- Public outreach regarding the importance of proper use, storage, and disposal of fertilizers and other lawn application chemicals.

The following discusses new effective management strategies but as can be seen, continues to emphasize the importance of public education, outreach, and participation, as detailed in WHPP ELEMENT 7: Public Participation and Outreach/Education.

#### Ongoing/Proposed Management Strategies

##### *Site Plan Review*

Marshall is currently working on incorporating groundwater protection considerations within the Site Plan Review process. Considerations for the final product may result in a combination of a checklist that is associated with any adopted WHP Ordinance and Performance Standards, and a chemical storage inventory (forms shown in Appendix 5) that would be coordinated with the Fire Marshal. These Site Plan Review tools will also be encouraged for use by the neighboring Townships that Marshall’s WHPA extends into. The participation of Marshall Township’s Zoning Administrator (who will serve as an informal liaison for the subject neighboring township) on the City’s WHPP Committee will help facilitate the discussion and incorporation of similar and consistently applied groundwater protection management strategies throughout the WHPA. The goal to implement formalized Site Plan Review tools specifically for groundwater protection is December 31, 2024.

##### *Wellhead Protection Zoning Overlay Ordinance*

In addition to Site Plan Review additions, the City of Marshall is currently in the process of draft preparation and is considering adoption of a Wellhead Protection Zoning Overlay Ordinance (Ordinance), like the one that the City of Kalamazoo originated and that subsequently the City of Battle Creek and Texas Township (Kalamazoo County) adopted (see Appendix 4 for template).

##### *Performance Standards for Groundwater Protection and Stormwater Management Within WHPAs*

It is also likely that a type of Performance Standards technical reference will be prepared and adopted to align with the Ordinance, also similar to the City of Kalamazoo’s. Discussions are already ongoing with Marshall Township regarding the use of the same or similar ordinances to be applied throughout the WHPA. The goal to implement a Wellhead Protection Zoning Overlay Ordinance, along with Performance Standards for Groundwater Protection is December 31, 2025.

Staff from the Department of Public Services will also be working with the Planning and Zoning Department to incorporate groundwater protection components into the City’s Master Plan and Zoning, beginning later this year. The 5-year Master Plan update is due in 2025. The Director of

Community Services, the City's planning and zoning lead is also a member of the City's WHPP Committee and will help facilitate this. The formal recognition of the existing WHPA as an overlay zone will be instrumental in considering the compatibility of land uses allowed.

*Other management strategies that are being performed or considered for implementation include:*

- Incorporation of a Chemical Inventory and Storage Form, Part 1 for the City of Marshall Right to Know Questionnaire that would be required for all businesses, and Part 2 Drinking Water Protection Questionnaire for those businesses located within a the WHPA. See Appendix 5: Chemical Inventory and Storage Forms/Questionnaires Part 1 and Part 2 that contains the City of Kalamazoo Questionnaire forms from which the City will fashion its final version. Dialogue has already been ongoing with the Marshall Fire Chief and will be discussed with neighboring Fire Chiefs that have jurisdiction within the WHPA outside of the City of Marshall. The implementation goal of this management strategy for the City of Marshall is December 31, 2024. The implementation goal of this management strategy for the surrounding townships is December 31, 2025.
- Enhanced collaboration and coordination with the Calhoun County Environmental Health via its Director (WHPP Committee Member) with county-wide groundwater protection related initiatives as listed below. Target implementation of this December 31, 2024.
  - well abandonments/plugging
  - sanitary sewer expansion efforts
  - public health messaging
  - participation in and public outreach of the Calhoun County Household Hazardous Waste Collection Program
  - electronic device and appliance collections
- Solid Waste Program. Collaboration and coordination with the Calhoun County Water Resources Commission Office in watershed management initiatives (e.g. Rice Creek). Accomplishment of this strategy, in addition to some of the other regional-wide efforts may be accomplished via participation with the Clean Water Coalition.
- Collaboration and coordination with the Calhoun County Conservation District in groundwater protection efforts specific to the agriculture industry through events and messaging. Accomplishment of this strategy, in addition to some of the other regional-wide efforts may be accomplished via participation with the Clean Water Coalition.
- Working with businesses in groundwater education and protection initiatives. The business representatives on the WHPP Committee will take the lead to consider new initiatives in working with the business community.
- Enhanced website WHPP information (see education section).
- Updated WHPP brochure and distribution (see education section)

- Preparation and distribution of groundwater protection related messages/items and their incorporation at community events and school programs/public education initiatives (see education section).
- Consideration of collaborative/cost-sharing efforts with neighboring WHPP communities in the use of radio and pre-movie groundwater protection ads (see education section).

#### WHPP ELEMENT 5: Wellhead Protection Contingency Plan

The following information updates the policies, administrative procedures, and contacts for a water supply emergency response.

##### Contingency Situations

Two general contingency situations that involve impact from groundwater contamination were evaluated as part of this WHPP section. Non-contaminant impacts, such as power outages, are discussed in a following sub-section titled “Assessment of Existing Well Supply and Distribution Facilities.” Potential emergency situations that could occur from groundwater contamination include the following.

1. *Routine monitoring discloses unexpected contamination at the wellfield.* If contamination is discovered in groundwater sampling analytical results, or other physical, visual, or olfactory evidence in one or more of the City’s water wells, the following general emergency procedures will be considered and implemented as deemed appropriate based on known and likely conditions.
  - a. Assemble in-house contingency team to discuss situation.
  - b. Shut down the known impacted well and turn on another production well if it is necessary to maintain adequate service without the well in question.
  - c. If the well must remain in operation, minimize its use/impact to the PWSS. Every situation is unique in its specific circumstances and all available options should be discussed. For example, consider if it is effective to operate ALL available wells to dilute the detected contamination level being pumped out of the aquifer and into the distribution system to a safe level for a temporary basis.
  - d. Pump the impacted well off-line to an available sanitary sewer, an impervious containment system, or the land surface as far away from the zone of capture as possible to protect the remaining water production wells from becoming contaminated. This could effectively serve as a temporary capture/interceptor well to keep the groundwater impacted area from reaching the other wells.
  - e. Notify EGLE to report the situation and the status of contaminant source identification and source abatement and selected immediate response actions – implemented and planned. Contacts for EGLE are listed in the following section titled Contacts.

