



**City of New Buffalo
224 W. Buffalo Street
New Buffalo MI 49117
CITY COUNCIL SPECIAL MEETING
July 13, 2022 at 5:00 p.m.**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Approval of Minutes – June 20, 2022
6. New Business
 - a. Dickenson Wright Interview
 - b. Foster Swift Interview
7. Public Comment
8. Council Comments
9. Adjournment

Mayor Humphrey called the meeting to order at 6:30 p.m.

Pledge of Allegiance was led by the council.

Roll Call: Council members Flanagan, Robertson, Lijewski, Mayor Humphrey

Absent: Council member O'Donnell

Staff Present: City Manager Watson, City Clerk; Amy Fidler

Approval of Agenda: Motion by Council member Flanagan, seconded by Council member Lijewski to approve the agenda:

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Mayor Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

Approval of Consent Agenda: Motion by Council member Flanagan, seconded by Council member Lijewski to approve the consent agenda:

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Mayor Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

Public Comment:

Nick Holevas

Public Hearings

2022-2023 Millage Rate Public Hearing

Mayor Humphrey opened the 2022-2023 Millage Rate public hearing at 6:30 p.m.

Public Comment: None

Mayor Humphrey closed the 2022-2023 Millage Rate public hearing at 6:35 p.m.

2022-2023 Fiscal Year Budget Public Hearing

Mayor Humphrey opened the 2022-2023 Fiscal Year Budget public hearing at 6:35 p.m.

Public Comment: None

Mayor Humphrey closed the 2022-23 Fiscal Year Budget public hearing at 6:37 p.m.

New Business

2022-2023 Millage Rates: Motion by Council member Robertson, seconded Council member Flanagan to approve that the City Council establishes the requested millage rates for the City of New Buffalo for the period of July 1, 2022 through June 30, 2023 as presented:

Roll Call Vote:

AYES: Council members Flanagan, Lijewski, Robertson, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 4-0.

2022-2023 Fiscal Year Budget: Motion by Council Member Robertson, seconded by Council member Flanagan to approve the adoption of the annual budget for the fiscal year 2022/23:

Roll Call Vote:

AYES: Council members Lijewski, Robertson, Flanagan, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 4-0.

Water and Sewer Rates: Motion by Council member Lijewski, seconded by Council member Flanagan to approve updating the existing schedule of water and sewer rates as presented by Baker Tilly Municipal Advisors, LLC effective August 1, 2022:

Roll Call Vote:

AYES: Council members Robertson, Lijewski, Flanagan, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 4-0.

Planning Commission Request Resolution (Zoning Board of Appeals): Motion by Council member Flanagan, seconded by Council member Robertson to approve the planning commission request resolution to reducing the Zoning Board of Appeals from seven members to five members:

Roll Call Vote:

AYES: Council members Robertson, Lijewski, Flanagan, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 4-0.

Appointment of Hearing Officer: Motion by Council member Flanagan, seconded by Council member Lijewski to table appointing Randy Hyrns as the Hearing Officer for the City of New Buffalo:

Roll Call Vote:

AYES: Council member Flanagan, Robertson, Lijewski, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 4-0.

All-Terrain Vehicle Purchase (Police Department) Motion by Council member Robertson, seconded by Council member Flanagan to table the purchase of a Polaris Ranger XP 1000 NorthStar Premium All-Terrain Vehicle for the Police Department in the amount of \$24,528.64:

Roll Call Vote:

AYES: Council member Robertson, Lijewski, Flanagan, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 4-0.

Dune Walk Reconstruction Payment Requests (TJM Services): Motion by Council member Flanagan, seconded by Council member Lijewski to approve the payment to TJM Services, LLC for Pay Requests in #1 and #2 in the amount of \$249,210.:

Roll Call Vote:

AYES: Council member Lijewski, Robertson, Flanagan, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 4-0.

Concrete Installation at the Beach Concessions Building (Stark Solid Concrete): Motion by Council member Robertson, seconded by Council member Lijewski to approve the payment to Stark Solid Concrete in the amount \$17,840 for concrete for concrete work the beach concession building:

Roll Call Vote:

AYES: Council member Flanagan, Robertson, Lijewski, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 4-0.

Concession Agreement – 1st Amendment: Motion by Council member Lijewski, seconded by Council member Flanagan to approve the 1st Amendment to the concession agreement with Kona Dunes Leasing Inc.:

Roll Call Vote:

AYES: Council member Lijewski, Flanagan, Mayor Humphrey

NAYES: Council member Robertson

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 3-1.

Public Works and Water Department Equipment Purchase: Motion by Council member Robertson, seconded by Council member Lijewski to approve the purchase of a flatbed trailer from Trailer Sales of Michigan in the amount of \$9,490.:

Roll Call Vote:

AYES: Council member Lijewski, Robertson, Flanagan, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 4-0.

Dredging Contractor Award – Viking Marine Construction, LLC: Motion by Council member Robertson, seconded by Council member Flanagan to approve awarding the dredge project to Viking Marine Construction, LLC in the amount of \$105,000:

Roll Call Vote:

AYES: Council member Flanagan, Robertson, Lijewski, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 4-0.

First Reading of Ordinance Amendment – Chapter 23 (Rental Housing): Motion by Council member Robertson, seconded by Council member Lijewski to approve the first reading of the amendments to the New Buffalo Code of Ordinances – Chapter 23 (Rental Housing):

Roll Call Vote:

AYES: Council members Robertson, Lijewski, Flanagan, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 4-0.

Amended Pokagon Fund Request - Dune Walk Reconstruction: Motion by Council member Flanagan, seconded by Council member Lijewski to approve requesting an extension from The Pokagon Fund for the September 2020 grant and amending the request from \$110,000 to \$286,092 to cover the funding shortfall:

Roll Call Vote:

AYES: Council member Robertson, Lijewski, Flanagan, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 4-0.

360 Risk Management Consulting Agreement: Motion by Council member Lijewski, seconded by Council member Flanagan to approve entering into a 3-month trial by Consulting Agreement with 360 Risk Management for Human Resource and Risk Management Services in the amount of \$6,270. Additionally, staff is authorized to execute the necessary documents related to this agreement:

Roll Call Vote:

AYES: Council member Flanagan, Lijewski, Mayor Humphrey

NAYES: Council member Robertson

ABSENT: Council member O'Donnell

ABSTAINED:

Motion Carried, 3-1.

Discussions

Marquette Greenway Contribution- Marcy Hamilton, representative from the Southwest Planning Commission updated the council on the Marquette Greenway Project fundraising campaign, which starts next month. They are hoping that the City Council could inform them in the next month or two on how much they could contribute. They are hoping to bid project out by the end of the year and hoping to start the project in Spring of 2023.

City Attorney Proposals- City Manager Watson received two proposals for City Attorney Dickinson Wright/Foster Swift. He suggested the council have a special meeting in July before the Regular July meeting to hold interviews with the two firms with the full council present. At the Regular July meeting the council would consider the proposals and entertain a recommendation for City Attorney.

Adjournment: Motion by Council member Flanagan, seconded by Council member Robertson to adjourn the meeting at 7:28 p.m.:

Roll Call Vote:

AYES: Council members Robertson, Lijewski, Flanagan, Mayor Humphrey

NAYES:

ABSENT: Council member O'Donnell

ABSTAIN:

Motion Carried, 4-0.

af

John Humphrey, Mayor

Ann M. Fidler, City Clerk



Materials Prepared for:

City of New Buffalo



ROGER SWETS

Member

Dickinson Wright PLLC

200 Ottawa Ave. NW, Ste. 1000
Grand Rapids, MI 49503

Tel: 616-336-1043

Email: RSwets@dickinsonwright.com

DICKINSONWRIGHT.COM

ARIZONA CALIFORNIA FLORIDA ILLINOIS KENTUCKY MICHIGAN NEVADA OHIO TENNESSEE TEXAS WASHINGTON DC TORONTO

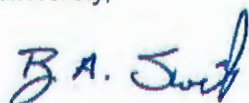
We would like to thank you for allowing us to present our expertise to the City. We have appreciated the opportunity to serve the City as special counsel from time to time and look forward to the possibility of providing services to the City as City attorney.

Founded in 1878, Dickinson Wright is a full-service law firm headquartered in Detroit, Michigan with six offices in the State of Michigan. With more than 475 lawyers serving clients from nineteen offices in the United States and Canada, our attorneys cover more than 40 practice areas and industries. Although founded in Detroit, we now have more than 200 lawyers in our 6 Michigan locations and work for clients in every corner of the state. We have a proud history of diversity and inclusion, client service, and a longstanding tradition of excellence. From our founding in Detroit to our expansion across North America, the firm has evolved and prospered by focusing on our clients while staying on the leading edge of legislative and technological developments.

We believe that as a firm we more than meet the qualifications stated in the RFP ("Request for Proposal"). Each attorney listed in our proposal is a member in good standing of the Michigan State Bar Association.

As a Member of the firm I am legally authorized to bind the firm to a contractual relationship with the City and to submit this proposal. Again, thank you for the opportunity to demonstrate our value to the City, and I look forward to our continued partnership.

Sincerely,



Roger A. Swets
Member/Partner
Dickinson Wright PLLC

PROPOSAL CONTENT

Business Organization

The name of our firm is Dickinson Wright PLLC. Our headquarters are located in Detroit, Michigan, at 500 Woodward Avenue, Suite 4000, Detroit, Michigan 48226. The firm has nineteen offices across the United States and Canada, including six offices in Michigan:

Ann Arbor 350 S. Main Street Suite 300 Ann Arbor, MI 48104	Detroit 500 Woodward Avenue Suite 4000 Detroit, MI 48226	Grand Rapids 200 Ottawa Ave., N.W. Suite 1000 Grand Rapids, MI 49503-2427
Lansing 123 W. Allegan Street Suite 900 Lansing, MI 48933-1816	Saginaw 4800 Fashion Square Blvd. Suite 300 Saginaw, MI 48604	Troy 2600 W. Big Beaver Rd. Suite 300 Troy, MI 48084-3312

Dickinson Wright PLLC is a professional limited liability company, formed under the Michigan Limited Liability Company Act, to carry on the practice of law.

Applicable Experience

History and Description of the Firm

As mentioned above Dickinson Wright was founded in 1878 and has a longstanding commitment to the practice of law in Michigan. Firm lawyers were involved in drafting both of Michigan's constitutions and many firm lawyers have gone on to prominent positions in the judiciary and government. The firm moved into its current headquarters in 1992, and from 1996 through 2000 expanded into other offices in the State of Michigan. Beginning in 1978 the firm began to expand nationwide to the point where it now has 19 offices in the United States and Canada. At the same time, Dickinson Wright has upheld its commitment to Michigan where it has based its municipal law and finance practice serving governments in Michigan at every level.

The firm is governed by a Governing Board that is responsible for the establishment of general policies of the firm, and its Chief Executive Officer (CEO) and his or her appointed deputies are responsible for implementing those policies. Division Directors for five broad areas of law are appointed by the CEO. Each

attorney at the firm is assigned to one of the five divisions, which are each divided into specific practice groups and led by Practice Group Chairs. The five divisions are:

1. Transactional
2. Litigation
3. Regulatory & Administrative
4. Intellectual Property
5. Industries

Each Division Director is responsible for the overall management and supervision of legal services provided by each attorney – including associates – and legal assistants assigned to their division. They are expected to oversee the assignment of work to attorneys with the requisite skill and experience to meet the client's needs and to monitor workloads within the department.

In addition to our public sector practice, Dickinson Wright has over 40 areas of legal practice, including the practice areas identified on Exhibit A.

General Municipal Counsel Experience:

The lawyers at Dickinson Wright have represented public sector clients in a variety of matters and contexts for decades, from general public sector governing matters and public finance issues, to defense of a wide variety of litigation matters. We serve as both general and special counsel to municipalities and other public entities at every level of Michigan government. We have demonstrated over time that our professional services in this area are of the highest caliber and set us apart from our competition.

Dickinson Wright has an unparalleled commitment to representing governments and governmental officials and entities, serving as general counsel and as special counsel. Firm clients range from the State of Michigan and several state authorities, to large inter-governmental utilities, to communities with populations of less than 1,000. We also have unmatched depth and breadth of municipal experience. With lawyers throughout the firm in a variety of specialties serving its many municipal clients, we can draw upon the right skill for any given matter or issue. Our municipal lawyers meet at least monthly to address various matters of municipal concerns such as new statutes or regulations, recent court decisions, concerns or issues encountered in discussions with clients, state and national news items of interest, etc. These conversations are richly laden with personal experiences, relating insights gained from "inside" conversations with the persons involved, historical background, and other insights other firms are unable to match.

Some firms focus on sophisticated issues, such as municipal finance, utilities, and large economic development projects, but serve as general counsel for few, if any, local governments. Other firms may

focus on serving as general counsel and defer to others for more specialized representation. We are a major law firm that provides elite-level client service in more than 40 areas of law, which gives our clients the advantage of our unmatched depth and breadth of municipal expertise. No matter what issues our clients face, we can draw upon the right experience to meet the challenge, and do so in creative and cost-effective ways that our competition cannot.

Dickinson Wright will always maintain the highest moral and ethical standards in dealing with all legal matters for the City. As a public sector organization, we appreciate that the City may sometimes face a variety of pressures and concerns and yet is expected to be an exemplar of integrity. Dickinson Wright is aware of its obligation and duty to provide objective and appropriate legal advice outlining the advantages, disadvantages, and strategy to be taken into account to reach the City's goals in addressing legal matters, regardless of any political pressures involved. One of our firm's distinguishing features is the ethical integrity of its members and reputation for providing candid, objective advice while being sensitive to the political realities which our public sector and non-profit clients face.

Labor Services Experience:

The Firm handles every single legal aspect in this area, including coordination of such policies with CBA's, third party provider/employers, and all applicable federal and state laws. This includes representation with respect to, the MPSERS, ACA, FMLA, ADA, Bullard –Plawecki, PERA, Elliott-Larsen, Whistle Blower Protection, Right to Work, NLRB Regulation, dual employment or joint employer rules, IRS tests, First Amendment rights, minimum wage laws, wage deduction laws, Pension Plan/403B/457 compliance, personnel records, resignations, terminations, lay-offs, leaves, job descriptions, confidential employees, salary/hourly distinctions, overtime avoidance, oaths of office, incompatible offices, conflict of interest, moonlighting, schedule positions, volunteers, authority parameters, examinations, screening, last chance agreements, progressive discipline, written versus oral discipline, background checks, licenses, dress, conduct and communication codes, job creation ownership, use of employer facilities/conveniences, gender identification issues, certifications, continuing education, merit pay, bonuses, prevailing wage, worker compensation, wages and hours, fringes, leaves, insurance (life, health, disability, dental, etc.) and immigration issues.

There is no aspect of labor & employment law that we do not handle, no matter what kind of statute or standard is involved. Whether an at will, for cause, arbitrary and capricious, progressive discipline or contractual standard is involved and whether or not in a court or before an agency or arbitrator, we regularly counsel our client on how to properly and successfully handle and resolve employee discipline and prevent another occurrence. We also know how to handle this issue in the context of third party employed and provided personnel so as not to render our clients a "joint-employer" and yet able to control a quality workforce. We have orchestrated numerous resignations, leaves and settlements in lieu of or in avoidance of terminations and claims of wrongful discharge. We routinely coordinate such matters with

reference to applicable CBA's, other contracts and applicable laws and applicable district policy. We prepare all corresponding documents, resolutions and settlements, whichever the case may be.

Bond Counsel Experience:

Dickinson Wright entered the field of municipal law and public finance in 1958. Today, we are a nationally recognized bond counsel firm and our opinions are accepted in all significant bond and securities markets in connection with tax-exempt and taxable financings of all sizes and types by state and local issuers of all sizes and sophistication. Over the years, we have been involved as bond counsel with all facets of financing of municipal projects and programs in the State of Michigan for cities, townships, building authorities, county road commissions, counties, villages, various tax increment authorities, drainage districts, school districts, public power agencies and the like. This experience has included acting as bond counsel for numerous capital improvement bonds, refunding bonds, general obligation bonds, revenue bonds, special assessment bonds, tax increment bonds, energy conservation bonds and notes, building authority bonds, transportation bonds, county road notes, installment purchase financings, drain bonds, school district bonds, tax and state aid anticipation notes, local hospital authority bonds and economic development corporation bonds.

Dickinson Wright is one of the two firms in the State of Michigan with broad experience dating back more than five decades in acting as bond counsel to Michigan's governments at all levels. Since the beginning of 2021, Dickinson Wright has worked on over \$4,593,329,390 of municipal finance transactions.

In particular, representation of cities is a central focus of Dickinson Wright's bond counsel practice. We represent cities across the state of Michigan, from small cities to cities as large as Grand Rapids. Since the beginning of 2021 we have acted as bond counsel for more than \$346,420,000 of issues for cities in Michigan, including issues for the City of Grand Rapids, Port Huron, Holland, St. Joseph, Grand Haven, Wyoming, Auburn Hills, Greenville, Bloomfield Hills, Saginaw, Owasso, Hamtramck, and East Grand Rapids, to name a few.

Dickinson Wright's bond counsel services include tax expertise that is second to none. Our practice includes a nationally known expert in complex tax issues involving tax exempt bonds; the City will not need to employ outside special tax counsel for these financings if Dickinson Wright is selected as bond counsel and will receive the most sophisticated analysis for its projects. During the course of prior transactions, we have worked with many of Michigan's municipalities and their municipal advisors in developing and implementing tax approaches to help our clients achieve their goals. Dickinson Wright has also successfully submitted private letter ruling requests to the IRS on behalf of Michigan issuers and has successfully obtained favorable IRS private letter rulings for our clients.

