



## **Welcome to the Village of Decatur's Parks and Recreation Committee!**

We're glad to have you with us and thanks for your willingness to serve your community in this important role. Over the coming months you'll be gaining firsthand experience of how this board supports our parks and recreation for our residents. But to get you started, check out the resources below for information on how the board operates, existing plans and where you can get some basic training on topics related to your new role.

### Basic/Legal Information

- Parks & Recreation by laws
- Parks & Recreation 5-year plan
- Open Meeting Act Handbook

### Additional information

- Check out the many parks of Decatur-  
[https://cms5.revize.com/revize/decaturni/government/boards\\_and\\_committees/parks\\_and\\_recreation.php](https://cms5.revize.com/revize/decaturni/government/boards_and_committees/parks_and_recreation.php)

If you have any questions, please contact Village Hall at 269-423-6114.

Megan Duncan  
Village Clerk/Treasurer  
269-423-6114  
mduncan@decaturni.us



Village of Decatur  
114 N Phelps Street  
Decatur, MI 49045

## MEMORANDUM

TO: Parks & Recreation Committee  
FROM: Christopher Tapper, Village Manager  
DATE: September 19, 2022  
REVIEWED BY: N/A

SUBJECT: Request to adopt Committee By-Laws

### Action Requested:

It is requested that the Parks & Recreation Committee adopt by-laws.

### Background:

As a best practice of process and procedures boards, commissions and committees is to have adopted by-laws. The following attachment is an example of working by-laws for the Parks & Recreation Committee.

### Attachments:

Parks & Recreation Committee - bylaws



# Community Parks and Recreation Plan

Village of Decatur  
Decatur Township  
Hamilton Township

Adopted: January 30, 2020

This plan was developed by a joint planning committee with representatives from Decatur Village, Decatur Township, and Hamilton Township. The Southwest Michigan Planning Commission assisted the committee.

### Village of Decatur Public Officials

Ali Elwaer	Village President
Charlene Jackson	Village President Pro-Temp
Robert Mead Jr.	Village Trustee
Kim Gunther	Village Trustee
Cindy Pachner	Village Trustee
Ken Hayes	Village Trustee
Mike Verran	Village Trustee
Matthew Newton	Village Manager
Kimberly Babcock	Village Clerk and Treasurer
Tom VanDerWoude	Village Police Chief
Jimmy Ebeling	DPW Forman

### Decatur Township Public Officials

Kevin Kusmack	Township Supervisor
Janet Abshagen	Township Clerk
James W. Abshagen	Township Treasurer
Katelin Makay	Township Trustee
Tom Stull	Township Trustee
Tommy Simson	Township Zoning Administrator and Code Enforcement Officer
Shalice Northrop	Township Assessor

### Hamilton Township Public Officials

Carl Druskovich	Township Supervisor
Tina Leary	Township Clerk
Sandra Hanson	Township Treasurer
Charles Goodrich	Township Trustee and Zoning Administrator
Hal Manning	Township Assessor

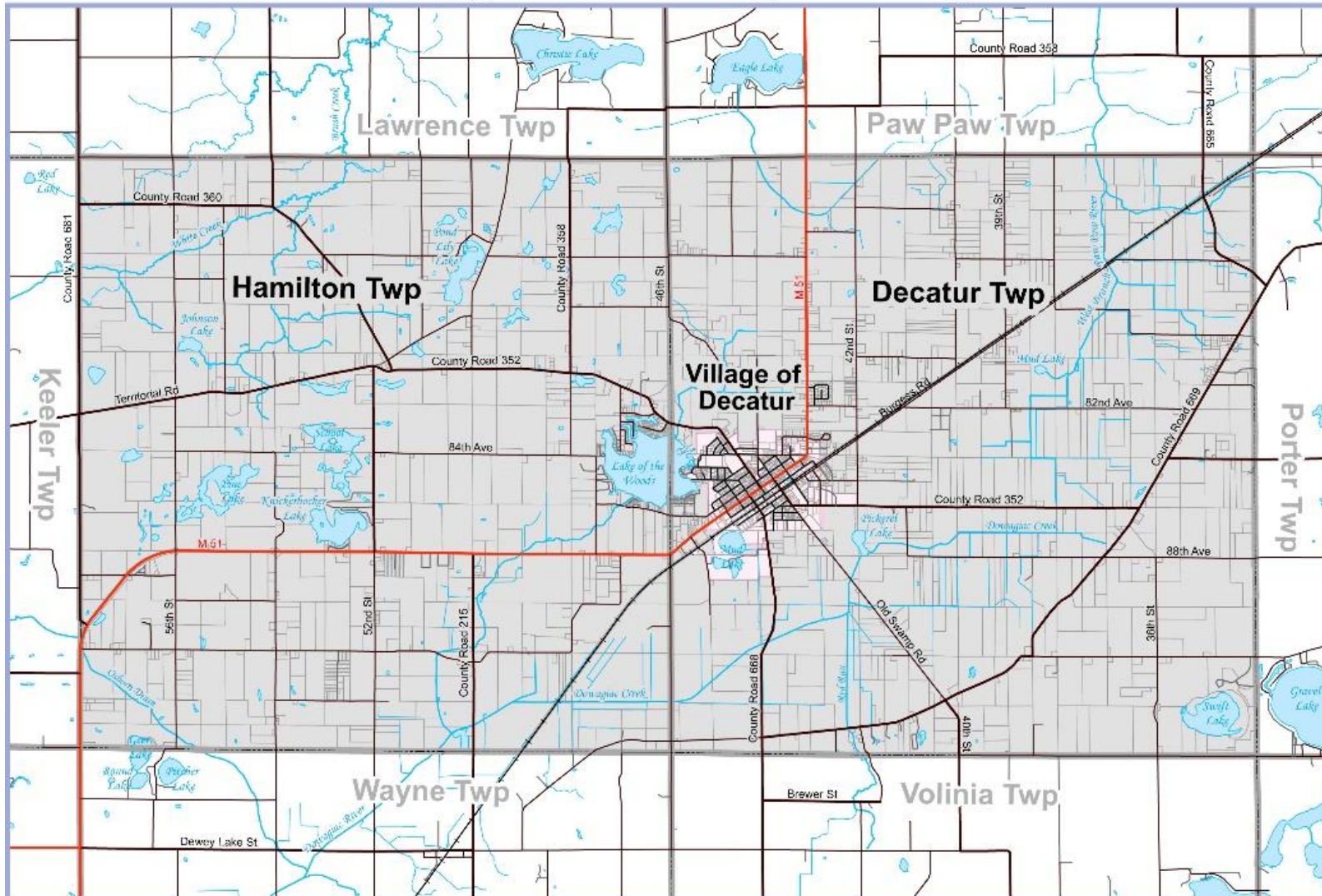
### Joint Recreation Planning Committee

Matthew Newton, Kimberly Babcock, Ken Hayes, Tom Stull, Charles Goodrich, Sandra Hanson

# Table of Contents

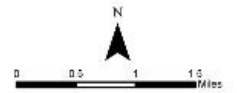
Introduction .....	4
Community Description .....	4
Community Demographics .....	5
Administrative Structure and Budgets.....	6
Village of Decatur.....	6
Decatur Township.....	8
Hamilton Township.....	8
Volunteerism and Partnerships .....	8
Natural Resource Inventory.....	9
Recreation Inventory .....	12
Village of Decatur Parks.....	13
DDA Park .....	13
Raider Romp Park .....	14
Red Woolfe Park .....	16
Hamilton Township Parks .....	18
Grange Hall and Hamilton Township Property .....	18
Other Public Parks and Recreational Opportunities.....	20
Private Facilities .....	22
Previous Grant-Assisted Parks .....	23
Planning Process .....	23
Public Input Process.....	24
Goals and Objectives .....	25
Strengths and Weaknesses.....	25
Goals .....	26
Action Program .....	29
Appendix A    Survey .....	31
Appendix B    Public Input Meeting.....	36
Appendix C    Hamilton Township Property Concept.....	37
Appendix D    Post Completion Reports .....	38
Appendix E    Adoption Documents.....	48

# Hamilton Township, Decatur Township, & the Village of Decatur



## Legend

- Township
- Parcel



## Data Sources

Base Map: Michigan Center for Geographic Information  
Parcel: Van Buren County

Prepared April 2009

## Southwest Michigan Planning Commission

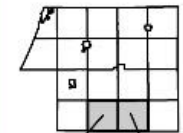
Tel: 269-925-1137

Fax: 269-925-0288

Email: [swmpc@swmpc.org](mailto:swmpc@swmpc.org)

Website: [www.swmpc.org](http://www.swmpc.org)

## Van Buren County



Hamilton Township

Decatur Township



MICHIGAN

Van Buren County

# Introduction

Parks and recreational resources provide a structure and aesthetic identity to communities. These resources increase property values, provide natural recreation, enhance animal and plant habitat, contribute to clean air and water, and help preserve and protect the historic character and identity of the area.

This plan will serve as a guide to the Village of Decatur, Decatur Township, and Hamilton Township for the development and maintenance of parks and recreational resources. The current status of parks and recreation and vision towards the future for the Decatur-Hamilton Area are outlined in this plan.

This plan takes into account the desires of the community for a multitude of recreational opportunities. It also focuses on the needs of the community in the development of goals and objectives. The final product of this plan is a set of strategic recommendations that will guide the community towards its goals.

## Community Description

The Decatur-Hamilton Area is comprised of the Village of Decatur, Decatur Township, and Hamilton Township. This area is located in the southernmost portion of Van Buren County in Southwest Michigan and is approximately forty miles from Kalamazoo, Benton Harbor/St. Joseph, and South Bend, Indiana. Given the size and proximity of these three municipalities, the village and townships often work together on projects including a joint comprehensive plan and a shared fire authority.

Housing is primarily single or two family homes with renters making up around 25%. There is also a multi-unit apartment complex for seniors and two multi-unit subsidized and affordable apartment complexes. The area is home to Davis Elementary, Decatur Middle School, and Decatur Jr. Sr. High School. A significant portion of the Decatur-Hamilton Area is comprised of agricultural lands and open space. Businesses and restaurants are primarily located in the downtown area of the village.

Many visitors come to the Decatur-Hamilton Area during the summer to enjoy outdoor recreational opportunities such as boating, fishing, and swimming. Wintertime activities include ice-fishing and snowmobiling.

This joint recreation plan has been developed to serve as a guide to parks and recreational activities in the Decatur-Hamilton Area.



# Community Demographics

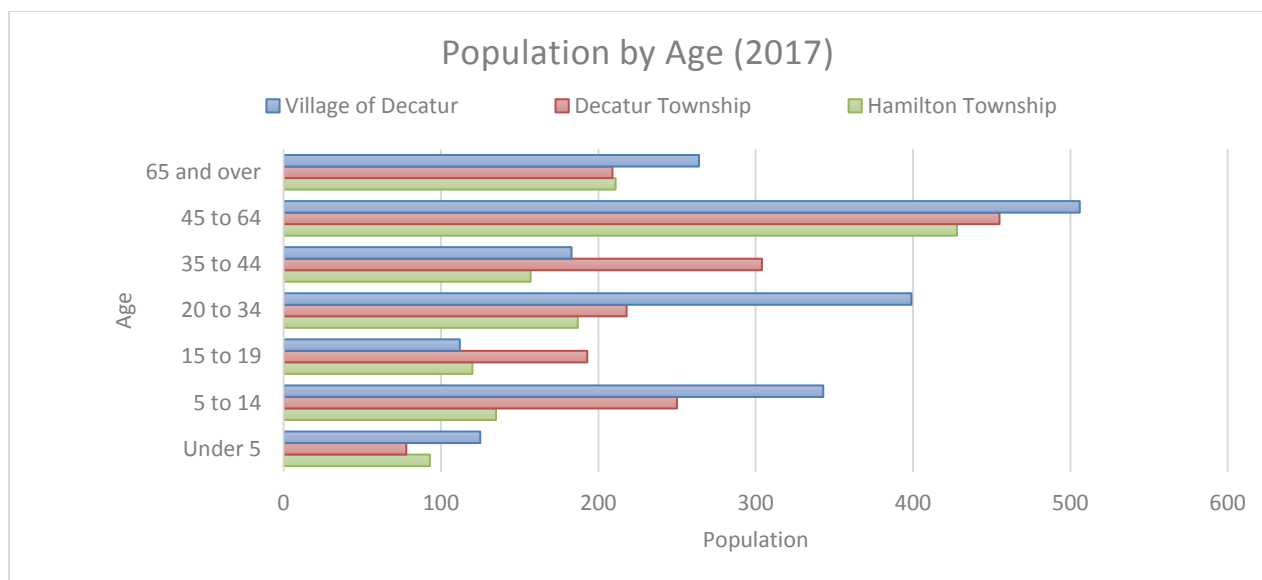
The Decatur-Hamilton Area includes the Village of Decatur, Decatur Township, and Hamilton Township and is home to 4,970 residents (2017 Census estimate). Population has increased modestly since 1970 with the largest increase seen in the Village. Though more recently, population in both Decatur Township and Hamilton Township has decreased whereas population in the Village has remained rather consistent with only a small gain. Around 36% of households in the Decatur-Hamilton Area have children under the age of 18.

Poverty rates in both the Village and Township of Decatur are higher than the county and state rates at 24.1% and 32.7% respectively. Hamilton Township's poverty rate was 14.0%. Following national trends, the poverty rate is higher for children in each of the communities. These poverty rates demonstrate a need for accessible community parks and recreation facilities that are free or low cost to residents.

Year	Village of Decatur	Decatur Township	Hamilton Township	Van Buren County
1970	1,764	1,603	1,167	56,173
1980	1,915	1,684	1,586	66,814
1990	1,760	1,784	1,679	70,060
2000	1,838	2,078	1,797	76,263
2010	1,819	1,907	1,489	76,258
2017 (estimate)	1,932	1,707	1,331	75,190

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates





Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

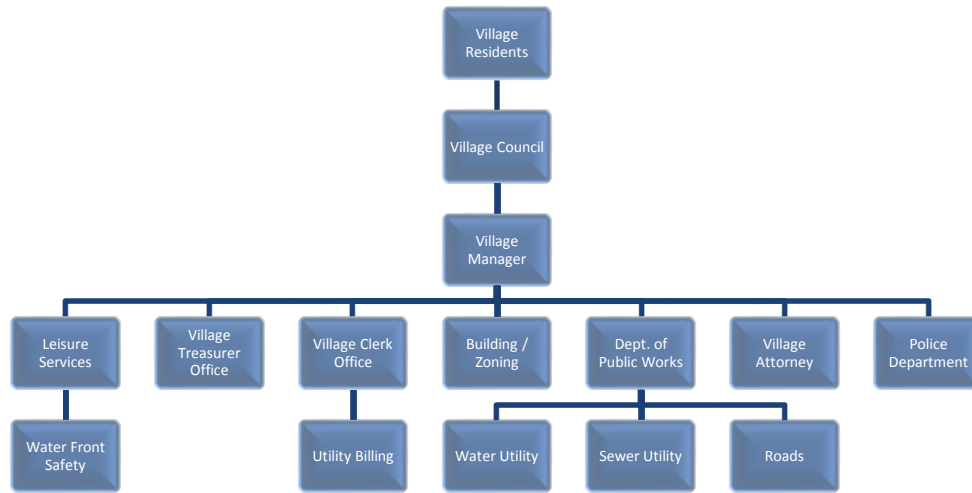
Population by age provides a good measure of needs for the community. For example, children under the age of 5 will require different playground equipment than those 15 to 19. Similar to national and state trends, the Decatur-Hamilton Area is experiencing an aging population. The Decatur-Hamilton Area provides a variety of facilities for different age groups including playground equipment (Raider Romp Park), skating and basketball (Southside Skate Park), and nature trails (Michigan Nature Association at Grange Hall).

## Administrative Structure and Budgets

### Village of Decatur

The Village of Decatur is a General Law Village governed by a village council of six trustees and a village president. The Village Council is the only elected body in the Village of Decatur and members are elected to four year terms. They are responsible for appointing positions, approving projects, establishing budgets, and serving on various committees. Positions that are appointed by the village council include: village manager, village treasurer, village clerk, police chief, and director of public works.

## Village of Decatur Organizational Chart



### Parks and Recreation in the Village of Decatur

The Village of Decatur operates a small Parks and Recreation Department with the Village Manager serving as its director. The Village's five parks are maintained by the Village Department of Public Works. The Village of Decatur Public Works staff is comprised of a director, foreman, two full-time technicians, and one part-time summer technician. The Village has a Parks and Recreation Committee that oversees the direction of park operations and capital improvements. The Parks & Recreation Department is funded by the General Fund. The budget can be quite variable from year to year depending on what other projects/departments utilizing General Fund dollars are being pursued.

