I want to begin by welcoming Holly Thompson of Williamston to the MAMC Board of Directors. Coming in as the Ways and Means Director, Holly will have to hit the ground running on the Clerk of the Year program; I am confident she is up to the task. Holly is the President of her local clerk association (Capital Area Municipal Clerks Association), and is involved in several community groups in her municipality. She has an exuberant personality, and if you haven’t met her, I encourage you to do so!

We will miss Cherilynn Brown, who resigned from the Board after many years of service. Cherilynn will be missed and we wish her success in her future endeavors.

Your MAMC Board has been very active over the last several months. Led by Membership/CMMC Director, Lisa Hathaway, we have developed a professional looking and informative membership brochure that helps explain why you should be involved with us. We hope it will help encourage membership.

We have done several activities to help promote the organization, including having a vendor table at the Michigan Townships Association Conference, and presenting information at the Bureau of Elections’ Election Official Accreditation Classes.

As you will see in the Legislative Update, we have had successes in getting parts of our agenda enacted into law. We continue to build relationships with legislators through our involvement and through our PAC contributions to key leadership and committee members. Since the inception of the MAMC Clerk PAC, I have seen our influence steadily increase. Given that we are looking at funding needs for new election equipment, this influence could be very beneficial.
New MAMC Board Member
Holly Thompson, CMC, City of Williamston

Holly Thompson was appointed to the Michigan Association of Municipal Clerks Board of Directors to fill a vacancy left by Cherilynn Brown. Holly was appointed as Clerk of the City of Williamston in 2009, but has served as Assistant, Deputy and Acting Clerk since 2000. Holly has been a member of the MAMC and IIMC since 2001. In addition to her work, she is President to the Williamston Area Chamber of Commerce, and President for the Capitol Area Municipal Clerks Association. She has received her Certified Municipal Clerk designation, and will soon be applying for Master Municipal Clerk to the IIMC as well as the Certified Michigan Municipal Clerk Program. In her spare time she enjoys spending time with her husband at their property in Mesick, spoiling their three dogs, baking cupcakes, volunteering by running two fundraisers for the Ingham County Animal Shelter every year, and serving as Director of the Williamston ArtFest on the River. Through her volunteerism she has earned three Humanitarian Awards, and a Community Impact Award. Holly takes over the Ways and Means/Media Relations Director position.

Welcome Holly!

Mary Clark, CMC
Delta Township
Education Chair

Lanie McManus
Charter Township of Garfield
Education Co-Chair

Education

Wow! If education and training is on your 2015 bucket list – we have lots of opportunities for you to be successful.

MAMC Institute is a 3 year program in Mt. Pleasant, MI. Institute is great not only for new clerks or deputy clerks but clerks’ staff in general benefit from Institute. This year’s Institute is March 15th – March 20th. Three scholarships have already been awarded for the 2015 Institute, but more are available. Visit the MAMC website at www.MichiganClerks.org to apply by February 13th.

If you have already obtained your Clerk’s Certification, then Master’s Institute keeps you fresh and up to date. Master’s Institute is March 24th – Match 26th, again in Mt. Pleasant.

Free Education Day is Wednesday, April 1st. We will still be in downtown Lansing but at a new venue – the Radisson Hotel. Watch for registration information soon. We will be having a presentation on the new FOIA Law. Additionally, the Bureau of Elections will be doing a presentation on eLearning. Remember, you must be a member of MAMC to attend Free Education Day for free!

Last, but certainly not least, mark your calendars for a wonderful annual conference, June 24th – 26th. Master’s and Clerking 101 classes will be held June 23rd.

Financial Report

Betty Kennedy, CMMC/MMC
Village of North Branch
MAMC Treasurer


<table>
<thead>
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<th>Bank Statement</th>
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<table>
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Many of us can remember the famous words, “Ze plane!, Ze plane!” and the classic television series Fantasy Island that made them so memorable. If you were like me, you dreamed of going to a place that would make your fantasies come true. One of my favorite parts of that series was always the ending of each episode, where the visitors to Fantasy Island always had their “ah ha” moment. That moment where their fantasy ultimately led them to a revelation or renewed interest in themselves or something close to them, although this was often through an unexpected path.

We all have fantasies and dreams, especially when it comes to our roles as Clerks. In our minds eye, we would have perfection and everything would always go as planned. Well my friends, we invite you to explore this fantasy. Your journey will begin as you board the ferry to the Michigan Association of Municipal Clerk's Fantasy Island. Your President and host, Mr. Swope, will greet you and lead us as we help guide you to your revelations and renewed interest in your role as Clerk.

