

**THE LAKELAND LIBRARY COOPERATIVE  
PLAN OF SERVICE AND GOVERNANCE  
APPROVED BY THE BOARD  
ON SEPTEMBER 8TH, 2022**

**LLC BOARD APPROVED REVISIONS  
ON SEPTEMBER 14<sup>th</sup>, 2023**

**TABLE OF CONTENTS**

<b>I.</b>	<b>Name</b>	<b>2</b>
<b>II.</b>	<b>Authority</b>	<b>2</b>
<b>III.</b>	<b>Membership</b>	<b>2-3</b>
	<b>1. Requirements</b>	
	<b>2. Adoption</b>	
	<b>3. Withdrawal</b>	
<b>IV.</b>	<b>Disputes</b>	<b>3</b>
<b>V.</b>	<b>Cooperative Board</b>	<b>3-5</b>
	<b>1. Authority</b>	
	<b>2. Representation and Eligibility</b>	
	<b>3. Elections</b>	
	<b>4. Meetings</b>	
<b>VI.</b>	<b>Advisory Council</b>	<b>5</b>
	<b>1. Authority</b>	
	<b>2. Representation and Eligibility</b>	
	<b>3. Elections</b>	
	<b>4. Meetings</b>	
<b>VII.</b>	<b>Funding</b>	<b>5-6</b>
	<b>1. State Aid</b>	
	<b>2. Additional Revenue</b>	
	<b>3. Budgeting</b>	
	<b>4. Financial Records</b>	
<b>VIII.</b>	<b>Services and Fees</b>	<b>7</b>
<b>IX.</b>	<b>Plan Approval and Revisions</b>	<b>7</b>
<b>X.</b>	<b>Appendices Table of Contents</b>	<b>8</b>

## **ARTICLE I. NAME**

The name of this library cooperative shall be the Lakeland Library Cooperative (“LLC”).

## **ARTICLE II. AUTHORITY**

1. This Plan of Service is authorized, and LLC is established under the terms of the State Aid to Public Libraries Act, Michigan Public Act 89 of 1977, as amended. (Appendix A)
2. This Plan of Service supersedes all previous Plans of Service.

## **ARTICLE III. MEMBERSHIP**

### 1. Requirements:

- Full Membership in the LLC shall be open to any public library that meets the requirements of P.A. 89 of 1977:
- Maintenance of a minimum local support of 3/10 of a mill on taxable value as calculated under section 27a of the General Property Tax Act, PA206 of 1893, MCL 211.27a, in the fiscal year before October 1 of the year before distribution.
- Participation in the development of the cooperative plans.
- Loan materials to other libraries participating in the Cooperative through interlibrary loan and/or reciprocal borrowing agreements.
- Maintenance of an open-door policy to other residents of the State of Michigan as provided in Article 8, Section 9 of the State Constitution of 1963. (Appendix A-2)

### 2. Adoption:

- An eligible library’s Governing Board and/or municipal governing or appropriating body shall adopt a resolution requesting that the local library become a member of LLC. Duplicate copies of the resolution, certified by the clerk of the local board/ authority, shall be filed with the LLC Board. The Board shall accept the request for membership or show reason for denial of the request for membership within sixty (60) days. When the Board has accepted the resolution, the Board President and Secretary shall endorse the resolution and file a copy with the Library of Michigan.

### 3. Withdrawal:

- The member library’s Governing Board, and/or municipal governing or appropriating body, must adopt a resolution to withdraw its full membership in the LLC at least 12 months prior to the membership termination, or from services that have budget implications as determined by the LLC Board, such as, but not limited to:
  - The Shared Integrated Library System
  - The Overdrive Content Group
  - Cataloging Services

- Duplicate copies of the resolution, certified by the clerk of the local board/authority, shall be filed with the LLC Board and the Library of Michigan.
- The LLC Board may give notice of the intent to terminate a library membership 6 months in advance, if the library does not meet eligibility requirements as noted in Article III, Section 1 above.
- All contractual agreements entered between the member library and LLC and/or contractual agreements entered by LLC on behalf of the member library must be fulfilled prior to the termination of membership. Notification of all outstanding contractual obligations will be provided to the member library before the withdrawal process is begun.

#### **ARTICLE IV: DISPUTES**

1. LLC is committed to resolving disputes at the local level, including mediation, arbitration and litigation.
  - The cooperative director and the director of the member library concerned shall meet and attempt in good faith to resolve any issues or concerns.
  - If a resolution of the concerns is still not possible, the board of each library concerned, following a review of the issue, shall petition the LLC Board in writing for redress of the matters in dispute specifying the remedies sought.
  - The LLC Director shall present the petition to the LLC Board (within 90 days), along with his or her recommendations. The LLC Director shall report the conclusion of the Board to all parties concerned, promptly and in writing.
2. If a dispute concerning the cooperative and its member libraries that cannot be resolved on the local level.
  - The matter, along with copies of all documentation, shall be reported to the Library of Michigan by the LLC Board or by the board of the library or libraries involved.
  - The Library of Michigan may hear the case. The decision of the Library of Michigan shall be final. (MCLS 397.572 section 22).

#### **ARTICLE V: COOPERATIVE BOARD**

1. Authority: The Board shall
  - Hire a director to manage the LLC.
  - Develop, revise, and adhere to the approved by-laws (Appendix B), plans, policies and provide services, consistent with State Aid to Public Libraries Act, Michigan Public Act 89 of 1977, as amended.
  - Approve the budgets and provide fiduciary oversight.
  - not be deemed to deprive any local board of any of its powers or property.
2. Representation and Eligibility:
  - The LLC Board shall consist of nine (9) voting members as provided in Public Act 89, 1977, Section 7. All board members will be library directors from within the LLC member libraries. Current Advisory Council Officers are ineligible to

serve as members of the Board. The LLC Board may appoint an Ex Officio Board (non-voting) member in accordance with this document and the established by-laws.

- There will be a mix of permanent and elected positions on the board based on population statistics provided annually by the Library of Michigan (“LM”) and their Class identification system of public libraries.
  - Permanent Positions:
    - Member libraries with Library of Michigan Class 6 designation are eligible to have their director have a permanent position on the board.
      - These positions have no term limit or election requirement by the LLC membership.
      - These positions will be filled by the member library’s Board.
      - In case of a vacancy, the board of the member library shall designate an interim director.
  - Elected Positions:
    - Member libraries with a Library of Michigan LM Class designation are eligible for their directors to be elected to the LLC board for a two-year term with no term limits on a staggered schedule as follows:
      - Class 1, 2 and 3 libraries shall join together to elect one board member every two years in odd numbered years.
      - Class 4 libraries shall elect two board members, one each in even and odd numbered years.
      - Class 5 libraries shall elect one board member every two years in even numbered years.

### 3. Elections:

- Elected Positions:
  - The LLC Board shall announce in June of each year the scheduled open elections as stated above.
  - Interested individuals will self- nominate and inform the board president of their intent.
  - Elections shall be held annually at an ~~August~~ Advisory Council meeting ~~each year~~ with the election results announced no later than September 15th ~~of that year~~. Each member library shall cast one vote for each available member position in the Library of Michigan LM class of which that library is a member.
  - Elected members shall begin their terms October 1<sup>st</sup>.
  - If libraries join or withdraw from LLC, the composition of the Board shall be reviewed, and election requirements adjusted accordingly at the end of the fiscal year.

### 4. Meetings:

- Meetings will comply with the Open Meetings Act, P.A. 267, of 1976, as amended. (Appendix E)
- The annual meeting shall be held in October.

- The Board will meet at least 8 times per year, as determined at the annual meeting.
- Special meetings may be called by the Board president or upon the request of four members of the Board.

## **ARTICLE VI: ADVISORY COUNCIL**

1. Authority: The major functions of the Council are:
  - Adhere to the approved by-laws, (Appendix B) plans, policies and provide services, consistent with State Aid to Public Libraries Act, Michigan Public Act 89 of 1977, as amended.
  - To advise the Board and Director on issues regarding policies, services and other concerns that may affect LLC, including the annual review of budgets.
  - In consultation with the Director, to review current services, research new services and plan for the implementation of Board-approved new services.
2. Representation and eligibility:
  - The Council shall be composed of the director from each of the member libraries. If unable to attend, the director, or the member library's governing body, may appoint one staff member as a replacement, with voting privileges. Current Board Members are ineligible to serve as officers of the Advisory Council.
3. Elections
  - The Council shall elect a Chair, Vice-Chair and a Secretary at the annual meeting.
4. Meetings:
  - Meetings of the Council will comply with the Open Meeting Act, P.A. 267, of 1976 as amended.
  - The Council will meet at least 8 times per year, as determined at the annual meeting.
  - The annual meeting of the Council shall be held in October.
  - Special meetings may be called by the Council Chair or upon the request of 20 members.

## **ARTICLE VII: FUNDING**

1. State Aid
  - LLC shall apply for State Aid before February 1 of each year.
  - State Aid, granted by the State of Michigan for cooperative libraries as authorized by Public Act 90, 1977, Section 13 and paid to the LLC, will be used for any library-related purpose approved by the Board.
  - LLC charges for services may be paid from funds coming to the member library from the State of Michigan as authorized by Public Act 89, 1977, Section 16 (4).
2. Additional Revenue
  - Member libraries may contract with the LLC for services.
  - Grant funds will be used in accordance with state and federal laws and

GASB accounting standards.

