

CITY OF SCOTTVILLE
COMMISSION MEETING AGENDA
City Hall 105 N Main St

1549th Regular Meeting Monday July 24th, 2023, at 6:00 PM

1. Call to Order at 6:00 PM

2. Pledge of Allegiance

3. Roll Call

4. Additions to the Agenda

5. Approval of Agenda

6. Approval of the Consent Agenda

Consent Agenda items are considered routine by the Commission and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.

A. Approval of 1548th Regular Meeting Minutes

B. Approval of Bills in the amount of \$110,303.76

7. Public Comment

Those addressing Commission are asked to provide their name and address and will be limited to two minutes of speaking time. The Commission will hear all comments pertaining to agenda items only.

8. Correspondence- MCC SRO

9. Department Reports

a. City Manager

b. Police Chief

c. City Attorney

d. Mayor

e. Treasurer/Clerk- Revenue Expenditure Report

f. Assessor

g. Department of Public Works

h. Committee Reports

i. Mason County Commissioner Representative

j. MCRFA Representative

k. DDA Representative

10. Unfinished Business- None

11. New Business

a. Commissioner At- Large, Partial Term Appointment

b. Request for Proposals- Water/Sewer Financial Projections/Rate Study

c. Request for Proposals- Parking Lot Sealing/Stripping/Pavement Marking

d. Policy for Defense Resolution 23-16

e. Temporary traffic control

12. Public Comment

Those addressing Commission are asked to provide their name and address and will be limited to three minutes of speaking time. Commission will hear all comments for future consideration but will not have a response at this time. Letters submitted to Commission will not be publicly read. Thank you for your cooperation.

13. Commissioner Comment

14. Adjournment

OFFICIAL PROCEEDINGS OF THE CITY COMMISSION OF THE CITY OF SCOTTVILLE, MICHIGAN.

The 1548th Regular Commission meeting of the Scottville City Commission held at City Hall 105 N. Main St on July 10th, 2023. Called to order at 6pm by Mayor Marcy M. Spencer.

Present at Roll Call:

Copenhaver

Spencer

Deering

Seiter

Wyman

Also in attendance: Manager Newkirk, Clerk Lester, and Sergeant Skinner (tardy).

Additions/Deletions to Agenda- None

Approval of Agenda

Motion, by Seiter with support from Copenhaver to approve the agenda as presented.

Motion carried.

Approval of Consent Agenda

Motion, by Deering with support from Seiter to approve the consent agenda as presented.

Motion carried.

Public Comment- None

Correspondence- Hazardous household waste date set for 8/19/23.

Department Reports

- a. City Manager- Newkirk offered Riverside Park will soon carry Clown Band merchandise. Per City Charter he would like to utilize the full 30-day acceptance period to fill the Partial Term Commissioner At-Large vacancy. Letters of interest will be accepted until 7/20/23 at 4pm.
- b. Police Department- Statistical report provided.
- c. Mayor- None
- d. Attorney- None
- e. Treasurer/Clerk- None
- f. DPW- None
- g. Assessor- None
- h. Committee Reports- None
- i. Mason County Commissioner Representative- None
- j. MCRFA Representative – Hull reported 6 applications for County Administrator’s position have been received and will be opened at the next County Commission meeting 7/11/23.
- k. DDA Representative- None

Unfinished Business-None

New Business

a. Social District Renewal

Motion, by Seiter with support from Copenhaver to approve the social district renewal applications from both Charlie’s Bar and North Branch Winery.
Motion carried.

b. Planning Commission Appointment

Motion, by Wyman with support from Deering to accept letter of interest submitted by Carla Mayer to fill a 3-year term on the Planning Commission.
Motion carried.

Public Comment- None

Commissioner Comment-None

Adjournment-

Motion, by Wyman with support from Seiter to adjourn.

Motion Carried 6:22pm.

