OLSON & HOWARD

To: Jered Ottenwess, Village Manager
Members of the Village Council of the Village of Northport
From: Ross A. Hammersley | OLSON & HOWARD, PC
Date: January 22, 2025
Re: Proposal & Response to Request for Qualifications

The law firm of Olson & Howard, P.C. (O&H) submits this proposal in response to the Village of Northport's Request for Qualifications for Village Attorney & Municipal Legal Services (RFQ). The firm hopes to continue with and build upon our years of experience in delivering high-quality legal services to the Village of Northport (Village), and we believe the extensive qualifications and experience of the firm's attorneys and staff make us an excellent fit to fulfill the Village's legal needs.

As set forth in detail below, this Response to the Village's RFQ involves continuing to utilize firm Partner and Principal Attorney Ross Hammersley as the lead Village Attorney. In addition, O&H Partners Rebecca Millican and Scott Howard would also be available to assist and handle Village matters on an as-needed basis if and when Ross is not available. This proposal combines the breadth of subject matter experience and expertise brought to bear by the attorneys in our firm with the familiarity and experience with Village business that we have gained in recent years. We are confident O&H can continue to meet the legal needs of the Village in the most efficient manner and with the highest possible quality.

1. Firm Qualifications and Experience

a. Qualifications

As an initial matter, the O&H team completely satisfies all the qualification requirements stated on page 3 of the Village's RFQ. As set forth more fully below, the proposed primary Village attorney, Mr. Hammersley, as well as each of the firm's attorneys are all licensed in the State of Michigan, obtained a JD degree from an accredited law school, and are members in good standing of the State Bar of Michigan. Both Ross Hammersley and Scott Howard have well over the five years' minimum experience in the practice of municipal law, including, but not limited to zoning and land use issues, the General Law Village Act, the Open Meetings and Freedom of Information Acts, public finance and intergovernmental agreements, and other general municipal operations. Furthermore (and as set forth below) Ross Hammersley is member of both the Government Law Section of the State Bar of Michigan, as well as a member of the Michigan Association of Municipal Attorneys. The firm maintains professional liability insurance as well.

b. Office Locations

O&H maintains its primary office on Union Street in Traverse City, which is where work related to the Village would be based, while attorneys also work in Frankfort from time to time, servicing clients throughout northern Michigan. O&H maintains an active Westlaw and Institute of Continuing Legal Education (ICLE) membership for all attorneys and staff for research and references purposes, has multiple printers, a secure client document database with servers that are

backed up nightly, and conference rooms available for meetings. O&H also employs two full-time, experienced and highly-skilled legal assistants.

c. Firm Background & Interest

The law firm of Olson & Howard, PC is a professional corporation that was founded in 1972 with a dedication to serving local governments, community groups, small businesses, and individuals with innovative legal strategies for protecting their communities, their environment, and their quality of life. We are particularly interested in continuing to represent the Village of Northport both because of the valuable relationships and experience we have gained over the years of representing the Village, as well as our firm's dedication to providing all of our client municipalities, governmental bodies, and other civic organizations in our local community with high-quality legal services and strategies to intelligently, efficiently, and sustainably achieve their objectives and serve their constituents. While our firm is widely known for our work in environmental law, we are indeed a full-service law firm with expertise in a wide range of issues facing our diverse clientele, including representation of a number of municipal clients throughout the region, including other coastal communities.

Our attorneys have extensive litigation and transactional experience rivaling that of larger downstate firms, and we have enclosed a firm profile here for your review (please see **Attachment 1**). We have also included a list of representative cases handled by the firm for municipal clients (**Attachment 2**), and would also encourage you to visit our website: www.envlaw.com. In the course of our firm's long history representing numerous municipal entities as general counsel or

as specialists brought in to handle specific matters, the attorneys on our team have gained extensive experience relevant to the matters the Village could potentially encounter, including:

- Open Meetings Act and Freedom of Information Act compliance, overviews & advice, response review, and redactions;
- Public works issues such as intergovernmental agreements, facility construction and financing (although not specific bond counsel work), contractor disputes, insurance claims, and franchise agreements;
- Drafting and enforcing ordinances;
- Public purchasing and contracting including assistance with drafting requests for qualifications and requests for proposals, drafting contracts for engineering services, purchasing goods, materials, and maintenance services, etc.;
- Governmental ethics, including conflicts of interest issues;
- Tax-Increment Financing Districts and Brownfield redevelopment projects;
- Representation in the bankruptcy proceedings of debtors to municipalities;
- Employment disputes and internal personnel matters for local governmental entities, including contract review, negotiations, suspensions, and terminations; and
- Complicated transactional agreements (including inter-local government agreements with examples including sewer operating agreements between multiple townships, sewer extension agreements with Michigan municipalities and Native American Tribes, agreements under the Urban Cooperation Act, Act 425 agreements, redevelopment agreements between multiple jurisdictions and private

developers, and agreements/formation documents for the multi-jurisdictional entities including (but not limited to) the Grand Traverse Region Next Michigan Corporation).