- Donations will be used in accordance with state and federal laws and GASB accounting standards.

### 3. Budgeting

- The fiscal year of LLC shall be October 1 to September 30.
- LLC charges for services and products are to be determined on a yearly basis using the Member Services Formula (Appendix F) which is reviewed by the Council and approved by the Board. All payments shall be made to LLC.
- The Director will work with the Board to develop a tentative draft budget for the upcoming fiscal year, present the budget to the Council, and forward the Council's recommendation to the Board.
- All funds received by LLC will be deposited in separate and/or designated funds and will be used only for expenses authorized by the Board.
- The investment of surplus funds shall conform to Public Act 20 of 1943 (as amended.)

### 4. Financial records:

- Regular financial statements shall be made available to the Board and Advisory Council.
- The LLC financial records will comply with Federal and State regulations, Government Accounting Standards Board (GASB) principles, and be organized under the guidelines of the State of Michigan's "Uniform Chart of Accounts."
- The LLC will provide an annual financial audit filed within 12 months of the close of the fiscal year. If the annual financial audit report discloses a deficit or other material deficiency, LLC shall submit a corrective action plan for review and approval by the Department of Treasury. The corrective action plan shall include a deficit elimination plan and proof that the plan has been filed with the Department of Treasury as required by section 21 of 1971 PA 140, MCL 141.921.
- LLC shall maintain fidelity bond coverage and appropriate insurance and file annual verification of coverage as required by the Library of Michigan.

**ARTICLE VIII: SERVICES AND FEES**

- 1. The LLC provides members with a variety of services and products, such as a shared integrated library system, which are available to all member libraries depending on contracts, licenses and individual and collective decisions as detailed in LLC’s List of Services and Products (Appendix G), the Member Services Formula and Annual Budget and other policy documents.

**ARTICLE IX: PLAN APPROVAL AND REVISIONS**

- 1. The Plan of Service will be reviewed and or revised in the year that the Library of Michigan certifies the information collected from the decennial Census or, at any time, by a 2/3 majority vote of the Board members present.
- 2. After the review, the Board shall submit a revised Plan of Service to the Library of Michigan for approval and provide a copy of the plan and appendices annually.

**ADOPTION DATE**

As approved by The Lakeland Library Cooperative Board:

\_\_\_\_\_

Date: \_\_\_\_\_

Authorized by Library of Michigan:

\_\_\_\_\_

Date: \_\_\_\_\_

Approved Revisions by the LLC Board:

June 8<sup>th</sup> 2023

September 14, 2023

<b>APPENDICES</b>	<b>PAGES</b>
APPENDIX A: State Aid to Public Libraries Act, Michigan Public Act 89 of 1977, as amended.	9-14
APPENDIX A-2 Michigan Constitution of 1963 Article 8, Section 9.	15
APPENDIX B: Approved by-laws	16-21
APPENDIX C. Population Statistics from the Library of Michigan	22-23
APPENDIX D: Membership Board Representation by Library Group or Class	24
APPENDIX E: Open Meeting Act, P.A. 267, of 1976 as amended.	25-33
APPENDIX F: Member Services Formula	34
APPENDIX G: List of Services and Products	35-37



**STATE AID TO PUBLIC LIBRARIES ACT**  
**Act 89 of 1977**

AN ACT to provide for the establishment of cooperative libraries; to prescribe the powers and duties of the department of history, arts, and libraries; to provide state aid for public libraries participating in cooperative libraries; to prescribe the powers and duties of cooperative library boards; to provide an appropriation; and to repeal acts and parts of acts.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 1982, Act 541, Eff. Mar. 30, 1983;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

*The People of the State of Michigan enact:*

**397.551 Short title.**

Sec. 1. This act shall be known and may be cited as the "state aid to public libraries act".

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977.

**397.552 Definitions.**

Sec. 2. As used in this act:

(a) "Department" means the department of history, arts, and libraries.

(b) "Local board" means the board of trustees or directors that has as its primary purpose the supervision of a local public library, or that board contracting for library service, or, if such a board does not exist, the legislative body of the local government that maintains the public library.

(c) "Local support" means funds from tax sources, gifts, endowments, penal fines, or other funds received from local sources, excluding state and federal aid as stated in this act.

(d) "Public library" means a library that is lawfully established for free public purposes by 1 or more counties, cities, townships, villages, school districts, or other local governments or a combination thereof, or by a public or local act, the entire interests of which belong to the general public. Public library does not include a special library such as a professional, technical, or school library.

(e) "Cooperative board" means the governing board of a cooperative library.

(f) "Cooperative library" means the library or service center designated by a cooperative board to execute services established by a cooperative plan and provided to libraries participating in a cooperative.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 1982, Act 541, Eff. Mar. 30, 1983;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

**397.553 Cooperative boards; establishment; number.**

Sec. 3. Cooperative boards representing local public libraries shall be established in accordance with this act and approved by the department. The number of cooperative boards shall be determined by the department in accordance with section 6.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

**397.554 Preliminary cooperative plan for library services; contents; development.**

Sec. 4. A preliminary cooperative plan for library services which sets forth a statement describing the specific services that will be rendered to those libraries participating in a cooperative library, the means and agencies by which the services will be rendered without duplication of existing resources and expertise, and the cooperative board that will receive funds and execute duties shall be developed by participating local public library boards.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977.

**397.555 Eligibility for membership in cooperative library.**

Sec. 5. To be eligible for membership in a cooperative library, a local library shall do all of the following:

(a) Maintain a minimum local support of 3/10 of a mill on taxable value, as taxable value is calculated under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a, in the fiscal year before October 1 of the year before distribution.

(b) Participate in the development of cooperative library plans.

(c) Loan materials to other libraries participating in the cooperative library.

(d) Maintain an open door policy to the residents of the state, as provided by section 9 of article VIII of the state constitution of 1963.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2000, Act 340, Imd. Eff. Dec. 27, 2000.

**397.556 Areas included in cooperative library.**

Sec. 6. (1) A cooperative library includes those areas consisting of 1 of the following:

- (a) Two or more counties with a total population of at least 100,000.
- (b) One county plus portions of other counties with a population of at least 100,000.
- (c) One county or portion of the county with a population of at least 400,000.
- (d) Portions of 2 or more counties with a population of at least 350,000.
- (e) Combinations of counties or portions of counties serving a population of at least 50,000, if the region served has a population of 35 or fewer persons per square mile.

(2) The area covered by a cooperative library shall recognize the geosocioeconomic conditions within that area and regions established for governmental purposes throughout the state. A local board placed in a cooperative library may petition the department to be placed in a different cooperative library or to join with other local boards to form a cooperative library under this act. A local board serving an area adjoining more than 1 cooperative library may determine the cooperative library in which it participates.

(3) The system board of an existing library system serving over 600,000 population may petition the department for designation as a cooperative board, and the department shall designate that system board, as already constituted, as the cooperative board. If a cooperative board is a county library board, the cooperative plan shall provide for expanding the cooperative board to represent proportionately the population served in any other county or counties within the area of the cooperative library. This expanded cooperative board shall have authority over those matters affecting the operation of the cooperative library except for the property, personnel, and governmental relationships of the county whose board was designated as the cooperative board, which matters shall continue to be the responsibility of that county library board. The department shall include in the cooperative library serving over 600,000 population the communities presently served by the existing system and all other communities not in another cooperative library within counties represented by members on the expanded cooperative board other than the designated system board members.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001;—Am. 2005, Act 30, Imd. Eff. May 25, 2005;—Am. 2011, Act 288, Imd. Eff. Dec. 21, 2011.

### **397.557 Cooperative library board as representative of participating libraries; selection of members; existing systems.**

Sec. 7. A cooperative library board shall be representative of the participating libraries except as specifically provided in section 6. It shall consist of 9 members with the method of selection to be stated in the approved plan as provided in section 4. In the case of existing systems which otherwise qualify as cooperative libraries, the number of board members and their relationship to existing governmental units may continue if approved by a majority of the participating libraries and specified in the approved plan.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977.

### **397.558 Cooperative library board as body corporate; powers and duties; installment purchase contract, land contract, loan agreement, or lease purchase contract.**

Sec. 8. (1) The cooperative board is a body corporate and may sue and be sued.

(2) The cooperative board shall do all of the following:

- (a) Operate the cooperative library and manage and control the cooperative library's funds and property.
- (b) Select a chairperson.
- (c) Establish, maintain, and operate cooperative services for public libraries in the cooperative library's area.
- (d) Appoint a director or coordinator to administer the cooperative library, fix that person's compensation, and delegate to that person those powers the delegation of which is in the best interest of the cooperative library, including the power to hire necessary employees.
- (e) Acquire books, periodicals, library materials, equipment, supplies, or other personal property by purchase, installment purchase contract, or lease with or without an option to purchase, or enter into a loan agreement and borrow money for that purpose.
- (f) Erect buildings or acquire real property, including buildings and fixtures, by purchase, land contract, installment purchase contract, or lease with or without an option to purchase, or enter into a loan agreement and borrow money for that purpose.