Kelse Lester, Clerk

Marcy M. Spencer, Mayor

SCOTTVILLE INVOICE REGISTER FOR CITY OF SCOTTVILLE

EXP CHECK RUN DATES 07/11/2023 - 07/24/2023

POSTED AND UNPOSTED

OPEN AND PAID - CHECK TYPE: PAPER CHECK

Invoice Number	Vendor Name	Description	Bank Account	Inv Amt
2ND QTR 2023	MI MUNICIPAL LEAGUE (MML)	2ND QTR UNEMPLOYMENT	POOL	8.39
JUNE 2023 BILLING	DTE ENERGY	HEAT	POOL	179.41
JUNE 2023	VISA	RIVERSIDE PARK CONCESSION, N	POOL	455.43
7-13-2023	VISA	RIVERSIDE PARK, TRAINING	POOL	1,480.04
7-14-2023	SCOTTVILLE POSTMASTER	464 POSTCARDS	POOL	236.64
8-2023	BLUE CROSS BLUE SHIELD OF MICHIGAN	INSURANCE	POOL	379.27
7-5-2023	PARTS PLUS OF MASON COUNTY	REPAIR	POOL	118.52
728995	CORRPRO COMPANIES INC	WATER TOWER INSPECTION	POOL	645.00
201504719	DISTRICT HEALTH DEPARTMENT #10	RIVERSIDE PARK CAMPGROUND	POOL	20.00
1959	MOW TIME	MOWING OPTIMIST	POOL	240.00
1498296	STRONG INDUSTRIAL SUPPLY	CLEANING SUPPLIES RIVERSIDE	POOL	52.79
0239-003384521	REPUBLIC SERVICES	GARBAGE SERVICE	POOL	7,867.43
7743	MEDIA GROUP 31 LLC	ADVERTISING	POOL	155.00
55233267.001	MEDLER ELECTRIC CO.	CAMPGROUND REPAIR	POOL	22.06
17508	CARIBOU SERVICES INC	MCPHAIL PORTA POTTY	POOL	230.00
691956,691957,692412	MIKA, MEYERS, BECKETT & JONES, PLC	ATTORNEY MATTERS (691959)	POOL	6,914.00
55233550.001	MEDLER ELECTRIC CO.	REPAIRS RIVERSIDE	POOL	64.93
7-14-2023	CITY OF SCOTTVILLE--WATER/SEWER DEP	WATER MCPHAIL	POOL	109.82
7-13-23	CITY OF SCOTTVILLE--WATER/SEWER DEP	WATER DDA	POOL	55.40
7-12-23	CITY OF SCOTTVILLE--WATER/SEWER DEP	CITY HALL WATER	POOL	87.32
7-11-23	CITY OF SCOTTVILLE--WATER/SEWER DEP	WATER RIVERSIDE	POOL	107.67
7-10-23	CITY OF SCOTTVILLE--WATER/SEWER DEP	WATER DPW	POOL	58.82
44283	PV BUSINESS SOLUTIONS	OSHA COMPLIANCE JOURNAL	POOL	298.50
26671	AMERICAN LEGAL	SUPPLEMENTAL PAGES ORDINANCE	POOL	2,700.37
2752	JABROCKI EXCAVATING L.L.C.	POWERLINE TRENCH	POOL	350.00
7-12-2023	CAMERON BROTHER INC	RIVERSIDE REPAIR	POOL	1,501.75
2ND QTR 2023	CITY OF LUDINGTON	2ND QTR 2023	POOL	37,274.25
34481075	GREATAMERICA FINANCIAL CO	LEASED EQUIP	POOL	777.64
201275044052	CONSUMERS ENERGY	LIGHTS	POOL	80.93
148985	BS & A SOFTWARE	CEMETERY SOFTWARE	POOL	508.00
238678	EARLEPRESS INC	ENVELOPES PARKING BOAT RAMP	POOL	393.36
34172	FREEMAN CREEK EQUIPMENT	EQUIP REPAIRS	POOL	167.94
3RD QTR 2023	MASON COUNTY DPW	3RD QTR 2023 AMBER SEWER	POOL	38,543.20
052-122-026-00	ROEDIG DARLENE M	2023 Sum Tax Refund 052-122-	POOL	307.51
7-20-23	TNT ENTERPRIZE	MOWING	POOL	1,135.00
1239249	BRICKLEY DELONG	AUDIT ASSISTANCE	POOL	950.00
1239256	BRICKLEY DELONG	AUDIT	POOL	3,000.00
7-19-23	TNT ENTERPRIZE	MOWING	POOL	450.00
18396	CARIBOU SERVICES INC	PORTA JOHN'S	POOL	135.00
JULY 11 2023	AT & T MOBILITY	PHONES POLICE, CITY MANAGER	POOL	520.37
7-2023	ADAMSON, TAMMY	PAVILLION DEPOSIT	POOL	25.00
7-21-2023	MASON COUNTY RURAL FIRE AUTHORITY	FENCE	POOL	1,697.00
Report Total:				110,303.76