DESCRIPTION	2018-19 BUDGET	2019-20 BUDGET	2020-21 PROJECTED BUDGET
SALARIES-LEISURE SERVICES	\$9,312.00	\$10,000.00	\$17,500.00
OVERTIME	\$250.00	\$250.00	\$300.00
SALARIES-LIFEGUARDS	\$12,800.00	\$12,000.00	
FICA/MEDICARE	\$1,673.00	\$2,200.00	\$1,500.00
WORKMAN'S COMP.	\$675.00	\$675.00	\$675.00
SUPPLIES & MAINTENANCE	\$7,000.00	\$7,000.00	\$7,500.00
PRINTING/PUBLISHING	\$100.00	\$100.00	\$100.00
ELECTRIC	\$750.00	\$825.00	\$825.00
REPAIRS	\$3,500.00	\$3,500.00	\$3,000.00
EQUIP.RENTAL TRANSFER	\$19,250.00	\$15,000.00	\$13,500.00
LIFEGUARD CERTIFICATIONS	\$600.00	\$400.00	
MISCELLANEOUS	\$50.00	\$50.00	\$50.00
MULTI-PERIL INSURANCE	\$1,000.00	\$1,000.00	\$1,050.00
CAPITAL OUTLAY	\$55,849.00	\$25,000.00	\$5,000.00
COMMUNITY PROJECTS	\$11,000.00	\$15,000.00	\$15,000.00
<b>Total Expenses</b>	<b>\$(123,809.00)</b>	<b>\$(93,000.00)</b>	<b>\$(66,000.00)</b>

## Decatur Township

Decatur Township is a civil township of Van Buren County and includes the Village of Decatur. Decatur Township was organized in 1837. The Township Hall is located at 103 E Delaware St, Decatur, Michigan. Decatur Township does not own or operate any park or recreation facilities. Decatur Township does not have a parks and recreation budget.

## Hamilton Township

Hamilton Township is a civil township of Van Buren County located east of Decatur Township and Village. Hamilton Township was also organized in 1837. The Hamilton Township Hall is located at 52333 Territorial Road West, Decatur, Michigan. Hamilton Township has a Grange Hall Committee that oversees the operation and improvements to the Grange Hall and Hamilton Township property. The committee is appointed by the Township Board. The Township's only budget for Parks is the utilities and seasonal portable restroom at Grange Hall.

# Volunteerism and Partnerships

The Village of Decatur often utilizes volunteers in maintenance and beautification roles in Village Parks. Volunteer organizations, including the Optimist Club (and for 2015 Modern Woodman) often plant flowers in the pocket park in the Downtown District.

A nearby children's summer camp is also involved in projects assisting the Village in beautification of parks. Camp Lake of the Woods is a highly respected and sought after summer camp program. One of the programs that are offered is a community service program. These children will take on a project, such as painting park benches.

The Raider Romp Park was built in 2001. This park is a prime example of partnerships and community collaboration in the Hamilton - Decatur Area. Raider Romp Park is located on the grounds of the Veterans of Foreign Wars (VFW) Decatur Post. While the playground and restrooms are owned and maintained by the Village, the VFW owns a covered pavilion, grills, and picnic tables that are open to all who wish to use them. The park was also constructed using funds gathered through a collaborative fundraising campaign.

The Village also has a partnership with the Decatur Public Schools (DPS). The Schools own and maintain an outdoor track that is open to all who wish to use it. The Van Buren District Library (VBDL) also

runs many different recreational programs for children focusing on reading and learning. Also throughout the year the VBDL offers the opportunity for children to participate in different arts and crafts programs and educational presentations.

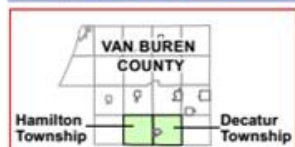
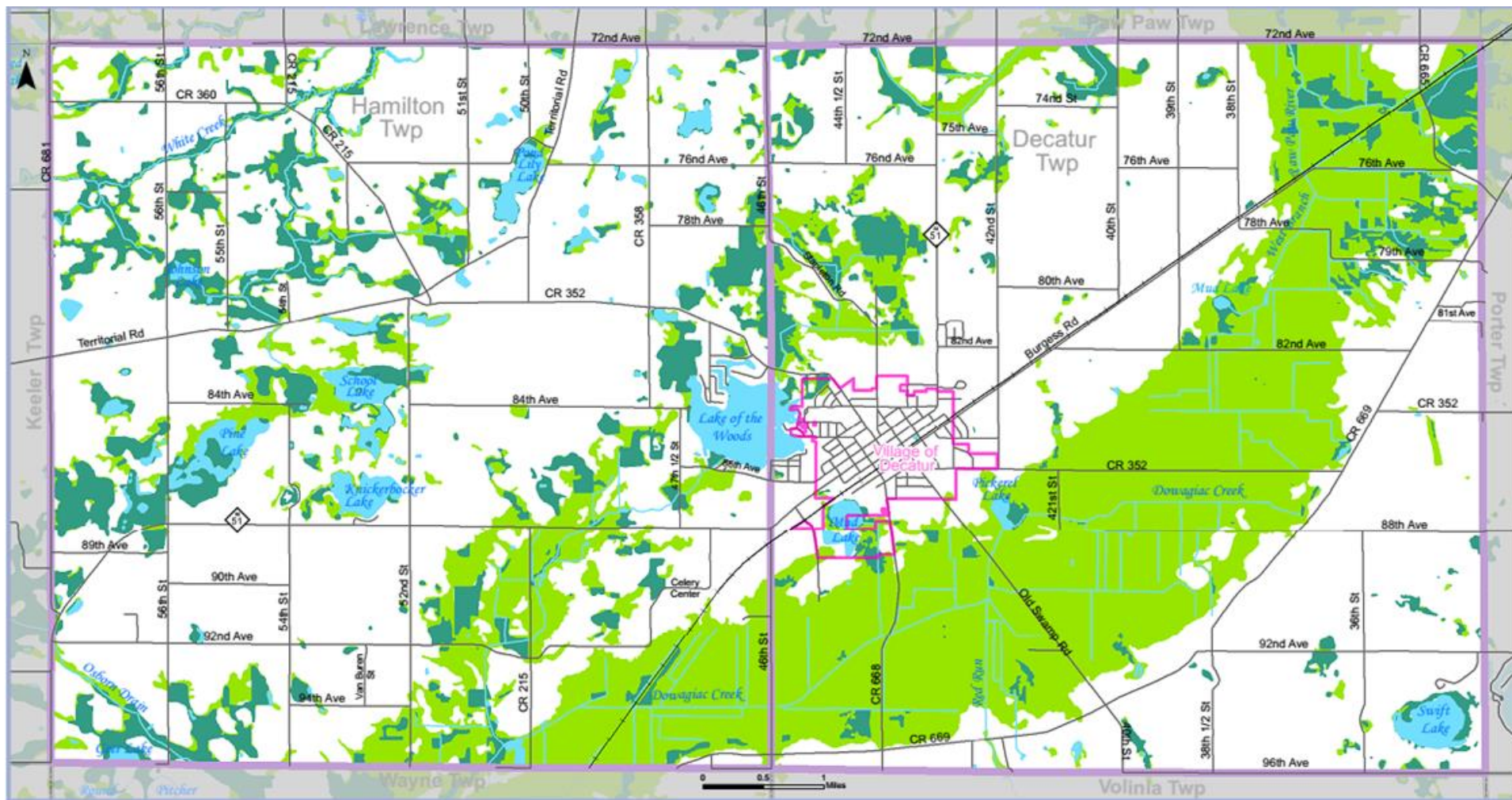
The Grange Hall committee holds 3 dances annually to raise funds for the Grange Hall. As mentioned previously the Township pays the utilities and for a seasonal portable restroom.

## Natural Resource Inventory

Wetlands and floodplains are extremely valuable resources. Decatur and Hamilton Townships have wetlands that are scattered throughout the area. There is a significant area of wetlands in the townships that amount to over 200 acres. Concentrations of wetlands are located throughout the western portion of Hamilton Township, particularly south of Territorial Road. Concentrations in Decatur Township are located in the northwestern and extreme northeastern and southeastern portions of the township.

The Potential Conservation Areas map represents the last remaining remnants of the area's ecosystems and natural plant communities. The map ranks areas where the landscape is dominated by native vegetation that has various levels of potential for harboring high quality natural areas and unique natural features. In addition, these areas provide critical ecological services such as maintaining water quality and quantity, soil development and stabilization, habitat for pollinators of cropland, wildlife travel corridors, stopover sites for migratory birds, sources of genetic diversity and floodwater retention. Consequently, it is to a community's advantage that these sites be carefully integrated into the planning for future development. Striking a balance between development and natural resource conservation and preservation is critical if the Decatur-Hamilton area is to maintain its unique natural heritage.

**Potential Conservation Areas (PCAs)** are defined as places on the landscape dominated by native vegetation that have various levels of potential for harboring high quality natural areas and unique natural features. Scoring criteria to prioritize areas included: total size, size of core area, length of stream corridor, landscape connectivity, restorability of surrounding land, vegetation quality, and biological rarity score.



#### Legend

- Existing Wetland
- Lost Wetland\*

\*Lost wetlands were identified according to hydric soils and presettlement wetland data.

- Township
- Village
- Water

## WETLANDS

### Decatur & Hamilton Township

#### Village of Decatur

#### Data Sources

Base Map: Michigan Center for Geographic Information Framework14v  
Wetland: MDEQ, Land and Water Management Division, 2007

Southwest Michigan Planning Commission  
[www.swmpc.org](http://www.swmpc.org)

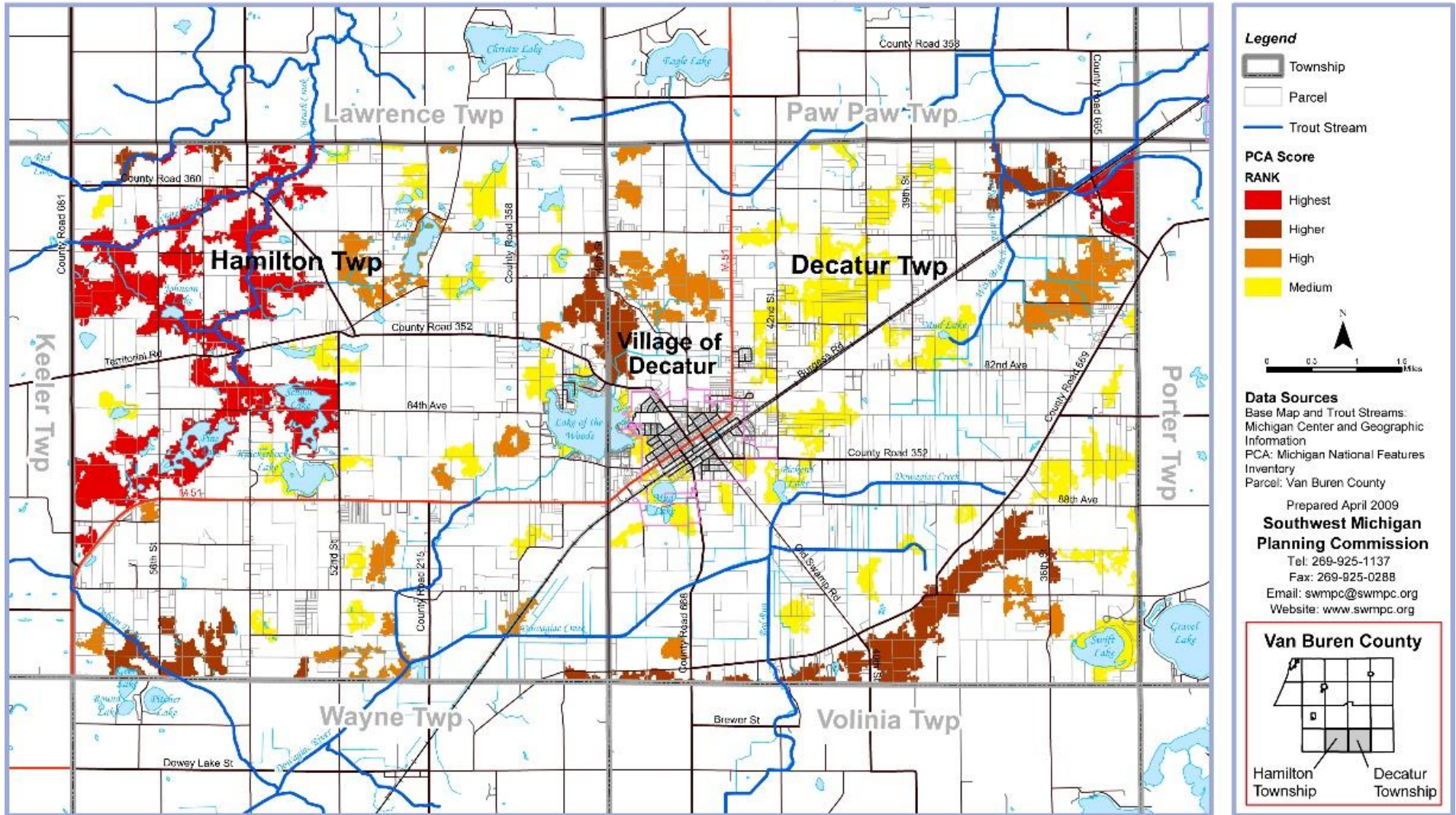
The use of this map is for general reference purposes. It is not a legal document.

December 02, 2015

1541FigWetland



## Potential Conservation Area (PCA)



# Recreation Inventory

A park inventory was conducted using a modified park checklist from the last Decatur Recreation Plan. This checklist noted key features and conditions at each park. Park descriptions were formed from previous plans and information from the Village of Decatur. The MDNR Guidelines require that a barrier free ranking be given to each facility for assessing its accessibility to persons with disabilities. The assessment considers the accessibility of both the facilities themselves as well as the access routes to them.

The following system, provided by the MDNR Guidelines for the Development of Community Park, Recreation, Open Space, and Greenway Plans (1/27/2006) was used:

- 1 = none of the facilities/park areas meet accessibility guidelines
- 2 = some of the facilities/park areas meet accessibility guidelines
- 3 = most of the facilities/park areas meet accessibility guidelines
- 4 = the entire park meets accessibility guidelines
- 5 = the entire park was developed/renovated using the principals of universal design



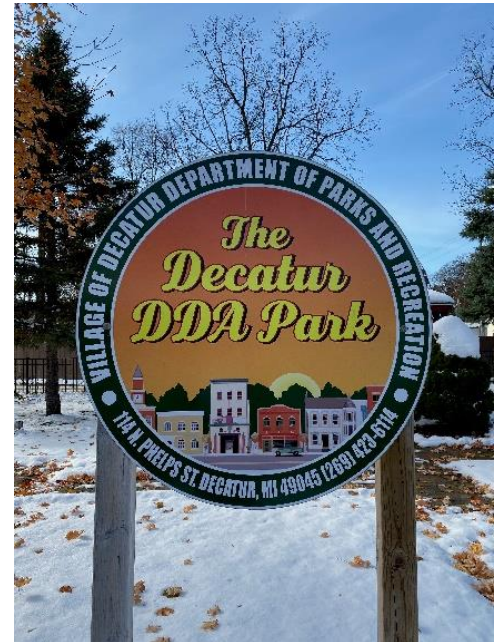
## Village of Decatur Parks

### DDA Park

The Downtown Development Authority (DDA) Park is located at the north edge of the downtown area on the corner of North Phelps and West St. Marys Streets across from Village Hall. It is a pocket park, equipped with park benches, gazebo, drinking fountain, and Little Free Library.

This park's location makes it popular with residents and those employed in the area. In the past, the park has been utilized as a location for the Decatur Farmers Market. Landscaping requires a great deal of care and regular maintenance and the benches are in need of new paint.

DDA Park provides easy accessibility with an ADA curb ramp on the corner leading to sidewalks into the park. Park benches, drinking fountain, and gazebo are all accessible from sidewalks. The height of Little Free Library may limit accessibility to those in wheelchairs.



DDA Park		
Amenity	Yes/No	Condition
Signage	Yes	Good
Parking	Yes	Good
Open Play Area	No	
Sport Facilities	No	
Playground Equipment	No	
Benches	Yes	Fair
Picnic Tables	No	
Picnic Shelter	No	
Grills	No	
Public Restrooms	No	
Trash Receptacles	Yes	Good
Accessibility Rating	3	



## Raider Romp Park

Raider Romp is located at the corner of N Phelps Street and Veteran's Memorial Drive. The park is enclosed by a fence and features an expansive assortment of playground equipment designed for use by young children. The park also features many benches for parents or guardians to be able to sit, relax, and enjoy the sun as they supervise their children. In addition, the VFW owns a large pavilion with picnic tables and grills for use by visitors. Bathrooms are located on the west side of the parking area and there are two bike racks available for use.