Whether we are drafting a new contract, ordinance, or internal governance policy, providing a legal opinion, handling a transactional matter, or advocating on behalf of our clients in court, our broad experience with municipal, real estate, and corporate matters ensures that we can help the Village of Northport reach almost any objective. As a firm, we have the technical expertise to help you navigate everything from complex contractual transactions, millages and other municipal funding issues, personnel matters, Freedom of Information and Open Meetings Act compliance, and litigation and dispute resolution. In short, our experience and expertise are a good fit for the legal services of the Village of Northport.

2. Proposed Attorney Team

Our firm operates as a team and utilizes the full range of expertise and experience of each of our lawyers for each of our clients where necessary. This RFQ Response proposes having Ross Hammersley continue to serve as the lead Village Attorney with firm principals and partners Rebecca Millican and Scott Howard available to assist as necessary as well. The firm generally, and Ross, Rebecca, and Scott specifically, specializes in local government and municipal law, contracts and transactions, litigation (including administrative cases and mediation), as well as the

diverse sets of issues such as those that you encounter in Northport on a regular basis.[1] All of the firm's attorneys are licensed to practice in the state of Michigan as members of the State Bar.

As you may be aware, Ross A. Hammersley is a principal member and partner at O&H who has advised municipalities throughout northern Michigan since 2009 on a variety of issues and in a large number of forums, including in litigation, mediation, public meetings, and contractual negotiations. Ross is currently the principal municipal attorney for the City of Frankfort, Traverse City Light & Power, the Grand Traverse County Land Bank Authority, Garfield Township, as well as the Grand Traverse County Economic Development Corporation, while also assisting with representation of the Grand Traverse County Board of Public Works, the Village of Elk Rapids, and others; his resume is attached for your review (please see **Attachment 3**).

Ross is a member of the Michigan Association of Municipal Attorneys, and the Government Law Section of the State Bar of Michigan. He recently concluded seven (7) years as a City-appointed Director on the Board of Directors of Traverse City's municipal utility (Traverse City Light & Power), and is the immediate past Chairperson of the governing Council of the Environmental Law Section of the State Bar of Michigan, where he also continues to serve as Chair of the Great Lakes and Inland Waters Committee. Ross is also the immediate past President of the Board of Traverse Area Recreation and Transportation ("TART") Trails and remains a

[1] Olson & Howard, P.C. also represents many other Lake Michigan communities (City of Frankfort, Village of Elk Rapids, City of Charlevoix, and the Village of Suttons Bay).

member of their Executive Committee. Ross graduated *cum laude* from the Michigan State University College of Law in 2006, where he served as the Editor-in-Chief of the Michigan State Law Review, and graduated from the University of Michigan in 1998 with a Bachelor of Science in Natural Resource Ecology and Management. Ross has published articles in the Michigan Bar Journal, the Michigan Real Property Review, and the State Bar Environmental Law Journal. He was admitted to the State Bar of Michigan in the fall of 2006, and is admitted to practice before all of the state and federal courts in Michigan, as well as the Sixth Circuit Court of Appeals of the United States.

Rebecca Millican is a partner and principal attorney with Olson & Howard, P.C. and practices primarily in the areas of land use and conservation, environmental law, and litigation. She brings significant experience with all manner of litigation within state and federal trial and appellate courts and AAA Arbitration. Her litigation experience touches on a wide range of subject matter areas, including contracts (vendor/supplier agreements, real estate transactions, insurance claims) personal injury, property damage, and zoning and land use. Rebecca enjoys working with small businesses and non-profit clients to create and improve their governing documents, provide guidance concerning public relations, fundraising, and messaging, and implement sound policies for board, employee, and volunteer conduct. Rebecca is a member of the Real Property and Environmental Law Sections of the State Bar of Michigan.