Mason County Central School District

Small enough to Care, large enough to Compete

www.mccschools.org

Jeff Mount, *Superintendent*
Karen Cameron, *Bookkeeping/Payroll*

Kristie Courtland-Willick, *Business Manager*
Angie Taylor, *Director of State & Federal Programs,*
Marketing/Communication

To: City of Scottville

From: Jeff Mount, MCC Superintendent

Re: Student Resource Officer

Date: 7/17/2023

This communication is to serve as a follow up official memo in regards to ongoing conversations regarding the previous school year 2022/2023 Student Resource Officer services received in partnership with the City of Scottville.

As noted in these conversations Mason County Central Schools will be ending their partnership as it stands with the City of Scottville for Student Resource Officer services for the 2023/2024 school year in order to enter into a cohesive Student Resource Officer partnership that is primarily streamlined within our Mason County Sheriff's Office and surrounding schools.

It is important to point out that Sergeant Skinner in this particular role for the 2022/2023 school year which included WSCC, Ordnance Officer, Sergeant and Interim Police Chief did her best in finding balance to fulfill these duties as best as she could as the City of Scottville struggled to fill the multiple positions in which she was covering.

Even though we are ending this particular partnership we look forward to relationships that will continue through community and school events as a school located within the City of Scottville. Together the City of Scottville and Mason County Central Schools will strive to build and support a community which includes well rounded students, families, residents and businesses.

Cc:
Sheriff Cole, Mason County Sheriff Department
Fabian Knizacky, Mason County Administrator
Angela Taylor, MCC Director of State and Federal Programs

A handwritten signature in blue ink, appearing to read 'Jeff A. Mount', written over a horizontal line.

Scottville City Commission Notes 7/24/23

Correspondence – Letter from MCC official notice of withdrawing from the SRO contract with the City. I have sent corresponding letters to MCC and WSCC stating similar intentions to withdraw from the contracts to allow MCSO to assume SRO duties. A letter requesting police administrative services and a contracted deputy assigned to Scottville has been sent to Mason County Administrator Knizacky.

New Business

Commissioner Seat – Dixie Spore was the only resident to submit and application for one of the open Commission seats. Her information form is included.

RFP Water/Sewer Rate study – I sent out an RFP for a more comprehensive study for our water and sewer rates. We need to have a deeper look into our debt, future improvements, rates, and how the planned increases from Ludington will affect us over the next few years.

RFP Parking Lot/Road striping – You previously received this for a committee proposal and it also has been sent out. As noted in the map this project will add years to those areas of the parking lot that have not been undermined and paint all crosswalks, potentially add two crosswalks (lower EL), and prepare for a parking change on S. Main.

Policy for Defense Resolution – A proposed resolution for consideration by the City Commission that would adopt a policy authorizing the indemnification and/or defense of City officials and employees that were sued as a result of actions arising out of their official duties or employment, where there is not coverage for such actions under the City's then-current insurance policy.

Temporary Traffic Control order – Int. Chief Skinner is proposing a traffic order to prohibit parking on the north side of Maple St. between Gay and Loomis. with the school to make sure our traffic laws mesh with school policy and traffic patterns. The intent is to reduce the crossing areas from the length of Maple St. to future crosswalks at the intersections of Maple/Gay and Maple/Loomis.



July 2023

The contract with the PILOT(Payment in Lieu of Taxes) with (MSHDA- Michigan State Housing Dev Authority)for taxes with Glendale Apartment has expired. Glendale is now back on the tax roll as a commercial property.

With the new BBA software, we are able to add the irrigation to the existing account saving us from mailing out more water bills. All irrigation accounts have been updated and will be mailed as one water bill moving forward.

