

Notice
City of Traverse City and Charter Township of Garfield
Recreational Authority Board of Directors
Regular Meeting

7:00 p.m.

Wednesday, July 1, 2015

2nd Floor County Training Room, Governmental Center
400 Boardman Avenue
Traverse City, MI 49684

Posted: 6-26-15

The Authority does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Penny Hill, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan 49684, 922-4440, TDD: 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator.

If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

Recreational Authority Board of Directors
Matthew Cowall, Executive Director
324 Munson Avenue
Traverse City, MI 49686
(231) 929-3696 TDD: (231) 922-4412
<http://www.traverscitymi.gov/recauthority.asp>
mcowall@liaa.org

Agenda

Roll Call.

1. Consideration of approving the minutes of the special meeting of June 10, 2015. (Matt Cowall)
2. Reports. (Matt Cowall et al)
 - Grand Traverse Conservation District
 - Event facility management
 - EPA Cleanup Grant activities
 - Historic Barns Park construction updates and road planning
 - Updates from Management Entities at Historic Barns Park (Botanic Garden, SEEDS)
 - Community Gardens
 - Any reports from Board members
 - Executive Director's report and possible verbal updates
3. Consideration of Adopting Procedures and Guidelines for Freedom of Information Act (FOIA) Requests. (Matt Cowall, Karrie Zeits)
4. Updates on Hickory Meadows easement access for Traverse City Light & Power transmission line project. (Matt Cowall)
5. Review of future road scheme for Historic Barns Park. (Matt Cowall)
6. Consideration of Hickory Meadows Advisory Committee appointment. (Matt Cowall)
7. Consideration of issuing a request for proposals for auditing services. (Matt Cowall)
8. Report regarding payment of expenditures. (Matt Cowall)
9. Public Comment.
10. Adjournment.

The City of Traverse City and Charter Township of Garfield

Communication to the Recreational Authority

FOR THE MEETING OF JULY 1, 2015

DATE: FRIDAY, JUNE 26, 2015

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: MINUTES

Attached are the minutes of the special meeting of June 10, 2015.

The following motion would be appropriate to approve the minutes:

That the minutes of the special meeting of June 10, 2015, be approved.

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Minutes

The City of Traverse City and Charter Township of Garfield Recreational Authority Board of Directors

June 10, 2015

A special meeting of the Recreational Authority Board of Directors was called to order in the Second Floor County Training Room, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7:04 p.m.

The following Directors were present, constituting a quorum: Tim Hughes, Treasurer; Molly Agostinelli; Jeanine Easterday; and Matt McDonough.

The following Directors were absent (excused): Ross Biederman, Chair; Michael Groleau, Secretary; and Chris Bzdok.

Treasurer Hughes presided at the meeting.

1.

The first item being “Consideration of approving the minutes of the special meeting of May 14, 2015,” Treasurer Hughes introduced this matter. The following individual addressed the Board:

Matt Cowall, Executive Director

Moved by Easterday, seconded by Agostinelli, that the minutes of the special meeting of May 14, 2015, be approved.

CARRIED.

2.

The next item being “Reports,” Treasurer Hughes introduced this matter. The following individuals addressed the Board:

Matt Cowall, Executive Director
Tom Vitale, GTCD

Brianna Bidwell, Two B Events
Tonya Lewandowski, ECT
Juliana Lisuk, SEEDS
Sarna Salzman, SEEDS
Michael Haynes, TCCG
Karen Schmidt, BGHBP

No action was taken.

3.

The next item being “Consideration of revised request for access to Hickory Meadows for Traverse City Light & Power transmission line project,” Treasurer Hughes introduced this matter. The following individuals addressed the Board:

Matt Cowall, Executive Director
Michael McGeehan, GRP Engineering
Kelli Schroeder, TCL&P
Chad Copeland, CC Power
Mark Watson, TCL&P
Nicolle Girard, HMAc
Tom Vitale, GTCD
Michael Haynes

No action was taken.

4.

The next item being “Presentation of progress on the Master Plan for the Energy Farm at Historic Barns Park,” Treasurer Hughes introduced this matter. The following individuals addressed the Board:

Matt Cowall, Executive Director
Sarna Salzman, SEEDS
Karen Schmidt, BGHBP

No action was taken.

5.

The next item being “Public hearing regarding budget amendments for Fiscal Year 2014-2015,” Treasurer Hughes introduced this matter. The following individual addressed the Board:

Matt Cowall, Executive Director

Treasurer Hughes opened the public hearing.

There being no one present desiring to speak, Treasurer Hughes closed the public hearing.

Moved by McDonough, seconded by Easterday, that the budget amendment for Fiscal Year 2014-2015 as outlined in the Executive Director’s communication of June 5, 2015, be approved.

CARRIED.

6.

The next item being “Public hearing regarding the Fiscal Year 2015-2016 budget,” Treasurer Hughes introduced this matter. The following individual addressed the Board:

Matt Cowall, Executive Director

Treasurer Hughes opened the public hearing.

There being no one present desiring to speak, Treasurer Hughes closed the public hearing.

Moved by Easterday, seconded by Agostinelli, that the Resolution Approving Millage Rates for the Bond Issue Debt Millage and Operating Millage

and Certifying Tax Levy Operational Millage for Fiscal Year July 1, 2015, to June 30, 2016, be adopted.

CARRIED.

Moved by Agostinelli, seconded by McDonough, that the Resolution Adopting the City of Traverse City and Charter Township of Garfield Recreational Authority Comprehensive Annual Budget for Fiscal Year July 1, 2015, to June 30, 2016, be adopted.

CARRIED.

7.

The next item being "Report regarding payment of expenditures," Treasurer Hughes introduced this matter. The following individual addressed the Board:

Matt Cowall, Executive Director

No action was taken.

8.

The next item being "Public Comment," Treasurer Hughes introduced this matter. The following individual addressed the Board:

None.

There being no objection, Treasurer Hughes declared the meeting adjourned at 9:09 p.m.

Matt Cowall, Executive Director

The City of Traverse City and Charter Township of Garfield

Communication to the Recreational Authority

FOR THE MEETING OF JULY 1, 2015

DATE: FRIDAY, JUNE 26, 2015

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: REPORTS

Expected reports include:

- Grand Traverse Conservation District
- Event facility management
- EPA Cleanup Grant activities
- Historic Barns Park construction updates and road planning
- Updates from Management Entities at Historic Barns Park (Botanic Garden, SEEDS)
- Community Gardens
- Any reports from Board members
- Executive Director's report and possible verbal updates

The City of Traverse City and Charter Township of Garfield

Communication to the Recreational Authority

FOR THE MEETING OF JULY 1, 2015

DATE: FRIDAY, JUNE 26, 2015

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: CONSIDERATION OF PROCEDURES AND GUIDELINES FOR
FOIA REQUESTS

The Michigan Freedom of Information Act (FOIA) has been amended to require a public body to adopt procedures and guidelines for handling FOIA requests. The attached documents have been prepared by Authority attorney Karrie Zeits to ensure that the Authority is in compliance with the FOIA. Ms. Zeits will be in attendance on Wednesday night to explain the documents and answer any questions for the Board.

