bodman

Municipal Law and Government Relations

meet at the center

Bodman has provided cutting edge services to Michigan communities for more than 75 years as general counsel or special counsel in workplace, environmental, litigation and other issues.

We also advise corporate and individual clients on state and federal law developments, provide strategic advice in connection with government grants, programs, and contracts, assist with communications with state and federal officials, and represent them in interactions with state and local authorities on a broad range of issues.

We specialize in getting municipalities to work with each other and with the private sector for the benefit of all: creating jobs, developing new industries, revitalizing once-forgotten neighborhoods, encouraging investment – helping governmental clients deliver on their responsibilities to their citizens.

Our experienced municipal law and public finance specialists understand not only the necessities of economic development, but also the intricacies of combining public and private interests that encourage development, investment and opportunity. Our success stories drive this point home.

SERVICES

Representative services provided to Municipal Law and Finance clients include:

- **Drafting charter, statutory and ordinance language**
- **Negotiating and structuring intergovernmental agreements**
- **Negotiating agreements with cable television and Internet service providers**
- **Counsel regarding joint law enforcement activities**
- **Drafting zoning and land use regulations**
- **Prosecuting condemnation actions**
- **Litigating at the trial and appellate levels**

- **Appearing before legislative and administrative bodies to obtain zoning changes, site plan approvals, special use permits and variances on behalf of private citizens and corporate entities**
- **Providing strategic counsel on emerging legislation**
- **Preparing written and oral communications with state and federal officials**
- **Assisting with grant applications, government contracting and subcontracting, and state and federal regulatory compliance**

REPRESENTATIVE MATTERS

Representative matters in Municipal Law and Government Relations include the following:

DEVELOPMENT

- **Private Developer, Sponsors, and the City to Establish a 500-Acre For-Profit Agriculture Enterprise**

  A Bodman team negotiated all aspects of an innovative project involving a private developer, sponsoring partners, and the City of Detroit to establish a for-profit agricultural enterprise on 500 acres of formerly derelict land. The complex project, which will restructure an entire city neighborhood, included complicated title challenges, environmental concerns, and zoning, tax, and municipal law issues.

- **Building of Two Major League Sports Stadiums in Downtown Detroit Start the Revitalization of the City**

  Bodman attorneys led negotiations on a $700 million deal among the City of Detroit, Wayne County, the Detroit Lions, and the Detroit Tigers which resulted in two new state of the art sports stadiums and the revitalization of an entire section of downtown Detroit.

GOVERNMENT RELATIONS

- **Regulatory Compliance – State, Federal, Local**

  We assist clients with navigating numerous regulatory requirements including under the Clean Air Act, Clean Water Act, Toxic Substances Control Act (TSCA), Resource Conversation and Recovery Act, CERCLA, OSHA, Safe Drinking Water Act, Michigan Natural Resources and Environmental Protection Act, as well as zoning and other local ordinances.

- **Obtaining Permits, Licenses, and Approvals**

  We have helped many clients obtain, renew, modify, and transfer permits and other licenses. We also assist clients with permit exemptions, notices of violation, and settlements. On the local level, we frequently assist clients in obtaining zoning and other local ordinance level approvals and defend them in local ordinance and regulatory enforcement actions.

- **Responses to Governmental Notices of Noncompliance**

  We have advised clients in connection with Notices of Violation, Requests for Information, Administrative Consent Orders, Consent Judgments, and related matters. We have successfully reduced proposed penalties and other enforcement efforts.

- **Regulatory Enforcement and Civil Actions**

  We have handled a wide range of administrative and litigation matters in state and federal courts, including general business, environmental, and real estate/land use disputes. We have served as plaintiff and defense counsel, representing corporate clients, municipalities, and public interest groups.

GOVERNMENT SERVICES

- **Communities Create a Bond Structure to Finance a $300 Million Sewer Project**

  We have also been at the forefront of creative financing, assisting 14 Wayne County communities in developing a unique bond structure to finance a $300 million sewer project.

- **County Establishes First Land Bank Program in the State to Encourage Long-Term Redevelopment and Revitalization**

  We assisted a governmental client in establishing the first land bank in the State of Michigan. That model has since been used by counties throughout the state, allowing county treasurers to take title to property and save it for reinvestment in economic development projects rather than have it sold to bargain hunters and slumlords.

