



Council Chamber, 18500 W 13 Mile Rd, Beverly Hills, MI 48025-5262

ZONING BOARD OF APPEALS MEETING

MONDAY, MAY 11, 2026at 7:00 PM

AGENDA

1. **Call meeting to order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes**
 - A. 2026 03 09 ZBA Minutes
5. **Public comments on items not on the published agenda**
6. **Old Business**
 - A. Case 1440 - 31671 E. Bellvine Trail
 - B. ZBA Bylaws_v4
7. **New Business**
8. **Public Comments**
9. **Liaison Comments**
10. **Administration Comments**
11. **Zoning Board Member Comments**
12. **Adjournment**

The Village of Beverly Hills will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities attending the meeting upon three working days' notice to the Village. Individuals with disabilities requiring auxiliary aids or services should contact the Village Clerk by writing 18500 W. Thirteen Mile, Beverly Hills, MI 48025 or calling (248) 646-6404.

Access ZBA Meeting Materials:
<https://beverlyhillsmi.portal.civicclerk.com/>
Click here to view the current and previous ZBA agendas, packets, and minutes.

Scan for Quick Access:
Scan with your mobile device to view current and past meeting materials.



Present: Chairperson Makar, Vice-Chairperson Rott, Members: Russaw, Caputo, Stroker,
Tomich, Miller

Absent: Members: Barron, Beach

Also Present: Planning and Economic Development Director, Stec
Village Attorney, Kolb
Recording Secretary, Williams

ROLL CALL/CALL TO ORDER

Chairperson Makar called the regular Zoning Board of Appeals meeting to order at 7:02 p.m. in the Village Council Chambers located at 18500 W. Thirteen Mile Road, Beverly Hills, MI 48025.

Motion by Rott, second by Miller, to excuse Members: Barron and Beach, as they provided notice of their absence.

Motion passed.

APPROVAL OF AGENDA

Motion by Tomich, second by Miller, to approve the agenda as published.

Motion passed.

APPROVAL OF MINUTES

Rott made comments regarding the minutes that were drafted for the December 8, 2025, Zoning Board of Appeals meeting regarding misspellings.

Motion by Russaw, second by Caputo, to approve the minutes of the December 8, 2025, Zoning Board of Appeals meeting minutes with the noted revisions.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON PUBLISHED AGENDA

None

OLD BUSINESS

A. ZBA Bylaws

The Board discussed the draft Zoning Board of Appeals (ZBA) Bylaws, previously introduced in December as a best practice through the Redevelopment Ready Communities program.

Russaw asked for clarification regarding language on page five (5), subsection D, where the draft referenced eliminating agenda items “E, F, and H.” Stec confirmed this was a typographical error and that the reference should instead correspond to numerical agenda items 5, 6, and 8, which will be corrected in the next revision.

Makar asked for clarification regarding quorum and voting requirements outlined in Article VI, paragraph A, noting that a quorum consists of a majority of the entire board membership and that

THESE DRAFT MINUTES ARE NOT OFFICIAL AND HAVE NOT BEEN APPROVED.

approval of a motion requires a concurring vote of a majority of the entire board. Stec confirmed that if only five (5) members were present, constituting a quorum, all five (5) members would need to vote in favor for a motion to pass.

Tomich questioned the provision requiring a unanimous vote of the board to determine whether a member with a perceived conflict must recuse themselves from discussion and voting. Kolb explained that this is standard practice for elected and appointed bodies and is intended to ensure members fulfill their duty to vote unless a direct conflict, typically financial in nature, exists. Kolb also clarified that conflicts must be disclosed publicly at the meeting when the matter arises, and if the board does not have sufficient members present to achieve a unanimous determination, the item would need to be postponed.

Motioned by Tomich, second by Miller, to table consideration of the ZBA bylaws for one month to allow members additional time to review the revised draft.

Motion passed.

NEW BUSINESS

A. PC CASE: ZBA Case 1440
LOCATION: 31671 E Bellvine Trail
PARCEL ID: TH-24-03-327-019
ZONING: R-A – Single-family Residential
PETITIONER: Alexander V. Bogaerts – Alexander V. Bogaerts and Associates,
P.C.
OWNER: Scott & Joann Schofding
REQUEST: Seeking a dimensional/ non-use variance from Section 46-167
(Corner lot setback) on the side street which requires a minimum
setback from the street equal to the minimum front setback for the
Zone District in which such building is located.

Stec provided an overview of the request, explaining that the applicants were seeking relief from the corner lot side street setback requirement to construct a one-story master suite addition to the south side of their home. Because the property is a corner lot with an adjacent interior lot, a 40ft setback from Bellvine Court is required. The proposed addition would encroach approximately 18ft into the required setback, resulting in a 22ft setback. Staff noted that the home currently complies with all setback requirements and that the addition would include a bedroom, bathroom, closets, and a sitting room intended to create a first-floor master suite.

Bogaerts, the applicant’s architect, explained that the homeowners wish to add a first-floor master suite so they can remain in their home long-term. Several alternative locations were explored, but the proposed location best fits the home’s layout and minimizes impacts to neighbors. The homeowners also stated they had spoken with nearby neighbors, who did not object to the proposal.

Board members asked several questions regarding the size and layout of the proposed addition, alternative design options, and whether the encroachment could be reduced. Bogaerts explained that the proposed design represents the smallest configuration that would reasonably accommodate the intended spaces and maintain a functional interior layout.

THESE DRAFT MINUTES ARE NOT OFFICIAL AND HAVE NOT BEEN APPROVED.

Makar opened the item for public hearing at 7:45 p.m.

Makar closed the public hearing at 7:46 p.m. with no comments received.

Board members acknowledged the applicant’s desire for a first-floor bedroom but some expressed concern about the extent of the requested variance. Members discussed whether the design could be modified to reduce the encroachment.

Bogaerts explained that several alternative designs had been considered, including locating the addition at the rear or north side of the home, but these options created impractical interior layout or other design issues. He also noted that the home’s placement far to the south on the lot limited available building area.

Following questions and discussion regarding the size of the addition and possible design modifications to reduce the encroachment, the applicants agreed to revisit the design.

Motion by Tomich, second by Stroker, to table ZBA case 1440 to the next Zoning Board of Appeals meeting.

Motion passed.

B. 2025 ZBA Annual Report

Stec presented the 2025 Zoning Board of Appeals Annual Report, noting that it summarizes the Board’s activity over the past year and is considered a best practice through the Redevelopment Ready Communities program. Stec reported that the Board held eight (8) meetings in 2025 and reviewed fourteen (14) variance requests, the majority of which were approved, with three (3) denied and one (1) withdrawn. Most requests involved accessory structures and setback issues.

Stec also noted that the Planning Commission is aware of the frequency of setback-related variances and will review these standards as part of the upcoming Zoning Ordinance update. In addition, staff expressed interest in incorporating annual training opportunities for Board members and documenting those efforts in future reports.

Motion by Stroker, second by Rott, to accept the 2025 Zoning Board of Appeals Annual Report and forward it to the Village Council for review and acceptance.

Motion passed.

PUBLIC COMMENTS

Rebecca Mennen from E Lincolnshire asked about the difference between the ZBA and the Village Council and what body oversees rental properties.

Kolb explained that the Village Council is an elected body responsible for the overall legislative and policy functions of the community, while the ZBA is an appointed body focused solely on zoning matters, including granting variances and interpreting the zoning ordinance.

Kolb also confirmed that rental property questions fall under the Council’s jurisdiction.

LIAISON COMMENTS

None

STAFF COMMENTS

Stec discussed the ongoing Request for Proposals (RFP) for a Master Plan update and Zoning Ordinance overhaul, expected to begin in late April and continue for approximately two years.

Stec provided an update for ZBA Case 1438 located at 31555 Kennoway Court. The Boards decision has been appealed.

Stec stated that she is expecting information from Detroit Country Day school regarding a large scoreboard as part of their athletic complex improvements. The item was removed from the Planning Commission application to be reviewed separately after additional details on sound, size, and lighting are provided and will not be discussed at the Village Council meeting on March 17, 2026.

Stec provided an update on ZBA training, noting that two members will complete basic training by the end of the month, and efforts continue to coordinate advanced training with MAP and former trainers.

COMMISSIONER COMMENTS

None

CORRESPONDENCE

None

ADJOURNMENT

Motion by Tomich, second by Miller, to adjourn the meeting at 8:25 p.m.

Motion passed.

Timothy Makar
Chairperson

Carissa Brown
Village Clerk

Lydia Williams
Recording Secretary



To: Zoning Board of Appeals Members
From: Susie Stec, Planning & Zoning Administrator
Subject: ZBA Case 1440 – 31671 E Bellvine Trail (24-03-327-019)
Date: May 5, 2026

Request Summary

In order to construct an addition to the home, the applicants, Scott & Joann Schofding, are seeking a dimensional/non-use variance from Section 46-167 (Corner lot setback) on the side street which requires a minimum setback from the side street equal to the minimum front setback for the Zone District in which such building is located. Section 46-275 (Schedule of Regulations) requires a minimum front yard setback of 40-feet.

Background & Zoning Analysis

The applicants previously appeared before the ZBA on March 9, 2026. There was a lengthy discussion on the extent of the variance requested. Following this discussion, the applicants requested to have their application tabled in order to revise their submittal. Revisions to this memo are underlined.

The existing 2,551 square foot, 2-story home was constructed in 1964. The home is situated on corner lot which is 0.662 acres and zoned R-A. The property is located south of 14 Mile Road between Lahser Road and Evergreen Road. The house itself complies with the zoning standards, and aside from the requested variance, all other dimensional standards appear to be in compliance with the zoning standards.

As a corner lot, the property has frontage on two (2) streets – Bellvine Trail and Bellvine Court, both of which are considered front yards. Section 46-275 (Schedule of Regulations) provides the setbacks in the R-A, Single Family District, including a required front open space setback of 40 feet. Additionally, Section 46-167 (Corner lot setback) states: *Every corner lot in any residential zone district which has on its side street an abutting interior residential lot, shall have a minimum setback from the side street equal to the minimum front setback for the Zone District in which such building is located, provided that this requirement shall not reduce the buildable width of*

any lot to less than 30 feet. Where there is no abutting interior residential lot on said side street, the minimum side street setback shall be 15 feet for the permitted principal building and 20 feet for permitted accessory buildings. There are abutting interior residential lots on both Bellvine Trail (north and south of the subject property), and Bellvine Court (west of the subject property). As such a result, the required setback is 40-feet on each street frontage.

In order to construct a 752 square foot, one-story master suite addition, the applicants are requesting a 15-foot variance from the required 40-foot setback. This would result in a 25-foot front yard setback on Bellvine Court. The applicants have also provided more dimensional details on the interior floor plan for the proposed addition.

The Dimensional Variance Approval Standards

Proof of a practical difficulty is the key criteria for an applicant to qualify for a non-use/dimensional variance request. When deliberating, the board shall consider whether the applicant has demonstrated a practical difficulty in all of the following standards (tests):

1. Would applying the strict letter of zoning restrictions unreasonably prevent the landowner from using their property for a permitted purpose? Is conformity with the zoning regulations unnecessarily burdensome?
2. Would substantial justice be achieved for the applicant and neighboring property owners by granting the variance? Approval of the variance would not negatively impact adjacent property owners or land within the district.
3. Is the requested variance the least relief required?
4. Is the situation unique to the subject property and not related to other land or structures in the area?
5. Are the circumstances requiring the variance self-created?

The applicants have provided a brief narrative response to address these standards which are included in the application materials.