Per counsel, the “Affidavit of Indigency” form does not need to be adopted by the Board, but she recommends that the Board adopt the Resolution establishing the FOIA policy and then, by separate motion, the Public Summary and Detailed Cost Itemization. If it pleases the Board, suggested separate motions are as follows:

- 1. That the Resolution establishing the Freedom of Information Act Policy be adopted.**
- 2. That the Freedom of Information Act Public Summary and Detailed Cost Itemization be approved.**

**RESOLUTION ADOPTING A
FREEDOM OF INFORMATION ACT POLICY**

BECAUSE, a 1996 PA 553 requires the CITY OF TRAVERSE CITY AND CHARTER TOWNSHIP OF GARFIELD RECREATIONAL AUTHORITY (the “Authority”) to designate an individual as the Authority’s Freedom of Information Act (“FOIA”) coordinator; and

BECAUSE, the FOIA allows the Authority to make reasonable rules necessary to protect its public records; now, therefore, be it

RESOLVED, the following FOIA Policy is hereby adopted:

1. Purpose. It is the intent of this policy to provide clear-cut procedures for citizens and City officials in disclosing public records. The intent of this policy is to comply in all respects with the FOIA, but in the unintended event of a conflict, the FOIA shall control and be deemed a part of this policy.
2. FOIA Coordinator. The Executive Director of the Recreational Authority is hereby designated and delegated duties as the FOIA Coordinator. Pursuant to MCL 15.236(3), the Executive Director may designate another individual to act on his or her behalf in accepting and processing FOIA requests to the Authority. The City Clerk for the City of Traverse City is designated to act on the FOIA Coordinator’s behalf in receiving and process FOIA requests. With the exception of Section 4 of this Policy, all Authority officials and employees receiving document disclosure inquiries shall immediately transfer them to the FOIA Coordinator. All written requests for public records shall be forwarded to the FOIA Coordinator to keep for no less than one year.
3. Procedure. With the exception of information requested described in Section 4 of this Policy, all responses to requests for information under the FOIA shall be forwarded to and reviewed by the FOIA Coordinator prior to granting the request according to the following procedure:
 - A. Requests to review and for copies of records under the FOIA shall be in writing and shall sufficiently describe the public record to enable the FOIA Coordinator or designee to identify the requested public record and shall include the name of the individual(s) or firm requesting the public records, mailing address, and telephone number. In the event that clarification is needed, the FOIA Coordinator or designee may send a notice requesting clarification of the request and such notice shall not be interpreted as a denial of the request. The requesting person agrees by submitting a FOIA request that the date that such clarification is provided shall be deemed the date of receipt of the request.
 - B. Updates or revisions to any of the requested information will not be automatically supplied by the Authority. A new written request must be made for any revisions or updated versions of the requested public record unless the requesting person has submitted a subscription request under Section (3)(1) of the FOIA for information that is created, issued, or disseminated on a regular basis.

- C. Requests shall be considered received if by mail on the date of receipt. The request shall be date-stamped by the FOIA Coordinator or designee. If the request is received by email or other electronic means, the request shall be received on the next business day. If the request is received by the Authority in a junk email or spam account, the request shall not be received until one business day following the date that the Authority becomes aware of the request.
- D. Requests received in a junk mail or spam account shall be logged as to the date that the request was delivered to the junk mail or spam account and the date that the Authority became aware of the request.
- E. The request shall immediately be forwarded to the FOIA Coordinator or designee.
- F. The FOIA Coordinator or designee shall distribute the request to all persons within the Authority who may maintain the records requested and such persons shall promptly return the information in their possession to the FOIA Coordinator or designee or provide written notice that they do not have any of the requested public records in their possession.
- G. The FOIA Coordinator or designee shall prepare the response, with review by counsel for the Authority when appropriate, and in the event that a request is denied in whole or in part, the FOIA Coordinator or designee shall sign the written notice of denial.
- H. The Authority is not obligated to create a record, list, compilation or summary of information that does not already exist. This includes analyzing, compiling, or summarizing existing information into a new format.
- I. In responding to requests, the Authority will utilize its best efforts to locate the public records requested. The Authority will search only the most likely locations, or in the case of a request for electronic public records, will utilize only normal and basic search tools for locating the public record(s) requested.
- J. The FOIA Coordinator or designee shall respond within five (5) business days from the date that the Authority received the FOIA Request. The response may grant the request, deny the request, grant the request in part and deny the request in part, request clarification of the FOIA Request, request a deposit, or extend by not more than 10 business days the time to respond. The timeframes for responding may be extended by mutual agreement of the parties.
- K. Any response to a FOIA Request shall include a copy of or a link to these Procedures and Guidelines and the Authority's Public Summary of its FOIA Process. A response shall also detail the Requester's appeal rights as set forth in these Procedures and Guidelines and Requests to review and for copies of records under the FOIA shall be in writing.

4. Exceptions.

- A. Routine Information. Requests for information from other departments shall be handled by that department if the request is not submitted as a FOIA request and/or the requester withdraws their request as a FOIA request and:
- a. The request is for records that are routinely provided to the public by that department;
 - b. The records are readily available; or on the Authority's website;
 - c. The records are not exempt from disclosure under the FOIA;
 - d. The records exist at the time of the request;
 - e. The record is sufficiently described; and
 - f. No other department would be likely to have the requested records.

The fees described in Section 7 of this policy shall be applicable to such requests.

B. Records on Website. The Authority maintains two official internet presences. All public records available to the general public on that site are available to the public at no charge. If a verbal request for information is for information that an employee or official of the Authority believes is available on the website, the employee or official will endeavor to inform the requestor about the Authority's website addresses.

5. Rules to Prevent Excessive and Unreasonable Interference with Authority Functions.

- A. Records may be personally examined only during normal business hours, i.e., between 8:00 a.m. and 5:00 p.m. on Authority or City of Traverse City business days and such requests shall be routed through the FOIA Coordinator.
- B. The Authority shall be given ample opportunity to review files for exempt or privileged records prior to allowing public examination.
- C. A requesting person may ask that the public records be provided by non-paper physical media. The FOIA Coordinator or designee shall provide such records to the requesting person by non-paper physical media provided that doing so would not interfere with the Authority's functions by overloading the FOIA Coordinator's or designee's computer network and the FOIA Coordinator or designee has the technological capability necessary to provide the records on the media requested.
- D. A requesting person shall not be permitted to personally monitor the Authority's examination, review, or search for the public record requested or the Authority's deletion and separation of exempt from non-exempt material.

6. Rules to Protect Records. The following are rules to protect records from loss, unauthorized alteration, mutilation, or destruction:

- A. Records are to remain in the viewing location designated by the FOIA Coordinator or designee while being reviewed.
- B. Records are not to be altered in any manner.
- C. Pens are not allowed in record review rooms.
- D. Copies of records are to be made by the FOIA Coordinator or designee with the exception of microfilmed records. Microfilmed records may be made by the person reviewing the records at the discretion of the FOIA Coordinator or designee.
- E. For documentation purposes, staff shall keep copies of all documents released or copied.
- F. Records may not be removed from binders.
- G. Records within files shall be kept intact and in order.
- H. Copies of Authority computer records shall be made on computer discs or flash drives provided by the FOIA Coordinator or designee. Due to the significant risk of alteration of computer files, a requesting person shall not be allowed to personally examine or inspect the Authority's electronic records, including, but not limited to, files on the Authority's computer network or the email accounts of an Authority's officer, board member, or employee.
- I. Copies of tapes shall be made on tapes provided by the Authority.
- J. Records to be copied may be identified by tape flags or "Post-It" notes, by separate written description, or by inserting loose paper between pages.
- K. Copyrighted material shall not be photocopied or otherwise reproduced.
- L. The FOIA Coordinator or designee may require that the requesting person's inspection and examination of the public records be monitored by an employee or agent of the FOIA Coordinator or designee.

7. Fees.

A. Copies.

10 cents per page for 8 ½" x 11" and 8 ½" x 14"

Actual costs for all other sized pages

Non-Paper Physical Media such as computer discs, flash drives or other digital media devices - Actual Cost

If duplication requires outside services, actual cost

Double-sided copies shall be made when possible and is cost saving

- B. Mailing. Actual mailing and packaging costs shall be charged at the reasonable economical and justified rate.
- C. Labor. The labor cost to locate, separate exempt from non-exempt, and copy/duplicate records, including 40% overhead, of the lowest paid employee capable of performing such work regardless if that employee is available.
- D. Costs set by Law. Documents which are required to be prepared and sold for a specific fee under Michigan or federal law shall be sold in accordance with the applicable Michigan or federal law.

The FOIA Coordinator is authorized to establish such other fees and charges in situations not covered by this policy.

The requesting person shall pay for the public records prior to receipt of the public records. In the event that the requesting person fails to pick up the public records requested, the FOIA Coordinator or designee shall retain a copy of the FOIA response and records compiled for at least 365 days from the date of the request.

Any fees shall be reduced by 5% per day up to a maximum of 50% for every day past the deadline to respond within the time periods established by the FOIA and these Procedures and Guidelines for every request properly designated as a request for records under the FOIA.

8. Deposits.

50% Deposit. The FOIA Coordinator may require a deposit from the person requesting the public record or series of public records if the fees will exceed \$50.00. The deposit shall not exceed one-half of the total fee for the request.