Rebecca's experiences prior to joining O&H taught her to navigate the legal intricacies of working with international entities and individuals from all over the world. She has lived in many large metropolitan areas around the country but is embracing life in northern Michigan. Rebecca's resume is attached for your review (please see **Attachment 4**). She graduated with honors from the University of Washington School of Law, externed for the Honorable Ricardo S. Martinez (U.S. District Court for the Western District of Washington), and has also practiced in Seattle and Chicago. Rebecca is a member of the Brown Bridge Advisory Committee, a board member for North Sky Raptor Sanctuary, and a fall 2019 graduate of the Traverse Area Chamber of Commerce Leadership Grand Traverse. When called upon Rebecca will provide legal expertise for the following subject areas: Environmental; FOIA; Litigation; Zoning and Land Use; Real estate, including Conservation Easements; Maritime; and Corporate and Nonprofit organizations.

Scott Howard is also a partner and principal attorney with the Firm, whose practice areas include environmental law, municipal law, zoning, corporate governance, real estate law, conservation easements, and natural resource protection. Scott is the primary attorney for the Traverse City Downtown Development Authority, the Grand Traverse County Brownfield Redevelopment Authority, the City of Charlevoix, and the Village of Elk Rapids. Before joining OH, Scott spent two years clerking for the Honorable Michael F. Cavanagh, Justice of the Michigan Supreme Court. Scott is a *cum laude* graduate of Wayne State University Law

School and the James Madison College at Michigan State University. His resume is attached for your review (please see **Attachment 5**).

3. Accessibility, Responsiveness, and Conflicts

We are all regularly available by telephone and email, and we return calls and emails as soon as possible. In general, Ross anticipates being able to respond to substantive inquiries from Village officials requiring legal analyses and to provide initial answers and/or feedback within 48 hours. For answers requiring in-depth research or written memoranda, response time from the proposed legal team will be approximately 5-7 business days in most circumstances. Where Ross is unavailable in that time frame, Rebecca and/or Scott will be instead. We generally find that it works best to have one primary point of contact with an entity and allow that contact to make all requests for legal services; in this case, we would propose that the primary point of contact be the Village Manager, Mr. Ottenwess, but that would not preclude additional staff or officials from contacting Ross or the other attorneys if needed. Moreover, Mr. Hammersley has been in contact with the Village Manager about prior work and response times that had been stretched due to the full workload experienced at various times over the past year, and can confirm for the Village that the firm has shifted client responsibilities and other matters around specifically to address and be responsive to the previously stated concerns and to enable faster response times on Village matters.

Ross or another O&H attorney will be available to attend the Village's meetings as requested, and will serve as the primary point of contact for the Village's legal needs, delegating specific matters and inquiries within O&H as required in order to provide the most specialized

legal expertise as well as the most efficient services to the Village at all times. We are also available remotely for meetings at our offices in cases where it makes sense economically. It is anticipated that at least one member of the team can attend urgent, previously unscheduled meetings within 48 hours. In most instances, Ross will be available to attend all meetings scheduled at least a week in advance, Rebecca and Scott are similarly available to attend previously scheduled meetings as well.

When approached by a potential new client, staff at O&H will issue a firm-wide "conflict of interest" check, identifying all key parties and individuals involved in the potential new representation in order to determine whether there are any presently existing conflicts, or any historic conflicts that would need to be addressed. If no conflicts of interest exist, the representation can proceed, whereas if there are any conflicts, either the potential representation does not proceed, or the relevant parties may discuss a potential conflict waiver, depending on the circumstances. At present, O&H does not have any known clients or interests of that could reasonably present a conflict of interest with respect to representation of the Village of Northport; in the interests of full disclosure, Ross and Rebecca represent the Leelanau Conservancy, which is a local non-profit which maintains numerous properties throughout the region, including near Northport, but that representation does not present any current conflict with the Village nor are there any ongoing matters that the firm is aware of that might present a potential conflict as between those parties going forward.

4. Proposed Fee Structure

We propose entering into an updated Agreement with the Village that would encompass all legal services provided by the law firm to be billed on an hourly rate basis, as detailed in the attached proposed Agreement for Legal Services. As always, however, our goal is to provide high-quality legal services at an economically beneficial and practical price point for the Village, so the fee that we are proposing for the hourly rate is the firm's present discounted rate for municipal clients like the Village. Our proposal is for the hourly rate to cover most of the normal costs and fees that the Village incurs on a regular basis.

O&H carries professional liability insurance through Alto Pro Lawyers Professional Liability RPG underwritten by CorePointe Insurance Company, which would cover all O&H attorneys and staff assigned to work on Village matters. Our current limits of liability meet the stated requirements of the RFQ at $1,000,000.00 for each claim and $2,000,000 aggregate. Similarly, O&H carries general liability insurance in the amount of $1,000,000.00 per claim and $2,000,000.00 aggregate. We have not attached a copy of our certificates of insurance with this response, but we would be happy to provide them upon request.