Public Notice and Comments

Per the requirements of the Michigan Zoning Enabling Act, public notice of the request was provided in the Birmingham-Bloomfield Eagle newspaper on February 11^h, and a direct mailing to all occupants and owners of property within a 300' radius of the subject parcel was also sent, as required. No comments were received, written or in-person, for the March 9th meeting. As the variance request was tabled, no additional notifications were published or mailed.

ATTACHMENTS:

- Sample Motions
- Zoning Board of Appeals application & submittal attachments

- Newspaper Legal Notice
- 300' Notice & addresses

Sample Motions

There are 3 options available to the ZBA – grant in full (with or without conditions), deny in full, or grant/deny in part. Suggested motion language is below. Should the ZBA choose to grant/deny in part, separate motions should be made clearly stating the provision(s) being granted and its findings, and another articulating the provision(s) being denied and its findings.

MOTION TO APPROVE:

I move to grant the variance request by Scott & Joann Schofding, property owners of 31671 E Bellvine Trail (Parcel # 24-03-327-019, ZBA Case 1440) from Chapter 46 Zoning, Section 46-167 (Corner Lot Setback) to encroach into the front yard setback on Bellvine Court by 15-feet, resulting in a setback of 25-feet. This determination is based on the finding that the petitioner has demonstrated a practical difficulty exists based on the following criteria:

1. Applying the strict letter of zoning restrictions will unreasonably prevent the landowner from using their property for a permitted purpose and/or conformity with the zoning regulations is unnecessarily burdensome (*provide specific reasoning*)
2. Substantial justice would be achieved for the applicant and neighboring property owners by granting the variance and approval of the variance would not negatively impact adjacent property owners or land within the district (*provide specific reasoning*)
3. The requested variance is the least relief required.
4. The situation is unique to the subject property and not related to the general conditions of the area.
5. The circumstances requiring the variance are not self-created

(If the board determines that any conditions are deemed necessary the following may be included in the motion to approve)

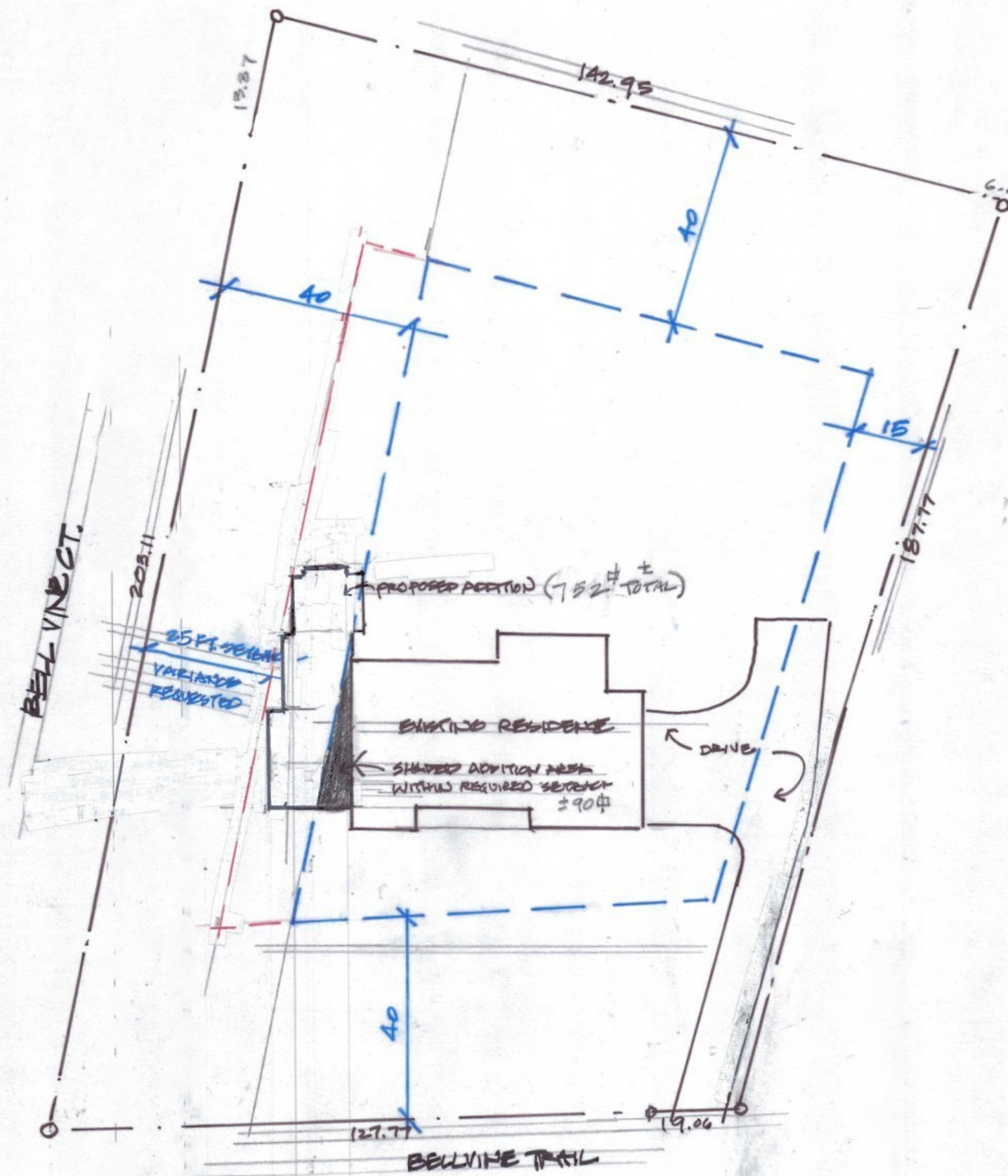
Approval of the variance requests is conditioned upon compliance with the following conditions:

-
-

MOTION TO DENY:

I move to deny the variance request by Scott & Joann Schofding, property owners of 31671 E Bellvine Trail (Parcel # 24-03-327-019, ZBA Case 1440) from Chapter 46 Zoning, Section 46-167 (Corner Lot Setback). This determination is based on the finding that the petitioner has not demonstrated a practical difficulty exists based on the following criteria:

1. Applying the strict letter of zoning restrictions will not unreasonably prevent the landowner from using their property for a permitted purpose and/or conformity with the zoning regulations is unnecessarily burdensome (*provide specific reasoning*)
2. Substantial justice would not be achieved for the applicant and neighboring property owners by granting the variance and approval of the variance would negatively impact adjacent property owners or land within the district (*provide specific reasoning*)
3. The requested variance is not the least relief required.
4. The situation is not unique to the subject property and not related to the general conditions of the area.
5. The circumstances requiring the variance are self-created.



LEGEND

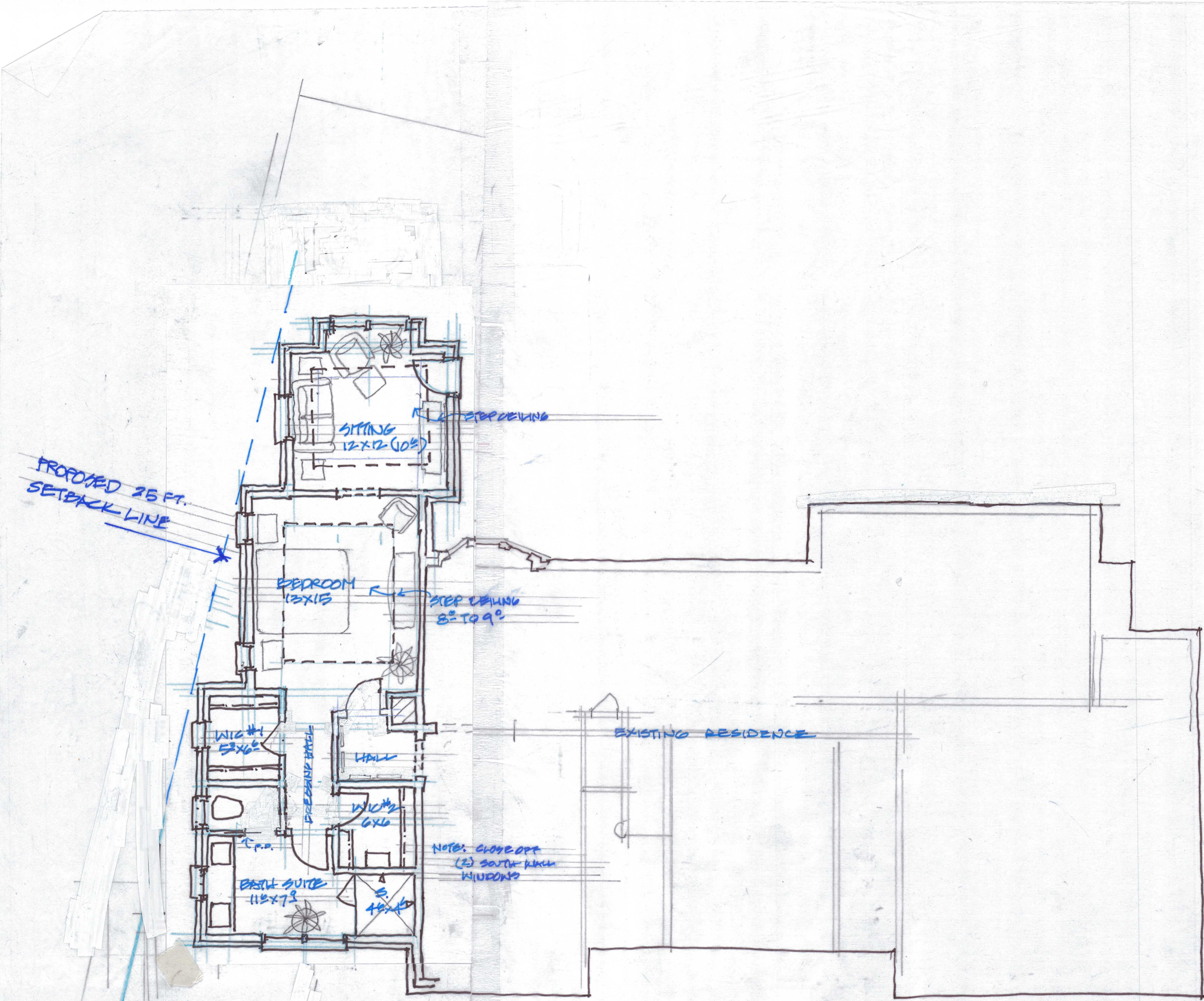
1. 40 FT. REQ'D FRONT YD. SETBACK
22 FT. REQUESTED " "
2. APPROX. FRONT YD. AREA ALONG
BELLVINE COURT 7600 SQ. FT.
3. APPROX. FRONT YD. ENCROACHMENT AREA
INTO BELLVINE CT. 590 SQ. FT. (NET)
4. PERCENTAGE OF FRONT YD. ENCROACHMENT
PROPOSED ± 7.7% (.077)

