

Township Focus

APRIL/MAY 2022

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

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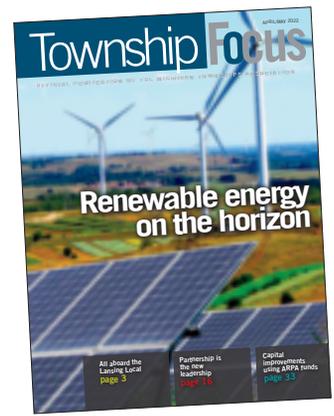


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Official Publication of the Michigan Townships Association

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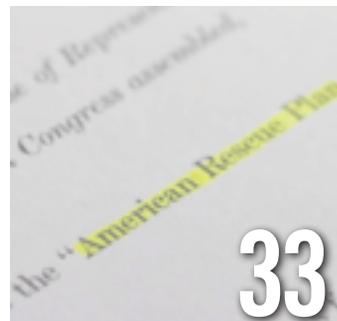
Editor Jennifer Fiedler

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mission statement

The Michigan Townships Association advances local democracy by fostering township leadership and public policy essential for a strong and vibrant Michigan.



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Partnership is the new leadership

Ty Bennett's No. 1 passion is helping leaders—like Michigan's township officials—cultivate the relevance and influence they need to challenge old ways and open new doors. MTA's 2022 Conference keynote speaker will share how establishing trust, encouraging collaboration and building consensus can help any township board and unite a community.

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Renewable energy on the horizon

Regardless of where your township is in Michigan, you've likely heard increased chatter about renewable energy. If your township hasn't discussed renewable energy, now is the time. Understanding some of the basics on wind and solar energy can help prevent you, as a local official, from being caught unaware if and when the issue arises in your township.

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Capital improvements using ARPA funds

As townships continue to decide how to best use their American Rescue Plan Act (ARPA) funds, many are likely considering various capital improvement projects. Learn how you can put your township's allocation to use for capital improvements in your community.

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2022 MTA Conference preview! Turn to pages 16-24 for a keynoter sneak peek, schedule at a glance, exhibitor listing, and our proposed legislative platform!

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postal requirements

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allied service provider index



president's round table

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All aboard the Lansing Local!

This month marks a historic milestone for your Association. In 67 years, nothing prevented Michigan's township officials from gathering together for our Annual Conference—until the pandemic forced a two-year hiatus from our in-person keystone event. But, we are back. Appropriate to a moment emerging from adversity and targeting opportunity, this month, we gather in Lansing—just as our state's early leaders decided to do once a more central location made sense (they wanted to encourage development beyond southeast Michigan and also get some distance from the British Army garrisoned in Windsor).

In addition to the educational session-packed agenda, we'll take full advantage of being in our capital city with classes themed around advocacy, Capitol tours, a new legislative breakfast, a VIP reception with state leaders, and the MTA policy platform discussion and adoption at the Annual Meeting. It's also a historic conference because we will end a period in which one MTA president served two years, one spent half his term on Zoom and the incoming president had more than two years to prepare—I'm sure we'll hear some great speeches!

There are three more good reasons to come back to the Conference: our exciting evening events, made possible by our generous sponsors, including Bendzinski and Company and Burnham and Flower Insurance Group. We'll even head to the ballpark, during the Par Plan Fun Night, for an '80s block party at Lansing's Jackson Field (home of the Lansing Lugnuts!). I'd be even happier about that if I hadn't just finally dropped off all my '80s clothes at Goodwill.

In *Township Focus* this month, we share some Conference “sneak peeks,” including a conversation with our keynote speaker Ty Bennett, a schedule “at-a-glance” for the week, MTA's proposed legislative policy platform for your review, and a listing of exhibitors you can visit in the Expo. It's a week full of opportunity, education and inspiration, and I hope to see you there.

In March, MTA President **Peter Kleiman** and I spoke at the Shiawassee County MTA Chapter meeting. The attendees were glad to hear that the single-day Annual Conference passes are available again. These make sense for our many townships within a relatively short drive of the Lansing Center. Whether you decide to come for the day, attend the whole program or join in virtually, we sincerely welcome you back to celebrate this historic return to Lansing.

Neil



Photo credit: Our striking headline image this month is reproduced with permission under copyright of John F. Bjorklund, Center for Railroad Photography and Art (www.railphoto-art.org). Michigan celebrates and protects the rich heritage of the railroads' enablement of our historical development and current economic growth. The Steam Railroading Institute in Owosso and the wonderful Huckleberry Railroad in **Genesee Charter Township** (Genesee Co.) are just two starting points for a rediscovery of our first transformative “network technology.”

news¬es

a c o m p e n d i u m o f n o t e w o r t h y i t e m s

ASSESSING ADMINISTRATION UPDATES

Reminder for required online access to assessing information

Townships are reminded that, with the 2018 assessing reform law (Public Act 660), MCL 211.10g requires that if a building within your township has broadband access, the township must provide taxpayers online access to information on its assessment services, including—but not limited to—parcel information, land value studies and documentation, and economic condition factors (ECF). Broadband access is defined as “an area determined by the Connect Michigan broadband service industry survey to be served by fixed terrestrial service with advertised speeds of at least 25 megabits per second downstream and 3 megabits per second upstream in the most recent survey available.” You can find your area’s internet speed on the Michigan Broadband map at www.michigan.gov/mpsc (look under “Consumer Information,” then “Telecommunications” and click on “Broadband Information”).

In addition, the State Tax Commission’s five-year Audit of Minimum Assessing Requirements (AMAR) cycle concludes at the end of 2022, with local assessing units in 10 remaining counties undergoing the audit this year. Beginning in 2023, the cycle begins again for assessment roll audits. Beginning with the new audit cycle, land value and economic condition factor *analysis* will be required as part of the audit documentation.

Based on broadband access as outlined above, applicable townships must post that analysis online. While land value and ECF *maps* will no longer be required, it is important to remember that assessors must still complete vacant land sale studies and evaluations in the course of determining land value. The use of land value maps is also a tool that may easily explain to both taxpayers and the board of review how land values are being recorded for all properties within the township and it will continue to be beneficial for maps to be available to the public and online. In addition, ECF maps may be more easily understandable for the public, thus providing better access to information and reducing inquiries to the assessor or township.



ARPA REMINDER

First ‘Project and Expenditures Report’ deadline is April 30

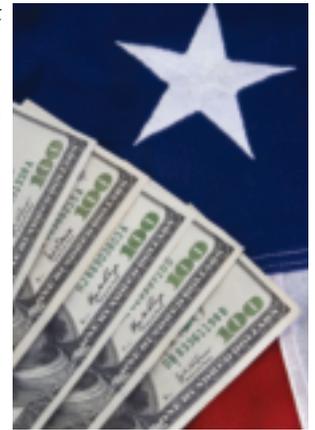
All non-entitlement units of government (NEUs—all but eight of Michigan’s largest townships) must complete their first American Rescue Plan Act (ARPA) “Project and Expenditure Report” by the April 30 deadline. If your township has not already done so, complete the following two tasks as quickly as possible:

- 1) Register at login.gov and sign up for Treasury’s portal, <https://portal.treasury.gov/compliance/s/>. (*Townships that have an ID.me registration can sign up at <https://portal.treasury.gov/cares/s/slt>; however, MTA does not anticipate that many townships have ID.me registrations.*)
- 2) All users should log into the portal, confirm their roles, and provide their State and Local Fiscal Recovery Fund (SLFRF, better known as ARPA) information.

There are many helpful resources to help you navigate this process, which can be found on MTA’s “COVID Relief” webpage, www.michigantownships.org/covidrelief.asp. Included in the resources are recordings of U.S. Treasury webinars that provide answers and step-by-step guidance for login.gov and Treasury’s reporting portal, along with several providing information on how to complete the report itself.

Reminders

- **Every NEU must complete the report**, even if your township has not obligated any funds or determined how you will put them to use.
- For this year only, **NEUs must submit budget documentation** for how the township calculated its top-line budget in the initial application process, **along with copies of the signed Awards and Conditions and Title VI documents.**
- Your township’s SAM.gov registration must be active for the reporting, and must be renewed annually. This is free of charge. **Your township does not have to pay, or go through a third party, to renew your registration.**



MARIJUANA RULES

MRA releases revised rules for marijuana business licensing



Changes have been made to the process in which the state Marijuana Regulatory Agency (MRA) confirms municipal compliance for adult-use establishment applicants and licensees. The change is a result of updates to the administrative rules for marijuana business licensing, which went into effect March 7.

The MRA will request confirmation of municipal compliance from the municipality after a complete license application is submitted to the MRA. Previously, the applicant must have had this attestation *before* submitting their application to the state. This request will come via email and is an opportunity for the township to notify the MRA if an applicant is not compliant with municipal ordinances. If the township does not notify the MRA that the proposed marijuana establishment is not in compliance with municipal ordinances, and the applicant otherwise qualifies for the license, the MRA will issue a state license to the applicant.

Other changes that will occur with the new administrative rules:

- a new microbusiness license that allows the licensee to grow up to 300 plants and to purchase marijuana concentrate and marijuana-infused products
- application fees for adult-use and medical marijuana license applications will drop from \$6,000 to \$3,000
- the renewal tiers for adult-use establishments are removed

REVISED MDHHS COVID GUIDELINES

New 'post-surge phase' COVID-19 guidelines eliminate quarantine recommendations

Townships may wish to review and update any COVID-19 isolation and quarantine guidelines they have in place, following updated recommendations from the state Department of Health and Human Services, based on Michigan's current conditions and continued low numbers of new cases.

The guidelines continue isolation recommendations for those who test positive for COVID-19 or have COVID-19 symptoms without a negative test or alternative diagnosis (isolate for five days; resume activities, while wearing a mask around others, for days 6-10 if symptoms improve or no symptoms develop). However, the recommendations now indicate that, regardless of vaccination status, following a personal or household exposure, individuals should simply monitor for symptoms, wear a mask around others for 10 days, and test three to seven days after exposure or if symptoms develop. For other types of exposure (such as from the community or in a work setting), individuals should monitor for symptoms for 10 days, test if symptoms develop, and consider masking around others.

Quarantine guidance may be adjusted to respond to and control outbreaks within unique settings as needed.

MTA's lunchtime learning series, *Now You Know*, offers timely updates, insights from our experts and a chance to get your questions answered all in just one hour! Don't miss our next episode coming: **Friday, April 8 from noon to 1 p.m.**

Legislative Update

Gain insights into the political landscape for 2022 and learn how the priorities of the Legislature could impact your township—from the state's budget (including the latest on revenue sharing) to policy changes, and new legislative districts and the upcoming elections to federal relief funds. You won't want to miss this opportunity to hear from MTA's Government Relations Team of Judy Allen, Mike Batterbee and Sean Hammond on what's happening inside the Capitol and how it can impact your community.

Members pay just \$25/person to participate and registration is simple, at <https://bit.ly/NYKmta>.