Please find a list of the comprehensive municipal, labor and public finance specialties on Exhibit B.

Attorney Identification

At Dickinson Wright we approach our municipal practice as a team, with each of us developing particular sub specialties and working together to achieve our clients goals. We propose a team of attorneys from our Grand Rapids office to be assigned to the City. These attorneys include:

Thomas Forshee | Of Counsel | Michigan Municipal Law, Land Use and Telecommunications

Ronald Bultje | Member/Partner | Michigan Municipal Law, Labor & Employment

Roger Swets | Member/Partner | Michigan Public Finance and Municipal Law

Rock Wood | Of Counsel | Michigan Municipal Law, Real Estate, Land Use Planning and Litigation

Jessica Wood | Member/Partner | Michigan Municipal Law, Public Finance, Elections Law

Davina Bridges | Associate | Michigan Municipal Law and Litigation

John Weiss | Associate | Michigan Municipal Law

Assigned Attorneys

Thomas Forshee | Of Counsel | Grand Rapids



Tom has been in practice for 13 years focusing on Michigan municipal law and land use matters. After graduation from the Michigan State University College of Engineering, he started his career as an engineer and manager at General Motors Corporation. While attending law school, Tom clerked at the Michigan Court of Appeals for the Honorable Janet T. Neff, Ingham County Circuit Court for the Honorable Paula J.M. Manderfield, Michigan Department of Environmental Quality, and City of Grand Rapids Law Department. Previous to joining the firm, Tom served as an Assistant City Attorney for the City of Grand Rapids Law Department for over 8 years taking lead on a wide variety of municipal topics. Tom's experience includes drafting all types of contracts, leases, bylaws, resolutions, policies, and municipal ordinances. He has a special focus on contracts, zoning and land use, historic preservation, and telecommunications. He also has extensive experience counseling municipal clients on FOIA issues, Open Meetings Act issues and parliamentary procedure.

Tom received his J.D. from Michigan State University College of Law and has been practicing for 13 years. Tom is a member of the Public Corporation Law Section of the State Bar of Michigan and the Michigan Association of Municipal Attorneys.

Roger Swets | Member | Grand Rapids



Roger practices in the area of municipal and public sector finance law, acting as bond counsel to a wide range of public entities. He serves as bond counsel to a wide variety of cities, villages and townships and has extensive experience with many issues that face municipalities, including special assessments, taxation, water and sewer utility systems City Charters, FOIA and OMA issues. Roger represents numerous downtown development authorities, tax increment finance authorities, and local development finance authorities throughout the state of Michigan. He has represented them in the development of their development and tax increment plans and worked with them with respect to major redevelopment projects. He has drafted and reviewed utility ordinances for multiple clients and authorities. He has particular experience in coordinating the efforts of the various authorities within communities, structuring the security for tax increment financings and working on public private cooperation in these financings.

Roger received his J.D. from the University of Michigan Law School and has been practicing for 32 years and has a Martindale Hubbard rating of AV. Roger is a member of the Public Corporation Law Section of the State Bar of Michigan and the Michigan Association of Municipal Attorneys.

Ronald Bultje | Member | Grand Rapids



Ron's practice is concentrated in the areas of municipal law and labor relations. He represents numerous municipalities throughout Michigan's Lower Peninsula. He has extensive experience in advising legislative bodies, planning commissions, and zoning boards of appeal. In representing municipalities, Ron provides a full array of services, including advice on contracts, assisting with utility rate studies, intergovernmental relations, land transfers, governmental powers and authority, land use and zoning, utilities, millage matters, the Open Meetings Act, and the Freedom of Information Act. He also has participated in collective bargaining negotiations, unfair labor practice hearings, arbitration hearings, and unemployment hearings. Ron has also provided counsel to municipalities and private sector employers regarding fair employment practices.

Ron received his J.D. from the University of Michigan Law School and has been practicing law for 43 years and has a Martindale Hubbard rating of AV. Ron is a member of the Public Corporation Law Section of the State Bar of Michigan and the Michigan Association of Municipal Attorneys.

Rock Wood | Of Counsel | Grand Rapids



Rock has over 30 years of legal experience. He has addressed a broad range of projects and cases on behalf of many types of clients, including both large and small corporations (both public and private), public universities, State government entities, licensed professionals, insurance companies, corporate officers, and individuals. His practice experience has involved matters pertaining to contract matters, mergers and acquisitions, real estate, municipal concerns and construction, among others. In addition to litigation, his practice has included counseling clients on a variety of topics, both of a day-to-day business nature as well as complex matters, with the goals of improving processes/procedures, avoiding litigation, and addressing the client's operational needs. His efforts have been recognized by Best Lawyers in America, Michigan Super Lawyers, and Top Gun legal counsel recognition by the Michigan Department of Attorney General.

Rock received his J.D. from University of Michigan Law School and has been practicing for 34 years and has a Martindale Hubbard rating of AV.

Jessica Wood | Member | Grand Rapids



Jessica has been in practice for over two decades, focusing on Michigan municipal law for the past 19 years. A Grand Rapids native, she migrated to Oregon for law school and began her practice in Eugene and Portland with a focus on environmental and land use law. After returning home in 2000, Jessica clerked at the Michigan Court of Appeals before joining Law Weathers' municipal law group in 2003.

Jessica focuses on general municipal law and municipal finance, the latter as bond counsel and underwriter's counsel. She serves as the City Attorney for multiple Michigan municipalities and authorities, including as the City Attorney for the City of Benton Harbor during its financial restructuring under Michigan's Emergency Manager Law. Her experience includes drafting ballot language and Charter amendments, establishing and advising various taxing authorities including DDA, CIAs, LDFAs and Brownfield Authorities, and assisting with the establishment of special assessment districts, tax increment financing authorities and economic development districts. She also has extensive experience counseling municipal clients on FOIA issues, Open Meetings Act issues and parliamentary procedure. Most recently she served as the Director of Municipal Affairs for the City of Grand Rapids City Attorney's office. Jessica is well versed in tax increment financing, land use and zoning, parliamentary procedure, the Open Meetings Act, the Home Rule City Act, and FOIA, as well as a myriad of other laws that affect the day to day operations of a City. She has drafted all types of development agreements and has represented multiple municipal clients in the Michigan Tax Tribunal. Formerly the President of the Humane Society of West Michigan, she also served on the Board of Directors of the Legal Assistance Center for 4 years.

Jessica received her J.D. from the University of Oregon and has been practicing law for 26 years. Jessica is a member of the Public Corporation Law Section of the State Bar of Michigan and the Michigan Association of Municipal Attorneys.

Davina Bridges | Associate | Grand Rapids



As an associate in Dickinson Wright's Grand Rapids office, Davina Bridges focuses her practice on litigation, though she handles municipal, bankruptcy, corporate, and real estate matters as well. Prior to beginning her legal career, Davina was a social worker with the Illinois Child Welfare System.

Davina received her J.D. from Michigan State University in 2021.

John Weiss | Associate | Grand Rapids

Accessibility and Responsiveness: Roger Swets practices out of the Grand Rapids and Ann Arbor offices with a travel time to the city of 20 minutes to 2 hours. Over our tenure with the City we have always made ourselves available to the City when requested and needed. In addition, the development of technology over recent years has allowed us to attend meetings by various electronic means immediately upon request and given the depth of our attorney bench has allowed us to provide the City with continuous coverage whenever needed. As far as responsiveness, we understand that maintaining good communication is absolutely essential and we are accessible by cell phone and email. We respond as soon as possible to requests for service and work under established deadlines including meeting various meeting dates.

Facilities

Dickinson Wright has both the human and physical resources to provide efficient representation and cost savings to the City. All Dickinson Wright offices are fully supported by legal assistants, law clerks, summer and articling students, administrative staff, meeting equipment, resource materials, a library, and conference rooms.

In what has become incredibly important upon the arrival of the COVID-19 pandemic, Dickinson Wright's practice of having sound technological infrastructure and adequate staffing has allowed us to provide clients with continued efficient and innovative legal services. This habit of utilizing some of the most advanced technology available is an integral part of the way we deliver legal services, and we are constantly searching for ways to improve upon the efficiencies we have achieved. As we look to the future and see that remote working will likely continue to be a part of our new normal, our clients have been able to count on Dickinson Wright to be consistent, thorough, accessible, and effective.

The firm uses a broad array of the industry's latest and leading information technology capabilities, including software such as Global Meet and Zoom, to facilitate highly efficient and collaborative lawyer/client relationships. Historically, the delivery of legal services has been via one-way, paper-based communication. Today, our extensive technology-based information and sharing capabilities enable our lawyers to work with clients in an "anytime, anywhere" virtual environment.

The firm can provide a proprietary, secure, web-based extranet that provides 24/7 access to private, real-time information on all aspects of matters, including pleadings, case calendars, and the latest news items from our current awareness and market intelligence subscription, Manzama. In addition, once appropriate and safe, we are also pleased to make available our meeting rooms and facilities, as well as facilities in any of our U.S. locations.

References

Dickinson Wright is proud of its impressive roster of public sector clients. We encourage the City to contact any of the contacts at the municipalities on the list of municipal clients attached. In addition, we would offer the following specific references:

References	Client Contact/Title	Email/Telephone
City of Greenville	George Bosanic City Manager	gbosanic@greenvillemi.org (616) 754-5645
City of Grand Rapids	Eric DeLong Deputy City Manager	edelong@grcity.us Phone: (616) 450-5237
City of Portland	S. Tutt Gorman City Manager	citymanager@portland-michigan.org Phone: (517) 647-2931

Dickinson Wright represents literally hundreds of local units of government so for purposes of efficiency we are attaching at Exhibit C a list of contact information for municipal clients for which the attorneys listed in this proposal work. This list includes clients for whom we serve as general counsel, special counsel and bond counsel. We believe that the best indication of our success is that clients want to work with us and we welcome you to contact any of our clients for inquiry.

Cost Proposal

We propose that general counsel legal services performed for the City by the team identified in this proposal be performed at a blended hourly rate of \$250 per hour.

The work performed under this proposal would not include routine ordinance prosecution. We recommend that the City contract directly with a local firm to handle ordinance prosecution matters.

Specialized legal work that may be required from time to time that is not performed by the team identified in this proposal would be performed at an hourly rate agreed upon by the City and the Firm. Such work would not be undertaken by the firm without the City's agreement regarding the terms and rates for such work.

Bond Counsel Services.

We normally charge a fixed fee for our services as bond counsel. We propose the following fee schedule for bond issues during the term of this proposal:

Principal Amount of Bonds	Fee
\$1,000,000 or less	\$10,000
\$1,000,001 to \$3,000,000	\$10,000 plus .40% of amount of bonds in excess of \$1,000,000
\$3,000,001 to \$10,000,000	\$18,000 plus .25% of amount of bonds in excess of \$3,000,000
Over \$10,000,000	\$35,500 plus .1% of amount of bond proceeds in excess of \$10,000,000

Payment of our fees for services and expenses would be due upon delivery of the bonds and receipt of bond proceeds.

Costs and General Provisions.

From time to time, the firm may incur and/or pay on behalf of the City a variety of expenses arising in connection with legal services such as charges made by courts, government agencies, and service vendors. The firm would expect the City to reimburse the firm to the extent the firm pays such charges on the City's behalf.

The firm will not charge for internal costs of routine copying, telephone, third-party charges for research, faxes, secretarial overtime, mailing, and the like. However, the firm would charge for extraordinary expenses of this type, such as overnight delivery (except when used for our convenience), color printing jobs, copying projects entailing more than 250 pages or that need to be outsourced for which the firm will bill the City at the firm's cost.

The firm will bill the City for travel time to attend meetings at the City Hall and for mileage to and from City Hall. The Firm will not bill for time or expenses to attend conferences, seminars or other sessions for

continuing education or other purposes (e.g., Michigan Municipal League, Michigan Association of Municipal Attorneys, National Institute of Municipal Law Officers, Public Corporation Law Section of the State Bar of Michigan, brownfield conferences, etc.) unless the City specifically directs attendance for a specific purpose and expressly permits that billing in writing.

Additional Information

Clients need value in their legal spend. Value can be defined in many ways, several of which are listed below. Every client has a unique definition of value that is aligned with the key drivers associated with their business strategy. At Dickinson Wright, our fully integrated firm possesses a very lean business model and adds value by approaching client relationships with a one firm, one team philosophy.

Best Municipal Outcomes



We will make it our mission to help serve your community. This means that we think of critical insights, and add value to our clients. We make it our mission to protect your business, and in the unlikely event you are threatened with, or faced with, litigation, we will aggressively protect your interests.

Communication

We believe that clear and routine communication with our clients is the backbone of a good relationship. Communication with respect to client expectations is a critical component of a successful relationship. You call, we answer.

Staffing and Matter Planning

The key to successful engagements is our ability to match resources to a particular matter's demands, neither over- nor under-staffing any project. Value can be as basic as assigning the right lawyer to the right tasks and a corresponding efficiency in the delivery of services. DW lawyers form a core cross-disciplinary team, consisting of a relationship manager and attorneys from each applicable specialty. DW has invested in both technology and staffing resources to help our lawyers better monitor their matters.



Applying Technology

We apply technology to enhance our efficiency and our communication with our clients. Our lawyers are able to work on files from any location. We also have the ability to save all e-mails and their attachments directly to the file concerned, which results in a proper backup of all communication and assists with knowledge management.

Ongoing Education

We are dedicated to providing our clients with every resource available to us. Our lawyers offer ongoing educational resources including both onsite and virtual employee training. We stay up-to-date on new cases and recent changes in the law and provide regular legal alerts. We are also actively involved in a variety of professional organizations that enable us to quickly inform our clients of any trends and developments.



DICKINSON WRIGHT PRACTICE AREAS

TRANSACTIONAL

Administrative & Regulatory

Banking & Finance

- Asset-Based Financing
- Community Development & Tax Credit Finance
- Tax Credit Finance
- Real Estate Finance
- Regulation of Financial Institutions
- Syndicated Lending

Bankruptcy, Restructuring & Insolvency

- Automotive Workouts
- Bankruptcy Court Approved Sales
- Creditor Rights & Bankruptcy Litigation
- Distressed Assets & Business Disposition
- Loan Sales
- Loan Workouts & Restructuring
- Personal Property
- Foreclosure
- Workouts, Restructurings & Foreclosures

Corporate

- Corporate Finance
- Corporate Governance
- Emerging Businesses
- Business Succession
- Minority & Womens Business Enterprises

Data Privacy and Cybersecurity

Employee Benefits & Executive Compensation

- Employee Stock Ownership Plans

Estate Planning & Administration

Government Affairs

Government Contracts

Immigration

Intellectual Property

- Copyrights
- Patents
- Technology Transfers
- Trademarks

Labor & Employment

Mergers & Acquisitions

Native American Law

- Native American Economic Development

Political Law

Private Equity

Public Finance

- Infrastructure and Public-Private Partnerships

Real Estate

- Acquisitions & Dispositions
- Construction
- Energy & Sustainability
- Land Use & Economic Development
- Leasing
- Real Estate Finance
- Real Estate Litigation

Securities

Taxation

- Community Development & Tax Credit Finance
- Opportunity Zones
- State and Local Tax
- Tax Controversy

Technology Transactions

LITIGATION

Antitrust & Trade Regulation

Appeals and Advocacy

Arbitrators, Mediators & Facilitators

Automotive Litigation

Bankruptcy & Restructuring

Class Action

Commercial & Business Litigation

Environmental Litigation

Entertainment, Sports & Media Litigation

- Anti Counterfeiting

Family Law

Government Investigations & Securities Enforcement

- Expert Witness

- Financial Services: Investment Advisors, Mutual Funds and Hedge Funds

- Government Contracts Litigation

- Health Care Enforcement and Investigations

- Internal Investigations: Domestic & International

- International Anti-Corruption and Financial Matters

- Public Company Accounting Oversight Board

- Securities Enforcement: Companies and their Officers and Directors, and Individuals

- White-Collar Criminal Defense

Health Care Litigation

Insurance Litigation

- ERISA Litigation

Intellectual Property

- Copyright Litigation

- ITC Section 337 Enforcement Proceedings

- Patent Litigation

- Post-Grant Proceedings

- Trade Secrets Litigation

- Trademark Litigation

Labor & Employment Litigation

Litigation in Canada

Probate, Trust, & Fiduciary Litigation

Product Liability & Personal Injury

Professional Liability

INDUSTRIES

Automotive & Mobility

- Automotive Corporate Transactions
- Automotive Litigation
- Automotive Workouts
- Autonomous and Connected Vehicles
- Electric Vehicles
- Troubled Suppliers
- USMCA

Aviation Law

Behavioral Health Care

- Innovation and Integration Strategy

Cannabis

Constitutional Law

Construction

- Alternative Dispute Resolution for Construction Industry
- Commercial Construction
- Construction Contract Drafting and Negotiation

- Construction Lending
- Construction Litigation
- Disadvantaged Business Enterprises
- Insurance and Bonding
- Mechanic's Liens
- Public Construction and Procurement
- Residential Construction

Education Law

- Higher Education

Energy & Sustainability

- Mining, Oil, and Gas
- Wetlands and Water Law

Entertainment, Sports & Media

- Entertainment
- Sports
- Media
- Entertainment, Sports and Media Litigation

Environmental

- Environmental Transactions
- Environmental Litigation
- Mining, Oil, and Gas
- Regulatory Compliance
- Site Remediation
- Wetlands and Water Law