MR. + MS. SCHOFDING RESIDENCE
 REQUESTED SETBACK VARIANCE SITE PLAN IMAGE
 31071 BELLVINE TRAIL

ALEXANDER V. BOGAREE + ASSOCIATES ARCHITECTS

12.16.25

4.14.2020



MR. + MRS. SCHOFDING RESIDENCE
PROPOSED 1ST FLOOR BEDROOM DESIGN

752 SQ. FT. ADDITION

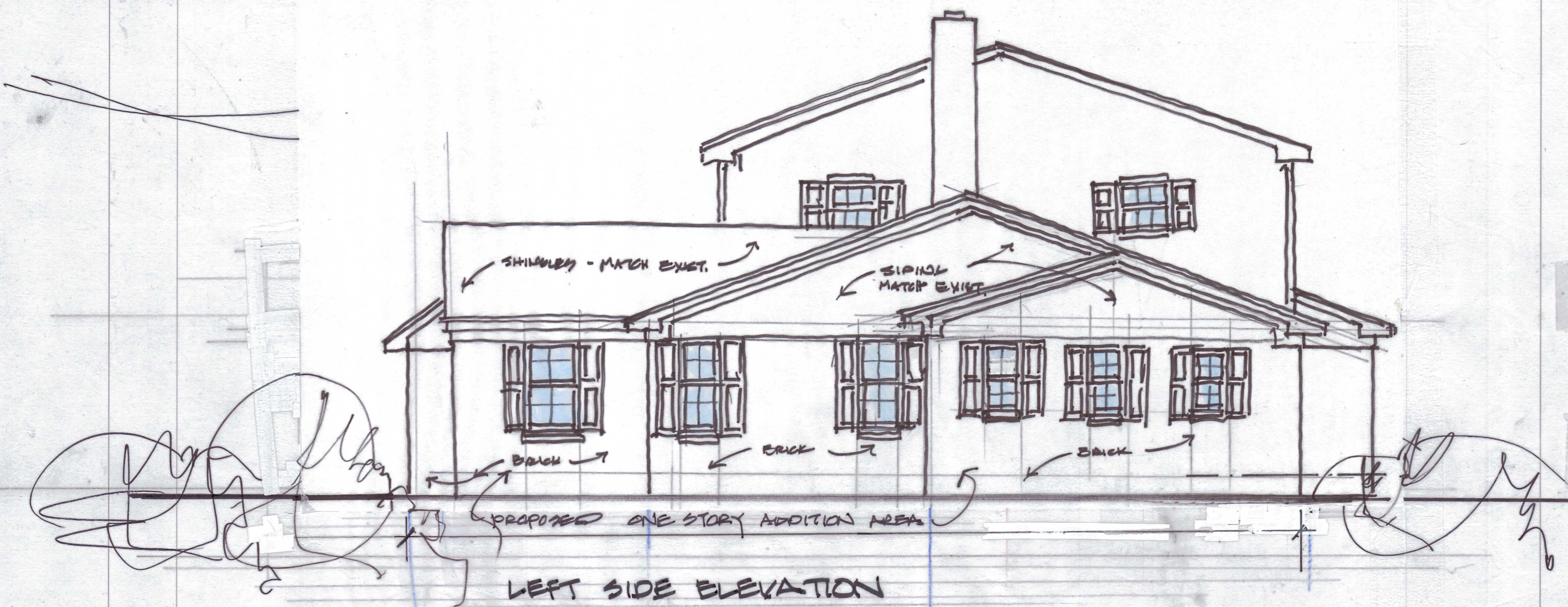
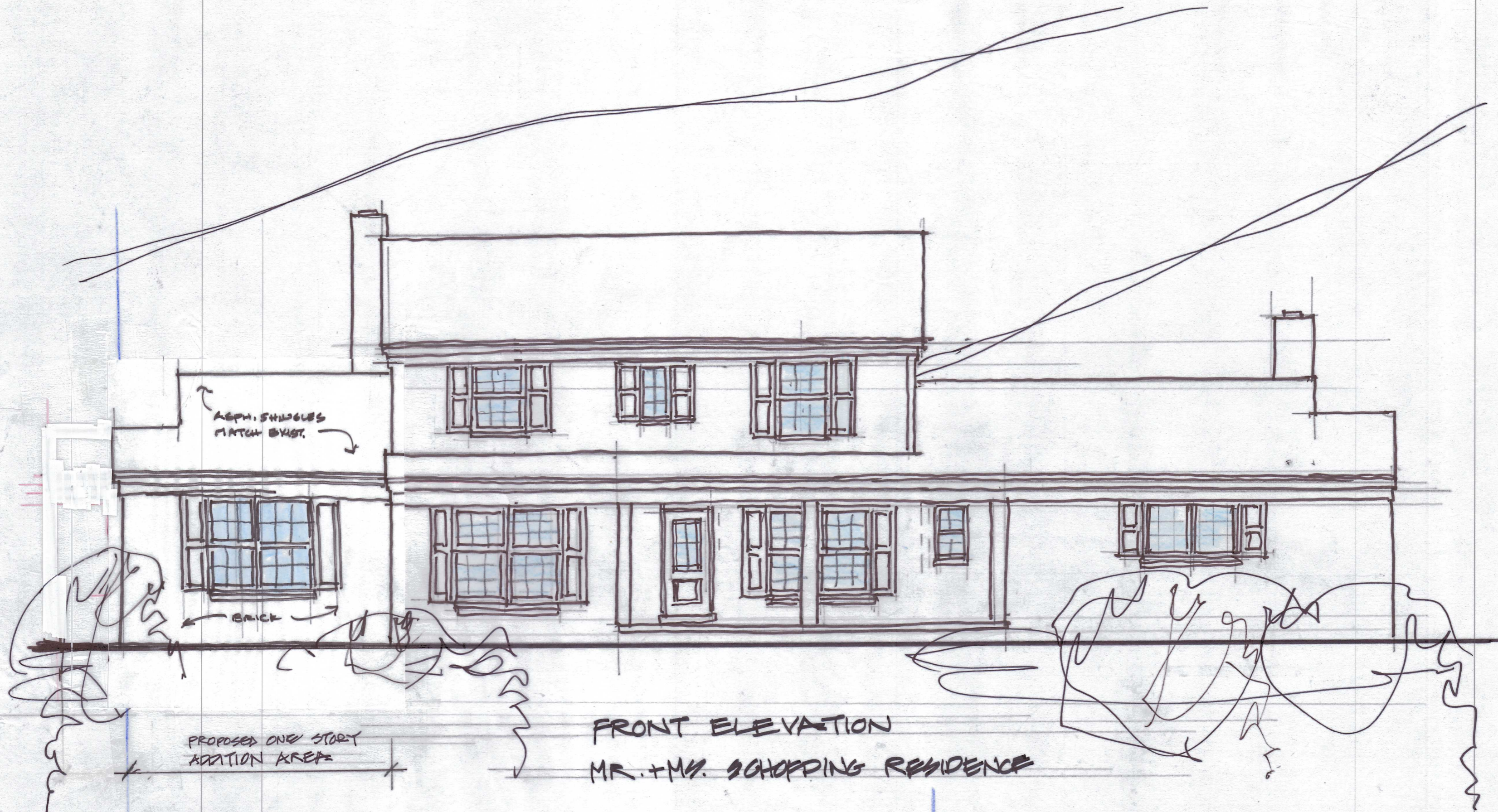
CITY ZONING BOARD OF APPEALS REQUEST

ALEXANDER BOGARDUS + ASSOCIATES ARCHITECTS

11.26.2025

4.14.2026

2.



4.14.26

3.

VILLAGE OF BEVERLY HILLS

ZONING BOARD OF APPEALS BYLAWS

ARTICLE I – JURISDICTION

The jurisdiction of the Village of Beverly Hills Zoning Board of Appeals (hereinafter “the Board”) is the review of and decision on questions, appeals, and variance requests arising under the Village of Beverly Hills Zoning Ordinance as authorized by law.

ARTICLE II - PURPOSE

The purpose of the Board is to perform the duties set forth in the following:

- A. The Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq. (herein the “Act”).
- B. Village of Beverly Hills Zoning Ordinance, Chapter 46, Article II, Division 3 (herein the “Zoning Ordinance”).

ARTICLE III – CREATION AND DUTIES

- A. Creation. There shall be established and appointed by the Village Council, in accordance with the Act, as amended, a Zoning Board of Appeals consisting of nine members, each to be appointed for a term of three years. One member of the Zoning Board of Appeals may also be a member of the Village Planning Commission.
 1. One regular or alternate member of the Zoning Board of Appeals may also be a member of the Village Council. Such a member shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the legislative body may not serve as a member of the Zoning Board of Appeals.

2. A member of the Zoning Board of Appeals who is also a member of the Village Planning Commission or Village Council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Village Council. However, the member may consider and vote on other unrelated matters involving the same property.
 3. The Village Council may appoint not more than two alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest or due to the fact that the regular member already voted on the same matter as a member of the Planning Commission or Village Council. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals while serving.
- B. Powers and Duties. The Board shall have the powers enumerated in the Village of Beverly Hills’s Zoning Ordinance, [Chapter 46, Article II, Division 3](#).
- C. Membership. Eligibility to serve and remain on the Zoning Board of Appeals is based on the following:
1. Being a qualified and registered voter in the Village of Beverly Hills and has resided in the community for at least one (1) year.
 2. Maintaining a minimum annual attendance rate of 70%. Failure to maintain this attendance rate may be grounds for removal from the board and/or not be considered for reappointment,
 3. Abiding by the “Ethical Standards of Conduct” as recorded in the Village of Beverly Hills *Organizational and Council Policies and Procedures Manual (Appendix A)*.
- D. Removal for Cause. Any member, following a public hearing, may be removed for cause by Village Council, as described in [Section 5.5](#) of the Village Charter.

- E. Training. Members are expected to attend a minimum of four (4) hours of annual training in planning or zoning during the member’s current term of office.

ARTICLE IV – ORGANIZATION AND OFFICERS

- A. The Board shall elect from its members a chairperson, a vice-chairperson, and a secretary, and establish such committees it considers necessary. The election of officers shall be held annually.

- B. Meetings shall be at the call of the Chairperson.

- C. Duties of Officers:

- 1. Chairperson:

- a. The Chairperson shall preside over all meetings of the Board.
- b. The Chairperson may designate the Vice-Chairperson to preside in his/her seat at any meeting if he/she desires.
- c. The Chairperson (or any three members) may issue a call for a Special Meeting by making a written or oral request to the Village Clerk's office.
- d. The Chairperson shall direct the Village staff to establish the agenda for Meetings and the order thereof, including such items of old business and other items that may have been deferred at previous meetings and shall provide this information to the Village Clerk's office.
- e. Sign such correspondence and documents as may be necessary

- 2. Vice-Chairperson:

- a. The Vice-Chairperson shall preside at meetings of the Board in the absence of the Chairperson, or when requested to do so by the Chairperson.
- b. The Vice-Chairperson shall perform all duties of the Chairperson when the Chairperson is unable to perform his/her duties or when requested by the Chairperson.

- 3. Secretary

- a. The Secretary shall certify meeting minutes.

- b. The Secretary shall sign correspondence and/or documents as may be necessary.

ARTICLE V - MEETINGS

- A. All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions outside of an open meeting shall be conducted.
- B. A minimum of two (2) regular meetings shall be held annually. Advance notice of Board meetings shall be provided in accordance with the Act and the Zoning Ordinance.
- C. Copies of the draft minutes of the prior meeting or meetings shall be available at Village Hall for public review within 8 days after the meeting at which they were taken and shall accompany the meeting agenda.
- D. A ZBA member shall disclose any possible conflict of interest before any discussion on the respective matter. Failure to disclose a conflict of interest shall constitute malfeasance in office. Once a member discloses a potential conflict of interest regarding a particular matter, he or she may be disqualified from voting on the matter upon a unanimous vote of the remaining members of the ZBA. A conflict of interest exists if any member has a personal or financial interest in the matter or has an interest such that the member cannot be unbiased in the decision-making process. A Board member shall notify the Board of a possible conflict of interest when:
 - 1. A relative or other family member is involved in any request for which the ZBA is asked to make a decision;
 - 2. The ZBA member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association; or
 - 3. There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict.
- E. If the Board agrees that the member has a conflict by unanimous vote of the board members present, the member shall remove him- or herself from the dais for the duration of the discussion and vote on the matter on which the member has a conflict.