We understand that every dollar that the Village of Northport pays for legal services is a dollar that you cannot devote to meeting the pressing needs of Village residents. In conjunction with the request in the RFQ, a schedule of our firm's standard hourly rates is also attached hereto (**Attachment 6**), and per the request in the RFQ, a proposed contract for legal services to be provided to the Village by O&H is attached hereto for your review as **Attachment 7**.

5. Municipal Client References

Finally, please feel free to contact the following municipal clients as references for our law firm's work:

- Josh Mills – City Superintendent, City of Frankfort
  (231) 352-7117 jmills@cofrankfort.net

- Chris Forsyth – Deputy County Administrator, Grand Traverse County
  (231) 922-4780 cforsyth@grandtraverse.org

- Kaitlyn Aldrich – City Manager, City of Ludington
  (231) 845-6237 kaldrich@ci.ludington.us

We hope this RFQ Response meets the needs and expectations of the Village of Northport, but to the extent you have any questions at all, please do feel free to contact Ross or any of our attorneys or staff at your convenience. We look forward to answering any questions you may have and speaking with you about the opportunity represented in your RFQ and very much hope to be able to continue our working relationship in the years to come. Thank you for your consideration!

Sincerely,

Ross A. Hammersley (P70105)
OLSON & HOWARD, PC
ross@envlaw.com

Attachment 1

AN INTRODUCTION TO

OLSON & HOWARD, P.C.

A Professional Corporation

520 South Union Street
Traverse City, Michigan 49684
Telephone: (231) 946-0044
Fax: (231) 946-4807
www.envlaw.com

LAWYERS FOR THE COMMUNITY AND THE ENVIRONMENT

OLSON & HOWARD serves individuals, community groups, and local governments with innovative legal strategies for protecting their communities, their environment, and their quality of life. Our firm has proudly been providing legal services to northern Michigan since 1972. We enjoy long-standing relationships with our clients, and share with them a belief that the law can be a tool for creating positive change and finding practical solutions to complex problems.

AREAS OF PRACTICE

Environmental Law

Environmental Law is our heritage at OLSON & HOWARD. James Olson was the Chair of the first Michigan Environmental Law Conference and is the author of the book, *Michigan Environmental Law*. Our firm has been involved in some of the major environmental cases of the last three decades in Michigan, a tradition that continues today. We have appeared as the attorneys of record in several cases before the Michigan Supreme Court. We have also worked on high-profile environmental cases across the state, from the western end of the Upper Peninsula to Detroit. Our cases have appeared in the *New York Times, Washington Post, Chicago Tribune, Detroit News, Detroit Free Press,* and many other newspapers, and on national public radio. We are actively involved in teaching and writing environmental law.

Municipal Law

We have experience representing many municipal clients throughout Michigan, including counties, cities, villages, and townships. From drafting ordinances to defending takings claims or participating in complex multi-party litigation, our firm is fully equipped to assist and guide municipalities in issues involving real property, utility establishment and management, environmental protection and regulation, land use, zoning, access to government, and general municipal law.

Zoning and Land Use

Our zoning and land use practice focuses on assisting local governments with pro-active legal mechanisms for managing growth and combating sprawl. We work with our municipal clients on strategies for such issues as farmland protection, historic preservation, natural features ordinances,

and new urbanism. We also assist community groups in defending their interests before local planning and supervisory boards. We have represented clients in all phases of zoning and land use litigation, including recent successes in the Michigan Supreme Court and Michigan Court of Appeals. The firm's attorneys have been recognized as experts in the fields of zoning, land use and environmental law. Mr. Olson was recognized as one of Michigan's top attorneys in the area of zoning and land use by Michigan Super Lawyers Magazine in 2008.

Community and Charitable Organizations

We have extensive experience representing community and non-profit organizations, locally and statewide. We have formed or represented over 150 non-profit organizations, including some of the most successful conservation organizations in the country like the Grand Traverse Regional Land Conservancy and the Leelanau Conservancy. Other entities we have worked with include the Michigan Environmental Council, Michigan Land Use Institute, Land Information Access Association, Farmers' Legal Action Group, and Friends of the Crystal River. We have advised charities on issues related to corporate governance and the unique rule and regulations for non-profit organizations, as well as employment, contracts, and other general corporate legal matters.