Food & Agribusiness

Franchise & Distribution

- Starting a Franchise System
- Growing a Franchise System
- Cross-Border Franchising
- Franchise Dispute Resolution

Gaming & Hospitality

- Alcoholic Beverage Law
- Esports
- Indian Gaming Law

Health Care

- Health Care Antitrust
- Behavioral Health Care
- Health Care Design and Manufacture of Medical Equipment

INDUSTRIES *cont.*

- Distressed Health Care Restructuring
- Health Care Enforcement and Investigations
- Health Care Fraud & Abuse
- Health Care Institutions
- Innovation and Integration Strategy
- **Licensing and Certificate of Need**
- Health Care Litigation
- Physician Health Law
- Health Care Privacy & Security
- Health Care Providers & Suppliers
- Health Care Research and

- Academic Institutions
- Health Care Technology
- Telehealth
- Health Care Transactional

IT & Digital Transformation

Insurance

- Captive Insurance
- Insurance Litigation
- ERISA Litigation

International Practices

- Canada-U.S. Platform
- China & ASEAN Region

- India
- Japan
- South Korea
- Trade & Customs
- USMCA

Nonprofit Organizations

Transportation

- Motor Carrier

EXHIBIT B

LIST OF MUNICIPAL SPECIALTIES

Annexation & boundaries

- Act 425 agreements
- Annexation
- Boundary Commission
- Consolidation
- Detachment

Bankruptcy, creditor's rights

- Claim protection
- Collections
- Priority of claims
- Relief from stays

Charters

- Amendment
- Drafting
- Interpretation
- Revision

Civil rights

- ADA
- Elliott Larsen
- Free Speech
- Law enforcement claims
- Religious freedom

Code enforcement

- Building codes
- Civil infractions
- Injunctions
- Property maintenance
- Prosecution
- Zoning

Condemnation & eminent domain

- Environmental analysis

- Land assembly
- MDOT/USDOT compliance
- Property and business valuation
- Relocation rights
- Rights-of-way

Construction

- Architectural and engineering contracts
- Barrier-free
- Construction contracts
- Contract enforcement
- Financing

Economic development

- Brownfield redevelopment authorities
- CDBG & other grants
- Clean Michigan Initiative
- DDA's, LDFA's and TIFA's
- EDC's
- Industrial development bonds
- Tax abatements
- Tax exempt bonds

Elections

- Ballot proposals
- Caucuses
- Eligibility
- Initiative

- Nominations
- Non-partisan
- Partisan
- Petitions
- Primaries
- Referenda
- Voter registration

Emergency services

- Ambulance
- Cost recovery
- Fire
- First responder
- Public safety departments
- Police

Employee benefits

- Flex spending
- 403(b)
- Section 457
- Health & life insurance
- MERS
- Pensions
- Plan preparation and amendment

Employment and labor

- ADA
- Arbitration
- At-will employment
- Civil rights
- Collective bargaining
- Disability
- EEOC
- Employee benefits
- Employment contracts

EXHIBIT B

LIST OF MUNICIPAL SPECIALTIES

- Elliott Larsen
- Family and Medical Leave Act
- Hiring
- Lay-offs
- Personnel policies and manuals
- Retirement
- Severance pay and benefits
- Termination
- Transfer of functions
- Unemployment compensation
- Veterans preference
- Workers' compensation

Environmental

- Air quality and emissions
- Asbestos
- BEAs
- Brownfields
- Clean Michigan Initiative
- Combined sewer overflows
- Cost recovery
- Dams
- Drinking water
- Due care
- Environmental response
- Groundwater discharge permits
- Great Lakes Initiative
- HAZMAT

- Hazardous waste disposal
- Industrial pretreatment
- Landfills
- NPDES permits
- RAPs
- Sewer separation
- Site assessments (phase I and II)
- Soil erosion and sedimentation
- Solid waste
- Storm sewer regulations
- Underground storage tanks
- Water quality
- Wetlands

Freedom of Information

- Exemptions
- Fees
- FOIA litigation
- FOIA policy preparation
- FOIA responses

Liability

- Contractual provisions to avoid
- Governmental immunity
- Insurance
- Litigation defense
- Risk management

Litigation

- Administrative proceedings

- Condemnation
- Defense
- Federal and state courts
- Injunctive relief
- Michigan Tax Tribunal
- Prosecution

Meetings

- Closed sessions
- Minutes
- Notices
- Open Meetings Act
- Parliamentary procedure
- Quorums
- Special meetings
- Voting

Municipal finance and bonding

- Ballot preparation
- Brownfield redevelopment authorities
- Bonding
- Building authorities
- Contract bonds
- DDAs
- Drain bonds
- EDCs
- Headlee Amendment
- Industrial development bonds
- Installment purchase agreements
- Issuer's counsel

EXHIBIT B
LIST OF MUNICIPAL SPECIALTIES

- Proposal A
- Property taxes
- Refinancing
- Revenue bonds
- Revenue sharing
- Road bonds
- Special assessments
- Tax anticipation notes
- Taxation
- Tax increment financing
- US EDA
- US Rural Development
- Officers**
- Appointment
- Conflicts of interest
- Duties and authority
- Election
- Incompatible offices
- Nominations
- Primaries
- Qualifications for office
- Removal from office
- Vacancies in office
- Write-in candidacies
- Ordinances**
- Codification
- Defense of challenges
- Drafting
- Enforcement
- Referendum
- Revision
- Planning and zoning**
- Enforcement
- Hearing notices
- Master planning
- Permitting
- Public hearing compliance
- Rezoning
- Site plan review
- Special approval use review
- Zoning ordinance preparation and revision
- Property taxes**
- Appeals
- Assessment
- Board of review
- Equalization
- Michigan Tax Tribunal
- State Tax Commission
- Tax abatements
- Real estate**
- Abandonment
- Acquisition
- Condemnation
- Easements
- Environmental concerns
- Foreclosure and forfeiture
- Gifts
- Land contracts
- Lease
- Licenses
- Liens
- Quiet title
- Rights-of-way
- Sale
- Soil erosion and sedimentation
- Wetlands
- Utilities**
- Cable TV
- Easements
- Electric
- Environmental concerns
- Financing
- Groundwater discharge
- Industrial pretreatment
- NPDES permits
- Permitting
- Rates, fees and charges
- Regulation
- Sanitary sewer
- Sewer separation
- Storm sewer
- Water

EXHIBIT C
CLIENT REFERENCES
List of Municipal Clients

The following is a list of the names and contact information for the primary point of contact for municipal clients in the State of Michigan for whom attorneys on the team proposed for New Buffalo have done work, focusing on City's, Villages and Townships. We represent other types of municipal and public entities and further information can be provided on request. Since our municipal work is wide ranging, this list includes clients for whom we serve as general counsel, special counsel, including labor and bond counsel. Special counsel and bond counsel work is performed on an as needed basis.

City of Allegan, Joel Dye, City Manager, (269) 673-5511
City of Bridgman, Juan Ganum, City Manager, (269) 465-5144
City of Buchanan, Heather Grace, City Manager, (269) 695-3844
City of Cedar Springs, Mike Womack, City Manager, (616) 696-1300
City of Corunna, Joe Sawyer, Manager, (989) 743-3650
City of Dowagiac, Kevin Anderson, City Manager, (269) 782-2195
City of East Grand Rapids, Shea Charles, City Manager, (616) 940-4817
City of Eaton Rapids, Marrie Jo Carr, City Treasurer, (517) 237-3809
City of Evart, Pepper Lockhart, City Manager, (231) 734-2181
City of Flushing, Clarence Goodlein, City Manager, (810-659-3130)
City of Grant, Kasey Jernberg, City Manager, (231) 834-7904
City of Grand Haven, Patrick McGinnis, City Manager, (616) 847-4888
City of Grand Rapids, Eric DeLong, Deputy City Manager, 450-5237
City of Greenville, George Bosanic, City Manager, (616) 754-5645
City of Harrison, Tracey Connely, City Manager, (989) 539-7145 x200
City of Hartford, Yemi Akinwale, City Manager, (269) 621-2477
City of Hastings, Sarah Moyer-Cale, City Manager, (269) 945.2468
City of Hudsonville, Patrick Waterman, City Manager, (616) 669-0200
City of Lowell, Mike Burns, City Manager, (616) 897-8457
City of Manton, Jessica Schisser, City Clerk, (231) 824-3572
City of Mt. Pleasant, Mary Ann Kornexl, Finance Director, (989) 779-5381
City of Newaygo, Joh Schneider, City Manager, (231) 652-1657
City of Norton Shores, Mark Meyers, City Manager, (231) 798-4391
City of Plainwell, Erik Wilson, City Manager, (269) 685-6821
City of Port Huron, James Freed, City Manager, (810) 984-9740
City of Portland, S. Tutt Gorman, City Manager, (517) 647-2931
City of Rockford, Thad Beard, City Manager, (616) 866-1537

City of Saline, Colleen O'Toole, City Manager, (734)429-3148
 City of St. Joseph, John Hodgson, City Manager, (269) 985-6325
 City of South Haven, Kate Hosier, City Manager, (269) 637-0753
 City of Whitehall, Scott Huebler, City Manager, (231) 894-4048
 City of Wyoming, Scott Smith, City Attorney, (616) 530-3194
 Dorr Leighton Wastewater Authority, Jeff Milling, Co-Chair, (616) 681-9874
 East Lansing-Meridian Water Sewer Authority, Clyde Dugan, Manager, (517) 337-7535
 Gun Lake Sewer and Water Authority, Larry Knowles, Director, 269-672-5588
 Lakewood Wastewater Authority, Doug Suntken, Superintendent, (616) 374-7110
 Mancelona Area Water/Sewer Authority, James MacQuarrie, Administrator, (231) 587-0744
 North Kent Sewer Authority, Cameron Van Wyngarden, (616) 726-8888
 Kent County, Jeff Dood, Finance Director, (616) 632-7690
 Kent County, Linda Howell, Corporate Counsel, (616) 632-7594
 Grand Traverse County, Dean Bott, Finance Director, (231)922-4780
 Saginaw County, Robert V. Bellman, Administrator, (989) 790-5200
 Allendale Charter Township, Adam Elenbaas, Township Supervisor, (616) 892-3110
 Argentine Township, Dave Lattie, Township Attorney, (810) 603-1000
 Benton Charter Township, Debra Ann Boothby, Treasurer, (269) 925-0616
 Big Prairie Township, David Wright, Supervisor, (231) 689-1385
 Casco Township, Allan Overhiser, Township Supervisor, (269) 637-4441 Ext. 1
 Davison Township, Dave Lattie, Township Attorney, (810) 603-1000
 Dorr Township, Jeff Milling, Township Supervisor, (616) 681-9874
 Fruitport Charter Township, Todd Dunham, Supervisor, (231) 865-3151
 Grand Blanc Charter Township, Dave Lattie, Township Attorney, (810) 603-1000
 Green Lake Township, Marvin D Radtke, Supervisor, 231-276-9329
 Grand Haven Charter Township, William Cargo, Township Manager, (616) 604-6324
 Holland Charter Township, Steve Bulthuis, Township Manager, (616) 396-2345 Ext. 1222
 Hope Township, Arlene Tonkin, Township Treasurer, 269-948-2464
 Laketown Township, Al Meshkin, Township Manager, (616) 335-3050
 Leighton Township, Steve Wolbrink, Township Supervisor, 616-891-8238
 Long Lake Township, Carol Hoffman, Clerk, (231) 946-2249
 Meridian Charter Township, Frank Walsh, Manager, (517) 853-4254
 Olive Township, Todd Wolters, Township Supervisor, (616) 786-9996
 Peninsula Township, Bradley T. Bickle, Township Treasurer, (231) 223-4484

Pere Marquette Charter Township, Gerald Bleu, Township Supervisor, (231) 845-1277 Ext. 222

Plainfield Charter Township, Cameron Van Wyngarden, Manager, (616) 726-8888

Port Sheldon Township, Mike Sabatino, Zoning Administrator/Building Inspector, (616) 399-6121

Robinson Township, Bonnie Hayward, Township Treasurer, (616) 846-2210

Saugatuck Township, Daniel DeFranco, Township Manager, (269) 857-7721 Ext. 105

Spring Lake Township, Gordon Gallagher, Manager, (616) 844-2103

Tallmadge Charter Township, Mark Bennett, Township Supervisor, (616) 677-1248

Yankee Springs Township, Mike Cunningham, Township Clerk, 269-795-9091

Zeeland Charter Township, Tom Oonk, Township Supervisor, (616) 772-6701 Ext. 106

Village of Bear Lake, Cindi McPherson, Village Clerk, (231) 970-2066

Village of Constantine, Mark Honeysett, Village Manager, (269) 435-2085

Village of Lake Isabella, Timothy Wolff, Village Manager, (989) 644-8654

Village of Lake Odessa, Patrick Reagan, Village Manager, (616) 374-7110 ext. 103

Village of Lakeview, Darin Dood, Village Manager, 989-352-6322

Village of Lawton, Lisa Imus, Village Manager, (269) 624-6407

Village of Mackinaw City, Patrick Wyman, Village Manager, (231) 436-5351

Village of Martin, Darcy Doezeema, Village Clerk, (269) 672-7777

Village of Muir, Susan Craft, Village Clerk, (989) 855-2144

Village of Paw Paw, William Joseph, Village Manager, (269) 415-5803

Village of Roscommon, Ron Alden, Village Manager, 989-275-5743

Village of Spring Lake, Christine Burns, Village Manager, (616) 842-1393

Saugatuck Douglas District Library, Ingrid Boyer, Director, (269) 857-8241

Tamarack District Library, Sue Draper, President, 231-972-8518



PROPOSAL TO PROVIDE LEGAL SERVICES TO THE CITY OF NEW BUFFALO

FOSTER SWIFT
FOSTER SWIFT COLLINS & SMITH PC || ATTORNEYS

MICHAEL D. HOMIER

1700 Beltline, N.E., Suite 200

Grand Rapids, MI 49525

616.726.2230

mhomier@fosterswift.com

FOSTERSWIFT.COM



1) Letter of Transmittal

See next page.



Lansing
313 S. Washington Square
Lansing MI 48933

Detroit
333 W. Fort Street – Suite 1400
Detroit MI 48226

Walter S. Foster
1878-1961
Richard B. Foster
1908-1996
Theodore W. Swift
1928-2000
John L. Collins
1926-2001

Webb A. Smith
Scott A. Storey
Charles A. Janssen
Charles E. Barbien
Scott L. Mandel
Michael D. Sanders
Brent A. Titus
Brian G. Goodenough

Matt G. Hrebec
Deanna Swisher
Thomas R. Meagher
Douglas A. Mielock
Scott A. Chernich
Paul J. Millenbach
Dirk H. Beckwith
Brian J. Renaud
Lynwood P. VandenBosch
Lawrence Korolewicz
James B. Doezeema
Anne M. Seuryneck
Michael D. Homier
Scott H. Hogan
Richard C. Kraus
Benjamin J. Price
Michael R. Blum

Southfield
28411 Northwestern Highway – Suite 500
Southfield MI 48034

Holland
151 Central Avenue – Suite 260
Holland MI 49423

Jonathan J. David
Andrew C. Vredenburg
Julie I. Fershtman
Todd W. Hoppe
Jennifer B. Van Regenmorter
Thomas R. TerMaat
Frederick D. Dilley
David R. Russell
Joel C. Farrar
Laura J. Genovitch
Karl W. Butterer, Jr.
Mindi M. Johnson
Ray H. Littleton, II
Jack L. Van Coevering
Anna K. Gibson
Patricia J. Scott
Nicholas M. Oertel

Alicia W. Birach
Adam A. Fadly
Michael J. Liddane
Ryan E. Lamb
Clifford L. Hammond
Matthew S. Fedor
Andrea Badalucco
John W. Mashni
Stefania Gismondi
Leslie A. Abdo
Julie L. Hamlet
Michael C. Zahrt
Gilbert M. Frimet
Stephen W. Smith
Mark T. Koemer
Warren H. Krueger, III
Sarah J. Gabis

Amanda Afton Martin
Steven J. Tjapkes
Jacquelyn A. Dupler
Daniel S. Zick
Scott R. Forbush
Taylor A. Gast
Rachel G. Olney
Tyler J. Olney
Mark J. DeLuca
Thomas K. Dillon
Robert A. Easterly
Robert A. Hamor
Michael A. Cassar
Hilary J. McDaniel Stafford
Emily R. Wisniewski
Amanda J. Demovshek
Lydia H. Kessler

Grand Rapids
1700 E. Beltline NE – Suite 200
Grand Rapids MI 49525

St. Joseph
800 Ship Street – Suite 105
St. Joseph MI 49085

Brandon M. H. Schumacher
Alexander J. Thibodeau
Cody A. Mott
Alaina M. Nelson
Caroline N. Renner
Joseph B. Gale
Sydney T. Steele
DeVaughn J. Swanson
Kaitlyn E. Manley
Kathrine A. Ruttkofsky
Anthony M. Dalimonte
Jim W. Scales
Mariah M. Silverstein
Benjamin C. Dilley

Writer's Direct Phone: 616.726.2230

Reply To: Grand Rapids

Email: mhomier@fosterswift.com

May 2, 2022

Amy Fidler, City Clerk
City of New Buffalo
Office of the City Clerk
224 West Buffalo St.
New Buffalo, MI 49117

Re: RFP Response for Legal Services

Dear Ms. Fidler:

Foster Swift Collins & Smith PC (Foster Swift) is pleased to submit its credentials for consideration to provide Legal Services to the City of New Buffalo (the City).