ARTICLE VI - RULES

- A. A quorum shall consist of a majority (five) of the entire Board membership. A concurring vote of a majority of members of the Board shall be necessary to approve any motion, resolution or recommendation, except that an affirmative vote of 2/3 of the members of the Board shall be required to approve a use variance.
- B. Meeting procedures and conduct shall be generally consistent with Robert's Rules of Order, unless superseded by The Open Meetings Act (MCL 15.261, et seq.) or these Bylaws.
- C. If there are several separate items to be heard at one meeting, the same procedures shall be followed for each.
 - 1. Chairperson states purpose of hearing and rules of procedure as deemed necessary by the Chairperson, including processes for submission of written testimony.
 - 2. Presentation by staff summarizing the item.
 - 3. Questions from Board members to staff.
 - 4. Presentation by applicant.
 - 5. Questions from Board members to applicant.
 - 6. Chairperson opens Public Hearing.
 - 7. Testimony from public.
 - a. Presentation of written comments.
 - b. Presentation of oral comments.
 - 8. Chairperson closes Public Hearing.
 - 9. Concluding comments from applicant.
 - 10. Concluding comments of staff.
 - 11. Concluding questions or comments from Board members.
 - 12. The Chairperson shall call for a motion.

- D. If the hearing is on an application proposed by staff and there is no applicant, agenda items (5), (6), and (8) shall be eliminated and the public shall be heard on the issue.
- E. The Chairperson may order any disruptive person from the room. In the event of ongoing disruption, the Chairperson may recess the meeting.

ARTICLE VII - PROCEDURE FOR AMENDING BYLAWS

- A. These bylaws shall take effect upon adoption by the Board.
- B. These bylaws may be amended at any regular meeting by a majority vote of the members provided that proposed changes have been provided to the Board at least three (3) days in advance of the meeting.

DRAFT

**VILLAGE OF BEVERLY HILLS
OAKLAND COUNTY
MICHIGAN**

ORGANIZATIONAL POLICIES AND PROCEDURES MANUAL

ADOPTED BY THE VILLAGE COUNCIL: August 4, 2003
EFFECTIVE DATE: August 4, 2003
AMENDED: September 2, 2003
AMENDED: December 4, 2007
AMENDED: October 21, 2008
AMENDED: August 3, 2010
AMENDED: October 5, 2010
AMENDED: November 5, 2013

**COUNCIL
PROCEDURES**

COUNCIL PROCEDURES SPECIAL RULES OF ORDER

1. Resolutions not covered by the Village Charter are passed by a majority vote. A majority vote is a majority of the members present at a meeting at which a quorum is present.
2. Motions to rescind are permissible without time constraints provided no action has been taken. Motions to reconsider are permissible within the time constraints of the next two regularly scheduled Council meetings.
3. Discussion may take place without a motion on the floor; however, when action is desired a motion should be made.
4. A motion may be amended or modified by combining the original motion and modifications in one vote if the maker and supporter agree.
5. To obtain the floor, a member or other participant must be recognized by the President (or presiding officer) in an orderly manner.
6. General consent or consensus is a convenient tool to give direction. It does not replace nor carry the weight of a resolution. It permits the opportunity for discussion and/or change at any later time before a final resolution is made. In order to be a direction, the minutes must indicate that a majority consented.
7. A member may speak more than once to the same question provided, however, that another member who has not spoken once, etc., is entitled to be recognized. It is the intent that the members proceed in order turns.
8. These Rules of Order pertaining to Parliamentary Procedure may be suspended, amended or added to by a majority vote of the members present.
9. In all cases where State Law, Village Charter, Rules of Order and the Policy and Procedure Manual, in that order, are not applicable, Robert's Rules of Order, most current edition, may then be the procedural authority used.
10. There shall be a Council and Village Policy and Procedure Manual covering policies and procedures adopted.

Adopted: 2/3/86

SUGGESTED GUIDELINES FOR COUNCIL MEMBERS OUTSIDE OF COUNCIL MEETINGS

MEMORANDUM

April 21, 1984

To: Village Council
Village of Beverly Hills

From: Thomas J. Ryan

It has been requested of me, that I write this Memorandum to Council, as we have four (4) new members. I would like to offer some guidelines as to a course of conduct by Council Members when they are not seated, in session, at a Council meeting. The basic problem area is, as a Council Member, some members of the public may interpret or misinterpret an individual's opinion as speaking for the whole Council. The Village Council is the only body that can speak for and set policy for the Village of Beverly Hills. The Village Administration may speak for the Village of Beverly Hills following or explaining Council direction. The public generally recognizes this distinction. The area of concern revolves around actions, words, or deeds by Council Members in the community.

Please be aware that your actions, words, or deeds will now be perused with great interest by persons in the Village. You cannot be responsible for what other people may perceive about you, but for your own protection and the Village's protection you must be very careful not to advocate a position contrary to established Council policy or to indicate your decision on a matter pending before Council. Every person coming before Council is entitled to impartial and fair review of their matter. There has been an increase of litigation in state and federal courts regarding improper actions or influence being brought to bear by local legislative bodies.

Thus, please be cautious in your words and deeds. People will try to hear what they want to hear and attempt to put you and the Village on the spot if that is believed to be advantageous. Make these people understand the areas where you speak for yourself or for Council; when in doubt, please ask; do not actively advocate action on pending or future matters in the Village (you may have your opinion, but that can be stated at the Council meeting); and when sensitive Village information is given to you, ie., stamped "For Council Only". Please respect the private nature of that information and do not disseminate it.

I trust this information will be helpful. If I can be of any other assistance in this regard, please don't hesitate to contact me.

ABSTENTION FROM VOTING

The following procedure shall be used when a council member believes he or she has a conflict with an agenda item:

Upon recognizing a potential conflict, the affected council member should contact the village manager and council president to discuss the potential conflict. If an actual conflict is determined to be valid, the matter should be brought up during the agenda item at the council meeting, and the council member should make a motion to abstain based on the reason(s) for the conflict. After a second, and discussion if any, the vote should be taken before the agenda item is discussed.

DRAFTING ORDINANCES

Council, Administration and Boards may request legal staff to review and make recommendation, but direction for drafting of an ordinance and amendments to existing ordinances shall be given by Council only.

Adopted: 9/19/83

**PROCEDURES FOR
BOARDS
AND
COMMITTEES**

SELECTION PROCESS FOR BOARD AND COMMITTEE APPOINTMENTS

1. A Public announcement shall be made at two consecutive regular Council meetings and by the respective chairperson at the board meeting if practicable, requesting any interested residents to submit their resumes to the Village. Local media should be contacted to announce the vacancy.
2. A three-person selection committee made up of Council liaison to the Board concerned and two other Council members appointed by the President, on an alphabetical rotation basis, shall review the resumes and applications. The Council liaison shall chair the committee. These meetings to recommend new members to Village Board and Committees should be open meetings that are posted and applicants should be encouraged to attend. The selection committee shall conduct the meeting at a time convenient for the applicants and the selection committee, as well as to allow ample time for the applicants to be heard.
3. The Clerk shall send a letter and new application in April of each year to persons with applications on file to determine their continued interest in serving on the board(s) or committee(s) for which they applied. If the individual does not reapply, that application will be removed from the Village's file. Applicants will be limited to three choices for appointment. All applications will be date stamped.
4. A binder containing current resumes and applications for all standing Boards and Committees will be sent to the selection committee and the appropriate board to review at their next meeting or individually at their convenience. The Clerk is also responsible for checking whether or not the applicant is currently interested and will ensure that only valid applications are sent to the committee. The binders are to be returned to the Village office after selection of a board member has been made.
5. The Committee should review all applications and advise the applicants of the identity of the Committee in the event that the applicant has any questions.
6. The Committee may choose two or three candidates listing order of preference.
7. Council liaison should consult with the Board Chairperson prior to making a recommendation to Council.
8. After the selection of a board member has been made by Council, the Clerk will send letters to all applicants: congratulating the person selected and thanking the others. The unsuccessful candidates will be informed that their application is being retained for future considerations when there is a vacancy and they will be invited to attend board meetings.

Eligibility for Service on Boards and Standing Committees as appointed by the Village Council

- Shall have resided in the Village for at least one year
- Shall be a qualified and registered voter of the Village of Beverly Hills
- Shall expect to have a 70% annual attendance record
- Shall agree to abide by the "Ethical Standards of Conduct" as recorded in the Village of Beverly Hills *Organizational and Council Policies and Procedures Manual*
- Removal for Cause – Members of any board or standing committee may, after a public hearing, be removed for cause by the Village Council

Adopted: 1/3/83; Amended 3/7/83, 5/18/87; 9/2/03

POLICY FOR REAPPOINTMENTS

1. Three months prior to the expiration of a board member's term, administration will notify the member of the expiration of the term and advise the member of his or her eligibility for reappointment, subject to Council review.
2. If the eligible person is not interested in another term, the Council will be notified and the position filled from applications in the usual manner.
3. In determining eligibility for reappointment, the Council Personnel Committee should consider:
 - (a) A 70% attendance requirement for scheduled meetings, over the previous terms.
 - (b) Length of service.
 - (c) Special expertise required by this Board, which can either come from outside experience in the field or from years of experience actually working on the Board.
 - (d) Recommendations from other Board members and Council members.
 - (e) Opening up opportunities for new people to serve.
4. If the Village Council feels that the Board member should not be reappointed, the person should be notified immediately by the Council liaison to that board. Once this notification has been given, a committee should be formed and the position filled in the usual manner.
5. Persons leaving boards for whatever reason, should receive a letter of recognition for their service.
6. If the Council concurs with the recommendation of the committee for reappointment, the appointee should be notified by personal phone contact and letter.

PROCEDURE ON FORMING ADVISORY COMMITTEES

1. Council forms advisory committees by Resolution. Preceding the resolution, discussion should be held at an open Council meeting regarding need, purpose, limits, responsibilities, size and whether it be Standing or Ad Hoc.
2. Council to make public announcement of committee and publicize request for interested citizens (mentioning application form available, deadline not less than two weeks, and approximate selection date).
3. Council shares responsibilities in appointments. Copies of applications forwarded to all Council members before selection; and selection made jointly or individually.
4. Organizational chairman is selected by the Council; permanent chairman to be selected by committee.
5. Committee to meet with Council initially, with written instructions and a copy of this policy sent to all committee members.

Adopted by Council January 3, 1983

RESOLUTION TO CREATE A PARKS AND RECREATION BOARD

A resolution to provide the creation of a Parks and Recreation Board for the Village of Beverly Hills, and to prescribe the duties, responsibilities and powers thereof:

SECTION 1. Parks and Recreation Board. There is hereby created a Parks and Recreation Board for the Village of Beverly Hills, hereafter referred to as the Board. Said Board shall consist of seven (7) persons who shall be qualified electors in the Village of Beverly Hills. The members of said Board shall be appointed by the Village Council. The Village Manager, or designee, and a member of Village Council will serve as ex officio members of the Board. The term of each member shall be for a period of three (3) years from the first day of July of the year in which he is appointed, or until his successor takes office. Except in the case of the first Board appointed hereunder, the terms of two (2) members shall be for a period of one (1) year each, two (2) for a period two (2) years each, and three (3) for a period of three (3) years each, from the first day of July. Vacancies shall be filled for the balance of the unexpired term by the Village Council. All members of the Board shall serve without compensation.