If your township subscribes to *MTA Online* at the *Premium* level, you get FREE access to EVERY session! Visit <https://learn.michigantownships.org/nyk> for details.

Now You Know



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Al Boggs (pictured, above center), long-time township official and MTA Board member, has been named an honorary life member of the Association. He received the recognition from 2021 MTA President Peter Kleiman (above, right) and MTA Executive Director Neil Sheridan (left) at the February MTA Board of Directors meeting. Boggs served as supervisor of Rome Township (Lenawee Co.) for two decades until his retirement in 2020, and spent a decade as MTA District 24 director, serving Hillsdale, Jackson and Lenawee Counties.

District caucus elections to be held at 2022 Conference

Caucus elections will be held in 22 MTA districts on Tuesday, April 26, during the 2022 MTA Conference, to elect new members to the Association’s Board of Directors. Directors elected at the caucuses will begin their MTA Board terms at the Annual Meeting on Thursday, April 28, 2022, and conclude following the Annual Meeting in 2025.

In accordance with MTA bylaws, a director will be elected from each MTA district, except those represented by an incoming officer on the MTA Board, who shall serve simultaneously as representatives of their respective district. This does not apply to the office of president. Based on the slate of candidates being put forth as officers by the MTA Nominating Committee on April 28, the following districts will NOT convene a caucus to elect a director: Districts 5, 11 and 21. All other districts will hold a caucus to elect a director for their respective district.

Elected officials from MTA-member townships are eligible to run for the MTA Board. Officials who wish to run for district director can campaign for the position prior to the caucus, though there are no requirements for prior announcement of candidacy. Only elected township officials may vote at the caucus meetings; appointed officials and township employees are not eligible to vote. All votes must be cast in person.

Find your MTA district at www.michigantownships.org/board.asp, and turn to pages 16-24 or visit www.michigantownships.org/conference to learn more about the 2022 Conference. Caucus times and locations will be published in the Conference program received on site.

profile



Bauckham Sparks

Dedicated to representing townships and the citizens they serve

For as long as the Michigan Townships Association has been around, the law firm of Bauckham Sparks has successfully guided Michigan townships through the complex and often challenging legal issues they face. In fact, back in 1953, the firm’s founders helped found MTA—and the Association itself has relied on Bauckham Sparks’ expertise ever since.

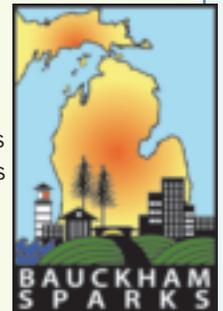
The legal challenges Michigan townships face have certainly changed over the past six decades, and Bauckham Sparks’ attorneys continue to change with the times. The firm’s guiding principles, however, remain as steadfast today as they were over 60 years ago. The firm continues to provide careful and thoughtful analysis, detailed problem-solving and individual attention to its clients’ needs, with the highest degree of integrity in all circumstances.

That’s why so many Michigan townships trust Bauckham Sparks as their general counsel and why so many others rely on the firm’s attorneys as special counsel for their most challenging situations. Bauckham Sparks offers clients in-depth experience, expertise and a history of successful service to Michigan townships.

Bauckham Sparks is proud to provide that expertise to MTA members and is dedicated to representing the townships and citizens they serve. It’s a way of doing business that may seem a bit old-fashioned. Bauckham Sparks, however, prefers to call it “time tested.” Because the way the firm sees it, caring about its clients, providing expert legal advice at a great value and taking personal pride in serving its clients’ needs are commitments that will never go out of style.

Find out more at www.michigantownshiplaw.com, or call (269) 382-4500 to speak to a firm attorney personally to find out how they can provide a better value for the Michigan township you care so much about.

Opinions expressed within do not represent the views of MTA, its Board or members. Participation in the Allied Service Provider program does not constitute or imply MTA’s endorsement of the company or its products/ services. For more information, turn to page 2, stop by Bauckham Sparks’ booth at the MTA Expo, or visit www.michigantownships.org/asp.asp.



Advertorial

Share the news! Robinson Scholarship available to students in your township

Please help us spread the word to students in your township about MTA's Robert R. Robinson Memorial Scholarship! The application deadline for the scholarship, which supports future local leaders, is **Tuesday, May 31**.



Applicants must be a junior, senior or graduate student enrolled in a Michigan college or university and pursuing a career in local government administration. The following materials are required to apply: 1) a letter of recommendation from a professor or instructor, 2) a copy of a resolution of support from a Michigan township board, and 3) a short essay on an important issue facing local government.

Students must submit application materials to: Michigan Townships Association, PO Box 80078, Lansing, MI 48908-0078 or email angie@michigantownships.org.

Share information in your township's newsletters, or on the township's social media or website. For more information, visit www.michigantownships.org/scholarship.asp, or contact jenn@michigantownships.org or (517) 321-6467, ext. 229.

TGA Scholarship deadline is April 15

Have you been wanting to earn MTA's Township Governance Academy (TGA) credential, but haven't yet joined the program? Now is the perfect time—and our TGA scholarships can help you and your township offset the costs! Apply by **Friday, April 15** for a \$1,000 scholarship toward this one-of-a-kind program that will help you gain the knowledge and skills needed to make even more effective decisions for the benefit of your township. The program consists of 11 courses (offered in person AND online) and earning elective credits.



Download the scholarship application at www.michigantownships.org (click on "Township Governance Academy" under the "Training" tab on the members-only section, and click the "Apply for a TGA scholarship" button), or call (517) 321-6467, ext. 227, to have an application sent to you.

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Townships deserve engineers who understand.

mta events | april

11 Deadline to register for MTA Annual Conference at the regular rates. After this date, on-site rates apply.

25-28 MTA's Annual Educational Conference & Expo at the Lansing Center, or virtually. See pages 16-24 or visit www.michigantownships.org for details. On-site registrations are accepted. See you in Lansing!

mta events | may

19 *Introduction to Planning & Zoning* workshop, Gaylord

25 *Introduction to Planning & Zoning* workshop, Kalamazoo

31 *Introduction to Planning & Zoning* workshop, in person in Frankenmuth AND live virtual event

Announcements

MTA office closed for Annual Conference—The MTA office will be closed April 25-29, 2022, while MTA staff is at the Annual Educational Conference at the Lansing Center. You may call the MTA office and leave messages for staff at (517) 321-6467. The office re-opens on Monday, May 2.

April and May Township Focus combined—*Reminder:* The April and May issues of *Township Focus* are combined into this month's issue. The next issue you receive will be in June.

HOW CAN YOU PREDICT THE LEGAL RISKS YOUR COMMUNITY MIGHT FACE?

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- B. TAROT CARDS
- C. OUIJA BOARD
- D. ROSATI, SCHULTZ, JOPPICH & AMTSBUECHLER, PC

ANSWER: D

"They are integrally involved with the day-to-day operations of the township. They anticipate what the impacts will be for the township and make recommendations on how to deal with them."

—Township Supervisor



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APRIL

By 1 Assessors are required to annually provide a copy of Form 5278 *Eligible Manufacturing Personal Property Tax Exemption Claim, Personal Property Statement, and Report of Fair Market Value of Qualified New and Previously Existing Personal Property (Combined Document)*, and other parcel information required by the state Department of Treasury in a form and manner required by the department no later than April 1 of each year. (MCL 211.9m and 9n)

School district or intermediate school district must reach agreement for summer tax collection with township if there is a summer school levy. (MCL 380.1613(2))

Treasurer makes final adjustment and delivery of the total amount of tax collections on hand no later than April 1. (MCL 211.43(3)(c))

Separate tax limitations voted after April 1 of any year are not effective until the subsequent year. (MCL 211.205i(2))

4 *On or before the first Monday in April.* The board of review must complete its review of protests of assessed value, taxable value, property classification or denial by assessor of continuation of qualified agricultural property exemption. (MCL 211.30a)

By 4 Election commissions finalize precinct boundaries for 2022 election cycle. (MCL 168.661)

Notice of voter registration for the May 3 election published. One notice required. (MCL 168.498)

Clerk shall post and enter into the Qualified Voter File (QVF) the hours the clerk's office will be open on the Saturday or Sunday or both immediately before the May 3 election to

issue and receive absent voter ballots. (MCL 168.761b)

Clerk shall post and enter into the QVF any additional locations and hours that clerk will be available to issue and receive absent voter ballots, if applicable. (MCL 168.761b)

6 Supervisor or assessor shall deliver the completed assessment roll, with board of review certification, to the county equalization director not later than the 10th day after adjournment of the board of review or the Wednesday following the first Monday in April, whichever date occurs first. (MCL 211.30(7))

Assessor shall file Form 606 (L-4021) *Assessment Roll Changes Worksheet* with the county equalization department, and Form 607 (L-4022) *Report of Assessment Roll Changes and Classification* (signed by the assessor) with the county equalization department and the State Tax Commission (STC), immediately following adjournment of the board of review.

11 Any elected township office vacancies that occur before this date must be filled by an election in 2022.

18 *On or before the third Monday in April.* Allocation board meets and receives budgets. (MCL 211.210)

Last day to register for the May 3 election in any manner other than in person with the local clerk. (MCL 168.497)

19 *through 8 p.m. on May 3.* In-person registration for the May 3 election with clerk with proof of residency. (MCL 168.497)

Candidates for partisan and nonpartisan offices (other than judicial candidates) file nominating petitions (or fees if applicable) and Affidavit of Identity for Aug. 2 election by

4 p.m. Withdrawal deadline elapses at 4 p.m. on April 22.

22 Write-in candidates for the May 3 election file declaration of intent forms by 4 p.m. (MCL 168.737a)

By 23 County clerk delivers remainder of ballots and election supplies for the May 3 election to township clerks. (MCL 168.714)

By 25 Clerk forwards names and addresses of partisan and nonpartisan candidates for Aug. 2 election to county clerk. (MCL 168.349)

By 26 Notice of the May 3 election published. One notice required. (MCL 168.653a)

Challenges to nominating petitions filed by partisan and nonpartisan candidates for the Aug. 2 election submitted to filing official. (MCL 168.552)

Petitions to place county and local questions on the Aug. 2 election ballot filed with county and local clerks by 5 p.m. (MCL 168.646a)

By 28 Public accuracy test for the May 3 election must be conducted. (R 168.778) Notice of test must be published at least 48 hours before test. (MCL 168.798)

29 Electors may obtain an absent voter ballot for the May 3 election via first-class mail until 5 p.m. (MCL 168.759)

Electors may submit a written request to spoil their absent voter ballot and receive a new ballot for the May 3 election by mail until 5 p.m. (MCL 168.765b)

May 1 is a Sunday. Deadline for filing Form 2599 *Claim for Farmland (Qualified Agricultural) Exemption*

from Some School Operating Taxes with local assessor if the property is not classified agricultural or if the assessor asks an owner to file it to determine whether the property includes structures that are not exempt.