- f. Contact the Calhoun County Environmental Health Department (CCEH) to provide a status of the situation and to discuss any measures necessary to address potential community health issues. If bottled water is deemed necessary for water customers, a joint effort to locate, arrange, and distribute the water should be coordinated in a collaborative effort. It may also be appropriate to issue a joint-public notification/press release regarding the situation. Contacts for the CCEH are listed in the Contacts section.
- g. Determine if a temporary water rationing plan should be implemented to provide an adequate volume of water on a consistent basis, prioritizing critical water customers (e.g. hospitals/medical care facilities, food and beverage production plants, etc.). Voluntary and mandatory water use plans should be considered and ready to implement as necessary. These templates are being prepared with a target completion date of December 31, 2024.
- h. Consider a separate/independent public press release to notify the public of the situation and any necessary precautions/alternative water provisions.
- i. Initiate an investigation with selected consultants and contractors to determine the source, extent, and intermediate to long-term corrective measure(s), as necessary.
- j. Determine a plan to either get the impacted well(s) either back on-line, replaced, or connected to an appropriate treatment system to be reintroduced into the distribution system on a long-term basis. Some possibilities are as follows.
  - Immediate-Intermediate response: Contact pre-qualified environmental consultant and EGLE to consider the installation of a capture well(s) to effectively intercept/capture the groundwater contamination zone and consequently prevent the remaining wells from becoming impacted. This strategy would require the installation of monitoring wells, and the subsequent sampling and analytical testing of groundwater samples to effectively design and locate the capture well(s) and pumping details. The discharge water would likely require its disposal to a sanitary sewer (with or without pre-treatment as approved).
  - Intermediate to longer-term response: After collecting an adequate level of information regarding the known subject contaminants and groundwater plume configuration and discussing the situation with and obtaining approval from EGLE, it may be possible to blend water from the non-impacted (clean) wells with that of the impacted well(s) on a longer-term basis than that which was discussed in Section 1.c. Obviously, this would only be allowed if it is determined that this strategy would effectively maintain a safe water quality level to meet drinking water standards for the water entering the distribution system. Careful consideration must be given to implementing this action to avoid exacerbating the plume configuration and creating a worse set of

circumstances in the long-term. In addition, a pre-treatment system may be necessary to maintain safe drinking water standards prior to exercising this option.

- Longer-term response: If deemed necessary, work with environmental consultants/contractors and EGLE to design and construct a long-term pre-treatment remediation system (e.g. air-stripping towers, filtration, etc.) to be retrofitted into the existing PWSS facility or incorporated into a new water treatment facility.

2. *The second general contingency situation is when a discovery of a contaminant release had occurred that has not-yet been determined to have impacted a well/wellfield, and not located in the immediate proximity of the well/wellfield or within the highest priority WHPA (i.e. 1 Year Time-of-Travel Capture Zone).* Examples of such a situation include either from a fixed location/site (e.g. leak from fuel storage facility) or from a release caused by a transportation related accident (e.g. overturned chemical tanker). In either of these scenarios, similar general responses should be taken, however, more specific actions may be warranted dependent upon the collection of the specific situation circumstances. Many of the same responses that are discussed in the first scenario eventually may be deemed appropriate, dependent upon acquired knowledge of incident details and risk assessment. The following discusses both general and specific recommendations and decision-making considerations that are more specific to discovery of an off-site release that has not yet been known to have impacted the water system.

- a. Assemble in-house contingency team to discuss situation.
- b. Contact local Fire Marshall in the jurisdiction where the release occurred to notify them of the wellhead protection concern, and to coordinate efforts to minimize risk to wellfield (e.g. immediate clean-up actions). Communication with the determined responsible party may be necessary to initiate their specific company emergency response plan that may involve actions from their pre-qualified consultant/contractor.
- c. Contact an environmental consultant/contractor (preferably prequalified) to assist in evaluating the level of risk to the closest well/wellfield, and to discuss options to prevent and mitigate potential impacts to drinking water source, as appropriate. See details in the first scenario for possible considerations and risk-based appropriate actions.
- d. Contact EGLE to exchange information regarding the release, discuss any necessary changes in water operations, and to advocate for state-initiated immediate response activities as needed. Cooperate with EGLE and the

- responsible party as appropriate to ensure that an effective groundwater investigation and contaminant removal actions are implemented.
- e. Contact CCEH to exchange information regarding the release, help determine level of risk to public health, and if warranted, arrange for temporary drinking water supplies (i.e. bottled water).
  - f. Initiate a Public Media Release/Notice to inform the public regarding any immediate or intermediate risk to the drinking water supply and any actions taken by the PWSS or requested by the PWSS of its customers (e.g. water use restrictions). Public Media Releases may be coordinated and collaborated with the Calhoun County Environmental Health to ensure consistent messaging and optimization of public contact efforts and assistance (if warranted).
  - g. If this second scenario progressively worsens into a more serious/immediate threat to the PWSS, consider those options discussed previously in the first emergency response situation.

Existing plans, including but not limited to, Water Reliability Study, Vulnerability Assessment Plan, and other water emergency contingency planning documents and information will be considered in the decision-making process should events discussed within this Contingency Plan section occur.

Contacts

*City of Marshall Administration/Managers/Supervisors (In-house Contingency Team)*

Title	Name	Office Number	Cell Number
City Manager	Derek Perry	269-781-5183	269-234-8742
Dir of Public Services	Marguerite Davenport	269-558-0323	269-209-5392
Water Superintendent	Aaron Ambler	269-558-0328	269-317-4786

*City of Marshall Water Operations/Distribution/Maintenance (In-house Contingency Team)*

Title	Name	Office Number	Cell Number
Water Plant Operator	Dave Johnson		517-677-6162
Water Distribution Working Foreman	Cody Burghdorf		269-986-0579
Water Distribution Operator	Emily Finney		269-578-8691
Water Distribution Operator	Jeremiah Steele		269-224-8100
Marshall Fire Chief	Martin Erskine	269-781-3922	

*EGLE Drinking Water and Environmental Health, Community Water Supply (Kalamazoo District)*

Title	Name	Office Number
District Supervisor	Heather Bishop	269-330-9153
District Engineer	Katelyn Reyes, PE	269-216-1691



District Office		269-567-3500
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*EGLE Remediation and Redevelopment Division (Kalamazoo District)*