SECTION 2. Removal for Cause. Members of the Board may, after a Public Hearing be removed for cause by the Village Council.

SECTION 3. Elections, Meetings and Rules. The Board shall, from its appointed members, elect a Chairman, Vice-Chairman and Secretary. The Board shall hold at least one (1) regular meeting quarterly, shall adopt rules for the transaction of its business, and shall keep a full and complete record of its resolutions, transactions, findings and determinations, which record shall be available to the Village Council. The Board shall set a time for a regular meeting unless deemed unnecessary by the chairman. Members shall be notified one week prior to any special meeting. A majority of the appointed members constitutes a quorum.

SECTION 4. Objectives and Function. The function of the Parks and Recreation Board and the Village Administration shall consist of:

1. Maintenance - General maintenance of the Parks is the responsibility of Administration.
2. Recreation Program - The evaluations and recommendations for programs are to be made by the Parks and Recreation Board to the Administration.
3. Improvements - Major improvements planned by the Administration are to be sent to Parks and Recreation Board for review and comment. Suggestions for improvements may be made by the Parks and Recreation Board to Administration.
4. Park Functions and Usage - The Parks and Recreation Board will make recommendations and advise Administration on Park functions and usage.
5. Fees and Regulations - All fees and regulations are to be set by Administration with the concurrence of the Village Council.

6. Outside Funding and Donations - Seeking additional funding or donations and funneling such to Administration with recommendations for their use is a function of the Parks and Recreation Board.
7. Future Development - The long-range recommendations for Park development are the responsibility of the Parks and Recreation Board.

It is understood the Administration will consider comments or advice by the Parks and Recreation Board on all areas of Park Management, and that all decisions and actions taken are in accordance with policies set by the Village Council.

SECTION 5. Scope of Authority. The Board is a non-administrative Board serving solely in an advisory capacity. In that capacity, the Board may make recommendations to the Village Council but may not assume any legislative or administrative authority in operation of any Village department, park, or recreation facility except as herein specifically provided.

SECTION 6. Consulting Services and Budget. The Board may call upon the Village Council for such services and data by the various departments as it may request. The Board may recommend to the Village Council the securing of such professional and consulting services as it may require; provided, however, that no expenditures of funds shall be made, or contracts entered into for providing such professional or consulting services, unless the same shall first be approved and authorized by the Village Council. No later than the first day of April in each year, the Board shall prepare and submit to the Village Manager a tentative outline of its program for the ensuing Village Fiscal year together with its budget requests for such ensuing year, which outline and budget shall serve as a guide in the appropriation of monies by Village Council. Provided, that nothing contained herein shall be interpreted to require the Village Council to appropriate the sum or amount requested for such budget. No Village funds shall be expended in connection with the Board in excess of amounts appropriated for that purpose by the Village Council.

SECTION 7. Recommendations. When any recommendation has been approved by the Board, and submitted to Administration such recommendation may be expedited by the Council liaison in conjunction with Administration for presentation to Council in accordance with Section 5.

Adopted: 4/20/81, Amended: 2/28/83

FACILITIES

PROCEDURES

PAVILION - RULES GOVERNING USAGE

All public laws including those relating to noise will be observed in the park including Chapter 6 of the Municipal Code. The Code is available for review at the Village offices and online at <http://www.villagebeverlyhills.com/code/chap%206.htm>.

Reservations

- Reservations are accepted at the Village Office during business hours. Applicant must be at least 18 years old and provide proof of residency.
- Village residents may begin making reservations the first Wednesday in March. Village business owners or their representative(s) may begin making reservations the first Wednesday in March for business related functions. Proof of affiliation is required at the time of reservation.
- Non-residents may begin making reservations starting the first Wednesday in April.
- Applicant must be present for the opening and closing of the pavilion rental and retain a copy of the permit. Failure to do so will result in withholding the deposit. Pavilion use is restricted to hours of permit.
- Permit holders are entitled to priority usage of the pavilion only. All other facilities may be used on a first come-first serve basis.
- There are no rain dates.

Refunds

- If cancellation is made at least two weeks prior to the reservation, a refund of the damage deposit plus 80% of the other fees paid will be granted. If cancellation is made less than two weeks before the reservation date, only the damage deposit will be refunded.
- The Village will ensure restrooms are clean and equipped, and that pavilion area is clean at the time of opening. At the time of closing the Park Opener will survey the area. There will be an extra charge if it is necessary to clean the pavilion and surrounding area. Also, there will be a charge if the Park Opener must return to the park for additional opening or closing. This amount will be subtracted from the deposit.

Other Items

- Applicant agrees to pay for any and all damages or losses that occur on the premises during reservation time. **No nails, staples, tape, or fasteners shall be used to affix signs, banners, etc. to pavilion.** Banners may be hung on brass hooks on the posts of the pavilion. No staples shall be used to secure cloths to tables.
- Return picnic tables to their original setup if moved during your rental.
- Confetti is not permitted.
- Animals are not allowed in or near the pavilion or playground.
- Bounce Houses are permitted with prior approval. A certificate of insurance naming the Village of Beverly Hills as an additional insured is required.
- Applicant is responsible for all equipment, valuables and clothing left in park.

Any equipment to be brought in other than barbecue grills, card tables and other items incidental to a picnic, must be listed and placed on a sketch which shows their location in relation to the pavilion. Tents should only be placed in the area south of the pavilion and portable restrooms should only be located in the southwest corner of the parking lot. Parking plans for large groups must be discussed with the Village Office to ensure that there will be available parking for Village residents using other areas of the park.

Amended 8-3-10; 11-5-13

RULES FOR LARGE GROUPS

The maximum number of people permitted to reserve the pavilion is 150 people. In no instance shall a group be allowed to exceed this number. On the day of the event, if a group exceeds 150 people or has more than 10 people over the stated maximum in attendance, the Public Safety Department will cancel the permit, vacate the pavilion and the damage deposit will be forfeited. Reservations to accommodate 100 or more people must obtain prior approval from the Parks & Recreation Board. The applicant should submit an application to the Village Office at least 60 days prior to the activity date which includes the following information:

1. The name of the group, the name and address and phone numbers of the contact person and a phone number where a responsible person can be contacted during the event.
2. The approximate maximum number (within 10 people) of persons who will be attending the event.
3. The nature of the event, i.e., family reunion, company picnic, etc.
4. A description of activities planned i.e., music, contests, etc.

Adopted: 2/18/92 - Amended: 2/17/92, 3/1/93

2018

Residents Fee Schedule Beverly Park Pavilion Rentals

Number of guests 1 – 40 Minimum charge of \$25; \$5 for each additional hour
Additional \$20 fee for Fri, Sat, Sun rentals

	HOURS	FEE	DAMAGE DEPOSIT	TOTAL DUE	
				Mon – Thur	Fri–Sat–Sun
Will you have:	1	\$ 25.00	\$ 100.00	\$125.00	+ \$20 = \$145
Catering, Band,	2	\$ 30.00	\$ 100.00	\$130.00	+ \$20 = \$150
Special Games	3	\$ 35.00	\$ 100.00	\$135.00	+ \$20 = \$155
Entertainment,	4	\$ 40.00	\$ 100.00	\$140.00	+ \$20 = \$160
Music, Other	5	\$ 45.00	\$ 100.00	\$145.00	+ \$20 = \$165
Then: Please	6	\$ 50.00	\$ 100.00	\$150.00	+ \$20 = \$170
fill out a	7	\$ 55.00	\$ 100.00	\$155.00	+ \$20 = \$175
Large Group Survey	8	\$ 60.00	\$ 100.00	\$160.00	+ \$20 = \$180

Number guests 41 – 80 Minimum charge of \$50; \$10 for each additional hour
Additional \$20 fee for Fri, Sat, Sun rentals

	HOURS	FEE	DAMAGE DEPOSIT	TOTAL DUE	
				Mon – Thur	Fri–Sat– Sun
Will you have:	1	\$ 50.00	\$200.00	\$250.00	+ \$20 = \$270
Catering, Band,	2	\$ 60.00	\$200.00	\$260.00	+ \$20 = \$280
Special Games	3	\$ 70.00	\$200.00	\$270.00	+ \$20 = \$290
Entertainment,	4	\$ 80.00	\$200.00	\$280.00	+ \$20 = \$300
Music, Other	5	\$ 90.00	\$200.00	\$290.00	+ \$20 = \$310
Then: Please	6	\$100.00	\$200.00	\$300.00	+ \$20 = \$320
fill out a	7	\$110.00	\$200.00	\$310.00	+ \$20 = \$330
Large Group Survey	8	\$120.00	\$200.00	\$320.00	+ \$20 = \$340

Number of guests 81 – 150 Minimum charge of \$75; \$15 for each additional hour
Additional \$20 fee for Fri, Sat, Sun rentals

	HOURS	FEE	DAMAGE DEPOSIT	TOTAL DUE	
				Mon – Thur	Fri–Sat–Sun
Must fill out	1	\$ 75.00	\$300.00	\$375.00	+ \$20 = \$395
	2	\$ 90.00	\$300.00	\$390.00	+ \$20 = \$410
Large Group	3	\$105.00	\$300.00	\$405.00	+ \$20 = \$425
Survey	4	\$120.00	\$300.00	\$420.00	+ \$20 = \$440
for approval from	5	\$135.00	\$300.00	\$435.00	+ \$20 = \$455
Parks & Rec Board	6	\$150.00	\$300.00	\$450.00	+ \$20 = \$470
at their next mtg	7	\$165.00	\$300.00	\$465.00	+ \$20 = \$485
	8	\$180.00	\$300.00	\$480.00	+ \$20 = \$500

SCOUTING GROUPS \$100 Damage Deposit (Amended by Council 4-7-09)
Troop 1024 can pay a \$100 cash deposit at the beginning of season, but someone still has to come in and sign permits. They cannot make a reservation over the phone.