100% Deposit. The FOIA Coordinator may require a 100% deposit if the FOIA request is from a requester who has not paid for a previous FOIA fee in full to the public body. However, this 100% may be charged only if all of the conditions are present:

1. The prior fee was not more than 105% of the estimated fee.
2. The records from the prior request both contain all of the records requested in the prior request and are still in the public body's possession.
3. The records were offered to the requester by the public body subject to payment of the fees.
4. At least 90 days have passed since the records were offered in writing to the requester.
5. The requester cannot show proof of prior payment and continues to fail to pay for the prior request.

6. A detailed itemization form has been prepared for the current request.
7. Not more than 365 days have passed since the requester made the request for the request that has not been paid.

Any request for a deposit must include: (1) a detailed itemization of an estimate of the fees, (2) the Authority's Freedom of Information Act Procedures and Guidelines or a link to the Procedures and Guidelines, (3) the Authority's Public Summary of its Procedures and Guideline or a link to the Public Summary if possible, and (4) an estimate of how long it will take the Authority to provide the records to the requester following receipt of the deposit.

If a deposit is requested, the date of receipt of the deposit shall be deemed to be the date of receipt of the FOIA Request and the requesting person expressly agrees to this by submitting a FOIA request.

9. Fee Waivers.

- A. Indigency. The first \$20.00 of any fee shall be waived for any person who is indigent. In order to demonstrate indigency, an individual must submit an affidavit specifying that the individual is indigent, receiving some type of public assistance or otherwise demonstrates their inability to pay, they have not received a fee waiver twice in the same calendar year as the request, and the individual is not requesting information on behalf of someone that is paying them to request the public records. An affidavit is available on the Authority's websites at [www._____](#) and [www._____](#).
- B. Certain Non-Profits. The first \$20.00 of any fee shall be waived for nonprofit corporations that are designated by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 or the Protection and Advocacy for Individuals with Mental Illness Act if the request is made on behalf of the organization or its clients, is made for a reason wholly consistent with the mission of the provisions of the Mental Health Code, and is accompanied by documentation of its designation by the State.
- C. Documents on Website. A fee shall not be charged for any public records requested that are available to the general public on the Authority internet sites. If the information or a portion of the information requested is available on an Authority website, the FOIA Coordinator or designee shall notify its availability on the website and shall include, to the extent practicable, the webpage address of the information. In the event that requester requests the information in another form, the Authority may charge the fees set forth in the policy for providing such records.

- D. Public Interest. A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the Authority Board determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public. The decision to waive the fee under this provision is completely discretionary with the Authority Board. Generally, such waivers will not be provided where the person requesting the information will be receiving directly or indirectly a financial benefit from the information provided regardless of whether the information has some public interest.

10. Appeals.

A. Response to Request.

Head of Public Body. A requesting person, before filing an appeal with the Circuit Court pursuant to Section 10 of the FOIA, may file a written appeal to the Authority Board identifying the reason or reasons for reversal of the denial. The Authority Board shall respond to the written appeal not more than 10 business days after receiving a written appeal. The Authority Board shall be considered to receive the appeal at its next regular meeting following the filing of the written appeal.

The Authority Board may take any of the following actions in response to the filing of an appeal:

- a. Reverse the denial.
- b. Issue a written notice to the appellant affirming the denial.
- c. Reverse the denial in part and issue a written notice to the appellant affirming the denial in part.
- d. If necessary due to unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Authority Board may respond to the appeal.

B. Fees.

Head of Public Body. A requesting person, before filing an appeal with the Circuit Court pursuant to Section 10A of the FOIA, may file a written appeal of the fees charged by the Authority to the Authority Board for a fee reduction identifying the reason or reasons the required fee exceeds the amount permitted under the FOIA and these Procedures and Guidelines. The Authority Board shall respond to the written appeal not more than 10 business days after receiving a written appeal. The Authority Board shall be considered to receive the appeal at its next regular meeting following the filing of the written appeal.

The Authority Board may take any of the following actions in response to the filing of an appeal:

- a. Waive the fee.
 - b. Reduce the fee and issue a written determination indicating the basis of support for the remaining fee. The determination shall include a certification that the statements in the determination are accurate and the fee complies with these Procedures and Guidelines and the FOIA.
 - c. Uphold the fee and issue a written determination indicating the basis of support for the fee. The determination shall include a certification that the statements in the determination are accurate and the fee complies with these Procedures and Guidelines and the FOIA.
 - d. Issue a notice extending for not more than 10 (10) business days the period during which the Authority Board must respond to the appeal, including a detailed reason why the extension is necessary.
11. Exemptions. The FOIA Coordinator is authorized to exempt from disclosure a public record pursuant to Section 13 of the FOIA, and on appeal, the City Manager is authorized to so exempt a public record.
12. Availability to Public. These Procedures and Guidelines and the Public Summary shall be available to the public at no cost. The Procedures and Guidelines and the Public Summary shall be posted on the Authority's websites.
13. Effective Date. These Procedures and Guidelines shall supersede and replace the Authority's FOIA Policy Adopted on _____, 2011, and shall become effective on July 1, 2015.

BE IT FURTHER RESOLVED that this policy shall be effective immediately.

I hereby certify that the above Resolution was adopted on _____, 2015, at a meeting of the City of Traverse City and Charter Township of Garfield Recreational Authority, held in - _____ Trav
erse City, Michigan; and hereby supersedes the Policy adopted September ____, 2011.

Michael Groleau, Secretary

CITY OF TRAVERSE CITY AND CHARTER TOWNSHIP OF GARFIELD RECREATIONAL AUTHORITY

FREEDOM OF INFORMATION ACT PUBLIC SUMMARY

The purpose of this document is to provide a summary of the City of Traverse City and Charter Township of Garfield Recreational Authority's (the "Authority") Freedom of Information process, fees, and information regarding filing an appeal of the Authority's response and fees charged.

Filing a Freedom of Information Act Request with Authority.

In order to file a Freedom of Information Act (FOIA) request with Authority, a person needs to file a written request with the FOIA Coordinator or designee. The FOIA Coordinator for the Authority is the Executive Director. The FOIA Coordinator's contact information is Matt Cowall, Executive Director, 324 Munson Avenue, 49686, fax (231) 929-3771, or mcowall@liaa.org. The designee is the City Clerk of the City of Traverse City. The designee's contact information is Benjamin Marentette, MMC, City Clerk, 400 Boardman Avenue, Traverse City, MI 49684, fax (231) 922-4485, or tcclerk@traversecitymi.gov. The request should clearly designate that the documents requested are being requested pursuant to the FOIA.

Your request will be considered received on the date of receipt by the FOIA Coordinator or designee if by mail, on the date after the email or the fax transmission if the request is forwarded to the FOIA Coordinator or designee by those mediums. If for some reason the FOIA request is sent to an Authority officer's junk mail account, the request will not be considered received until the request is discovered by the Authority.

If you would like to request records that are created, issued, or disseminated on a regular basis by the Authority, you will need to designate your request as a "subscription" for such records.

In requesting records, you may ask for copies of records or to search and examine the Authority's records. All timelines and fees will apply to either request.

If you ask to personally search and examine the Authority's records, there are certain rules that have been established in order to prevent interference with the functions of the Authority and to protect the records themselves. These include restrictions on the times the records may be available for examination, the need for an employee or agent of the Authority to be present during the examination, and prohibitions on altering, removing, or moving the records.

Under some circumstances, a personal examination may be impossible, such as a personal examination of the Authority's computer or electronic files. In those cases, you will be

provided a copy of the records requested. In no case, will you be allowed to observe or examine the Authority's search for, examination, review, or deletion and separation of exempt material.

You may also request the records in certain forms. If you would like your request to be provided in a particular form, please provide this information in your request. The Authority's "default" method of supplying copies of records will be paper copies. These requests will be accommodated by the Authority to the extent the Authority is feasibly capable of accommodating the request.

There are times when the information or records you are seeking do not require a FOIA request. These include requests for information or records routinely given and readily available that does not contain information that may be exempted under the FOIA as well as any and all records available on the Authority's websites provided that you access such records and print them yourself.

Responding to Your Request.

Once a FOIA Request is received by the Authority, the FOIA request will be immediately forwarded to the FOIA Coordinator and the designee. The designee will then forward the request to all people within the Authority that could or should have information or records responsive to the request. In looking for records, the Authority will utilize its best efforts to locate the public records requested. In doing so, the Authority will search the most likely locations for such records. When electronic records are requested, the Authority will utilize normal and basic search tools for locating the public records.