Title	Name	Office Number
Environmental Manager	David Harn	517-897-0881
PFAS 24-Hour Hotline		800-292-4706

*Calhoun County Health Department, Environmental Health (CCEH)*

269-966-1489

*Local Emergency and Non-Emergency Response Organizations*

Agency	Contact	Emergency	Non-Emergency
Marshall Police	Josh Lankerd	911	269-781-2596
Marshall Fire	Martin Erskine	911	269-781-3922
Calhoun County Sheriff		911	269-781-0700
Michigan State Police	#54 Marshall Post	911	269-558-0500
MDOT Marshall TSC			269-789-0592

*Media*

Radio

WBCK Radio 95.3 FM, Battle Creek: 269-963-5555 or 269-963-6397

WKFR Radio 103.3 FM, Battle Creek: 269-344-0111

*Newspaper*

Ad-visor & Chronicle: 269-781-5444

Battle Creek Enquirer Newspaper: 269-964-7161

*Television*

WOTV (41) Television: 269-968-9341

WWMT (3) Television: 269-345-2101

*Contractors/Consultants/Suppliers*

- Peerless-Midwest, Inc., Mishawaka, IN –
  - Well drilling, rehabilitation, and testing; hydrogeologic investigations; and water plant equipment
  - (574) 254-9050
- ETNA Supply, Battle Creek, MI
  - Water distribution materials

- (800) 632-4576
- Ferguson Waterworks, Jackson, MI
  - Water distribution materials
  - (517) 788-4510
- Quality Excavators, Inc., Marshall, MI
  - Water distribution Emergency Response
  - (269) 763-3709
- Parrish Excavating, Quincy, MI
  - Water distribution emergency response
  - (517) 639-4656
- Hunter-Prell Co., Battle Creek, MI
  - Water distribution emergency response
  - (269) 962-7538
- Alexander Chemical, Mason, MI
  - Water treatment chemicals
  - (517) 676-8884
- Elhorn Engineering, Mason, MI
  - Water treatment chemicals
  - (517) 247-2224
- Stantec Consulting, Ann Arbor, MI
  - Engineering services
  - (866) 782-6832

#### Assessment of Existing Well Supply and Distribution Facilities

The most recent Water System Reliability Study, dated December 3, 2020, was prepared for the City by Stantec Consulting Michigan, Inc. Much of the following selected information is derived from that study. For additional details, please refer to that specific document.

The City of Marshall's existing community water supply consists of four (4) groundwater wells, one (1) water treatment plant, two (2) elevated storage tanks, and a distribution piping system to serve its residential, commercial, institutional, and industrial customers.

The City's four production wells are all currently located within one wellfield located approximately 130-200 feet north of Rice Creek and approximately 0.75 mile from its confluence of the Kalamazoo River (See Figure 1). This configuration simplifies operation and maintenance of the wellfield; however, it also increases the vulnerability of all the wells if contamination occurs in the wellfield. Furthermore, the wells are all completed in a similar depth, also increasing its vulnerability if contamination reaches that same depth of the bedrock aquifer.

Based on a 1,200 GPM equipped pumping capacity for each production well, the Drinking Water and Environmental Health Division, EGLE has established the City's Baseline Withdrawal Capacity at 4,800 GPM or 6.912 MGD (the legal grandfathered capacity), and the firm capacity when taking the largest well out of service at 3,600 GPM or 5.18 MGD. Currently however, Well 1, Well 2, and Well 4 have current pumping capacities of 1,200 gallons per minute (GPM), and Well 3 has a pumping capacity of 1,000 GPM.

The City also has a 2,680 GPM (3.86 MGD) rated capacity water treatment plant, located on Green Street, just east of Lincoln Street. It contains four horizontal pressure filters, a filter backwash tank, a SCADA control, and an emergency standby power generator capable to operate the control system and up to three wells during an electric power outage. It uses manganese greensand media for iron removal, has a potassium permanganate feed for the greensand media, pre/post gaseous chlorination for disinfection, and a polyphosphate injection for corrosion control.

A total water storage volume of 700,000 gallons is provided in two (2) elevated storage tanks. The first tank has a capacity of 200,000 gallons, and the other a capacity of 500,000 gallons.

The City's distribution system consists of primarily 12-inch diameter transmission mains, and secondarily a limited amount of 14-inch and 16-inch diameter. The local distribution mains vary in size from 4-inches to 12-inches in diameter, with a small amount of 2-inch diameter piping.

Currently, there are not any interconnections to adjacent water systems/alternative water supplies to serve as a contingency in an emergency event caused by contamination of its existing wellfield. However, the City is in the planning phase of serving a large industrial user west of I-69. As part of serving that industrial user there are plans being developed to connect the City of Marshall distribution system with the City of Battle Creek system. At a minimum, this connection would serve as an emergency backup supply for both cities.

The Water System Reliability Study referenced previously concluded that *the annual average day water demand* for the City's currently defined future growth areas is projected at approximately 4.87 MGD. However, using the *maximum day and peak hour* factors, the total projected future water demand is as follows:

- Total Average Day Demand = 5.66 MGD
- Total Maximum Day Demand = 8.99 MGD
- Peak Hour Demand = 11.32 MGD.

In summary, the existing City Wellfield's firm capacity of 5.18 MGD and the Water Treatment Plant's rated capacity of 3.86 MGD exceed the existing maximum day demand of 1.39 MGD. Source water expansion will be necessary to meet the difference in the current wellfield baseline capacity and future projected demands. Receiving EGLE approval to expand source

capacity is crucial to Marshall's future water system expansion and the ability to supply the projected 20-year demands.

To meet these projected increases in water needs, the City of Marshall has invested in the exploration of potential future wellfields, discussed in the following section WHPP ELEMENT 6: New Wells.

#### WHPP ELEMENT 6: New Wells

The goal of this WHPP Plan Element is to ensure that a mechanism exists for responsibly incorporating new or replacement wells (or wellfields) into the WHPP when the water supply is expanded or a well(s) needs to be replaced, an increase in water use is desired or needed, or susceptibility of existing wells or wellfields to contamination may necessitate the future development of new production facilities. A review of the current CSI will be made prior to consideration of any new proposed wellfield or new well location within the existing wellfield to ensure that there are no significant risks to any proposed water source-related infrastructure installation. All regulations regarding drilling of test borings, installation of test wells and production wells, and associated aquifer performance testing and water quality testing will be followed.