LITTLE LEAGUE \$25.00 Park Opener Fee + \$100 Damage Deposit = \$125.00

Amended by Council 10-6-15

2018

Non - Residents Fee Schedule **Beverly Park Pavilion Rentals**

Number of guests 1 – 40 Minimum charge of \$60; \$15 for each additional hour
Additional \$20 fee for Fri, Sat, Sun rentals

	HOURS	FEE	DAMAGE DEPOSIT	TOTAL DUE	
				Mon – Thur	Fri–Sat–Sun
Will you have:	1	\$ 60.00	\$100.00	\$160.00	+ \$20 = \$180
Catering, Band,	2	\$ 75.00	\$100.00	\$175.00	+ \$20 = \$195
Special Games	3	\$ 90.00	\$100.00	\$190.00	+ \$20 = \$210
Entertainment,	4	\$105.00	\$100.00	\$205.00	+ \$20 = \$225
Music, Other	5	\$120.00	\$100.00	\$220.00	+ \$20 = \$240
Then: Please	6	\$135.00	\$100.00	\$235.00	+ \$20 = \$255
fill out a	7	\$150.00	\$100.00	\$250.00	+ \$20 = \$270
Large Group Survey	8	\$165.00	\$100.00	\$265.00	+ \$20 = \$285

Number of guests 41 – 80 Minimum charge of \$120; \$25 for each additional hour
Additional \$20 fee for Fri, Sat, Sun rentals

	HOURS	FEE	DAMAGE DEPOSIT	TOTAL DUE	
				Mon – Thur	Fri–Sat–Sun
Will you have:	1	\$120.00	\$200.00	\$320.00	+ \$20 = \$340
Catering, Band,	2	\$145.00	\$200.00	\$345.00	+ \$20 = \$365
Special Games	3	\$170.00	\$200.00	\$370.00	+ \$20 = \$390
Entertainment,	4	\$195.00	\$200.00	\$395.00	+ \$20 = \$415
Music, Other	5	\$220.00	\$200.00	\$420.00	+ \$20 = \$440
Then: Please	6	\$245.00	\$200.00	\$445.00	+ \$20 = \$465
fill out a	7	\$270.00	\$200.00	\$470.00	+ \$20 = \$490
Large Group Survey	8	\$295.00	\$200.00	\$495.00	+ \$20 = \$515

Number of guests 81 – 150 Minimum charge of \$180; \$35 for each additional hour
Additional \$20 fee for Fri, Sat, Sun rentals

	HOURS	FEE	DAMAGE DEPOSIT	TOTAL DUE	
				Mon – Thur	Fri–Sat–Sun
Must fill out	1	\$180.00	\$300.00	\$480.00	+ \$20 = \$500
	2	\$215.00	\$300.00	\$415.00	+ \$20 = \$535
Large Group Survey	3	\$250.00	\$300.00	\$450.00	+ \$20 = \$570
For approval from	4	\$285.00	\$300.00	\$585.00	+ \$20 = \$605
Parks & Rec Board	5	\$320.00	\$300.00	\$620.00	+ \$20 = \$640
At their next mtg	6	\$355.00	\$300.00	\$655.00	+ \$20 = \$675
	7	\$390.00	\$300.00	\$690.00	+ \$20 = \$710
	8	\$425.00	\$300.00	\$725.00	+ \$20 = \$745

Amended by Council 10-6-15

MUNICIPAL BUILDING USE PROCEDURES

1. The municipal building facilities (Blue Room and Council Room) are to be used by non-profit Beverly Hills groups only (on a first come first served basis.) These include groups such as the neighborhood associations, civic organizations, service organizations, etc.
2. Scheduling of the facilities is required but cannot be made more than thirty (30) days in advance of requested date.
3. Scheduling will be made in such a manner as to provide a fifteen (15) minute interval between groups using the facility.

i.e.

Group I	7:00 P.M.	-	7:45 P.M.
Group II	8:00 P.M.	-	9:15 P.M.
Group III	9:30 P.M.	-	10:30 P.M. etc.

4. Reservations for the Council room will not be permitted after 7:45 P.M. from April 1st to May 31st (this is the budget season).
5. During normal business hours, the Blue Room cannot be reserved.
6. The Village employee who schedules the group will inform Public Safety of the schedule of Municipal building use.
7. The person requesting the facilities must be a Beverly Hills resident and provide their name, address, phone numbers (home and business) and proposed use of facility. That person will be responsible to keep the room in good and clean order after use.
8. Thermostat setting is not to be tampered with. However, if absolutely necessary the thermostat may be adjusted at the time of the meeting as follows:

Winter - set at 60 degrees
Summer - shut off completely

also, lights must be turned off after use.

9. The Village reserves the right to cancel a reservation if the facility is needed for unexpected Village business. Such cancellation notice will be no less than seventy-two (72) hours before the scheduled reservation.

Promulgated by the Village Manager: 5/17/82

DOOR CODE
Village Administrative Offices

Policy in making known and changing the door code is as follows:

The door code is issued to:

- 1) All full-time and part-time employees
- 2) Director of Public Safety
- 3) Current council members
- 4) Janitorial contractor staff
- 5) Comeau Equipment Company employees
- 6) Specially approved individuals as needed

The door code is changed:

- 1) Annually, after each election
- 2) When any employee leaves the Village payroll
- 3) When there is a perceived threat of any harm to an Administrative employee

SMOKING IN MUNICIPAL BUILDINGS

In accordance with Public Act 198 of 1986, Michigan's Clean Indoor Air Act, smoking by all employees or visitors is not permitted in any portion of the facilities owned or operated by the Village of Beverly Hills except in a designated area.

DESIGNATED AREA

The designated smoking area shall be the fire equipment apparatus room.

ENFORCEMENT

The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of smokers and non-smokers alike. All employees share in the responsibility for adhering to and enforcing this policy. Any conflicts should be brought to the attention of appropriate supervisory personnel.

Adopted: 12/15/86 - Effective 1/1/87

MARQUEE REQUESTS

Requests are often made by individuals and organizations to have an announcement placed on the Village marquee. A consistent set of guidelines shall apply to all who request use of the marquee.

1. Village functions and activities shall have the highest priorities and shall supersede approved and pending requests from other organizations.
2. Use of the sign shall be limited to local non-profit civic and charitable groups. This shall not exclude local groups affiliated with national organizations from using the sign.
3. Permission shall be granted on a first-come, first-served basis when duplicate requests are received. Multiple requests will not be accepted for purposes of assigning priorities.
4. No request shall be accepted more than ninety (90) days prior to actual use dates requested.
5. The Village shall reserve the right to reduce the number of days requested by a group or organization in an effort to accommodate as many such groups or organizations as possible. This rule shall apply only when conflict of dates exist.
6. The use of the Village Marquee shall be limited to a maximum of three (3) days, including weekends.
7. Groups who are not physically located within the Village may be allowed use of the Village marquee, subject to prior review and Manager approval.
8. The Village shall make no distinctions among organizations requesting use of the marquee other than already specified. However, no announcement promoting propagation of any religion, faith, political views, or particular viewpoint shall be approved. Such organizations, may, however, hold and request use of the marquee for community events.
9. The Village reserves the right to deny any request that may be deemed controversial or otherwise inappropriate.
10. Events that charge admission where the fee does not result in a local civic benefit to citizens shall not be allowed.

**RIGHT OF WAY
PROCEDURES**

RESTORATIONS - Due to Repairs

The Village will do all in its power to "leave the area the same way we found it."

- a. Sod will be used in most restorations.
- b. Fences will be restored.
- c. Large trees or shrubs will be replaced with smaller, similar trees or shrubs.
- d. Concrete will be replaced, if damage is caused by a watermain break.
- e. Asphalt, whether in driveway or parking spots in front of home, will be repaired with hot patch asphalt.

Concrete or asphalt will be replaced as soon as possible, weather permitting. In the interim, cold patch will be used to allow usage of the area.

Adopted: 10/7/85

SIGNS RECOGNIZING SCHOOL ACCOMPLISHMENTS

PREAMBLE

The Village of Beverly Hills encourages proper recognition of student and both public and private school accomplishments at all levels by allowing the placement of right-of-way signs. These are to be maintained by the community for state championships or higher-level recognition. These signs are considered governmental signs under the Zoning Ordinance.

The following guidelines are to be employed by the Village Manager in administering this form of community pride.

CRITERIA FOR SCHOOL SIGNS IN PUBLIC RIGHT OF WAYS

1. Requests for Village recognition of scholastic and sports accomplishments by placement of signs should be brought to the Village Manager for approval.
2. Signs must meet existing state statutes.
3. Signs are to be furnished by the schools or their support groups.
4. Signs should relate either to state-level championship or multi-state or national-level accomplishments.
5. Such signs should remain for one year, posting the previous year's accomplishments.
6. Signs should be of standard size and no larger than the Village welcoming sign.
7. Only one sign is allowed per location per commemorated event.

Adopted: 3/16/92

UNIMPROVED ROADS

The Village will pay up to 20% of costs for improving gravel streets, following petition of residents and establishment of special assessment district in conformity with Village ordinances and Village Charter, which costs shall include the following:

- Engineering costs
- Legal costs
- Asphalt road material and installation
- Incremental storm water system improvements i.e., the amount by which the costs of installation of an under drain system or curb and gutter system (depending on which system is selected by the residents) exceeds the cost of maintenance of an open ditch.

The Village will continue to bear 100% of the cost of maintaining existing open cut ditch system, excluding driveway culverts, which are the sole responsibility of the resident.

Adopted: April 22, 2002

SEWER BACKUPS

In the event of a sewer backup, the employee receiving the call will ask for the claimant's name, address, phone number, address of the affected property, date of discovery of damages or injury and a brief description of the claim. The employee will then provide that information to the Public Services Director and the Village Clerk . The Public Services Director will contact the Oakland County Drain Commission office and they will conduct an investigation. The County will inform the Village resident and the Public Services Director of the outcome of the investigation. The Village Clerk will keep a record of each sewer back up claim and its investigation/resolution.

On a regular basis the Village will publish in its *Villager* Newsletter and on its website, the following information:

Pursuant to Public Act 222 of 2001, to recover damages for a sewage disposal system event, a claimant must first provide notice of the event. The claimant must notify the Village of Beverly Hills within 45 days after the damage or injury was discovered or should have been discovered.

After providing the required notice of a sewage disposal system event to the Village of Beverly Hills, the claimant may not immediately institute a civil action. PA 222 prohibits the filing of a civil action for 45 days after the provision of written notice of an event. This period is intended to allow for the investigation and resolution of the event. Only after a claimant and a governmental agency fail to reach an agreement regarding the sewage disposal system event within the 45-day period may a claimant initiate a civil action.
(Added to manual 8/6/03)

SNOW REMOVAL

Every snow event is potentially different due to wind, temperatures and other conditions. Therefore, the response by the Village's DPW may vary from event to event.

The following is and has been the typical response to a snowfall event in priority order:

1. With accumulation, plow and salt all **major** roads as needed.
2. Hills and curves
3. School routes, stops and yields
4. At 4" accumulation, all local **streets** are plowed

The following areas are typically addressed the next business day:

Parking lots and walks
Municipal and Public Safety lots
Parks

(Added to manual 8/6/03)

**GENERAL
PROCEDURES**

AMERICANS WITH DISABILITIES ACT (ADA)

It is the policy of the Village of Beverly Hills to provide equal access to all Village-sponsored services, programs and activities for citizens and employees with disabilities. Equal employment opportunity will be provided for all qualified individuals with a disability as defined by the Americans with Disabilities Act (ADA).

The Village will make reasonable modifications in policies, practices, procedures and facilities to ensure equal access; will make reasonable efforts to provide auxiliary aids and services to provide effective communication; and, will operate its programs so that, when viewed as a whole, those programs are readily accessible to, and usable by, individuals with disabilities.

It is the Village's policy, with reasonable advance notice, to support and make reasonable accommodations to assist people with disabilities to access facilities and participate in Village services. "Reasonable advance notice" shall be determined based on the degree of the accommodation requested.

REQUEST FOR INFORMATION PROCEDURE/FREEDOM OF INFORMATION ACT

The Village of Beverly Hills recognizes that the public policy of this State is that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees. It is the policy of the Village to release records in accordance with the Michigan Freedom of Information Act (FOI Act). Records should be disclosed unless there is a sufficient prospect of actual harm to legitimate public or private interests if access to the records was granted.

Records in which the prospect of actual harm to legitimate public or private interests is sufficient are:

1. certain law enforcement records;
2. minutes and records of closed meetings;
3. appraisals of real estate to be acquired by the Village;
4. confidential correspondence with the Village Attorney(s);
5. bids and proposals received before the scheduled bid opening;
6. certain personnel, medical, and counseling records;
7. test questions, answers and data used in Village of Beverly Hills employment examinations; and,
8. commercial information voluntarily supplied to the Village of Beverly Hills upon a promise of confidentiality authorized by the Village of Beverly Hills Manager or the Village of Beverly Hills Council.

Otherwise, absent unusual circumstances, all other records routinely should be produced. If the FOIA coordinator intends to withhold records it should consult the Village Attorney.