We have carefully read the RFP request, understand the scope of services to be provided to the City as outlined on pages 4 and 5, and have determined our firm exceeds the minimum qualifications.

Please note in response to specific requirements of the RFP:

- This RFP response and the pricing information contained therein are binding for one hundred twenty (120) days from submission.
- I will be the single-point-of-contact to respond to questions regarding the proposal. I encourage you to reach out by phone or email at your convenience with any questions. My contact information is:

Michael D. Homier
1700 Beltline, N.E., Suite 200
Grand Rapids, MI 49525
616.726.2230
mhomier@fosterswift.com

If awarded this work, Foster Swift does not intend to subcontract any portion. All of the general counsel work and a majority of the specialty work will be completed by attorneys based in the firm's Grand Rapids office.



Foster Swift is well-qualified to provide legal counsel to the City. Presently, the firm's 9-person Municipal Law Practice Group provides general legal and specialty counsel to more than 150 Michigan public entities of all sizes, including several cities, townships, villages, counties, libraries, and other authorities. We have extensive experience in the areas of municipal law, land use and zoning, drafting and enforcement of legislation, administrative matters and legal proceedings, city charter, code enforcement, contract law, environmental issues, federal and state laws, constitutional law, litigation in the Michigan State and County court system, municipal leases, licenses and agreements, public records, as well as the Freedom of Information Act and the Open Meetings Act.

In the role of legal counseling, we pride ourselves on being effective and efficient. A key element to our success is identifying our clients' preferences and establishing clear communication channels and processes. We welcome a meeting to further discuss how we may assist the City.

Sincerely,

FOSTER SWIFT COLLINS & SMITH PC

Michael D. Homier

MDH:jb



2) Executive Summary

- Foster Swift is a full-service law firm that provides effective and efficient one-stop customized service to its clients. A key element to our success is identifying our clients' preferences and establishing clear communication channels and processes.
- Foster Swift is comprised of nearly 100 attorneys and 110 support staff with offices in Grand Rapids, Detroit, Lansing, Southfield, Holland, and St. Joseph.
- All Foster Swift attorneys have a Juris Doctor degree from an American Bar Association accredited law school, possess a valid license to practice law, are in good standing with the State Bar of Michigan.
- Between the 9 members of Foster Swift's Municipal Law Practice Group, the firm represents more than 150 Michigan public entities. We presently serve as general or specialty counsel to the City of Brighton, City of Cadillac, City of Caro, City of DeWitt, City of Fenton, City of Grand Rapids, City of Lansing, City of Mt. Pleasant, City of Potterville, and City of St. Johns.
- Municipalities contend with a wide range of legal issues, and require legal counsel equipped to handle them. We regularly handle the issues identified in the scope of work. Of particular interest to the City of New Buffalo, we have:
 - A strong record of serving as City Attorney and working with City Managers and City Councils to achieve the municipalities' goals and to mitigate risk. Attorneys on our municipal team are well-versed in the areas listed in the RFP.
 - A successful history in defending municipal clients' positions on tax assessment, tax collection and special assessment issues before the Michigan Tax Tribunal, the Michigan Court of Appeals, and Michigan Supreme Court.
 - Strong litigation skills and an impressive track record of handling complex civil litigation, while advancing the goals of the municipality in a cost-effective manner.
 - Developed efficiencies in handling civil and criminal ordinance enforcement to reduce costs for our clients and to seek reimbursement of costs for enforcement.
 - A commitment to continuing education for the benefit of our clients. This includes educating the City Council, Planning Commission, department heads and other City officials about laws and regulations affecting the City.
- Clients can count on our attorneys being accessible and timely. Attorneys are accessible by phone, mobile phone and email during and after business hours. It is our policy that all phone calls are returned within two business hours and emails within four hours. It is often sooner. Because we serve our municipal clients as a group, any one of our municipal attorneys can often assist, even if the primary attorney is unavailable. Clients can count on work product being delivered by the determined due date.
- Foster Swift bills in tenth-of-an hour increments. There is no additional charge to clients for secretarial or technology support. Foster Swift will not need to subcontract out any portion of the work.
- Foster Swift is an equal opportunity employer. The firm's Diversity Committee, established in 1993, is comprised of attorneys, staff, and administrators. We subscribe to the American Corporate Counsel Association's Diversity in the Workplace Statement of Principle and are participating in the Mansfield Rule 2021, a certification program geared to promote diversity in law firms.



Michael D. Homier (Proposed City Attorney)

Municipal & Public Entity; Public Finance – Bond; Zoning & Land Use; Property Tax; Municipal Litigation

Mike Homier focuses his practice in the areas of municipal law, public finance, zoning and land use as well as related litigation including matters before the Michigan Tax Tribunal. Mike serves as general counsel for municipalities throughout Michigan and has extensive experience representing counties, cities, villages, townships, libraries and municipal authorities facing a wide array of different legal challenges. In this capacity, he regularly handles high profile and sensitive issues.

Mike has successfully helped municipalities in the planning and regulation of many commercial and residential developments. In addition to his planning and zoning expertise, he has gained significant experience in public finance and has served as issuer's counsel and bond counsel in several sophisticated projects. To keep on the cutting edge of this ever-changing discipline, Mike is a member of the National Association of Bond Lawyers and is listed in the "Red Book."

Mike is a graduate of the University of Arizona and magna cum laude graduate from Michigan State University College of Law.



Leslie A. Abdoo

Municipal & Public Entity; Zoning & Land Use; Property Tax; Municipal Litigation including Municipal Prosecution

Leslie Abdoo is a shareholder with Foster Swift and advises the firm's public entity clients including cities, townships, counties, villages, libraries, and local health departments on compliance with applicable state and federal laws. Her representative matters include Zoning, Planning and Land Use; Municipal Prosecution; Ordinance Drafting - police power and zoning ordinances including regulations for medical marijuana, wind energy, solar energy, short-term rentals, and broadband internet; Freedom of Information Act (FOIA)

and Open Meetings Act (OMA) Compliance; and Inter-local Agreement Negotiation and Drafting.

She also regularly handles administrative appeals, such as from zoning ordinance interpretations or other administrative agencies.



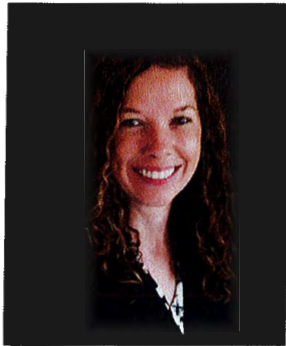
Michael R. Blum

Employment Law; Labor Relations; Arbitration & Mediation

Mike is a shareholder who represents both public and private employers. He has been instrumental assisting several public entities with an array of employment and labor law issues. He represents public employers in all kinds of labor matters, including negotiation of collective bargaining agreements, grievance processing, mediation and arbitration, development and implementation of union campaigns and matters before the NLRB. This includes election and unfair labor practice proceedings. He also defends municipalities before state and federal governmental agencies.



Mike graduated with High Honors from Michigan State University and graduated *cum laude* from Wayne State University Law School. He went to work for the NLRB as a field examiner right out of undergraduate school and became an NLRB trial attorney in 1987, when he finished law school and was admitted to the bar.



Laura J. Genovich

General & Commercial Litigation; Municipal & Public Entity; Election Law; Public Improvements; Zoning & Land Use

Laura is a shareholder who practices municipal law, commercial law, and election law. She works closely with municipal clients on issues related to zoning, election law and campaign finance issues, Freedom of Information Act (FOIA) and Open Meetings Act (OMA) compliance, labor/employment matters, real estate transactions, public finance, marijuana business regulation, and contract drafting and negotiation.

Laura is a seasoned litigator who has represented local governments and private clients in both trial-level and appellate matters. She frequently handles appeals related to contracts, property disputes, zoning and land use issues, special assessments, sewer and water services, and other legal controversies. She has argued before the United States Court of Appeals for the Sixth Circuit, the Michigan Court of Appeals, and has drafted many briefs in the Michigan Supreme Court. She also co-authored a merits-stage brief in the Supreme Court of the United States on behalf of a township client and filed numerous Michigan Supreme Court briefs on municipal law and property tax issues.

Laura graduated *summa cum laude* from Ohio University and Thomas M. Cooley Law School.



Anne M. Seuryneck

General & Commercial Litigation; Municipal & Public Entity; Election Law; Public Improvements; Zoning & Land Use

Anne has been practicing with Foster Swift's Administrative and Municipal Practice Group since her arrival at the firm. She currently serves as the firm President and Chair of the Executive Committee. Her entire career has focused on the representation of municipalities and public entities. Anne has extensive experience in drafting and reviewing ordinances and policies, serving as general counsel, counseling clients on

Freedom of Information Act (FOIA) and Open Meetings Act issues, and working with communities on millage and Michigan Campaign Finance Issues. Anne also has expertise in library law.

To promote her belief that the best legal strategy is a proactive strategy, Anne assists communities with policy drafting and adoption. She is also a frequent speaker at seminars and conferences where the educational focus is on municipal law.

Anne is a graduate of the University of Michigan and the University of Wisconsin School of Law.



3) Firm History

Founded in 1902, Foster Swift Collins & Smith PC (Foster Swift) is a full-service law firm that provides effective, efficient, centralized, and customized service to its clients. The firm is comprised of nearly 100 attorneys and 110 support staff. The firm is designed and maintained with client service as the top priority and is organized into six primary practice areas:

1. Municipal
2. Business and Tax
3. Employer Services (Labor & Employment as well as Workers' Compensation)
4. Financial Institutions, Real Estate and Bankruptcy
5. Litigation
6. Trusts and Estates.

The firm is organized as a Michigan professional corporation and is in good standing with the State of Michigan. Foster Swift is financially solid and enjoys a 1R2 rating from Dun & Bradstreet. In addition to excellent financial reputation, Foster Swift is viewed by employees as an excellent place to work. Over 60 percent of our support staff have been employed by us for over ten years.

Foster Swift's mission is to provide comprehensive, result-oriented legal services to each and every client. The firm's core values are:

- **Integrity.** Upholding the moral and ethical principles of law and society
- **Professionalism.** Treating people with respect, consideration and providing the highest level of client service
- **Skill.** Priding ourselves in our collective ability to provide the level of expertise necessary in any legal scenario
- **Community.** Advancing the quality of the areas in which we work and live
- **Communication.** Creating mutual understanding of our shared goal for client success

All Foster Swift attorneys have a Juris Doctor Degree from an American Bar Association accredited law school, possess a valid license to practice law, and are in good standing with the State Bar of Michigan. Additionally, Foster Swift attorneys have an excellent reputation among public leaders, other counsel, and judges.

4) Respondent Identifying Information

Foster Swift has a statewide presence with offices in Southfield, Detroit, Lansing, Grand Rapids, Holland, and St. Joseph.

If awarded this work, most of the work will be completed from the firm's Grand Rapids office.

GRAND RAPIDS

1700 E. Beltline Ave NE – Suite 200
Grand Rapids, MI 49525
T: 616.726.2200

SOUTHFIELD

28411 Northwestern Highway – Suite 500
Southfield, MI 48034
T: 248.539.9900



LANSING

313 S. Washington Square
Lansing, MI 48933
T: 517.371.8100

HOLLAND

151 Central Ave – Suite 260
Holland, MI 49423
T: 616.796.2500

ST. JOSEPH

800 Ship Street – Suite 105
St. Joseph, MI 49085
T: 269.983.1400

DETROIT

333 W Fort Street – Suite 1100
Detroit, MI 48226
T: 248.785.4725

A. Contact Info

Foster Swift utilizes a team approach with primary client contacts for all of our municipal clients. This allows each attorney in the Municipal Law Practice Group the benefit of the collective decades of expertise our attorneys possess in handling municipal matters of varying degrees of complexity for our municipal clients. If awarded this contract and with City approval, we anticipate that Michael D. Homier will serve as City Attorney and that Leslie Abdoo will serve as Assistant City Attorney and Lead City Prosecutor. Mike will attend meetings as outlined in the RFP, and he will determine which municipal attorney is best suited to complete the work in the most efficient manner based upon the nature of each project.

Contact information:

Michael D. Homier
Foster Swift Collins & Smith PC
1700 Beltline, N.E., Suite 200
Grand Rapids, MI 49525
Phone: 616.726.2230
Fax: 616.726.2290
mhomier@fosterswift.com

B. Experience

Foster Swift is a full-service law firm and has broad experience providing municipal law services and serving as general counsel to more than 150 counties, cities, villages and townships throughout Michigan. As a result of its extensive experience representing public entities, the firm is able to efficiently and effectively anticipate and address the challenges that its municipal clients face. Current clients include the City of Cadillac, City of Mount Pleasant, City of Grand Rapids, City of Potterville, City of Brighton, City of Lansing, and City of DeWitt.

Rather than having to rely exclusively on one individual, the City can draw upon the collective knowledge of a team of municipal lawyers which has:

- Experience in the broad role of corporate counsel and helping public entities address current legal matters;
- Thorough knowledge of parliamentary procedure, Open Meetings Act and Freedom of Information Act compliance, and the scope of authority of elected officials;
- Assisting municipal clients with the challenges that accompany rapid and sustained growth, including zoning and land use issues, issues in providing adequate public safety services, and managing unique opportunities created by public-private partnerships;



- Significant experience assisting with economic development issues, including the establishment and administration of historic districts, special assessment districts, downtown development authorities, Brownfield Redevelopment authorities, tax increment finance authorities, and other municipal tax incentive districts;
- Vast expertise in all areas of public finance, including serving as bond counsel to cities, townships, counties and other state and local issuers for billions of dollars of tax-exempt and taxable municipal bonds and notes;
- Counseled municipalities on options to deal with new laws such as zoning for medical and recreational marijuana;
- Broad experience helping municipalities address the myriad of environmental challenges they face, including local wetland management and the protection of other natural resources located within the municipality;
- Counseling municipal clients in the process and procedure to create, manage and/or terminate inter- local agreements for the benefit of the municipality;
- Assisted department heads pertaining to the scope and enforcement of the Michigan Building Residential and Rehabilitation Codes, including the various national and international codes adopted by reference therein;
- Litigation skills and an impressive track record of handling everything from municipal prosecutions to complex civil litigation while advancing the goals of the municipality cost-effectively;
- A successful track record in defending the municipality's position on tax assessments, tax collection and special assessment issues including successful representation before the Michigan Tax Tribunal and Michigan Court of Appeals; and
- A commitment to continuing education for the benefit of our clients on such issues as policy enforcement, public finance, criminal procedure, and employment.

5) Respondent Proposals

A. Conflicts

After a preliminary conflict check based on the information in the RFP, it appears there are no contractual agreements, relationships, retainers or other employment by the City of New Buffalo, its elected officials, appointed employees, or employees that present a conflict of interest in Foster Swift's representation of the City of New Buffalo. However, Foster Swift does represent New Buffalo Township.

The RFP requests responses to provide non-confidential details so it can be the sole decisionmakers about conflicts. Based on the large number of private as well as municipal clients the firm represents, this is not practical. We are pleased to provide a list of all our current municipal clients upon your request and assure you that prior to beginning any work, Foster Swift will request a complete list of individuals and organizations from the City of New Buffalo to ensure there are no conflicts before starting the engagement. Foster Swift agrees that it will not engage in litigation against the City or represent clients that have interests that are directly averse to the City without informing the City and obtaining written permission to do so in compliance with the Michigan Rules of Professional Conduct.

B. Municipal Experience

As referenced earlier, all Foster Swift attorneys are in good standing with the State Bar of Michigan. In regard to municipal experiences, Foster Swift serves as general counsel or specialty counsel for more than 150 Michigan



cities, counties, villages, townships, libraries, and other authorities and has extensive experience delivering the services identified in the RFP's Scope of Services including:

- Attending City Council, Planning Commission and Zoning Board of Appeals meetings regularly or on an as-needed basis.
- Drafting and reviewing city code of ordinances and charter amendments.
- Drafting and reviewing intergovernmental agreements and articles of incorporation for the formation of district libraries, fire authorities, sewer and water authorities, and other intergovernmental cooperative entities. We understand that each agreement is unique and must fit the needs of our client and its partner communities.
- Conducting contract review and contract negotiations. (The role can be as simple as reviewing documents or as elaborate as heading up a negotiating team.)
- Providing counsel on all aspects of real estate transactions, including property abstract review, rendering title opinions, preparing deeds and easements, drafting sales agreements, reviewing all related documentation, and advising on tax implications.
- Preparing legal opinions on matters requested by the City. This function is often aided by our reference library of prior formal opinion letters. These opinions address questions of authority, statutory and ordinance construction, constitutionality of existing and proposed legislation, conflicts of interest and many other issues.
- Providing legal advice on actions taken or contemplated.
- Interpreting the Michigan Zoning Enabling Act, the Michigan Planning Enabling Act and other laws and regulations applicable to municipalities.
- Recommending legislation to the City Council when appropriate or requested.
- Preparing various legal documents required by the City.
- Representing the City in administrative proceedings before State agencies, including the Michigan Tax Tribunal, and in State and Federal trial and appellate courts.
- Reviewing, drafting, interpreting, and enforcing ordinances, including nuisance, noise, wind energy, solar energy, marijuana, public and private roads, signs, wetlands, adult businesses, liquor licenses, mobile home, water, sewer, and flood plains.
- Reviewing and approving or rejecting complaints on various issues by appropriate City employees alleging ordinance violations.
- Meeting with the City Manager to review items referred to the City Attorney's office and attending City Council, Planning Commission, and other meetings on an as-needed basis.
- Providing monthly time records to the Director of Finance for work performed, and periodic reports to the City Manager on pending litigation.
- Addressing the legal issues involved with providing necessary services, such as police, fire, library, and recreation services.
- Assisting with the establishment and administration of historic districts, special assessment districts, downtown development authorities, Brownfield Redevelopment authorities and other municipal districts. We counsel clients on funding such districts, including tax increment financing and special assessments.
- Advising on METRO Act and cable uniform franchise issues.
- Drafting policies, including purchasing, Freedom of Information Act (FOIA), Open Meetings Act (OMA) and record retention.
- Preparing millage and ballot proposals.