Raider Romp offers an ADA parking space and sidewalks to the picnic shelter, restrooms, and play area. The play area is lined with woodchips and does not have sidewalks within the fenced area.

Raider Romp Park		
Amenity	Yes/No	Condition
Signage	Yes	Good
Parking	Yes	Good
Open Play Area	Yes	Good
Sport Facilities	No	
Playground Equipment	Yes	Good
Benches	Yes	Good
Picnic Tables*	Yes	Good
Picnic Shelter*	Yes	Good
Grills*	Yes	Good
Public Restrooms	Yes	Fair
Trash Receptacles	Yes	Good
<b>Accessibility Rating</b>	<b>2</b>	

\*Owned by VFW



## Southside Skate Park

Located on the corner of S. Williams and Beers Streets, the skate park is in the second stage of development. A fenced in area with cemented surface and skateboard ramps are in place. There is a picnic area with a shelter. A basketball court has been added to the facility and there are plans to add permanent restrooms. Park hours vary and are posted at the site.



The Southside Skate Park is currently not barrier free for accessibility. Without paved parking or a sidewalk network within the park, it would be difficult for someone with limited mobility to use.

Southside Skate Park		
Amenity	Yes/No	Condition
Signage	Yes	Fair/Good
Parking	Yes	Poor
Open Play Area	Yes	Good
Sport Facilities	Basketball, Skate Park	Good
Playground Equipment	No	
Benches	Yes	Poor
Picnic Tables	Yes	Good
Picnic Shelter	Yes	Good
Grills	No	
Public Restrooms	Porta Potty	Fair
Trash Receptacles	No	
Accessibility Rating	1	





## Red Woolfe Park

Red Woolfe Park & Beach is owned and maintained by the Village of Decatur and is located on Lake of the Woods at the end of Pine Street. The Park is open from noon to 8:00 PM, Memorial Day through Labor Day and offers swings and playground equipment as well as a pavilion, picnic tables, stationery bar-b-que grills, a horseshoe pit, volleyball net, and swimming. New playground equipment was recently added to the park. The older playground equipment remains. The area is fenced in for safety. Public bathrooms and water are also available.



The Pavilion can be reserved up to a year in advance by calling the Village Hall. The pavilion is cemented, but has no electrical outlets. The gate is locked before and after hours and no admittance after hours is permitted.

Red Woolfe Park offers paved parking with sidewalks connecting to the beach area, pavilion, and restrooms. Currently there are no sidewalks connecting to the volleyball court, the playground equipment or to the water's edge.

Red Woolfe Park		
Amenity	Yes/No	Condition
Signage	Yes	Good
Parking	Yes	Good
Open Play Area	Yes	Good
Sport Facilities	Sand Volleyball	Poor
Playground Equipment	Yes	Good
Benches	Yes	Good
Picnic Tables	Yes	Good
Picnic Shelter	Yes	Fair
Grills	Yes	Fair
Public Restrooms	Yes	Poor
Trash Receptacles	Yes	Fair
Accessibility Rating	2	



## Fire Station Park

Fire Station Park is located between M-51 (Delaware Street) at the West Village Limits, next to the Decatur-Hamilton Fire Station and St. Marys Street at the West Village Limits.



This park has a small pavilion, picnic tables, playground equipment, a two net tennis court (paved) and an outhouse type non-flush bathroom that is open to the public. The playground equipment at this park is rather old but has worn well. Benches are located near the playground equipment to offer a spot for people to sit while supervising children playing on the equipment. The tennis courts are in need of a reconstruction as they are over twenty-five years old.

Without paved parking or sidewalks connecting the parking area with the picnic shelter and other amenities, this park does not provide barrier free accessibility.

Fire Station Park		
Amenity	Yes/No	Condition
Signage	Yes	Good
Parking	Yes	Poor
Open Play Area	Yes	Good
Sport Facilities (tennis courts)	Yes	Poor
Playground Equipment	Yes	Fair
Benches	Yes	Good
Picnic Tables	Yes	Good
Picnic Shelter	Yes	Good
Grills	No	
Public Restrooms	Yes	Poor
Trash Receptacles	Yes	Good
Accessibility Rating	1	



## Hamilton Township Parks

### **Grange Hall and Hamilton Township Property**

The Grange Hall is located on County Road 215 at the intersection of 84th Avenue. The Hamilton Grange was started at a meeting in the Red School in 1874. The members built the hall in 1875. The Grange Hall became the social center of the area and was where the township meetings were held until 1999 when



the new township hall was built. The grounds around the Grange Hall were the site of the Hamilton (Donnybrook) Fair. The Fair had up to 5000 visitors each season and was active until the County Fair was established in Hartford in 1913. The general purpose room has a capacity of 110 and three dances a year are hosted on the first Saturday evenings of April, October, and November. There is a seasonal portable restroom available outside the Grange Hall along with restrooms inside.

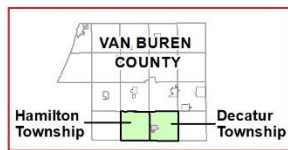
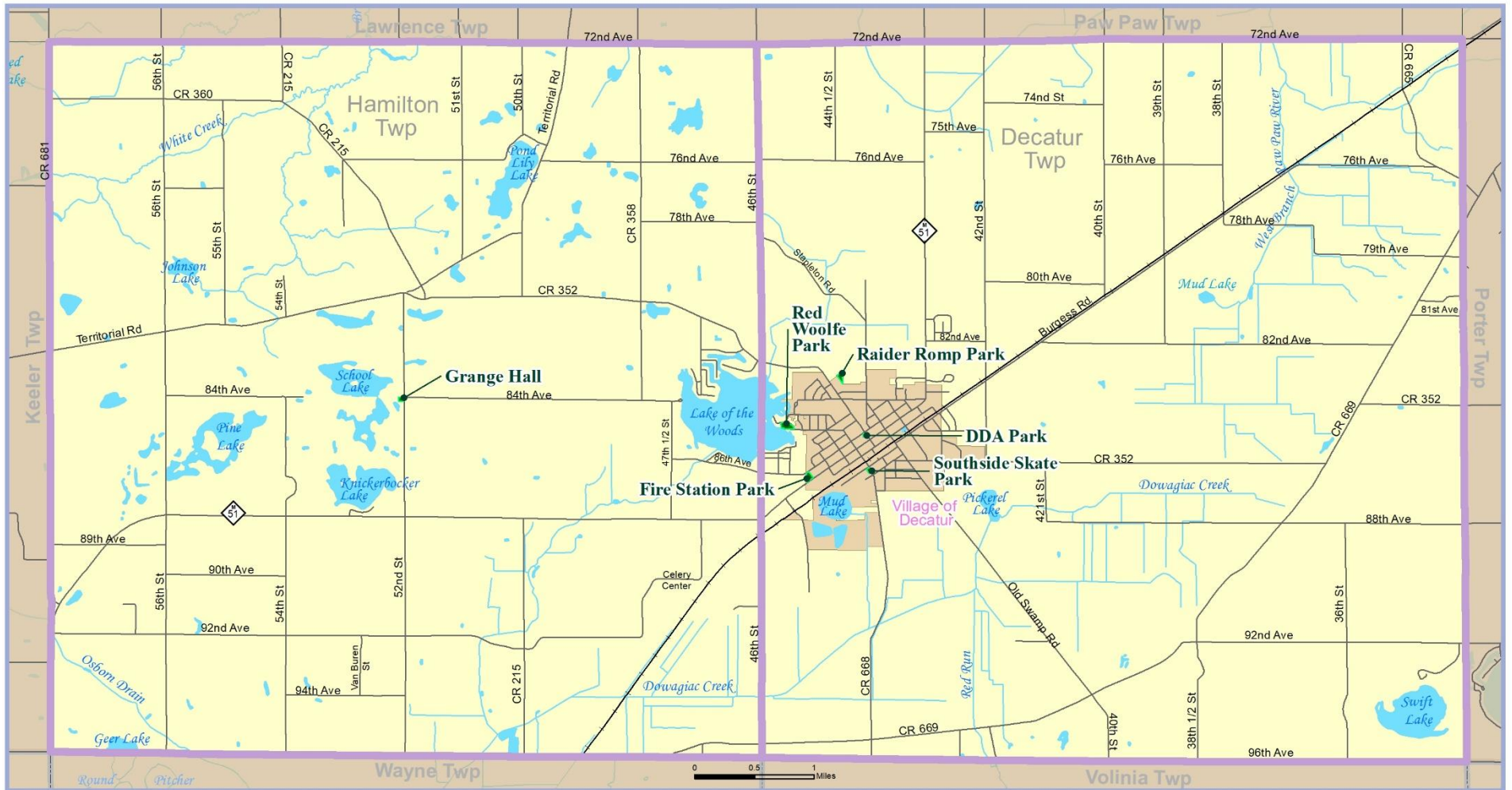
The Grange Hall offers a sidewalk ramp into the building but without paved accessible parking or a sidewalk leading to the ramp, accessibility is limited.

The Township also owns 80 acres across the street from Grange Hall. Twenty two acres are upland with the remaining acreage wetlands. A concept plan for this property can be found in Appendix C.

Grange Hall		
Amenity	Yes/No	Condition
Signage	Yes	Fair
Parking	Yes	Poor
Open Play Area	Yes	Good
Sport Facilities	No	
Playground Equipment	No	
Benches	No	
Picnic Tables	Yes	Good
Picnic Shelter	Yes	Good
Grills	No	
Public Restrooms (inside Hall & Porta Potty outside)	Yes	Good
Trash Receptacles	Yes	Good
Accessibility Rating	2	







- Legend**
- Park
  - Water
  - Township
  - Village



## PARKS

### Decatur & Hamilton Township Village of Decatur

Data Sources

Base Map: Michigan Center for Geographic  
Information Framework17v  
Parks: SWMPC 2019

Southwest Michigan Planning Commission  
[www.swmpc.org](http://www.swmpc.org)

The use of this map is for general reference  
purposes. It is not a legal document.

December 17, 2019 Fig01\_DecHam\_Parks



## Other Public Parks and Recreational Opportunities

### Baseball Diamonds and Football Fields

Baseball diamonds and football fields are located between Edgar Bergen Blvd. and Austin Blvd. in the back of the school complex. The fields are owned and maintained by the Decatur Public Schools with help in the summer from the youth program. Additional softball fields are located on W. M-51 just outside the Village limits. Softball for adults is available during the summer months. The Decatur Youth Group sponsors sports programs in baseball and rocket football for children ages 5 to 12.



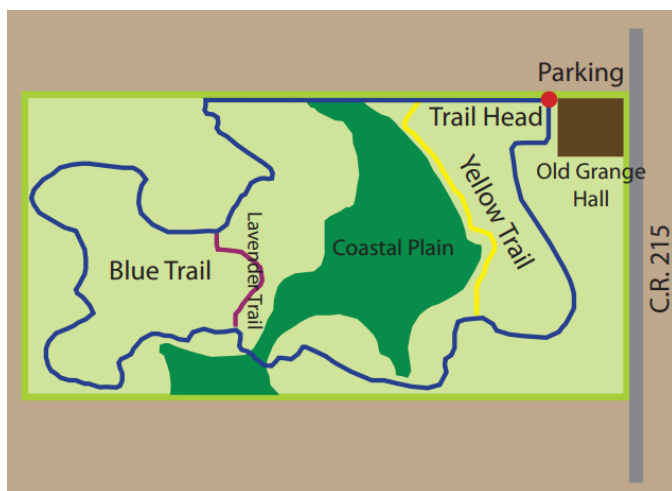
## Michigan Department of Natural Resources (DNR) Lake of the Woods Boat Launch

The Michigan DNR provides a public boat launch at Lake of the Woods. It is located on the west side of the lake off of 84<sup>th</sup> Avenue in Hamilton Township and offers 15 parking spaces and restroom facilities. The ramp is hard surfaced and suitable for launching medium-sized watercraft.



## Michigan Nature Association (MNA) Phillips Family Memorial Nature Sanctuary

The trailhead for the Sanctuary is located at the Grange Hall (Hamilton Township) on County Road 215 at the intersection of 84th Avenue. This 79 acres sanctuary is home to many rare and unusual plants and has approximately two miles of nature trails. It is only one of three MNA sanctuaries protecting coastal plain marshes. [www.michigannature.org/](http://www.michigannature.org/)



## Van Buren Conservation District's Hayden Woods

Hayden Woods is located on 56th Street in Hamilton Township and is owned by Van Buren County Soil Conservation District. It is open to the public.

### Private Facilities

#### **Lake of the Woods & Greenwoods Camps**

Lake of the Woods offers summer camp programs for both boys and girls. These programs are open to children age 6 to 15 and are offered in 2, 4, and 8 week lengths during the summer. They are located at 84600 47 ½ Street in Decatur. [www.lwcgwc.com/](http://www.lwcgwc.com/)

#### **Timber Trails RV Park**

Timber Trails is a rustic family campground on Lake of the Woods that offers 162 full hookup sites and 16 pull thru sites for large rigs. They are open May 1 – September 30 and are located at 84981 47 ½ Street in Decatur. [www.timbertrailsrvpark.com/](http://www.timbertrailsrvpark.com/)

#### **Oak Shores Campground**

Oak Shores features 281 campsites for tents to full hookups on the shores of Knickerbocker Lake. Cottages, cabins, and park models are also available for rent. The campground is open April 15 – October 15 and is located at 86232 County Road 215 in Decatur. [oakshorescampground.com/](http://oakshorescampground.com/)

## Previous Grant-Assisted Parks

The Village of Decatur has been fortunate to be the recipient of previous Grant Assistance for three different park projects. These projects have been the bathhouse/restroom project at Red Woolfe Park (Project Number 26-01060 L3), Fire Station Park (Project Number BF89-102), and the Southside Park Skate Board Park (Project Number 26-014648). All told, the Village of Decatur has received over \$96,000 in grant assistance for the development of Parks and Recreation. Post-Completion, Self-Certification Report Forms are on file with the Michigan Department of Natural Resources.

The Red Woolfe Park Bathhouse/Restroom project was completed in 1979. The project was to demolish and remove the existing bathhouse and to construct a new bathhouse with restrooms and changing facilities. The building also has the capacity to serve as a concession stand during the time that the park is open.

The Fire Station Park Project was rather comprehensive. Completed in 1989, the project was to develop a community park for both active and passive recreation. The project included the development of tennis courts, playground equipment, a picnic area, and a pavilion. The roughly twenty-five years since installation have taken a toll on the tennis courts and they are in poor condition. The playground equipment, though outdated, is generally in good repair. The picnic area remains in good condition.

The Southside Skate Board Park was originally planned to be built in three phases. The first phase was completed with the assistance of DNR Grant Funds. This phase consisted of creating the skate board park section of the park. This was completed in 2005 and remains in good condition. Phase two consisted of the construction of basketball courts and was completed in 2009.

## Planning Process

Previously the Village of Decatur had a Community Parks and Recreation Plan in 2015, 2003 and 1998. This plan builds on the 2015 Village Plan, but is expanded to a joint plan incorporating Decatur and Hamilton Townships.

A Parks and Recreation Planning Committee was created comprising of representatives from the Village and Decatur and Hamilton Townships. This group first reviewed the 2015 Village Plan to discuss projects that have been completed and projects still needing implementation. This information along with discussions with community leaders was used to create a survey.

Also, as described in the Recreation Inventory, the current condition of Village and Township facilities was assessed. This information was then discussed by the Parks and Recreation Planning Committee and utilized, along with the information gathered through the surveys, to assess the Strengths and Weaknesses of the area's Parks and Recreation opportunities. This information, as well as community specific demographic information, was then used to help formulate goals and improvement projects for Village and Township Parks and Recreation Facilities.

## Public Input Process

Public input is an important aspect to the planning process. Not only does gathering public input help guide the development of the plan but it also helps develop a sense of ownership of the plan with the public.

The first method of soliciting public input was through a survey. The survey was developed by looking at the action steps and projects that were not completed from the previous Village's Community Parks and Recreation Plans and from discussions with the Planning Committee. Survey participants were asked to rank the importance of projects and were given an opportunity to add other suggestions. The survey was available on-line and paper copies were available at the Village Hall and distributed to the library, schools, churches, senior service events, barber shop, hardware store, automotive store, and local gas station. There were also several Facebook posts on the Village's page and an article in the Decatur Republican about the survey opportunity. Further, both townships distributed the survey at tax collection days at the township halls. See the summary of the Survey Results in the appendix.

