

MTA Legal Defense Fund- Centre Ice Appeal

Motion by; _____ second by; _____

To

Approve

Table

Deny

MTA Legal Defense Fund request regarding the Tax Tribunal
Appeal by Centre Ice- Application for assistance

Upon Roll Call Vote the following board members responded:

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Passed

Failed

MICHIGAN TOWNSHIPS ASSOCIATION-LEGAL DEFENSE FUND
512 Westshire Dr., P.O. Box 80078
Lansing, MI 48908-0078
517/321-6467 Fax: 517/321-8908
APPLICATION FOR ASSISTANCE

The township board has read the MTA enclosed Legal Defense Fund guide and understands the criteria the Executive Committee uses to evaluate the request.

Date: _____

1. Township: _____ County: _____
Other: (City, Village, County, private party, state association or state department) _____

2. Name of Applicant: _____ Title: _____
Address: _____

Telephone: _____ Fax: _____

3. a. Does the township board (city council or county board) concur with this request?
Yes No

b. Has a resolution been adopted authorizing this litigation?
Yes No **If Yes, please attach a copy of the resolution.**

4. Has applicant contributed to the Legal Defense Fund within the prior two years?
Yes No

5. Population: _____ SEV: _____

6. a. Primary attorney in charge of litigation. (Name, address and telephone number)

b. Other specialized legal counsel involved. (Name, address and telephone number)

c. Expert witnesses involved on behalf of applicant. (Name, address and telephone number)

d. Who is opposing counsel? (Name, address and telephone number)

7. Do you have a recommendation from your legal counsel?
Yes No
If yes, what is it? _____

8. a. Approximate annual general fund expenditures: _____
b. Prior year-end general fund balance: _____
9. a. How much is litigation expected to cost? _____
b. How much has been expended to date? _____
10. Please provide a concise summary of the facts of the case: _____

11. What are the legal issues involved? _____

12. Do the legal issues have a statewide importance or precedent setting potential?
Yes No
13. Where are these proceedings? What level of court is involved and what filings have been made?

14. What court-imposed time constraints exist prior to the next required action? _____

15. What type of assistance is requested? _____

16. In your best estimation, what are the chances that a settlement will be reached without reaching the merits of the case? _____

17. Do you anticipate proceeding to a higher court?
Yes No

Q. What is an "amicus curiae" brief?

A. The term "amicus curiae" is Latin for "friend of the court." In this instance, it refers to a legal brief filed in court by a person or organization who is not a party to the litigation, but who believes that the court's decision may affect its interests.

Through such briefs, MTA is able to provide valuable legal insights for the courts to consider, which may not have been presented otherwise.

MTA's amicus curiae briefs have come to be considered so valuable that the courts themselves are increasingly requesting them—even when the LDF has not received an assistance request from the township involved in litigation.

Q. How long does it take to find out if our request was approved?

A. Once MTA has received a request for assistance, the consideration process can take up to two months, but if time is a factor, a request will be considered more quickly.

Q. My township didn't contribute to the Legal Defense Fund. Are we eligible to receive assistance?

A. Yes, as long as your case has the potential for significant statewide impact. However, MTA hopes that all townships recognize the value of such an important resource and would choose to contribute to ensure the LDF is available for all townships.

Q. If we aren't guaranteed assistance, why should we continue to contribute?

A. The LDF was established to protect the authorities and responsibilities of all townships in Michigan. Your contribution is in the best interest of all townships—including yours—because it strengthens our ability to

ensure townships receive the best possible legal advice and assistance. More than 90 percent of Michigan's townships contribute to the LDF, but the threats to townships increase with each passing year. Your contribution is needed now more than ever to ensure the effectiveness and viability of township government well into the future.

Q. Will the Legal Defense Fund pay all of our legal fees and costs?

A. Most often, assistance is in the form of an amicus curiae brief filed on behalf of the Association. Due to limited funds, when financial assistance is granted, the LDF can usually offer only partial financial assistance, based on a show of financial need. In most cases, the township requesting assistance will also be required to shoulder the major share of the litigation costs.

Q. Are townships legally authorized to contribute to the Legal Defense Fund?

A. Yes. The declared purpose of the incorporation of the Michigan Townships Association states in part: "To unite township officials throughout the State of Michigan for the purpose of promoting and encouraging mutual benefit, protection and improvement."

In *Hoyes v City of Kalamazoo*, the Michigan Supreme Court upheld the legality of the dues being paid by cities to the Michigan Municipal League, which has a similar stated purpose. As such, it is MTA Legal Counsel's opinion that all Michigan townships are authorized to use funds for membership in MTA and to contribute to the LDF.

More recently, in *Joseph M. Hess and William Wheeler v Gattan Township*, the Michigan Court of Appeals held that townships have the authority to contribute funds toward litigation of other governmental entities where they may also suffer damage.