Additionally, all of the attorneys identified in this RFP are admitted to practice in the United States District Court for the Eastern District of Michigan.



One of the biggest values we offer our clients that allows them to keep the municipality running smoothly and to minimize risk is ongoing education and training. This takes on many forms. It may be one-on-one coaching, a webinar, a training video, quarterly e-newsletters, or e-blasts.

Contracting and Procurement

Foster Swift has experience with all aspects of contract drafting. Our municipal attorneys draft and review all types of contracts that a public body would need. For example, with respect to construction projects, we assist with the contracts necessary for every aspect of the project. We handle all the purchase agreements for the property, as well as all the contracts required for the construction, such as the AIA construction manager and architect's contracts. We assist with the procurement process by drafting and reviewing RFPs and municipal purchasing policies. In summary, we have assisted with many municipal projects from inception to certificate of occupancy.

Cybersecurity

Cybersecurity and data protection are issues of increasing concern for municipalities. Regulatory noncompliance, financial and operational disruption, and legal and reputational damage are all real and growing risks for any organization that stores and manages key data on networks that can be compromised by cybercriminals.

We help clients understand and comply with the myriad state and federal statutes and regulations that implicate IT and cybersecurity issues, including Health Insurance Portability and Accountability Act (HIPAA), the Gramm-Leach-Bliley Act, the Telephone Consumer Protection Act (TCPA), CAN-SPAM, the Electronic Communications Privacy Act (ECPA), the Children's Online Privacy Protection Act, the Fair Credit Reporting Act (FCRA), the Federal Trade Commission Act, Sarbanes-Oxley, and states' breach notification laws, to name a few.

The members of our cybersecurity team have extensive experience counseling and advising clients in all aspects of cybersecurity and data protection. Because cybersecurity is a complex issue that requires an interdisciplinary approach, we team with outside information technology experts in connection with both prevention and breach response issues.

Election Law

Foster Swift has a long history of helping clients on laws and rules pertaining to federal and state lobbying, political contributions, political action committees and fundraising. The services of most interest to municipalities are reviewing ballot language for millage proposals and ensuring compliance with Michigan's election and campaign finance laws, in addition to assisting municipal clients during periods of elected official transition.

Freedom of Information Act (FOIA)

Foster Swift provides advice and counsel to public bodies regarding all aspects of Michigan's Freedom of Information Act, 1976 PA 442 ("FOIA"). While public officials are often familiar with and receive training on the basics of FOIA, many FOIA requests involve more complex, nuanced, and sensitive issues that require careful consideration and action. We help our clients respond to requests for public records in an appropriate, timely, and legally compliant manner, while maintaining the confidential nature of information, as appropriate.

Our comprehensive FOIA services include:

- Responding to requests for records.
- Assisting with FOIA appeals.



- Drafting and reviewing of FOIA policies and procedures.
- Assisting in the resolution of FOIA disputes.
- Representing public entities in litigation involving FOIA disputes and alleged violations.
- Training officials on FOIA requirements, including what constitutes a "public record."

Foster Swift FOIA attorneys, through their extensive experience representing these governments and public bodies, have the expertise to help clients uphold their obligations under the FOIA and navigate through the myriad issues that can arise.

Growth Management

Our attorneys have successfully assisted clients in managing the unique challenges and opportunities that accompany a growing community. For example, these include the formation of successful development agreements between a municipality and developer for a large big box mixed use commercial development. In addition, our attorneys have assisted municipal clients regarding the use of Act 425 Agreements in lieu of annexation, to promote healthy growth and development. Further, our municipal clients have benefitted from the development of interlocal agreements between municipalities to serve the health and welfare of the community in an efficient manner.

Land Use and Zoning

Our reputation in land use matters is well known and respected. From annexation to zoning and everything in between, Foster Swift municipal attorneys have the knowledge and experience to advise clients to achieve a successful outcome. We have been directly involved in the following:

- Drafting and reviewing master plans, zoning ordinances and amendments, wetlands regulations, land division ordinances, subdivision regulations, and site condominium ordinances.
- Reviewing complex land division applications.
- Drafting planned unit development ("PUD") agreements and condominium documents.
- Assisting with rezoning, including conditional rezoning.
- Working with clients on growth management measures.
- Counseling clients on variances, site plan approvals, and special use permits.
- Preparing conservation easements and required open space preservation documents.
- Assisting municipalities in navigating the creation of unique opportunities offered through the use of innovative Public-Private Partnerships (P3).

Foster Swift attorneys also work closely with our clients to review specific proposed land developments, especially where the possibility of litigation is more likely. We have extensive experience in the litigation of land use disputes at both the trial and appellate court levels. For example, we successfully defended a zoning ordinance provision regarding the density of subdivisions to prevent overcrowding of a proposed subdivision.

Municipal Prosecution

Foster Swift attorneys recognize and appreciate that each municipality is unique, and we will work closely with you to understand your needs and policies for handling local ordinance prosecutions. We will tailor a streamlined system to efficiently manage cases specific to your values.



Specifically, if awarded this work, Leslie Abdoo would lead all municipal prosecution for the City of New Buffalo. She has assisted several municipalities with municipal prosecution matters (criminal and civil) in the District, Circuit and Appellate Courts.

Our attorneys are creative and ambitious. From a practical perspective, we have helped our clients realize the benefits of utilizing cost recovery ordinances to help off-set the cost of prosecution; we have assisted in the creation, implementation and training of municipal civil infraction ordinances to resolve disputes and collect fines without using the court system, saving time and money; and we work closely with court administration and staff to efficiently handle the case load with court dates reducing court time for our attorneys and law enforcement. Finally, while Foster Swift attorneys have the trial experience required for municipal prosecutions and maintain a good rapport with the judges and staff to keep cases running smoothly, we make every effort to save you time and money by reaching reasonable resolutions in accordance with City's standards.

Open Meetings Act (OMA)

OMA is meant to enhance transparency, but it can create confusion for public bodies. We often find that violations of the OMA are not intentional but may occur due to lack of knowledge about the law's requirements. Foster Swift helps public bodies and officials comply with the requirements of the OMA. Our comprehensive OMA services include:

- Drafting and reviewing OMA policies and procedures.
- Assisting in the resolution of OMA disputes.
- Representing public bodies in litigation involving OMA disputes and alleged violations.
- Training officials on OMA requirements.
- Counseling clients with OMA questions.

While the purpose of the OMA is clear, its application may not be straightforward. However, Foster Swift attorneys not only help public bodies and officials understand the law's requirements but also put compliant processes and procedures in place. Further, we assist our clients in anticipating and resolving OMA issues before they become OMA disputes, helping to reduce strife between government and citizens, conserve resources, and mitigate risks from noncompliance. Foster Swift attorneys have been asked to speak at conferences regarding FOIA or OMA issues by the Michigan Municipal Clerks Association, the Michigan Association of Municipal Attorneys, the Michigan Townships Association, the Michigan Library Association, and the Michigan Municipal League.

Public Services

Foster Swift has significant experience working with clients to provide necessary and cost-effective public services. Whether these services are provided by the City, through intergovernmental agreements, or by participating in an authority, Foster Swift has assisted communities to meet their service goals and effectively work with police, fire, and public works departments.

Foster Swift municipal attorneys have helped many municipalities design and form "authorities" to administer services. Depending upon the circumstances and goals, the results have included improved service to residents, clearly defined management roles and responsibilities, sustainable funding, enhanced financial control, and risk management benefits.



Further, Foster Swift has experience working through common problems that often arise in the provision of these necessary public services. Foster Swift worked with a city to dissolve a fire board and set up alternative fire service. Foster Swift also successfully negotiated a multi-jurisdictional sewer operating agreement as a precursor to a \$22 million sewer expansion project, including key public financing components of the plan.

Real Estate

Foster Swift attorneys have a broad range of experience in successfully handling sophisticated transactions involving real property and construction, including land swaps and land acquisition for infrastructure planning and construction. Our transactional services include drafting and negotiating simple to complex purchase agreements, construction contracts, financing, and lending documents, and resolving title, zoning, utilities, environmental and real estate tax issues.

Our wide range of services, coupled with a passion for personal attention to our clients' needs, have earned the Foster Swift real estate group a reputation for practical, results-oriented value to clients.

Taxation Issues

Our attorneys advise cities on property owners' requests for tax abatements, including requests for industrial facilities tax exemptions (IFTs), obsolete property rehabilitation exemptions, commercial rehabilitation exemptions, Payments in Lieu of Taxes (PILOTs), Low Income Housing Tax Credits (LIHTC) through the Michigan State Housing Development Authority, Neighborhood Enterprise Zones and Renaissance Zones, and other tax exemptions.

Our attorneys are experienced in helping clients collect delinquent property taxes. Among other things, we have assisted municipal clients with personal property seizures; jeopardy assessments; property tax foreclosures and forfeitures; deeds in lieu of foreclosure; civil actions for debt collection; garnishments and writs of execution to enforce civil judgments; disposition of tax foreclosed property; and representing local units in delinquent taxpayers' bankruptcy proceedings.

Specialty Services

In addition to the general municipal areas noted above, Foster Swift also has the experience and depth to handle the more complex aspects of municipal law as described more fully below.

Employment Law

We strongly believe in a proactive approach to municipal employment relations. Proper policies and in-service training can improve employee morale, reduce miscommunication, and reduce potential liability from employment-related claims. Our practice is to work with our clients to address employment issues early when all may benefit from practical, as opposed to purely legal advice.

Members of our Employment Law Practice Group have written books including, *Guide for Employee Handbook Policies*, *HR Essential Guide from Hiring to Termination* and the *Wage and Hour Handbook* for distribution by the Michigan State Chamber of Commerce. The firm's municipal attorneys have followed closely the myriad of legislation passed or amended by the Michigan legislature in past years and are well-equipped to answer questions and develop strategies to take advantage of the protections being afforded to municipalities.



The firm's labor and employment attorneys are sensitive to the needs of public employers in labor relations matters and have been involved since the adoption of the Michigan Public Employment Relations Act in 1965. Unlike the private sector, many labor matters faced by public employers involve special statutes or unique public interest issues that require sensitivity. Through the years, Foster Swift attorneys have developed a unique ability to advocate on behalf of our public employer clients, while maintaining a reasoned perspective on public employer labor relations.

Foster Swift has decades of experience defending and counseling employers, including its municipal clients, in a variety of labor and employment issues including:

- Drafting employment agreements, confidentiality agreements, and severance agreements. We recognize that proper legal counseling is more than document preparation. In cases of severance agreements, we are generally involved in the underlying termination decision itself, provide recommendations for resolution, and prepare clients for any termination conference.
- Successfully defending employers in claims of discrimination based upon gender, race, age, national origin, religion, and disability. Examples of such work include: obtaining a no-cause verdict in a 3-week federal jury trial in favor of the employer in a race and national origin discrimination claim; successfully obtaining summary disposition judgments in favor of the employers for various municipalities and other employers; and resolving matters where appropriate on generally favorable settlement terms.
- Reviewing and drafting employee handbooks, applications, and other employment policies to ensure our clients have up-to-date legal documents and policies. In so doing, we recognize the interplay that employment issues have relative to Freedom of Information Act (FOIA), Open Meetings Act (OMA) and other statutory requirements unique to municipalities and public employers.
- Successfully defending the firm's municipal clients and private sector clients in breach of contract and wrongful discharge claims. One such success included obtaining a judgment in favor of a municipality on a wrongful discharge claim before both the County Circuit Court and the Michigan Court of Appeals.
- Representing public employers in claims for unemployment with the full understanding of the difference that public entities have relative to unemployment compensation funds.
- Assisting employers relative to OSHA and MIOSHA issues regarding preventive actions that can be taken, as well as successfully defending and resolving complaints.
- Regularly counseling employers on wage and hour compliance and defending many wage and hour claims, both before the administrative agencies and circuit courts where private causes of action are brought.
- Regularly counseling employers relative to ADA compliance by drafting policies and providing guidance when its clients face day-to-day accommodation issues. Additionally, the firm has defended many disability lawsuits based upon both federal and state law.
- Guiding its clients to obtain full compliance under the FMLA by both assisting in the policy drafting and the day-to-day counseling. The firm has presented numerous seminars to clients and others on the recent amendments to the FMLA.
- Representing employers regarding OFCCP audits under Executive Order 11246, the Vietnam-Era Veterans' Readjustment Act (VEVRAA) and the Vocational Rehabilitation Act, including implementation and compliance with affirmative action requirements.

Employee Benefits

In addition to our labor and employment law practice, Foster Swift maintains an extensive employee benefits and pension practice that has helped our municipal clients address changes in the law and be well prepared to bargain



over employee benefits and provide general advice regarding employee health and retirement plans. This expertise has allowed Foster Swift attorneys to assess the financial impact of changes in employee benefits, particularly retiree health care issues, and to suggest changes that can offer or preserve coverage while managing costs and avoiding unfunded liabilities.

Tax Tribunal

The attorneys of Foster Swift are highly experienced in matters before the Michigan Tax Tribunal ("MTT") involving property tax assessments and assessment appeals. Our expertise in this area is unparalleled and involves many significant residential, commercial, and industrial appeals. For example, in the City of Lansing, we successfully defended a \$50 million dollar tax appeal in the MTT where the petitioner challenged its property tax assessments. We represented the City of Escanaba in the critical *Menard* "dark store" property tax litigation, which reached the Michigan Supreme Court, and we have filed amicus briefs on behalf of the Michigan Townships Association and other municipal organizations in major cases involving the property tax exemption for charitable institutions.

In addition to our work on tax and special assessment appeals, we provide advice on tax assessments, tax collections, and the establishment of special tax and assessment districts. We also provide advice on industrial facilities tax and other requested abatements or claimed exemptions.

Environmental Law Services

As one of the first law firms in the state to develop an environmental practice, Foster Swift has advised clients and litigated a wide range of federal and state environmental matters. Foster Swift attorneys have advised municipalities on PFAS and PFOS, solid waste planning under Part 115 of the Natural Resources and Environmental Protection Act ("NREPA"), landfill contamination issues, and helped in obtaining reimbursement of environmental response costs.

Serving another need, Foster Swift attorneys have represented clients in matters involving permitting and licensing under the:

- Hazardous Waste Management Act – Part 111 of NREPA.
- Solid Waste Disposal Act – Part 115 of NREPA.
- Michigan Water Resources Act – Part 31 of NREPA.
- Michigan Air Pollution Control Act – Part 55 of NREPA.
- Michigan Wetland Protection Act – Part 303 of NREPA.
- Michigan Inland Lakes and Streams Act – Part 301 of NREPA.
- Michigan Oil and Gas Act – Part 615 of NREPA.

Foster Swift attorneys have worked with municipalities to address land use issues that may impact natural resources. For example, we have worked with municipalities to develop and enforce regulations for mineral extraction, on-site sewer systems, open space preservation, wetland preservation, and wind and solar energy.

Litigation and Appeals Services

Foster Swift's litigation attorneys are known for helping municipalities navigate legal disputes to achieve successful results at a reasonable cost. We know how much our clients hate the time, expense, and uncertainty of litigation so we work to stay within budget, deliver results for our clients, and keep costs within reason. To help



manage cases, we utilize technology for pre-trial discovery, trial preparation, and trial. On top of the unique perspective that litigators provide, we can often help our clients control their risks through carefully drafted contracts and other means of risk management.

In addition to land use and zoning litigation, Foster Swift attorneys frequently defend municipalities in cases involving municipal liability, workers' compensation, and negligence. A considerable portion of our litigation practice involves the representation of municipal governments in litigation involving civil rights claims, constitutional claims, and governmental immunity. Foster Swift attorneys have successfully represented several municipalities against lawsuits alleging improper or defective public works construction. We currently serve as approved counsel for the Michigan Participating Plan.

Foster Swift municipal attorneys have handled appellate litigation for its municipal clients. For example, in the Michigan Supreme Court we successfully defended the right of municipalities to control road access to subdivisions. To reach that result, it was necessary to reverse a contrary Court of Appeals opinion and to narrow the holding in an unfavorable Supreme Court precedent rendered in an earlier case involving another municipality.

C. Major Cases

During the last five years, the firm handled the following major municipal cases:

Cases with Mike Homier as lead attorney:

- *Clam Lake Township v Dept. of Licensing and Regulatory Affairs, State Boundary Comm'n*, 500 Mich 362 (2017)(Annexation and Contract Zoning)
- *Mayor of Cadillac v Blackburn*, 306 Mich App 512 (2014) (Judicial review of Administrative Decisions and Separation of Powers)
- *Lockwood v Township of Ellington*, 323 Mich App 392 (2018) (Open Meetings Act and Ratification)
- *Honigman Miller Schwartz & Cohn LLP v. City of Detroit*, 505 Mich 284 (2020) (Construction of Uniform City Income Tax Ordinance)
- *Haring Township v City of Cadillac*. Supreme Court Case No. 142117; 490 Mich 987 (Appeal related to sanitary sewer service provided to an adjacent township.)