In addition, a public input session was held on Dec 17, 2019 at the Decatur Village Hall. The planning committee hosted an open house style session where participants could share their ideas on parks and recreation opportunities. See the summary of the public input session results in the appendix.

After public input was gathered, a draft plan was developed and posted on the Village of Decatur Website, Southwest Michigan Planning Commission's website and paper copies were available for public review at the Village Hall and the Webster Memorial Branch Library in downtown Decatur. The public review period lasted for 30 days prior to the adoption of the plan by the Village Council and Township Boards. The draft plan was posted for review and comment on December 26, 2019. A public hearing was

held on January 30, 2020 at 7:00pm at the Village Hall. A resident of Hamilton Township expressed concerns over the proposed walking track and possible paved parking at the Grange Hall and the impact on the ecosystem. Hamilton Township representatives responded that they had discussed the proposed trail to the neighboring preserve and that the goal was for it to be educational and to help mitigate damage by having a designated trail. Paved parking would only be for disability parking for accessibility purposes. The plan was adopted by Decatur Village, Decatur Township and Hamilton Township at a joint meeting on January 30, 2020.

## Goals and Objectives

### Strengths and Weaknesses

The Parks and Recreation Planning Committee reviewed and updated the strengths and weaknesses listed in the 2015 Village Community Parks and Recreation Plan. The goals are formulated based on the understanding of these strengths and weaknesses and therefore have a better probability of being achieved.

#### Strengths:

- 1. Strong Relationships** The number one strength of the Decatur Hamilton area is the strong relationships between the Village, the two townships and the different community organizations. These strong relationships are critical for developing successful partnerships and for the ability to improve and develop recreational opportunities in the community.
- 2. Good Distribution of Parks** The Village of Decatur currently maintains five major parks. In a Village that covers less than 1.5 square miles the ability to provide parks that serve nearly all of the community is a strength.
- 3. Hamilton Township Property and Grange Hall** The Hamilton Township owned property offers the opportunity for a diverse array of passive and active recreational opportunities. Additionally,

this property has significant historical and cultural ties in the community. This property can offer community members more of a “nature experience” than the Village parks can offer because of its size and natural features.

4. **The Public Beach** The Village operates the only public beach on Lake of the Woods. This public beach is an unique and significant asset for public recreation in the community.

#### **Weaknesses:**

1. **Age and Condition of Facilities** A major weakness is the current age and condition of many of the recreation facilities. Many amenities are over 20-30 years old and are in need of significant upgrades and improvements in accessibility.
2. **Lack of Funding** The available funding currently for Parks and Recreation is also a weakness as there is not currently enough money available to make significant upgrades and to increase the maintenance of the parks as they require due to their age.

These strengths and weaknesses give another perspective with which to formulate goals and objectives for this Community Parks and Recreation 5-Year Plan.

#### **Goals**

With all of the information that has been collected, analyzed, and discussed the following three major goals were developed to guide the operation and development of Parks and Recreation Facilities and Programs within the next five years in the Decatur Hamilton area.

##### **Goal #1: Increase maintenance of municipal owned parks and recreation facilities.**

Consistent feedback from community surveys as well as informal citizen feedback reveals that residents would like to see more of a commitment to maintaining municipal owned parks and recreation facilities.



**Objective: Increase satisfaction with maintenance of facilities.**

In order to measure resident/user satisfaction of parks residents will be surveyed and asked questions relating to park maintenance.

**Objective: Increase maintenance in all parks based on objective measures.**

To accomplish this, Park Maintenance Review forms will be created and utilized to perform random inspections at parks focusing on safety and landscaping issues at all parks.

**Goal #2: Upgrade/replace existing facilities at parks.**

It became clear during the planning process that the age of certain facilities is an issue that needs to be addressed. Specifically several upgrades are needed to better meet or exceed ADA standards. This will be accomplished by carrying out the following objectives.

**Objective: Development plans will be developed for the two oldest parks in the Village, Fire Station Park and Red Woolfe Park.**

In order to upgrade both of these parks it is necessary to fully assess the needs of each individual park, and the needs of those who utilize each park specifically. This will be done by creating development plans for both parks.

**Objective: Red Woolfe Park and Fire Station Park will both be updated.**

Upgrading the two oldest parks within the Village will be an extremely beneficial improvement for the Village of Decatur. For example, the roof on the pavilion at Red Wolfe Park needs immediate attention.

**Objective: Phase 3 of the South Side Skate Park will be completed.**

The master plan for the South Side Skate Park is older than ten years and is still yet to be completed. This project is an important upgrade to improving facilities on the south part of the Village.

**Objective: Evaluate and make improvements to Grange Hall.**

There needs to be upgrades to Grange Hall to ensure ADA compliance and to improve the usability of the facility for the community.

**Goal #3: Increase Opportunities for Recreation.**

There is a desire in the community to have the availability of additional recreational opportunities in the area.

**Objective: Develop a system of pedestrian and bicycling trails.**

There currently is not have a system of walking trails, bicycle lanes, sharrows or other designated non-motorized travel lanes. Bike racks in downtown parks and at the library are also needed. This is an important amenity to maintaining a healthy citizenry.

**Objective: Develop at least one indoor recreation opportunity.**

The climate in Southwest Michigan can be a harsh one during the winter. There currently is no public indoor recreation facility available in the area. . During the harsh winter residents need opportunities for recreation.

**Objective: Expand the recreational opportunities at Hamilton Township property.**

There is a desire to provide recreation opportunities such as an improved trail and parking area.

**Objective: Purchase additional property for parks and recreation as opportunities arise.**

If suitable property becomes available in the community, the communities should evaluate it for recreational purposes and consider purchasing to expand recreational opportunities.

# Action Program

The action program lists specific projects that were identified during the planning process. The projects listed below will help the community achieve or work towards the goals and objectives of this plan. Many of the items listed below address ADA and universal design upgrades that are needed in many of the parks.

## General Items

Develop comprehensive development plans for parks that include upgrades for improved accessibility and with the goal of universal design.

Expand funding for parks and recreation.

- Work collaboratively on a millage for parks and recreation

- Write grants and fundraise

Improve maintenance of current facilities.

Improve non-motorized network.

- Identify appropriate facilities (paved shoulders, sharrows, etc) and prioritize county and village roads for improvement.

- Add bike racks to all park locations.

Purchase available property for expanding recreational opportunities.

Update 5 year joint recreation plan.

- The 3 jurisdictions should meet at least once a year to discuss opportunities and plans

**The following lists specific projects/improvements for each park that will help the community meet the plans goal and objectives.**

## DDA Park

High priority improvements identified for the DDA Park include adding a bike rack, community garden and improved landscaping.

Other ideas included lighting, a porch swing, picnic area and additional benches.

## Raider Romp

High priority improvements identified for Raider Romp include an accessible playground surface, adding shade structures for the playground and sitting areas.

Other ideas included additional seating and restrooms, charcoal grills, water fountain, basketball court, soccer fields, softball field, nature play spaces and a rock climbing wall.

## Fire Station Park

High priority improvements include pave accessible parking spaces, add sidewalk to pavilion, bike rack, pickleball and a splash pad.

Other ideas include a bandstand, soccer fields, community pool, additional play equipment and fix tennis courts.

### **Southside Skate Park**

High priority improvements for Southside Skate Park include pave accessible parking spaces, permanent restrooms, add sidewalk network to all park amenities and lighting.

Other ideas include a water fountain, additional trash cans and a graffiti wall.

### **Red Wolfe**

Many people are interested in extending the hours/season to allow for ice fishing and other activities. High priority improvements include repairing the pavilion roof, improving the restrooms, add sidewalk to playground, accessible surface to waters' edge, add accessible playground surfacing, bike rack and improve concession building. Another high priority item is offering paddleboat, paddleboard and kayak rentals.

Other ideas include new grills, vending machines, splash pad

### **Hamilton Township Grange Hall**

High priority improvements included pave accessible parking spots and add sidewalk to ramp, a unisex bathroom and bike rack.

### **Hamilton Township Property**

High priority improvements include build ¼ mile crushed limestone walking path, benches, interpretive signage and a bike rack.

**The following list contains projects/improvements that are not tied to a specific existing park. These projects and improvements will help the community meet the plan's goals and objectives.**

High priority improvements include:

Dog Park

Nature trails

Non-motorized facilities/network

implement trail/paved shoulders Oak Shores Campground to Grange Hall along CR 215\*\*

Medium to high priority improvements include:

Soccer fields

Bike paths

Other ideas include:

Indoor recreation opportunities

Bandstand

Ice skating rink

Community swimming pool

# Appendix A Survey

## Decatur Village, Decatur Township and Hamilton Township Parks and Recreation Survey 2019

You can take this survey online at [www.swmpc.org/DecAreaRecPlan.asp](http://www.swmpc.org/DecAreaRecPlan.asp) or please return completed paper surveys to Decatur Village Hall (open M-F, 9am-5pm) by December 20, 2019.  
Please circle or write in your answers.

**Do you live in?** Decatur Village      Decatur Township      Hamilton Township  
Other (please write in answer) \_\_\_\_\_

**What is your gender?** (please write in answer) \_\_\_\_\_

**How old are you?**    14 and under      15-21      22-34      35-54      over 55

**What is your race/ethnic background?**    White/Caucasian      Hispanic/Latino  
Black/African American    American Indian/Alaska Native    Asian/Pacific Rim  
Other (please write in answer) \_\_\_\_\_

**Do you have any type of disability** (any physical or emotional challenges)?

Yes    No    If yes, describe: \_\_\_\_\_

**If yes, please list specific suggestions that would increase your use and enjoyment of area parks and their facilities.** \_\_\_\_\_  
\_\_\_\_\_

*Check the priority level for the following facilities/improvements.*

*Feel free to write in additional ideas and rank the priority for these ideas.*

	High Priority	Mid-Range Priority	Low Priority	Not Needed
<b>DDA Park</b> (corner of St. Mary's & Phelps streets)				
Idea: _____				
Other idea: _____				
<b>Raider Romp Park</b> (Veteran's Memorial Dr btwn Phelps & School streets)				
Construct a rock-climbing wall				
Add shade for playground area				
Other idea: _____				
Other idea: _____				
<b>Southside Skate Park</b> (corner of Beers & Williams streets)				
Improve parking				
Add restrooms				
Other idea: _____				
Other idea: _____				

	High Priority	Mid-Range Priority	Low Priority	Not Needed
<b>Red Woolfe Park</b> (public beach west end of Pine Street)				
Improve bathrooms				
Establish a paddleboat/paddleboard/ kayak rental program				
Improve concession building				
Add vending machines				
Other idea: _____				
Other idea: _____				
<b>Fire Station Park</b> (on Delaware Street/M-51)				
Improve tennis courts				
Add a splash pad				
Improve parking				
Other idea: _____				
Other idea: _____				
<b>General Ideas for Parks/Recreation/Open Space</b>				
Establish a ¼ mile crushed limestone walking track at Hamilton Grange Hall				
Develop a bike path between Oak Shores Campground along CR215 and the Hamilton Grange Hall				
Add bike lanes/paths				
Develop nature trails				
Build an indoor recreation facility				
Build an ice skating rink				
Add soccer field(s)				
Add dog park				
Other idea: _____				

**Would you support a millage for maintenance of the parks system?**    Yes    No

**Would you support a millage for the development of park facilities?**    Yes    No

**Provide any other ideas or comments regarding parks, recreation and open space in the Decatur Village/Township and Hamilton Township area:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Summary of Survey Results Online as of 12/20/2019

### Number of Responses: 148

Decatur Village: 45%  
Decatur Township: 25%  
Hamilton Township: 26%  
Other area: 4%

Male: 37%  
Female: 63%

14 and under: 0  
15-21: 3%  
22-34: 20%  
35-54: 39%  
Over 55: 39%

White/Caucasian: 92%  
Hispanic/Latino: 3%  
American Indian/Alaska Native: 4%  
Asian/Pacific Rim: 1%  
Black/African American: 0%

13 individuals (9%) reported a disability: walking difficulty, PLS, military medical retirement, legally blind, arthritis  
Suggestions: more benches, larger adult swing, handicap accessibility to lake and park equipment, wider sidewalks, more sidewalk

### DDA Park:

- Community garden (multiple mentions), add lights, clean up veteran plaque, new landscaping (multiple mentions), bike rack, porch swing, better farmers market, picnic area, more benches
- 

### Raider Romp Park:

- Over 40% say adding shade for the playground area was a high priority, another 31% - consider it to be a mid-range priority
- Majority say construction of a rock-climbing wall is either low priority or not needed. Only 11% say it's a high priority
- Other suggestions included: more seating and restrooms available, maintain it regularly, charcoal grills, water fountain, fix current equipment, basketball court, soccer field, softball field, nature play spaces
- 

### Southside Skate Park:

- Around 77% say that improve parking is a low priority or not needed.
- Around 60% say that adding restrooms are either a high priority or mid-range priority



- Other suggestions included: add lighting (2 mentions), additional trash cans, water fountain, graffiti wall

#### **Red Woolfe Park:**

- Most agree that improving restrooms is a high priority
- Many would like to see the establishment of a paddleboat/paddleboard/kayak rental program
- Improving concession building is between a high and mid-range priority
- Many say that vending machines are either low priority or not needed
- Other suggestions: Bicycle rack, get rid of waterfowl (2 mentions), splash pad, dog park, fix roof on pavilion, continue to offer swim lessons

#### **Fire Station Park:**

- Most say improvement of the tennis courts is a low priority or not needed
- Adding a splash pad is a high or medium-range priority for over 60%
- Improved parking is a mid-range priority
- Other suggestions: Pickleball (4 mentions), bike rack, bandstand for live music, soccer fields, remove tennis court, add more play equipment, community pool

#### **Other:**

- Some interest in ¼ mile crushed limestone trail at Grange Hall
- Mid-high priority for bike path between Oak Shores Campground along CR215 and Grange Hall
- Mid-high priority to add bike lanes/paths
- High priority to develop nature trails
- Mid-range priority to build indoor recreation facility
- Low-priority to build ice skating rink
- Mixed reviews on soccer fields and a dog park
- Bandstand for live music
- Community swimming pool
- Wide lane for running/biking from Timber Trails to M51

#### **Millage Questions:**

Decatur Village:

Would you support a millage for maintenance of the parks system? – 65% (42 respondents) yes

Would you support a millage for the development of park facilities? – 66% (42) yes

Decatur Township:

Would you support a millage for maintenance of the parks system? – 71% (24) yes

Would you support a millage for the development of park facilities? – 66% (23) yes

Hamilton Township:

Would you support a millage for maintenance of the parks system? – 79% (30) yes

Would you support a millage for the development of park facilities? – 74% (28) yes

**Other comments included:** update tennis courts, dog park, hiking/walking trails at Grange Hall, promotion of activities in area (after school skate class, planned nature hikes, family picnic day), add smoking receptacles, soccer and/or tennis league, widen shoulders wherever possible, change angled parking in downtown to permit bikes, add bike racks, tree/flower park with benches where school was torn down, maintain, update, and add additional sidewalks, stop fencing in parks, incorporate school whenever possible, add handicap accessible play areas, video surveillance at parks, sidewalks along Edgar Bergan Blvd and Veterans Memorial Drive, maintain what is already in place before building new facilities, not supportive of additional park facilities

## Appendix B Public Input Meeting

**Decatur-Hamilton Area Parks and Recreation  
Public Input Meeting**

Decatur Village, Decatur Township and Hamilton Township  
Parks Planning Committee will be hosting an open house.  
*Drop in anytime between 6:30pm and 8:00pm.*  
The purpose is to gather public opinion on updating park facilities.  
Also please take the survey at [www.swmpc.org/DecAreaRecPlan.asp](http://www.swmpc.org/DecAreaRecPlan.asp)



**\*\*\*Refreshments Provided!\*\*\***

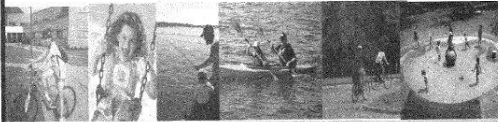
**Tuesday, December 17th, 2019**  
**6:30pm - 8:00pm** *(Drop In Any Time)*  
Location: Decatur Village Hall, 114 N. Phelps Street, Decatur, MI.

The Village and Townships hosted an open house style opportunity for public input on December 17, 2019. There were 8 participants that attended the open house. Participants filled out a survey if they had not already and had the opportunity to add comments about each park to large sheets of paper. Comments received were to add a water fountain/pump at Raider Romp Park and a kayak/canoe launch at Red Woolfe Park.