May 1 is a Sunday. Last day for deferral period for winter (Dec. 1) property tax levies, if the deferral for qualified taxpayers was authorized by the county board of commissioners. (MCL 211.59(3))

MAY

1 Deadline for filing a *Principal Residence Exemption (PRE) Active Duty Military Affidavit* (Form 4660) to allow military personnel to retain a PRE for up to three years if they rent or lease their principal residence while away on active duty. (MCL 211.7dd)

Deadline for state Department of Treasury to post the millage rate comparison reports on the Personal Property Tax Reimbursement website. (MCL 123.1353(5))

2 *First Monday in May.* Deadline for assessor to file tabulation of taxable valuations for each classification of property with the county equalization director on STC Form 609 (L-4025) *Report of Taxable Valuations Including Additions, Losses and Totals as Approved by the Board of Review* to be used in "Headlee" calculations. (MCL 211.34d(2))

Electors who have returned their absent voter (AV) ballot for the May 3 election may submit a written request in person to spoil their AV ballot and receive new ballot in the clerk's office until 10 a.m. (MCL 168.765b)

Electors may obtain an AV ballot for the May 3 election in person in the clerk's office until 4 p.m. (MCL 168.761)

Electors who have lost their AV ballot or not yet received their ballot in the mail may submit a written request in person to spoil their AV ballot for the May 3 election and receive a new ballot in the clerk's office by 4 p.m. (MCL 168.765b)

3 Emergency absentee voting for the May 3 election until 4 p.m. (MCL 168.759b)

Election Day registrants may obtain an absent voter ballot in person in the clerk's office or vote in person in the proper precinct until 8 p.m. for the May 3 election (MCL 168.761) Election.

By 4 Last date precinct boundary alterations made for 2022 election cycle can go into effect. (MCL 168.661)

5 Boards of county canvassers meet to canvass the May 3 election by 9 a.m. (MCL 168.821)

By 10 Ballot wording of county and local proposals to be presented at the Aug. 2 election certified to county and township clerks until 4 p.m. Township clerks receiving wording forward to county clerk within two days. (MCL 168.646a)

By 13 The state prepares an annual assessment roll for the state-assessed properties. (MCL 207.9(1))

15 Deadline for assessors to report the current-year taxable value of commercial personal property and industrial personal property as of May 10, 2022, to the county equalization director. (MCL 123.1353(3))

20 Deadline for payments to municipalities from the Local Community Stabilization Authority: For underpayment of the current personal property tax reimbursement and remaining

balance of Local Community Stabilization Share revenue. (MCL 123.1357(8)(d))

23 *Fourth Monday in May.* Final state equalization order issued by the STC. (MCL 209.4)

26 *After May 26 but before June 1.* Last day for allocation board hearing (not less than eight days or more than 12 days after issuance of preliminary order). (MCL 211.215)

27 *Friday following the fourth Monday in May.* If as a result of state equalization, the taxable value of property changes, the equalization director shall revise the millage reduction fractions. (MCL 211.34d(2))

By 31 Appeals of property classified as commercial real, industrial real, developmental real, commercial personal, industrial personal or utility personal must be made by filing a written petition with the Michigan Tax Tribunal on or before May 31 of the tax year involved. (MCL 205.735a(6))

JUNE

1 Requests are due from a brownfield redevelopment, tax increment (BRFA), local development financing or downtown development authority for state reimbursements of tax increment revenue decreases as a result of the Michigan Business Tax reduction in personal property taxes. (Form 4650; PA 155-157 of 2008) BRFAs due by June 15.

Deadline for filing Form 2368 *Principal Residence Exemption (PRE)* affidavit for exemption from the 18-mill school operating tax to qualify for a PRE for the summer tax levy. (MCL 211.7cc(2))

Deadline for filing the initial request of a *Conditional Rescission of PRE* (Form 4640) for the summer tax levy. (MCL 211.7cc(5))

Deadline for filing Form 4983 *Foreclosure Entity Conditional Rescission of a PRE* (Form 4983) to qualify for the summer tax levy. (MCL 211.7cc(5))

Assessment roll due to county treasurer if local unit is not collecting summer taxes. (MCL 211.905b(6)(a))

3 Final date townships can establish, move or abolish a polling place for the Aug. 2 election. (MCL 168.662)

6 County equalization director calculates current-year millage reduction fraction, including for intercounty taxing jurisdictions. The completed, verified STC Form 612 (L-4028) *2022 Millage Reduction Fraction Computation* is filed with the county treasurer and STC. (MCL 211.34d(3))

By first Monday in June. Deadline for notifying protesting taxpayers in writing of board of review action. (MCL 211.30(4))

7 2022 taxable value of commercial and industrial personal property shall be the taxable value on May 10, 2022. (MCL 123.1353(3))

By 13 *Not later than the second Monday in June.* Allocation board must issue final order. (MCL 211.216)

15 Deadline for tax increment finance (TIF) authorities to file TIF loss reimbursement claims on Form 5176 *Request for State Reimbursement of Tax Increment Finance Authority Personal Property TIF Loss for NON-Brownfield Authorities*, Form 5176BR *Request for State Reimbursement of Tax Increment Finance Authority Personal Property TIF Loss for Brownfield Authorities*, or Form 5176ICV *Tax Increment Financing Personal Property Loss Reimbursement for Authorities with Increased Captured Value Loss*. (MCL 123.1356a(3))

Deadline for submission of Water Pollution Control, PA 451 of 1994, Part 37, and Air Pollution Control, PA 451 of 1994, Part 59, tax exemption applications to the STC.

Deadline for the assessor's report to the STC on the status of each neighborhood "home-stead" exemption granted under the Neighborhood Enterprise Zone Act. (MCL 207.786(2))

Deadline for foreclosing governmental units to file petition for tax foreclosure with the circuit court clerk for the March 1, 2022, forfeitures. (MCL 211.78h(1))

By 18 Clerks shall electronically transmit or mail (as requested) an absent voter (AV) ballot to each absent uniformed services or overseas voter who applied for an AV ballot 45 days or more before the Aug. 2 election. All requests received since Nov. 2, 2021, from a military or overseas voter must be honored for all 2022 elections. (MCL 168.759a)

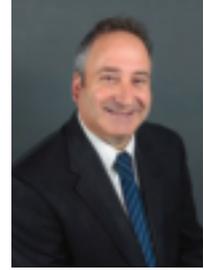
County clerks deliver absent voter ballots for the Aug. 2 election to township clerks. (MCL 168.714)

By 23 Absent voter ballots must be available for issuance to voters for the Aug. 2 election.

23 *through July 12.* Precinct inspectors for the Aug. 2 election appointed by township election commissions. (MCL 168.674)

30 Deadline for classification appeals to the STC. (MCL 211.34c(6)) A classification appeal must be filed with the STC in writing on Form 2167 (L-4100) *Property Owner Petition for Change of Property Classification* by June 30.

Before June 30, supervisor shall prepare and furnish the summer tax roll to the township treasurer with supervisor's collection warrant attached if summer school taxes are to be collected. (MCL 380.1612(1))



Our township board is voting to fill a vacancy in a trustee position and one of the applicants is the clerk's spouse. Can the clerk vote to have their spouse fill the vacant position?

A township board member has a general duty to vote on issues before the board unless abstention is permitted due to a conflict of interest or some other legal restriction. In this case, there is no conflict of interest or other known legal restriction, and the clerk must vote on the question of appointing their spouse to the township board.

There is a common law restriction when voting on judicial and quasi-judicial matters that prohibits voting on matters of direct financial gain, but even that restriction could not apply in this circumstance. Michigan law provides that each spouse is treated independently in their own right to their own earnings. The spouse's earnings as a township board member would not be considered a direct financial gain to the clerk.



Our township has 2,000 residents and sometimes has difficulty finding people to perform services for the township. Can our board award a lawn maintenance contract to our full-time zoning administrator?

The issues presented by this situation are controlled by the Contracts of Public Servants with Public Entities Act (CPSPE; Public Act 317 of 1968, MCL 15.321, *et seq.*).

MCL 15.322 generally prohibits public servants, including employees and elected township officials, from:

- 1) Being a party, directly or indirectly, to a contract with the entity of which he or she is an officer or employee.
- 2) Directly or indirectly soliciting any contract between the public entity of which he or she is an officer or employee and any of the following:
 - a) Himself or herself;
 - b) Any firm, co-partnership or other unincorporated association of which he or she is a member, partner or employee;
 - c) Any private corporation of which he or she is a director, officer or employee;
 - d) Any private corporation of which he or she is a stockholder owning more than one percent of the total outstanding stock if not listed on a stock exchange or, stock with present market value in excess of \$25,000 if the stock is listed on a stock exchange;
 - e) A trust of which he or she is a beneficiary or trustee.

3) In regards to contracts described in subsection (2) above, a public servant cannot do either of the following:

- a) Participate in negotiations, re-negotiations, amendments or approval of the contract.
- b) Represent either party in the transaction.

After setting forth these general prohibitions, the CPSPE (MCL 15.323) states that these prohibitions do not apply to a public servant who is paid for working an average of 25 hours per week, or less, for the public entity. Since the zoning administrator is a full-time employee of the township and is paid for working more than an average of 25 hours per week for the township, this exception to the general prohibitions does not apply.

However, MCL 15.323a allows a township board with a population of less than 25,000 to authorize a township official or employee to perform, with or without compensation, other additional services for the township. Based upon this exception, it is our opinion that the employee zoning administrator could be assigned by the township board the additional job of lawn maintenance for the township with compensation as established by the township board. The lawn maintenance would need to be performed by the zoning administrator as an employee of the township and could not be performed by a separate company that the zoning administrator owns or runs. This exception only extends to individual employees and officers of the township. It should also be noted that the Incompatible Public Offices Act allows for extra duties to be assigned if the township has a population of less than 40,000.



Can our township, which has a population of 30,000, award the trustee a contract to snow plow the township cemetery drives and hall parking lot?

The township board could award the contract to the trustee by following additional procedures set forth in the CPSPE. The general prohibition against a contract between a public servant and a township does not apply to a public servant who is paid for working an average of 25 hours per week, or less, for the public entity. (MCL 15.323) As an elected township board member, a trustee's pay is not attributable to work over an average of 25 hours per week. A trustee's pay does not attribute to any set hours of work. With it being our position that this exception applies to the trustee position, the following procedures from the CPSPE must be followed with regard to approval of such a contract:

- 1) The trustee must disclose any pecuniary interest in the contract to the township. This disclosure must be made a part of the meeting minutes. If the trustee will directly

benefit from the contract in an amount less than \$250 and less than 5% of the public cost of the contract, then the trustee would file a sworn affidavit to that effect with the township board. If, however, this is not the case, then the disclosure must be made in either of the following manners:

- a) The public servant promptly discloses in writing to the presiding officer, or if the presiding officer is the public servant who is a part of the contract, to the clerk, the pecuniary interest in the contract at least seven days prior to the meeting at which a vote will be taken regarding the contract. The disclosure must be made public in the same manner as a public meeting notice.
 - b) The public servant discloses the pecuniary interest at a public meeting of the official body. The vote regarding the contract shall be taken at a meeting of the official body held at least seven days after the meeting at which the disclosure is made. If the amount of the direct benefit to the public servant is more than \$5,000, disclosure must be made as provided in this subparagraph.
- 2) The contract must be approved by not less than two-thirds of the full membership of the township, without the vote of the trustee.
- 3) The township board making the decision must include the following information in the minutes of the meeting at which the decision is made:
- a) The names of each party involved in the contract.
 - b) The terms of the contract, including duration, financial consideration between the parties, and the nature and degree of assignment of the employees of the township to fulfill the contract.
 - c) The nature of any pecuniary interest.