Sometimes, the FOIA Coordinator or designee may need clarification regarding the public records requested. In this event, the FOIA Coordinator will contact you to ask for such clarification. The date upon which such clarification is provided will be considered the date that the request is received for purposes of the timelines set forth in the FOIA.

The FOIA Coordinator or designee will respond to your request by granting the request, extending the time to respond, granting your request in part and denying in part, or denying your request. If your request is partially or wholly denied, the FOIA Coordinator will indicate in the response the reason for the denial or partial denial.

The FOIA Coordinator will respond to your request within the timelines provided by the FOIA, which is five (5) business days from the date of receipt. Sometimes, due to the nature of the request, the FOIA Coordinator may need to extend this time by 10 business days from the minimum five (5) business days. In the event that this happens, the FOIA Coordinator will provide you notice of this extension not later than 5 business days from the date the request was received. These timelines may be extended by mutual written agreement between you and the Authority.

Each response shall include a copy of or a link to the Authority's FOIA Procedures and Guidelines and this Summary as well as a copy of a detailed itemization of the fees charged.

Please note, in responding to a request, the Authority is not obligated to create a record, list, compilation, or summary of information that does not already exist.

Fees.

In most cases, you will likely be charged a fee for your request. Generally speaking, the fees charged will be the actual cost to the Authority to respond to your request, including copying, faxing, and mailing costs. In charging these costs, the Authority will utilize the most economical method possible, such as double sided copying or the most inexpensive form of media the Authority is capable of utilizing.

Labor costs will also be charged. This includes labor for copying and transferring the records to a medium for your review. This also may include labor for searching, locating, and examining the public records where the request requires more time than usual to process the request. Factors that will be used to determine whether labor for searching, locating, and examining public records will be charged include volume of the public record requested, amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested, whether the public records from various Authority departments or offices are necessary to respond to the request, available staffing to respond to the request, or any other similar factors identified by the FOIA Coordinator or designee in responding to the particular request. The labor costs charged will be the hourly wage of the lowest paid employee capable of performing the work regardless of who did the work plus 40% to cover or partially cover fringe benefits.

Labor costs for separating and deleting exempt material may also be charged in the amount indicated above in the event that it will take more time than usual to process the request. However, sometimes it is necessary for the Authority to engage a third person to do this work. In this case, you may be charged the lesser of the actual cost or six (6) times the State current minimum wage. Before being charged this amount however, we will let you know and provide you an estimate of the fees.

Overtime will not be charged unless you agree.

We will require you to pay the fees before providing you with the public records requested where you have requested copies of the record either in paper or other electronic form. Where you have requested examination, payment of the fees will be expected prior to your examination for any fees incurred up to that point and following your examination and prior to receiving any copies of public records requested during the examination.

Information Available on Website.

If you request in writing or verbally any records that are available on the Authority's websites we will let you know where such records may be located. You will not be charged a fee for such information or records unless you request that the FOIA Coordinator provide you a copy of these records. In that case, you will be charged the hourly wage of the lowest paid employee

capable of performing the work regardless of who did the work plus 40% to cover or partially cover fringe benefits.

Deposits.

Sometimes it is necessary for us to ask for a deposit prior to proceeding with the request due to the estimated time and material in responding to the request. We may request a deposit in the event that the estimated fees will exceed \$50.00 in the amount of 1/2 of the estimated fees. Any request for a deposit will include a detailed itemization of the expected fees and costs, an estimate of how long it will take to fulfill the request, and an invitation to narrow or clarify your request, which may result in a reduction of the fees.

We also may request a 100% deposit in certain circumstances where you have not paid for prior FOIA requests. Before requesting a 100% deposit, we will provide you an opportunity to pay for the prior FOIA request and any request will include the information stated above.

When a deposit is requested, we will not consider the request received under the FOIA until the deposit is made.

Fee Waivers.

There are several circumstances where the fees may be waived. These include demonstrated indigency, requests from certain non-profits, documents located on the Authority's websites, and where the Authority determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

There are certain requirements that must be met to qualify for the indigency waiver and such waiver only applies to the first \$20.00 in fees. In order to qualify for the indigency waiver, you will be required to execute an affidavit indicating your inability to pay, that you have not already received two fee waivers in the past year, and that you are not requesting information on behalf of someone that is paying you to request the records. An Affidavit of Indigence is available on the Authority's websites at [www. _____](http://www._____).

There is a limited class of nonprofits that qualify for a waiver and, again, the waiver only applies to the first \$20.00 in fees.

A fee for records available on the Authority's website will not be charged unless you ask the FOIA Coordinator to provide them in another form. In that case, the cost for covering or partially covering fringe benefits that will be added is 40%.

A "public interest" waiver is completely discretionary with the public body. Generally, such waivers will not be provided where the person requesting the information will be receiving directly or indirectly a financial benefit from the information provided regardless of whether the information has some public interest.

Exempt Information.

Sometimes information that you have requested will contain information that is exempt from disclosure under the FOIA. There are several exemptions under the FOIA. Unless certain information is required to be exempted under the FOIA, the FOIA Coordinator will determine in each case whether information that may be exempted under the FOIA will be exempted under the FOIA. In the event that some information contained in the records is exempt, but other information is not exempt, the public body will only remove those portions of the records that are exempt. You will be provided an explanation of the type of information that was exempted as well as the exemption applicable to that information. In most cases, the explanation of the type of information exempted will be general in nature.

Appeals.

You may appeal the FOIA Coordinator's response to your FOIA request or the amount of fees charged by the Authority to the Authority Board. Please note, if you file an appeal with the Authority Board, the Board is not considered to have received the appeal until its next regularly scheduled meeting following the Authority's receipt of your appeal.

Response.

You may appeal the FOIA Coordinator's response either to the Authority Board or the Circuit Court. If you are going to appeal to the Authority Board, you must do so in writing. You should indicate that it is a "FOIA response appeal" and the reason you are appealing the FOIA Response. The Authority Board will respond within 10 business days of receipt by doing one of the following:

1. Reverse the denial.
2. Uphold the denial.
3. Reverse the denial in part and uphold the denial in part.
4. Issue a notice extending for not more than 10 business days the time period for the head of the public body to respond.

You may also appeal to the Grand Traverse County Circuit Court. However, the appeal must be filed within 180 days following the Authority's final decision to deny or deny in part the request. If you prevail at the Circuit Court, the Circuit Court can order any records it determines to be improperly withheld to be disclosed. If you prevail in an action commenced in the Circuit Court, the Circuit Court will award you your reasonable attorney's fees. If you prevail in part, you may be awarded some of your attorney fees. If the Circuit Court finds that the Authority acted arbitrarily and capriciously in failing to disclose the records as required by the FOIA and the Authority's Procedures and Guidelines, the Court shall order the Authority to pay a civil fine of \$1,000 to the general fund of the state treasury. In addition, the court shall award actual or compensatory damages and punitive damage in the amount of \$1,000 to you.

Fees.

You may appeal the fees charged to the Authority Board. You must do so in writing. You should indicate that is a “fee appeal” and you should state the reasons you believe the fees do not comply with the FOIA or the Authority’s Procedures and Guidelines. The Authority Board will respond within 10 business days of its receipt by doing one of the following:

1. Waive the fee.
2. Reduce the fee.
3. Uphold the fee.
4. Extend the time to respond by not more than 10 business days.

If the Authority Board reduces the fee or upholds the fee, the Authority Manager will provide you a certification that the determination is accurate and the fee complies with the Authority’s Procedures and Guidelines.

You may also appeal to the Grand Traverse County Circuit Court. You may not appeal to the Circuit Court until after the Authority Board makes a determination on your appeal. The appeal must be filed within 45 days after the Authority Board makes a determination with respect to your appeal. If the Court determines that the Authority charged a fee in excess of the amount authorized by the FOIA or its Procedures and Guidelines, the Court will reduce the fee to a permissible amount. If the fee is reduced by 50% or more, the Court may, but is not required to, award you your attorney fees, costs, and disbursements. If the Court finds that the Authority acted arbitrarily and capriciously in charging an excessive fee, the Court will order the Authority to pay a civil fine of \$500 to the state general fund. The Court may also award punitive damages in the amount of \$500 in addition to actual and compensatory damages.

Willful and Intentional Violations.