The summer tax roll is downloaded into our system and all taxes bills have gone out including the mortgage companies.

Riverside Park is now set up to start using Campspot for the 2024 season for reservations. Campspot works with Clover connect to process the credit card payments and that is close to being up and going.

We had 42 delinquent water accounts. Marc put shut off notices on doors. Marc shut off eight of the larger accounts and three have already paid in full to have their water turned back on.

Kelse and I have completed our 1-day audit with Brinkley Delong on July 6th

The August water bills have gone out.



Clerks Report 7/24/2023

One petition successfully filed with the City regarding the Commissioner At-Large Partial Term to expire 11/2024. Items due to County 7/25/23 by 4pm. Position to be placed on the special election ballot 11/7/23.

Working on a quote through Western Michigan Shoreline Regional Development Commission (WMSRDC) on upgrading the map system of Brookside Cemetery. Free Soil Township clerk recently finished their GIS project and has been very helpful in our process.

Assisted beautification committee (DDA) with weed control in the islands, pocket park and South Main St. (Thanks Darcy, Samantha, and Nancy).



Board(s)/Commission(s) for which you would like to be considered (in order of preference). ----->

1.	Commissioner
2.	
3.	
4.	

Name Dixie Spore

Email dixiespore@gmail.com

Address 118 E. 2nd Street
Scottville, MI 49454

Home phone 231-757-2032

Cell phone 231-613-5117 -preferred

Is this an application for reappointment? (Y/N) (N)

Are you a City resident? (Y/N) (N)

Brief Statement regarding your interest in serving on this board or commission

To get involved with the City, And to hopefully help to make a difference for the residents.

Employment Experience (If a resume has been attached, please indicate):

I worked 40 years at oakview Medical Care Facility working in health care until my retirement in Aug 2016.

Educational Background and Other Special Skills

Graduated from Mcc to classes and training to perform my job as a health care provider. out going friendly person who like to meet new people. I have good organizational skills and I work well with others.

Briefly state your qualifications for this appointment

I am punctual, and dedicated to my commitments. friendly and easy to talk to. I have good critical thinking skills.

Do you know of any conflicts of interest or any reason you should not receive this appointment?

If "yes" please explain.

None

Are you able to attend year-round regularly scheduled meetings? Yes No

Have you been convicted of, or pled guilty or no contest to, an offense against the law, or are there any felony charges pending against you? Yes No

If "yes" please explain:

I Dixie Spore (print name), hereby certify that the information contained in this application is true and correct to the best of my knowledge. I further certify that I, the undersigned applicant, have personally completed this application. I understand that any misrepresentation, falsification, or omission of information on this application or on any document used to secure appointment shall be grounds for rejection of this application or immediate discharge if I am appointed, regardless of the time elapsed before discovery. I further understand that all applicants selected to serve are may be subject to a background check including criminal history, drivers record, and Michigan Sex Offender Registry.

Signature Dixie Spore
Date 7-17-2023

Please return to:
City of Scottville
105 N. Main St.
Scottville, MI 49454

Form can be emailed to:
clerk@cityofscottville.org



Request for Proposals

Water and Sewer Financial Projections and Rate Study

The City of Scottville is requesting proposals from qualified financial consultants to conduct a comprehensive water and sewer rate study. The intent of the study is to independently assess and evaluate the City of Scottville's existing water and sewer rates and provide recommendations. The broad objective of the study is to adequately fund water and sewer utility operations, capital costs, and bonded debt while minimizing rates to the greatest degree possible.

The study will be based on a comprehensive review of the City of Scottville's water and sewer funds and budgets. Water System Reliability Study, Water Asset Management Plan, Wastewater Asset Management Plan, customer classes, current usage data, future planned growth of the City of Scottville, and any other information deemed necessary.

Scope of Work

A. Study Objectives

1. Provide a comparison of current water and sewer system costs (operations, capital improvements, bonded debt) against appropriate industry benchmarks.
2. Recommend baseline rate structures required to fund water and sewer systems and consider annual inflationary, indexed adjustments to rates needed to maintain each utility.

B. Study Requirements

The study is to be performed in conformance with the following policy directions.