Although not applicable to this circumstance, I would note that a public servant involved in the contract can only participate in the vote on whether to award the contract if:

- 1) The public servant is required to participate in the making of the decision by law;
- 2) Less than two-thirds of the official body making determination is eligible to vote on the contract; or
- 3) The public servant's vote is required to constitute a quorum of the official body making the decision on the contract.



Is a contract entered into in violation of the Contracts of Public Servants with Public Entities Act void?

No. The contract is not void, but is instead voidable. The CPSPE (MCL 15.325) provides that the contract may be voidable only by decree of a court of proper jurisdiction in an action by the township as to any person, firm, corporation or trust that entered into the contract or took any assignment of the contract with actual knowledge of the prohibited activity. Actual knowledge by a corporation must be by the person or body finally approving the contract for the corporation.

There is a statute of limitations that the action be brought within one year after discovery of the circumstances suggesting a violation of the CPSPE. The court decree would also require reimbursement of the reasonable value of all monies, goods, materials, labor or services furnished under the contract to the extent that the township benefitted thereby. The parties could also reach an amicable settlement. (MCL 15.325)



A trustee has an option agreement to lease one of their properties for utility-scale wind turbines. Our current zoning ordinance does not allow for utility-scale wind turbines in the township, but an amendment is being considered by the township board to allow such use. Can the trustee vote on the amendment?

The Contracts of Public Servants with Public Entities Act indicates that it is the sole law in the state concerning conflicts of interest involving public servants and public contracts. (MCL 15.328) This situation, however, does not involve a public contract between the trustee and the township; therefore, the CPSPE restrictions do not apply. Instead, an amendment to a zoning ordinance is a legislative function upon which the board member has a duty to vote unless there is a conflict of interest or other legal restriction. This is a more difficult answer than it might seem. The easy answer would be that the trustee must abstain from voting because of a common law conflict of interest being the existence of a direct financial gain.

It could be argued, however, that this common law conflict of interest is only applicable for judicial and quasi-judicial decisions. Townships get involved in many quasi-judicial decisions when acting on permits and applications. A zoning ordinance amendment is a legislative function and not quasi-judicial. Additionally, MCL 15.328 goes on to provide that "this act does not prohibit a local unit of government from adopting an ordinance or enforcing an existing ordinance relating to conflict of interest in subjects other than public contracts involving public servants." This could be interpreted as requiring a township ordinance to address other conflict of interest matters.

To avoid these problems, it is my recommendation that all townships should adopt a conflict of interest/ethics ordinance. The ordinance can then be binding on the elected officials and clearly prohibit voting in all cases where there is a direct personal benefit. The ethics ordinance could also cover a number of other topics, such as nepotism and the receipt of gifts.

Hello, MTA ... ? provides general information on typical questions asked by township officials. Readers are encouraged to contact an attorney when specific legal guidance is needed. Member township officials and personnel may contact MTA Member Information Services with questions or requests from 8 a.m. to 5 p.m., weekdays, at (517) 321-6467 or fax (517) 321-8908.

Historic supplemental bill includes hold harmless funding for townships, and funding for water, broadband, roads and parks

With broad bipartisan support, the Legislature approved a multi-billion supplemental funding bill. Senate Bill 565, sponsored by Sen. Jon Bumstead (R-Newago), provides \$4.7 billion in funding from federal and state revenue sources. Described as transformational, the funding was the result of a negotiated agreement between the governor, House, Senate and State Budget Office utilizing more than \$4 billion in federal funds, including \$3.1 billion in COVID-related funds. The bill includes significant funding for water infrastructure improvements, broadband, parks and recreation, homeowner and rental assistance, and coronavirus recovery efforts. Funding highlights include:

- \$46 million for hold-harmless funding for constitutional revenue sharing adjustments to prevent retroactive reductions (October 2021 to April 2022) to townships, cities and villages that experienced a decline in population identified by the U.S. 2020 Census
- \$250 million for the Michigan Statewide Broadband Service Grant Program to be used to provide competitive broadband infrastructure grants for the provision of broadband service in unserved areas
- \$162.4 million for the Clean Water State Revolving Fund with \$8.1 million included to address emerging contaminants
- \$307.3 million for the Drinking Water State Revolving Fund, with \$138 million dedicated to lead service line replacement, \$43.3 million for small and disadvantaged communities
- \$20 million for asset management planning grants, with 25% set aside required for communities with populations under 10,000
- \$418 million for the Clean Water State Revolving Fund with 25% of the funding for communities with a population of less than 10,000, and \$20 million set aside to address substantial public health risks
- \$615.5 million for the Drinking Water State Revolving Fund, including funds to hire two new staff with 25% of the funding for communities with a population of less than 10,000, with \$9.5 million dedicated to PFAS and other contamination risk reduction
- \$35 million loan program for low- or no-interest loans to address failing septic systems
- \$65 million for a competitive grant program for local parks and trails infrastructure upgrades
- \$316.7 million for state trunkline road and bridge construction programs (\$237.5 million) and local federal-aid road construction programs (\$79.2 million)
- \$66.2 million for public transportation programs, including \$9.8 million for rural area formula grants

- \$50 million to increase housing supply for households with incomes between 185% and 300% of the federal poverty level to help defray costs to nonprofit developers for investing, constructing or rehabilitating properties
- \$383 million for emergency rental assistance to support low-income renters who have experienced significant financial hardship from the COVID-19 pandemic and are at risk of becoming homeless
- \$5 million for the Michigan Infrastructure Office to help coordinate statewide efforts on the federal Infrastructure Investment and Jobs Act funds
- \$25 million for the Office of Future Mobility to develop mobility grants and pilots, help in the workforce transition, and to develop and commercialize new technologies through mobility innovation hubs

MTA will provide updates on program funding as it becomes available. The funding is effective once the governor signs the bill.

Expanded eligibility for development district liquor licenses

Newly constructed buildings in a development district are now eligible to receive liquor licenses under Public Act 16 of 2022, sponsored by Rep. Kyra Harris Bolden (D-Southfield).

The new law allows the Michigan Liquor Control Commission to issue an on-premises liquor license to a newly constructed business located in a development district or area. Development district liquor licenses are not subject to the population-based quotas that apply to typical liquor licenses, and are designed to encourage retail and dining access in downtown areas, principal shopping districts and other developing areas. The new law took effect Feb. 23, 2022.

Authority for new signs for construction zones

County road commissions, the Michigan Department of Transportation and local road authorities will have authority to allow flashing lights and digital speed limit signs in construction zones under legislation heading to the governor, as of press time. House Bill 5286, sponsored by now-Sen. Mark Huizenga (R-Walker), will permit flashing lights and illuminated digital messages displaying the speed limit to be allowed on speed limit signs in a construction work zone when workers are present. Upon enactment, the bill will be effective.

QVF changes sent to governor

Legislation pending signature by the governor as of press time is the result of a December 2019 auditor general performance audit of the state Bureau of Elections. House Bill 4127, sponsored by Rep. Matt Hall (R-Emmett Twp.), requires the secretary of state (SOS) to send a notice to electors on the Qualified Voter File (QVF) with placeholder

birthdates, and HB 4128, sponsored by Rep. Julie Calley (R-Danby Twp.), implements a similar procedure to remove from the QVF voters who have not voted since 2000.

Under the bills, the voter would need to return a card to their local clerk stating they want to remain registered. HB 4127 also requires the voter to include a copy of some proof of their date of birth. The bills did not receive immediate effect and, if signed by the governor, would not take effect until March 2023—90 days after sine die adjournment of the Legislature in December.

Measure expands use of temporary door-locking devices in schools

Temporary door-locking systems designed to prohibit entrance to a room in an emergency can now be installed in schools for rooms with a capacity of more than 50 people. Public Act 48 of 2022, sponsored by Rep. Scott VanSingel (R-Grant Twp.), also allows these devices to be installed in schools without notifying local enforcement agencies if they are signed and sealed by a licensed architect or licensed professional engineer. Previously, schools were required to notify the local law enforcement agency and fire department of the intended installation or use. The change was effective on March 23, 2022.

Heavy rental equipment can be exempted from PPT, replaced with tax on rental

Assessors will no longer have to track down the location of all heavy rental equipment in their township before the end of the year, under two bills recently signed into law by the governor.

Public Acts 35 and 45 of 2022, sponsored by Reps. Jim Ellison (D-Royal Oak) and Mark Tisdell (R-Rochester Hills), permit an option to exempt certain heavy rental equipment personal property from taxation and replace it with a 2% specific tax on the rental of that equipment. The legislation applies to heavy construction, earth-moving or industrial equipment that is rented and moved from project to project. Revenues collected from the specific tax will be distributed, after an allocation for state expenses, to local tax-collecting units. Ninety percent of revenues from the specific tax will be distributed to local tax-collecting units where the rental facilities are located. Ten percent will be distributed to other local units of government that do not have a facility in their jurisdiction, proportionally allocated based on distributions made under the Local Community Stabilization Authority Act. The changes took effect March 23, 2022.

Law modifies social district authorization

Social district licenses will continue to be authorized under Public Act 27 of 2022.

The new law, sponsored by Rep. T.C. Clements (R-Bedford Twp.), retains the requirement that the local unit approve and designate a social district but removed the Jan. 1, 2025, sunset. A social district contains a common area that may be used by qualified licensees (that obtain a social district permit from the Michigan Liquor Control Commission) to sell and serve alcoholic liquor for consumption within the specified area, if certain

requirements are met. The measure also modifies social districts for special licensees to require the portion of a commons area to be used exclusively for a special licensee's event to be delineated from the rest of the commons area.

Other changes include allowing a person to enter premises in a social district that are licensed as a Class B hotel with alcohol bought from a social district permittee, and altering the hours during which alcohol may be consumed in the social district commons area. The new law became effective on March 10, 2022.

Lake level assessment fee reimbursement prioritized

Special assessments for lake level controls levied under Part 307 of the Natural Resources and Environmental Protection Act (Inland Lake Levels) that have not been paid would receive priority under Public Act 1 of 2022. The measure, sponsored by Rep. Scott VanSingel (R-Grant Township), raises the priority of the lake level special assessments but does not change the amount of payment in lieu of taxes being paid by the state.