If the Circuit Court finds in any action brought under the FOIA, that the Authority acted willfully and intentionally in failing to comply with the FOIA, the Court shall order the payment of a civil fine of not less than \$2,500 or more than \$7,500 for each occurrence in addition to any other money the Authority is ordered to pay. This fine will go into the State’s general fund.

<input type="checkbox"/> Cost Estimate <input type="checkbox"/> Bill

**City of Traverse City and Charter Township of Garfield Recreational Authority
Freedom of Information Act Request Itemized Cost Worksheet**

Date: _____ Prepared for Requester: _____ Date Request Received: _____

<p>The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the City of Traverse City and Charter Township of Garfield Recreational Authority's (the "Authority") FOIA Policies and Guidelines.</p>		
<p>1. Labor Cost for Copying / Duplication</p> <p>This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requester on non-paper physical media or through the Internet or other electronic means as stipulated by the requester.</p> <p>This shall not be more than the hourly wage of the Authority's lowest-paid employee, agent, or contractor capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in 15 -minute time increments as set by the FOIA Coordinator or designee (for example: 15-minutes or more); all partial time increments must be rounded down. <i>If the number of minutes is less than one increment, there is no charge.</i></p> <p>Hourly Wage : \$ _____ Fringe Benefit Multiplier: <u>40%</u> Total Hourly Wage with Fringe Benefit Cost: \$ _____ / 4 = \$ _____ (Charge per increment)</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requester (<i>overtime is not used to calculate the fringe benefit cost</i>)</p>	<p>Total Time _____</p> <p>Number of 15 minute increments (rounded down) _____</p>	<p>Increment x Charge per increment = <u>1.</u> Labor Cost \$ _____</p>
<p>2. Labor Cost to Locate:</p> <p>This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the Authority that are excessive and beyond the normal or usual amount for those services compared to the Authority's usual FOIA requests.</p> <p>The Authority will not charge more than the hourly wage of its lowest-paid employee, agent, or contractor capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in 15 -minute time increments as set by the FOIA Coordinator or designee (for example: 15-minutes or more); all partial time increments must be rounded down. <i>If the number of minutes is less than one increment, there is no charge.</i></p> <p>Hourly Wage : \$ _____ Fringe Benefit Multiplier: <u>40%</u> Total Hourly Wage with Fringe Benefit Cost: \$ _____ / 4 = \$ _____ (Charge per increment)</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requester (<i>overtime is not used to calculate the fringe benefit cost</i>)</p>	<p>Total Time _____</p> <p>Number of 15 minute increments (rounded down) _____</p>	<p>Increment x Charge per increment = <u>2.</u> Labor Cost \$ _____</p>

3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

The Authority will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the Authority that are excessive and beyond the normal or usual amount for those services compared to the Authority's usual FOIA requests.

This is the cost of labor directly associated with separating and deleting exempt from nonexempt information, including necessary review. This shall not be more than the hourly wage of the Authority's lowest-paid employee, agent or contractor capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in **15 -minute time increments as set by the FOIA Coordinator or designee** (for example: 15-minutes or more); all partial time increments must be rounded down. *If the number of minutes is less than one increment, there is no charge.*

Hourly Wage : \$ _____
 Fringe Benefit Multiplier: 40%
 Total Hourly Wage with Fringe Benefit Cost: \$ _____ / 4 = \$ _____ (Charge per increment)

Overtime rate charged as stipulated by Requester (*overtime is not used to calculate the fringe benefit cost*)

Total Time

Number of 15 minute increments (rounded down)

Increment x Charge per increment = 3
Labor Cost
 \$ _____

3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):
 (Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead).

The Authority will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the Authority because of the nature of the request in this particular instance:
 specifically:

As the Authority does not employ persons capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a contractor (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of _____ (currently \$8.15).

Name of contracted person or firm: _____

These costs will be estimated and charged in 15 minute time increments; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ _____ Charge per increment: \$ _____

To figure the number of increments, take the number of minutes: _____, divide by 15 minute increments, and round down. Enter below:

Number of increments
 x _____ =

3b. Labor Cost
 \$ _____

4. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

The Authority will utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

If the public body has included the website address for a record in its written response to the requester, and the requester thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the Authority will provide the public records in the specified format and will charge copying costs to provide those copies.

No more than the actual cost of a sheet of paper or 10 cents per sheet for Letter (8 1/2 x 11-inch) and Legal (8 1/2 x 14-inch) sized paper, single and double-sided.

No more than the actual cost of a sheet of paper for other paper sizes as detailed in the Authority's FOIA Policy.

Actual and most reasonably economical cost of non-paper physical digital media:

- CD/DVD – Actual Cost as determined by the Authority \$ _____
- Flash Drive – Actual Cost as determined by the Authority \$ _____

a. Number of 8 1/2 " x 11" and 8 1/2 " x 14 Sized Sheets:

b. Number of Other Paper Size Sheets:

c. Cost of Non-Paper Digital Media:

\$ _____

(a. x \$.10)
+
(b. x \$____)
+
c.
=

4.
Total Copy Cost

\$ _____

5. Mailing Cost:

The Authority will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required. The Authority *may* charge for the least expensive form of postal delivery confirmation. The Authority *cannot* charge more for expedited shipping or insurance unless specifically requested by the requester.

Actual Cost of Envelope or Packaging: \$ _____

Actual Cost of Postage: \$ _____ per stamp
\$ _____ per pound

Actual Cost (least expensive) Postal Delivery Confirmation: \$ _____

Expedited Shipping or Insurance as Requested: \$ _____

Requester has requested expedited shipping or insurance

Cost of Envelope and/or Package
+
Cost of all Postage
=

5.
Total Mailing Cost

\$ _____

Subtotal Fees Before Waivers, Discounts or Deposits:

Estimated Time Frame to Provide Records:

_____ (days or date)

The time frame estimate is nonbinding upon the Authority, but the Authority is providing the estimate in good faith. Providing an estimated time frame does not relieve the Authority from any of the other requirements of this act.

1. Labor Cost for Copying: \$ _____

2. Labor Cost to Locate: \$ _____

3. Labor Cost to Redact: \$ _____

4. Copying/Duplication Cost: \$ _____

5. Mail Cost: \$ _____

Subtotal: \$ _____

<p><u>Discount: Indigence</u></p> <p>A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by an individual who is entitled to information under this act and who:</p> <ol style="list-style-type: none"> 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence. <p>If a requester is ineligible for the discount, the public body shall inform the requester specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if ANY of the following apply:</p> <ol style="list-style-type: none"> 1) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, OR 2) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requester in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration. <p style="text-align: right;"><input type="checkbox"/> Eligible for Indigence Discount</p>	<p>Subtotal Fees After Discount (subtract \$20):</p>	<p>\$ _____</p>
<p><u>Discount: Nonprofit Organization</u></p> <p>A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets ALL of the following requirements:</p> <ol style="list-style-type: none"> 1) Is made directly on behalf of the organization or its clients. 2) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931. 3) Is accompanied by documentation of its designation by the state, if requested by the Authority. <p style="text-align: right;"><input type="checkbox"/> Eligible for Nonprofit Discount</p>	<p>Subtotal Fees After Discount (subtract \$20):</p>	<p>\$ _____</p>
<p><u>Deposit: Good Faith</u></p> <p>The Authority will require a good-faith deposit <u>before providing the public records to the requester</u> if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit will total 50% of estimated fee.</p>	<p>Date Paid:</p> <p>_____</p>	<p>Deposit Amount Required:</p> <p>\$ _____</p>
<p><u>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full</u></p> <p>After the Authority has granted and fulfilled a written request from an individual under this act, if the Authority has not been paid in full the total amount of fees for the copies of public records that the Authority made available to the individual as a result of that written request, the Authority may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:</p> <ol style="list-style-type: none"> 1) The final fee for the prior written request was not more than 105% of the estimated fee. 2) The public records made available contained the information being sought in the prior written request and are still in the Authority's possession. 3) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request. 4) Ninety (90) days have passed since the Authority notified the individual in writing that the public records were available for pickup or mailing. 5) The individual is unable to show proof of prior payment to the Authority. 6) The Authority calculates a detailed itemization, as required under MCL 15.234 that is the basis for the current written request's increased estimated fee deposit. 		<p>Percent Deposit Required:</p> <p>_____ %</p>