In the case of Marshall, as discussed in the previous section, they have desired to expand groundwater sources (wellfields) for two basic reasons: One, to address its current reliance on a single wellfield in case that it becomes contaminated or otherwise compromised; and second, to meet the projected water demands outlined in the most recent Water Reliability Study. In addition, and related to future demands, the City would like to coordinate its source water expansion with current potential development needs (i.e. MAJOR). This discussion is not intended to replace or repeat the level of detail presented in Section 6.2 "Future System Improvements" of the 2020 Water Reliability Study but rather provide a brief discussion as it relates to future water needs and the process to achieve it.

To date, satisfying Act 399 and Part 327 regulations has been challenging despite the wealth of groundwater locally available in the Marshall Sandstone aquifer. The City of Marshall has had test borings/test wells installed within the Marshall Sandstone bedrock aquifer to plan for future expansion of its source water wellfields. Examples of these efforts include the installation of TW-04A, TW-05A, and a test/production well identified as Well 5 that were installed in 2004 and 2005. Specifically, these wells were installed south of the City on the west side of S Kalamazoo Avenue (17 Mile Road/M-227), approximately 2,000 feet north of B Drive South and 500 feet west of the building located at 11401 17 Mile Rd. Results of the aquifer performance test associated with this source investigation reported that a recommended rating of 1,350 GPM would be appropriate. Specific details of this water source investigation are reported in the

document “Well 5 Aquifer Performance Test Analysis and Safe Yield Report City of Marshall, Michigan October 2005.” EGLE has not approved this site for a new wellfield.

In addition, the City evaluated the feasibility of expanding groundwater source capacity at several alternate wellfield locations, including south of Well 5, Brooks Field Airport, Ceres Farms West (now the MAJOR Campus), and Ceres Farms East. For various reasons – including both hydrogeologic findings and regulatory inconclusive review and/or extensive demands for additional work– these sites were not developed as part of Marshall’s desired expanded water supply. However, the City is still in discussions with EGLE regarding a proposed plan to conduct hydrogeological site investigations at the Ceres Farms East property to determine whether this location is a viable alternative to the others it would not approve.

#### WHPP ELEMENT 7: Public Participation and Outreach/Education

Public participation and outreach/education is and will be based on a multi-faceted strategy. All components will be based on the attempt to reach a wide audience with a variety of methods and frequencies.

The Committee has identified the following *target audiences/stakeholders*:

- General public
- City employees, and area governmental leaders/decision-makers
- Business community
- Agricultural community
- Educators and students.

The Committee has also identified the following *message topics* to address what we want them to learn:

- What is the source of their drinking water?
- What is groundwater?
- What threatens groundwater?
- What can they do to minimize risk to groundwater?

The *delivery mechanisms* discussed and being developed for the selected messages include:

- In person at select locations/events
- Via media outlets and electronic-based strategies (e.g. website)
- Via mailings, billings, Annual Consumers Confidence Report (CCR).

To date, Marshall has performed and/or is planning to perform the following public participation, outreach, and education actions. The primary and secondary target audiences, message topic(s), delivery mechanism(s), and implementation schedule are also listed.

- ✓ **ACTION: Installation of 25 Wellhead Protection Area signs (installed/ongoing)**

*Primary Target Audience:* General public

*Secondary Target Audience:* City employees, and governmental leaders/decision-makers; business community; and educators and students

*Message Topic:* You live in a groundwater protection zone (WHPA)

*Delivery Mechanism:* Signage

*Implementation Schedule:* As of 9-30-03, 25 signs were placed/installed wherever roads entered the WHPA. Sixteen were installed by Calhoun County, and nine by the City of Marshall Department of Public Services. They are currently being maintained by both governments.

✓ **ACTION: Utilize City of Marshall website for WHPP**

*Primary Target Audience:* General public; City employees, and government leaders/decision-makers

*Secondary Target Audience:* Business community; educators and students, agriculture

*Message Topic(s):* What is the Wellhead Protection Program and why is it important?

Groundwater is the source of drinking water. Where is the WHPA (display map)? What can you do to help (e.g. proper use, storage, and disposal of household hazardous chemicals and yard fertilizers, herbicides, and pesticides)? Plugging of abandoned wells are an important strategy to minimize risk to groundwater.

*Delivery Mechanism:* City website

*Implementation Schedule:* Original and additional information completed. Revised and enhanced information is currently being incorporated and will be completed by December 31, 2023, with subsequent updates as appropriate.

✓ **ACTION: Incorporate groundwater protection messaging by using existing City of Marshall routine public communication tools and scheduled events**

*Primary Target Audiences:* General public; water customers; and City employees.

*Secondary Audiences:* Businesses; students and educators; agriculture.

*Message Topic(s):* What is the Wellhead Protection Program and why is it important?

Groundwater is the source of drinking water. Where is the WHPA (display map)? What can you do to help (e.g. proper use, storage, and disposal of household hazardous chemicals and yard fertilizers, herbicides, and pesticides)? Plugging abandoned wells are an important strategy to minimize risk to groundwater.

*Delivery Mechanism:* Consumer Confidence Report (CCR)/Annual Water Quality Report; Billings; Press Releases; City E-mail Portal; educating City employees at internal meetings and related events; facility tours and displays/information distribution locations (e.g. Public Services Department Lobby); brochure provided with various permits/permit applications; Local Cable Access (MPACT); local newspaper articles (Town Crier); displaying and advertising the "City of Marshall, Michigan Proclamation" associated with

groundwater/drinking water protection efforts (WHPP), Kalamazoo River Watershed, stormwater management, and partnering efforts to educate the public about the importance of protecting water resources.

*Implementation Schedule:* Ongoing use of the CCR and billings; distribution of WHPP brochure at periodic events; continued participation in the Battle Creek Water Festival; on-going regional collaboration with other organizations regarding groundwater and surface water outreach.

By December 31, 2023: Groundwater protection messaging via the City E-mail Portal; update WHPP Brochure.

By December 31, 2024: Incorporation of WHPP information via the Site Plan Review application process.

By December 31 of each year 2025, 2026, 2027, and 2028: Review all strategies and consider the continuance of existing and implementation of new ones discussed above with a groundwater protection emphasis or component.