*Below: Notice in the Decatur Republican on December 12, 2019; Participants at the public meeting*

**Decatur-Hamilton Area Parks and Recreation  
Public Input Meeting**

Decatur Village, Decatur Township and Hamilton Township  
Parks Planning Committee will be hosting an open house.  
*Drop in anytime between 6:30pm and 8:00pm.*  
The purpose is to gather public opinion on updating park facilities.  
Also please take the survey at [www.swmpc.org/DecAreaRecPlan.asp](http://www.swmpc.org/DecAreaRecPlan.asp)



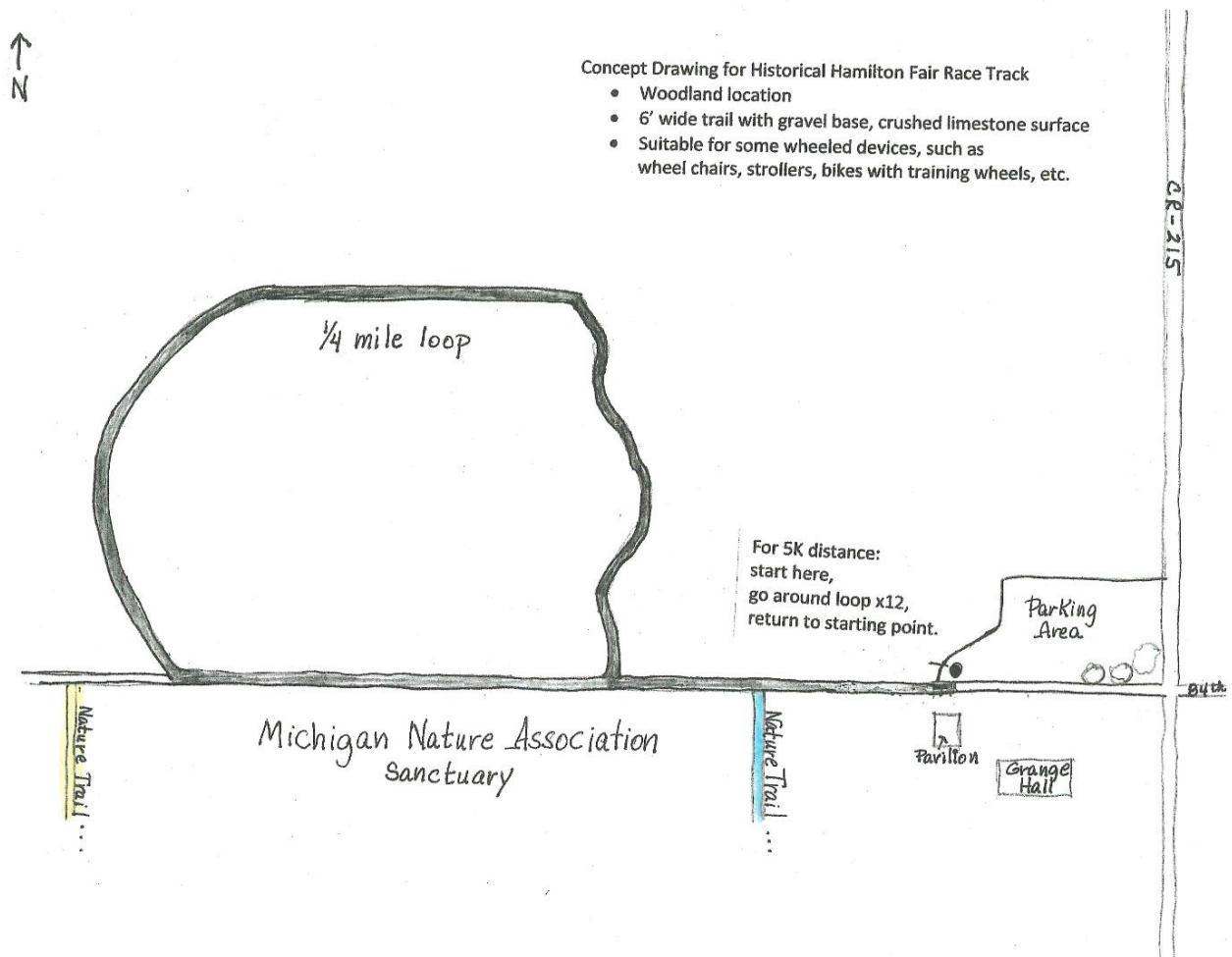
**\*\*\*Refreshments Provided!\*\*\***

**Tuesday, December 17th, 2019**  
**6:30pm - 8:00pm** *(Drop In Any Time)*  
Location: Decatur Village Hall, 114 N. Phelps Street, Decatur, MI.



## Appendix C Hamilton Township Property Concept

Hamilton Township owns 80-acres across from Grange Hall. The concept is to develop a walking track on the property which would use a portion of the harness racing track that was used prior to 1913. The distance would be measured so it could be used for walking/running one-quarter mile and 5K. A surface of smooth crushed limestone would allow access by wheelchairs, strollers, tricycle and tike bikes. The plan would also include benches and interpretive signage on the site's natural features and history.



## Appendix D Post Completion Reports



Michigan Department of Natural Resources - Grants Management

**PUBLIC OUTDOOR RECREATION GRANT  
POST-COMPLETION SELF-CERTIFICATION REPORT**

*This information required under authority of Part 19, PA 451 of 1994, as amended;  
the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964); and Part 715, of PA 451 of 1994, as amended.*

**GRANT TYPE:** ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE  
(Please select one) ☐ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☒ BOND FUND

**GRANTEE:** Village of Decatur - Van Buren County

**PROJECT NUMBER:** BF89-102

**PROJECT TYPE:** Development

**PROJECT TITLE:** Fire Station Park

**PROJECT SCOPE:** (see comment section)

**TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)**

Name of Agency (Grantee)	Contact Person	Title
Village of Decatur - Van Buren County	Matthew Newton	Village Manager
Address	Telephone	
114 N. Phelps Street	269-423-6114	
City, State, ZIP	Email	
Decatur, MI 49045	mnewton@decaturmi.org	

**SITE DEVELOPMENT**

Any change(s) in the facility type, site layout, or recreation activities provided?  
If yes, please describe change(s). ☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.) ☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain. ☒ Yes ☐ No  
The tennis courts are in disrepair and the community is considering whether to keep them.  
The playground in fair condition, but it is not accessible.

**SITE QUALITY**

Is there a park entry sign which identifies the property or facility as a public recreation area?  
If yes, please provide a photograph of the sign. If no, please explain. ☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain. ☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism. ☐ Yes ☒ No

### POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain. ☒ Yes ☐ No  
Trash collection and mowing are done as needed. Toilets are cleaned weekly.

#### GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants) ☐ Yes ☐ No ☒ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain. ☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure. ☐ Yes ☒ No

What are the hours and seasons for availability of the site?  
The park is open year round from dawn to dusk.

#### COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)

Project scope included 2 tennis courts, benches, landscaping, ovens, picnic tables, playground equipment, shelter, vault toilet.

**POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D**

**CERTIFICATION**

*I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.*

Matthew Newton  
Please print

*Matthew Newton*  
Grantee Authorized Signature

01/30/20  
Date

Kimberly Babcock  
Please print

*Kimberly Babcock*  
Witness Signature

01/30/2020  
Date

Send completed report to: **POST COMPLETION GRANT INSPECTION REPORTS  
GRANTS MANAGEMENT  
MICHIGAN DEPARTMENT OF NATURAL RESOURCES  
PO BOX 30425  
LANSING MI 48909-7925**







Michigan Department of Natural Resources - Grants Management

**PUBLIC OUTDOOR RECREATION GRANT  
POST-COMPLETION SELF-CERTIFICATION REPORT**

*This information required under authority of Part 19, PA 451 of 1994, as amended;  
the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964); and Part 715, of PA 451 of 1994, as amended.*

**GRANT TYPE:** ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE  
(Please select one) ☒ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

**GRANTEE:** Village of Decatur - Van Buren County

**PROJECT NUMBER:** 26-01060 L3

**PROJECT TYPE:** Development

**PROJECT TITLE:** Woolfe Park Bathhouse/Restrooms

**PROJECT SCOPE:** demolition of existing bathhouse, construct new bathhouse & restrooms

**To Be Completed By Local Government Agency (GRANTEE)**

Name of Agency (Grantee)	Contact Person	Title
Village of Decatur - Van Buren County	Matthew Newton	Village Manager
Address	Telephone	
114 N. Phelps Street	269-423-6114	
City, State, ZIP	Email	
Decatur, MI 49045	mnewton@decaturmi.org	

**SITE DEVELOPMENT**

Any change(s) in the facility type, site layout, or recreation activities provided?  
If yes, please describe change(s). ☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.) ☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain. ☒ Yes ☐ No  
The bathrooms need upgraded.

**SITE QUALITY**

Is there a park entry sign which identifies the property or facility as a public recreation area?  
If yes, please provide a photograph of the sign. If no, please explain. ☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain. ☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism. ☐ Yes ☒ No

### POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

## GENERAL

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☒ Yes ☐ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

Not open in the winter. Hours are dawn to dusk.

**COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)**

# POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D

## CERTIFICATION

I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.

Matthew Nixen  
Please print

[Signature]  
Grantee Authorized Signature

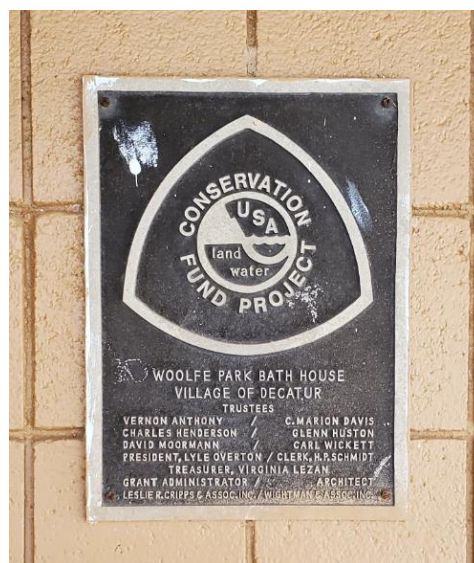
01/30/20  
Date

Kimberly Babcock  
Please print

Kimberly Babcock  
Witness Signature

01/30/2020  
Date

Send completed report to: POST COMPLETION GRANT INSPECTION REPORTS  
GRANTS MANAGEMENT  
MICHIGAN DEPARTMENT OF NATURAL RESOURCES  
PO BOX 30425  
LANSING MI 48909-7925





Michigan Department of Natural Resources - Grants Management

**PUBLIC OUTDOOR RECREATION GRANT  
POST-COMPLETION SELF-CERTIFICATION REPORT**

*This information required under authority of Part 19, PA 451 of 1994, as amended;  
the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964); and Part 715, of PA 451 of 1994, as amended.*

**GRANT TYPE:** ☐ MICHIGAN NATURAL RESOURCES TRUST FUND ☐ CLEAN MICHIGAN INITIATIVE  
(Please select one) ☒ LAND AND WATER CONSERVATION FUND ☐ RECREATION PASSPORT ☐ BOND FUND

**GRANTEE:** Village of Decatur - Van Buren County

**PROJECT NUMBER:** 26-01648

**PROJECT TYPE:** Development

**PROJECT TITLE:** Southside Park Skate Board Park

**PROJECT SCOPE:** (see comment section)

**TO BE COMPLETED BY LOCAL GOVERNMENT AGENCY (GRANTEE)**

Name of Agency (Grantee)	Contact Person	Title
Village of Decatur - Van Buren County	Matthew Newton	Village Manager
Address	Telephone	
114 N. Phelps Street	269-423-6114	
City, State, ZIP	Email	
Decatur, MI 49045	mnewton@decaturmi.org	

**SITE DEVELOPMENT**

Any change(s) in the facility type, site layout, or recreation activities provided?  
If yes, please describe change(s). ☐ Yes ☒ No

Has any portion of the project site been converted to a use other than outdoor recreation? If yes, please describe what portion and describe use. (This would include cell towers and any non-recreation buildings.) ☐ Yes ☒ No

Are any of the facilities obsolete? If yes, please explain. ☐ Yes ☒ No

**SITE QUALITY**

Is there a park entry sign which identifies the property or facility as a public recreation area?  
If yes, please provide a photograph of the sign. If no, please explain. ☒ Yes ☐ No

Are the facilities and the site being properly maintained? If no, please explain. ☒ Yes ☐ No

Is vandalism a problem at this site? If yes, explain the measures being taken to prevent or minimize vandalism. ☐ Yes ☒ No

**POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D**

Is maintenance scheduled on a regular basis? If yes, give schedule. If no, please explain.

☒ Yes ☐ No

**GENERAL**

Is a Program Recognition plaque permanently displayed at the site? If yes, please provide a photograph. (Not required for Bond Fund Grants)

☐ Yes ☒ No ☐ N/A

Is any segment of the general public restricted from using the site or facilities? (i.e. resident only, league only, boaters only, etc.) If yes, please explain.

☐ Yes ☒ No

Is a fee charged for use of the site or facilities? If yes, please provide fee structure.

☐ Yes ☒ No

What are the hours and seasons for availability of the site?

open all year dawn to dusk

**COMMENTS (ATTACH SEPARATE SHEET IF MORE SPACE IS NEEDED)**

Scope items: fencing, site work, skate park (including equipment).  
Ordering a Land and Water Conservation recognition plaque

**POST COMPLETION SELF-CERTIFICATION REPORT - CONT'D**

**CERTIFICATION**

*I do hereby certify that I am duly elected, appointed and/or authorized by the Grantee named above and that the information and answers provided herein are true and accurate to the best of my personal knowledge, information and belief.*

Matthew Newton  
Please print

*Matthew*  
Grantee Authorized Signature

01/30/20  
Date

Kimberly Babcock  
Please print

*Kimberly Babcock*  
Witness Signature

01/30/2020  
Date

Send completed report to: POST COMPLETION GRANT INSPECTION REPORTS  
GRANTS MANAGEMENT  
MICHIGAN DEPARTMENT OF NATURAL RESOURCES  
PO BOX 30425  
LANSING MI 48909-7925



## Appendix E   Adoption Documents



## COMMUNITY PARK AND RECREATION PLAN

### CERTIFICATION CHECKLIST

By Authority of Parts 19, 703 and 716 of Act 451, P.A. 1994, as amended, submission of this information is required for eligibility to apply for grants

**INSTRUCTIONS:** Complete, obtain certification signatures and submit this checklist with a locally adopted recreation plan.

All recreation plans are required to meet the content and local approval standards listed in this checklist and as outlined in the *Guidelines for the Development of Community Park and Recreation Plans* provided by the Michigan Department of Natural Resources (DNR). Plans must be submitted to the DNR through MiRecGrants **with** a completed checklist that has been signed by an authorized official(s) of the local unit of government(s) submitting the plan. Plans may be submitted at any time of the year, but no later than February 1 of the year the local unit of government is applying for grants.