The FOIA coordinator need not produce records which have nothing to do with the Village's official function, need not comply with a vague request for "all records" and need not create public records. Public records are any "writings" prepared, owned, used, in the possession of, or retained by a public body in the performance of a public function. Invitations to a private, social function of department members, for example, are not in the possession of the department in the performance of a public function. A "writing" includes photographs, film, videotape, and other things not ordinarily thought of as writing such as computer memory. A person has a right to inspect or copy records only if the person describes the record sufficiently to enable the department to find them. This provision of the FOI Act eases the burden of responding to requests for "all records" regarding a subject or person covering some indeterminate period of time.

The FOIA coordinator should treat each written request (facsimile or e-mail) they receive to inspect or receive copies of public records as a FOI request. A request by fax or e-mail is not received by the public body until one day after the fax or e-mail is sent. The FOI Act requires the immediate handling of FOI requests but gives public bodies five (5) business days to respond by doing one of the following:

1. Grant the request.
2. Issue a written notice denying the request.

3. Grant the request in part and issue a written notice denying the rest of the request; or
4. Issue a notice of extension for not more than ten business days. The public body shall not issue more than one notice of extension for a particular request.

The following procedures are to be utilized in responding to FOI requests:

All written requests are made at the Clerk's office on a prescribed form (see attached form). The Clerk's office has procedures for handling written requests for information. When these requests are forwarded to any department, agency, or office, the department director will insure that the response is completed and forwarded to the Clerk's office in a timely manner.

This procedure in the department should not take more than three days. If the questions are unclear or further information is required, it is the responsibility of the department director receiving the forwarded copy of the FOI from the Clerk's office to contact the Village of Beverly Hills Clerk's office and verify what information is requested for reproduction.

The employee receiving the verbal request will write the request on the FOI form, repeat, and verify the wording with the person making the request and then forward the request slip to the Office of the Village of Beverly Hills Clerk.

If the FOIA coordinator grants the request, it should simply provide copies of the records. Otherwise, a department's response to a FOI request must be in writing. If a request is denied in whole or in part, it must provide written reasons to be signed by the FOIA coordinator. If the records are voluminous or difficult to copy, it should designate a time and place for inspection. The person making a request has the right to "inspect, copy, or receive copies" of the records at his or her option. The public body must provide facilities (i.e., a table and chair) for persons to review records and make notes. Because the FOI Act requires so much information to be sent along with a denial, the FOIA coordinator shall use the attached FOI form. Keep a copy in the event of litigation.

Fees for copying and mailing records will be set. If the public body must search, examine, separate, or delete information at an unusually high cost, it may also charge the hourly rate of the lowest paid, full-time permanent clerical employee. Procedures and guidelines for calculating the cost of searching, examining, reviewing, deleting, and separating exempt from nonexempt information are available from the Clerk's office.

If the estimated cost of a FOI Act request exceeds \$50, a one-half deposit is required. If the person requesting public record submits an affidavit stating facts which show indigence or is receiving public assistance, the public body must provide the records without charge for the first \$20.

FOI requests to review our copy records shall be directed to the appropriate department. The FOIA coordinator and its written designees may sign notices of denial for any of the following reasons:

1. certain law enforcement records;
2. minutes and records of closed meetings;
3. appraisals or real estate to be acquired by the Village of Beverly Hills;
4. confidential correspondence with the Village of Beverly Hills Attorney;
5. bids and proposals received before the scheduled bid opening;
6. personnel medical and counseling records;
7. test questions, answers, and data used in the Village of Beverly Hills employment examinations;
8. commercial information voluntarily supplied to the Village of Beverly Hills upon a promise of confidentiality made or authorized by the Village of Beverly Hills Manager or Village of Beverly Hills Council; or,
9. no such record exists as described.

Requests denied for any other reason shall be reviewed by the Village of Beverly Hills Attorney and be signed by the Village of Beverly Hills Manager.

The FOI Act permits persons to request a subscription, valid for up to six months and renewable, to future issuances of public records created on a regular basis, i.e., agendas and minutes of meetings. Proposed minutes of meetings of all village boards and committees must be available for inspection and copying at the Village of Beverly Hills Clerk's office within eight (8) business days of the meeting under State law.

ETHICAL STANDARDS OF CONDUCT

PROHIBITED ACTS

The following acts, actions, inactions, and attempted acts and actions constitute a violation of the ethical standards of conduct for village officials, officers and employees. These include but are not necessarily limited to these specific references but, rather, are intended as providing examples of actions and inactions that are prohibited by this policy.

1. Gratuities

No village officer, official or employee of the Village shall solicit, accept or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence him or her in the performance of their official duty/duties or is intended as a reward for any official action on their part.

2. Preferential Treatment

No village officer, official or employee of the Village shall use or attempt to use their official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for themselves or others.

3. Use of Information

A) No village officer, official or employee of the Village who acquires information in the course of their official duties, which information by law or policy is not available at the time to the general public, shall use such information to further the private interests of themselves or anyone else.

B) No village officer, official or employee of the Village shall obtain or use Village records, documents, communications or other written or electronic records of the Village or those under the control of the Village to further the private interests of themselves or anyone else.

C) No village officer, official or employee of the Village shall use their position to obtain information or records, which information or records by law or policy is not available at the time to the general public without requesting such information or records through the methods granted by the Freedom of Information Act.

4. Full Disclosure

No village officer, official or employee of the Village shall participate, as an agent or representative of the Village, in approving or disapproving, voting, abstaining from voting, recommending or otherwise action upon any matter in which he or she has a direct or indirect interest without disclosing the full nature and extent of their interest. Such a disclosure must be made before the time to perform their duty or concurrently with that performance. If the officer, official or employee is a member of a decision making or advisory body, the disclosure must be made to the Chairperson and other members of the

body on the official record. Otherwise, a disclosure would be appropriately addressed by an appointed officer or employee to the supervisory head of the organization, or by an elected officer to the general public.

5. Use of Village Property

No village officer, official or employee of the Village shall directly or indirectly, make use of or permit others to make use of Village property, equipment, vehicles, or supplies of any kind for purely personal gain.

6. Other Prohibited Conduct

No village officer, official or employee of the Village shall engage in any of the practices described below in list form. The following acts, actions, inactions, and attempted acts and actions constitute a violation of the ethical standards of conduct for village officials, officers and employees. These include but are not necessarily limited to these specific references but, rather, are intended as providing examples of actions and inactions that are prohibited by this policy if not the Charter and labor agreements. They include:

1. Impeding government efficiency or operation.
2. Affecting adversely the confidence of the public in the integrity of the Village.
3. Interfering on behalf of an employee or a member of one's immediate family.
4. Divulging confidential information.
5. Misusing Village personnel resources, property, funds or assets for personal gain or the gain of others.
6. Representing his or her individual opinion as that of the Village.
7. Violating labor agreements between the Village and its employees.
8. Violating policies adopted by the Village Council.
9. Engaging in a business transaction that cause the candidate, officer, official or employee to derive a personal gain.
10. Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties.
11. Offering a candidate, officer, official or employee of the Village, a gift, loan, contribution, reward or promise based on agreement, promise, or expectation that the vote, decision making or action of the candidate, officer, official or employee of the Village would be influenced thereby.
12. Engaging in an act, actions or other conduct contrary to honesty, justice or good morals; or an act or actions of moral turpitude.
13. Acting on behalf of the Village or on the behalf of the Village Council when authority has not been specifically given.
14. Making a village decision outside of the official channels.
15. Soliciting support, financial or material, for Village social, athletic, or recreation parties from individuals or firms that do business with the Village or want to.
16. Appearing before Village bodies on behalf of a private interest.
17. Participating in decision making affecting the interest of one's business or immediate

family. The decision making may include monetary decisions, labor agreements, or other decisions that impact one's business and/or immediate family.

E-MAIL

This document sets forth the policy with respect to e-mail. All Village officials and employees who use the Village's e-mail system are required to comply with this policy statement.

1. Business Use The e-mail system is to be used solely for business purposes of the Village and not for personal purposes of the officials or employees.
2. Ownership All information and messages that are created, sent, received or stored on the Village's e-mail system is the sole property of the Village.
3. E-mail Review All e-mail is subject to the right of the Village to monitor, access, read, disclose and use such e-mail without prior notice to the originators and recipients of such e-mail. E-mail may be monitored and read by authorized personnel for the Village for any violations of law, breaches of Village policies, communications harmful to the Village, or for any other reason.
4. Prohibited Content E-mails may not contain statements or content that are libelous, offensive, harassing, illegal, derogatory, or discriminatory. Foul, inappropriate or offensive messages such as racial, sexual, or religious slurs or jokes are prohibited. Sexually explicit messages or images, cartoons or jokes are prohibited.
5. Security The e-mail system is only to be used by authorized persons, and an employee must have been issued an e-mail password in order to use the system. Officials and employees shall not disclose their codes or passwords to others and may not use someone else's code or password without express written authorization from the Village.
6. No Presumption of Privacy E-mail communications should not be assumed to be private and security cannot be guaranteed. Highly confidential or sensitive information should not be sent through e-mail.
7. Certain Prohibited Activities Employees may not, without the Village's express written authorization transmit trade secrets or other confidential, private or proprietary information or materials through e-mail.
8. Message Retention and Creation Officials and employees should be careful in creating e-mail. Even when a message has been deleted, it may still exist in printed version, be recreated from a back-up system, or may have been forwarded to someone else. Please note that appropriate electronic messages may need to be saved, and the Village may be required to produce e-mail in litigation.

9. Viruses Any files downloaded from e-mail received from non-Village sources must be scanned with the Village's virus detection software. Any viruses, tampering or system problems should be immediately reported to the Village Manager.

TECHNOLOGY USE AND PRIVACY

The Village provides various Technology Resources to authorized employees to assist them in performing their job duties for the Village. Each employee has a responsibility to use the Village's Technology Resources in a manner that increases productivity, enhances the Village's public image, and is respectful of other employees. Failure to follow the Village's policies regarding its Technology Resources may lead to disciplinary measures, up to and including termination of employment. (Moreover, the Village reserves the right to advise appropriate legal authorities of any violation of law by an employee).

1. Technology Resources Definition

Technology Resources consist of all electronic devices, software, and means of electronic communication including, but not limited to, the following: personal computers and workstations; lap-top computers; mini and mainframe computers; computer hardware such as disk drives and tape drives; peripheral equipment such as printers, modems, fax machines, scanners and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet; electronic mail; telephones; cellular phones; pagers; and voicemail systems.

2. Authorization

Access to the Village's Technology Resources is within the sole discretion of the Village. Generally, employees are given access to the Village's various technologies based on their job functions. Only employees whose job performance will benefit from the use of the Village's Technology Resources will be given access to the necessary technology.

3. Use

The Village's Technology Resources are to be used by employees only for the purpose of conducting Village business. (Employees may, however, use the Village's Technology Resources for incidental personal uses so long as such use does not interfere with the employee's duties, is not done for pecuniary gain, does not conflict with the Village's business, and does not violate any Village policy):

The Village assumes no liability for loss, damage, destruction, alteration, disclosure, or misuse of any personal data or communications transmitted over or stored on the Village's Technology Resources. The Village accepts no responsibility or liability for the loss or non-delivery of any personal electronic mail or voicemail communications or any personal data stored on any Village property. The Village strongly discourages employees from storing any personal data on any of the Village's Technology Resources.

A. Prohibition Against Violating Copyright Laws

Employees must not use the Village's Technology Resources to copy, retrieve, forward or send copyrighted materials unless the employee has the author's permission or is accessing a single copy only for the employee's reference.