✓ **ACTION: Participation with Calhoun County, various local and regional community events, and on-going community programs**

*Primary Target Audience:* General public; government officials; agriculture

*Secondary Target Audience:* Business community; educators and students

*Message Topic(s):* What is the source of drinking water? What is groundwater? What threatens groundwater? What can you do to prevent groundwater contamination (e.g. proper use, storage, and disposal of household hazardous chemicals and yard fertilizers, herbicides, and pesticides)? Plugging abandoned wells being an important strategy to minimize risk to groundwater.

*Delivery Mechanism:* Participation in the Battle Creek Water Festival; use of tap water machine at community events/Grand Street Park; Blues Fest; Oaklawn Hospitality Color Run 5K and Fun Run; Calhoun County wide community events/activities/permitting (e.g. recycling, private water well and septic system permitting process, special material collection events, Household Hazardous Waste Collection Program, County Fair). Presentations and use of educational models (e.g. Groundwater Simulator and EnviroScope); at various community service organizational events, such as environmental groups, scouting, churches, Chamber of Commerce, etc.; distribution of brochures, handouts, and novelty items (e.g. magnets, pencils, etc.).

*Implementation Schedule:* Annual participation in the Battle Creek Water Festival, and special material collection events.

By December 31, 2023: Enhanced incorporation of WHPP information into Calhoun County government programs (e.g. private well and septic permitting).

By December 31, 2024: Use of tap water machine for messaging platform at local events (e.g. community events at Grand Street Park, 5 K races, etc.).

By December 31 of years 2025, 2026, 2027, and 2028: One Groundwater Simulator and/or EnviroScape presentation/demonstration at community service organization or business affiliated group.

✓ **ACTION: Integrate groundwater protection messaging into local school programs**

*Primary Target Audience(s):* Public and private Elementary, Middle-School, and High School students and teachers.

*Secondary Target Audience(s):* General public.

*Message Topic(s):* What is the source of drinking water? What is groundwater? What threatens groundwater? What can you do to prevent groundwater contamination (e.g. proper use, storage, and disposal of household hazardous chemicals and yard fertilizers, herbicides, and pesticides)? Plugging abandoned wells being an important strategy to minimize risk to groundwater.

*Delivery Mechanism:* Presentations and use of educational models (e.g. Groundwater Simulator and EnviroScape); distribution of brochures, handouts, and novelty items (e.g. magnets, pencils, etc.) related to water protection.

*Implementation Schedule:* By June, 2024: One (1) Elementary, Middle-School, and/or High School class presentation during the 2023-24 school year, possibly using the Groundwater Simulator and/or EnviroScape Model, in addition to the distribution of groundwater protection related handouts and novelty items.

By June, 2025: One (1) Elementary, Middle School, and/or High School class presentation during the 2024-25 school year, possibly using the Groundwater Simulator and/or EnviroScape Model, in addition to the distribution of groundwater protection related handouts and novelty items.

By June, 2026: One (1) Elementary, Middle School, and/or High School class presentation during the 2025-26 school year, possibly using the Groundwater Simulator and/or EnviroScape Model, in addition to the distribution of groundwater protection related handouts and novelty items.

By June, 2027: One (1) Elementary, Middle School, and/or High School class presentation during the 2026-27 school year, possibly using the Groundwater Simulator and/or EnviroScape Model, in addition to the distribution of groundwater protection related handouts and novelty items.

By June, 2028: One (1) Elementary, Middle School, and/or High School class presentation during the 2027-28 school year, possibly using the Groundwater Simulator and/or EnviroScape Model, in addition to the distribution of groundwater protection related handouts and novelty items.

✓ **ACTION: Research and consider usings multi-media messaging regarding groundwater protection**



*Primary Target Audience(s):* General public

*Secondary Target Audience(s):* Businesses; educational institutions

*Message Topic(s):* What is the source of drinking water? What is groundwater? What threatens groundwater? What can you do to prevent groundwater contamination?

*Delivery Mechanism(s):* Radio and pre-movie theater ads. Radio ads may be collaborated with the City of Battle Creek for cost-sharing and maximum effect (similar to the Kalamazoo-Battle Creek cost-sharing via Townsquare Media radio stations that reach both community airwaves).

*Implementation Schedule:* This action will be dependent upon the receipt of grant funding and collaboration with the City of Battle Creek and the City of Kalamazoo. By September 2025, and selected years through 2028: A minimum of two radio ads and/or one pre-movie theater ad. If grant funding is received, this will be initiated at an earlier date.

✓ **ACTION: Research and consider renewing the Groundwater Guardian Community Program, Groundwater Foundation, operated by the National Ground Water Association (NGWA)**

*Primary Target Audience(s):* General public; water customers; government leaders

*Secondary Target Audience(s):* Business community; education institutions

*Message Topic(s):* Public education and outreach activities defined as “Result Oriented Activities” (ROAs), related to selected actions discussed above.

*Delivery Mechanism(s):* Internal and external announcements regarding participation in and recognition for fulfilling obligations associated with the Groundwater Guardian Community Program; display of plaque. Marshall will use the Wellhead Protection Committee to serve also as the Groundwater Guardian Team.

*Implementation Schedule:* By December 31, of each selected year through 2028: Submit Annual Groundwater Guardian Community Entry Forms, Result Oriented Activity (ROA) Plan forms, and \$100 fee. Also, submit the Annual Groundwater Guardian Report for that current designation year.

## SUMMARY

The City of Marshall is committed to updating and rejuvenating its Wellhead Protection Program and fully understands the importance of protecting its vulnerable source water bedrock aquifer. The proposed new management strategies are designed to minimize the potential of groundwater contamination from occurring. Primary strategies will include the adoption of a Wellhead Protection Zoning Overlay Ordinance with associated Performance Standards for Groundwater Protection and Stormwater Management within its WHPA, incorporation of new groundwater protection tools within its Site Plan Review Standards, a Chemical Storage

Inventory program, enhancing collaboration with county-wide multi-organizational efforts with the Water Resources Commissioner Office and the Conservation District, the area-wide Clean Water Initiative, and continuing effective past and current public education, outreach, and participation efforts while considering new tactics discussed within this Plan. The receipt of state source water funding will be critical in making these efforts possible. This WHPP Plan will be reviewed and updated a minimum of every five years.