D. Other Relevant Training and Major Cases

Foster Swift municipal attorneys are committed to providing clients the best possible representation on all matters. They are continually investing in their professional development to stay abreast on substantive areas of the law as well as litigation strategies. They regularly participate in programming delivered by the State Bar of Michigan and the Michigan Association of Municipal Attorneys. Because of their expertise and communication skills, they are frequently speakers and authors for the Michigan Municipal League, the Michigan Townships Association, the Michigan Assessors, and other associations.

Regarding litigation, some of the other major cases in which we have been involved:

- *Carroll Road Solar Farm LLC et al v Deerfield Township*, U.S. District Court for the Eastern District of Michigan, Case No. 20-11174. Laura Genovich and Michael Homier successfully defended a



township in a federal court lawsuit challenging the township's interim zoning ordinance. The case involved interpretations of the Michigan Election Law, Michigan Zoning Enabling Act, and Michigan Planning Enabling Act. After the plaintiffs' motion for summary disposition was denied, the plaintiffs voluntarily dismissed their multi-count lawsuit.

- *Marihuana Ordinance Litigation. Laura Genovich and Michael Homier are defending a city client in various appeals and lawsuits filed by unsuccessful adult-use marihuana establishment applicants. One of the lawsuits has already been dismissed on the City's motion, and the City has prevailed in early motions in another action. Two actions remain pending.*
- *Laura Genovich was the lead author of the Michigan Supreme Court amicus briefs on behalf of the Michigan Municipal League, Michigan Townships Association, Michigan Association of Counties, and other municipal organizations in support of a local taxing unit's denial of a charitable property tax exemption to a large fitness facility. Chelsea Health & Wellness Foundation v Scio Township et al. Laura Genovich and Michael Homier also authored a merits-stage amicus brief in the Supreme Court of the United States on behalf of a township client. Salazar v Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians.*

Although not specifically a "case," we have developed broad and deep expertise in the legal issues related to the COVID-19 pandemic, including compliance with emergency orders, local authority to declare a state of emergency and impose local orders under the Emergency Management act, labor and employment concerns, mandatory vaccine questions, Open Meetings Act amendments, CARES Act and other federal statutes and programs, and other issues that arise for our city clients.

6) Client References

Foster Swift can provide many references in addition to those below. The City may contact and interview personnel from the municipalities listed below who received municipal attorney services from Foster Swift. In addition, the City may contact any organization or individual to obtain information that will assist the City in evaluating the proposal, including copies of contracts and/or billing statements from Foster Swift's municipal clients.

Client 1

- a. **Client:** City of Cadillac

Address: 200 North Lake Street, Cadillac, MI 49601

- b. **Client Contact:** Marcus Peccia, City Manager

Telephone: 231.779.7344

Email: mpeccia@cadillac-mi.net

- c. **Contract Start and Duration:** 2012-Present

- d. **Type and Size of Contract:** General Counsel. General Counsel, litigation, zoning ordinances, and annexation.



- e. **Role in Representation:** City Attorney
- f. **Number of Staff by Position Participating in Representation:** 7 attorneys
- g. **Outcome of Representation if completed:** Ongoing

Client 2

- a. **Client:** City of Brighton

Address: 200 N. First Street, Brighton, MI 48116
- b. **Client Contact:** Kristoffer L Tobbe, Mayor

Telephone: 810.227.1911

Email: tobbek@brightoncity.org
- c. **Contract Start and Duration:** 2021-Present
- d. **Type and Size of Contract:** General Counsel and Municipal prosecution services. Attending all council meetings, drafting ordinances, providing legal opinions in all municipal areas, code enforcement and municipal prosecution, FOIA, OMA compliance, drafting and reviewing contracts, development agreements, public works bid proposal requests, police department policies, review appointments to boards and commissions, creation and dissolution of boards and commissions.
- e. **Role in Representation:** City Attorney
- f. **Number of Staff by Position Participating in Representation:** 3-5 Attorneys
- g. **Outcome of Representation if completed:** Ongoing

Client 3

- a. **Client:** City of Mt. Pleasant

Address: 320 W. Broadway Street, Mt. Pleasant, MI 48858
- b. **Client Contact:** Aaron Desentz, City Manager

Telephone: 989.779.5323

Email: adesentz@mt-pleasant.org
- c. **Contract Start and Duration:** 2018 - Present
- d. **Type and Size of Contract:** General Counsel
- e. **Role in Representation:** City Attorney



- f. **Number of Staff by Position Participating in Representation:** 5 Attorneys
- g. **Outcome of Representation if completed:** Ongoing

Client 4

- a. **Client:** City of Caro
Address: 317 S. State Street, Caro MI 48723
- h. **Client Contact:** Matthew Lane, City Manager
Telephone: 989.673.2226
Email: mlane@carocity.net
- i. **Contract Start and Duration:** 2021 - Present
- j. **Type and Size of Contract:** General Counsel, Michigan Tax Tribunal matters and Labor and Employment
- k. **Role in Representation:** City Attorney
- l. **Number of Staff by Position Participating in Representation:** 3 Attorneys
- m. **Outcome of Representation if completed:** Ongoing

Client 5

- a. **Client:** City of Potterville
Address: 319 Nelson Street, Potterville, MI 48876
- b. **Client Contact:** Aaron Sheridan, City Manager
Telephone: 517.645.7641
Email: manager@pottervillemi.org
- c. **Contract Start and Duration:** 2008 - present
- d. **Type and Size of Contract:** General Counsel
- e. **Role in Representation:** General Counsel, Litigation, Municipal Prosecution
- f. **Number of Staff by Position Participating in Representation:** 2-3 attorneys depending on projects
- g. **Outcome of Representation if completed:** Ongoing



Client 6

a. **Client:** City of Grand Rapids

Address: **Client Contact:** Anita Hitchcock, City Attorney

Telephone: 616.456.4021

Email: ahitchco@grand-rapids.mi.us

Contract Start and Duration: 2019 - present

b. **Type and Size of Contract:** Special projects

c. **Role in Representation:** Wide range of special legal projects including contract review, 5G, intragovernmental agreements, zoning to name a few.

d. **Number of Staff by Position Participating in Representation:** 4-5 Attorneys depending on project

e. **Outcome of Representation if completed:** Ongoing

7) Organizational and Staffing Plan

a. **Proposed Personnel**

Name	Role	Participation %	Related Experience
Michael Homier	Lead Attorney – General Counsel, Attorney – General municipal, ordinance and contracts, land use/zoning, MTT	70	City Attorney for Cadillac, Mt. Pleasant, Grand Rapids
Leslie Abdoo	Attorney-Ordinance Drafting, Litigation and Municipal Prosecution	As matters arise	Township Attorney for White Oak. Municipal prosecution, New Buffalo and Texas Township
Michael Blum	Attorney - Employment	As matters arise	Labor Counsel for City of Cadillac and City of DeWitt
Laura Genovich	Attorney – General municipal, ordinance and contracts, land use/zoning	As matters arise	City Attorney for Caro
Anne Seuryneck	Attorney, FOIA, OMA and millages	As matters arise	City of Grand Rapids, City of Cadillac, City of DeWitt

Complete biographies for each of the attorneys listed above are attached and can also be found at www.fosterswift.com

b. All Foster Swift attorneys are licensed to practice law in the State of Michigan and in good standing.



- c. The principal attorney to serve as City Attorney has practiced law within the state of Michigan for at least five years.
- d. All replacements of key personnel will be of equal or superior experience as the person replaced. Any staff substitutions will be approved in writing by the City Manager in advance of work.

8) Project Manager

Based on our current knowledge of the scope of work for the City of New Buffalo, we believe it will be most efficient and effective if Mike Homier in his role of City Attorney serves as project manager. He will be responsible for management of this representation and will not be reassigned unless consented to by the City Manager. Mike's full biography is attached and can be found at www.fosterswift.com

Name	Time at Foster Swift	Education
Michael "Mike" Homier	23 years	Michigan State University College of Law, J.D., 1999

9) Compensation

Foster Swift will work hard to meet the City's budgetary needs. Our goal is to understand the scope of work and financial parameters of your projects. Over the years, we have found that hourly rates and recording is more cost efficient for our municipal clients. Our rates for this engagement are far below the rate we charge non-public entities and are as follows:

Services	Rate
General Counsel	\$245/hour
Prosecution	\$200/hour
Labor & Employment	\$300/hour
Tax Tribunal	\$300/hour
Litigation (non-prosecution related)	\$245/hour

Time

Foster Swift tracks and charges time based upon tenths of an hour (six minutes). There are no base minimum charges for activities such as phone calls or e-mails.

Other expenses

Foster Swift does not charge clients separate fees for secretarial or word processing costs, overtime, or other basic overhead costs. Supplies and other materials will be billed monthly in an itemized manner at actual cost. Court filing fees, expert witness fees and similar out-of-pocket expenses will be charged at the rates set by the entity providing the service, subject to prior approval.



Legal Research

Foster Swift subscribes to several online legal research services, including Westlaw. We do not charge clients for any research service/subscription fees covered under our existing contracts.

Billing Statements

Billing statements are sent monthly and will include detailed information regarding time expended by classification and by task, as well as information regarding such items as mileage, materials, and other non-overhead cost. Payment is due upon receipt.

Our billing format is organized to allow easy tracking of fees and costs on individual matters and may be customized to provide whatever information the City needs. Also, a factor in billing is the protection of sensitive attorney-client information. We can tailor the level of protection for each client.

Conclusion

Selecting legal counsel is an important decision for any municipality. Municipal representation is best approached as a partnership. Over the years, we have developed a culture of open channels of communication which enable successful outcomes to legal issues. The foundation of these relationships is open communication and established processes. Everyone at Foster Swift is committed to providing comprehensive, results-oriented legal services to every client, whether a municipality, large or small business, non-profit organization, or an individual.

Foster Swift is an equal opportunity employer and benefits from an active Diversity Committee comprised of attorneys, staff, and administrators. We are proud to be one of the first of Michigan's "large law firms" to have selected a woman, municipal attorney Anne Seurnyck, as firm president. Twenty-five percent of the firm attorneys are women, and many serve in management roles, including two members of the firm's Executive Committee and two practice group leaders. Our diversity and inclusion mission is to maintain an environment where everyone can succeed personally and professionally.

Our clients find that we are:

- **Value-oriented.** The value of legal services is not something that can be determined at the outset of a relationship. It can only be evaluated in hindsight. Value is driven by efficiency and by experience. It matters little if a firm has low billing rates if it cannot deliver quality work efficiently. Foster Swift provides its clients demonstrable value by producing excellent work quickly and at reasonable rates.
- **Effective.** The Firm's municipal attorneys play an integral role in proactively assisting public entities in developing and implementing modern legal, management and risk mitigation practices. After all, the mark of effective municipal counsel is not only how it responds in times of legal crisis or turmoil, but – equally important – how it helps clients avoid problems in the first place.
- **Experienced.** Foster Swift attorneys serve many municipal clients. This expands their knowledge and experience base. For clients, this often results in a prompt answer with less time billed. In other cases, this results in implementing already existing systems resulting in time and labor savings to our clients through reduced internal resources or reduced attorney time.
- **Responsive.** Regarding calls or e-mails from clients, usually client calls are returned within two business hours (and often less). Every Foster Swift attorney is backed by another attorney, so crises can be immediately addressed even if one of the attorneys may be unavailable. Urgent matters require urgent responses. Foster Swift assists its clients and is available to clients 24/7/365.



- **Efficient.** Matters are staffed by attorneys with the right skill sets to do the job. Strategies are developed in advance; roles are defined, and lines of communication remain open to ensure that the right people are in place to get the right result.
- **Tech-efficient.** Foster Swift utilizes technology to enhance its ability to provide prompt, secure communication with clients. E-mail, video-conferencing tools, and cloud-based technology allow for real-time interaction with clients, sharing and collaboration on documents, and production of work product.

Foster Swift is excited about the opportunity to be of service to the City of New Buffalo. Please contact us with any questions or requests for additional information. We welcome an opportunity to discuss more fully how partnering with Foster Swift will benefit the City of New Buffalo.

FOSTER SWIFT COLLINS & SMITH PC

Michael D. Homier



Michael D. Homier
Shareholder

1700 East Beltline, N.E.
Suite 200
Grand Rapids, MI 49525-7044
T: 616.726.2230
F: 616.726.2299
mhomier@fosterswift.com

Lansing Office
T: 517.371.8100

As the leader of the firm's Municipal Practice Group, Mike Homier focuses his practice in the areas of municipal law, public finance, zoning and land use as well as related litigation. Mike serves as general counsel for municipalities throughout Michigan, and has extensive experience representing counties, cities, villages, townships, libraries and municipal authorities facing a wide array of different legal challenges. In this capacity, he regularly handles high profile and sensitive issues.

Distance is not an obstacle to providing efficient and effective services, as Mike and his colleagues address day-to-day legal needs through the use of the telephone, video-conference, email and the Internet.

Mike has successfully helped municipalities in the planning and regulation of many commercial and residential developments. In addition to his planning and zoning expertise, he has gained significant experience in public finance and has served as issuer's counsel and bond counsel in several sophisticated projects. To keep on the cutting edge of this ever-changing discipline, Mike is a member of the National Association of Bond Lawyers and is listed in the "Red Book."

Mike is a skilled litigator who has extensive municipal litigation and prosecution experience. For many years, he was assigned as a special prosecutor by the Michigan Department of Labor and Economic Growth prosecuting occupational code violations and currently serves as lead prosecutor for many of the firm's municipal clients. Regardless of the type of litigation, Mike concentrates on obtaining client-driven results working closely with the municipality's administration to obtain the best results at the lowest reasonable cost.

REPRESENTATIVE MATTERS

- Implementing a development and finance plan for improvements to two major roads that resulted in nearly \$10 million of public improvements at no cost to the taxpayers, including as the Township's bond counsel for nearly \$7 million of special assessment bonds.

PRACTICE AREAS

Municipal Law
Public Finance - Bond
Zoning & Land Use
Property Tax
Construction Law
Municipal Litigation
Renewable Energy

EDUCATION

Michigan State University College of Law, J.D., 1999, *magna cum laude*
University of Arizona, B.A., 1995

BAR AND COURT ADMISSIONS

Michigan
U.S. District Court for the Western District of Michigan
U.S. District Court for the Eastern District of Michigan
U.S. Sixth Circuit Court of Appeals
U.S. Supreme Court

HONORS & RECOGNITIONS

Former Member of Foster Swift Executive Committee
"Top Lawyer", *Grand Rapids Magazine*, 2022 in Municipal Law



- Negotiating and implementing an action plan to avoid substantial fines levied by the EGLE for violating ground water discharge limitations.
- Negotiating a settlement of zoning litigation on favorable terms that also extended sanitary sewer service to an adjacent subdivision at a substantial reduction in cost to the homeowners.
- Getting involved in litigation arising from the Township's sewer expansion through the County Board of Public Works which had the effect of ending protracted and costly litigation.
- Working with the Fire Chief to achieve a lower interest rate for financing the Township's aerial platform truck saving taxpayer dollars.

SPEAKING ENGAGEMENTS

Meeting Myths, Mysteries and Misconceptions, *Michigan Townships Association (MTA) Conference, April 21, 2021*

Cost Recovery Options (And Hurdles!), *Michigan Township Association (MTA), Emerging Issues in Emergency Services, September 25, 2019*

Alternative Energy Regulation Tips, *2018 MTA Annual Conference: Michigan Townships Association, April 25, 2018*

Drafting and Policing Developments, Developers and Development Agreements, *2018 MTA Annual Conference: Michigan Townships Association, April 24, 2018*

Contracts, Agreements & Handshakes...Oh My! Township Supervisors' Professional Development Retreat, *July 27, 2017*

Panel Discussion: Alternative Energy, *Michigan Townships Association Annual Conference & Expo, April 11, 2017*

Why Can't We Get Along?, *Michigan Townships Association UP North Summit, June 8, 2016*

Funding for Public Projects, *Michigan Townships Association, April 26, 2016*

PUBLICATIONS

Eligible Municipalities Encouraged to Register in Historic Opioid Settlement, *Foster Swift Municipal Law News E-blast, December 6, 2021*

Governor Temporarily Suspends Certain FOIA Deadlines, *Foster Swift Municipal Law News E-blast, April 6, 2020*

Executive Order 2020-15 Concerning OMA and COVID-19, *Foster Swift Municipal Law News E-blast, March 19, 2020*

Zoning for Dollars, *Michigan Township Focus Magazine, February 2020*



State Senate Bill Threatens to Undermine Existing Municipal Contracts, *Foster Swift Municipal Law News*, November 12, 2018

Foster Swift Secures Major Victory for Almer and Ellington Townships in Lawsuits Brought by Wind Energy Company, *Foster Swift Municipal Law News*, November 8, 2018

Can Your Community Get Connected to Broadband?, *Foster Swift Municipal Law News*, April 24, 2018

Visit: fosterswift.com/professionals-Michael-Homier-Attorney.html
for a complete list of articles and speaking engagements.