(g) Enter into contracts to receive service from or give service to libraries in the state, including public, school, academic, cooperative, or special libraries, and political subdivisions of the state.

(h) Exclusively control expenditures for the cooperative library.

(i) Accept gifts and donations of property for the benefit of the cooperative library and for the purposes for which donated.

(j) Adopt bylaws and rules not inconsistent with this act for its own government and do those things

necessary to carry out the purposes of this act.

(3) All of the following shall apply to an installment purchase contract, land contract, loan agreement, or lease purchase contract entered into pursuant to subsection (2):

(a) The contract shall not constitute an indebtedness of any member of the cooperative library within any constitutional, charter, or statutory limitation.

(b) Principal and interest are payable solely from the revenues of the cooperative library.

(c) No member of the cooperative library shall pledge its full faith and credit to the payment of principal and interest on the contract.

(d) Interest on the unpaid principal amount of the contract shall not be treated as excluded from gross income under the internal revenue code.

(4) An installment purchase contract, land contract, lease purchase contract, or loan agreement entered into pursuant to subsection (2) shall contain a statement setting forth the provisions of subsection (3).

(5) An installment purchase contract, land contract, lease purchase agreement, or loan agreement entered into by the cooperative board for a purpose discussed in subsection (2) that occurred prior to the effective date of the 1995 amendatory act that added this subsection is validated and made legal for all purposes.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 1995, Act 231, Imd. Eff. Dec. 19, 1995.

### **397.559 Submission and contents of plan; approval of plan; jurisdiction.**

Sec. 9. Following establishment of a cooperative board, the cooperative board shall submit to the department a plan that designates and describes the responsibilities of the cooperative library, provides for future selection of cooperative board membership, and gives notice of the cooperative board's meeting dates. The original plan and any substantial modification shall be approved by the department. A cooperative board has no jurisdiction over the property or management of a local library.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

### **397.560 Fiscal year and funds of cooperative library.**

Sec. 10. The fiscal year of the cooperative library is October 1 to September 30, except where the cooperative library must conform to the fiscal year fixed by another state law or local charter. The funds of the cooperative library shall be deposited in banks designated by the cooperative library board.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977.

### **397.561 Use of facilities and resources of member libraries; availability of services of cooperative library; appeal from refusal of service.**

Sec. 11. Following establishment of a cooperative board, residents of the cooperative library's area are eligible to use the facilities and resources of the member libraries subject to the rules of the cooperative library plan. Services of the cooperative library, including those of participating libraries, are to be available at reasonable times and on an equal basis within the areas served to schoolchildren, individuals in public and nonpublic institutions of learning, and a student or resident within the area. An applicant refused service may appeal to the department, which shall review the operation of the cooperative library and may withhold state aid funds until the services are granted.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 1984, Act 432, Imd. Eff. Jan. 11, 1985;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

### **397.561a Nonresident borrowing fees.**

Sec. 11a. A library may charge nonresident borrowing fees to a person residing outside of the library's service area, including a person residing within the cooperative library's service area to which that library is assigned, if the fee does not exceed the costs incurred by the library in making borrowing privileges available to nonresidents including, but not limited to, the costs, direct and indirect, of issuing a library card, facilitating the return of loaned materials, and the attendant cost of administration.

**History:** Add. 1984, Act 432, Imd. Eff. Jan. 11, 1985.

### **397.562 Resolution requesting local board to become participating library; rights, duties, and privileges of participating library.**

Sec. 12. Once a cooperative plan has been accepted by the department and a cooperative board has been established, a local board shall adopt a resolution requesting that the local library become a participating library in the cooperative library. Duplicate copies of the resolution, certified by the clerk of the local board, shall be filed with the cooperative board. The cooperative board shall accept or show reason for denial of the request for membership within 60 days after filing. When the cooperative board has accepted the resolution, the resolution and the acceptance shall be indorsed and a copy filed with the department. The participating

library has the same rights, duties, and privileges as other libraries participating in that cooperative library.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

### **397.563 State aid for cooperative libraries.**

Sec. 13. A cooperative library shall be granted continuing state aid at the rate of 50 cents per capita for its served population.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977.

### **397.564 Cooperative board to provide services to member libraries within area of cooperative library.**

Sec. 14. A cooperative board shall provide, directly or through a written contract, services to member libraries within the cooperative library's area. The services, subject to standards approved by the department in consultation with the state librarian, may include:

- (a) A central pool or rotating book collection.
- (b) In-service training.
- (c) Book selection aids.
- (d) Bibliographic services.
- (e) Audio-visual services.
- (f) Bookmobile service or other outlets to outlying areas.
- (g) Publicity and public relations.
- (h) Printing.
- (i) A centralized purchasing operation.
- (j) Centralized processing, including cataloging and marking.
- (k) Reference services.
- (l) Delivery service.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

### **397.565 Payment for services by member libraries; cooperative library headquarters.**

Sec. 15. When the state aid grant is insufficient to provide all services, the member libraries may be required to pay for services in a priority order to be specified in the cooperative plan. Cooperative library headquarters shall be linked to the library of Michigan and may be required upon adequate funding to provide other services considered essential to good public library service and so designated by the department in consultation with the state librarian.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 1982, Act 541, Eff. Mar. 30, 1983;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

**Compiler's note:** For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **397.566 State aid for public libraries; reimbursing public libraries for salary of head librarian; employee wage increases; certifying salary of head librarian.**

Sec. 16. (1) A public library shall receive 35 cents per capita from state aid during the fiscal year 1977-78 if in the prior year the public library received local support equal to that required by this act.

(2) A public library shall receive 50 cents per capita from state aid during the fiscal year 1978-79 if in the prior year the public library received local support equal to that required by this act, the library has not reduced its local support by an amount equal to or larger than the state aid from the previous year without the approval of the department, and the library meets the minimum standards established by the department and this act.

(3) A public library belonging to a cooperative library shall receive from state aid for the fiscal year 1977-78 an additional 15 cents per capita, all or a part of which must be used to pay for cooperative services from the cooperative board as provided by section 15 and the cooperative plan.

(4) A public library belonging to a cooperative library shall receive from state aid each year after fiscal year 1977-78 an additional 50 cents per capita, all or part of which shall be used to pay for cooperative services from the cooperative board as provided by section 15 and the cooperative plan. When the cost of the cooperative library services has been paid, any remaining portion of the grant may be applied to local services under subsection (2). Each public library cooperative that qualifies under this act during fiscal year 1977-78 and following years shall receive an amount of \$10.00 per square mile for the area that it serves if the area served has fewer than 75 people per square mile.

(5) A public library that is a county library serving a population of 50,000 or fewer that appoints to the

office of head librarian a person with either a bachelor of arts or a bachelor of science degree from a college or university approved by an accrediting association of more than statewide standing, including or supplemented by 1 full year of training in a library school accredited by the American library association and with at least 4 years' experience in an administrative capacity in an approved library, shall be reimbursed for that portion of the salary not exceeding \$400.00 for any 1 month or \$4,800.00 in any 1 year, if the county library received during the last completed fiscal year before the year in which distribution is to be made, from the county or counties not less than \$3,600.00 exclusive of money received from federal or state grants in aid to the library. Wage increases to present employees shall be paid equally by the state and local governments. Before September 6, December 6, March 6, and June 6 of the year of distribution, the county library board or the board's authorized agent shall certify to the department the actual amount of the salary paid the head librarian during the 3-month period immediately preceding those months.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

### **397.567 Compliance with certification requirements as qualification for state aid.**

Sec. 17. A cooperative library and public library shall conform to certification requirements for personnel as established by the department in order to qualify for state aid.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

### **397.568 Application for state aid; certification.**

Sec. 18. A cooperative library and public library desiring to participate in state aid shall apply before February 1 of each year of distribution. The applicant shall certify to the department the amount of money received from each source during the last completed fiscal year before October 1 of the year of distribution.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

### **397.569 Distribution of state aid; statement; vouchers; warrants.**

Sec. 19. The department shall prepare a statement of the amount to be distributed in accordance with this act. Vouchers for disbursement of state aid shall be signed by an authorized agent of the department and delivered to the department of management and budget, which shall draw up warrants on the department of treasury in favor of the fiscal agent of the cooperative board or local board. State aid shall be distributed by September 30 of the year of distribution.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

### **397.570 Deposit of money in separate fund; review of expenditures.**

Sec. 20. A cooperative library or public library receiving state aid shall deposit the money in a separate fund. Expenditures from that fund are subject to review by the department or its authorized representative.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

### **397.571 Expenditure of state aid.**

Sec. 21. State aid paid to a cooperative library or a public library may be used for any expenditure, including the cost of intersystem or intrasystem contracts.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977.

### **397.572 Dispute; hearing; decision.**

Sec. 22. When there is a dispute concerning the cooperative library to which a public library shall belong, services rendered to member libraries, or the operations of a cooperative system which cannot be resolved on the local level, the department may hear the case. The decision of the department is final.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

### **397.573 Needs considered by state board in carrying out powers and duties.**

Sec. 23. The department shall consider the following needs in carrying out its powers and duties:

(a) Library facilities shall be provided to residents of the area covered by a cooperative library without needless duplication of facilities, resources, or expertise.