Appendix 1: Consumers Confidence Report (CCR)/Annual Water Quality Report

Appendix 2: Wellhead Protection Program Committee Meeting Agendas  
and Sign-In Sheets

Appendix 3: Contaminant Source Inventory (CSI),  
Updated February 2023

Appendix 4: Draft Wellhead Protection Zoning Overlay Ordinance  
Template

Appendix 5: Chemical Inventory and Storage Forms/  
Questionnaires Part 1 and Part 2

## Exhibit A



## Exhibit B

Exhibit C



# CHEMICAL INVENTORY AND STORAGE FORM PART 1

## KALAMAZOO DEPARTMENT OF PUBLIC SAFETY RIGHT TO KNOW QUESTIONNAIRE

DATE COMPLETED:			
NAME OF PREMISES:			
SITE ADDRESS:			
SITE TELEPHONE:			
EMERGENCY TELEPHONE:	(Numbers should be direct to facility representatives and available 24 hrs. Number should by-pass automated phone trees)		
QUESTIONNAIRE COMPLETED BY:			
PHONE:			
EMAIL ADDRESS:			
SITE USE:  Please check most appropriate box	<input type="checkbox"/>	CHEMICAL USER (Chemicals used in activities on site)	
	<input type="checkbox"/>	CHEMICAL PRODUCER (Chemicals manufactured at this site, includes packaging)	
	<input type="checkbox"/>	OTHER (Chemicals are stored on site, but not used or produced. Such as service stations, retail store, storage facility)	

Emergency Contacts: (Include Private Alarm / Security Companies, Maintenance Staff)				
NAME	TITLE	BUSINESS PHONE	HOME PHONE	CELL PHONE

EMERGENCY VENDORS	
SPILL CLEAN UP COMPANY	
ADDRESS:	
PHONE NUMBERS REGULAR and AFTER HOURS NUMBERS:	

**KALAMAZOO DEPARTMENT OF PUBLIC SAFETY  
RIGHT TO KNOW QUESTIONNAIRE**

<b>CHEMICAL TYPE SURVEY</b>				
<b>Check 1 Box for Each Category</b>				
<b>CHEMICAL TYPE</b>	<b>SPECIFIED QUANTITY</b>	<b>HAVE AT OR ABOVE SPECIFIED QUANTITY</b>	<b>HAVE BUT BELOW SPECIFIED QUANTITY</b>	<b>DO NOT HAVE</b>
<b>CLASS 1</b>				
Explosives & Blasting Agents (Not including Class C Explosives)	Any Quantity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CLASS 2</b>				
Poison Gas	Any Quantity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flammable Gas	100 gal. Water Capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Non-Flammable Gas	100 gal. water capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CLASS 3</b>				
Flammable Liquid	1000 gallons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Combustible Liquid	10,000 gallons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CLASS 4</b>				
Flammable Solid (Dangerous when wet)	100 lbs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flammable solid	500 lbs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Spontaneously Combustible Material	100 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CLASS 5</b>				
Oxidizer	500 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Organic Peroxide	250 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CLASS 6</b>				
Poison	500 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Irritating Material: Liquid	1000 gallons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Irritating Material: Solid	500 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CLASS 7</b>				
Radioactive Material (Yellow III Label)	Any Quantity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CLASS 8</b>				
Corrosives: Liquid	1000 gallons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corrosives: Solid	500 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>NO DOT CATEGORY</b>				
Known Human Carcinogen	Any Category	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Michigan Occupational Safety and Health Act (MIOSHA) requires that the Department of Public Safety prepare and disseminate to our Officers a plan for executing the department's responsibilities with respect to each site within the City of Kalamazoo where hazardous chemicals are used or produced. There are no exemptions based on the quantity of chemicals at the site. The purpose of the act is to ensure firefighter safety.

# KALAMAZOO DEPARTMENT OF PUBLIC SAFETY RIGHT TO KNOW QUESTIONNAIRE

## HAZARDOUS CHEMICAL DEFINITIONS

**Carcinogen** – A chemical is considered to be a carcinogen if: 1) it has been evaluated by the International Agency for Research on Cancer (IARC) and found to be a carcinogen or potential carcinogen; or 2) it is listed as a carcinogen or potential carcinogen in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition), or 3) it is regulated by OSHA as a carcinogen.

**Combustible liquid** – Any liquid having a flashpoint at or above 100 degrees F (37.8 degrees C), but below 300 degrees F (93.3 degrees C), or higher, the total volume of which make up 99 percent or more of the volume of the mixture.

**Corrosive (liquid and solid)** – Any liquid or solid that causes visible destruction or irreversible damage to human skin tissue. Also, it may be a liquid that has a severe corrosion rate on steel.

**Explosives and blasting agent (not including Class C explosives)** – “Explosive” means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high pressure. “Blasting Agent” means a material designed for blasting. It must be insensitive that there is very little probability of: 1) accidental explosion, or 2) going from burning to detonation.

**Flammable liquid** – Any liquid having a flashpoint below 100 degrees F (37.8 C), except any mixture having components with flashpoints of 100 degrees F (37.8 C) or higher, the total of which makes up 99 percent or more of the total volume of the mixture.

**Flammable gas** – A gas that can burn with the evolution of heat and a flame. Flammable compressed gas is any compressed gas of which: 1) a mixture of 13 percent or less (by volume) with air is flammable, or 2) the flammable range with air is under 12 percent.

**Flammable solid** – A solid, other than a blasting agent, or explosive, that is liable to cause fire through friction, absorption or moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard.

**Flammable solid (dangerous when wet)** – - Water Reactive Material (Solid) - Any solid substance (including sludges and pastes) which react with water by igniting or giving off dangerous quantities of flammable or toxic gases. (Sec.171.8).

**Irritating material - liquid and solid** - A liquid or solid substance which, upon contact with fire or air, gives off dangerous or intensely irritating fumes.

**Non-flammable gas** - Any compressed gas other than a flammable compressed gas.

**Organic peroxide** - An organic compound that contains the bivalent -O-O structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

**Oxidizer** - A chemical that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases. Example being: chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily.

**Poison (Less dangerous poisons, toxic)** - substances, liquid or solids (including pastes and semi- solids) so toxic to man that they are a hazard to health during transportation.

