



## Michael D. Homier

Shareholder

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As the leader of the firm's Municipal Practice Group, Mike Homier focuses his practice in the areas of municipal law, public finance, zoning and land use as well as related litigation. Mike serves as general counsel for municipalities throughout Michigan, and has extensive experience representing counties, cities, villages, townships, libraries and municipal authorities facing a wide array of different legal challenges. In this capacity, he regularly handles high profile and sensitive issues.

Distance is not an obstacle to providing efficient and effective services, as Mike and his colleagues address day-to-day legal needs through the use of the telephone, video-conference, email and the Internet.

Mike has successfully helped municipalities in the planning and regulation of many commercial and residential developments. In addition to his planning and zoning expertise, he has gained significant experience in public finance and has served as issuer's counsel and bond counsel in several sophisticated projects. To keep on the cutting edge of this ever-changing discipline, Mike is a member of the National Association of Bond Lawyers and is listed in the "Red Book."

Mike is a skilled litigator who has extensive municipal litigation and prosecution experience. For many years, he was assigned as a special prosecutor by the Michigan Department of Labor and Economic Growth prosecuting occupational code violations and currently serves as lead prosecutor for many of the firm's municipal clients. Regardless of the type of litigation, Mike concentrates on obtaining client-driven results working closely with the municipality's administration to obtain the best results at the lowest reasonable cost.

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### PRACTICE AREAS

Public Finance - Bond  
Zoning & Land Use  
Property Tax  
Construction Law  
Commercial Litigation  
Municipal & Public Entity Law  
Municipal Litigation  
Renewable Energy

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### EDUCATION

Michigan State University College of Law, J.D., 1999, *magna cum laude*  
University of Arizona, B.A., 1995

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### BAR AND COURT ADMISSIONS

Michigan  
U.S. District Court for the Western District of Michigan  
U.S. District Court for the Eastern District of Michigan  
U.S. Sixth Circuit Court of Appeals  
U.S. Supreme Court

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### HONORS & RECOGNITIONS

Former Member of Foster Swift Executive Committee  
"Top Lawyer", *Grand Rapids Magazine*, 2022 and 2023 in Municipal Law  
"Top Lawyer", *Grand Rapids Magazine*, 2023 in Land Use & Zoning



## REPRESENTATIVE MATTERS

- In *Pegasus Wind LLC v. Tuscola County*, on April 10th, 2024, the Michigan Supreme Court upheld Tuscola County and the Tuscola Area Airport Zoning Board of Appeals (ZBA) previous decision blocking Pegasus Wind LLC's request to expand a wind farm after evidence showed that additional windmills would have posed a safety risk to aviators at a nearby airport. Homier was part of the team that represented Tuscola County and the ZBA Board and praised the court's decision.
- In a unanimous opinion issued April 13, 2023, the Michigan Court of Appeals held in favor of the City of East Lansing in a class-action lawsuit related to electric franchise fees. *Heos v City of East Lansing*, Court of Appeals Case Nos. 361105, 361138. The Court of Appeals reversed earlier decisions of the Ingham County Circuit Court, which had granted summary disposition to plaintiff James Heos and other similarly situated Board of Water and Light customers. The Court of Appeals directed the circuit court to instead enter summary disposition in favor of the City on remand. In reaching this decision, the Court of Appeals held that plaintiff's claim under the Headlee Amendment to the Michigan Constitution and his similar equitable claims were untimely because they were not filed within one year after the franchise ordinance was adopted. The Court of Appeals further held that plaintiff could not bring an action under the 1905 Foote Act because the Foote Act only applies to electric utility providers, not electric customers. Consequently, the City was entitled to dismissal of all of plaintiff's claims. The opinion is available online here.
- Implementing a development and finance plan for improvements to two major roads that resulted in nearly \$10 million of public improvements at no cost to the taxpayers, including as the Township's bond counsel for nearly \$7 million of special assessment bonds.
- Negotiating and implementing an action plan to avoid substantial fines levied by the EGLE for violating ground water discharge limitations.
- Negotiating a settlement of zoning litigation on favorable terms that also extended sanitary sewer service to an adjacent subdivision at a substantial reduction in cost to the homeowners.
- Getting involved in litigation arising from the Township's sewer expansion through the County Board of Public Works which had the effect of ending protracted and costly litigation.
- Working with the Fire Chief to achieve a lower interest rate for financing the Township's aerial platform truck saving taxpayer dollars.

## SPEAKING ENGAGEMENTS

**Small Box Discount Retailers & Big Dollar Zoning Issues**, *Michigan Townships Association Annual Conference*, April 26, 2022

**Meeting Myths, Mysteries and Misconceptions**, *Michigan Townships Association (MTA) Conference*, April 21, 2021

**Cost Recovery Options (And Hurdles!)**, *Michigan Township Association (MTA), Emerging Issues in Emergency Services*, September 25, 2019

**Alternative Energy Regulation Tips**, *2018 MTA Annual Conference: Michigan Townships Association*, April 25, 2018



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**Drafting and Policing Developments, Developers and Development Agreements**, *2018 MTA Annual Conference: Michigan Townships Association*, April 24, 2018

**Contracts, Agreements & Handshakes...Oh My! Township Supervisors' Professional Development Retreat**, July 27, 2017

**Panel Discussion: Alternative Energy**, *Michigan Townships Association Annual Conference & Expo*, April 11, 2017

**Why Can't We Get Along?**, *Michigan Townships Association UP North Summit*, June 8, 2016

**Funding for Public Projects**, *Michigan Townships Association*, April 26, 2016

**Why Can't We Get Along? How to Avoid Legal Issues by Working Together**, *Michigan Townships Association Annual Educational Conference & Expo*, January 20, 2016