<p>A Authority can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <ol style="list-style-type: none"> 1) The individual is able to show proof of prior payment in full to the Authority, OR 2) The Authority is subsequently paid in full for the applicable prior written request, OR 3) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the Authority. 	<p>Date Paid: _____</p>	<p>Deposit Required: \$ _____</p>
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<p><u>Late Response Labor Costs Reduction</u></p> <p>If the Authority does not respond to a written request in a timely manner as required under MCL 15.235(2), the Authority must do the following:</p> <ol style="list-style-type: none"> a) Reduce the charges for labor costs otherwise permitted by 5% for each day the Authority exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies: <ol style="list-style-type: none"> 1) The late response was willful and intentional, OR 2) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page. 	<p>Number of Days Over Required Deadline: _____</p> <p>Multiply by 5% _____</p> <p>= Total Percent Reduction: _____</p>	<p>Total Labor Costs \$ _____</p> <p>Minus Reduction \$ _____</p> <p>= Reduced Total Labor Costs \$ _____</p>
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<p>The Public Summary of the Authority's FOIA Procedures and Guidelines is available free of charge from: Websites: www.garfield-twp.com/itrecauthority.asp or www.traversecitymi.gov/recauthority.asp Email: tcclerk@traversecitymi.gov or mcowall@liaa.org Phone: 231-922-4480 or 231-929-3696 Address: 324 Munson Avenue, Traverse City, MI 49686 or 400 Boardman Avenue, Traverse City, MI 49684</p> <p style="text-align: center;">Request Will Be Processed, But <u>Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed</u></p>	<p>Date Paid: _____</p>	<p>Total Balance Due: \$ _____</p>
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Revised: 5/14/2015

The City of Traverse City and Charter Township of Garfield

Communication to the Recreational Authority

FOR THE MEETING OF JULY 1, 2015

DATE: FRIDAY, JUNE 26, 2015

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: UPDATES ON HICKORY MEADOWS EASEMENT ACCESS FOR
TRAVERSE CITY LIGHT & POWER TRANSMISSION LINE
PROJECT

At the June 10, 2015, meeting of the Board, Traverse City Light & Power (TCLP) presented its desire to access the four easternmost poles in Hickory Meadows by crossing the meadow instead of coming down the hillside contained inside the power-line easement to the west. Among other concerns, the Board wanted to know if this access across the meadow would amount to any kind of “taking” by TCLP of rights it didn’t already possess.

The utility easement now held by TCLP was granted by a previous property owner in the 1950s (attached). The language therein grants the “right of ingress and egress to and from” the easement. Counsel for the Authority confirmed that this gives TCLP the right to access the utility easement from anywhere it pleases across the property, as long as the access is “reasonable” and that the actual work is conducted in the easement (e.g., no staging of equipment outside of the easement, only travel to and from).

For Wednesday night, TCLP wants to know if the Board has a preferred access option for this project, though the easement gives TCLP final say in how it accesses the easement for both this project and for future maintenance.

REGISTERED OFFICE } 15th of October
GRAND TRAVERSE CO. REC'D } 1958 AT 11:15 AM

JULY 221 PAGE 548

Gerald Oleson

REGISTERED RIGHT OF WAY EASEMENT
FOR

NORTHERN MICHIGAN ELECTRIC COOPERATIVE, INC. TRANSMISSION LINE

KNOW ALL MEN BY THESE PRESENTS THAT Gerald Oleson and Frances Oleson

in consideration of the sum of One (\$1.00) Dollar and other valuable considerations, the receipt of which is hereby acknowledged, do hereby grant, warrant and convey unto

NORTHERN MICHIGAN ELECTRIC COOPERATIVE, INCORPORATED, a corporation incorporated under the laws of the State of Michigan, with offices at Boyne City, Michigan, its successors and assigns, the perpetual right to enter upon and to place, construct, operate, repair, maintain, relocate and replace an electric transmission or distribution line upon lands situated in the County of Grand Traverse, State of Michigan, and particularly described as follows: A strip of land one hundred (100) feet in width, being fifty (50) feet upon each side of the center of the electric transmission line to be erected upon, over and across the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 4, and

All that certain parcel of land described as follows: Beginning at an iron pipe at the SW corner of the SE quarter of the NE quarter, Sect. 5, T27N, R11W, thence North along West line of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ 511.5 ft. to an iron well point stake, thence North 66° 20' East 318.9 ft., thence North and Parallel with the west line of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ 681.6 ft. to the North line of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence East on the North line of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ to East line of said sect., thence South along section line to East and West $\frac{1}{2}$ line, thence West on East and West $\frac{1}{2}$ line to beginning, containing 35 acres more or less, according to survey. Also that part of the W 534 Ft. of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, lying South of centerline of Wayne St (extended), Section 4, T27N, R11W.

Section 4 & 5 Township Garfield Range 11W together with all the rights and privileges therein necessary or convenient for the full enjoyment or use thereof for the purposes above described including, but not limited to the right of ingress and egress to and from said strip, and also the right to cut and trim trees and shrubbery upon said strip and upon and adjacent to said strip and in or upon all streets, roads or highways over or abutting said lands, all dead, weak, leaning or dangerous trees that are tall enough to strike the wires when falling, or otherwise agree to time joint use or occupancy of the line or system by any other person, association or corporation for electrical or telephone purposes.

To Have and To Hold the same to Northern Michigan Electric Cooperative, Incorporated, its successors and assigns. Forever. The undersigned agree that all poles, wires and other facilities installed on the above-described lands at the Cooperative's expense, shall remain the property of the Cooperative, removable at the option of the Cooperative. The Cooperative agrees to pay the undersigned for the privileges herein granted, when said line or system has been completely constructed, ten (\$10.00) for each pole and five (\$5.00) for each anchor of said line or system located within the boundaries of said lands or in the event no poles or anchors are located on said lands, One Dollar (\$1.00) for each 100 feet or fraction thereof of overhang located on said lands.

All damages to fences and growing crops caused by the negligence of the grantee in maintaining, replacing or repairing the installations above mentioned shall be borne by the grantee, and in the event that the parties are unable to agree upon the amount of damages in such case, the question shall be submitted to arbitration. The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character, except those held by the following persons:

WITNESS the hands and seals of the grantors this 11th day of September 1958
Signed, Sealed and Delivered in the Presence of

Martha Nowak
Martha Nowak
Norman Davis
Norman Davis

Gerald Oleson L.S.
Gerald Oleson
Frances Oleson L.S.
Frances Oleson

In consideration of \$1.00 and other considerations, the undersigned hereby adopt and join in the execution of the above and foregoing grant and consent to the enjoyment by the Grantee therein of the rights granted by said grant, and confirm and ratify the same.

Dated this _____ day of _____ 1958
L.S.

STATE OF MICHIGAN)
COUNTY OF Grand Traverse) SS

On this 11th day of September, 1958, before me a Notary Public in and for said County, personally appeared Gerald Oleson and Frances Oleson

to me known to be the persons described in and who executed the within instrument and who duly acknowledged the same to be their free act and deed.

Norman J. Davis
Norman J. Davis
Notary Public, Charlevoix County, Michigan
Acting in Grand Traverse County
My Commission expires Feb. 6, 1959

**Traverse City Light & Power
Transmission Line ROW Access Revision
Hickory Meadows Crossing**

During project design phase for the TCL&P West Side Transmission Rebuild project, the Joint Recreational Authority requested vehicle access across Hickory Meadows be restricted. Construction documents included this restriction and required contractors access the transmission corridor from the Hickory Hills Ski area and remain in the 100' wide transmission line easement. Following a field walk though of the transmission corridor through Hickory Meadows by TCL&P staff, GRP Engineering, CC Power, and representatives of the Recreation Authority and Conservation District, a revised access into the ROW is being proposed. This revision is being requested to minimize soil disturbance in a very steep slope area and to preserve native vegetation which will maintain a visual block within the corridor.

The revised access would be from Randolph Street across the Meadows into the northeast corner of the corridor. This revised access point would be utilized for clearing and construction purposes in the ROW section from the wetland area/trail crossing to the easterly extents of the easement on Joint Recreation Authority property. Access would be through the existing gate on Randolph Street and would follow the established two-track into the Meadows. Matting will be installed parallel to the existing footbridge to keep all vehicles on high ground and off the pedestrian bridge. Finally access from the open meadows into the transmission corridor would be through an existing opening in the northeast corner of the site. No mature trees need to be removed and only a few small limbs would be trimmed for vehicle access.