B. Other Prohibited Uses

Employees may not use any of the Village's Technology Resources for any illegal purpose, violation of any Village policy, in a manner contrary to the best interests of the Village, in any way that discloses confidential or proprietary information of the Village or third parties, or for personal or pecuniary gain.

4. Company Access To Technology Resources

All messages sent and received, including personal messages, and all data and information stored on the Village's electronic-mail system, voicemail system, or computer systems are Village property regardless of the content. As such, the Village reserves the right to access all of its Technology Resources including its computers, voicemail, electronic-mail systems, at any time, in its sole discretion.

A. Privacy

Although the Village does not wish to examine personal information of its employees, on occasion, the Village may need to access its Technology Resources including computer files, electronic-mail messages, and voicemail messages. Employees should understand, therefore, that they have no right of privacy with respect to any messages or information created or maintained on the Village's Technology Resources, including personal information or messages. The Village may, at its discretion, inspect all files or messages on its Technology Resources at any time for any reason. The Village may also monitor its Technology Resources at any time in order to determine compliance with its policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other business purpose.

B. Deleted Information

Deleting or erasing information, documents, or messages maintained on the Village's Technology Resources is, in most cases, ineffective. All

employees should understand that any information kept on the Village's Technology Resources may be electronically recalled or recreated regardless of whether it may have been "deleted" or "erased" by an employee. Because the Village periodically backs-up all files and messages, and because of the way in which computers re-use file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

5. The Internet and On-Line Services

A. The Village provides authorized employees access to on-line services such as the Internet. The Village expects that employees will use these services in a responsible way and for business-related purposes only.

B. Confidentiality

Some of the information to which the Village has access is confidential. Employees should avoid sending confidential information over the Internet, except when absolutely necessary. Employees also should verify electronic mail addresses before transmitting any messages.

6. Software Use

A. License Restrictions

All software in use on the Village's Technology Resources is officially licensed software. No software is to be installed or used that has not been duly paid for and licensed appropriately for the use to which it is being put. No employee may load any software on the Village's computers, by any means of transmission, unless authorized in writing in advance by the Village Manager. Authorization for loading software onto the Village's computers should not be given until the software to be loaded has been thoroughly scanned for viruses.

7. Confidential Information

The Village is very sensitive to the issue of protecting confidential and proprietary information ("Confidential Information") of both the Village and third parties. Therefore, employees are expected to use good judgment and to adhere to the highest ethical standards when using or transmitting confidential information on the Village's Technology Resources.

Confidential Information should not be accessed through the Village's Technology Resources in the presence of unauthorized individuals. Similarly, Confidential Information should not be left visible or unattended. Moreover, any Confidential Information transmitted via Technology Resources should be marked with the following confidentiality legend: "This message contains confidential information. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use or distribute this information. If you have received this message in error, please advise (employee's name) immediately at the Village's phone number or return it promptly by mail."

8. Software for Home Use

The Village endeavors to license its software so that it may be used on portable computers and home computers in addition to office computers. Before transferring or copying any software from a Village Technology Resource to another computer, employees must request permission and receive written authorization from the Village Manager.

9. Security

The Village has installed a variety of programs and devices to ensure the safety and security of the Village's Technology Resources. Any employee found tampering or disabling any of the Village's security devices will be subject to discipline up to and including termination.

AUTOMOBILE POLICY

The Village owns vehicles that are used by its personnel for business purposes and has developed the following policy regarding personal use of each vehicle which would be considered a taxable fringe benefit to the employee.

1. The Village Council through adoption of an annual budget shall determine the number of Village owned vehicles in its fleet.
2. The Village Manager shall assign Village owned vehicles to employees and will be responsible for determining the taxable fringe benefit for each employee based on documentation of personal use supplied by the employee.
 - a. Village employees who are allowed to use a Village owned auto for business, commuting, and personal use would have the taxable fringe benefit added to their W-2 form under the "Lease Vehicle Method".
 - b. Village employees who use a Village auto for commuting use only are restricted from using the auto for personal use and can use either of the following valuation methods:
 1. Vehicle Cents-Per Mile Valuation

The I.R.S. standard mileage rate (36 cents per mile, times the number of personal miles).
 2. Commuting Valuation

Value of each round - trip can be deemed to be \$3.00 per day.
 - c. The taxable fringe benefit amount as completed by the applicable methods described above will be added to the employee's W-2 form.

FLOWERS/GIFTS

GENERAL

The policy of sending flowers or presenting gifts with Village funds shall consider whether the recipient is an employee or elected or appointed official, the length of service to the community and applicable laws and past practices. The monetary value of such flowers and gifts shall be of a token amount the limits of which shall be determined by and reviewed every two years by the Village Council. The limit for expenditures on flowers shall be \$50 for the two-year period beginning July 1, 2003.

FLOWERS

The sending of flowers shall be limited to only full-time employees or council members currently serving who are:

- a. Hospitalized or off work on an extended illness or injury.
- b. In the case of death to the employee or council member or to the immediate family members (spouses or children) of the same. In the event the family prefers that flowers not be sent, a memorial contribution in an amount equal in value of flowers will be made to the designated church or charity in the recipients' name.

RETIREMENT

The Village shall provide a reception with a decorated sheet cake and non-alcoholic beverages for employees who retire meeting the age requirement for normal retirement. The same shall be provided for council members who complete their terms of office. In addition, the Village will provide such retirees and council members with an engraved plaque as a memento of their service. No other gifts shall be provided at Village expense.

BOARD APPRECIATION

A bi-annual appreciation dinner will be held at Village expense to honor all members of non-paid Boards and Committees and their spouses or guests, by Council and key administrative staff.

CALCULATING COST RECOVERY OF UNBILLED WATER

Establish water/sewage rate:

- If actual read was between January 1, 1995 and the present, establish the mean water/sewage rate from the year of the actual read to present.
- If actual read was prior to January 1, 1995 (or unknown), establish the mean water/sewage rate from 1995 to present.

Establish consumption

- If actual read was within last 6 years, charge 100% of the discrepancy times the mean water/sewage rate (as established above).
- If actual read was more than 6 years ago:
 - ❖ Divide units of discrepancy by number of years since last actual read to establish annual average consumption. If actual read is unknown, begin with 1995.
 - ❖ Multiply the annual average consumption times 6 years (statute of limitations) to determine the number of units to be billed.
 - ❖ Multiply number of units to be billed times the mean water/sewage rate as established above.

Penalty/Interest

- No penalty or interest charges will be assessed against the unbilled discrepancy

Mean = Sum of all the members of a list of numbers divided by the number of items in the list.

{Adopted 12-4-07}

Identity Theft Prevention Program

Purpose

To establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account and to provide for continued administration of the Program in compliance with the Federal Trade Commission's Red Flags Rule (Part 681 of Title 16 of the Code of Federal Regulations) implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

Definitions

Identifying information means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

Identity theft means fraud committed or attempted using the identifying information of another person without authority.

A *covered account* means:

1. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and
2. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

A *red flag* means a pattern, practice or specific activity that indicates the possible existence of identity theft.

Policy

A. **IDENTIFICATION OF RED FLAGS.** The Village identifies the following red flags, in each of the listed categories:

1. Suspicious Documents
 - i. Identification document or card that appears to be forged, altered or inauthentic;
 - ii. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
 - iii. Other document with information that is not consistent with existing customer information; and
 - iv. Application for service that appears to have been altered or forged.
2. Suspicious Personal Identifying Information

- i. Identifying information presented that is inconsistent with other information the customer provides;
 - ii. Identifying information presented that is inconsistent with other sources of information;
 - iii. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
 - iv. Identifying information presented that is consistent with fraudulent activity;
 - v. An address or phone number presented that is the same as that of another person;
 - vi. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
 - vii. A person's identifying information is not consistent with the information that is on file for the customer.
3. Suspicious Account Activity or Unusual Use of Account
- i. Change of address for an account followed by a request to change the account holder's name;
 - ii. Payments stop on an otherwise consistently up-to-date account;
 - iii. Mail sent to the account holder is repeatedly returned as undeliverable
 - iv. Notice to the Village that a customer is not receiving mail sent by the Village;
 - v. Notice to the Village that an account has unauthorized activity;
 - vi. Breach in the Village's computer system security; and
 - vii. Unauthorized access to or use of customer account information.
4. Alerts from Others
- i. Notice to the Village from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

B. DETECTING RED FLAGS.

1. **New Accounts.** In order to detect any of the Red Flags identified above associated with the opening of a new account, Village personnel will take the following steps to obtain and verify the identity of the person opening the account:
- i. Require certain identifying information such as name, residential or business address, Homestead Exemption Affidavit or other identification;

- ii. Verify the customer's identity (for instance, review a driver's license or other identification card);
 - iii. Review documentation showing the existence of a business entity; and/or
 - iv. Independently contact the customer.
2. **Existing Accounts.** In order to detect any of the Red Flags identified above for an existing account, Village personnel will take the following steps to monitor transactions with an account:
- i. Verify the validity of requests to change billing addresses; and
 - ii. Verify changes in banking information given for billing and payment purposes.
- C. **PREVENTING AND MITIGATING IDENTITY THEFT.** In the event Village personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:
1. **Prevent and Mitigate**
- i. Continue to monitor an account for evidence of Identity Theft;
 - ii. Contact the customer;
 - iii. Change any passwords or other security devices that permit access to accounts;
 - iv. Not open a new account;
 - v. Close an existing account;
 - vi. Reopen an account with a new number;
 - vii. Notify the Village Manager for determination of the appropriate step(s) to take;
 - viii. Notify law enforcement; and/or
 - ix. Determine that no response is warranted under the particular circumstances.
2. **Protect customer identifying information**
- i. In order to further prevent the likelihood of identity theft occurring with respect to Village accounts, the Village will take the following steps with respect to its internal operating procedures to protect customer identifying information:
 - ii. Ensure complete and secure destruction of paper documents and computer files containing customer information;
 - iii. Ensure that office computers are password protected;
 - iv. Keep offices clear of papers containing customer information;
 - v. Ensure computer virus protection is up to date; and
 - vi. Require and keep only the kinds of customer information that are necessary for utility purposes.

D. **PROGRAM UPDATES.** This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Village from Identity Theft. The Village Manager will consider the Village's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Village maintains and changes in the Village's business arrangements with other entities. After considering these factors, the Village Manager will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Village Manager will present the Village Council with his/her recommended changes and the Council will make a determination of whether to accept, modify or reject those changes to the Program.

E. **PROGRAM ADMINISTRATION.**

1. **Oversight.** Responsibility for developing, implementing and updating this Program lies with the Village Manager. The Village Manager will be responsible for the Program administration, for ensuring appropriate training of Village staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.
2. **Staff Training and Reports.** Village staff responsible for implementing the Program shall be trained either by or under the direction of the Village Manager in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Village staff is required to provide reports to the Village Manager on incidents of Identity Theft, the Village's compliance with the Program and the effectiveness of the Program.
3. **Specific Program Elements and Confidentiality.** For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Village's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices is to be limited to the Village Manager and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.

Authority & Revisions

This policy is enacted immediately upon approval of the Village Council, as reflected in the regular meeting minutes dated October 21, 2008. Revisions to this policy shall only be enacted when approved by the Village Council and reflected in the applicable meeting minutes. This policy shall be reviewed at least biennially by the Village Manager and updated as appropriate.

{Adopted 10-21-08}

CONSEQUENCES OF VIOLATIONS

Violations of this policy or other company policies may result in discipline, suspension and even termination of employment for employees, and discipline (such as censure) and/or removal from office for Council/Board members.