**Learning the Ins and Outs of Negotiating Contracts and Agreements**, *Michigan Townships Association The Art of the Deal Workshops*, March 2015

**Special Assessments: Risk or Reward?**, *Michigan Townships Association Annual Conference*, January 29, 2015

**Hot Topics in Zoning & Planning**, *Michigan Townships Association*, Frankenmuth, Gaylord & Kalamazoo, July 2014

**How Do You 'Regulate' What You Can't Regulate?**, *Michigan Townships Association*, January 30, 2014

**Septic Discharges: Shouldering the Burden**, *Michigan Townships Association*, January 30, 2014

**WEBINAR | Zoning and Land Use: What You Need to Know**, *Foster Swift Webinar Series for New Municipal Officials*, February 12, 2013

**Most Common Open Meetings Act and Freedom of Information Act Mistakes, and How to Avoid Them**, *Michigan Municipal League*, March 20, 2012

**Wind Energy**, *Michigan Townships Association*, January 26, 2012

**Top 10 Open Meetings Act Mistakes & How to Avoid Them**, *Michigan Municipal League Annual Convention*, October 5, 2011

**"Urban Chickens", Zoning and Land Use**, *Michigan Townships Association*, June 14, 2011, June 15, 2011

**WEBINAR | The Medical Marijuana Act - and the Issues It Presents to Municipalities**, May 18, 2011

**Preparation for Michigan Tax Tribunal cases**, *Berrien County Assessor's Association*, April 28, 2011

**Ask a Lawyer**, *Michigan Townships Association*, January 26, 2011

**Employment Law Training**, *City of Pottersville*, April 28, 2010

**Avoiding and Defending Litigation**, March 2010, June 2004 & January 2004

**The Planning and Zoning Game: Playing to Win!**, *Vermontville Township*, December 3, 2008 & March 18, 2006

**Zoning and Land Use Overview**, *Foster Swift Legal Update for Township Officials*, 2008, 2009, 2010, 2011

**New Zoning Enabling Act**, May 17, 2007

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**Township Zoning Act vs Zoning Enabling Act: What You Need to Know**, *Foster Swift Township Law Updates*, April/May 2007

**Zoning Enabling Act**, *Portland Township*, June 17, 2006

**Zoning, Subdivision and Land Development Law**, *Lorman Education Services - Continuing Education Seminar (Grand Rapids, Michigan)*, November 2, 2005

**In Service Complimentary Municipal Seminar**, *Putnam Township*, September 17, 2005

**Zoning and Land Use in Michigan**, *Lorman Education Services - Continuing Education Seminar (Dearborn, Grand Rapids, East Lansing, Kalamazoo & Lansing, Michigan)*, April 2005, July 2004, April 2004, August 2003 & February 2003

**Advanced Zoning Land Use in Michigan**, *Lorman Education Services - Continuing Education Seminar (Grand Rapids, Michigan)*, April 21, 2005

**Zoning, Planning and Land Division**, *Hartland Township*, February 26, 2005

**Legal Update for Township Officials**, *Lorman Education Services - Continuing Education Seminar (Lansing, Michigan)*, December 11, 2004

**Land Division**, *Foster Swift Legal Update for Township Officials*, December 2004

**Selected Topics in Land Use Law in Michigan**, *Lorman Education Services - Continuing Education Seminar (East Lansing, Michigan)*, November 18, 2003

**The Nuts and Bolts of Code Enforcement**, September 24, 2003

**Roles and Responsibilities of the Code Enforcement Officer**, April 17, 2003

**What You Need to Know About Public Records and Open Meetings in Michigan**, December 4, 2001

## **PUBLICATIONS**

**Q&A: New DOJ Rule Requires State & Local Government Websites, Apps to be ADA Accessible**, *Foster Swift Municipal Law News E-blast*, April 22, 2024

**Summary Language Approved for Proposed Ballot Initiative to Repeal Renewable Energy Siting Law**, *Municipal Law News E-blast*, January 22, 2024

**Eligible Municipalities Encouraged to Register in Historic Opioid Settlement**, *Foster Swift Municipal Law News E-blast*, December 6, 2021

**Zoning for Dollars**, *Michigan Township Focus Magazine*, February 2020

**Foster Swift Secures Major Victory for Almer and Ellington Townships in Lawsuits Brought by Wind Energy Company**, *Foster Swift Municipal Law News*, November 8, 2018

**Can Your Community Get Connected to Broadband?**, *Foster Swift Municipal Law News*, April 24, 2018

**Ordinances 101: What Every Municipal Official Should Know**, *The Review Magazine (Michigan Municipal League publication)*, January/February 2012

**Michigan Court of Appeals Holds that State Aid Rules for Libraries are Unlawful**, *Foster Swift Library Law News*, August 17, 2011

**Oneida Charter Township v. City of Grand Ledge**, *Foster Swift Municipal Law News*, June 2009



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**New Medical Marijuana Law Presents Legal Challenges to Michigan Municipalities**, *Public Corporation Law Quarterly* (Also published in the May 2009 *Foster Swift Municipal Law News*), Summer 2009

**MEMBERSHIPS & AFFILIATIONS**

**Legal Affiliations:**

- American Bar Association
- State Bar of Michigan
- Grand Rapids Bar Association
- Ingham County Bar Association
- ACADEMIC POSITION: Western Michigan University Thomas M. Cooley Law School, Adjunct Professor of Zoning and Land Use Planning

**Industry & Professional Associations:**

- National Association of Bond Lawyers
- Michigan Association of Municipal Attorneys

**Community Involvement:**

- Caledonia Planning Commission, Former Member
- Caledonia Zoning Board of Appeals, Former Member