(b) Establishment of a local public library may be approved for state aid purposes where local conditions require an additional local public library.

(c) Existing public libraries and new public libraries shall cooperate to provide adequate library services at a reasonable cost.

(d) Increased effort shall be made to provide residents the right to read, with added emphasis on areas which normally cannot provide those services.

(e) Local responsibility, initiative, and support for library service shall be recognized and respected when provision is made for adequate local and cooperative library service.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

**397.574 Repealed. 1982, Act 541, Eff. Mar. 30, 1983.**

**Compiler's note:** The repealed section conferred authority on state board to promulgate rules.

**397.575 Appropriation.**

Sec. 25. (1) There is appropriated for public libraries from the general fund of the state for the fiscal year ending September 30, 1977, and for each fiscal year thereafter, the sum necessary to fulfill the requirements of this act. The appropriation shall be distributed as provided in this act.

(2) It is the intent of the legislature that money available in subsection (1) be used solely for assistance to public libraries or cooperative libraries and not for the administrative expenses of the library of Michigan or the department of history, arts, and libraries.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977;—Am. 2001, Act 65, Eff. Oct. 1, 2001.

**397.576 Repeal of MCL 397.501 to 397.527.**

Sec. 26. Act No. 286 of the Public Acts of 1965, being sections 397.501 to 397.527 of the Compiled Laws of 1970, is repealed.

**History:** 1977, Act 89, Imd. Eff. Aug. 2, 1977.

Appendix A-2

State Constitution of Michigan of 1963 (Article 8 Section 9)

Article 8: Education

**§ 9 Public libraries, fines.**

Sec. 9. The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.

**History:** Const. 1963, Art. VIII, § 9, Eff. Jan. 1, 1964.

**Former constitution:** See Const. 1908, Art. XI, § 14.

THE LAKELAND LIBRARY  
COOPERATIVE  
BYLAWS  
APPROVED BY THE BOARD  
ON SEPTEMBER 8TH, 2022

LLC BOARD APPROVED REVISIONS  
ON SEPTEMBER 14<sup>th</sup>, 2023

<u>TABLE OF CONTENTS:</u>	<u>PAGE</u>
ARTICLE I -- NAME, AUTHORITY AND PURPOSE	1
ARTICLE II -- COOPERATIVE BOARD	2-3
ARTICLE III -- ADVISORY COUNCIL	3-4
ARTICLE IV -- COOPERATIVE DIRECTOR	4-5
ARTICLE V -- COMMITTEES	5-6
ARTICLE VI -- AMENDMENTS OF BYLAWS	6



## LAKELAND LIBRARY COOPERATIVE BYLAWS

### ARTICLE I: NAME, AUTHORITY AND PURPOSE

1. The name of this organization shall be Lakeland Library Cooperative (LLC).
2. The authority for LLC is provided in the Plan of Service as set up under Public Act 89 of 1977, as amended.
3. The mission of LLC is to strengthen member libraries providing the means to share resources, services, and expertise for the benefit of individuals and communities.
4. The Plan of Service provides fundamental information regarding LLC's organization, membership, and services. These Bylaws should be viewed only within the context of the approved Plan of Service and the laws referenced within.
5. These Bylaws supersede all previous Bylaws.

### ARTICLE II: COOPERATIVE BOARD

1. The Board shall be established pursuant to the Plan of Service.
2. The Board will elect officers at its annual meeting:
  - The officers shall be elected from the members of the Board at the beginning of the annual meeting. The previous fiscal year's President will conduct the election.
  - The new officers will immediately take office upon election and shall serve for one year.
  - No officer shall serve more than two consecutive terms in the same office, and there shall be a period of three (3) years before the same individual can serve in the same office again following their last term whether it be one or two years.
3. The Board officers will perform the following duties:
  - The President presides at all board meetings, appoints members to standing, ad-hoc and special committees, may serve as chair or as an ex-officio member (non-voting) of committees and performs all other such duties as may be assigned by the Board.
  - The Vice-President in the absence of the President, shall assume all duties of the President and perform such other duties as the President or Board may direct.
  - The Secretary insures a true and accurate record of all meetings of the Board and performs other duties as generally associated with the office.
  - The Treasurer certifies invoices, is a signatory on investment and banking activity, serves as the chair of the finance Committee, review the annual audit and submit it to the Board and performs such other duties as the President or Board may direct.
4. Meetings of the Board
  - Regular Meetings
    - Will be scheduled a minimum of eight (8) times a year.
    - Will be scheduled for the second Thursday of each month. These dates, however, are subject to change if circumstances warrant.
    - A tentative schedule of meeting dates, times and locations for the

coming year will be presented no later than at the September meeting.

- Special meetings
    - May be called by the President or upon request of a simple majority of the members of LLC Board.
    - The purpose of the meeting shall be stated in the communication.
5. Quorum and Adherence
- A simple majority of LLC Board constitutes a quorum for the transaction of business.
  - Robert's Rules of Order, Revised shall be the parliamentary authority on all matters not covered by these Bylaws.
  - The Board will adhere to Open Meetings Act 267, 1976 as amended.
6. The order of business may be, but is not necessarily limited to, the following:
- Call to Order and Roll Call
  - Approval of Agenda
  - Public Comment
  - Approval of Minutes
  - Correspondence
  - Financial Report
  - Cooperative Report
  - Committee Reports
  - Continuing Business
  - New Business
  - Public Comment
  - Board Member Comments
  - Next Meeting
  - Adjournment

### **ARTICLE III: ADVISORY COUNCIL**

1. The Council shall be established pursuant to the Plan of Service.
2. The Council will elect officers at its annual meeting:
  - The officers shall be elected by the LLC member libraries at the beginning of the annual meeting. The previous fiscal year's Chair will conduct the election.
  - The new officers will immediately take office upon election and shall serve for one year.
  - No officer shall serve more than two consecutive terms in the same office, and there shall be a period of three (3) years before the same individual can serve in the same office again following their last term whether it be one or two years.
3. The Advisory officers will perform the following duties:
  - The Chairperson presides at all Council meetings, establishes and appoints members to standing, ad-hoc and special committees, serve as an ex-officio member of committees and performs all other such duties as may be assigned by the Board.
  - The Vice-Chairperson in the absence of the Chairperson, shall assume all

duties of the Chairperson and perform such other duties as the Chairperson or Board may direct.

- The Secretary insures a true and accurate record of all meetings of the Board and performs other duties as generally associated with the office.
4. Meetings of the Council:
- Regular Meetings
    - Will be scheduled a minimum of eight (8) times a year.
    - Will be scheduled for the second Thursday of each month. These dates, however, are subject to change if circumstances warrant.
    - A tentative schedule of meeting dates, times and locations for the coming year will be presented no later than at the September meeting.
5. Special meetings
- May be called by the Chairperson or upon request of a simple majority of the members of Council.
  - The purpose of the meeting shall be stated in the communication.
6. Quorum and Adherence
- Fifteen (15) of the member libraries must have a representative present to constitute a quorum. Each member library represented that is present shall receive one vote. If a quorum is not present, the meeting may still be held, but no official votes taken.
  - Robert's Rules of Order, Revised shall be the parliamentary authority on all matters not covered by these Bylaws.
  - The Council will adhere to Open Meetings Act 267, 1976 as amended.
7. The order of business may be, but is not necessarily limited to, the following:
- Call to Order and Roll Call
  - Approval of Agenda
  - Public Comment
  - Approval of Minutes
  - Correspondence
  - Cooperative Report
  - Committee Reports
  - Continuing Business
  - New Business
  - Public Comment
  - Next Meeting
  - Adjournment

#### **ARTICLE IV: COOPERATIVE DIRECTOR**

1. The Director shall be hired by the Board with the advice of the Advisory Council.
2. The Director shall administer LLC in accordance with these Bylaws, the Plan of Service and Board policies.
3. The Cooperative Director or designee shall be an ex-officio, non-voting member of LLC Board, the Advisory Council and all committees. He/she shall prepare all agendas with the advice of the President or Chairpersons.
4. The Cooperative Director, or his/her designee, shall keep the minutes of all meetings; keep an accurate record of all business transacted; shall be custodian of all records and shall conduct all correspondence of the Board and Council,

unless otherwise provided, and distribute the official minutes of each meeting to the Board, Council and the full LLC membership.

## **ARTICLE V: COMMITTEES**

### **1. Board Committees:**

- All committees are composed of members from various Class libraries (I-VI). A simple majority of committee constitutes a quorum. All committees shall have advisory powers only unless specific power to act with the prior consensus of the Board has been granted.
- Standing committees shall be assigned at the designated Annual Meeting with members appointed by the Board President. Additional standing committees not listed below can be formed with approval of the Board.
  - The Finance Committee is comprised of the President (ex-officio) and three additional board members, one of whom is the Treasurer and the chair. The committee reviews budgetary, investment and banking matters.
  - The Personnel Committee is comprised of the President who is the chair and three additional board members, The committee coordinates the hiring of a new Cooperative Director, developing annual objectives and conducting an annual review for the Director, reviewing the establishment or abolishment of staff positions, personnel policies and benefits.
- Ad-Hoc or Special Committees with limited scope and duration may be formed at any time with appointments made by the President with approval of the Board.