**Poison gas (Extremely dangerous poisons, highly toxic)** - a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life.

**Radioactive material (yellow 111 label)** - Any material, or combination of materials, that spontaneously gives off ionizing radiation.

**Spontaneously combustible material (Solid)** - A solid substance (including sludge's and pastes) which may undergo spontaneous heating or self-burning under normal transportation conditions. These materials may increase in temperature and ignite when exposed to air.



# CHEMICAL INVENTORY AND STORAGE FORM PART 2

## **DRINKING WATER PROTECTION QUESTIONNAIRE**

**Please summarize the activities at this site, including principal products or services provided:**

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<b>Please check the corresponding box if your facility has prepared any of the following:</b>
<input type="checkbox"/> Pollution Incident Pollution Plan (PIPP)
<input type="checkbox"/> Risk Management Program/Plan (RMP)
<input type="checkbox"/> Spill Prevention Control and Countermeasures Plan (SPCC)
<input type="checkbox"/> Storm Water Pollution Prevention Plan (SWPPP)
<input type="checkbox"/> Hazardous Waste Contingency Plan (HWCP)
<input type="checkbox"/> Other Spill Contingency Plan, please explain.

<b>Please check the corresponding box if your facility has prepared or is designated as any of the following:</b>
<input type="checkbox"/> Listed as a Part 201 Site under Act 451
<input type="checkbox"/> Listed as a Part 213, Leaking Underground Storage Tank, Site under Act 451
<input type="checkbox"/> Baseline Environmental Assessment
<input type="checkbox"/> Due Care Plan
<input type="checkbox"/> Other known release of a regulated substance or ongoing contamination, please explain.

Kalamazoo’s wellhead protection ordinance (No. 1825) defines the following as Regulated Substances:

1. Substances for which there is a materials safety data sheet (MSDS), and the MSDS cites possible health hazards
2. Hazardous Waste, as defined by the Resource Conservation and Recovery Act (RCRA) of 1976
3. Hazardous Substance, as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
4. Radiological materials
5. Biohazards

**EXAMPLES OF REGULATED SUBSTANCES INCLUDE**

<b>A. PETROLEUM PRODUCTS</b> Examples: Gasoline, Motor Oil, Heating Oil, Diesel, Used Oil
<b>B. RADIOLOGICAL MATERIALS</b> Common Uses: Gas Chromatography, Scientific Research, Gauges, Manufacturing, Medicine
<b>C. INORGANIC COMPOUNDS</b> (Metals, Metal Compounds and certain Acids and Bases) Examples: Chromium, Arsenic, Cyanide, Nitrate, Hydrochloric Acid, Sodium Hydroxide
<b>D. FERTILIZERS, PESTICIDES, AND OTHER SYNTHETIC ORGANIC COMPOUNDS</b> Examples: 10-10-10, Ammonium nitrate, Atrazine, Carbofuran, Simazine, Bone Meal
<b>E. VOLATILE ORGANIC COMPOUNDS (VOCs)</b> <u>Examples:</u> Paints, Varnish, Solvents, Thinners, Adhesives,
<b>F. SALT</b> Examples: Calcium Chloride, Sodium Chloride, Sand/Salt Mixtures

**Do you use or store regulated substances onsite?**  
 Yes       No

**If you answered “no” to this question, you do not need to complete page 5 of the questionnaire.**

# **DRINKING WATER PROTECTION QUESTIONNAIRE**

Please check any boxes that describe the activities that occur at your property.

## **Commercial**

- Analytical and clinical laboratories
- Animal feedlots
- Auto washes
- Boat builders/refinishers
- Car rental and service stations/automotive repair
- Commercial establishments with fleets of trucks and cars
- Concrete/asphalt/coal/tar companies
- Drum recycling and cleaning
- Dry cleaners and laundries
- Equipment repair
- Food processors/meat packers/slaughter houses
- Fuel oil distributors/stores
- Furniture stripping or refinishing
- Gas stations
- Junk and salvage yards
- Motor vehicle repair/service shops
- Pesticide application services/pesticide stores/retailers
- Petroleum bulk storage (wholesale)
- Photographic development
- Printing
- Salvage yards/impoundment lots
- Truck or rail tanker cleaning
- Wood preserving and treatment

## **Manufacturing**

- Chemical, paint, and plastics manufacturing
- Furniture manufacturing
- Metal manufacturing (including metal plating)
- Mining operations/injection wells
- Other manufacturing (textiles, rubber, glass, etc.)
- Pulp and paper industry

## **Transportation**

- Airport maintenance/fueling areas
- Governmental agencies with fleets of trucks and cars
- Salt piles/sand-salt piles
- Trucking/bus terminals
- Vehicle maintenance operations (transportation/trucking, contractors/construction, auto dealers)

## **Utilities**

- Aboveground oil pipelines
- Electric power generation substations

## **Waste Disposal**

- Landfills/dumps/transfer stations

**If you store regulated substances onsite, please summarize the security measures at this site, including fencing, lighting, and flow valves (are they locked when not in use?):**

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## DRINKING WATER PROTECTION QUESTIONNAIRE

### REGULATED SUBSTANCES INVENTORY – INDOOR STORAGE AREAS

Our priority is to inventory materials stored in aggregate quantities greater than 55 gallons or 440 pounds. Aggregate quantity means the total storage amount of each material onsite, regardless of container size.

If your facility stores any regulated substances in INDOOR storage areas onsite, please list the specific types of materials below.

Material Name (Chemical or Brand)	Material Use	Container Type <sup>1</sup>	Container Material	Max. Quantity Stored Onsite (with Units)	Are floor drains present in storage area? If yes, are they connected to sanitary sewer, storm sewer, or other?		Containers properly labeled?	How often is the area inspected?	Are walls and floors impervious? Please list material.
					<input type="checkbox"/> Yes	<input type="checkbox"/> No			
<i>Example: Hydraulic oil</i>	Lubricant	Drum	Steel	55 Gallons	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Yes	Weekly	Yes, concrete
					<input type="checkbox"/> Yes	<input type="checkbox"/> No			
					<input type="checkbox"/> Yes	<input type="checkbox"/> No			
					<input type="checkbox"/> Yes	<input type="checkbox"/> No			
					<input type="checkbox"/> Yes	<input type="checkbox"/> No			
					<input type="checkbox"/> Yes	<input type="checkbox"/> No			
					<input type="checkbox"/> Yes	<input type="checkbox"/> No			
					<input type="checkbox"/> Yes	<input type="checkbox"/> No			

<sup>1</sup> Examples: aboveground storage tank (AST), underground storage tank (UST), drum, bags, bottles, pails.