MEMBERSHIPS & AFFILIATIONS

LEGAL AFFILIATIONS:

- American Bar Association
- State Bar of Michigan
- Grand Rapids Bar Association
- Ingham County Bar Association
- ACADEMIC POSITION: Western Michigan University Thomas M. Cooley Law School, Adjunct Professor of Zoning and Land Use Planning

INDUSTRY & PROFESSIONAL ASSOCIATIONS:

- National Association of Bond Lawyers
- Michigan Association of Municipal Attorneys

COMMUNITY INVOLVEMENT:

- Caledonia Planning Commission, Former Member
- Caledonia Zoning Board of Appeals, Former Member



Leslie A. Abdoo
Shareholder

1700 East Beltline, N.E.
Suite 200
Grand Rapids, MI 49525-7044
T: 616.726.2232
F: 616.726.2299
labdoo@fosterswift.com

Leslie Abdoo is a member of Foster Swift's Municipal and General Litigation Practice Groups. Leslie advises the firm's public entity clients including cities, townships, counties, villages, libraries and local health departments on compliance with applicable state and federal laws. Her representative matters include:

- Municipal Prosecution - misdemeanor and civil infraction ordinance and code violations
- Zoning, Planning and Land Use
- Ordinance Drafting - police power and zoning ordinances including regulations for medical marijuana, wind energy, solar energy, short-term rentals, and broadband internet
- Freedom of Information Act (FOIA) and Open Meetings Act (OMA) Compliance
- Inter-local Agreement Negotiation and Drafting

In addition to her work with municipalities and local governments, Leslie also handles a wide range of commercial litigation matters where she has represented businesses, health care entities, property owners and insurance companies. She also regularly handles administrative appeals, such as from zoning ordinance interpretations or other administrative agencies.

Leslie is a graduate of the University of Michigan and Notre Dame Law School where she received the Dean's Award in Notre Dame's Intensive Trial Advocacy Course. She was also selected to participate in Notre Dame's Advanced Criminal Justice Externship where she represented criminal defendants charged with lower-level felonies.

SPEAKING ENGAGEMENTS

Best Practices for Townships for Complying with ADA & Fair Housing Act, *Michigan Townships Association Annual Conference*, April 26, 2022

What You Need to Know Now About Renewable Energy Ordinances, *Michigan Townships Association: Planning & Zoning Retreat*, October 28, 2021

PRACTICE AREAS

Municipal Prosecution
Municipal & Public Entity
General & Commercial Litigation

EDUCATION

University of Notre Dame Law School, J.D., 2014

University of Michigan, B.A., 2011, *with distinction*, Political Science and Communication Studies

BAR AND COURT ADMISSIONS

Michigan

U.S. District Court for the Western District of Michigan

U.S. Sixth Circuit Court of Appeals

HONORS & RECOGNITIONS

3 in 10 Award, Grand Rapids Bar Association, 2020

Best Lawyers in America® 2021-2022 "One to Watch" (Municipal Law)



Marijuana Petitions Ballot Proposals, *Michigan Municipal League (MML)*, September 24, 2021

Meeting Virtually: Amendments to the Open Meetings Act, *Foster Swift*, November 10, 2020

What the Heck is an SAD?, *MTA Annual Conference & Expo*, April 2019, April 3, 2019

Zoning Law Updates, *Legal Institute - MTA Annual Conference & Expo*, April 2019, April 1, 2019

OMA & FOIA Updates, *Legal Institute - MTA Annual Expo*, April 2018

PUBLICATIONS

Michigan Attorney General Issues New Opinion Regarding Virtual Public Meetings Under the Michigan Open Meetings Act and Americans with Disabilities Act, *Foster Swift Municipal Law E-blast*, February 9, 2022

MDHHS Changes Gathering Limits for Public Meetings, *Municipal Law e-blast*, April 1, 2021

American Rescue Plan Act Provides Federal Funding for Michigan Local Governments, *Foster Swift Municipal Law News E-blast*, March 23, 2021

COVID Impacts on Electronic Public Meetings – Emergency Order and Open Meetings Act Updates, *Foster Swift Municipal Law News E-blast*, December 23, 2020

An Update on OMA Legislation Amendments, *Foster Swift Municipal Law News E-blast*, October 19, 2020

Pending OMA Legislation: What You Need to Know, *Foster Swift Municipal Law News E-blast*, October 14, 2020

Supreme Court Expands Local Government's Ability to Regulate Zoning of Medical Marijuana Caregivers, *Foster Swift Municipal Law News E-blast*, April 28, 2020

Executive Order 2020-15 Concerning OMA and COVID-19, *Foster Swift Municipal Law News E-blast*, March 19, 2020

New amendments to the Michigan Fireworks Safety Act, *Foster Swift Municipal Law News E-blast*, January 23, 2019

The Opioid Crisis: Legal Updates on the Nationwide Lawsuit and How it May Affect Your Local Government, *Foster Swift Municipal Law News*, April 24, 2018

Township's Decision Regarding Wind Energy Upheld in Federal Court, *Foster Swift Municipal Law Newsletter*, November 28, 2017

Nuts and Bolts of the New Medical Marijuana Facilities Licensing Act, *Foster Swift Municipal Law News*, April 14, 2017

U.S. Supreme Court Vacates Lower Court Decision Which Ruled Against High School's Bathroom Policy for Transgender Students, *Foster Swift School Law News*, March 6, 2017



Municipalities now Prohibited from Banning Plastic Bags, *Foster Swift Municipal Law News*, January 3, 2017

Governor Snyder Signs Medical Marihuana Facilities Licensing Act, *Foster Swift Municipal Law News*, September 28, 2016

Election Law Updates and How They May Affect Your Local Government, *Foster Swift Municipal Law News*, January 26, 2016

Receivers in Divorce Cases, *Michigan Bar Journal*, July 2015

Solar Energy: A "Hot" Topic at the Local Level, *Foster Swift Municipal Law News*, March 30, 2015

Attorney Fees Awarded Only After Party Obtains Injunctive Relief, *Foster Swift Municipal Law News*, January 27, 2015

Michigan Legislature Changes Taxable Value "Uncapping" Rules for Family Transfers, *Foster Swift Municipal Law News*, October 30, 2014

Revisiting the "Merger Problem" in Money Laundering Prosecutions Post-Santos and the Fraud Enforcement and Recovery Act of 2009, *Notre Dame Journal of Law, Ethics & Public Policy*, Vol. 28 (2014)

MEMBERSHIPS & AFFILIATIONS

LEGAL AFFILIATIONS:

- State Bar of Michigan
- Grand Rapids Bar Association
- Women Lawyers Association of West Michigan
 - Member of the Board of Directors, Treasurer

COMMUNITY INVOLVEMENT:

- Grand Rapids Ballet Company
 - Member of the Board of Directors



Michael R. Blum
Shareholder

28411 Northwestern Highway
Suite 500
Southfield, MI 48034
T: 248.785.4722
F: 248.200.0252
mblum@fosterswift.com

Detroit Office
T: 248.785.4725

Part of Mike Blum's effectiveness as a litigator in Alternative Dispute Resolution (ADR) and as a counselor to employers comes from his 11 years with the National Labor Relations Board. Mike primarily focuses on Michigan labor and employment law and has litigated some of the state's most important cases. He went to work for the NLRB as a field examiner right out of college and became an NLRB trial attorney in 1987, when he finished law school and was admitted to the bar. Mike works in the firm's Southfield office.

Mike focuses his practice in five areas:

- **Labor law.** Counsels and represents employers in all kinds of labor matters, including negotiation of collective bargaining agreements, grievance processing, mediation and arbitration, development and implementation of union campaigns and matters before the NLRB. This includes election and unfair labor practice proceedings.
- **Employment law for private employers:** Helps in compliance with state and federal statutes affecting private-sector employers in Michigan and defense of claims before federal and state agencies.
- **Employment law for public employers.** Works with municipalities, road commissions, public schools and state courts in legal matters involving public employees. This includes defense of claims before governmental agencies.
- Handles high-stakes cases at the trial court and appellate levels. In 2009, for example, Mike prevailed in a precedent-setting claim before the United States Court of Appeals for the Sixth Circuit which reversed a federal district court's denial of costs and attorneys' fees under the Norris-LaGuardia Anti-Injunction Act.
- **Alternative Dispute Resolution.** Has represented employers in arbitrations and as an advocate and mediator. He's a recognized arbitrator on the American Arbitration Association's Neutral Employment Panel and a recognized mediator on the American Arbitration Association's Roster of Mediators.

He's a prolific author and is frequently invited to speak on complex labor and employment issues. Mike has written dozens of articles for leading organizations and publications. He recently assisted in revising the Michigan Chamber of Commerce's *Hiring to Termination Guide*. He has

PRACTICE AREAS

Employment Law
Labor Relations
Employment Litigation
Municipal Law
Arbitration & Mediation
Municipal & Public Entity

EDUCATION

Wayne State University Law School, J.D., 1986, *cum laude*
Michigan State University, B.A., 1978, Personnel Administration, with High Honors

BAR AND COURT ADMISSIONS

Michigan
U.S. District Court for the Eastern District of Michigan
U.S. District Court for the Western District of Michigan
U.S. Sixth Circuit Court of Appeals

HONORS & RECOGNITIONS

AV® Preeminent™ Martindale-Hubbell

Best Lawyers in America®
2013-2022 (Employment Law - Management; Labor Law - Management)

Michigan Super Lawyers
Employment and Labor, 2009-2019



spoken on a wide range of key topics, including how to handle email communications and the significance of the amendments to the Family and Medical Leave Act (FMLA) and Americans with Disabilities Act (ADA) as well as other state and federal rules and regulations.

dBusiness Magazine "Top Lawyer" in Labor and Employment Law 2010, 2019-2022

REPRESENTATIVE MATTERS

- Mike has recently successfully negotiated collective bargaining agreements with various unions, including the American Federation of State County and Municipal Employees, the Michigan Association of Fire Fighters, the International Union of Operating Engineers, the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of American, the Police Officers Association of Michigan, the Command Officers of Michigan, and the Michigan Nurses Association. By way of example, negotiations for a public sector employer completed in 2015 resulted in an almost 50% reduction in Other Post-Employment Benefits (OPEB) liability and significant reduction in retiree health insurance costs.
- Mike has successfully defended class action litigation under the Fair Labor Standards Act (FLSA) and related state wage and hour laws in Michigan, Illinois, New York and Ohio. He is currently defending class action litigation involving the employment status of cosmetology students in Michigan, Illinois and Tennessee.
- In 2014, Mike was part of a trial team that won a 10-day jury trial in federal court. Mike represented one of the world's leading manufacturers of custom sporting equipment, claiming its former production manager and a retail sales agent unlawfully opened a competing business. A unanimous jury awarded damages on claims of unfair competition, breach of duty of loyalty, breach of fiduciary duty, civil conspiracy and false designation or origin.
- In June 2008, Mike successfully defended a client in a lawsuit filed by an ex-employee alleging sex and age discrimination under Title VII of the Civil Rights Act and Elliott-Larsen Civil Rights Act and age discrimination under the Age Discrimination in Employment Act and Elliott-Larsen. Summary judgment was granted by District Judge Bernard A. Friedman.
- Mike successfully defended clients in a lawsuit filed by an ex-employee alleging sex discrimination, sexual harassment and sexual stereotyping under Title VII of the Civil Rights Act and Elliott-Larsen Civil Rights Act. Summary judgment was granted in February 2002 by Macomb County Circuit Court Judge James Biernat and upheld by the Michigan Court of Appeals.

SPEAKING ENGAGEMENTS

Looking Forward: What Employers Need to Know for 2022, *Foster Swift Going Forward Webinars*, October 19, 2021

Hot Employment Law Topics for HR Teams in 2021, *Foster Swift*, February 25, 2021



Employer Accommodations During and After COVID-19, ASE HR
Comply 2020, December 2, 2020

Now That the Stay at Home Order is Lifted, What do Municipalities Need to Know?, *Michigan Municipal League*, June 8, 2020

Employer Guidance for a Lawful and Safe Re-Opening, *Foster Swift*, May 27, 2020

Responding to Workplace Violence: Harassment or Bullying, *Foster Swift*, October 17, 2018

National Labor Relations Board Updates, *Foster Swift: Developing Labor Law Update*, May 9, 2018

My Employee Did What in Off Hours, *American Society of Employers*, August 17, 2017

Social Networking and Human Resources Hot Topics, *Michigan Municipal Treasurers Association*, April 27, 2017

Basics of determining termination of employees that lawfully use medical marijuana, *Stop Before You Crash: Workers' Compensation and Employment Law*, March 22, 2017

Can an employee be fired while away on FMLA?, *Stop Before You Crash: Workers' Compensation and Employment Law*, March 22, 2017

PUBLICATIONS

Supreme Court Blocks Mandate, Upholds for Health Care Workers, *Foster Swift Labor & Employment Law News E-blast*, January 13, 2022

Stay on Vaccine Mandate Dissolved by Sixth Circuit, *Foster Swift Labor & Employment Law News E-blast*, December 21, 2021

Fifth Circuit Court Blocks Vaccine Mandate for Employers, *Labor & Employment Law E-blast*, November 15, 2021

Update MIOSHA Emergency Rules in the Workplace, *Foster Swift Labor & Employment Law News E-blast*, May 25, 2021

Michigan Employers Permitted to Resume In-Person Work May 24, *Foster Swift Labor & Employment Law News E-blast*, May 11, 2021

MIOSHA COVID-19 Emergency Rules for Employers Extended for Six Months, *Foster Swift Labor & Employment Law News E-blast*, April 14, 2021

Governor Whitmer Signs Extension of Unemployment Benefits into Law and Other COVID-19-Related Legislation, *Foster Swift Labor & Employment Law News E-blast*, October 23, 2020

How Do Recent Michigan Supreme Court and MDHHS Orders Regarding COVID-19 Impact Employers?, *Foster Swift Legal Update E-blast*, October 6, 2020

Guide to Bringing Back Workers and Resuming Operations for Michigan Municipalities, July 29, 2020



New DOL Guidance Excludes Workers from Federal Emergency Paid Sick Leave, *Foster Swift Legal Update E-blast*, March 29, 2020

Update to the Families First Coronavirus Response Act, *Foster Swift Legal Update E-blast*, March 20, 2020

Michigan Employers-FAQs on Coronavirus and Your Employees, *Foster Swift Labor & Employment Law News E-blast*, March 16, 2020

Michigan's Paid Medical Leave Act, *Foster Swift Employment, Labor & Benefits Law News E-blast*, March 1, 2019

Can Michigan Employers Terminate Employees Who Lawfully Use Medical Marijuana?, *Foster Swift Employment Labor & Benefits News*, January 25, 2018

Visit: fosterswift.com/professionals-Michael-Blum-Employment-Law-Attorney.html for a complete list of articles and speaking engagements.

MEMBERSHIPS & AFFILIATIONS

LEGAL AFFILIATIONS:

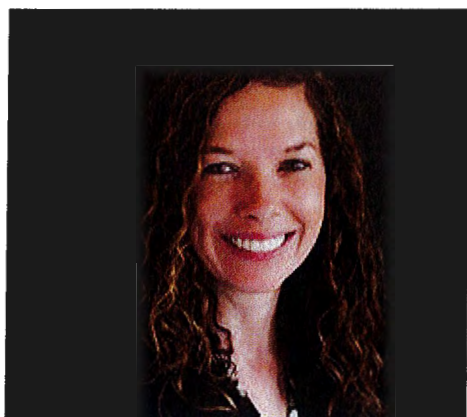
- Michigan State Bar Association, fellow
- Macomb County Bar Association
- Oakland County Bar Association
- Labor/Employment Case Evaluator, Macomb County Circuit Court

INDUSTRY & PROFESSIONAL ASSOCIATIONS:

- American Arbitration Association
 - Employment Panel, arbitrator
 - Roster of Mediators, member
- National Labor Relations Board, Practice and Procedures Committee
- Labor and Employment Relations Association (LERA)
- Society of Human Resource Management (SHRM)

COMMUNITY INVOLVEMENT:

- Chamber of Commerce, Macomb Chapter
- St. Clair Shores Hockey Association, Board of Governors
- Harrison Township Planning Commission



Laura J. Genovich
Shareholder

1700 East Beltline, N.E.
Suite 200
Grand Rapids, MI 49525-7044
T: 616.726.2238
F: 616.726.2299
lgenovich@fosterswift.com

Laura Genovich practices commercial law, bankruptcy law, and municipal law in the firm's Grand Rapids office. She helps public entities reach their goals and solve their problems in creative, collaborative, and cost-effective ways.

MUNICIPAL AND LAND USE LAW

Laura works closely with municipal clients on issues related to zoning, election law and campaign finance issues, Freedom of Information Act (FOIA) and Open Meetings Act (OMA) compliance, labor/employment matters, real estate transactions, public finance, marijuana business regulation, and contract drafting and negotiation. She handles complex property tax appeals and has special expertise in property tax exemptions and special assessments.

Laura handles zoning and land use issues ranging from drafting zoning ordinance amendments to advising on strategies for ensuring compliance to litigation zoning matters as needed. She has successfully defended township clients with respect to wind energy and solar energy regulations.

Laura also works with both public entities and private clients (including developers) on land use matters, including development agreements, annexations, Act 425 agreements, and zoning approvals.

A seasoned litigator, Laura has represented local governments and private clients in both trial-level and appellate matters. She frequently handles appeals related to contracts, property disputes, zoning and land use issues, special assessments, sewer and water services, and other legal controversies. She has argued before the United States Court of Appeals for the Sixth Circuit, the Michigan Court of Appeals, and has drafted many briefs in the Michigan Supreme Court. She also co-authored a merits-stage brief in the Supreme Court of the United States on behalf of a township client and filed numerous Michigan Supreme Court briefs on municipal law and property tax issues.

Laura handles both day-to-day legal questions and complex matters for public entities, including:

- Establishing and defending special assessment districts.