Business Law

Our firm has experience advising local businesses on a variety of matters, including formation and corporate governance, as well as contractual and employment issues and other general business law.

Real Estate

We have experience with all sides and sizes of real estate transactions. We also have considerable experience in real property litigation, including real estate disputes, adverse possession and prescriptive easement cases, riparian rights issues, and road matters.

Trial Work

We have represented clients at all levels of the state, federal, and administrative courts. Our attorneys have a track record of positive results in litigation that reaches from agency and tribal courts up to the highest appellate bodies, including the Michigan Supreme Court, U.S. Court of Appeals for the Sixth and Seventh Circuits, and U.S. Supreme Court. The firm's attorneys have a combined litigation experience of more than 80 years and more than 40 reported decisions.

How Can We Serve You?

We value the professional and personal relationships that we have developed with our clients. If you would like further information about our firm, please contact us or visit our web site at www.envlaw.com.

Attachment 2

Representative Clients

Municipal

Grand Traverse County Brownfield Redevelopment Authority

Grand Traverse County Land Bank Authority

Traverse City Downtown Development Authority

Traverse City Light & Power

City of Charlevoix

City of Frankfort

City of Lake City

Village of Elk Rapids

Village of Northport

Village of Newberry

Village of Suttons Bay

Acme Township

Garfield Township

Attachment 3

Ross A. Hammersley

OLSON & HOWARD, P.C.
520 South Union Street – Traverse City, MI 49684 Telephone: (231) 946-0044; fax 946-4807; ross@envlaw.com

---

CURRENT EXPERIENCE

Olson & Howard, P.C., Traverse City, MI
Partner, 2015 to present
Associate Attorney, Sept. 2009 to January 2015
Specializing in municipal, land use and real estate, and environmental law, and representing clients in public meetings, before state agencies, in litigation and dispute resolution matters, as well as in transactional work. Representative clients include the City of Frankfort, Grand Traverse County Economic Development Corporation, Grand Traverse County Brownfield Redevelopment Authority, Garfield Township, Acme Township, The Minervini Group, and the Neahtawanta Resort Association. Licensed to practice in all state and federal courts of Michigan. For more information on the firm, go to www.envlaw.com

PREVIOUS EXPERIENCE

Frank, Haron, Weiner & Navarro, P.L.C., Troy, MI
Associate Attorney, March 2007 to August 2009
Practiced with boutique litigation firm focusing on real estate transactions, property tax disputes, commercial and general civil litigation at state and federal levels.

Michigan Economic Development Corporation, Lansing, MI
Brownfield Policy Intern, June-August 2005
Conducted legislative analysis and provided summaries of pending and recently enacted regulations impacting Brownfield redevelopment projects and community development block grants. Also assessed the efficacy of tax-increment financing and single-business tax credit policies as applied to redevelopment of Brownfield sites throughout Michigan.

EDUCATION

Michigan State University College of Law, East Lansing, MI
J.D., Cum Laude, May 2006
Editor-in-Chief, MICHIGAN STATE LAW REVIEW (2005-06)

University of Michigan, School of Natural Resources & Environment
B.S., May 1998

PUBLICATIONS

Local Government Regulation of Large-Scale Hydraulic Fracturing Activities and Uses, co-authored with K. Redman, Michigan Bar Journal, June 2014.

Going Local: How the Property Assessed Clean Energy Act and Feed-In-Tariffs Could Decentralize Michigan's Energy Grid, Co-Authored with K. Sundt, Michigan Environmental Law Journal, April 2011.

Where will the Water Go? A Snapshot of Recent Changes in Michigan Water Law, Co-Authored with C. Bzdok, Michigan Real Property Review, December 2006.

COMMUNITY INVOLVEMENT

Past Chair & Council Member, State Bar of Michigan Environmental Law Section (ELS)
Co-Chair, ELS Great Lakes & Inland Waters Committee
Executive Board Member, TART Trails, Inc.
Past Chair, Traverse City Light & Power, Board of Directors
Volunteer Attorney, Legal Aid Clinic (Traverse City)
Environmental Advisory Committee Member, City of Huntington Woods (2007-2009)

Attachment 4

Rebecca L. Millican
OLSON & HOWARD, P.C.
520 S. Union Street, Traverse City, MI 48694 | (231)946-0044 | rebecca@envlaw.com
Admitted to practice in Michigan and Illinois (inactive)

LEGAL EXPERIENCE

Olson & Howard, P.C. — Traverse City, MI
Partner and Principal Attorney — *Current*
Associate Attorney — *2017-2020*

- Advise small businesses, non-profits, and municipalities on various legal issues, including litigation, real property, zoning, land use, and environmental matters.
- Counsel for-profit and non-profit entities concerning corporate formation and dissolution, governance, and internal policies.
- Conduct legal research and draft court documents, letters, legal opinion memoranda.
- Draft contracts, real estate transaction documents.
- Represent citizen organizations and individuals in public meetings and before administrative and regulatory bodies.