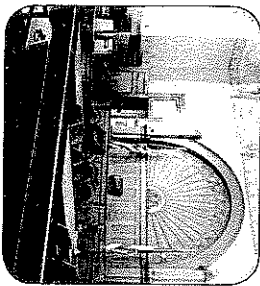


The MTA Legal Defense Fund

A guide to what to expect after applying for assistance



www.michigantownships.org



Legal Assistance for Michigan Townships

Since 1972, the Michigan Townships Association's (MTA) Legal Defense Fund (LDF) has defended

Michigan townships against litigated threats to their authority and fiscal stability.

Originally established to assist in a lawsuit involving assessment administration, the LDF became a permanent member service when the Board of Directors recognized the profound value in establishing a permanent fund to protect against a growing number of court cases with the potential to have significant impact on the operations and authority of townships across Michigan.

Unfortunately, many townships do not have the financial resources or access to the appropriate legal expertise to effectively present to the courts the broader issues contained in some of these cases. The LDF helps townships effectively present a case by providing vital assistance and sound legal advice, protecting all Michigan townships from litigated assaults on their authorities.

Common examples of Legal Defense Fund cases include—but are not limited to—issues such as assessing, annexation, water and sewer services, governmental immunity, taxation, and zoning.

For additional information, call (517) 321-6467 or visit www.michigantownships.org/legaldefense.asp.

How Assistance is Awarded

MTA receives more than 30 requests each year for LDF assistance. Unfortunately, not all requests can be approved. Due to limited resources, only those cases deemed most deserving will be awarded assistance.

In most cases, the award will come in the form of an amicus curiae brief rather than financial assistance.

On a more limited basis, financial support and/or consultation is provided when appropriate.

LDF assistance is not limited to townships. Assistance may be given to state agencies, cities, counties, library authorities or other entities, if the case merits such assistance due to potential impacts on townships.

Increasingly, requests come from the courts themselves, asking MTA to lend its considerable knowledge of the workings of local government to weigh in on issues of concern through MTA filing an amicus curiae brief.

Frequently Asked Questions

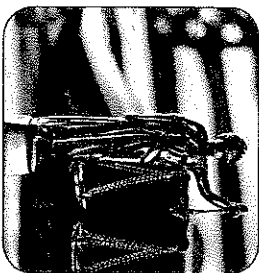
Questions

Q. My township contributed to the Legal Defense Fund. Are we guaranteed to receive money if we request it?

A. The LDF is not a pre-paid legal insurance program. Regardless of whether your township contributed, assistance is not guaranteed.

The MTA Executive Committee evaluates each LDF case on various factors before deciding whether to approve assistance. Most importantly, they will decide, with advice from MTA Legal Counsel and the executive director, whether the case has the potential for substantial statewide impact.

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Evaluation of Requests

When a request is received by MTA, the Executive Committee of the MTA Board of Directors reviews each case on a number of criteria, including the relevance to townships; statewide impact; significance of potential outcomes for townships; ethical, social or political concerns; likelihood of a successful outcome; and other concerns that may be unique to the specific request.

The Executive Committee is advised by MTA Legal Counsel and the executive director on the case's merits, concerns and other issues. Then, after weighing all the information, the committee decides whether to offer LDF assistance, and the type and extent of the assistance to be tendered. For issues in which time is not a factor, the Executive Committee may submit the request to the full Board.

Glen Lile, Supervisor
Susanne M. Courtade, Clerk
Tracey Bartlett, Treasurer



Beth Friend, Trustee
Susan LaRose, Trustee
Dale McAllister, Trustee
Leroy "Butch" Strait, Trustee

PUBLIC COMMENT

Any person shall be permitted to address the Township Board which is required to be open to the public under the provision of the Michigan Open Meetings Act, as amended. (MCLA 15.261, et.seq.) Public Comment shall be carried out in accordance with the following Board Rules and Procedures:

- Any person wishing to address the Board shall stand up to the microphone and state his or her name and address.
- No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Board's questions. The Chairperson shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes.
- When ever individuals want to trade their minutes for a group, and a group wishes to address the Board, the Chairperson may require that the group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak, which shall not exceed fifteen (15) minutes, this should be prearranged at the beginning of the meeting or just prior.
- In order to avoid unscheduled debates, the Board generally will not comment or respond to presenters. Silence or non-response from the Board should not be interpreted as disinterest or disagreement by the Board.

Adopted by the East Bay Charter Township Board of Trustees at a Regular Township Meeting
Monday, May 14, 2007,

Motion by Friend, seconded by LaRose.

Motion passed without opposition.

Glen Lile 5-23-07
Glen Lile, Supervisor Date

Susanne M. Courtade 5/23/07
Susanne M. Courtade, Clerk Date