PLAN INFORMATION		
Name of Plan: Community Parks and Recreation Plan: Decatur Village, Decatur Township, Hamilton Township		
List the community names (including school districts) that are covered under the plan and have passed a resolution adopting the plan.	County	Month and year plan adopted by the community's governing body
Decatur Village	Van Buren	January 2020
Decatur Township	Van Buren	January 2020
Hamilton Township	Van Buren	January 2020

PLAN CONTENT
<b>INSTRUCTIONS:</b> Please check <u>each</u> box to certify that the listed information is included in the <u>final</u> plan.
<input checked="" type="checkbox"/> <b>1. COMMUNITY DESCRIPTION</b>
<input checked="" type="checkbox"/> <b>2. ADMINISTRATIVE STRUCTURE</b>
<input checked="" type="checkbox"/> Roles of Commission(s) or Advisory Board(s)
<input checked="" type="checkbox"/> Department, Authority and/or Staff Description and Organizational Chart
<input checked="" type="checkbox"/> Annual and Projected Budgets for Operations, Maintenance, Capital Improvements and Recreation Programming
<input checked="" type="checkbox"/> Current Funding Sources
<input checked="" type="checkbox"/> Role of Volunteers
<input checked="" type="checkbox"/> Relationship(s) with School Districts, Other Public Agencies or Private Organizations
<b>Recreation Authorities or Trailway Commissions Only:</b>
<input type="checkbox"/> Description of the Relationship between the Authority or Commission and the Recreation Departments of Participating Communities
<input type="checkbox"/> Articles of Incorporation
<input checked="" type="checkbox"/> <b>3. RECREATION INVENTORY</b>
<input checked="" type="checkbox"/> Description of Methods Used to Conduct the Inventory
<input checked="" type="checkbox"/> Inventory of all Community Owned Parks and Recreation Facilities
<input checked="" type="checkbox"/> Location Maps (site development plans recommended but not required)
<input checked="" type="checkbox"/> Accessibility Assessment
<input checked="" type="checkbox"/> Status Report for all Grant-Assisted Parks and Recreation Facilities
<input type="checkbox"/> Waterways Inventory (if applicable)
<input checked="" type="checkbox"/> <b>4. RESOURCE INVENTORY (OPTIONAL)</b>
<input checked="" type="checkbox"/> <b>5. DESCRIPTION OF THE PLANNING PROCESS</b>



<input checked="" type="checkbox"/> <b>6. DESCRIPTION OF THE PUBLIC INPUT PROCESS</b>	
<input checked="" type="checkbox"/> Description of the Method(s) Used to Solicit Public Input Before or During Preparation of the Plan, including a Copy of the Survey or Meeting Agenda and a Summary of the Responses Received	
<input checked="" type="checkbox"/> Copy of the Notice of the Availability of the Draft Plan for Public Review and Comment	
Date of the Notice	<u>Dec 26, 2019</u>
Type of Notice	<u>Newspaper and social media</u>
Plan Location	<u>Decatur Village Hall and online</u>
Duration of Draft Plan Public Review Period (Must be at Least 30 Days)	_____
<input checked="" type="checkbox"/> Copy of the Notice for the Public Meeting Held after the One Month Public Review Period and Before the Plan's Adoption by the Governing Body(ies)	
Date of Notice	<u>Dec 26, 2019</u>
Name of Newspaper	<u>Decatur Republican</u>
Date of Meeting	<u>Jan 30, 2020</u>
<input checked="" type="checkbox"/> Copy of the Minutes from the Public Meeting	
<input checked="" type="checkbox"/> <b>7. GOALS AND OBJECTIVES</b>	
<input checked="" type="checkbox"/> <b>8. ACTION PROGRAM</b>	
<input checked="" type="checkbox"/> <b>9. POST-COMPLETION SELF-CERTIFICATION REPORT(S)</b>	
<b>PLAN ADOPTION DOCUMENTATION</b>	
<b>APPROVAL DOCUMENTATION:</b> For multi-jurisdictional plans, <b>each</b> local unit of government must pass a resolution adopting the plan. Prepare and attach a separate page for each unit of government included in the plan.	
<input checked="" type="checkbox"/> 1. Official resolution of adoption by the governing body <u>dated:</u> <u>Jan 30, 2020</u>	
<input type="checkbox"/> 2. Official resolution of the _____ Commission or Board, recommending adoption of the plan by the governing body, <u>dated:</u> _____	
<input checked="" type="checkbox"/> 3. Copy of letter transmitting adopted plan to County Planning Agency <u>dated:</u> <u>Jan 30, 2020</u>	
<input checked="" type="checkbox"/> 4. Copy of letter transmitting adopted plan to Regional Planning Agency <u>dated:</u> <u>Jan 30, 2020</u>	
<b>OVERALL CERTIFICATION</b>	
<b>NOTE:</b> For multi-jurisdictional plans, Overall Certification must include the signature of each local unit of government. Prepare and attach a separate signature page for each unit of government included in the plan.	
<i>I hereby certify that the recreation plan for</i>	
<u>Decatur Village</u> (Local Unit of Government) <i>above and as set forth by the DNR.</i>	<i>includes the required content, as indicated</i> <div style="text-align: center;">         _____        Authorized Official for the Local Unit of Government     </div> <div style="text-align: right;"> <u>01/30/20</u>        Date     </div>

**This completed checklist must be uploaded in MiRecGrants.**



## COMMUNITY PARK AND RECREATION PLAN

### CERTIFICATION CHECKLIST

By Authority of Parts 19, 703 and 716 of Act 451, P.A. 1994, as amended, submission of this information is required for eligibility to apply for grants

**INSTRUCTIONS:** Complete, obtain certification signatures and submit this checklist with a locally adopted recreation plan.

All recreation plans are required to meet the content and local approval standards listed in this checklist and as outlined in the *Guidelines for the Development of Community Park and Recreation Plans* provided by the Michigan Department of Natural Resources (DNR). Plans must be submitted to the DNR through MiRecGrants with a completed checklist that has been signed by an authorized official(s) of the local unit of government(s) submitting the plan. Plans may be submitted at any time of the year, but no later than February 1 of the year the local unit of government is applying for grants.

#### PLAN INFORMATION

Name of Plan: Community Parks and Recreation Plan: Decatur Village, Decatur Township, Hamilton Township		
List the community names (including school districts) that are covered under the plan and have passed a resolution adopting the plan.	County	Month and year plan adopted by the community's governing body
Decatur Village	Van Buren	January 2020
Decatur Township	Van Buren	January 2020
Hamilton Township	Van Buren	January 2020

#### PLAN CONTENT

**INSTRUCTIONS:** Please check each box to certify that the listed information is included in the final plan.

- ☒ 1. COMMUNITY DESCRIPTION
- ☒ 2. ADMINISTRATIVE STRUCTURE
  - ☒ Roles of Commission(s) or Advisory Board(s)
  - ☒ Department, Authority and/or Staff Description and Organizational Chart
  - ☒ Annual and Projected Budgets for Operations, Maintenance, Capital Improvements and Recreation Programming
  - ☒ Current Funding Sources
  - ☒ Role of Volunteers
  - ☒ Relationship(s) with School Districts, Other Public Agencies or Private Organizations
- Recreation Authorities or Trailway Commissions Only:**
  - ☐ Description of the Relationship between the Authority or Commission and the Recreation Departments of Participating Communities
  - ☐ Articles of Incorporation
- ☒ 3. RECREATION INVENTORY
  - ☒ Description of Methods Used to Conduct the Inventory
  - ☒ Inventory of all Community Owned Parks and Recreation Facilities
  - ☒ Location Maps (site development plans recommended but not required)
  - ☒ Accessibility Assessment
  - ☒ Status Report for all Grant-Assisted Parks and Recreation Facilities
  - ☐ Waterways Inventory (if applicable)
- ☒ 4. RESOURCE INVENTORY (OPTIONAL)
- ☒ 5. DESCRIPTION OF THE PLANNING PROCESS

<input checked="" type="checkbox"/> <b>6. DESCRIPTION OF THE PUBLIC INPUT PROCESS</b>	
<input checked="" type="checkbox"/> Description of the Method(s) Used to Solicit Public Input Before or During Preparation of the Plan, including a Copy of the Survey or Meeting Agenda and a Summary of the Responses Received <input checked="" type="checkbox"/> Copy of the Notice of the Availability of the Draft Plan for Public Review and Comment	Date of the Notice <u>Dec 26, 2019</u> Type of Notice <u>Newspaper and social media</u> Plan Location <u>Decatur Village Hall and online</u> Duration of Draft Plan Public Review Period (Must be at Least 30 Days) _____  <input checked="" type="checkbox"/> Copy of the Notice for the Public Meeting Held after the One Month Public Review Period and Before the Plan's Adoption by the Governing Body(ies) Date of Notice <u>Dec 26, 2019</u> Name of Newspaper <u>Decatur Republican</u> Date of Meeting <u>Jan 30, 2020</u> <input checked="" type="checkbox"/> Copy of the Minutes from the Public Meeting
<input checked="" type="checkbox"/> <b>7. GOALS AND OBJECTIVES</b>	
<input checked="" type="checkbox"/> <b>8. ACTION PROGRAM</b>	
<input checked="" type="checkbox"/> <b>9. POST-COMPLETION SELF-CERTIFICATION REPORT(S)</b>	
<b>PLAN ADOPTION DOCUMENTATION</b>	
<b>APPROVAL DOCUMENTATION:</b> For multi-jurisdictional plans, <b>each</b> local unit of government must pass a resolution adopting the plan. Prepare and attach a separate page for each unit of government included in the plan.	
<input checked="" type="checkbox"/> 1. Official resolution of adoption by the governing body <u>dated: Jan 30, 2020</u> <input type="checkbox"/> 2. Official resolution of the _____ Commission or Board, recommending adoption of the plan by the governing body, <u>dated: _____</u> <input checked="" type="checkbox"/> 3. Copy of letter transmitting adopted plan to County Planning Agency <u>dated: Jan 30, 2020</u> <input checked="" type="checkbox"/> 4. Copy of letter transmitting adopted plan to Regional Planning Agency <u>dated: Jan 30, 2020</u>	
<b>OVERALL CERTIFICATION</b>	
<b>NOTE:</b> For multi-jurisdictional plans, Overall Certification must include the signature of each local unit of government. Prepare and attach a separate signature page for each unit of government included in the plan.	
<p><i>I hereby certify that the recreation plan for</i></p> <p><u>Decatur Township</u> _____ <i>includes the required content, as indicated</i></p> <p style="text-align: center;">(Local Unit of Government)</p> <p><i>above and as set forth by the DNR.</i></p> <div style="text-align: right; margin-top: 20px;">         _____        Authorized Official for the Local Unit of Government     </div> <div style="text-align: right; margin-top: 10px;"> <u>1-30-20</u>        Date     </div>	

**This completed checklist must be uploaded in MiRecGrants.**



Michigan Department of Natural Resources-Grants Management

## COMMUNITY PARK AND RECREATION PLAN

### CERTIFICATION CHECKLIST

By Authority of Parts 19, 703 and 716 of Act 451, P.A. 1994, as amended, submission of this information is required for eligibility to apply for grants

**INSTRUCTIONS:** Complete, obtain certification signatures and submit this checklist with a locally adopted recreation plan.

All recreation plans are required to meet the content and local approval standards listed in this checklist and as outlined in the *Guidelines for the Development of Community Park and Recreation Plans* provided by the Michigan Department of Natural Resources (DNR). Plans must be submitted to the DNR through MiRecGrants **with** a completed checklist that has been signed by an authorized official(s) of the local unit of government(s) submitting the plan. Plans may be submitted at any time of the year, but no later than February 1 of the year the local unit of government is applying for grants.

PLAN INFORMATION		
Name of Plan: Community Parks and Recreation Plan: Decatur Village, Decatur Township, Hamilton Township		
List the community names (including school districts) that are covered under the plan and have passed a resolution adopting the plan.	County	Month and year plan adopted by the community's governing body
Decatur Village	Van Buren	January 2020
Decatur Township	Van Buren	January 2020
Hamilton Township	Van Buren	January 2020

PLAN CONTENT
<b>INSTRUCTIONS:</b> Please check <u>each</u> box to certify that the listed information is included in the <u>final</u> plan.
<input checked="" type="checkbox"/> <b>1. COMMUNITY DESCRIPTION</b>
<input checked="" type="checkbox"/> <b>2. ADMINISTRATIVE STRUCTURE</b>
<input checked="" type="checkbox"/> Roles of Commission(s) or Advisory Board(s)
<input checked="" type="checkbox"/> Department, Authority and/or Staff Description and Organizational Chart
<input checked="" type="checkbox"/> Annual and Projected Budgets for Operations, Maintenance, Capital Improvements and Recreation Programming
<input checked="" type="checkbox"/> Current Funding Sources
<input checked="" type="checkbox"/> Role of Volunteers
<input checked="" type="checkbox"/> Relationship(s) with School Districts, Other Public Agencies or Private Organizations
<b>Recreation Authorities or Trailway Commissions Only:</b>
<input type="checkbox"/> Description of the Relationship between the Authority or Commission and the Recreation Departments of Participating Communities
<input type="checkbox"/> Articles of Incorporation
<input checked="" type="checkbox"/> <b>3. RECREATION INVENTORY</b>
<input checked="" type="checkbox"/> Description of Methods Used to Conduct the Inventory
<input checked="" type="checkbox"/> Inventory of all Community Owned Parks and Recreation Facilities
<input checked="" type="checkbox"/> Location Maps (site development plans recommended but not required)
<input checked="" type="checkbox"/> Accessibility Assessment
<input checked="" type="checkbox"/> Status Report for all Grant-Assisted Parks and Recreation Facilities
<input type="checkbox"/> Waterways Inventory (if applicable)
<input checked="" type="checkbox"/> <b>4. RESOURCE INVENTORY (OPTIONAL)</b>
<input checked="" type="checkbox"/> <b>5. DESCRIPTION OF THE PLANNING PROCESS</b>

**This completed checklist must be uploaded in MiRecGrants.**



## PROOF OF PUBLICATION AFFIDAVIT

Village of Decatur, County of Van Buren

David Moorman

being duly sworn, testifies that he/she

is Editor of the Decatur Republican

a newspaper published at 121 S Phelps ST, Decatur, MI 49045, and circulated in the above county and that he/she is familiar with the facts and that the notice, a copy of which is attached, was published in said newspaper, prior to the time fixed for the hearing thereof, and that the publications were made on the:

26th day of December 2019

23rd day of January 2020

day of \_\_\_\_\_ 20\_\_\_\_

Dated 1/24/2020

[Signature]  
Signature of Publisher

State of Michigan )

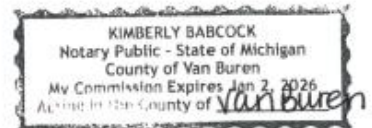
County of Van Buren ) ss

On the 24<sup>th</sup> day of January 2020, the foregoing instrument was acknowledged

before me by David Moorman

[Signature]  
Notary Public

My Commission expires January, 2, 2026





# LEGAL NOTICE

## NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC HEARING NOTICE

The Village of Decatur, Decatur Township, and Hamilton Township, Van Buren County, Michigan will hold a Public Comment Period for the Joint Community Parks and Recreation Plan for the Village of Decatur, Decatur Township, and Hamilton Township from December 26<sup>th</sup>, 2019 to January 29<sup>th</sup>, 2020.

The plan will be available for review during business hours at the Decatur Village Hall (114 N. Phelps Street, Decatur, MI) which are Monday through Friday from 9:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. The plan is also available for review on the Internet at <https://www.swmpc.org/decarearecplan.asp>.


Written comments can be submitted by email to [village@decaturmi.org](mailto:village@decaturmi.org) or by mail to 114 N. Phelps Street, Decatur, MI 49045 and must be received by January 29<sup>th</sup>, 2020.

A joint Public Hearing will be held on the draft plan on **January 30<sup>th</sup>, 2020, at 7:00 PM**, at the Decatur Village Hall (114 N. Phelps Street, Decatur, MI). At this meeting, the public will have the opportunity to give oral and/or written comments and ask questions regarding the plan. All interested parties are urged to attend.

- This notice is in compliance with PA 267 of 1976 as amended (Open Meetings Act).
- In accordance with The Americans with Disabilities Act, the Village of Decatur will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the Village Clerk at (269) 423-6114 at least 48 hours in advance.

THURSDAY, DECEMBER 26, 2019

THURSDAY, JANUARY 23, 2020

**LEGAL NOTICE**

**NOTICE OF PUBLIC COMMENT PERIOD  
AND PUBLIC HEARING NOTICE**

The Village of Decatur, Decatur Township, and Hamilton Township, Van Buren County, Michigan will hold a Public Comment Period for the Joint Community Parks and Recreation Plan for the Village of Decatur, Decatur Township, and Hamilton Township from December 26<sup>th</sup>, 2019 to January 29<sup>th</sup>, 2020.

The plan will be available for review during business hours at the Decatur Village Hall (114 N. Phelps Street, Decatur, MI) which are Monday through Friday from 9:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. The plan is also available for review on the Internet at <https://www.swmpc.org/decarearecplan.asp>.

Written comments can be submitted by email to [village@decaturmi.org](mailto:village@decaturmi.org) or by mail to 114 N. Phelps Street, Decatur, MI 49045 and must be received by January 29<sup>th</sup>, 2020.

A joint Public Hearing will be held on the draft plan on **January 30<sup>th</sup>, 2020, at 7:00 PM**, at the Decatur Village Hall (114 N. Phelps Street, Decatur, MI). At this meeting, the public will have the opportunity to give oral and/or written comments and ask questions regarding the plan. All interested parties are urged to attend.

- This notice is in compliance with PA 267 of 1976 as amended (Open Meetings Act).
- In accordance with The Americans with Disabilities Act, the Village of Decatur will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the Village Clerk at (269) 423-6114 at least 48 hours in advance.

**LEGAL NOTICE**

**NOTICE OF PUBLIC COMMENT PERIOD  
AND PUBLIC HEARING NOTICE**

The Village of Decatur, Decatur Township, and Hamilton Township, Van Buren County, Michigan will hold a Public Comment Period for the Joint Community Parks and Recreation Plan for the Village of Decatur, Decatur Township, and Hamilton Township from December 26<sup>th</sup>, 2019 to January 29<sup>th</sup>, 2020.