The law will not affect costs or revenues for local governments, but provides them with the opportunity to receive special assessment reimbursements from the state under certain conditions and prioritizes disbursements for lake level assessments in the future. The measure took effect Feb. 1, 2022.

State land transaction time frames revised

The Michigan Department of Natural Resources (DNR) will soon have additional time to approve or deny a proposed sale or land exchange of state land.

Public Act 2 of 2022, sponsored by Rep. Gary Howell (R-North Branch), extends the time for the DNR to approve or deny an application for a proposed exchange of surplus state land for land owned by a private individual, as well as the time to approve or deny an application for a proposed negotiated sale of surplus state land from 180 days to 210 days. The measure also requires the DNR to provide public notice at least 30 days before acquiring or making a decision to dispose of, lease or develop land of more than 80 acres in size. The new law will take effect in March 2023—91 days after the Legislature adjourns its current legislative session at the end of 2022.



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Legislative lowdown

A quick look at critical bills MTA is following as they move through the legislative process. For updates, look to our *Township Insights* e-newsletter, emailed weekly to all member officials.

HB 4014: Speed limits—Modifies procedure for establishing speed limits. *MTA supports.*

HB 4084: Unlawful dumping—Revises criminal penalties and civil fines for unlawful dumping of garbage. *MTA supports.*

HB 4115: Liquor license—Allows a local unit to adopt a resolution for on-premises liquor licensees to sell alcoholic liquor between 2 a.m. and 4 a.m. *MTA monitoring.*

HB 4129: Elections—Requires secretary of state to post on Department of State website a list of local clerks who are not current with continuing education training. *MTA monitoring.*

HBs 4132-4133: Elections—Creates felony penalties for knowingly submitting an absent voter (AV) ballot application using another person's name and personal information, and for submitting an AV ballot application with the intent of obtaining multiple AV ballots for a person. *MTA monitoring.*

HB 4134: Elections—Allows increase in allowable precinct size and requires permanent absent voter list. *MTA supports.*

HB 4135: Elections—Requires absent voter counting boards in cities and townships with more than one election precinct. *MTA monitoring.*

HB 4192: Elections/replacement candidates—Modifies the process for appointing a replacement candidate. *MTA opposes.*

HB 4197: Local preemption—Prohibits local laws that prevent local officials from cooperating with federal authorities regarding an individual's immigration status. *MTA opposes.*

HBs 4211-4212: Law enforcement—Increases penalties for disarming a law enforcement officer of a firearm. *MTA monitoring.*

HBs 4454-4461: Solid waste—Revises Part 115 solid waste law to create materials management plans, and places more emphasis on recycling and composting of materials. *MTA supports.*

HB 4491: Elections—Provides authority for county clerks to remove

deceased individuals from the Qualified Voter File. *MTA monitoring.*

HBs 4523-4524: Local rail grant separation program—Creates a local grade separation grant program for the separation of motor vehicle traffic and railroad traffic. *MTA supports.*

HB 4530: Elections—Eliminates May and August election dates, and creates June primary. *MTA monitoring.*

HB 4722 & SB 446: Land use/local zoning preemption—Amends Michigan Zoning Enabling Act to preempt local units of government from zoning short-term rentals. *MTA opposes.*

HBs 4766-4771: Asbestos abatement—Revises laws that govern asbestos abatement in Michigan. *MTA supports.*

HB 4822: Workers' compensation—Provides for workers' compensation for COVID-19 presumption for police, firefighters and emergency medical personnel without positive test result. *MTA opposes.*

HB 4839: Elections—Allows a township clerk to offer an annual absent ballot application that could be used for any or all elections held during a calendar year. *MTA supports.*

HB 4845: Elections—Requires the secretary of state to conduct signature verification training for county, city and township clerks. *MTA supports.*

HB 4885: Removal from office—Modifies the gubernatorial removal process of local government officers from office. *MTA monitoring.*

HB 4908: Gaming—Allows veterans organization to conduct charity game using a video charity game dispenser and allocates net proceeds to include reimbursement to local units for disabled veterans property tax exemption. *MTA supports.*

HB 5054: Appropriations—Provides appropriation to support to local government retirement systems. *MTA supports.*

HB 5258: Elections—Allows clerks to email transmission of proof copies of the ballot to candidates for approval. *MTA supports.*

HB 5287: Elections—Modifies election law to clarify county political party committees' responsibilities now given to city or township party committees. *MTA supports.*

HB 5282: Elections—Prohibits intimidation of an election inspector or prevent-

ing an election inspector from performing his or her duties. *MTA supports.*

HB 5293: Land use/zoning preemption—Preempts local zoning authority for child foster care institutions for a state licensed facility up to 10 children. *MTA opposes.*

HBs 5300-5302: Medical marijuana—Creates special medical grower license for certain caregivers, limits to one location, requires registration and tracking of product, and provides municipal authority for civil enforcement. *MTA supports.*

HB 5329: Property taxes—Provides an opt-out option to designated assessor requirement. *MTA neutral.*

HB 5335: Elections—Requires city and township clerks to provide challengers in each precinct or absent voter counting boards with a visible challenger identification badge. *MTA neutral.*

HBs 5633-5634: Sales and use taxes—Provides sales and use tax exemptions for pet food. *MTA opposes.*

HB 5675: Township authority—Allows the option for township supervisors to perform marriages (*creating parity with mayors*). *MTA supports.*

HB 5697: Tax tribunal—Provides privacy of taxpayer information for Michigan Tax Tribunal proceedings. *MTA opposes.*

HB 5702: Personal property taxes—Eliminates all personal property taxes, without a revenue replacement. *MTA opposes.*

HB 5706: Marijuana—Allows Marijuana Regulatory Agency to contract with Indian tribes regarding the operation of marijuana. *MTA monitoring.*

HBs 5890-5892: Clean Water—Modifies Clean Water State Revolving Fund and Drinking Water State Revolving Fund loan programs. *MTA monitoring.*

SBs 22-23: Elections—Limits millage elections to November elections. *MTA opposes.*

SB 61: Shoreline permits—Provides for expedited permit processing during high water. *MTA supports.*

SBs 273 & 278: Elections—Provides for regulation of absent voter (AV) ballot drop boxes and modifies collection for AV ballots deposited in an AV ballot drop box. *MTA monitoring.*

SB 279: Elections—Modifies and revises the number of election challengers allowed in combined absent voter counting boards. *MTA monitoring.*

SB 292: Elections—Requires the secretary of state to establish election challenger training and requires election challengers to be trained. *MTA supports.*

SB 306: Elections—Requires the secretary of state to prepare, submit and post on website a report of county, city and township clerks who are not current with training or instruction required. *MTA monitoring.*

SB 308: Elections—Requires the secretary of state to provide signature verification training for clerks and election inspectors. *MTA monitoring.*

SBs 319-320: Septic system loan program—Modifies Strategic Water Quality Initiative loan program and fund to create a municipality loan program and a resident loan program. *MTA supports.*

SBs 429-431: Land use/local preemption—Preempts local units of government on zoning and all regulation of sand and gravel mining operations, and places jurisdiction under the state Department of Environment, Great Lakes, and Energy. *MTA opposes.*

SB 441 & HB 5326: Property tax assessments—Clarifies valuation of wind energy systems. *MTA supports.*

SB 442 & HB 4875: Land use—Modifies conditions under which zoning ordinance may prohibit aggregate mining. *MTA supports.*

SB 449: Unfunded mandates—Creates the Headlee Unfunded Mandates Prohibition Act specifying a local unit of government would not be obligated to provide a new activity or service or increased level of activity or service required by state law unless the state appropriates the necessary funds to the local unit of government. *MTA supports.*

SB 563: Beach safety—Requires municipalities to post information on beach safety and anti-drowning techniques from state on website if they maintain a website. *MTA monitoring.*

SBs 729-730: Personal property tax exemption—Exempts from personal property tax new broadband equipment that resolves lack of service. *MTA opposes.*

SBs 783-784: Property taxes—Replaces process for disabled veterans property tax exemption with an income tax credit and requires the state to reimburse local units of government. *MTA supports.*

SBs 805-806: Property tax exemptions—Modifies the filing for eligible manufacturing personal property

tax exemptions and the distribution of the local community stabilization share retroactively for businesses that missed the exemption filing deadline. *MTA opposes.*

SB 820: Local preemption—Prohibits local units of government imposing a ban on the use of natural gas or installation of natural gas infrastructure. *MTA opposes.*

SB 821: Emergency authorities—Allows emergency authorities to purchase real or personal property under an installment purchase agreement and allows emergency authorities to issue bonds or notes. *MTA supports.*

SB 846: Disabled veterans property tax exemption—Modifies affidavit filing requirements for disabled veterans property tax exemption. *MTA monitoring.*

SB 881: Property tax exemption—Provides retroactive application of poverty exemption. *MTA monitoring.*

SB 956: Property tax exemption—Provides tax exemption for personal property comprising certain consumer goods handling systems. *MTA opposes.*

SBs 957-958: Use and sales tax exemptions—Exempts collection of the use tax and sales tax on fully automated consumer goods handling systems. *MTA opposes.*



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Partnership is the new leadership

With political, cultural and societal shifts occurring in our communities, state and country, Ty Bennett feels more strongly than ever that partnership is the new leadership.

Ty Bennett's passion is helping leaders—like Michigan's township officials—cultivate the relevance and influence they need to challenge old ways and open new doors. Township Focus asked MTA's 2022 Conference keynote to share some thoughts on



how local leaders can further connect and develop relationships with the people they serve. Learn more from Bennett at the Conference's General Session, on Wednesday, April 27, and his breakout session, Relevant Leadership, being held later that day, from 10:15 to 11:30 a.m. For more about the Conference, turn to pages 18-24, or visit www.michigantownships.org/conference.asp.

MTA's 2022 Conference keynote has made that message his life's work—and he will share insights and tools with both in-person and virtual attendees on how they can achieve new heights "Leading the Way" in their community.

"Now more than ever we need leaders to step up," said Bennett, who literally wrote the book *Partnership is the New Leadership*, and also hosts a *Relevant Leadership* podcast. "But it's not just taking charge. It's leading with empathy, understanding and listening—in other words, partnership. People have opinions they want heard. They have struggles that are real and we need leaders who can create partnership and cooperation, not division. Now more than ever, partnership is the new

leadership."

After years of research, surveys and conversations, Bennett has been a proponent of connecting with people and developing relationships as a pathway for success. At his keynote address during the Conference's General Session, he will share how cultivating trust, encouraging collaboration and building consensus can help any township board and unite a community.

The insights of thousands of leaders inspired Bennett to author his latest book on leadership. When Bennett asked 5,000 individuals in the business community, "What do you want from your people?", the resounding response was, "We want commitment." That concept also translates to townships, Bennett says.

