

APPENDIX B

Section I: The Open Meetings Act

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.

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
- b. the lease agreement; or the board of a nonprofit corporation formed by a city under section 4 of the home rule city act, 1909 PA 279, MCL 117.4o.
- c. "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.
- d. "Closed session" means a meeting or part of a meeting of a public body that is closed to the public.
- e. "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.

15.263 Meetings, decisions, and deliberations of public body; requirements; attending or addressing meeting of public body; tape-recording, videotaping, broadcasting, and telecasting proceedings; rules and regulations; exclusion from meeting; exemptions.

Sec. 3.

1. All meetings of a public body shall be open to the public and shall be held in a place available to the general public. All persons shall 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 shall not be dependent upon 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.

2. All decisions of a public body shall be made at a meeting open to the public.
3. All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public except as provided in this section and sections 7 and 8.
4. A person shall 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 shall 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 shall 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 only when deliberating the merits of a case:
 - a. The worker's compensation appeal board created under the worker's disability compensation act of 1969, Act No. 317 of the Public Acts of 1969, as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws.
 - b. The employment security board of review created under the Michigan employment security act, Act No. 1 of the Public Acts of the Extra Session of 1936, as amended, being sections 421.1 to 421.73 of the Michigan Compiled Laws.
 - c. The state tenure commission created under Act No. 4 of the Public Acts of the Extra Session of 1937, as amended, being sections 38.71 to 38.191 of the Michigan Compiled Laws, when acting as a board of review from the decision of a controlling board.
 - d. An arbitrator or arbitration panel appointed by the employment relations commission under the authority given the commission by Act No. 176 of the Public Acts of 1939, as amended, being sections 423.1 to 423.30 of the Michigan Compiled Laws.
 - e. An arbitration panel selected under chapter 50A of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.5040 to 600.5065 of the Michigan Compiled Laws.
 - f. The Michigan public service commission created under Act No. 3 of the Public Acts of 1939, being sections 460.1 to 460.8 of the Michigan Compiled Laws.
8. This act does not apply to an association of insurers created under the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being sections 500.100 to 500.8302 of the Michigan Compiled Laws, or other association or facility formed under Act No. 218 of the Public Acts of 1956 as a nonprofit organization of insurer members.
9. This act does not apply to a committee of a public body which adopts a non-policymaking resolution of tribute or memorial which resolution is not adopted at a meeting.
10. This act does not apply to a meeting which is a social or chance gathering or conference not designed to avoid this act.
11. This act shall not apply to the Michigan veterans' trust fund board of trustees or a county or district committee created under Act No. 9 of the Public Acts of the first extra session of 1946, being sections 35.601 to 35.610 of the Michigan Compiled Laws, 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 shall 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 which the board of trustees, by rules promulgated under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, determines requires immediate action.

Administrative rules: R 35.621 of the Michigan Administrative Code.

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

Sec. 4.

1. 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.

15.265 Public notice of regular meetings, change in schedule of regular meetings, rescheduled regular meetings, or special meetings; time for posting; statement of date, time, and place; applicability of subsection (4); recess or adjournment; emergency sessions; meeting in residential dwelling; notice.

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. The requirement of 18-hour notice shall 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. This subsection does not apply to a public meeting held pursuant to section 4(2) to (5) of Act No. 239 of the Public Acts of 1955, as amended, being section 200.304 of the Michigan Compiled Laws.
5. A meeting of a public body which is recessed for more than 36 hours shall be reconvened only after public notice, which 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 shall bar 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.
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 which 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, which shall be at the bottom of the display advertisement and which shall be set off in a conspicuous manner, shall include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

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.

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.

15.268 Closed sessions; permissible purposes.

Sec. 8.

1. 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 person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall 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 shall 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 by the department of commerce under section 16231 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.16231 of the Michigan Compiled Laws, 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 shall not constitute a quorum of the governing board. However, the search committee shall 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.

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.

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.

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.

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.

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.

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.

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.