1. The recommended rate structures shall be based on cost of service and shall be sufficient to meet the revenue requirements of the City of Scottville.
2. The study shall recommend rate structures that consider and make provisions for the following factors;
 - a. Current and future cost of providing water and sewer service in accordance with established and anticipated standards and regulations.
 - b. Projected demands
 - c. Availability of supply (seasonal fluctuations and long-term availability).
 - d. Age and condition systems
 - e. Funding requirements for all current long-term liabilities and debt obligations (bonds and loans)
3. The recommended rate structures shall provide direct identification of revenues appropriated to major funded activities and infrastructure.
4. The recommended rate structures shall be consistent with industry practice for utility rate making in Michigan.
5. The study shall provide at least two recommended rate alternatives for each utility based upon standard rate practice (increasing block rates, decreasing block rate, etc.) that meet

the criteria above. The consultant will make a recommendation as to which alternatives best meet the criteria.

6. The benefits of any proposed modifications shall be weighed against the financial impacts on ratepayers.
 7. Justifications for any special classes of customers under the recommended rate structure shall be demonstrated.
 8. The recommended rate structure shall result in no decrease in stability of the revenue stream, as compared to the current structure. Consideration should be given to funding past and future depreciation (replacement of facilities).
 9. The recommended rate structure shall be easy to administer and understand.
 10. The City of Scottville's billing system should be able to handle any proposed rate structure.
 11. The recommended rate structure shall be planned for at least five years with a preference towards longer term.
- C. Services to be provided by consultant.
1. Conduct a review of the existing water and sewer rates and status of the utility funds. Develop a general familiarity with the City of Scottville's billing system.
 2. Meet or confer with staff as needed and attend two meetings with the City Commission/Committees to present the interim status of the study and obtain their input.
 3. Conduct analyses as required to address the scope of work.
 4. Preliminary report
 - a. Prepare a preliminary study report and tentative rate structures.
 - b. Submit ten copies.
 - c. Present preliminary report and tentative rate structures to staff and/or committee for comments.
 5. Final Report
 - a. Incorporate changes pursuant to comments received at the first presentation.
 - b. Submit twelve copies, plus one reproducible copy.
 - c. Provide a disk with reports in MS Word format, with spreadsheets in Excel format.
 - d. Present the final report and recommend rate structures to the City Commission and members of the public at a regular commission meeting.
 6. Supply a time schedule for developing the preliminary and final reports. The final report shall be delivered to the city by November 6th, 2023.
- D. Services to be provided by the City of Scottville
- The services to be provided by the City of Scottville include, but are not necessarily limited to the following;
1. Furnish all reasonably available records and information, including financial reports, budgets, and consumption data.
 2. Provide staff and engineering support and assistance as required and agreed to in advance of study.

Proposal of Study

- A. The following information is to be submitted as part of the proposal. The proposal is not to be more than fifteen single sided pages in length including single page resumes of persons to be assigned to the project Five copies of the proposal are to be provided. Other material may be

attached as deemed appropriate, to include a copy of a rate study performed by the applicant that most closely fits the scope of the work outlined above. The 15-page portion of the proposal is to be organized into the following categories.

1. Project Approach: Describe your approach to this project and any special ideas, techniques, or suggestions that you think might make the project proceed smoothly.
 2. Experience: Describe the experience of the firm and the individuals assigned with related projects of a similar nature. Provide at least three references.
 3. Qualifications: Describe your firm's unique qualifications and training for this type of work. Cite specific accounting certifications or accreditations.
 4. Schedule: Describe your plan/schedule for completing the work.
- B. Deadline for submission of proposals: August 21st, 2023
1. City Manager
City of Scottville
105 N Main St
Scottville, MI 49454
 2. Proposals should be marked: "Water and Sewer Rate Study- City of Scottville."

Selection of Consultant

Proposals will be evaluated by City employees and a standing committee of City Commission members. They will be evaluated based on experience, qualifications, your approach to the project, and any innovative ideas you have for making the project successful.

Final Selection will be based on the evaluation of proposals unless it is deemed necessary by the committee to conduct interviews of closely scored consultants. The consultant determined best qualified to perform this project will be recommended to the City Commission for a contract award.