- **Counties Create a $300+ Million Sewer Interceptor Project and Authority to Own and Operate It**

  We worked with two suburban counties to negotiate an inter-governmental agreement allowing the purchase and improvement of a sewer interceptor project valued at more than $300 million. We then established two governmental authorities to own and operate the interceptor systems and have represented the authorities in financings exceeding $150 million.

- **City Government Consolidates Public Safety Services, Shares Services with Other Communities**

  We counseled a city government on a variety of consolidation of service issues, including consolidation of public safety services and sharing of services with other communities.

- **Counties Encounter Issues with Technology Agreements**

  Several counties have used us to negotiate and help resolve disputes over technology contracts.

- **Townships Work to Create of Wastewater Treatment Authorities**

  We have worked with several townships to create wastewater treatment authorities and to negotiate agreements for wastewater treatment.

- **Drafting of Legislation for Downtown Development Authorities (DDA)**

  We drafted the legislation required for creating, altering and renewing downtown development authorities.

- **Municipalities Preserve Farmland via Millages and the Federal Farm and Ranch Land Protection Program**

  We have worked with local municipalities to preserve hundreds of acres of farmland and open space using funds from local purchase of development rights millages in combination with funds available under the Federal Farm and Ranch Land Protection Program.

LABOR AND EMPLOYMENT

- **Township Prevails in Employment Discrimination and Retaliation Lawsuit Filed by Former Employee**

  We defended a township government in a lawsuit brought by a former employee against the township and the township's manager and supervisor alleging sex discrimination and retaliation. We obtained dismissal of the former employee's claims for damages. The court also granted our motion finding no individual liability against the former township supervisor and manager because there was no evidence that they acted outside the scope of their positions.

- **Municipality Wins Arbitration Appeal to Police Union's Constitutional Challenge to Reduction in Cost of Living Adjustment**

  A municipality won an arbitration proceeding which resulted in a reduction of pension COLA for police department employees. Unhappy with the outcome, the union challenged the award in federal court. Bodman defended the federal lawsuit, responding to constitutional challenges raised by the union. We successfully filed a motion to dismiss, raising innovative, precedent-setting defenses, including an issue of first impression, all adopted by the federal judge.

LITIGATION

- **Township Obtains Preliminary Injunction Shutting Down Noncompliant Mining Operation**

  On behalf of a township government, we obtained a preliminary injunction against a noncompliant gravel mining operation that had caused several nearby residential wells to run dry. The injunction allowed the township to padlock the facility until the operation came into compliance.

- **County Prevails in Lawsuit Filed by County Sheriff, Who Alleges Underfunding of County Jail**

  We represented a county government against a lawsuit filed by the county sheriff asserting that the county government had underfunded the county jail in violation of a longstanding consent order. After an extensive evidentiary hearing that was held over a period of months, the court ruled in favor of our client.

- **County Settles Lawsuit Filed by County Prosecutor, Who Alleges Underfunding After Budget Cuts Announced**

  We also successful represented the county in a lawsuit by the county's prosecutor alleging underfunding. The case was settled on terms that require the prosecutor to stay within budget and increase the efficiency of the department's operations.

- **Michigan Supreme Court Finds for Township, Reverses Court of Appeals in Land Use Case**

  We obtained the reversal of a Michigan Court of Appeals decision in a unanimous opinion by the Michigan Supreme Court upholding a township's land use determination in the face of a civil rights challenge.

- **Counties Win Zoning Appeal Before Michigan Supreme Court**

  A case we litigated to the Michigan Supreme Court established the proposition that counties are not subject to local zoning regulations in the siting of county facilities.

ZONING, AND LAND USE

- **Creation of Landmark Municipal Zoning Law Decisions at the Michigan Supreme Court Level**

  We have successfully argued before the Michigan Supreme Court, creating landmark law on municipal zoning.

- **Michigan Supreme Court Finds for Township, Reverses Court of Appeals in Land Use Case**

  We obtained the reversal of a Michigan Court of Appeals decision in a unanimous opinion by the Michigan Supreme Court upholding a township's land use determination in the face of a civil rights challenge.

- **Counties Win Zoning Appeal Before Michigan Supreme Court**

  A case we litigated to the Michigan Supreme Court established the proposition that counties are not subject to local zoning regulations in the siting of county facilities.