Harris Moure LLC — Chicago, IL
Associate Attorney — *2011-2016*

- Established local office of Seattle-based national boutique focusing on international and maritime law and representation of small and medium-sized businesses and not-for-profit clients in state and federal litigation.
- Second-chaired bench trials and arbitration hearings, obtaining several favorable defense verdicts.
- Extensive experience researching and drafting pleadings, motions, and responses, and other legal memoranda at trial court level, including successful motions to dismiss.
- Conducted extensive document review projects, reviewing both hard copy and electronic documents using Relativity and Digital War Room e-discovery platforms. Led document review attorneys in multiple privilege review assignments with responsibility for compilation and accuracy of resulting privilege logs.

Harris Moure PLLC — Seattle, WA
Law Clerk — *2009-2011*

- Began as 1L summer clerk after working for the firm in 2007-08 as legal assistant and office administrator, responsible for assembling litigation client files, handling all administrative tasks, and managing office relocation.
- Researched and drafted pleadings and briefs, including a successful motion for summary judgment dismissal of a premises liability claim.
- Served as the main point of client contact in several matters.
- Regularly met with attorneys to discuss case status and strategy.

Judicial Chambers of the Hon. Ricardo S. Martinez — Seattle, WA
Judicial Extern — *2010*

- Researched federal and state law issues including *habeas corpus*, ERISA, Title VII, and class certification.
- Composed bench memoranda and prepared draft orders making preliminary determinations of whether elements of claims had been met by plaintiff or could be subject to a complete defense.
- Attended and contributed to weekly chambers meetings addressing status and proposed resolution of pending motions and cases and recommending criminal sentences within federal guidelines.

EDUCATION

University of Washington School of Law — Seattle, WA
Juris Doctor, with honors, Top 20% — *June 2011*

- Student Ambassadors, SBA Peer Mentors, PALS (Parents Attending Law School), Disability Resources Volunteer Notetaker.

Iowa State University — Ames, IA
Bachelor of Arts, Political Science/German, with distinction, Top 5% — *May 2005*

- Selected for membership in Phi Beta Kappa, Phi Kappa Phi, Pi Sigma Alpha.
- Wrote senior thesis examining effects of demagoguery in contemporary American politics.

PRESENTATIONS & PUBLICATIONS

Howling at the Man: FOIA as a Tool in Managing a Controversial Species, Michigan Environmental Law Journal Fall 2020, Vol. 38, No. 1, Issue 108.

The Legality of Whaling in the Southern Ocean: Challenged on Every Front (with Captain Paul Watson, Founder, Sea Shepherd Conservation Society), University of British Columbia School of Law, April 2014.

Pirates or Protesters? The Institute of Cetacean Research v. Sea Shepherd Conservation Society, DePaul Center for Animal Law, January 2014.

Legal Issues in Marine Life Preservation, University of Washington School of Law, Animal Law CLE, May 2013.

SKILLS, INTERESTS & COMMUNITY INVOLVEMENT

- Brown Bridge Advisory Committee
- Board Member and Treasurer, North Sky Raptor Sanctuary
- Intermediate reading, writing, and speaking in German

Attachment 5

Scott W. Howard

OLSON & HOWARD, P.C.
520 South Union Street – Traverse City, MI 496864
Telephone: (231) 946-0044; fax 946-4807; email scott@envlaw.com

---

CURRENT EXPERIENCE

Olson & Howard, P.C., Traverse City, MI
Principal Attorney, March 2003 to present;
Associate Attorney, September 1999 to March 2003
President of firm working for local governments, community groups and individuals with an emphasis in municipal, environmental, conservation and land use law. Represented clients in transactional matters, administrative hearings, district and circuit court proceedings, and in the appellate courts. Municipal and community clients include the Grand Traverse Brownfield Redevelopment Authority, the City of Charlevoix and its DDA, the Village of Elk Rapids and its DDA, Grand Traverse County Board of Public Works, City of Traverse City DDA, Resort Township, and Garfield Township, the Grand Traverse Regional Land Conservancy, and TART Trials.
For more information on the firm, go to www.envlaw.com.