### **2. Council Committees**

- All committees are composed of volunteer members from various Class libraries (I-VI). Membership is not term limited. Each committee must have at least 8 members. A simple majority of committee constitutes a quorum. Officers are elected by a majority of the committee in attendance. Officers shall hold a two-year term. No officer shall serve more than two consecutive terms in the same office. The role of secretary will rotate between committee members or provided by LLC staff. Minutes of each meeting shall be recorded and distributed to the full Lakeland Library Cooperative membership by the Committee Secretary. Membership is open to any paid staff at a member library. Each committee works to promote, educate and support the focus of the group for the member libraries and the cooperative as a whole. All committees shall only have advisory powers.
- Standing committees shall be reviewed at the designated Annual Meeting(s) with chairpersons approved or appointed by the Council Chairperson. Additional standing committees can be formed with approval of the Council membership. The following are existing Advisory Council Standing Committees:
  - Adult Services
  - Circulation
  - Continuing Education
  - Lakeland Digital Library (Overdrive and other vendors)
  - Youth Services

- Ad-Hoc or Special Committees with limited scope and duration may be formed at any time with appointments made by the Chairperson with approval of the Council.

#### **ARTICLE IV: AMENDMENTS**

1. Amendments to these Bylaws may be proposed as part of the agenda for any regular meeting of the Board and will become effective if approved by a 2/3 majority of the Board members present.

#### **ADOPTION DATE**

As approved by The Lakeland Library Cooperative Board:

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Date: **September 8, 2022**  
Revised: September 14, 2023

APPROVED

**LIBRARY OF MICHIGAN - DEPT OF EDUCATION  
COOPERATIVE POPULATION REPORT  
FY2022 October 1, 2021-September 30, 2022**

<b>Library Name</b>	<b>Cooperative</b>	<b>Square Miles</b>	<b>Population</b>	<b>County</b>
Allendale Township Library	Lakeland	63.72	35,384	Ottawa
Alvah N. Belding Memorial Library	Lakeland	81.04	11,087	Ionia
Carson City Public Library	Lakeland	170.93	13,145	Montcalm
Cedar Springs Public Library	Lakeland	37.66	10,123	Kent
Coopersville Area District Library	Lakeland	115.91	12,679	Ottawa
Croton Township Library	Lakeland	34.04	3,368	Newaygo
Dorr Township Library	Lakeland	36.15	7,922	Allegan
Fennville District Library	Lakeland	158.89	14,496	Allegan
Flat River Community Library	Lakeland	106.45	18,223	Montcalm
Freeport District Library	Lakeland	71.04	6,102	Barry
Fremont Area District Library	Lakeland	148.96	13,885	Newaygo
Fruitport District Library	Lakeland	30.01	14,575	Muskegon
Gary Byker Memorial Library of Hudsonville	Lakeland	28.62	12,374	Ottawa
Georgetown Township Public Library	Lakeland	33.46	54,091	Ottawa
Grand Rapids Public Library	Lakeland	44.64	198,917	Kent
Grant Area District Library	Lakeland	98.51	8,861	Newaygo
Hackley Public Library	Lakeland	16.77	40,907	Muskegon
Hastings Public Library	Lakeland	60.83	13,514	Barry
Henika District Library	Lakeland	35.35	7,978	Allegan
Herrick District Library	Lakeland	180.99	109,385	Ottawa
Hesperia Community Library	Lakeland	138.96	5,876	Newaygo
Home Township Library	Lakeland	70.83	4,343	Montcalm
Hopkins District Library	Lakeland	67.31	4,851	Allegan
Howard Miller Library	Lakeland	85.70	25,071	Ottawa
Ionia Community Library	Lakeland	138.07	23,680	Ionia
Kent District Library	Lakeland	734.09	439,194	Kent
Lake Odessa Community Library	Lakeland	47.71	4,293	Ionia
Leighton Township Library	Lakeland	34.88	7,001	Allegan
Loutit District Library	Lakeland	80.26	39,331	Ottawa
Muskegon Area District Library	Lakeland	395.15	107,920	Muskegon
Newaygo Area District Library	Lakeland	52.57	7,494	Newaygo
Patmos Library	Lakeland	35.59	9,630	Ottawa
Salem Township Library	Lakeland	71.58	8,289	Allegan
Saranac Clarksville District Library	Lakeland	111.54	10,470	Ionia
Saugatuck-Douglas District Library	Lakeland	26.45	5,686	Allegan
Sparta Carnegie Township Library	Lakeland	36.52	9,395	Kent
Spring Lake District Library	Lakeland	58.24	19,868	Ottawa
Tamarack District Library	Lakeland	183.49	10,328	Montcalm
Thornapple Kellogg School and Community	Lakeland	108.22	18,577	Barry
Timothy C. Hauenstein Reynolds Township	Lakeland	90.03	9,992	Montcalm
White Cloud Community Library	Lakeland	257.59	8,770	Newaygo
White Lake Community Library	Lakeland	66.97	12,381	Muskegon
<b>Total Member Library Population</b>		<b>4,445.72</b>	<b>1,399,456</b>	

**LIBRARY OF MICHIGAN - DEPT OF EDUCATION  
COOPERATIVE POPULATION REPORT  
FY2022 October 1, 2021-September 30, 2022**

<b>Unserved Area</b>				
Big Prairie Township		5.66	438	Newaygo
Bridgeton Township		3.37	212	Newaygo
Bushnell Township		1.47	63	Montcalm
Ensley Township		20.32	1,483	Newaygo
Keene Township		1.21	59	Ionia
North Plains Township		2.14	71	Ionia
Ronald Township		0.15	8	Ionia
Ronald Township		14.60	749	Ionia
Whitehall Township		0.22	42	Muskegon
Yankee Springs Township		9.61	1,624	Barry
Subtotal Unserved Area		58.75	4,749	
<b>Total Population</b>		<b>4,504.47</b>	<b>1,404,205</b>	

<b>Lakeland Member Library</b>	<b>2020 Census Population</b>	<b>2020 Census Class</b>	<b>2022-2023 Populaton by Class</b>	<b>Number of Board positions</b>
Croton Township Library	3,368	1		
Freeport District Library	6,102	2		
Hesperia Community Library	5,839	2		
Home Township Library	4,343	2		
Hopkins District Library	4,851	2		
Lake Odessa Community	4,293	2		
Saugatuck-Douglas District	5,686	2		
Leighton Township Library	7,001	3		
Newaygo Area District	7,494	3		
Alvah N. Belding Memorial	11,087	3		
Cedar Springs Public	10,123	3		
Dorr Township Library	7,922	3		
Grant Area District Library	8,861	3		
Henika District Library	7,978	3		
Patmos Library	9,630	3		
Salem Township Library	8,289	3		
Saranac Public Library	10,470	3		
Sparta Carnegie Township	9,395	3		
Tamarack District Library	10,328	3		
Timothy C. Hauenstein	9,992	3		
White Cloud Community	8,766	3		
<b>Totals for Class I, II &amp; III</b>			<b>161,818</b>	<b>1</b>
Carson City Public Library	13,102	4		
Coopersville Area District	12,679	4		
Gary Byker Memorial Library	12,374	4		
White Lake Community	12,381	4		
Fennville District Library	14,496	4		
Flat River Community	18,223	4		
Fremont Area District	13,885	4		
Fruitport District Library	14,575	4		
Hastings Public Library	13,514	4		
Howard Miller Library	25,071	4		
Ionia Community Library	23,680	4		
Spring Lake District Library	19,868	4		
Thornapple Kelloog School	18,577	4		
<b>Totals for Class IV</b>			<b>212,425</b>	<b>2</b>
Allendale Township Library	35,384	5		
Hackley Public Library	40,907	5		
Loutit District Library	39,331	5		
<b>Totals for Class V</b>			<b>115,622</b>	<b>1</b>
Georgetown Township	54,091	6		
Grand Rapids Public Library	198,917	6		
Herrick District Library	109,385	6		
Kent District Library	439,194	6		
Muskegon Area District	107,902	6		
Totals for Class VI			909,489	5
<b>Totals for Cooperative</b>			<b>1,399,354</b>	<b>9</b>



**OPEN MEETINGS ACT**  
**Act 267 of 1976**

AN ACT to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of acts.

**History:** 1976, Act 267, Eff. Mar. 31, 1977.

*The People of the State of Michigan enact:*

**15.261 Short title; effect of act on certain charter provisions, ordinances, or resolutions.**

Sec. 1. (1) This act shall be known and may be cited as the "Open meetings act".

(2) This act shall supersede all local charter provisions, ordinances, or resolutions which relate to requirements for meetings of local public bodies to be open to the public.

(3) After the effective date of this act, nothing in this act shall prohibit a public body from adopting an ordinance, resolution, rule, or charter provision which would require a greater degree of openness relative to meetings of public bodies than the standards provided for in this act.

**History:** 1976, Act 267, Eff. Mar. 31, 1977.

**15.262 Definitions.**

Sec. 2. As used in this act:

(a) "Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.

(b) "Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy, or any meeting of the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.

(c) "Closed session" means a meeting or part of a meeting of a public body that is closed to the public.