**CITY OF SCOTTVILLE
REQUEST FOR BIDS FOR PARKING LOT SEALING/STRIPING
AND PAVEMENT MARKING**

The City of Scottville, Michigan is requesting bids for repairing, sealing, and striping sections of City parking lots, South Main St., and various pavement markings throughout the City. Specifications are available at the Scottville City Hall, 105 North Main Street, Scottville, MI 49454, or by calling (231) 757-4729, Monday through Friday, 8 a.m. to 5 p.m.

Sealed bids must be submitted to the Scottville City Hall, 105 North Main Street, Scottville, MI 49454 by 12:00 p.m. Tuesday, August 8th, 2023. The envelope shall be clearly marked "2023 Parking Lot & Pavement Marking Bids" on the outside of the envelope. The bids will be opened on August 9th at 9am at Scottville City Hall. The winning bid will be approved during the Scottville City Commission meeting held at 6pm on August, 14th, 2023. Inspections can be done on your own or contact City Hall to make an appointment with the City Manager.

Section 1 – Northern area of City’s west parking lot – asphalt repair, sealcoat, paint parking lines

Section 2 – Southern 1/3 of City’s west parking lot – sealcoat, paint parking lines

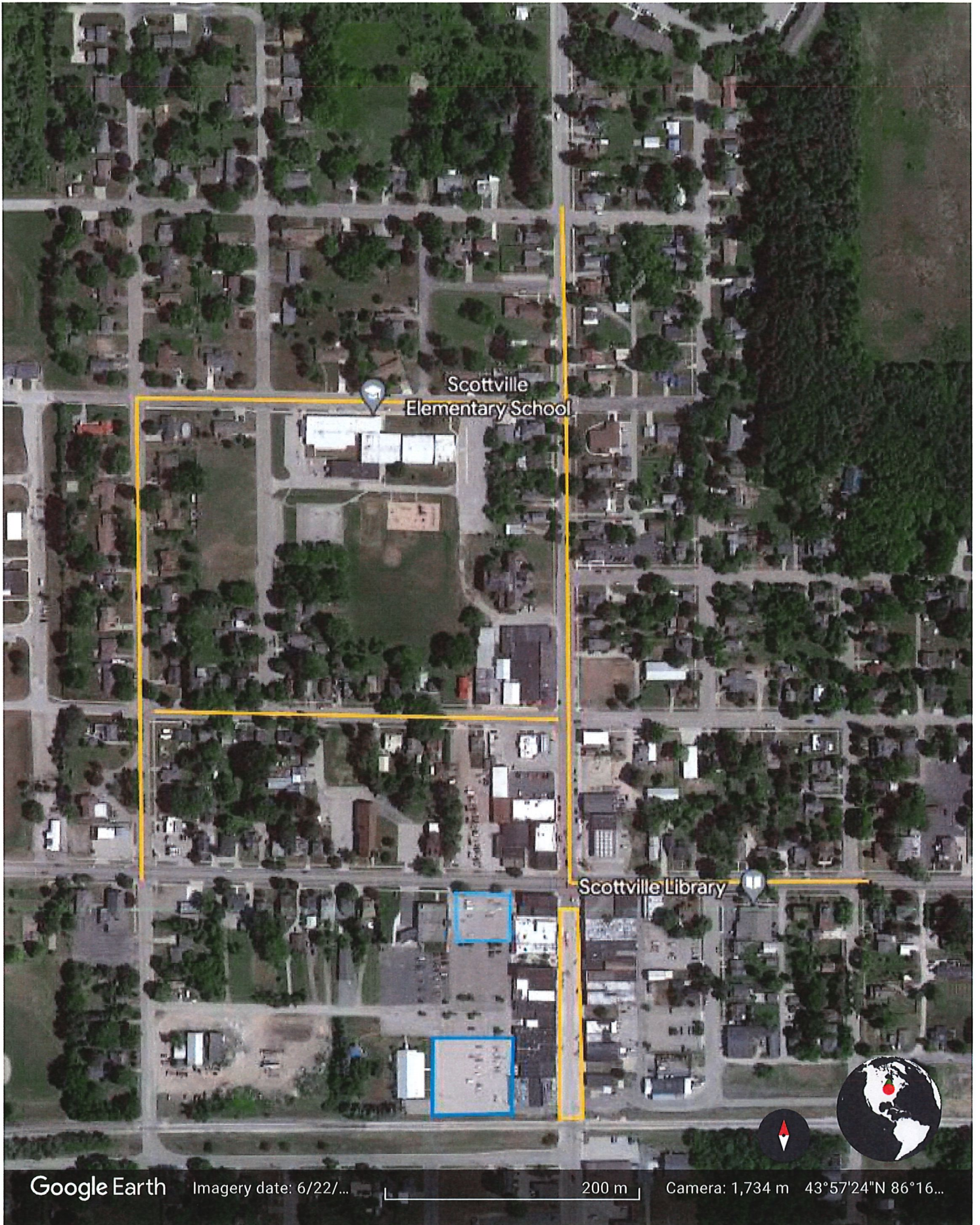
Section 3 – S. Main St. between stoplight and RR tracks – repair holes, sealcoat, single white line for parallel parking