Please mark your calendars to join us June 23-June 26 at the beautiful Mission Point Resort located on Mackinac Island. Registration materials will be available the first week in March, so keep your eyes open for those. Hotel accommodations can be made now by calling Mission Point Resort directly at 1-800-833-7711. A detailed list of the available room types and room rates is available on the MAMC website. Be sure to mention that you are with the Michigan Association of Municipal Clerks when making your reservation to ensure you get our discounted rate.

We look forward to sharing, networking and learning with you.

MAMC Website & Social Media

Your MAMC Board of Directors has made available a very useful tool in the www.MichiganClerks.org website. One that allows you to research educational learning opportunities, read up on the CMMC certification process, ask/answer pertinent questions through the clerk forum and use the resources section for Legislative updates, Clerk of the Year, IIMC and so much more. While there, click on the link and “like” our Facebook page: Michigan Association of Municipal Clerks (MAMC)-OFFICIAL SITE This page was created for you to connect and share information with other Michigan Clerks.
Membership/CMMC

2015 MEMBERSHIP – 660 registered members

Is Your Profile Up To Date?
Update it at any time on www.MichiganClerks.org


County Associations Pay it Forward Through Education

Macomb and Wayne County Clerk's Associations understand the value of quality, continuous education for a Clerk - educating today helps ensure good management practices tomorrow. And they show it by supporting continuous education through the Michigan Association of Municipal Clerks.

A few lucky Clerks are able to attend various 2015 MAMC educational sessions thanks to the Macomb and Wayne County Clerks Associations. Clerks interested in attaining education, which is also applicable toward CMMC Certification, submitted their names in their County's drawing to win a paid registration. Congratulations to the winners!

Macomb County sponsored three winners at their drawing held January 15, 2015:
• Institute: Brian Fairbrother, Shelby Township
• Master's Academy: Mary Swiacki, Armada Township
• Conference: Lisa Hathaway, City of Grosse Pointe Woods

Wayne County sponsored two winners at their drawing held January 14, 2015:
• Institute: Steve Gerhart, City of Grosse Pointe Woods
• Conference: Barbara Fitzgerald, City of Romulus

Scholarships are available. Check with your County Clerk's Association and MAMC for scholarship opportunities and deadlines. Be sure to let us know if your Association sponsors an educational contest, we'd love to hear about it!

Certified Michigan Municipal Clerk (CMMC) - 116 members certified.

The following Clerk's have been awarded the prestigious designation of Certified Michigan Municipal Clerk. Congratulations to all!

Tammy L. Beal, Marion Township
Kimberly Berry, City of Gladstone
Catherine Buck, City of Wixom
Adam Herringa, City of Portage
Carol A. Hulka, Fruitport Charter Township
Betty L. Kennedy, Village of North Branch
Michelle (Shelly) King, City of Flushing
Diana Lowe, City of Brighton
Stephanie McMillen, Plainfield Charter Township
Colleen Moser, Village Of Pentwater
Amy Roddy, City of Durand
Janet Roncelli, Bloomfield Township

Join your peers as a Certified Michigan Municipal Clerk (CMMC)

The value in attaining a CMMC is that it identifies recipients as having knowledge and experience in subjects specifically required of a Michigan Clerk. Sustaining certification also acknowledges an understanding of the value of continuous education. Get the application, informational brochure, and guidelines at http://www.michiganclerks.org/Education/CMMCCertification.aspx.
Legislature Completes Work for the Session

The 97th Legislature returned the Tuesday following the Thanksgiving holiday and concluded work for the session with a flurry of activity early in the morning of Friday, December 19, 2014. In all, nearly 250 bills were enacted for presentation to the Governor during this time period. All bills that didn’t pass and were not enrolled for presentation to the Governor died on December 31 and must be reintroduced during the 98th Legislature. Prior to adjourning the session, a number of bills being followed by the MAMC were enacted. A list of those bills, now Public Acts, follows below.

**Public Act 406 of 2014: Recount Fees:** Amends the Michigan Election Law to provide for an increase in the fee charged to conduct a recount of a precinct. Under the new Act, the fee increases from $10 per precinct to $125 if the vote differential is greater than one-half of one percent, or 50 votes, whichever is greater. However, for contests where the vote differential is less than one-half of one percent or 50 votes, the cost to recount a precinct is reduced to $25. The Act takes immediate effect.

**Public Act 418 of 2014: Petition Circulators:** Amends the Michigan Election Law to remove restrictions stipulating that signature gatherers of nominating petitions for Congressional offices must be registered voters of the congressional district for which they are gathering signatures. Under the Act, drafted to be consistent with numerous federal court rulings, signature gatherers are no longer required to be registered voters of the Congressional district. Circulators are no longer required to reside in the district, be a registered voter or a citizen of the state. They must be at least 18 years old and sign a statement on the petition that they agree to be bound to Michigan law should the petitions be challenged. Additionally, the Act repealed an obsolete section of law (MCL 168.208) which permitted the judge of the circuit court and the circuit court commissioner to remove a county clerk from his or her position at any time during his or her term of office. The Act takes immediate effect.