Northwestern Michigan College, Traverse City, MI
Adjunct Professor, January 2004 to May 2004
Professor of legal research and writing for NMC's legal assistant program. Instructed a class of 12 students. Responsible for class instruction, materials and assignments.

Michigan Supreme Court, Lansing, MI
Law Clerk to Justice Michael F. Cavanagh, 1997 to 1999
Researched and reviewed proposed majority and dissenting opinions; gave recommendations regarding the proposed opinions. Drafted bench briefs. Analyzed applications for leave to appeal for meritorious legal issues. Trained new interns.

EDUCATION

Wayne State University, Detroit, MI
J.D., Cum Laude, 1997. Admitted to the Michigan Bar, November 1997
Honors: *Order of the Coif*; Bronze Key Award for academic achievement
Activities: *The Michigan International Lawyer* - Assistant Editor
Environmental Law Society - Governing Board Member
Students Helping Students READ

Michigan State University, East Lansing, MI
B.A., International Relations, 1992

PUBLICATIONS

James M. Olson and Scott W. Howard, *Brownfield Redevelopment: Keeping an Eye on the Public Interest*, PLANNING AND ZONING NEWS, April 2000, at 14.

Scott W. Howard, *Terrorism, Aliens, and Due Process*, MICH. INT'L LAW., Spring 1996, at 19.

Scott W. Howard, Limited Development Through Environmental Thresholds, *Building Sustainable Communities Regional Cooperation Series*, (The Global Cities Project, No. R207, 1993).

Scott W. Howard, Coordinate Growth and Transportation, *Building Sustainable Communities Regional Cooperation Series*, (The Global Cities Project, No. R208, 1993).

PROFESSIONAL PRESENTATIONS

Shades of Grey: A Conservation Easement Stewardship Conundrum (Land Trust Alliance Advanced Legal Topics, February 2014).

Ask an Attorney Program (Heart of the Lakes Center for Land Conservation Policy "Advancing Conservancy Excellence" Program, February 2009 - December 2010).

Industrial Wind Energy Forum Panelist (Benzie Conservation District, December 2010).

Mineral and gas rights effect on conservation easements: Tips for minimizing damage and traps to avoid (Conservation Defense Network, June 2008).

Leftover Environmental Liabilities – What's Not Covered by Your Prospective Purchaser Agreement (National Brownfields Conference Legal Symposium, May 2008).

Mineral Rights and Land Conservation in the Midwest Online Training (Land Trust Alliance, March 2008).

Mineral Rights & Land Conservation in the Midwest (Midwest Land Conservation Conference, March 2008).

Conservation Easement Best Practices Panel Discussion (Heart of the Lakes Center for Land Conservation Policy Third Annual Member Summit, December 2007).

Forests With Handrails? The ADA and Land Preservation (Land Trust Rally, October 2007).

Brownfield Redevelopment Panel Project Discussion (Michigan Brownfield Conference, July 2005).

Conservation Easements and Estate Planning (Southwest Michigan Land Conservancy, June 2005).

COMMUNITY INVOLVEMENT

Past Board President, TART Trails

Past Board Member of Norte Youth Cycling Board of Directors

Past member of the Grand Traverse County Solid Waste Planning Authority

Member of the State Bar of Michigan, the Environmental Law, the Real Property and the Appellate Law Sections.

Member of the American Bar Association and the Grand Traverse-Leelanau-Antrim Bar Association.

Attachment 6

OLSON & HOWARD, P.C.

2026 HOURLY RATES

(EFFECTIVE SINCE JANUARY 1, 2025)

	Standard Rates	Discounted Rates
Scott, Ross, Rebecca & Jeff	$395.00	$300.00
Paralegal/ Legal Assistant	$100.00	$75.00

Scott W. Howard (P52028)
Ross A. Hammersley (P70105)
Rebecca Millican (P80869)

Of Counsel:
James M. Olson (P18485)
William Rastetter (P26170)
Jeffrey L. Jocks (P67468)

Attachment 7

AGREEMENT

I.

The law firm of OLSON & HOWARD, PC, with offices at 520 South Union Street, Traverse City, Michigan 49684 ("O&H" or "Attorneys") agrees to represent the VILLAGE OF NORTHPORT (Village), upon request, on all legal matters except bonding or any other recognized legal specialty with regard to which Attorneys have not historically represented the Village (These limitations are made pursuant to MRPC 1.2(b)).