Limiting access to the corridor from the east eliminates the need for any matting or clearing in the wetland area and removes the need for 250' of earth work in the steep slope area west of the wetlands. Preservation of native vegetation in the wetland area will maintain a visual block of the transmission corridor west of the trail crossing. Additionally, removing the need for grading in the steep slope section eliminates concerns with soil erosion and site restoration.

The contractors would be taking the following vehicles across the Meadows for the necessary transmission line and underground distribution circuit construction. Equipment access would be minimized and planned for one-trip into the corridor and one-trip out with the exception of rolling the wheeled pole dolly across with each pole, and daily access with a Ranger side-by-side utility vehicle or pickup as preferred by the Joint Recreation Authority.

Vehicles

- Track Chipper & Fecon Mower (9.0' wide)
- Flex-trak bucket (10.0' wide)
- Flex-trak digger (10.0' wide)
- Dozer (John Deere 650)
- Cable Plow (Case 960)
- Wheeled dolly for poles pulled by pickup
- Directional boring unit
- Backhoe
- Cable Reel Trailer
- Daily access (Ranger side-by-side or pickup truck)

Access for construction staking by survey crews and inspection work will be limited to side-by-side utility vehicle or more likely walking in from Hickory Hills parking area or Wayne Street.

Restoration will be completed to return the Meadows are disturbed to original conditions or better. Raking, seeding and mulch with seed mix as previously specified by the GT Rec Authority will be utilized.

TRANSMISSION ROW ACCESS REVISION



NOTES:

1. NO MATURE TREES TO BE REMOVED FOR ACCESS THROUGH THE MEADOWS.
2. SMALL LIMBS TO BE REMOVED IN EXISTING OPENING FOR EQUIPMENT ACCESS.
3. MATTING TO BE INSTALLED ADJACENT TO EXISTING FOOT BRIDGE FOR VEHICLE USE.
4. ACCESS ALONG EXISTING TWO-TRACK AND ACROSS THE MEADOWS REDUCES DISTURBANCE OF 550' OF EXISTING ROW INCLUDING NO VEHICLE TRAVERSING OF THE WETLAND AREAS OR UP THE STEEP SLOPE.
5. MAINTAINS VISUAL BARRIER FROM WALKING TRAIL LOOKING WEST IN THE ROW BY MAINTAINING VEGETATION.

The City of Traverse City and Charter Township of Garfield

Communication to the Recreational Authority

FOR THE MEETING OF JULY 1, 2015

DATE: FRIDAY, JUNE 26, 2015

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: REVIEW OF FUTURE ROAD SCHEME FOR HISTORIC BARNES
PARK

As the Board is aware, we have been working with various stakeholders for the past several months on long-term road plans for Historic Barnes Park. The finalized placement of circulation routes in the park will help to guide design plans for the Botanic Garden, give the Commons Joint Planning Commission a more robust and specific site plan for the park, and give us the ability to develop cost estimates for road work and pursue funds for installation.

As a first step, the Botanic Garden's landscape architecture firm, Nelson Bird Woltz, is preparing a simple plan drawing based on several factors, including existing wetland areas and contours. This drawing will be ready early in the week, so I wanted to take the opportunity to give you all a look at this progress as a group. I will share the drawing with you electronically when it is ready.

In terms of process, the design team is seeking general approval of the road scheme from both the Rec Authority and the Joint Planning Commission prior to more specific design development, with the Rec Authority as the starting point. If the Board likes what it sees on Wednesday, a motion could be made to send the plan drawing on to the Joint Planning Commission for its August meeting. However, if the Board has any questions or concerns that cannot be answered on Wednesday night, we will bring it back in August and shoot for a September submission to the Planning Commission, which staff for the Planning Commission have indicated would also suit its schedule.

The City of Traverse City and Charter Township of Garfield

Communication to the Recreational Authority

FOR THE MEETING OF JULY 1, 2015

DATE: FRIDAY, JUNE 26, 2015

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: CONSIDERATION OF HICKORY MEADOWS ADVISORY
COMMITTEE APPOINTMENT

The Hickory Meadows Advisory Committee (HMAC) is a citizen volunteer committee that was formed to guide the development of a management plan for the Hickory Meadows property. That management plan was developed in 2006 and updated in 2011. The HMAC also makes recommendations to the Rec Authority regarding the stewardship of Hickory Meadows. The HMAC consists of up to seven members. Appointments are for two years and are made by the Recreational Authority Board. All members must be a resident of either Garfield Township or the City of Traverse City. Per its contract with the Authority, the Grand Traverse Conservation District helps to facilitate meetings and communications with the HMAC.

Current members of the HMAC include Nicolle Girard, Eileen Ganter, and John Nelson. A fourth member, Rick Venner, submitted his resignation in June due to time constraints; I want to thank him for his service on behalf of the HMAC and the park. Another volunteer, Eric Grebe, has applied to serve and has been attending HMAC meetings as an observer.

For Wednesday night, I recommend the appointment of Eric Grebe to the HMAC, with a suggested motion as follows:

That Eric Grebe be appointed to one two-year term expiring July 1, 2017, on the Hickory Meadows Advisory Committee, effective July 1, 2015.

4/20/2015

LIAA
Matt Cowall
324 Munson Ave.
Traverse City, MI 49686

Dear Matt,

This letter is to formalize my request to participate with and become a member of the Hickory Meadows Advisory Committee (HMAC). The chair of the HMAC, Nicolle Girard invited me to apply with you. I have lived in the Slab Town neighborhood for about 25 years. My wife Heidi, our 9 yr. old son Thor and I frequently use and enjoy Hickory Meadows and adjoining Hickory ski area. I look forward to working with you and HMAC in preserving this wonderful piece of land.

Currently I'm in the process of trying to become semi retired and trade stock and stock options.

Enclosed / attached is a resume of sorts that was quickly compiled from older documents and brought up to date. Should you have any questions or need additional information please call.

Sincerely,

Eric F. Grebe
1317 Randolph St.
Traverse City, MI 49684
egrebe@att.net
C: 231-883-4207

Eric F. Grebe
1317 Randolph Street, Traverse City, MI 49684
egrebe@att.net
C: 231-883-4207

PROFILE

Accomplished individual with successful business experience in management, including operations, business development, and human resources. Possesses strong organizational and interpersonal skills.

Broad-based responsibilities in the following key areas:

Recruitment	Screening and Interviewing
Training	Policy & Procedure Development
Vendor Relations	Employee Handbook Maintenance
Operations Budget	Procurement and Resource
	Distribution

RECENT ACHIEVEMENTS

- Designed, oversaw construction of, and put into operation a laboratory designed to produce consistently high quality growth media that meets FDA QSRs with capacity for growth or add-on media sales.
- Oversaw the accurate processing of more than 550K sterilizer monitoring tests per year.
- Managed operations at two locations concurrently, heavily contributing to a current 30% profitability.
- During my time at NBB, our account base grew from hundreds to over 14,000.
- Team Leader for the development and implementation of a Business Disaster Recovery Plan.
- Prepared and implemented a 117 page Employee Handbook of the company policies and expectations from employees.

WORK EXPERIENCE

1998 – Present: Perry Lane Development, L.L.C. – Traverse City, MI
Partnership in land development and property management company.
Acquires, develops and manages residential and commercial units. Recruits and qualifies tenants to lease properties.

2005- 2009: Fidelity ATM of Michigan, L.L.C.
Owner of this new start up business for placing and operating ATMs in the USA.

1991 – February 2005: North Bay Bioscience, L.L.C. – Traverse City, MI
DIRECTOR OF OPERATIONS
North Bay Bioscience is a sterilizer testing company serving medical and dental offices nationwide.

Developed, maintained, and improved the operational structure of the company Fulfilled labor requirements, hired and initiated new employees, developed personnel, developed and

Eric F. Grebe
1317 Randolph Street, Traverse City, MI 49684
egrebe@att.net
C: 231-883-4207

maintained human resource policy. Maintained employee handbook, advised and co-administrated 401k Pension Plan and Benefits, oversaw the production process, laboratory procedures, procurement and distribution of materials, equipment. Developed, maintained and improved relationships with all company vendors to benefit the quality and reliability of company services, products and profitability. Instigated and terminated vendor relationships as required by evolving company operations and vendor performance. Managed physical plant regarding outfitting and safety with respect to current local, OSHA and other applicable codes and regulations.