The plan will be available for review during business hours at the Decatur Village Hall (114 N. Phelps Street, Decatur, MI) which are Monday through Friday from 9:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. The plan is also available for review on the Internet at <https://www.swmpc.org/decarearecplan.asp>.

Written comments can be submitted by email to [village@decaturmi.org](mailto:village@decaturmi.org) or by mail to 114 N. Phelps Street, Decatur, MI 49045 and must be received by January 29<sup>th</sup>, 2020.

A joint Public Hearing will be held on the draft plan on **January 30<sup>th</sup>, 2020, at 7:00 PM**, at the Decatur Village Hall (114 N. Phelps Street, Decatur, MI). At this meeting, the public will have the opportunity to give oral and/or written comments and ask questions regarding the plan. All interested parties are urged to attend.

- This notice is in compliance with PA 267 of 1976 as amended (Open Meetings Act).
- In accordance with The Americans with Disabilities Act, the Village of Decatur will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the Village Clerk at (269) 423-6114 at least 48 hours in advance.

**JOINT MEETING WITH VILLAGE OF DECATUR, DECATUR TOWNSHIP, AND  
HAMILTON TOWNSHIP**

**PARKS & RECREATION PLAN PUBLIC HEARING & ADOPTION**

**MEETING MINUTES**

*Thursday, January 30<sup>th</sup>, 2020*

---

1. The meeting was called to order at 7:01 PM by Village Manager Newton. Roll call was taken with Village representatives Ali Elwaer, Kim Gunther, Charlene Jackson, and Michael Verran; Decatur Township representatives Janet Abshagen, Jim Abshagen, Kevin Kusmack, and Tom Stull; Hamilton Township representatives Carl Druskovich, Sandra Hanson, and Charles Goodrich; Village Clerk & Treasurer Babcock; Village Manager Newton; and 2 visitors being present.
2. Village Manager Newton led the Pledge of Allegiance.
3. No public comment was given.
4. Druskovich moved, Hanson seconded, CARRIED, to open the Public Hearing for the 2020 Joint Parks & Recreation Plan. All were in favor.
  - a. Jan Peterson, resident of Hamilton Township, expressed concerns over the proposed walking track at the Grange Hall. She expressed that she had concerns over the impact to the ecosystem and disturbing the neighboring nature preserve area.
    - i. Goodrich responded that he had discussions with the neighboring preserve and the outcome of those discussions was that the project would blend well and not have a negative impact.
    - ii. Druskovich also indicated that the goal of the project was for it to be educational. He further noted that it would be a walking trail that, in some cases, can help preserve the area. He noted that they would be working with the Van Buren County Conservation District on the project. He further stated that part of the goal would be to mitigate damages that had already occurred from use of the area and the trail would be constructed in a manner to help reduce potential issues in the future.
5. Kusmack moved, Gunther seconded, CARRIED, to close the Public Hearing for the 2020 Joint Parks & Recreation Plan. All were in favor.
6. Adoption of 2020 Joint Parks & Recreation Plan
  - a. VILLAGE OF DECATUR-Gunther moved, Jackson seconded, CARRIED, to approve Resolution 2019-18: A Resolution Adopting Community Parks & Recreation Plan: Village of Decatur, Decatur Township, and Hamilton Township as presented. All were in favor.
  - b. DECATUR TOWNSHIP-Kusmack moved, Jim Abshagen seconded, CARRIED, to approve Resolution Adopting Community Parks & Recreation Plan: Village of Decatur, Decatur Township, and Hamilton Township as presented. All were in favor.
  - c. HAMILTON TOWNSHIP-Goodrich moved, Hanson seconded, CARRIED, to approve Resolution Adopting Community Parks & Recreation Plan: Village of Decatur, Decatur Township, and Hamilton Township as presented. All were in favor.
7. No Public Comment was given.
8. Kusmack moved, Jim Abshagen seconded, CARRIED, to adjourn meeting at 7:11 PM. |

## VILLAGE OF DECATUR

COUNTY OF VAN BUREN

STATE OF MICHIGAN

**RESOLUTION 2019-18: A RESOLUTION TO ADOPT THE COMMUNITY PARKS AND RECREATION PLAN:  
VILLAGE OF DECATUR, DECATUR TOWNSHIP, HAMILTON TOWNSHIP.**

**WHEREAS**, a plan which addresses the future use and development of parks and recreation areas has been developed for Decatur Village, Decatur Township and Hamilton Township with the assistance of a planning committee consisting of representatives from each municipality and the Southwest Michigan Planning Commission; and

**WHEREAS**, the planning process included public input opportunities such as committee meetings, a public input open house and a survey; and

**WHEREAS**, the plan has been developed to meet the recreational needs (based on data and public input) of the community; and

**WHEREAS**, a 30-day public comment period and a public hearing to take comment on the plan was held; and

**WHEREAS**, the planning committee with representatives from each jurisdiction has recommended the plan for adoption.

**NOW, THEREFORE, BE IT RESOLVED**, the Council of the Village of Decatur adopts the Community Parks and Recreation Plan: Village of Decatur, Decatur Township, Hamilton Township.

Yeas: Kim Gunther, Ali Elwaer, Charlene Jackson, Mike Verran

Nays: —

Absent: Ken Hayes, Bob Mead, Cindy Pachner

Abstain: —

**RESOLUTION DECLARED ADOPTED**

Date: 01/30/2020

Kimbuly Babcock

Decatur Township, Van Buren County, Michigan

A Resolution to Adopt the  
**Community Parks and Recreation Plan: Village of Decatur, Decatur  
Township, Hamilton Township**

Whereas, a plan which addresses the future use and development of parks and recreation areas has been developed for Decatur Village, Decatur Township and Hamilton Township with the assistance of a planning committee consisting of representatives from each municipality and the Southwest Michigan Planning Commission, and

Whereas, the planning process included public input opportunities such as committee meetings, a public input open house and a survey, and

Whereas, the plan has been developed to meet the recreational needs (based on data and public input) of the community, and

Whereas, a 30 day public comment period and a public hearing to take comment on the plan was held, and

Whereas, the planning committee with representatives from each jurisdiction has recommended the plan for adoption.

Now, Therefore, be it resolved, the Township Board of Trustees adopts the  
**Community Parks and Recreation Plan: Village of Decatur, Decatur  
Township, Hamilton Township.**

**Yeas:** Kuzmack, Janet Abshagen James Abshagen, Stull  
**Nays:** none  
**Absent:** Makay  
**Abstain:**

**RESOLUTION DECLARED ADOPTED**

**Date:** 1/30/20   
Township Clerk

Hamilton Township, Van Buren County, Michigan

A Resolution to Adopt the  
**Community Parks and Recreation Plan: Village of Decatur, Decatur  
Township, Hamilton Township**

Whereas, a plan which addresses the future use and development of parks and recreation areas has been developed for Decatur Village, Decatur Township and Hamilton Township with the assistance of a planning committee consisting of representatives from each municipality and the Southwest Michigan Planning Commission, and

Whereas, the planning process included public input opportunities such as committee meetings, a public input open house and a survey, and

Whereas, the plan has been developed to meet the recreational needs (based on data and public input) of the community, and

Whereas, a 30 day public comment period and a public hearing to take comment on the plan was held, and

Whereas, the planning committee with representatives from each jurisdiction has recommended the plan for adoption.

Now, Therefore, be it resolved, the Township Board of Trustees adopts the **Community Parks and Recreation Plan: Village of Decatur, Decatur Township, Hamilton Township.**

Yeas: 3      Carl Druskovich - yes  
Nays: 0      Charles Goodrick - yes  
Absent:      Sandy Hanson - yes  
Abstain:

**RESOLUTION DECLARED ADOPTED**

Date: 1-30-2020





## Southwest Michigan Planning Commission

January 30, 2020

Van Buren County Land Management  
Ted Thar, Director  
Administration & Land Services Building  
219 Paw Paw Street, Ste 302  
Paw Paw, MI 49079

Dear Mr. Thar,

Enclosed please find a copy of the adopted Community Parks and Recreation Plan for the Village of Decatur, Decatur Township and Hamilton Township for your records. This five-year plan reflects the community's commitment to comprehensive recreational planning that includes measures to protect natural resources through responsible use and provides opportunities for residents of all ages and abilities to participate in healthful living.

Sincerely,

*Marcy Hamilton*

Marcy Hamilton  
Senior Planner

376 West Main Street, Suite 130 • Benton Harbor, MI 49022-3651

[P 269.925.1137](tel:269.925.1137) • [F 269.925.0288](tel:269.925.0288) • [W www.swmpc.org](http://www.swmpc.org) • [E swmpc@swmpc.org](mailto:swmpc@swmpc.org)





## Southwest Michigan Planning Commission

January 30, 2020

Mr. K. John Egelhaaf, Director  
Southwest Michigan Planning Commission  
376 W. Main Street, Ste 130  
Benton Harbor, MI 49022

Dear Mr. Egelhaaf:

Enclosed please find a copy of the adopted Community Parks and Recreation Plan for the Village of Decatur, Decatur Township and Hamilton Township for your records. This five-year plan reflects the community's commitment to comprehensive recreational planning that includes measures to protect natural resources through responsible use and provides opportunities for residents of all ages and abilities to participate in healthful living.

Sincerely,

*Marcy Hamilton*

Marcy Hamilton  
Senior Planner

376 West Main Street, Suite 130 • Benton Harbor, MI 49022-3651

• 269.925.1137 • 269.925.0288 • [www.swmpc.org](http://www.swmpc.org) • [swmpc@swmpc.org](mailto:swmpc@swmpc.org)

# OPEN MEETINGS ACT HANDBOOK



**ATTORNEY GENERAL DANA NESSEL**

Additional copies available at  
[michigan.gov/ag/foia/open-meetings](https://michigan.gov/ag/foia/open-meetings)

Updated October 2022

# Contents

<b>THE BASICS .....</b>	<b>4</b>
The Act.....	4
What Bodies are Covered? .....	4
Public Notice Requirements.....	5
Agendas and the OMA .....	6
Penalties for OMA Violations .....	6
Lawsuits to Compel Compliance .....	7
Correcting Non-Conforming Decisions .....	7
<b>DECISIONS MUST BE MADE IN PUBLIC MEETINGS .....</b>	<b>8</b>
All Decisions Must be Made at a Meeting Open to the Public .....	8
Canvassing Board Members on How they Might Vote.....	8
Meeting “Informally” to Discuss Matters.....	8
When may a Quorum of a Board Gather Outside an Open Meeting Without Violating the OMA?.....	9
Advisory Committees and the OMA.....	10
Use of Email or Other Electronic Communications Among Board Members During an Open Meeting .....	10
<b>CLOSED SESSIONS .....</b>	<b>11</b>
Meeting in Closed Session .....	11
Decisions Must be Made During an Open Meeting, Not the Closed Session.....	12
A Closed Session Must be Conducted During the Course of an Open Meeting.....	12
Going into Closed Session.....	13
Leaving a Closed Session.....	14
Avoid Using the Terms “Closed Session” and “Executive Session” Interchangeably.....	14
Staff and Others May Join the Board in a Closed Session.....	14
Forcibly Excluding Persons from a Closed Session .....	14
<b>ATTENDING OPEN MEETINGS.....</b>	<b>15</b>

Excluding Individuals .....	15
Identifying Public Attendees .....	15
Limiting Public Comment .....	15
Meeting Location.....	16
Physical Attendance at Meetings .....	16
Providing Reasonable Accommodations Under the Americans with Disabilities Act .....	16
<b>Timing of Public Comment.....</b>	<b>17</b>
Taping and Broadcasting .....	17
Sound Recordings of Public Meetings .....	17
<b>MINUTES.....</b>	<b>18</b>
What Must be in the Minutes .....	18
When Must the Minutes be Available .....	18
When Must the Minutes be Approved.....	18
Closed Session Minutes .....	18
Inadvertent Omissions from the Minutes .....	19
<b>PARLIAMENTARY PROCEDURES .....</b>	<b>19</b>
Core Principle .....	19
Quorum.....	19
What is the Quorum? .....	20
Losing a Quorum.....	20
Disqualified Members .....	20
Expired-term Members .....	20
Resigned Members .....	21
Voting.....	21

# OPEN MEETINGS ACT

## THE BASICS

### 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](#); or the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.<sup>4</sup> [Emphasis added.]

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 also does not apply to [private](#).

---

<sup>1</sup> *Booth Newspapers, Inc v Univ of Mich Bd of Regents*, 444 Mich 211, 222–223; 507 NW2d 422 (1993).

<sup>2</sup> MCL 15.261.

<sup>3</sup> 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.

<sup>4</sup> 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).

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

[nonprofit corporations](#).<sup>6</sup> Furthermore, an advisory body without express decision-making authority is not a “public body” under the OMA.<sup>7</sup>

## Public Notice Requirements

A meeting of a public body cannot be held unless public notice is given consistent with the [OMA](#).<sup>8</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>9</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>10</sup>

Public notice requirements are specific to the type of meeting:

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>11</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

---

<sup>6</sup> 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 Coop TV Antenna Corp*, 122 Mich App 433; 332 NW2d 502 (1983).

<sup>7</sup> See *Pinebrook Warren, LLC v City of Warren*, \_\_\_ Mich App \_\_\_ (2022) holding that a review committee was not a public body subject to the OMA because the ordinance that created the committee did not grant the committee with authority to make final licensing decisions, which was retained by the city council. The Court found the lack of an express grant of authority to exercise governmental or proprietary authority or to perform a governmental or proprietary function was determinative.

<sup>8</sup> MCL 15.265(1); *Nicholas v Meridian Charter Twp*, 239 Mich App 525, 531; 609 NW2d 574 (2000).

<sup>9</sup> MCL 15.264(a)-(c).

<sup>10</sup> MCL 15.264(c).

<sup>11</sup> MCL 15.265(2)-(5).

does not require any particular number of meetings. The board may cancel or reschedule its regular 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>12</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>13</sup> If the public body maintains an “official internet presence” that includes monthly or more frequent updates of public meetings agendas and minutes, they must also post [notice](#) of a special meeting at least 18 hours before the meeting on a portion of the body’s website fully accessible to the public.<sup>14</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>15</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>16</sup> No agenda format is required by the OMA.<sup>17</sup>

## **Penalties for OMA Violations**

A public official who “intentionally violates” the OMA may be found guilty of a [misdemeanor](#)<sup>18</sup> and may be [personally liable](#) for actual and exemplary damages of not more than \$500 for a single meeting.<sup>19</sup> The exemptions in the OMA must be strictly construed. The “rule of lenity” (i.e., courts should mitigate punishment when

---

<sup>12</sup> OAG, 1979-1980, No 5724, p 840 (June 20, 1980).

<sup>13</sup> OAG No 5724.

<sup>14</sup> MCL 15.265(4).

<sup>15</sup> MCL 15.266.

<sup>16</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>17</sup> *Lysogorski v Bridgeport Charter Twp*, 256 Mich App 297, 299; 662 NW2d 108 (2003).

<sup>18</sup> MCL 15.272.

<sup>19</sup> MCL 15.273.



the punishment in the criminal statute is unclear) does not apply to construction of the OMA's exemptions.<sup>20</sup>

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>21</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>22</sup> If the decision of a state public body is challenged, venue is in the Court of Claims.<sup>23</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>24</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>25</sup> The public body need not, however, wait for a lawsuit to correct a decision made at a meeting that did not comply with the OMA.<sup>26</sup>

---

<sup>20</sup> *People v Whitney*, 228 Mich App 230, 244; 578 NW2d 329 (1998).

<sup>21</sup> MCL 15.270(3)(a).

<sup>22</sup> MCL 15.270(3)(b).

<sup>23</sup> MCL 15.270(4).

<sup>24</sup> MCL 15.270(5).

<sup>25</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).

<sup>26</sup> *Lockwood v Ellington Twp*, 323 Mich App 392, 405; 917 NW2d 413 (2018).

## DECISIONS MUST BE MADE IN PUBLIC MEETINGS

### All Decisions Must be Made at a Meeting Open to the Public

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>27</sup> 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>28</sup>

The OMA does not prescribe any specific form of formal voting requirement, but any kind of process that equates to decision-making falls under the act and so must be conducted at an open meeting.<sup>29</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 and would violate the OMA.<sup>30</sup>

### Canvassing Board Members on How they Might Vote

Although similar to prohibited “round-the-horn” decision making described above, 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>31</sup>

### Meeting “Informally” to Discuss Matters

To promote openness in government, exceptions to the OMA must be construed strictly.<sup>32</sup> Thus, the [closed session exception](#) does not allow a quorum of a public

---

<sup>27</sup> MCL 15.263(2) and (3).

<sup>28</sup> MCL 15.262(d).

<sup>29</sup> *Booth Newspapers, Inc*, 444 Mich at 229.