(d) "Decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 2001, Act 38, Imd. Eff. July 11, 2001.

**15.263 Meetings, decisions, and deliberations of public body; requirements; attending or addressing meeting of public body; COVID-19 safety measures; tape-recording, videotaping, broadcasting, and telecasting proceedings; accommodation of absent members; remote attendance; rules; exclusion from meeting; exemptions.**

Sec. 3. (1) All meetings of a public body must be open to the public and must be held in a place available to the general public. All persons must be permitted to attend any meeting except as otherwise provided in this act. The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right does not depend on the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting. For a meeting of a public body held in person before April 1, 2021, the public body shall do both of the following:

(a) To the extent feasible under the circumstances, ensure adherence to social distancing and mitigation measures recommended by the Centers for Disease Control and Prevention for purposes of preventing the spread of COVID-19, including the measure that an individual remain at least 6 feet from anyone from outside the individual's household.

(b) Adopt heightened standards of facility cleaning and disinfection to limit participant exposure to COVID-19, as well as protocols to clean and disinfect in the event of a positive COVID-19 case in the public body's meeting place.

(2) All decisions of a public body must be made at a meeting open to the public. For purposes of any meeting subject to this section, except a meeting of any state legislative body at which a formal vote is taken, the public body shall, subject to section 3a, establish the following procedures to accommodate the absence of

any member of the public body due to military duty, a medical condition, or a statewide or local state of emergency or state of disaster declared pursuant to law or charter or local ordinance by the governor or a local official, governing body, or chief administrative officer that would risk the personal health or safety of members of the public or the public body if the meeting were held in person:

(a) Procedures by which the absent member may participate in, and vote on, business before the public body, including, but not limited to, procedures that provide for both of the following:

(i) Two-way communication.

(ii) For each member of the public body attending the meeting remotely, a public announcement at the outset of the meeting by that member, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.

(b) Procedures by which the public is provided notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting of the public body to provide input on any business that will come before the public body.

(3) All deliberations of a public body constituting a quorum of its members must take place at a meeting open to the public except as provided in this section and sections 7 and 8.

(4) A person must not be required as a condition of attendance at a meeting of a public body to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance.

(5) A person must be permitted to address a meeting of a public body under rules established and recorded by the public body. The legislature or a house of the legislature may provide by rule that the right to address may be limited to prescribed times at hearings and committee meetings only.

(6) A person must not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.

(7) This act does not apply to the following public bodies, but only when deliberating the merits of a case:

(a) The Michigan compensation appellate commission operating as described in either of the following:

(i) Section 274 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.274.

(ii) Section 34 of the Michigan employment security act, 1936 (Ex Sess) PA 1, 421.34.

(b) The state tenure commission created in section 1 of article VII of 1937 (Ex Sess) PA 4, MCL 38.131, when acting as a board of review from the decision of a controlling board.

(c) The employment relations commission or an arbitrator or arbitration panel created or appointed under 1939 PA 176, MCL 423.1 to 423.30.

(d) The Michigan public service commission created under 1939 PA 3, MCL 460.1 to 460.11.

(8) This act does not apply to an association of insurers created under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, or other association or facility formed under that act as a nonprofit organization of insurer members.

(9) This act does not apply to a committee of a public body that adopts a nonpolicymaking resolution of tribute or memorial, if the resolution is not adopted at a meeting.

(10) This act does not apply to a meeting that is a social or chance gathering or conference not designed to avoid this act.

(11) This act does not apply to the Michigan veterans' trust fund board of trustees or a county or district committee created under 1946 (1st Ex Sess) PA 9, MCL 35.602 to 35.610, when the board of trustees or county or district committee is deliberating the merits of an emergent need. A decision of the board of trustees or county or district committee made under this subsection must be reconsidered by the board or committee at its next regular or special meeting consistent with the requirements of this act. "Emergent need" means a situation that the board of trustees, by rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate action.

(12) As used in subsection (2):

(a) "Formal vote" means a vote on a bill, amendment, resolution, motion, proposal, recommendation, or any other measure on which a vote by members of a state legislative body is required and by which the state legislative body effectuates or formulates public policy.

(b) "Medical condition" means an illness, injury, disability, or other health-related condition.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1981, Act 161, Imd. Eff. Nov. 30, 1981;—Am. 1986, Act 269, Imd. Eff. Dec. 19, 1986;—Am. 1988, Act 158, Imd. Eff. June 14, 1988;—Am. 1988, Act 278, Imd. Eff. July 27, 1988;—Am. 2016, Act 504, Eff. Apr. 9, 2017;—Am. 2018, Act 485, Eff. Mar. 29, 2019;—Am. 2020, Act 228, Imd. Eff. Oct. 16, 2020;—Am. 2020, Act 254, Imd. Eff. Dec. 22, 2020.

**Administrative rules:** R 35.621 of the Michigan Administrative Code.

**15.263a Electronic public meetings; telephonic or video conferencing; "agricultural commodity group" defined; permissibility under certain circumstances; 2-way communication required; advance notice of electronic meetings; availability of agenda; registration requirement prohibited; remote participation limited to military duty or medical condition.**

Sec. 3a. (1) A meeting of a public body held, in whole or in part, electronically by telephonic or video conferencing in compliance with this section and, except as otherwise required in this section, all of the provisions of this act applicable to a nonelectronic meeting, is permitted by this act in the following circumstances:

(a) Before March 31, 2021 and retroactive to March 18, 2020, any circumstances, including, but not limited to, any of the circumstances requiring accommodation of absent members described in section 3(2).

(b) Subject to subdivision (d), on and after March 31, 2021 through December 31, 2021, only those circumstances requiring accommodation of members absent for the reasons described in section 3(2). For the purpose of permitting an electronic meeting due to a local state of emergency or state of disaster, this subdivision applies only as follows:

(i) To permit the electronic attendance of a member of the public body who resides in the affected area.

(ii) To permit the electronic meeting of a public body that usually holds its meetings in the affected area.

(c) Subject to subdivision (d), after December 31, 2021, only in the circumstances requiring accommodation of members absent due to military duty as described in section 3(2).

(d) On and after March 31, 2021, for a public body that is an agricultural commodity group, any circumstances, including, but not limited to, any of the circumstances requiring accommodation of absent members described in section 3(2). As used in this subdivision, "agricultural commodity group" means any of the following:

(i) A committee as that term is defined in section 2 of the agricultural commodities marketing act, 1965 PA 232, MCL 290.652.

(ii) The state beef industry commission created in section 3 of the beef industry commission act, 1972 PA 291, MCL 287.603.

(iii) The potato industry commission created in section 2 of 1970 PA 29, MCL 290.422.

(iv) The Michigan bean commission created in section 3 of 1965 PA 114, MCL 290.553.

(2) A meeting of a public body held electronically under this section must be conducted in a manner that permits 2-way communication so that members of the public body can hear and be heard by other members of the public body, and so that public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period. A public body may use technology to facilitate typed public comments during the meeting submitted by members of the public participating in the meeting that may be read to or shared with members of the public body and other participants to satisfy the requirement under this subsection that members of the public be heard by others during the electronic meeting and the requirement under section 3(5) that members of the public be permitted to address the electronic meeting.

(3) Except as otherwise provided in subsection (8), a physical place is not required for an electronic meeting held under this section, and members of a public body and members of the public participating electronically in a meeting held under this section that occurs in a physical place are to be considered present and in attendance at the meeting for all purposes.

(4) If a public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the public body shall, in addition to any other notices that may be required under this act, post advance notice of a meeting held electronically under this section on a portion of the public body's website that is fully accessible to the public. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for nonregularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of nonregularly scheduled or electronic public meetings. Subject to the requirements of this section, any scheduled meeting of a public body may be held as an electronic meeting under this section if a notice consistent with this section is posted at least 18 hours before the meeting begins. Notice of a meeting of a public body held electronically must clearly explain all of the following:

(a) Why the public body is meeting electronically.

(b) How members of the public may participate in the meeting electronically. If a telephone number, internet address, or both are needed to participate, that information must be provided specifically.

(c) How members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.

(d) How persons with disabilities may participate in the meeting.

(5) Beginning on the effective date of the amendatory act that added this section, if an agenda exists for an electronic meeting held under this section by a public body that directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the public body shall, on a portion of the website that is fully accessible to the public, make the agenda available to the public at least 2 hours before the electronic meeting begins. This publication of the agenda does not prohibit subsequent amendment of the agenda at the meeting.

(6) A public body shall not, as a condition of participating in an electronic meeting of the public body held under this section, require a person to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms established and required by the public body necessary to permit the person to participate in a public comment period of the meeting.

(7) Members of the general public otherwise participating in a meeting of a public body held electronically under this section are to be excluded from participation in a closed session of the public body held electronically during that meeting if the closed session is convened and held in compliance with the requirements of this act applicable to a closed session.

(8) At a meeting held under this section that accommodates members absent due to military duty or a medical condition, only those members absent due to military duty or a medical condition may participate remotely. Any member who is not on military duty or does not have a medical condition must be physically present at the meeting to participate.