**Public Act 464 of 2014: Selection of Voting Equipment:** Amends the Michigan Election Law to provide that the Secretary of State shall allow a county clerk—in consultation with the clerk of each city, township, and village located in that county—to determine which electronic voting system would be used in that county. The electronic voting system selected would have to be approved and certified as provided in Section 795a of the Michigan Election Law. The Act takes immediate effect.

Legislature Calls for Special Election on Road Funding

After nearly two years of heated discussion and debate on how to raise more than a billion dollars to fix our decaying roads and infrastructure, the Legislature finally came together in a show of bi-partisanship and punted to the voters. House Joint Resolution UU calls for a special election on May 5, 2015 for voters to decide the fate of a Constitutional amendment that would increase the state sales tax by one percentage point from 6 percent to 7 percent on purchases. If approved by the voters, HJR UU triggers a complex series of bills to take effect lifting sales tax off of gasoline and replacing it with a tax collected on the wholesale price. If the voters defeat the amendment, all of the companion bills fail as well.

HJR UU would exempt sales of gasoline and diesel motor fuel from the state general sales and use tax after October 1, 2015 creating a negative impact to both school funding and revenue sharing. To address the revenue hit to schools and locals that results from lifting sales tax off of gas, the 6 percent sales tax on other general purchases would be increased by one percentage point to seven percent. Additionally, HJR UU provides that the School Aid Fund shall be used exclusively for aid to school districts, public community colleges, public career and technical educations programs, scholarships for students attending either public community colleges or public career and technical educations programs, and school employees’ retirement systems, as provided by law. This would remove the ability of the Legislature to appropriate monies to state universities. Finally, HJR UU would hold harmless both schools and municipalities by constitutionally guaranteeing portions of the new revenue to the School Aid Fund and revenue sharing.

If passed by the voters, the total impact of the HJR UU and all of the tied trailer bills would be an estimated increase in state revenue of $1.7 billion. The additional revenue would be ear-marked in the following way:
$1.2 billion per year for distribution to road agencies (39.1% to the State Trunkline Fund, 39.1% to county road commissions, and 21.8% to cities and villages). However, for FY 2015-16 an estimated $800 million of this revenue would be dedicated for pay-down of transportation-related debt and for FY 2016-17.

- $300 million to the School Aid Fund.
- $130 million to the Comprehensive Transportation Fund, for public transportation purposes.
- $95 million for constitutional revenue sharing payments to cities, villages, and townships.

As mentioned, passage of House Joint Resolution UU triggers a number of bills to take effect. If the voters defeat the amendment, none of the trailer bills take effect. Those bills include:

**House Bill 4630** would implement three changes to the Michigan Vehicle Code by increasing fees for commercial trucks under the elected gross vehicle weight category; increases registration fees by eliminating the three-year “depreciation” of ad valorem tax rates for passenger cars, vans, and light trucks; and, establishes a “make-up” tax on the registration fees for vehicles powered partially, predominately, or solely by electricity.

**House Bill 5477** would, among other changes, amend the Motor Fuel Tax Act by converting the current fixed taxes of 19 cents per gallon for gasoline and 15 cents per gallon for diesel into a tax calculation based on 14.9% of the average wholesale prices of gasoline and diesel, effective October 1, 2015.

**House Bill 5493** would amend the Motor Fuel Carrier Tax Act such that beginning October 1, 2015, the per-gallon tax rates for motor fuels are the same as specified in Section 8 (1) of the Motor Fuel Tax Act. Alternative fuels would be subject to the same treatment.

**House Bill 4539 and House Bill 5492** would, respectively, amend the General Sales Tax Act and the Use Tax Act to exempt gasoline and diesel fuel from sales and use taxes after October 1, 2015.

**Senate Bill 847** would amend the Income Tax Act to increase the Earned Income Tax Credit (EITC) from 6% to 20% of the credit allowed under Section 32 of the federal Internal Revenue Code, beginning with the 2016 tax year. Senate Bill 847 would also reduce the Household income qualifiers for the homestead property tax credit for those seniors or disabled filers with household resources under $6,000. The fiscal impact of the EITC will not be realized until the 2016 individual income tax returns are filed in 2017, meaning FY 2016-17 would be the first year state revenues are impacted by the increase in the credit. When implemented, the impact would reduce income tax revenue to the State General Fund by approximately $260 million.

**House Bill 4251 and House Bill 5167** would establish requirements related to competitive bidding and performance-based systems for state and local road construction projects.

**House Bill 5460** would establish requirements related to road construction project warranties.

At this time, the Legislature has not appropriated the $10 million or so that would be necessary to reimburse locals for conducting the election. However, I expect this to be addressed in the new Session.