<sup>30</sup> *Booth Newspapers, Inc*, 444 Mich at 229 (“[A]ny 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.”).

<sup>31</sup> *St Aubin v Ishpeming City Council*, 197 Mich App 100, 103; 494 NW2d 803 (1992).

<sup>32</sup> *Wexford County Prosecutor v Pranger*, 83 Mich App 197, 201, 204; 268 NW2d 344 (1978).

body to meet to discuss matters of public policy, even if there is no intention that the deliberations will lead to a decision on that occasion.<sup>33</sup>

### **When may a Quorum of a Board Gather Outside an Open Meeting Without Violating the OMA?**

The OMA “does not apply to a meeting which is a [social or chance gathering or conference](#) not designed to avoid this act.”<sup>34</sup> The OMA, however, 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>35</sup>

In addition to a purely [social gathering or chance gathering](#)<sup>36</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>37</sup> listen to the concerns of a neighborhood organization, or observe demonstrations, if the board doesn’t deliberate toward, or make, a [decision](#).<sup>38</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 rather than a more limited focus on matters or issues of [particular interest](#) to a single public body.<sup>39</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>40</sup>

For example, 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

---

<sup>33</sup> Compare OAG, 1977-1978, No 5298, p 434, 435 (May 2, 1978). See also OAG, 1979-1980, No 5444, p 55, 56 (February 21, 1979) (explaining that anytime a quorum of a public body meets and considers a matter of public policy, the meeting must comply with the OMA’s requirements), with OAG, 1979-1980, No 5437, p 36, 37 (February 2, 1979) (explaining that 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).

<sup>34</sup> MCL 15.263(10).

<sup>35</sup> OAG, 1981-1982, No 6074, p 662, 663 (June 11, 1982).

<sup>36</sup> OAG, 1979-1980, No 5437, p 36 (February 2, 1979).

<sup>37</sup> OAG, 1977-1978, No 5183, p 21, 35 (March 8, 1977).

<sup>38</sup> OAG, 1977-1978, No 5364, p 606, 607 (September 7, 1978).

<sup>39</sup> OAG, 1979-1980, No 5433, p 29, 31 (January 31, 1979).

<sup>40</sup> OAG No 5433 at p 31.

meeting also being noticed as a county commission meeting), since the nonmember commissioners did not engage in deliberations or render [decisions](#).<sup>41</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>42</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>43</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>44</sup>

### **Use of Email or Other Electronic Communications Among Board Members During an Open Meeting**

Email, texting, or other forms of electronic communications among members of a board or commission during an open meeting that involve deliberations toward decision-making or actual decisions violates the OMA, since those communications are not open to the public and, in effect, transform the open meeting into 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 email or other electronic

---

<sup>41</sup> 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*, 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.

<sup>42</sup> OAG, 1997-1998, No 6935, p 18 (April 2, 1997); OAG No 5183 at p 40.

<sup>43</sup> *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).

<sup>44</sup> OAG, 1989-1990, No 6636, at p 254.

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>45</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>46</sup>

Using email 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.

## 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>47</sup> The [limited purposes](#) for which closed sessions are permitted include, among others:<sup>48</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>49</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>50</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>51</sup>

---

<sup>45</sup> See *Esperance v Chesterfield Twp*, 89 Mich App 456, 464; 280 NW2d 559 (1979); OAG, 1977-1978, No 5262, p 338 (January 31, 1978).

<sup>46</sup> See *Booth Newspapers, Inc*, 444 Mich at 229; *Schmiedicke*, 228 Mich App at 263, 264; *Wexford County Prosecutor*, 83 Mich App at 204.

<sup>47</sup> MCL 15.268. OAG, 1977-1978, No 5183, at p 37.

<sup>48</sup> 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); and school boards considering security planning to address threats to the safety of students and staff – section 8(k).

<sup>49</sup> MCL 15.268(a) (Emphasis added).

<sup>50</sup> MCL 15.268(c) (Emphasis added).

<sup>51</sup> MCL 15.268(d).

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>52</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>53</sup>
6. To consider material [exempt](#) from discussion or disclosure by state or federal statute.<sup>54</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>55</sup>

### **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>56</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>57</sup> And so, the purposes of the closed session must be strictly limited to the exceptions listed above; no decision making is permitted in the closed session.

### **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>58</sup> Section 9(1) of the OMA provides that

---

<sup>52</sup> MCL 15.268(e) (Emphasis added).

<sup>53</sup> MCL 15.268(f) (Emphasis added).

<sup>54</sup> MCL 15.268(h).

<sup>55</sup> *Booth Newspapers, Inc v Wyoming City Council*, 168 Mich App 459, 467, 469-470; 425 NW2d 695 (1988).

<sup>56</sup> MCL 15.263(2). See also *St Aubin*, 197 Mich App at 103; 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.); 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.).

<sup>57</sup> MCL 15.262(d).

<sup>58</sup> MCL 15.262(c).

the [minutes](#) of an open meeting must include “the purpose or purposes for which a closed session is held.”<sup>59</sup>

## Going into Closed Session

Section 7(1) of the [OMA](#)<sup>60</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>61</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.

It is suggested 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>62</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].<sup>63</sup>

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, which provides that “a public body may meet in a closed session . . . to consider material [exempt](#) from discussion or disclosure by state or federal statute.”<sup>64</sup> The motion should cite section 8(h) of the OMA and the statutory basis for the closed session, such as

---

<sup>59</sup> MCL 15.269(1).

<sup>60</sup> MCL 15.267(1).

<sup>61</sup> And not just those attending the meeting. OAG No 5183 at p 37.

<sup>62</sup> MCL 15.268.

<sup>63</sup> “[I]t is clear that the Legislature intended for public bodies to name the pending litigation before entering a closed session.” *Vermilya v Delta College Bd of Trustees*, 325 Mich App 416, 421; 925 NW2d 897 (2018). The *Vermilya* court cited the OMA Handbook’s recommended motion language with approval. 325 Mich App at 423.

<sup>64</sup> 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.



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>65</sup>

### **Leaving a Closed Session**

The OMA is silent as to how to leave a closed session. A motion may be made to end the closed session with a majority vote needed for approval. While this is a decision made in a closed session, it is not 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 any votes on matters discussed in the closed session must occur in an open meeting.

### **Avoid Using the Terms “Closed Session” and “Executive Session” Interchangeably**

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. This is not the same as a “closed session” under the OMA, and so public bodies should avoid using the term “executive session” to refer to a “closed session.”

### **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>66</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>67</sup>

---

<sup>65</sup> MCL 15.243(1)(g).

<sup>66</sup> OAG, 1979-1980, No 5532, p 324 (August 7, 1979).

<sup>67</sup> OAG, 1985-1986, No 6358, p 268 (April 29, 1986), citing *Regents of the Univ of Mich v Washtenaw County Coalition Against Apartheid*, 97 Mich App 532; 296 NW2d 94 (1980).

## 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>68</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>69</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>70</sup> Therefore, it is recommended 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, the board chair may 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>71</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>72</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

---

<sup>68</sup> MCL 15.263(6).

<sup>69</sup> MCL 15.263(4).

<sup>70</sup> In addition, “[a]ll meetings of a public body . . . shall be held in a place available to the general public.” MCL 15.263(1).

<sup>71</sup> MCL 15.263(5). OAG, 1977-1978, No 5183, at p 34.

<sup>72</sup> 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.

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>73</sup>

## **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>74</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 be considered as not being held at a place available to the general public. Whenever possible, the meeting should be held within the public body’s geographical boundaries. A local public body’s meeting may not take place in a residential building, if a nonresidential building is available without cost within the local unit’s boundaries.<sup>75</sup>

## **Physical Attendance at Meetings**

The OMA has been interpreted to require members of public bodies to be physically present at meetings held within a physical space.<sup>76</sup> The OMA generally does not provide for remote attendance by public body members or members of the public, except to accommodate the absence of a member of a public body due to the member’s military duty.<sup>77</sup>

## **Providing Reasonable Accommodations Under the Americans with Disabilities Act**

The Americans with Disabilities Act (ADA), 42 USC 12131 *et seq*, and Rehabilitation Act, MCL 395.81 *et seq*, [require state and local boards and commissions to provide reasonable accommodations](#), which could include an option to participate virtually, to qualified individuals with a disability who request an

---

<sup>73</sup> OAG No 5332 at p 538.

<sup>74</sup> OAG, 1979-1980, No 5560, p 386 (September 13, 1979). However, local charter provisions or ordinances may impose geographical limits on public body meetings.

<sup>75</sup> MCL 15.265(6). Under this provision, the notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice shall be at the bottom of the display advertisement, set off in a conspicuous manner, and include the following language: “This meeting is open to all members of the public under Michigan’s open meetings act.”

<sup>76</sup> As part of the measures to prevent the spread of COVID-19, the OMA was amended to temporarily allow public bodies for limited periods to conduct and attend meetings by electronic means. The amendment expired after December 31, 2021, and, generally, only those board members absent due to military duty may participate by electronic means - this provision was part of the OMA before the pandemic.

<sup>77</sup> MCL 15.263(2).

accommodation in order to fully participate in a meeting as a board or commission member or as a member of the general public.<sup>78</sup>

### **Timing of Public Comment**

A public body has discretion under the OMA when to schedule [public comment](#) during the meeting.<sup>79</sup> Thus, scheduling public comment at the beginning<sup>80</sup> or the [end](#)<sup>81</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>82</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>83</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>84</sup> And the exercise of the [right](#) to tape-record, videotape, and broadcast public meetings is not be dependent upon the prior approval of the public body.<sup>85</sup>

### **Sound Recordings of Public Meetings**

Every meeting of a public body that is a state licensing board, state commission panel, or state rule-making board, except a meeting or part of a meeting held in closed session, [must be recorded in a manner that allows for the capture of sound](#), including, without limitation, in any of the following formats:

- a. A sound-only recording.
- b. A video recording with sound and picture.
- c. A digital or analog broadcast capable of being recorded.

The recording made under this provision must be maintained for a minimum of one year from the date of the meeting in a format that can be reproduced upon a request under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.<sup>86</sup>

---

<sup>78</sup> See OAG, 2021-2022, No 7318.

<sup>79</sup> MCL 15.263(5).

<sup>80</sup> *Lysogorski*, 256 Mich App at 302.

<sup>81</sup> OAG, 1979-1980, No 5716, p 812 (June 4, 1980).

<sup>82</sup> OAG, 1977-1978, No 5310, p 465, 468 (June 7, 1978).

<sup>83</sup> MCL 15.263(1).

<sup>84</sup> OAG, 1987-1988, No 6499, p 280 (February 24, 1988).

<sup>85</sup> MCL 15.263(1).

<sup>86</sup> MCL 15.269a. This Section is effective as of 91 days after adjournment of the 2022 regular session.

## 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>87</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>88</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>89</sup>

### When Must the Minutes be Approved

Minutes must be approved at the board's [next meeting](#).<sup>90</sup> Corrected minutes must show both the original entry and the correction (for example, using a "striketrough" 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>91</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>92</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>93</sup> An

---

<sup>87</sup> MCL 15.269(1).

<sup>88</sup> Informational letter to Representative Jack Brandenburg from Chief Deputy Attorney General Carol Isaacs dated May 8, 2003.

<sup>89</sup> MCL 15.269(3).

<sup>90</sup> MCL 15.269(1).

<sup>91</sup> OAG, 1985-1986, No 6365, p 288 (June 2, 1986). This, of course, triggers the need for more closed session minutes.

<sup>92</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>93</sup> OAG, 1999-2000, No 7061, p 144 (August 31, 2000).

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>94</sup> As part of the closed session minutes, the audiotape may also only be disclosed if required by a civil action filed under sections 10, 11, or 13 of the [OMA](#).<sup>95</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>96</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>97</sup>

## **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>98</sup>

### **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 convenes, the board members in attendance may receive reports and comments from the public or staff, ask questions, and comment on matters of interest, but may not make any decisions.<sup>99</sup>

---

<sup>94</sup> *Kitchen v Ferndale City Council*, 253 Mich App 115; 654 NW2d 918 (2002).

<sup>95</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>96</sup> *Kitchen v Ferndale City Council*, 253 Mich App 115; 654 NW2d 918 (2002).

<sup>97</sup> *Willis v Deerfield Twp*, 257 Mich App 541, 554; 669 NW2d 279 (2003).

<sup>98</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.

<sup>99</sup> OAG, 2009-2010, No 7235 (October 9, 2009).

## What is the Quorum?

To determine a quorum for any given board, look to the statute, charter provision, or ordinance creating the board in question. On the state level, the Legislature in recent years has set the board quorum in the governing 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 there are 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>100</sup> But 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>101</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>102</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>103</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>104</sup>

## Expired-term Members

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

---

<sup>100</sup> See OAG, 1977-1978, No 5238, p 261 (November 2, 1977).

<sup>101</sup> See OAG, 1979-1980, No 5808, p 1061.

<sup>102</sup> MCL 8.3c. *Wood v Bd of Trustees of the Policemen & Firemen Retirement Sys of Detroit*, 108 Mich App 38, 43; 310 NW2d 39 (1981).

<sup>103</sup> RRONR (10th ed), p 337-338.

<sup>104</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.



appointed and qualified, and so could be counted for quorum purposes and be permitted to vote.<sup>105</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>106</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.

## Voting

- Abstain – To "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>107</sup>
- Adjourning the meeting – A presiding officer cannot arbitrarily adjourn a meeting without first calling for a vote of the members present.<sup>108</sup>
- Chairperson voting – Unless a contrary controlling provision exists, all board members may [vote](#) on any matter coming before a board.<sup>109</sup> If a board's presiding officer votes on a motion and that vote is tied, the presiding officer cannot then vote again to break the tie unless explicitly authorized by law.<sup>110</sup>
- Expired-term members – To determine when a member's term expires, look first to the statute, charter provision, or ordinance creating the public body. 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

---

<sup>105</sup> OAG, 1979-1980, No 5606, p 493 (December 13, 1979), citing *Greyhound Corp v Pub Serv 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).

<sup>106</sup> OAG, 1985-1986, No 6405, p 429, 430 (December 9, 1986), citing *Clark v Detroit Bd of Educ*, 112 Mich 656; 71 NW 177 (1897).

<sup>107</sup> RRONR (10th ed), p 390-395.

<sup>108</sup> *Dingwall v Detroit Common Council*, 82 Mich 568, 571; 46 NW 938 (1890).

<sup>109</sup> See OAG, 1981-1982, No 6054, p 617 (April 14, 1982).

<sup>110</sup> *Price v Oakfield Twp Bd*, 182 Mich 216; 148 NW 438 (1914).

holding over after his or her term expires may [continue](#) to act until a successor is appointed and qualified.<sup>111</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>112</sup>
- Majority – The term “majority” means “more than half.”<sup>113</sup> For example, on a 15-member board, eight members constitute a majority.
- Proxy voting – The OMA requires that the deliberation and formulation of decisions effectuating public policy be conducted at open meetings.<sup>114</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>115</sup> Without explicit statutory authority, this [practice](#) is not allowed.<sup>116</sup>
- Roll call vote – There is no bright line rule for conducting a [roll call vote](#).<sup>117</sup> However, the following may be helpful in conducting such a vote. One, 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. Two, if board members are participating by teleconference where permitted by law, a roll call will permit the secretary to accurately record the entire vote. Three, when the board is acting on matters of significance, such as, contracts of

---

<sup>111</sup> OAG, 1979-1980, No 5606, p 493 (December 13, 1979), citing *Greyhound Corp v Pub Serv 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).

<sup>112</sup> 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).

<sup>113</sup> RRONR (10th ed), p 387.

<sup>114</sup> *Esperance v Chesterfield Twp*, 89 Mich App at 464, citing *Pranger*, 83 Mich App 197; 268 NW2d 344 (1978).

<sup>115</sup> 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.

<sup>116</sup> 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.”

<sup>117</sup> “The fact that the Open Meetings Act prohibits secret balloting does not mean that all votes must be roll call votes.” *Esperance*, 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.

substantial size or decisions that will have multi-year impacts, a roll call vote is the best choice.

- Round-robin voting – This term 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 OMA.
- 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>118</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>119</sup> Because 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>120</sup>
- Tie vote – A tie vote on a motion means that the motion did not gain a majority. Thus, the motion fails.<sup>121</sup>

---

<sup>118</sup> See MCL 15.262(d) and 15.263(2) and (3).

<sup>119</sup> OAG, 1977-1978, No 5262, at p 338-339.

<sup>120</sup> *Esperance*, 89 Mich App at 464.

<sup>121</sup> *Rouse v Rogers*, 267 Mich 338; 255 NW 203 (1934). RRONR (10th ed), p 392.