"When you think about what that looks like in the township world, it's people in your community who are committed to sharing their ideas, getting on board with initiatives, and volunteering some of their time," he said. "What this drives, more than anything else, is your approach as a leader because people are committed to people. The relationships between people engender trust, foster accountability and build a level of commitment. The approach that leaders take directly impacts the response that they get from their people. 'Partnership is the new leadership' is a way to approach leadership in today's world."

Building partnerships to better your community applies not just to your board, but also your township's appointed officials, staff, volunteers, residents and other stakeholders. The way in which you interact with each individual is key to moving your township forward.

"I often tell leaders that we're in the people business. And if we're in the people business, then relationships are the currency of that business, so we need to prioritize relationships," said Bennett, a father of four who has authored three books on leadership, relevance and influential communication.

"Here is one simple idea: focus on being interested, not interesting," he continued. "That may sound like a really

clever play on words, but in practice, it's huge because being interesting is all about you, but being interested is all about other people. It's listening. It's asking questions. It's validating other people's ideas. Developing the ability to connect and engage with people at a different level is so vitally important."

The nature of townships

The very nature of township government—the government closest to the people, and neighbors serving neighbors—imbues partnership in everything that your township can, and will, accomplish.

"That's the beauty of this—a partnership just by its very nature is a win-win relationship," Bennett said. "A partnership elicits a feeling of mutual respect, of service toward each other, of support and collaboration. It's people coming together to make something better of their community."

Bennett plans to bring to Conference attendees both energy and inspiration, sharing stories and insights to help them feel excited about the public service that they are providing and the things that they're doing. Attendees can, in turn, return home and inspire their communities.

Communication is key

Communication—among board members and with the greater township community—is key to leadership, said Bennett, who will also teach a "Relevant Leadership" Conference session following his keynote address. But, it is important for local leaders to recognize that communication doesn't happen when it's said, it happens when it's understood.

"Communication has to connect, and people have to get their head around it, understand where it's coming from to get the full picture," he continued. "One of the concepts in *Partnership is the New Leadership* is 'conversational leadership'—the skill of learning how to talk *with* people and not *at* people. It's making yourself available, approachable and accessible for those conversations to take place."

From there, Bennett noted, there is a balance in how leaders create dialogue versus monologue—how to give people the psychological safety to open up and share their ideas.

"In local government, it's so important to have those ongoing dialogues where people are openly sharing in more productive dialogue and moving in positive directions," he said.

And it starts at the top.

"The example starts at the township board level," Bennett said. "If it doesn't start at the board level, it becomes very hard to do that on a bigger scale. Just like in any organization, it's hard to bring people together on the same page. From a relationship standpoint, I think it's having real conversations, having some of those open dialogues and understanding what priorities are."

One idea that Bennett will bring to the MTA Conference is investing in people. But the term does not mean spending money or initiating an extravagant program. Rather, it

means the things we do that are more personal in nature are ultimately the ones that can be the most impactful. "The more you can connect with your board and build those relationships, and that cohesion, the better you will function as a unit," said Bennett.

To prepare for his MTA keynote address, Bennett reached out to several township officials, to hear their experiences, their frustrations and their hopes for their community and why they sought public office.

Some, he learned, ran for the township board due to a single initiative or on a specific platform. That, he said, does not lead to a collaborative mindset to serve the community in the long term. Changing a mindset or establishing a new culture of partnership will not happen overnight. But it can happen.

"Changing culture can take time," Bennett said. "One of the beauties of this is that sometimes changing culture happens because we bring in new people, new blood, new excitement, new energy and new mindsets. We build engaged collaboration and engaged people who are willing to work together for the greater good. That's the end goal.

"My hope is that when we meet at this year's Conference, I can share some ideas, shift some mindsets and give some specific approaches, so that people can leave with some idea of, 'Okay, here's how we start to move more in this direction and take our township to the next level.'"



63

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2022 Conference at-a-glance

Monday, April 25

9 a.m. to 12:15 p.m.

Creating a Vision for Your Township* 📶
Includes continental breakfast
Course B-103 in MTA's Township
Governance Academy 🏆

9:30 a.m. to 4:30 p.m.

Legal Institute for Township Attorneys*
Includes continental breakfast & lunch

10 a.m. to 3 p.m.

The Board Is In Charge:
Deciding, Directing and Delegating
Day-to-Day Administration* 📶
Includes lunch

11:30 a.m. to 6 p.m.

MTA Registration Center, Ticket
Xchange & MTA-PAC booth open
Ticket Xchange sponsored by
Shifman & Carlson, PC

1 to 4:15 p.m.

Linking with the Community* 📶
Includes lunch, served at 12:15 p.m.
Course B-106 in MTA's Township
Governance Academy 🏆

1 to 5 p.m.

Assessor's Renewal:
Lead Where You Are*
Includes lunch, served at noon
Approved by the State Tax Commission
for four hours of assessor renewal credit

2 to 3:30 p.m.

Inside the State Capitol tour*
(pre-registration required)

5 to 6 p.m.

MTA Volunteer Training Reception
(by invitation only)
Sponsored by Miller Canfield

8 to 11:30 p.m.

"3-D" Welcome Reception
Sponsored by Bendzinski & Company,
Municipal Finance Advisors

*Separate registration fee required.



Tuesday, April 26

7 a.m. to 4 p.m.

MTA Registration Center, Ticket
Xchange & MTA-PAC booth open
Ticket Xchange sponsored by
Shifman & Carlson, PC

8:30 to 9:45 a.m.

Opening Session 📶
Sponsored in part by DTE Energy;
coffee service sponsored in part by
Michigan CLASS; projection screens
sponsored by Hubbell Roth & Clark, Inc.

9:45 a.m. to 2:45 p.m.

MTA Expo and MTA Bookstore open

10:15 to 11:30 a.m.

Concurrent Educational Sessions

- Building a Better Relationship with Your Assessor
- Building, Rebuilding & Maintaining Public Relations
- Dealing With Conflicts of Interest, Ethics & Difficult Board Members
- Insights from Inside the Capitol 🏆
- Putting Economic Development to Work in Your Township
- Small Box Discount Retailers & Big Dollar Zoning Issues
- So, You Want to Be a Charter Township
- The Pursuit of Exceptional Leadership
- What Every Township Should Know About Budgeting 📶
- You Said What? Navigating Employee Speech Rights

11:45 a.m. to 12:15 p.m.

MTA Caucus Elections
(All MTA Districts except 5, 11 and 21)

11:45 a.m. to 12:45 p.m.

TGA Graduate "Class of 2022"
Luncheon (by invitation only) 🏆
Sponsored by ITC Holdings Corp

1 to 2:15 p.m.

Concurrent Educational Sessions

- Act Local, Think Global: How Your Township Can Address Climate Change
- American Rescue Plan Act: Who's Spending Money on What? 📶 🏆
- Assessing Forms & Functions
- Best Practices for Townships for Complying with ADA & Fair Housing Act

- Employment Law Update
- Joint Effort: Township Administration of Marijuana
- The Health of Michigan Democracy: Insights from Township Officials 🏆
- Touch Base with Treasury 🏆
- Understanding & Managing Conflict 📶
- Watch Out! Public Water Class-Action Lawsuits are a Real Threat

2 to 3:30 p.m.

Inside the State Capitol tour*
(pre-registration required)

2:45 to 4 p.m.

Concurrent Educational Sessions

- Anatomy of a Bulletproof Zoning Decision 📶
- Cybersecurity & Your Township
- Faster, Better, Cheaper: Leading Innovative Townships
- Foreclosure Prevention Options
- Funding Township Road Improvements
- Gathering Input: Squeaky Wheel or General Consensus 📶
- Impact of Legalized Marijuana on Your Township & Public Workplace
- Insights from the State Tax Commission 🏆
- Partners for Placemaking

4:30 to 5:15 p.m.

Informational Sessions

- YOLO: Early Career Officials Meet-up
- The Inside Scoop on County Chapters

7 to 10 p.m.

Par-Plan Fun Night: '80s Block Party
at Jackson Field
Sponsored by Michigan Township
Participating Plan



Wednesday, April 27

7 to 11 a.m.

MTA Registration Center, Ticket Xchange & MTA-PAC booth open
Ticket Xchange sponsored by
Shifman & Carlson, PC

8:30 to 9:45 a.m.

General Session 

Keynote speaker sponsored in part by
Consumers Energy; coffee service sponsored
in part by Michigan CLASS; projection screens
sponsored by Hubbell Roth & Clark, Inc.

9:45 a.m. to 1:30 p.m.

MTA Expo and MTA Bookstore open
Caricatures sponsored by Vortex Aquatic
Structures

10:15 to 11:30 a.m.

Concurrent Educational Sessions

- Insights from Inside the Capitol 
- Is a Social District Right for Your Township
- Leverage Antennas in Rights-of-Way to Drive Economic Growth & Become a Connected Community
- Relevant Leadership 
- Staying in Your Lane 
- The Dreaded Open Meetings Act
- The "New Normal": COVID-19's Lasting Impact on Employment
- Updating and Maintaining Your Township's Water and Sewer Infrastructure
- Whose Land Is It Anyway

Noon to 1 p.m.



Township Business Solutions Sessions

- Glad You Asked That!
- Hot Legal Topics Facing Township
- Let's Talk Cyber Risks, Security & Insurance
- Road Ends: Who Has Rights to These?
- Utility Infrastructure In Your Township
- What ... I'm HR?!

1:30 to 2:45 p.m.

Concurrent Educational Sessions

- Community Connection LIVE
- Connecting with the Media
- Elections Update
- Ethics & Leadership
- Increasing Safety Through Situational Awareness 
- Is THIS as Fast as It Gets? 
- Listeners Make Better Leaders

- Personal Property Tax: Exemptions & Collections 
- Planning and Zoning for Renewable Energy 
- Wait, Where Does It Say That? Laws, Rules & Online Resources 
- What Is Hemp & How Does It Impact My Township? 
- What Changes Are Proposed for the MTA Policy Platform 

3:15 to 4:30 p.m.

Concurrent Educational Sessions

- Community Reaction to Land Use Changes
- Overcoming Implicit Bias
- Recruitment & Retention During the "Great Resignation"
- The Impact of Redistricting on Elections 
- Taking Care of Your Township Team
- Tax Collecting Paper Trail
- We're All in This Together 
- What to Do with a Marijuana Initiative Referendum
- What Your Township Needs to Know about Franchises

4:30 to 6 p.m.

MTA Past President and Life Member Meet-up

5:30 to 6:30 p.m.

VIP Reception*

(pre-registration required)

Sponsored in part by Michigan CLASS

6:30 to 9 p.m.

MTA Banquet

Entertainment sponsored in part by
Burnham & Flower Insurance Group;
caricatures sponsored by Vortex Aquatic
Structures; projection screens sponsored by
Hubbell Roth & Clark, Inc.