## **DRINKING WATER PROTECTION QUESTIONNAIRE**

### **REGULATED SUBSTANCES INVENTORY – OUTDOOR STORAGE AREAS**

Our priority is to inventory materials stored in aggregate quantities greater than 55 gallons or 440 pounds. Aggregate quantity means the total storage amount of each material onsite, regardless of container size.

If your facility stores any regulates substances in OUTDOOR storage areas onsite, please list the specific types of materials below.

Material Name (Chemical or Brand)	Material Use	Storage Container Type <sup>1</sup>	Storage Container Material	Max. Quantity Stored Onsite (with Units)	Secondary containment structure present? If yes, describe containment, including material and size.		How often is the area inspected?	Is the storage area covered?
					<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<i>Example: Diesel</i>	Truck Fuel	AST	Steel	500 Gallons	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Concrete dike, 750 gallons	Weekly	Yes
					<input type="checkbox"/> Yes <input type="checkbox"/> No			
					<input type="checkbox"/> Yes <input type="checkbox"/> No			
					<input type="checkbox"/> Yes <input type="checkbox"/> No			
					<input type="checkbox"/> Yes <input type="checkbox"/> No			
					<input type="checkbox"/> Yes <input type="checkbox"/> No			
					<input type="checkbox"/> Yes <input type="checkbox"/> No			
					<input type="checkbox"/> Yes <input type="checkbox"/> No			
					<input type="checkbox"/> Yes <input type="checkbox"/> No			

<sup>1</sup> Examples: aboveground storage tank (AST), underground storage tank (UST), drum, bags, bottles, pails.



13551 Myron Avery Drive  
Marshall, MI 49068  
(269)781-7976 Fax (269)781-4403  
Hours: Monday ~ Wednesday, 9 AM to 3:30 PM

### 2023 Review Planning Commission

January 2023

Election of Officers

Update on Revised New Horizon Compost Site Plan, Administratively Approved

Meeting Dates, 2022 Review

Review of the Zoning Ordinance regarding ground mount solar in a residential area. Review on ground mount solar, it was presented to the Planning Commission that all ground mount solar in the residential area required a Special Land Use at the cost of \$475 for the residents. There was a discussion of allowing for administrative approval of some ground mount solar. The consensus of the Planning Commissioners to allow for administrative approval would be inconsistent with the Zoning Ordinance and disagree with allowing administrative approval.

February 2023- Meeting Cancelled

March 2023- Meeting Cancelled

April 2023 - Public Hearing, Special Land Use for Clifton Conklin, the property owner, is requesting a special land use for the property commonly known as 16188 Old US 27 N, Marshall, MI 49068 16-121-006-05. The applicant is National Solar Service. They are requesting to be allowed to have a ground-mount solar energy collector as defined in Section 8-31 in the Township Ordinance. Aye: Commissioners Lyng, Boshears, Egnatuk, Gresly, and Lindsey, Opposed none. Excused: Commissioners Hoffman, and Johnson

May 2023- Meeting Cancelled

June 2023- Meeting Cancelled

July 2023 - Public Hearing, Special Land Use for Ann Branham, the property owner, is requesting a special land use for the property commonly known as 13843 W. Michigan Ave, Marshall, MI 49068 16-201-033-01. The applicant is Climax Solar. They are requesting to be allowed to have a ground-mount solar energy collector as defined in Section 8-31 in the Township Ordinance. Aye: Commissioners Lyng, Johnson, Egnatuk, Boshears, Hoffman, Gresly, and Lindsey, Opposed none.

August 2023 - Public Hearing, Special Land Use for Kalamazoo River Community Recreation Foundation, the property owner is requesting a special land use for the property commonly known as 116 Marshall St, Ceresco, MI, 49033, MI 49068 16-306-012-03, known as Ceresco



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Green. The applicant is requesting to be allowed the KRCRF proposes to construct a seasonal restroom. in Table 3.2 Schedule of Uses: Agricultural and Residential Districts, Parks, playgrounds, and outdoor recreation areas in the Township Ordinance. Aye: Commissioners Lyng, Boshears, Hoffman, Gresly, and Egnatuk, Opposed Johnson note that the recommended stipulation was not in the motion.

September 2023 - Public Hearing for Review and possible revocation of a Conditional Use Permit (CUP) for DAVID'S BROWN AUTO COLLISION 13333 15 MILE RD., MARSHALL, MI 49068 16-272-015-00 as defined in Section 13-7 of the Township Ordinance. Upon motion by Johnson, supported by Gresly, and 5-0 vote, the Planning Commission continued the public hearing to a date certain of January 24, 2024, at 7:00 p.m. at the Marshall Township Hall, 13551 Myron Avery Drive, Marshall, MI 49068 for further consideration and review.

October 2023 - Public Hearing, Zoning Map Amendment, Dick Sweet, the property owner, is requesting a zoning map change for the property commonly known as 16-140-003-02, Vacant Land on G Drive with a cross street of Old 27 North, Marshall, MI 49068. The applicant requests that the zoning currently Agricultural / Rural Residential be changed to Highway Service Commercial. It was moved by Commissioner Lindsey and seconded by Boshers to postpone the special land use until the November 7, 2023, meeting. Aye: Commissioners Lindsey, Johnson, Boshears, and Lyng Opposed none. Excused: Hoffman, Egnatuk Absent: Gresly  
APPLICATION WAS WITHDRAWN AFTER THE MEETING

November Special Meeting Cancelled - Public Hearing: Suspension of the special land use Cereal City Solar, LLC in Section 13-7 in the Township Ordinance. To review the violation of the Marshall Township Zoning Ordinance Section 12-9 Standards of Approval, G. Stormwater.  
THE VIOLATION WAS CORRECTED

November 2023- Meeting Cancelled

December 2023- Marshall Township PC Bylaws Proposed and Approval. Commission Johnson moved not to approve the presented bylaws, which Boshers seconded. Continue to reviews. Master Plan Discussion. There was a discussion of working on the work plan and addressing a section at a time, putting it on the agenda, starting with chapter two.