**Governor Signs Sweeping FOIA Changes**

Governor Snyder gave the green light to a bill making major changes to the Freedom of Information Act. Public Act 563 of 2014 provides for, among other things, significant revisions on how the fees charged for public records are calculated, requires public bodies to establish procedures and guidelines to implement the Act, and significantly enhances fines that may be levied by a court on a public body for failure to comply with the Act.

Under the new law, a public body may only charge fees allowed under the Act if the public body has established, makes publicly available and follows procedures and guidelines to implement this Act as required under MCL 15.234(4). Public bodies may not charge a fee that exceeds their costs in the following six areas:

1. Labor for searching for, locating and examining requested records. The labor costs shall not exceed the hourly wage of its lowest paid employee capable of performing the task.
2. Labor for separating and redacting exempt information from nonexempt information. (For municipalities who perform the review in-house, the labor costs are limited to the hourly wage of its lowest paid employee capable of performing the task. For municipalities who contract out this function, the total labor costs shall not exceed an amount equal to six times the state hourly minimum wage.)
3. Labor for making copies of paper records, making
digital copies, or transferring digital records to media. The labor costs shall not exceed the hourly wage of its lowest paid employee capable of performing the task.

4. The actual and reasonable cost of the CD, tape or other digital media, if media device is not provided by the requester.

5. The actual total incremental cost of duplication and publication, not to exceed 10 cents per page.

6. The actual cost of postage for sending requested records.

Additionally, the Act specifically states that the public body may add up to 50 percent of the applicable labor charge to cover or partially cover the cost of fringe benefits if the public body clearly notes the multiplier used in the estimate provided to the requester. The public body is prohibited from charging more than the actual cost of fringe benefits and can't factor in overtime wages in calculating the fringe benefit component.

Other changes to the FOIA process include:

A public body is required to establish procedures and guidelines to implement this Act and shall create a publicly available summary of the specific policy as to how a member of the public may submit records requests. The Department of Technology, Management and Budget is charged with designing a form that complies with the Act that public bodies may adopt as its own.

A public body that maintains an internet presence may not charge for any records that are available on the website. In lieu of providing paper copies of any requested documents available on the website, the public is required to notify the requester that the documents are available on a website maintained by the public body and may provide a link to any requested documents. If the requester stipulates that these documents be provided in a paper format, the public body may charge a fee for performing the request.

A public body may charge a good-faith deposit not to exceed half of the estimate if the total estimated fee exceeds $50. However, a public body may charge a requester 100 percent of an estimated fee if the requester, within the last 365 days, has previously failed to pay the full fee for a previous document request that the public body prepared and made available to the individual. A public body can deny further requests until the requester settles previous charges or 365 days passes, whichever occurs sooner.

The Act also includes enhanced and significant penalties for violations. A public body that does not respond to a written request in a timely manner shall reduce allowable labor costs by 5 percent for each day the public body exceeds the permitted time, up to a 50 percent reduction if the late response was willful and intentional. A judge can order a public body found in violation of the Act to pay civil fines of $1,000 and punitive damages to a requester of $1,000, if a court holds that the public body acted arbitrarily and capriciously in violating the Act. For willful and intentional violations of the Act, a court of jurisdiction shall order a public body to pay a civil fine of between $2,500 and $7,500 per occurrence. A court can order a public body to pay a $500 civil fine and $500 in compensatory damages if it determines that the public body arbitrarily and capriciously violated the Act by charging an excessive fee. The changes take effect July 1, 2015.

*Please note that I have attempted to provide a general overview of the new Act and this article does not constitute legal advice to any public body on how to comply. Each public body should conduct a legal review of Public Act 563 of 2014 to determine its impact on the public body and how best to comply with the new provisions.

**Bills to Set March 2016 Presidential Primary Die**

Bills to establish a March 2016 presidential preference primary passed the Senate, but were not taken up by the House, despite being given a hearing. Senate Bills 1159 and 1160 cancelled the February 2016 regular election date and established the presidential primary as March 15, 2016 to coincide with the date adopted by the Michigan Republican Party. At this point, the Michigan Democratic Party has not altered its date from the scheduled February 23, 2016 regular election date. The bills passed the Senate 35-2 and were referred to the House Elections and Ethics Committee. A hearing was held for the bills; however, no one spoke to the bills nor were they reported. I expect the bills to be reintroduced this session.
Upcoming Events

Quarterly Newsletter

Michigan Association of Municipal Clerks
120 N. Washington Sq., Suite 110A
Lansing, MI 48933

MICHIGAN ASSOCIATION OF MUNICIPAL CLERKS
WWW.MICHIGANCLERKS.ORG

Quarterly Newsletter

MICHIGAN ASSOCIATION OF MUNICIPAL CLERKS