9 p.m. to Midnight

Afterglow Reception

Sponsored by Burnham & Flower
Insurance Group

Thursday, April 28

7:45 to 8:45 a.m.

Legislative Breakfast*

9 to 11 a.m.

MTA Annual Meeting 

Projection screens sponsored by
Hubbell Roth & Clark, Inc.

*Separate registration fee required.

LEADING THE WAY



There's still time to register!

Township officials are **Leading the Way** in communities across Michigan, building better places to live, work and play, every day. We recognize that it's not easy. Laws and requirements change rapidly, and society has become so divisive, it's easy to lose that spark that inspired you to serve. We're crafting our **2022 Annual Educational Conference & Expo**, coming to the Lansing Center April 25-28, to reinvigorate you and reignite your spark.

Join us in person in Lansing OR online on the computer or mobile device nearest you.

Our **Virtual Conference** allows attendees to take part in all the main-stage events AND a dozen educational sessions (marked with a  at left), by watching live or a recorded version after the event (May through July 2022). You can still get all the inspiration and education—without the travel and at your convenience!

Virtual Conference support courtesy of Shumaker Technology Group

Learn more or register online now at www.michigantownships.org/conference.asp.

Get all the conference details on our MTA 2022 app (sponsored by Waste Management)! Watch for details in the program distributed on site. Event WiFi sponsored by Merit.

2022 Conference Sponsors

2022 Exhibitor List*

Visit these exhibitors at the MTA Expo, April 26 & 27, held in conjunction with the MTA Annual Educational Conference.

Platinum



Gold



Silver



Bronze



- Allied Building Services
- Anderson, Eckstein & Westrick, Inc.
- APM Mosquito Control
- Asphalt Materials, Inc.
- Baker Tilly Municipal Advisors
- Bauckham, Sparks, Thall, Seeber & Kaufman, PC
- BMJ Engineers & Surveyors, Inc.
- BS&A Software, Inc.
- Burnham & Flower Insurance Group
- Carlisle Wortman Associates, Inc.
- Civic Plus
- Clarke Aquatic Services
- Clear Heights Construction
- Cloudpermit Inc.
- Construction Simplified
- County Road Association of Michigan
- Dixon Engineering, Inc.
- DLZ Michigan, Inc.
- Empower Retirement
- Enbridge Energy
- Enterprise Energy and Print Media
- Envision Group, LLC
- Enzo's Cleaning Solutions, LLC
- Equitable
- Fahey Schultz Burzych Rhodes PLC
- Fleis & Vandenbrink Engineering, Inc.
- Foster Swift Collins & Smith, PC
- General Code
- Giffels Webster
- Gourdie-Fraser, Inc.
- Granite
- Great Lakes Recreation
- Highline
- ICC Community Development Solutions
- Inch Memorials
- Isabella Bank
- I.T. RIGHT, Inc.
- ITC Holdings Corp.
- IVSComm, Inc.
- Kent Communications, Inc.
- Lappan Agency
- Lauterbach & Amen, LLP
- McGraw Morris, PC
- McKenna Associates, Inc.
- MCSA Group, Inc.
- Merit Network
- MERS of Michigan
- Michigan Chloride Sales
- Michigan CLASS
- Michigan Department of Agriculture & Rural Development
- Michigan Fair Contracting Center
- Michigan Municipal Risk Management Authority
- Michigan Road Preservation Association
- Michigan Township Participating Plan
- Michigan's Public Safety Communications System
- Miller Canfield
- Miracle of Michigan
- MTA-Political Action Committee
- Munetrix, LLC
- Nelson Granite
- Northland Securities, Inc.
- Partners In Architecture, PLC
- Plante Moran, PLLC
- Point & Pay
- Polly Products
- Printing Systems, Inc.
- Progressive A E
- Provident Insurance
- Republic Services
- SBF Enterprises
- Shumaker Technology Group
- Sinclair Recreation
- Soteria, LLC
- Spalding, DeDecker & Associates
- Spectrum Printers, Inc.
- Spicer Group, Inc.
- Hartleb Agency, An EMC Insurance Company
- Televic Conference
- The Mannik & Smith Group
- TriMedia Environmental & Engineering
- USDA Rural Development
- Wade Trim, Inc.
- Waste Management
- Wightman & Associates, Inc.
- Williams & Works

Allied Service Providers are indicated in blue.

2022-2023 MTA proposed legislative policy platform

As adopted by delegates at MTA's Annual Meeting, April 28, 2022, at the Lansing Center, these proposed policies will become the platform from which legislation is sought in the coming year.

Purpose

The Michigan Townships Association Policy Platform is a member-adopted plan that identifies the Association's primary legislative policy objectives. It provides broad policy guidance to the MTA Board of Directors and staff in responding to legislation in a manner that reflects the values and preferences of the MTA membership. It offers instruction as to the issues that the membership desires the Association to bring to the attention of policymakers and for which the Association is to effectively advocate. The Policy Platform also identifies positions on issues that the Association's membership pledges its active support, including engaging in grassroots advocacy consistent with the Policy Platform objectives.

The legislative process requires compromise and accommodations to alternative perspectives. As such, the Association will pursue legislative outcomes that most closely achieve the spirit and intent of the Policy Platform, but cannot be bound to premise its position on the precise wordage of its Policy Platform.

The Policy Platform delineates issues into six broad issue areas:

- Assessment and Taxation
- Elections
- Environment and Land Use
- Intergovernmental Relations
- Township Operations
- Transportation and Infrastructure

The issues addressed in a particular subject area may have implications for issues addressed in other subject areas and should be interpreted such that the broad policy objectives of all affected areas are accomplished.

MTA Annual Meeting Deliberation and Adoption Process

Member officials are strongly encouraged to review the Policy Platform prior to the MTA Annual Meeting and, if they have questions regarding the purpose or intent of any of the specific policy objectives, to attend the *What Changes are Proposed for the MTA Policy Platform* session on Wednesday, April 27 from 1:30 to 2:45 p.m. in Banquet Room 7 (Level 1).

The MTA president will present the Policy Platform, focusing discussion and deliberation on the policy objectives in each of the six policy areas. Following discussion, debate and potential amendments, a vote will be taken to adopt a resolution of support for the entire Policy Platform. Amendments may include striking (removing) a policy objective. If a policy objective is removed from the Policy Platform at the Annual Meeting, it will be construed by the Board of Directors that it is the membership's intent that MTA refrain from engaging in any advocacy regarding that particular objective.

Amendments. Members who desire to amend a policy will be required to do so in a manner consistent with *Robert's Rules of Order (RONR, current edition)*. Amendments are permitted to any policy submitted at the Annual Meeting provided the purpose of the original policy remains unaltered. (MTA Bylaws, Article IV. C.3)

Amendments can take one of three forms:

- **Add content.** This is accomplished by the following: *"I move to amend the proposed policy by adding the words ' _____ ' to the policy objective beginning with the words ' _____ ' in the section under current consideration."* The president will ask for a second, which is required for the amendment to be discussed, and will restate the policy objective with the new wording. After restating the amendment, the president will ask for debate on the amendment. One secondary amendment, on the new language under consideration only, is in order. Once debate has finished, the president will ask for a vote. If a majority of the membership votes in favor of the amendment, the wording of the original policy objective is changed accordingly.
- **Substitute content.** This is accomplished by the following: *"I move to amend the proposed policy by substituting the words ' _____ ' for the words ' _____ ' to the policy objective beginning with the words ' _____ ' in the section under current consideration."* The same procedures that apply to adding content apply to substituting content.
- **Strike content, including eliminating an entire policy objective.** This is accomplished by the following: *"I move to amend the proposed policy by striking the words ' _____ ' to the policy objective beginning with the words ' _____ ' in the section under current consideration."* If the intent is to strike the policy objective entirely, the proper amendment would be, *"I move to amend the proposed policy by striking the policy objective beginning with the words ' _____ ' in the section under current consideration."* The same procedures that apply to adding and substituting content apply to striking content. If an entire policy objective is struck (removed), the Association will not advocate for that objective.

Added and substitute content must be in compliance with the MTA Bylaws, Article IV. C.1 and 2, such that it is germane to the purpose of the original policy and does not constitute a new purpose to the policy.

proposed legislative policy platform

Robert's Rules of Order Regarding 'Tabling' a Motion

(properly referred to as 'Lay on the Table')

The motion to "lay on the table" enables the Annual Meeting to lay the pending question aside temporarily, when something else of immediate urgency has arisen. It is in order if the intention is to resume deliberations after the urgent issue has been resolved, but "... is out of order if the evident intent is to kill or avoid dealing with a measure." (*Ibid.*) It can be applied to a main motion, such as the adoption of the entire Policy Platform, but cannot be applied to a specific policy objective of the Policy Platform. (*Ibid.*) A motion to table must be seconded and is not debatable. If adopted, a motion to take from the table would be in order at any time. (*Ibid.*)

Policies from the Floor. Pursuant to the MTA Bylaws, Article IV. C.2.a-c, policies from the floor shall be submitted to the MTA Headquarters Room not later than 12:00 noon the day prior to the Annual Meeting. The Legislative Policy Platform Committee shall review the wording and legality of such policies. No policy shall be accepted from the floor unless a petition signed by at least one hundred (100) registered delegates to the Conference accompanies the policy. The policy sponsor shall furnish sufficient copies of the policy to be distributed to all delegates at the beginning of the Annual Meeting.

Special Rules. The Board of Directors submits to the Annual Meeting the following special rules, pursuant to *Robert's Rules of Order (RONR, current edition)*

- There is a time limit of three minutes per delegate on debatable issues the first time that a delegate addresses the Annual Meeting membership on an issue, and one-and-a-half minutes the second time that a delegate addresses the Annual Meeting on the same issue.
- The chair shall have discretion in further limiting the time of debate considering the overall limitation of time.

Vision Statement

The Michigan Townships Association envisions a 21st Century Michigan where:

- Townships have statutory authority and state financial support sufficient to provide high-quality services and infrastructure consistent with community needs and expectations, and to enable full compliance with ever-expanding state-imposed mandates without cutting local spending priorities
- Elections are accurate, secure, fair and a high percentage of registered voters participate
- Townships are valued and respected for solving local and regional challenges through visionary, ethical leadership and collaboration

- Natural resources are utilized in a manner consistent with township regulations that protect public health and safety and property values
- There is clarity of roles and responsibilities among township officials essential for efficient and effective services to the public
- Townships retain authority to protect and regulate the public rights-of-way and other land uses in the interest of the public
- State laws recognize that township officials are elected by and accountable to their residents for the township's governance, financial position, programs and services consistent with community values

Assessment and Taxation

The Michigan Townships Association supports property tax fairness, equity, and efficient assessment and collection by public servants who are accountable to township officials to ensure public trust and locally accessible information and assistance. Valuation should be based on sound assessing principles. Local governments should be reimbursed by the state for property tax revenues lost due to statutory exemptions. State government should provide local governments with education and technical support to develop and defend their assessment rolls.