The Village's request for legal representation by the Attorneys shall be made by the Village Manager, Clerk, Village President, or other staff or officials who have been authorized by the Village President Manager to consult with the Attorneys upon such matters as these officials, in their discretion, shall determine. All other Village personnel (including Trustees) must obtain authorization or approval of the Village Manager prior to consulting with the Attorneys; when such authorization or approval has been obtained, the Attorneys shall represent those authorized in the same manner as herein provided for designated officials.

II.

By execution of this Agreement, the Village agrees to pay for Ross Hammersley's time and/or that of other partners at the firm's discounted municipal hourly rate of Two Hundred and Seventy-Five Dollars ($275.00) for work performed by Attorneys, plus out-of-pocket expenses, encompassing all general matters, as defined below. This hourly rate includes office overhead items associated with a particular case or file, such as photocopying, ordinary mailing, telephone calls, and secretarial or other staff time incurred within Attorneys' office; no additional charge for these office overhead items shall be made to the Village.

The hourly rate above does not include out-of-pocket expenses such as certified or express mailing; extraordinary mailing or photocopying expenses, filing, service, or witness fees; deposition expenses; court costs; appraisal or expert fees; or necessary outside legal research which Attorneys may, in their sole discretion, delegate to legal research firms.

Attorneys shall bill the Village monthly. Each bill shall be itemized with sufficient detail to indicate the date on which the work was performed, the nature of the work, and the actual time incurred on the file. Any non-covered, out-of-pocket expenses advanced by Attorneys shall be evinced by receipts upon demand. The Village shall pay all bills within six (6) days of the Village Council meeting immediately subsequent to that at which the bills were submitted for consideration.

III.

The Village understands that the Attorneys maintain a private practice(s) operated on an appointment basis. To the extent possible, the Attorneys will serve the Village upon demand, but Attorneys reserve the right to schedule appointments for the Village which will not conflict with Attorneys' private practice. In the event that the Village requires emergency service and cannot obtain a timely appointment with Attorneys, the Village reserves the right to hire other counsel.

Attorneys shall represent the Village in a professional and diligent manner, consistent with the laws of Michigan and the ethical standards of the State Bar.

IV.

Attorneys aver that they are independent contractors, and agree to conduct themselves consistent with such status. Attorneys also represent that neither they nor their employees, officers, or agents will claim to be an officer, employee, or agent of the Village or make any claim for any right or privilege conferred on an officer or employee of the Village, e.g. municipal workers' compensation coverage, unemployment insurance benefits, social security coverage, or retirement plan participation.

V.

O&H is not responsible for the accuracy of documents that clients prepare or generate using Artificial Intelligence ("AI") without attorney involvement, and clients are responsible for notifying the law firm and providing any relevant information about their use of AI on any documents or information provided to O&H. All clients and potential clients must be aware that submitting any information to an AI tool is not private and submitting such information to an AI tool may destroy any claim the client may have concerning the attorney-client privilege or any other privilege (doctor-patient, etc.). Consulting an AI tool and/or disclosing private information to an AI tool to obtain a "second opinion" or to review an attorney's advice will similarly not be subject to and will likely in fact destroy any attorney-client privilege that may exist as to that information. In the future, O&H may use an AI as a tool for summarizing data and providing suggestions if requested by a client, but the law firm does not and will not rely on its use as a general practice, and will only do so in direct consultation with and with the express approval of the Village.

VI.

Failure of either party to comply with the provisions of this Agreement shall be grounds for terminating this Agreement, upon at least seven (7) days notice to the other party. To secure payment of fees and expenses, Attorneys shall have a lien upon all papers and pleadings in Village's file until such time as all bills are paid in full.

VII.

The term of this Agreement shall be for twenty four (24) months, commencing January 1, 2026 and terminating December 31, 2027. Representation under this Agreement is limited to municipal work, and in no way extends to the personal business of any Village officer or employee.

VIII.

The Village may terminate this Agreement for any reason upon delivery of written notice to the Attorneys not less than forty-five (45) days in advance of the effective date of said termination.

IX.

The Village may conduct an annual review of the Attorneys' performance under this Agreement, with the first such review expected to be conducted in October 2026, or at an earlier time as may be agreed to as between the parties.

[signature page follows]

Dated: _____, 2026.

OLSON & HOWARD, P.C.

By:_____
Ross A. Hammersley

VILLAGE OF NORTHPORT

By:_____
Chris McCann, Village Council President

By:_____
Joni Scott, Village Clerk

By: _____
Jered Ottenwess, Village Manager