15.275 Effective date.

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

Section II: Michigan's Open Meeting Act: An Overview for Conservation District Directors

The intent of the Open Meetings Act is to allow people of Michigan to know what goes on in government by giving them access through open meetings. As a logical unit of State government, Districts are required to abide by the Open Meetings Act. Any individual can ask to be notified of District Meetings. The District can require that this request be in writing.

1. Meeting Announcement

- a. Ten (10) days prior to the first District board meeting of the new fiscal year, a list of all regular meetings must be posted in a public area.
- b. All announcements must include date, time, and place.
- c. Changes in the regular meeting schedule must be posted within three days of the meeting at which the date change was made.

2. Special Meeting

- a. Special and irregular meetings must be posted at least 18 hours prior to the meeting.

3. Closed Meetings

Under certain conditions, a District can go into closed session:

- a. Closed Meetings Requiring Two-Thirds Vote:
 - i. To consider the purchase or lease of real property;
 - ii. To consult with an attorney about pending litigation but only when an open meeting could have detrimental financial effect on the public body's position;
 - iii. To consider material exempt from discussion or disclosure by state or federal statute.
- b. Closed Meetings Not Requiring a Vote:
 - i. To consider the dismissal, suspension or disciplining of an employee when the person requests a closed session;
 - ii. To consider a periodic personnel evaluation of an employee when the person requests a closed session;
 - iii. To hear complaints or charges brought against a public officer, employee or individual when the person requests.

4. Meeting Minutes

- a. Minutes must be kept for **all** meetings and must contain:
 - i. Time, date, place of meeting;
 - ii. Members present and absent;
 - iii. Record of decisions made and all roll call votes;
 - iv. Explanation for the purpose(s) if meeting is closed.
- b. Except for closed sessions, all minutes are public records and must be ready within 8 business days of the meeting.
- c. Corrections to minutes must be made no later than the following meeting.
- d. Approved minutes must be ready within 5 business days of the meeting which they were approved.

Section III: Michigan's Freedom of Information Act: An Overview for Conservation District Directors

The purpose of the Freedom of Information Act is to set and regulate requirements for the disclosure of public records by all "public bodies" in the State. Since Districts are local units of State government, they are required to abide by the Freedom of Information Act.

1. Availability of Public Records:

1. Any person may ask (orally or in writing) to inspect, copy or receive a copy of a public record;
2. A District must respond within **5 business days** of receiving a request but under extreme conditions the District can notify in writing to extend the time limit by 10 business days.

2. Records Covered by the Freedom of Information Act:

All records of the District are covered by the Freedom of Information Act. The Following is a partial list:

1. Minutes of open meetings;
2. Officials' voting records;
3. Staff manuals;
4. Promulgated rules;
5. Other written statements which implement or interpret laws;
6. Rules or policy including guidelines, manuals, and forms with instructions use or adopted by the agency.

3. Record Format:

Format of the record does not matter. The Act applies to:

1. Handwriting, typewriting, printing;
2. Photostating, photographing, photocopying and any other means of recording;
3. Letters, words, pictures, sounds, or symbols, or combination of these;
4. Papers, maps, magnetic or punch cards, discs, drums, or any other means of recording meaningful content.

4. Public Records Exempt From Disclosure:

Although the District is not required to hold back any information, there are certain items that the District may withhold from public disclosure:

1. Specific personal information if withholding it from public scrutiny is more important than the public's right to the information;
2. Commercial or financial information voluntarily provided to an agency for use in developing policy;
3. Information subject to attorney-client privilege;
4. Pending public bids to enter into contracts;
5. Appraisals of real property to be acquired by a public body;
6. Internal communications and notes within and between public bodies that lead up to final agency determination of policy or action. Note, however, that factual materials contained within these communications are open records and must be separated out and made available.

5. Fees For Public Records:

1. Districts can charge a fee for providing public records but it must be limited to actual duplication, mailing and clerical labor costs.