PRACTICE AREAS

Appellate Practice
Collections / Creditor - Debtor Rights
Municipal Law
School Law Services
Election & Campaign Finance Law
Coronavirus Pandemic/Crisis Support Task Force
Governmental Relations
Property Tax
Real Estate Development
Renewable Energy
Zoning & Land Use

EDUCATION

Thomas M. Cooley Law School,
J.D., 2008, *summa cum laude*
Ohio University, B.S., 2005,
summa cum laude,
Communications

BAR AND COURT ADMISSIONS

Michigan
U.S. District Court for the
Western District of Michigan
U.S. District Court for the
Eastern District of Michigan
U.S. Sixth Circuit Court of
Appeals



- Reviewing ballot language for millage proposals and ensuring compliance with Michigan's election laws.
- Advising libraries, schools, and municipalities on compliance with FOIA and the Open Meetings Act.
- Handling property tax valuation and exemption matters, including taxable value "uncapping" disputes.
- Drafting zoning and police power ordinances, including regulations for medical marijuana, wind energy, gravel mining, and "tiny houses".
- Representing public employers in arbitrations and administrative hearings (unfair labor practice disputes).
- Advising public bodies on state aid/public funding issues.
- Drafting simple or complex contracts to meet the client's needs, including independent contractor agreements, sewer service contracts, and intergovernmental agreements under the Urban Cooperation Act.

REPRESENTATIVE MATTERS

- Represented bankruptcy trustee in corporate Chapter 7 case and filed more than 40 avoidance lawsuits against preference recipients, resulting in the recovery of more than \$500,000 for the bankruptcy estate.
- Served as co-counsel for township in taxpayer's appeal of more than \$3 million in corrected and supplemental special assessments, which resulted in judgment favorable to the township.
- Represented township in a local resident's Chapter 11 bankruptcy case to enforce township's zoning ordinance.
- Represented creditor against trustee's demand for more than \$170,000 in alleged preference payments.
- Successfully defended public employer in arbitration, resulting in the denial of multiple grievances.

SPEAKING ENGAGEMENTS

Legal issues "grab bag!", *County Road Association of Michigan Annual Legal Issues Symposium*, December 7, 2021

What You Need to Know Now About Renewable Energy Ordinances, *Michigan Townships Association: Planning & Zoning Retreat*, October 28, 2021

Now That the Stay at Home Order is Lifted, What do Municipalities Need to Know?, *Michigan Municipal League*, June 8, 2020

Working with Weed: How Marijuana Laws Will Affect Your Business, *Old Town Commercial Association*, May 20, 2019

Ethics Boot Camp, *MTA Annual Conference & Expo*, April 3, 2019

HONORS & RECOGNITIONS

Michigan Assessors Association's (MAA) Michigan Property Tax Achievement Award, 2017-2018

Thomas M. Cooley Alumni Association Distinguished Student Award

Best Lawyers® 2022 Litigation - Bankruptcy "Lawyer of the Year" in Grand Rapids

Best Lawyers in America® 2018-2022 for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law

Best Lawyers in America® 2021-2022 (Litigation - Bankruptcy, Municipal Law)

Pace National Environmental Law Moot Court Competition, National Quarter-Finalist

State Bar of Michigan 1L Oral Advocacy Competition - First Place

"Top Lawyer", *Grand Rapids Magazine*, 2022 in Municipal Law

"Top Lawyer", *Grand Rapids Magazine*, 2019 in Bankruptcy and Creditor/Debtor Rights Law

Michigan Super Lawyers "Rising Star," Bankruptcy: Business, 2012-2021

Michigan Lawyers Weekly, "Women in the Law", 2017

Grand Rapids Bar Association "3-in-10" Award, 2017



PUBLICATIONS

MDHHS Changes Gathering Limits for Public Meetings, Municipal Law e-blast, April 1, 2021

Latest MDHHS Order Increases Stadium Capacity; Relaxes Face Mask Requirements for Fully Vaccinated Persons, Foster Swift Legal Update E-blast, March 19, 2021

Public Meetings with 25 Persons or Fewer Permissible Beginning March 5, 2021, Foster Swift Municipal Law News E-blast, March 2, 2021

COVID Impacts on Electronic Public Meetings – Emergency Order and Open Meetings Act Updates, Foster Swift Municipal Law News E-blast, December 23, 2020

MDHHS Issues New Emergency Order Prohibiting In-Person Public Meetings & Requiring Work from Home, Foster Swift Municipal Law News E-blast, November 16, 2020

MDHHS Director Updates and Expands Emergency Order, Foster Swift Legal Update E-blast, October 9, 2020

Emails to Your Personal Attorney May Not Be Privileged If Sent or Received on a Work-Provided Email Address, Foster Swift Legal Update E-blast, June 16, 2020

Governor Temporarily Suspends Certain FOIA Deadlines, Foster Swift Municipal Law News E-blast, April 6, 2020

Clinton Township Found Liable in Religious Land Use and Institutionalized Persons Act Lawsuit, Foster Swift Municipal Law News, November 14, 2019

REMINDER: November 1 is Deadline for Municipalities to "Opt Out" of Recreational Marijuana Establishments, Foster Swift Municipal Law News E-blast, October 17, 2019

Marijuana Emergency Rules: What Municipalities Should Know, Foster Swift Municipal Law News, August 8, 2019

November 1 is Deadline for Municipalities to "Opt Out" of Recreational Marijuana Establishments, Foster Swift Municipal Law News E-blast, July 18, 2019

Michigan Supreme Court to Hear Appeal of Decision Upholding Appropriation of Public Funds for Private Schools, Foster Swift School Law News E-Blast, June 26, 2019

How Marijuana Laws Affect Workplace Policies for Municipalities in Michigan, Foster Swift Municipal Law News, March 22, 2019

5 things employers should know about the new Marihuana Act, Michigan Retailer, December 2018

Foster Swift Secures Major Victory for Almer and Ellington Townships in Lawsuits Brought by Wind Energy Company, Foster Swift Municipal Law News, November 8, 2018

Michigan Voters Approve Recreational Marihuana Ballot Proposal, Foster Swift Municipal Law E-blast, November 7, 2018



New Case Law Restricts Local Zoning Control Over Medical Marijuana, *Foster Swift Municipal Law E-blast*, November 1, 2018

An Exception to an Exemption: Michigan's Lessee-User Tax, *Foster Swift Municipal Law News*, August 16, 2018

Different Categories of Property Tax Exemptions in Michigan, *Foster Swift Municipal Law News*, March 15, 2018

Visit: fosterswift.com/professionals-Laura-Genovich-Municipal-Attorney.html for a complete list of articles and speaking engagements.

MEMBERSHIPS & AFFILIATIONS

LEGAL AFFILIATIONS:

- Federal Bar Association Bankruptcy Section (Western District of Michigan), Steering Committee Member
- Grand Rapids Bar Association
- Michigan State Bar Foundation
 - Fellow

INDUSTRY & PROFESSIONAL ASSOCIATIONS:

- American Bankruptcy Institute
- National Association of Bankruptcy Trustees
- Grand Rapids Young Professionals
- Inforum



Anne M. Seuryneck
Shareholder

1700 East Beltline, N.E.
Suite 200
Grand Rapids, MI 49525-7044
T: 616.726.2240
F: 517.371.8200
ASeuryneck@fosterswift.com

Anne has been practicing with Foster Swift's Administrative and Municipal Practice Group since her arrival at the firm. She currently serves as the firm President and Chair of the Executive Committee. Her entire career has focused on the representation of municipalities and public entities. Anne has extensive experience in drafting and reviewing ordinances and policies, serving as general counsel, counseling clients on Freedom of Information Act (FOIA) and Open Meetings Act issues, and working with communities on millage and Michigan Campaign Finance Issues. Anne also has an expertise in library law.

To promote her belief that the best legal strategy is a proactive strategy, Anne assists communities with policy drafting and adoption. She is also a frequent speaker at seminars and conferences where the educational focus is on municipal law.

Prior to this leadership role, Anne was the Chairperson of the Recruiting Committee and was active on the firm's Diversity Committee. Currently, she also serves as a fellow of the Michigan State Bar Association and serves on the Advocacy Committee for JD RF West Michigan.

REPRESENTATIVE MATTERS

- Drafting intergovernmental agreements and service contracts with other municipal entities.
- Assisting communities with zoning issues such as drafting and amending sign ordinances and assisting townships with special use permit requests for telecommunication towers.
- Drafting millage proposal and educating library boards regarding the application of the Michigan Campaign Finance laws.
- Addressing board governance issues, including the application of the Open Meetings and the FOIA.
- Successfully defend clients in FOIA cases
- Drafting district library agreements and assisting with all aspects of the district library formation process.

PRACTICE AREAS

Administrative Law
Library Law
Freedom of Information Act
Open Meetings Act
School Law Services
Election & Campaign Finance Law
Municipal Litigation
Municipal & Public Entity

EDUCATION

University of Wisconsin Law School, J.D., 1996
University of Michigan, B.A., 1993

BAR AND COURT ADMISSIONS

Michigan
U.S. District Court for the Western District of Michigan
U.S. District Court for the Eastern District of Michigan
U.S. Sixth Circuit Court of Appeals

- Amending existing district library agreements, including adding participating municipalities to existing districts.
- Assisting libraries with request for information by law enforcement agencies and private entities, including the application of the Library Privacy Act and Patriot Act.

SPEAKING ENGAGEMENTS

Now That the Stay at Home Order is Lifted, What do Municipalities Need to Know?, *Michigan Municipal League*, June 8, 2020

Open Meetings Act and Freedom of Information Act: Back to the Basics, *Michigan Municipal League: 2018 Convention*, September 20, 2018

That's Unconstitutional! Fact and Fiction Regarding Townships and the Constitution, *2018 MTA Annual Conference: Michigan Townships Association*, April 25, 2018

WEBINAR: ADA Requirements: What Libraries Need to Know, *Michigan Cooperative Directors Association*, June 13, 2017

WEBINAR: Parliamentary Procedure: How To Run A Successful Meeting, *Michigan Cooperative Directors Association*, May 23, 2017

FOIA: Common mistakes and how to avoid them, *Michigan Townships Association Annual Conference & Expo*, April 12, 2017

The ABCs of the FOIA, *MTA: Upper Peninsula Municipal Law Seminar*, February 15, 2017

The Open Meetings Act and The Freedom Of Information Act, *Foster Swift: Legal Essentials for Municipal Officials*, January 18, 2017

Back to the Basics: OMA & FOIA, *Michigan Association of Municipal Clerks*, June 16, 2016

Funding for Public Projects, *Michigan Townships Association*, April 26, 2016

WEBINAR | Millage Proposals and Campaign Finance Issues, March 29, 2016

Behind Closed Doors: What Can Be Discussed in Closed Session?, *Michigan Townships Association Annual Educational Conference & Expo*, January 20, 2016

WEBINAR | New Changes to the Freedom of Information Act, February 17, 2015

Major Changes to Michigan's Freedom Of Information Act, *Michigan Townships Association Annual Conference*, January 29, 2015

Providing Library Services, *Michigan Townships Association Annual Conference*, January 29, 2015

WEBINAR | Open Meetings Act: What Every Municipality Should Know, August 12, 2014



Are You Considering Forming a District Library?, *Loleta Fyan Rural Libraries Conference*, May 2, 2014

Top 10 Open Meetings Act and Freedom of Information Act Mistakes, *Loleta Fyan Rural Libraries Conference*, May 1, 2014

Ten Legal Issues Every Director or Trustee Should Know, *Loleta Fyan Rural Libraries Conference*, April 30, 2014

Back to the Basics: OMA & FOIA, *Michigan Municipal League, Training Week*, April 24, 2013

Fielding Questions on the Front Lines, *Michigan Library Association, Spring Institute, Panel Discussion*, April 12, 2013

WEBINAR | Guns and the Library, *Foster Swift Webinar in conjunction with the Michigan Cooperative Directors Association*, March 19, 2013

WEBINAR | Avoid Common Freedom of Information Act Mistakes, *Foster Swift Webinar Series for New Municipal Officials*, March 14, 2013

The Case for Sharing Libraries, Recreation and Other Public Services, *Michigan Association of CPAs, Local Government Summit on Efficiency Creation and Cost Savings*, February 28, 2013

Back to the Basics: OMA & FOIA, *Michigan Municipal League, Elected Officials Academy*, February 15, 2013

WEBINAR | Municipal Ethics – Avoiding Common Mistakes, *Foster Swift Webinar Series for New Municipal Officials*, January 15, 2013

WEBINAR | Nuts & Bolts of the Michigan Open Meetings Act, *Foster Swift Webinar Series for New Municipal Officials*, December 13, 2012

Problem Patrons: Addressing and Responding to Patron Behavior, *2012 Loleta Fyan Small & Rural Libraries Conference*, May 2, 2012

WEBINAR | Millages: What You Need to Know About Drafting Proposals and Placing Them on the Ballot, April 19, 2012

Most Common Open Meetings Act and Freedom of Information Act Mistakes, and How to Avoid Them, *Michigan Municipal League*, March 20, 2012

PUBLICATIONS

Michigan Attorney General Issues New Opinion Regarding Virtual Public Meetings Under the Michigan Open Meetings Act and Americans with Disabilities Act, *Foster Swift Municipal Law E-blast*, February 9, 2022

Recent Developments Require Libraries to Adopt New Procedures and Policies, *Foster Swift Library Law News E-blast*, November 17, 2020

New Requirements for the Open Meetings Act – SB 1108, *Foster Swift Library Law News E-blast*, October 26, 2020



New Executive Orders Lift Some Restrictions on Libraries in Northern Michigan and the UP, *Foster Swift Legal Update E-blast*, June 5, 2020

Libraries may reopen on June 8, 2020, *Foster Swift Library Law News E-blast*, June 1, 2020

Frequently Asked Questions by Public Libraries During COVID-19, *Foster Swift Library Law News E-blast*, April 28, 2020

Governor Temporarily Suspends Certain FOIA Deadlines, *Foster Swift Municipal Law News E-blast*, April 6, 2020

Executive Order 2020-15 Concerning OMA and COVID-19, *Foster Swift Municipal Law News E-blast*, March 19, 2020

Five Ways to Avoid Violating the Open Meetings Act, *Foster Swift Municipal Law News*, February 14, 2020

A Look at State and Federal FOIA, *Foster Swift Municipal Law News*, August 7, 2019

New Amendments to the Freedom of Information Act, *The Review (Michigan Municipal League)*, March 25, 2019

10 Things Every Municipality Should Know About the Open Meetings Act, *The Review (Michigan Municipal League)*, January 25, 2019

New Amendments to the Freedom of Information Act – Public Act 523 of 2018, *Michigan Police Chiefs (Michigan Association of Chiefs of Police)*, January 14, 2019

Five Policies that Every Michigan Library Should Have in Place, *Foster Swift Municipal Law News*, November 7, 2018

Maintaining Attorney-Client Privilege in Public Meetings, *Foster Swift Municipal Law News*, April 24, 2018

Ten Critical Issues that Every Michigan Library Trustee Must Know, *Foster Swift Municipal Law News*, March 15, 2018

Sign Regulation After Reed v Town of Gilbert, *Foster Swift Municipal Law News*, October 31, 2016

New Freedom of Information Act Case: Documents Do Not Have to be Produced by the Time the FOIA Response is Due, *Foster Swift Municipal Law News*, July 19, 2016

Behind Closed Doors: What Can a Public Body Discuss in Closed Session?, *Foster Swift Municipal Law News*, January 26, 2016

Dispute Between City of Howell and Homeowner Over Grass Cutting Ordinance Ends Up in Sixth Circuit Court of Appeals, *Foster Swift Municipal Law News*, September 23, 2015

Email and the Freedom of Information Act, *Foster Swift Municipal Law News*, April 30, 2015

Develop FOIA Documents for New Requirements, *Foster Swift Municipal Law News*, March 30, 2015



Complying with the New Freedom of Information Act Changes, *Foster Swift Municipal Law News*, January 27, 2015

New Changes to the Freedom of Information Act, *Foster Swift Municipal Law News*, January 16, 2015

On Your Mark, Get Set, Go: Court of Appeals Decision Creates Race to the Courthouse in Actions to Quiet Title Involving Municipalities, *Foster Swift Municipal Law News*, July 30, 2014

Attorney Fees Awarded Even for Technical Violations of The Open Meetings Act, *Foster Swift Municipal Law News*, January 30, 2014

Michigan Library Laws Handbook 2013 edition, May 2013

Dealing with Employment Issues and Complying with the Open Meetings Act, *Foster Swift Municipal Law News*, March 2013

New Notice Requirements Added to the Open Meetings Act, *Foster Swift Municipal Law Bulletin*, January 10, 2013

New Law Mandates that Municipalities' Election Commission Must Appoint a Receiving Board, *Foster Swift Municipal Law Bulletin*, October 4, 2012

New FOIA Bill Introduced – HB 5879, *Foster Swift Municipal Law Bulletin*, September 19, 2012

MEMBERSHIPS & AFFILIATIONS

LEGAL AFFILIATIONS:

- State Bar of Wisconsin
- State Bar of Michigan
- American Bar Association
- Fellow, Michigan State Bar Foundation

INDUSTRY & PROFESSIONAL ASSOCIATIONS:

- Michigan Association of Municipal Attorneys, Member

RECENT BLOG POSTS

MICHIGAN ELECTION LAW BLOG

Primary Election Day 2020: Your Guide to Navigating Masks, Selfies, and Other Election Day Rules

Campaigning during COVID-19: Rules for Absentee Ballots