**History:** Add. 2020, Act 228, Imd. Eff. Oct. 16, 2020;—Am. 2020, Act 254, Imd. Eff. Dec. 22, 2020;—Am. 2021, Act 54, Imd. Eff. July 13, 2021.

#### **15.264 Public notice of meetings generally; contents; places of posting.**

Sec. 4. The following provisions shall apply with respect to public notice of meetings:

(a) A public notice shall always contain the name of the public body to which the notice applies, its telephone number if one exists, and its address.

(b) A public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting public notice.

(c) If a public body is a part of a state department, part of the legislative or judicial branch of state government, part of an institution of higher education, or part of a political subdivision or school district, a public notice shall also be posted in the respective principal office of the state department, the institution of higher education, clerk of the house of representatives, secretary of the state senate, clerk of the supreme court, or political subdivision or school district.

(d) If a public body does not have a principal office, the required public notice for a local public body shall be posted in the office of the county clerk in which the public body serves and the required public notice for a state public body shall be posted in the office of the secretary of state.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1984, Act 87, Imd. Eff. Apr. 19, 1984.

#### **15.265 Public notice of regular meetings, change in schedule of regular meetings, rescheduled regular meetings, or special meetings; posting; statement of date, time, and place; website; recess or adjournment; emergency sessions; emergency public meeting; meeting in residential dwelling; limitation; notice; duration requirement.**

Sec. 5. (1) A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.

(2) For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

(3) If there is a change in the schedule of regular meetings of a public body, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.

(4) Except as provided in this subsection or in subsection (6), for a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting in a prominent and conspicuous place at both the public body's principal office and, if the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, on a portion of the website that is

fully accessible to the public. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for nonregularly scheduled public meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those nonregularly scheduled public meetings. The requirement of 18-hour notice does not apply to special meetings of subcommittees of a public body or conference committees of the state legislature. A conference committee shall give a 6-hour notice. A second conference committee shall give a 1-hour notice. Notice of a conference committee meeting shall include written notice to each member of the conference committee and the majority and minority leader of each house indicating time and place of the meeting.

(5) A meeting of a public body that is recessed for more than 36 hours shall be reconvened only after public notice that is equivalent to that required under subsection (4) has been posted. If either house of the state legislature is adjourned or recessed for less than 18 hours, the notice provisions of subsection (4) are not applicable. Nothing in this section bars a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat. However, if a public body holds an emergency public meeting that does not comply with the 18-hour posted notice requirement, it shall make paper copies of the public notice for the emergency meeting available to the public at that meeting. The notice shall include an explanation of the reasons that the public body cannot comply with the 18-hour posted notice requirement. The explanation shall be specific to the circumstances that necessitated the emergency public meeting, and the use of generalized explanations such as "an imminent threat to the health of the public" or "a danger to public welfare and safety" does not meet the explanation requirements of this subsection. If the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, it shall post the public notice of the emergency meeting and its explanation on its website in the manner described for an internet posting in subsection (4). Within 48 hours after the emergency public meeting, the public body shall send official correspondence to the board of county commissioners of the county in which the public body is principally located, informing the commission that an emergency public meeting with less than 18 hours' public notice has taken place. The correspondence shall also include the public notice of the meeting with explanation and shall be sent by either the United States postal service or electronic mail. Compliance with the notice requirements for emergency meetings in this subsection does not create, and shall not be construed to create, a legal basis or defense for failure to comply with other provisions of this act and does not relieve the public body from the duty to comply with any provision of this act.

(6) A meeting of a public body may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the public body. For a meeting of a public body that is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice shall be at the bottom of the display advertisement, set off in a conspicuous manner, and include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

(7) A durational requirement for posting a public notice of a meeting under this act is the time that the notice is required to be accessible to the public.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1978, Act 256, Imd. Eff. June 21, 1978;—Am. 1982, Act 134, Imd. Eff. Apr. 22, 1982;—Am. 1984, Act 167, Imd. Eff. June 29, 1984;—Am. 2012, Act 528, Imd. Eff. Dec. 28, 2012.

### **15.266 Providing copies of public notice on written request; fee.**

Sec. 6. (1) Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the reasonable estimated cost for printing and postage of such notices, a public body shall send to the requesting party by first class mail a copy of any notice required to be posted pursuant to section 5(2) to (5).

(2) Upon written request, a public body, at the same time a public notice of a meeting is posted pursuant to section 5, shall provide a copy of the public notice of that meeting to any newspaper published in the state and to any radio and television station located in the state, free of charge.

**History:** 1976, Act 267, Eff. Mar. 31, 1977.

### **15.267 Closed sessions; roll call vote; separate set of minutes.**

Sec. 7. (1) A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote



and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1993, Act 81, Eff. Apr. 1, 1994;—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996.

### **15.268 Closed sessions; permissible purposes; applicability to independent citizens redistricting commission.**

Sec. 8. (1) Except as otherwise provided in subsection (2), a public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named individual requests a closed hearing. An individual requesting a closed hearing may rescind the request at any time, in which case the matter at issue must be considered after the rescission only in open sessions.

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office must be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).

(g) Partisan caucuses of members of the state legislature.

(h) To consider material exempt from discussion or disclosure by state or federal statute.

(i) For a compliance conference conducted under section 16231 of the public health code, 1978 PA 368, MCL 333.16231, before a complaint is issued.

(j) In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:

(i) The search committee in the process, appointed by the governing board, consists of at least 1 student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution, and 1 representative of the general public. The search committee also may include 1 or more members of the governing board of the institution, but the number does not constitute a quorum of the governing board. However, the search committee must not be constituted in such a way that any 1 of the groups described in this subparagraph constitutes a majority of the search committee.

(ii) After the search committee recommends the 5 final candidates, the governing board does not take a vote on a final selection for the president until at least 30 days after the 5 final candidates have been publicly identified by the search committee.

(iii) The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.

(k) For a school board to consider security planning to address existing threats or prevent potential threats to the safety of the students and staff. As used in this subdivision, "school board" means any of the following:

(i) That term as defined in section 3 of the revised school code, 1976 PA 451, MCL 380.3.

(ii) An intermediate school board as that term is defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

(iii) A board of directors of a public school academy as described in section 502 of the revised school code, 1976 PA 451, MCL 380.502.

(iv) The local governing board of a public community or junior college as described in section 7 of article VIII of the state constitution of 1963.

(l) For a county veteran services committee to interview a veteran or a veteran's spouse or dependent regarding that individual's application for benefits or financial assistance and discuss that individual's application for benefits or financial assistance, if the applicant requests a closed hearing. This subdivision does not apply to a county veteran services committee voting on whether to grant or deny an individual's application for benefits or financial assistance. As used in this subdivision, "county veteran services committee" means a committee created by a county board of commissioners under section 1 of 1953 PA 192, MCL 35.621, or a soldiers' relief commission created under section 2 of 1899 PA 214, MCL 35.22.

(2) This act does not permit the independent citizens redistricting commission to meet in closed session for any purpose. As used in this subsection, "independent citizens redistricting commission" means the independent citizens redistricting commission for state legislative and congressional districts created in section 6 of article IV of the state constitution of 1963.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1984, Act 202, Imd. Eff. July 3, 1984;—Am. 1993, Act 81, Eff. Apr. 1, 1994;—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996;—Am. 2018, Act 467, Eff. Mar. 27, 2019;—Am. 2021, Act 31, Imd. Eff. June 24, 2021;—Am. 2021, Act 166, Imd. Eff. Dec. 27, 2021.

**Compiler's note:** Enacting section 1 of Act 166 of 2021 provides:

"Enacting section 1. This amendatory act is intended to clarify that the independent citizens redistricting commission for state legislative and congressional districts, since its establishment under section 6 of article IV of the state constitution of 1963, has been required to conduct all of its business at open meetings, without exception and in a manner that invites wide public participation throughout this state, as provided in section 6(10) of article IV of the state constitution of 1963, and that the commission continues to be subject to this unqualified open meetings requirement."

### 15.269 Minutes.

Sec. 9. (1) Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The public body shall make corrected minutes available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

(2) Minutes are public records open to public inspection, and a public body shall make the minutes available at the address designated on posted public notices pursuant to section 4. The public body shall make copies of the minutes available to the public at the reasonable estimated cost for printing and copying.

(3) A public body shall make proposed minutes available for public inspection within 8 business days after the meeting to which the minutes refer. The public body shall make approved minutes available for public inspection within 5 business days after the meeting at which the minutes are approved by the public body.

(4) A public body shall not include in or with its minutes any personally identifiable information that, if released, would prevent the public body from complying with section 444 of subpart 4 of part C of the general education provisions act, 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1982, Act 130, Imd. Eff. Apr. 20, 1982;—Am. 2004, Act 305, Imd. Eff. Aug. 11, 2004.

\*\*\*\*\* 15.269a.added THIS ADDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2022 REGULAR SESSION SINE DIE \*\*\*\*\*

### 15.269a.added Sound recordings of public meetings.

Sec. 9a. (1) Every meeting of a public body that is a state licensing board, state commission panel, or state rule-making board, except a meeting or part of a meeting held in closed session, must be recorded in a manner that allows for the capture of sound, including, without limitation, in any of the following formats:

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

(2) A recording required under subsection (1) must be maintained for a minimum of 1 year from the date of the meeting in a format that can be reproduced upon a request under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**History:** Add. 2022, Act 63, Eff. (sine die).