Section 4 – Crosswalks painted at all intersection sidewalks following mapped yellow line along N. Main, W. Maple, N. Reinberg, and State St. crossings. Also new crossings at Lower Elementary at Maple/Gay and Maple/Loomis.

Please include the cost of each section and overall cost if different than the sum of all four.

The City of Scottville reserves the right to accept or reject any and all parts of proposals and the right to waive any informal defects in proposals, further, the City reserves the right to accept a proposal higher than the lowest proposal, if in the opinion of the City Commission of Scottville, the public interest is better served.

Jimmy Newkirk
City Manager

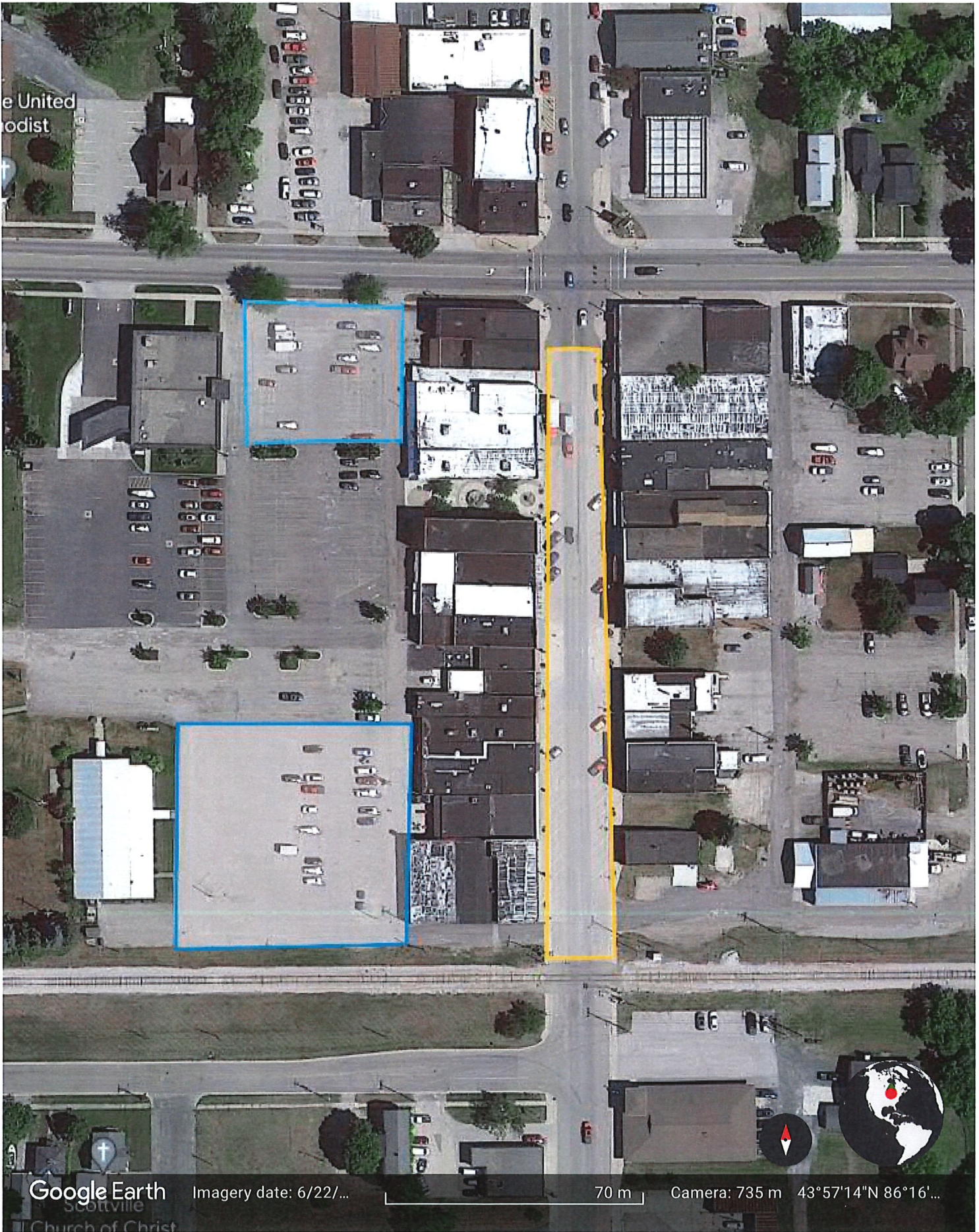


Google Earth

Imagery date: 6/22/...

200 m

Camera: 1,734 m 43°57'24"N 86°16...



Google Earth

Imagery date: 6/22/...

70 m

Camera: 735 m 43°57'14"N 86°16'...



**CITY OF SCOTTVILLE
COUNTY OF MASON, MICHIGAN
RESOLUTION NO. 23-16
RESOLUTION TO ESTABLISH POLICY FOR DEFENSE AND
INDEMNIFICATION OF OFFICIALS AND EMPLOYEES**

At a regular meeting of the City Commission of the City of Scottville, held at the City Hall, 105 North Main Street, Scottville, Michigan, on the 24th day of July 2023, at 6:00 p.m., Local Time.

PRESENT: Commissioners: _____

ABSENT: Commissioners: _____

The following resolution was offered by Commissioner _____ and supported by Commissioner _____:

WHEREAS, the City of Scottville (the “City”) wishes to protect its elected and appointed officials and employees (collectively, a “City Official”) when performing in good faith the official duties of his or her office or employment; and

WHEREAS, the City wishes to provide such protection in a uniform and comprehensive way; and

WHEREAS, it is in the best interests of the City and within the sound discretion of the City Commission to provide for the defense and indemnification of City Officials serving the City.

NOW, THEREFORE, BE IT RESOLVED

1. The City Commission hereby adopts the policy that City Officials shall be defended and indemnified by the City against any claim or civil action filed against such City