Section IV: Overview of Farmland and Open Space Preservation Act (P.A. 116)

The Farmland and Open Space Preservation Act, more commonly known as P.A. 116 provides four programs for preserving agricultural and open space lands. This variety allows landowners to choose a program that best fits their needs. All four programs are voluntary and must be initiated by a landowner. Preservation occurs by placing either a temporary or permanent conservation easement on the land. The benefits a landowner would receive for voluntarily agreeing to restrict their land from development differs between programs. The four programs are as follows:

Temporary Conservation Easements:

- 1) Farmland Development Rights Agreements.
 - a) Term of agreement may span from ten (10) to ninety (90) years.
 - b) Agreement eligibility requirements state that five (5) to thirty-nine (39) acre parcels must have at least 51% of the land in agricultural use or Conservation Reserve Program and must earn at least \$200 gross annual income per cleared and tillable acre.
 - i) Forty (40) acre or larger parcels must only meet the 51% requirement.
 - c) The land may not be developed for any use other than agriculture.
 - d) Participants are eligible for a property tax credit claimed with their state income tax return and are exempt from certain special assessments.
- 2) Local Open Space Easements
 - a) Term of agreement may span from ten (10) to ninety (90) years.
 - b) A parcel of any size, which in its present condition would conserve natural or scenic resources, including the promotion of the conservation of soils, wetlands, and beaches: the enhancement of recreation opportunities or the preservation of historic sites.
 - i) Idle potential farmland of not less than 40 acres that is substantially undeveloped and because of its soils, terrain, and location is capable of being to agricultural uses identified by the department of agriculture.

NOTE: The only way that farmland can be enrolled under this program is if the local government's intent is to preserve the soils on the farmland.

- a) The land may not be developed while subject to the easement.
 - b) Participants receive a direct property tax bill deduction determined by reassessing the land with the development rights restricted and are exempt from certain special assessments. The local governing body would approve or deny a landowner's application for enrollment in this program and would be responsible for the property tax bill adjustment.
- 3) Designated Open Space Easements.
 - a) Term of agreement may span from ten (10) to ninety (90) years.
 - b) Any undeveloped site included in a national registry of historic places or designated as a historic site pursuant to state or federal law.
 - i) Riverfront property that is within ¼ mile of a state designated natural river under part 305 of PA 451.
 - ii) Undeveloped lands designated as environmental areas under part 323.
 - c) Restrictions - The land may not be developed while subject to the easement.
 - d) Benefits to the Landowner - Participants receive a direct property tax bill deduction determined by reassessing the land with the development rights restricted and are exempt from certain special assessments. The State of Michigan would approve or deny a landowner's application for enrollment in this program and would be responsible to pay lost revenue to the local government caused by a landowner's benefit.

Permanent Conservation Easement:

- 4) Purchase of Development Rights Easement.

- a) The term of the easement is defined by perpetuity.
- b) A parcel of any size that has at least 51% of the nominated land devoted to an agricultural use and land that has been supported by the local governing body.
- c) Restrictions - The land may not be developed for any use other than agriculture.
- d) Benefits to the Landowner.
 - i) Participants receive a cash payment equal to the appraised value of the development rights on the property (the state payment is currently (1999) restricted to a maximum cap of \$5000 per acre).
 - ii) Land would be assessed at its agricultural value.
 - iii) Landowners may receive inheritance tax reductions due to the participation in the permanent conservation easement (American Farmland and Ranch Protection Act).

To get more information and current forms for the Farmland and Open Space Preservation Program, contact:

Michigan Department of Agriculture
Environmental Stewardship Division
PO Box 30017, Lansing, MI 48909
517/373-3328 FX: 517/335-3131
www.michigan.gov/mda

Section V: Example Letter of Approval or Denial for Part 361 Applications

Dear Richard and Sally Cisco:

The _____ Conservation District has reviewed the Farmland and Open Space Preservation Act (Part 361 of Act 451 of 1994, as amended) application #86-216 of Richard and Sally Cisco, Section 25, Golden Township, 157 acres for 30 years. We recommend the application be approved.

Sincerely,
(Name)