**15.270 Decisions of public body; presumption; civil action to invalidate; jurisdiction; venue; reenactment of disputed decision.**

Sec. 10. (1) Decisions of a public body shall be presumed to have been adopted in compliance with the requirements of this act. The attorney general, the prosecuting attorney of the county in which the public body serves, or any person may commence a civil action in the circuit court to challenge the validity of a decision of a public body made in violation of this act.

(2) A decision made by a public body may be invalidated if the public body has not complied with the requirements of section 3(1), (2), and (3) in making the decision or if failure to give notice in accordance with section 5 has interfered with substantial compliance with section 3(1), (2), and (3) and the court finds that the noncompliance or failure has impaired the rights of the public under this act.

(3) The circuit court shall not have jurisdiction to invalidate a decision of a public body for a violation of this act unless an action is commenced pursuant to this section within the following specified period of time:

(a) Within 60 days after the approved minutes are made available to the public by the public body except as otherwise provided in subdivision (b).

(b) If the decision involves the approval of contracts, the receipt or acceptance of bids, the making of assessments, the procedures pertaining to the issuance of bonds or other evidences of indebtedness, or the submission of a borrowing proposal to the electors, within 30 days after the approved minutes are made available to the public pursuant to that decision.

(4) Venue for an action under this section shall be any county in which a local public body serves or, if the decision of a state public body is at issue, in Ingham county.

(5) In any case where an action has been initiated to invalidate a decision of a public body on the ground that it was not taken in conformity with the requirements of this act, the public body may, without being deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with this act. A decision reenacted in this manner shall be effective from the date of reenactment and shall not be declared invalid by reason of a deficiency in the procedure used for its initial enactment.

**History:** 1976, Act 267, Eff. Mar. 31, 1977.

**15.271 Civil action to compel compliance or enjoin noncompliance; commencement; venue; security not required; commencement of action for mandamus; court costs and attorney fees.**

Sec. 11. (1) If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may commence a civil action to compel compliance or to enjoin further noncompliance with this act.

(2) An action for injunctive relief against a local public body shall be commenced in the circuit court, and venue is proper in any county in which the public body serves. An action for an injunction against a state public body shall be commenced in the circuit court and venue is proper in any county in which the public body has its principal office, or in Ingham county. If a person commences an action for injunctive relief, that person shall not be required to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.

(3) An action for mandamus against a public body under this act shall be commenced in the court of appeals.

(4) If a public body is not complying with this act, and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action.

**History:** 1976, Act 267, Eff. Mar. 31, 1977.

**15.272 Violation as misdemeanor; penalty.**

Sec. 12. (1) A public official who intentionally violates this act is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.

(2) A public official who is convicted of intentionally violating a provision of this act for a second time within the same term shall be guilty of a misdemeanor and shall be fined not more than \$2,000.00, or imprisoned for not more than 1 year, or both.

**History:** 1976, Act 267, Eff. Mar. 31, 1977.

**15.273 Violation; liability.**

Sec. 13. (1) A public official who intentionally violates this act shall be personally liable in a civil action



for actual and exemplary damages of not more than \$500.00 total, plus court costs and actual attorney fees to a person or group of persons bringing the action.

(2) Not more than 1 action under this section shall be brought against a public official for a single meeting. An action under this section shall be commenced within 180 days after the date of the violation which gives rise to the cause of action.

(3) An action for damages under this section may be joined with an action for injunctive or exemplary relief under section 11.

**History:** 1976, Act 267, Eff. Mar. 31, 1977.

**15.273a Selection of president by governing board of higher education institution; violation; civil fine.**

Sec. 13a. If the governing board of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963 violates this act with respect to the process of selecting a president of the institution at any time after the recommendation of final candidates to the governing board, as described in section 8(j), the institution is responsible for the payment of a civil fine of not more than \$500,000.00. This civil fine is in addition to any other remedy or penalty under this act. To the extent possible, any payment of fines imposed under this section shall be paid from funds allocated by the institution of higher education to pay for the travel and expenses of the members of the governing board.

**History:** Add. 1996, Act 464, Imd. Eff. Dec. 26, 1996.

**15.274 Repeal of MCL 15.251 to 15.253.**

Sec. 14. Act No. 261 of the Public Acts of 1968, being sections 15.251 to 15.253 of the Compiled Laws of 1970, is repealed.

**History:** 1976, Act 267, Eff. Mar. 31, 1977.

**15.275 Effective date.**

Sec. 15. This act shall take effect January 1, 1977.

**History:** 1976, Act 267, Eff. Mar. 31, 1977.

**Charges divided equally for all participating libraries**

- Administration
- Delivery
- IT Operations

**Charges divided by Per Capita by participating libraries**

- MeL Delivery – RIDES

**Charges divided by percentage of holdings added, averaged over 3 previous years by participating libraries**

- Cataloging Services
- SkyRiver Cataloging Utility

**Charges divided 50% Per Capita and 50% equally by participating libraries**

- Authority Control
- ILS
- IT Support for ILS
- Shoutbomb
- Syndetics

**Name of Cooperative:** Lakeland Library Cooperative

**Service Area:** 4600 square miles

**Service Population:** 1,399,372

**Staff (# if FTE):** 13.4

**Annual Budget:** 1,526,125

**Brief description:** Located in Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, Newaygo and Ottawa counties serving 42 public libraries in 83 buildings in West Michigan.

#### **Administrative**

- E-commerce payments
- Fiscal Agent for Group Purchasing contracts
- ILS management contract

#### **Advocacy**

- Legislative and advocacy updates from the MLA Intellectual Freedom Task Force, MLA Legislative Committee, and the MLA Board
- Direct support and consulting for libraries pursuing local funds, negotiating service contracts, library establishment and navigating the politics of library support and funding
- Coordination with MLA and Library of Michigan initiatives
- Grants Committee apply and receive grants
- Implementing statewide initiatives

#### **Bibliographic**

- Authority Work
- Bibliocommons Discovery Layer (OPAC)
- Cataloging, Serials and Acquisition Training
- MeLCat
- Resource Sharing
- MeLCat interlibrary loan program
- Reciprocal borrowing
- Original and Copy Cataloging Services-books and audio-visual materials
- Original and Copy Cataloging Services-digital materials
- Original and Copy Cataloging Services-library of things
- Shared ILS and Discovery Layer Training
- Shared Integrated Library System (Shared ILS)
- SkyRiver Bibliographic Utility
- Syndetics Subscription

#### **Delivery**

- Delivery - Local 3 and 4-day delivery
- Resource Sharing
- RIDES Delivery
- Sorting and packing

## Grants

- Capacity grant administrator
- Grant Committee
- Grant Review assistance
- Notification of grant opportunities

## Marketing

- Monthly newsletter to share information from member libraries, LLC and our partners.
- E-mails on crucial advocacy issues, group purchase opportunities and committees and partner opportunities.
- The creation of promotional materials in Canva for shared digital resources
- Distribution of promotional materials from member libraries.
- Social media postings provide information on future programs and meetings.
- Shared calendar and registrar system also promotes continuing education opportunities.

## Networking

- Advisory Board of Library directors and designated staff meet at least six times per year.
- Circulation and Youth Services Forums meet at least quarterly. Other groups will be established as needed.
- Overdrive Group meets at least twice per year.
- MAC (cataloging group meets at least twice a year.)
- New director orientations at least twice per year.
- New director mentor program
- Member Services Manager online and in person trainings and discussions.

## Purchasing – Library Products

- Barcodes and other supplies
- EZ Proxy
- Labor Posters
- SIP Licences
- Swank (Movie licensing)
- SurveyMonkey subscription
- Syndetics
- Unique Management (Collection agency)

## Purchasing – Patron Products

- Barcodes
- BookPage
- Capria Mobile App
- Electronic resources (Purchasing and contracting)
- Library Bags
- Library OPAC (Online Public Access Catalog)
- Library Supplies (patron registration cards and delivery transfer slips)
- OverDrive Consortium (Curating, collection development) and Reciprocal Lending Agreements
- Patron Phone Notification
- Patron Point Online Registration and Renewal
- Shoutbomb Text Messaging

- Vox Books
- Wowbrary

### **Technology and Equipment**

- Bibliocore Discovery Layer Catalog
- Capria Mobile App
- Cataloging Support
- Email Hosting
- Network Support Services
- Patron Phone Notification
- Proxy and Authentication Services
- Remote/VPN staff access
- Shoutbomb
- Sierra Shared Integrated Library System
- Standard and Custom ILS reports

### **Training and Consulting**

- Board Development
- Board Orientation
- Budgeting
- Bylaws, Policies and Procedures
- Continuing Education Programs
- Grant Committee
- Professional Collection
- Director and Staff coaching
- Director Orientation
- Director Searches
- ILS and OPAC and related 3 party vendor training
- New Director Mentor Program
- OverDrive/ Libby and Hoopla support and training
- Personnel and Staffing issues
- Phone Notification and online patron registration training
- Quickbooks
- RFP and RFI Review
- Staff Development
- Strategic Planning
- Technology Planning
- Youth Services Committee