Officials arising out of the good faith performance of duties while in the course of his or her employment, and while acting within the scope of his or her authority.

2. Absent coverage by the City's insurance provider (currently, the Michigan Municipal Risk Management Authority) and at the discretion of the City Commission, the City may provide legal representation for the City Official whenever a claim is made, or a civil action commenced against the City Official.

3. Absent coverage by the City's insurance provider and at the discretion of the City Commission, the City may pay, on behalf of any City Official, all or part of any sum which such City Official might become legally obligated to pay as monetary damages.

4. Whenever a City Official of the City has cause to believe that such City Official may be sued by reason of, or as the result of, the performance in good faith of such City Official's official duties, it is the responsibility of the City Official to notify the City Manager (or where the City Official in question is the City Manager, the Manager shall notify the Mayor) via a written notice of the act performed or the occurrence which gives rise to such belief. The written notice shall contain a statement of facts and circumstances thereof, names of persons who might bring suit, and names of any persons who were witnesses to the occurrence. Upon receipt of a written notice, it will be at the City Commission's discretion whether the City will defend and/or indemnify the City Official.

5. If a claim is made or a civil action commenced against any City Official which allegedly arose out of the performance in good faith of such City Official's duties, it is the responsibility of said City Official to immediately report such a claim or action to the City Manager (or where the City Official in question is the City Manager, the Manager shall notify the Mayor) via a written notice, containing the claim or civil action, a statement of facts and