North Bay Bioscience grew from a five person operation to a peak of 32 in 2004. I have in part or solely been responsible for recruiting and hiring almost every hourly and many salaried staff. These positions include: registered microbiologist, testing lab technician, media manufacture technician, sterilization technician, lab manager, customer service, QA coordinator, outside contractors for construction, machinery installations and out sourced processes. I have recruited and improved the workforce through my years at NBB. NBB operated two locations in Traverse City. I was responsible for recruitment, retention, and operations at both locations.

2000 – 2004 North Bay Diagnostics, L.L.C. – Traverse City, MI
PRESIDENT

Partnered with CEO to create a diagnostic testing service intended for natural health promotion and maintenance. Sold 2004

1983 – 1990 The Grebe Company – Midland, MI

Assisted with real estate and intellectual property sales and other investments.

1983 – 1991: Dr. Edward dePiava - Paris, France

CONSULTANT – Worked from Midland, MI

Commission based work for small, private European investment group. Researched US and world trends affecting gold commodity pricing.

1976 – 1982: Utah and New Mexico

PARTNER

Assembled partnership for the exploration of minerals and the process of mining. Assisted with geological work, core drilling, heavy equipment operation, explosives placement and detonation, and other mining-related work.

1974 – 1976: Western Drilling Company – Casper, Wyoming

ASSISTANT DRILLING SUPERINTENDENT

Hired and maintained drilling crews for round the clock operations, coordinated communications between field and office, planned and documented drilling rig equipment moves, scheduling and maintenance, assisted in mineral rights leasing.

Eric F. Grebe
1317 Randolph Street, Traverse City, MI 49684
egrebe@att.net
C: 231-883-4207

EDUCATION

University of Denver: Bachelors in Economics - 1974

Workshops / Seminars:

Employee Discharge and Documentation in Michigan

Michigan Wage and Hour Law Update

Legal Hiring and Firing

Completed series of five seminars on International Trade - Doing Business in China

Federal Fair Labor Standards Act

Workplace Safety

The City of Traverse City and Charter Township of Garfield

Communication to the Recreational Authority

FOR THE MEETING OF JULY 1, 2015

DATE: FRIDAY, JUNE 26, 2015

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: CONSIDERATION OF ISSUING A REQUEST FOR PROPOSALS
FOR AUDITING SERVICES

The annual financial audit of the Authority has been performed for the last two years by the firm Tobin & Co. Tobin is also the auditor for Garfield Township, which is contracted to provide financial oversight and audit compliance for the Authority.

It is generally considered good practice to work with different auditors every few years. I want to discuss that timing with the Board on Wednesday night. If so desired, a request for proposals could be issued as follows:

That the Executive Director be authorized to issue a request for proposals for financial auditing services.

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The City of Traverse City and Charter Township of Garfield

Communication to the Recreational Authority

FOR THE MEETING OF JULY 1, 2015

DATE: FRIDAY, JUNE 26, 2015

FROM: MATT COWALL, EXECUTIVE DIRECTOR

SUBJECT: EXPENDITURES APPROVED BY EXECUTIVE DIRECTOR

General Operating Fund:

Grand Traverse County Treasurer	Tax adjustments	\$ 36.89
LIAA	May management services	\$ 7,661.25
LIAA	Postage, printing, plots/laminating, keys, legal notice	\$ 292.61
SEEDS	March services - Energy Farm Master Plan (grant funded)	\$ 3,000.00
Two B Events, LLC	Event management services (6/15 - 7/15)	\$ 4,166.67
City of Traverse City	Water service, May	\$ 87.00
Smith Haughey Rice & Roegge	May legal services	\$ 437.80
Grand Traverse Conservation District	Hickory meadows tool fees, garbage removal, diamond dust	\$ 86.04
Blue Lakes Charters & Tours	Gratuity for shuttle service	\$ 117.00

Debt Service Fund:

Grand Traverse County Treasurer	Tax adjustments	\$ 113.11
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Construction Bond Fund:

None		
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GT Rec Authority Operating Fund
Statement of Activities
July 2014 through June 2015

	<u>Jul 14 - June 15</u>	<u>Budget</u>	<u>Budget Variance</u>
Revenues			
500 · Tax Revenue - Operating	\$ 154,856.75	\$ 152,000.00	\$ 2,856.75
615.1 · EPA Cleanup Grant	148,000.00	200,000.00	(52,000.00)
615.2 · GT Band Grant	10,000.00	-	10,000.00
615.6 · Energy Farm Master Plan	15,000.00	-	15,000.00
615.7 · Donations	2,500.00	-	2,500.00
615.8 · Barns Park Rentals	47,750.00	20,000.00	27,750.00
664 · Interest Income	339.86	200.00	139.86
Total Revenues	<u>378,446.61</u>	<u>372,200.00</u>	<u>6,246.61</u>
Expenditures			
700 · Office Expense	2,198.40	2,500.00	(301.60)
805 · Professional Services			
Accounting	5,933.00	5,933.00	-
GTCD	19,000.00	19,000.00	-
Legal	4,827.05	5,000.00	(172.95)
Management	71,258.75	60,000.00	11,258.75
Other	27,625.90	55,067.00	(27,441.10)
Audit	2,300.00	2,500.00	(200.00)
EPA Clean Up	27,044.51	200,000.00	(172,955.49)
Events Manager	45,696.64	45,000.00	696.64
Total	<u>203,685.85</u>	<u>392,500.00</u>	<u>(188,814.15)</u>
862 · Transportation	46.77	2,000.00	(1,953.23)
912 · Insurance & Bonds	3,186.00	4,000.00	(814.00)
920 · Utilities & Maintenance	13,561.06	15,000.00	(1,438.94)
920.3 · Hickory Meadows Work Plan	3,409.29	5,000.00	(1,590.71)
970 · Capital Projects	40,000.00	40,000.00	-
Total Expenditures	<u>266,087.37</u>	<u>461,000.00</u>	<u>(194,912.63)</u>
Net Change in Fund Balance	<u>\$ 112,359.24</u>	<u>\$ (88,800.00)</u>	<u>\$ 201,159.24</u>

Rec Authority Capital Project Fund
Statement of Activities
July 2014 through June 2015

	<u>Jul 14 - June 15</u>	<u>Budget</u>	<u>Budget Variance</u>
Revenues			
Interest Income	\$ 80.61	\$ 20.00	\$ 60.61
Refunds and Reimbursements	765,733.60	700,000.00	65,733.60
Total Revenues	<u>765,814.21</u>	<u>700,020.00</u>	<u>65,794.21</u>
Expenditures			
Bank Fees	73.84	100.00	(26.16)
Capital Outlay			
Barns	854,624.08	815,000.00	39,624.08
Capital Outlay - Other	-	-	-
Total Capital Outlay	<u>854,624.08</u>	<u>815,000.00</u>	<u>39,624.08</u>
Professional Services	-	1,000.00	(1,000.00)
Total Expenditures	<u>854,697.92</u>	<u>816,100.00</u>	<u>38,597.92</u>
Net Change in Fund Balance	<u><u>\$ (88,883.71)</u></u>	<u><u>\$ (116,080.00)</u></u>	<u><u>\$ 27,196.29</u></u>

Rec Authority Debt Fund
Statement of Activities
July 2014 through June 2015

	<u>Jul 14 - June 15</u>	<u>Budget</u>	<u>Budget Variance</u>
Revenues			
Current Property Taxes	\$ 476,590.81	\$ 460,000.00	\$ 16,590.81
Interest Income	-	-	-
Refunds and Reimbursements	(793.75)	-	(793.75)
Total Revenues	<u>475,797.06</u>	<u>460,000.00</u>	<u>15,797.06</u>
Expenditures			
Debt Service - Fees	230.98	500.00	(269.02)
Debt Service - Interest	125,065.50	125,069.00	(3.50)
Debt Service - Principal	320,000.00	320,000.00	-
Total Expenditures	<u>445,296.48</u>	<u>445,569.00</u>	<u>(272.52)</u>
Net Change in Fund Balance	<u><u>\$ 30,500.58</u></u>	<u><u>\$ 14,431.00</u></u>	<u><u>\$ 16,069.58</u></u>