As lawmakers and regulators enact changes to current tax laws and local government requirements, the Michigan Townships Association supports the following objectives:

- Require the valuation of big box stores to be determined using the same assessing methodology as other commercial properties and prohibit the consideration of private deed restrictions or covenants imposed to reduce the value of the property or exclude competitors of the grantor from the market
- Oppose expansion of property tax exemptions without replacement of local revenue, and support the state assuming administration and funding of disabled veterans property tax exemption
- Clarify property tax exemption eligibility for nonprofit charitable institutions
- Raise the current charter township 10 mill tax limitation to allow charter townships, with voter approval, to address legacy costs, meet demands for expanding services and offset millage rollback requirements
- Recodify Michigan township statutes to include clarification that assessors are accountable to the township board when the supervisor is not certified to perform assessing functions
- Increase the specific tax on mobile homes located in licensed parks and levy on park owner rather than individual occupied dwelling owners

- Exempt minimal personal property tax obligations resulting from minor property improvements on mobile home lots such as small decks, stairs and porches
- Allow option for a local excise tax for the purpose of providing public recreational facilities and/or public safety expenses related to increased tourism

Elections

The Michigan Townships Association supports fair, transparent, efficient and secure elections administered by township officials that encourage high voter participation and procedures appropriate to varying community resources and population densities.

As lawmakers and regulators enact changes to current election laws, the Michigan Townships Association supports the following objectives:

- Preserve authority of townships to convey information on ballot proposals to their residents
- Preserve the authority of townships to place millage and bond proposals before voters at any election
- Permit the option for nonpartisan township offices to be approved by the township board and the electors
- Permit the pre-processing of absentee ballots
- Allow option to increase the active number of registered voters per precinct
- Require election challenger training

Environment and Land Use

The Michigan Townships Association supports state laws that enable townships to efficiently and effectively plan for land uses and adopt zoning ordinances to protect the public health, safety and general welfare. State and federal regulations should not impede local government growth and development policies and objectives. Further, local authority over land use decisions must be protected: preemption of that authority to resolve proven issues of exceptional statewide impact must only be used when all other possibilities are exhausted and must maintain the ability for townships to have continued input to serve and protect their community residents.

As lawmakers and regulatory agencies enact changes to laws addressing township land use and environment, the Michigan Townships Association supports the following objectives:

- Ensure any statewide septic system maintenance standards adopted reduce septic system failures that create serious public health threats and expose townships to liability for expensive public sewer systems
- Preserve landfill capacities by directing appropriate materials to waste utilization facilities and support an increase in the state tipping fee to a rate competitive with nearby states while preserving a local tipping fee option
- Preserve local authority on zoning issues that are local in nature

- Increase state funding for environmental programs to address issues such as brownfield redevelopment, contamination and invasive species
- Ensure that the definition of Waters of the United States, subject to permitting processes of the United States Environmental Protection Agency and the Army Corps of Engineers, is not extended to non-navigable waters such as roadside ditches, field drainage systems, and culvert installation and maintenance

Intergovernmental Relations

The Michigan Townships Association supports township officials having the discretion to resolve policy issues that are manifestly local in nature. MTA also supports state laws that encourage intergovernmental collaboration to restore economic prosperity, efficiently and effectively deliver programs and services, and solve other challenges. State laws should allow creativity, flexibility and incentivize fair and equitable cost-sharing benefits and governance in interlocal agreements. State laws authorizing economic development tools and other powers should be based on community characteristics relative to policy objectives, rather than city or township legal status. State taxation and spending policies should mitigate adverse revenue impacts on townships.

As lawmakers and regulatory agencies consider altering the fiscal relationship of the state to local governments as well as powers and authorities of local governments, the Michigan Townships Association supports the following objectives:

- Ensure state laws allow township officials to solve local issues in a manner consistent with local values, priorities and needs rather than impose a one-size-fits-all approach
- Guarantee full funding to townships for payments-in-lieu-of-taxes for state purchased lands, commercial forest lands and swamp tax/tax-reverted properties
- Expand the number of townships eligible for statutory revenue sharing and grants
- Ensure a local government consolidation process continues to require voter approval

Township Operations

The Michigan Townships Association supports state and federal governments granting to Michigan townships broad discretion and autonomy to govern the funding and delivery of programs and services. MTA also supports state reimbursement to townships for increased costs resulting from new mandated services and state regulations.

The Michigan Townships Association supports the following objectives:

- Clarify and strengthen the governance role of township boards to establish policy direction and manage operations for their community
- Enact appropriate, cost-effective training requirements for township planning commissioners and zoning board of appeal members to reduce costly lawsuits and

proposed legislative **policy platform**

improve township decision-making by key appointed boards

- Grant township supervisors the authority to perform marriages
- Permit members of a public body to participate in a public meeting remotely

Transportation and Infrastructure

The Michigan Townships Association concludes that Michigan's transportation system will continue to require more funding than is currently anticipated in law to ensure that county primary and local roads are safe and convenient for travel. As townships are major financial contributors to road maintenance and construction costs, the Michigan Townships Association supports the inclusion of township officials in transportation policy discussions at all government levels. Michigan has also under-invested in other infrastructure necessary to remain economically competitive and protect the health, safety and general welfare of residents. The Michigan Townships Association supports the State of Michigan working with township officials in planning, funding and delivering infrastructure needed by every community to be economically viable and free of environmental threats and risks.

As lawmakers and regulators address pressures to better address Michigan's infrastructure, the Michigan Townships Association supports the following objectives:

- Increase funding above current statutory levels for primary and local roads and increase state funding for water, sewer and communications infrastructure
- Allow for a county road agency in conjunction with a requesting township to lower the speed to a level deemed necessary for motorist or pedestrian safety on a gravel or unimproved surface road
- Allow townships to create special assessment districts for high-speed internet
- Allow townships to create special assessment districts for the replacement of privately owned sewer leads
- Encourage county road agencies to provide matching funds for township road construction and maintenance projects to be spent at the township's discretion
- Expand engineering and safety data to include pedestrian-vehicle impact data and multiple modes of transportation to properly manage speed limits

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What types of expenditures are authorized for townships?

Determining whether a township expenditure is lawful can be tricky. A township must always first look to ensure that there is a state statute authorizing an expenditure activity to support its decision in an allocation of funds. If you cannot find a statute or an umbrella statute to support a particular activity, this is a sign the expenditure is probably not allowed.

When deciding whether or not a township can spend money on any particular item or cause, there are two additional general rules in mind: 1) Is it for a valid public purpose?, and 2) Is the operation being controlled and managed by the township? A valid public purpose excludes expenditures that would be used for a private purpose that generally only benefits an individual or small private group of people. A public purpose supports the right of the public to receive and enjoy the benefit of the use of an expenditure, which determines whether the use is public or private. In the case *Wayne County v. Hathcock*, the state Supreme Court defined public purpose as “for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within the municipal corporation, the sovereign powers of which are used to promote such public purpose.”



Can our township donate to a charity or nonprofit?

Townships cannot donate public dollars to a charity or nonprofit. There are hundreds of good charitable organizations and although they may benefit some of the public, it does not mean they are entitled to municipal funds. In some situations, however, townships may *contract* with a nonprofit organization to provide a service that a township can lawfully provide, such as youth services.



Can the township buy food for firefighters or election workers?

Generally, a township cannot buy or provide food for firefighters or election workers because such expenditures do not meet the definition of public purpose. However, there is an exception that can be made. When these workers are working an extended amount of time beyond their normal hours, food can be provided if the hours provide a benefit to the public. For example, firefighters’ hours are extended when they are out on fire runs because some fires take longer to put out than others. In this instance, the extended hours are to the public’s benefit.

If an election is short-staffed or particularly busy, for proper election administration, it may be necessary for election workers to stay on site throughout Election Day. In such cases, food provided to election workers would be considered an authorized expenditure.



How about food for office staff?

A township cannot buy food or coffee for office staff if it is during normal working hours. This would be considered a private purpose since it would not be providing a benefit to the public. However, this can be allowed if it is provided through a fringe benefit that has been adopted through a collective bargaining agreement between the township and the employees’ union.



Can the township pay for an employee retirement plaque?

No, townships cannot pay for retirement gifts. Such expenditures are not granted through any state laws or the state constitution. A retirement gift is not for a public purpose, nor does it provide any benefit to the public. It is a private gift for an individual with a private purpose.



Can our township pay for membership dues for an employee?

Yes. Numerous Supreme Court cases, including *Hayes v. City of Kalamazoo*, have upheld the ability of a municipality to pay for membership dues to associations, such as MTA, as well as registration fees for training, travel, meals and lodging.

Information provided in *Financial Forum* should not be considered legal advice, and readers are encouraged to contact their township auditor and/or attorney for advice specific to their situation.



Renewable energy on the horizon

Regardless of where your township is in Michigan, you've likely heard increased chatter about renewable energy—whether it's a large wind or solar farm proposal, a local business looking to put solar panels on their rooftop, or a resident hoping to put a ground-mounted solar array on their property.

While a statewide policy in 2008 spurred the initial move toward renewables, much of the interest since then has been driven by the declining costs of wind and solar energy. According to the National Renewable Energy Laboratory, in the past 10 years, the cost of solar projects have declined by more than 60%, while improvements in wind turbines have made wind development economically viable in more areas of the state. This has led the electric utilities, along with many homeowners and businesses, to look for opportunities to add wind and solar energy to the grid. In its latest plan, Consumers Energy expects to triple the amount of power it gets from renewables by 2025, and expects that 49% of its electricity will come from renewables by 2035. DTE Energy similarly plans to bring more wind and solar online, anticipating having more than 11 million solar panels in operation by 2040.

At the same time, this shift has not come without controversy—sometimes a great deal in certain communities. Whether it's front-yard solar arrays in a suburban township or large wind and solar farms in rural places, renewable energy proposals can often spark a great deal of debate, and even divide, about whether the technology “fits” with the township's overall goals. These debates can become particularly heated when a township has limited time to make a decision for landowners who want to install wind or solar on their property.

If your township hasn't discussed renewable energy, now is the time, particularly if your township administers its own zoning. Even if your township is unzoned or zoned by the county or a joint authority, understanding some of the basics on renewable energy will help prevent you, as a local official, from being caught unaware and help you to better discuss and address the issue if—and when—it comes to your community.



Renewable energy basics

Wind energy and solar energy can be connected to the electrical grid in two different ways: as a “utility-scale” power plant with the power going directly to the grid, or to offset a home or business’s own energy use.

Typically for wind energy, the technology that is used is different for each application. Utility-scale wind turbines are much taller, with the majority in the state being just under 500 feet tall. However, turbines have been increasing in height over time, so this varies significantly based on when the project was built. For example, the two turbines just south of the Mackinaw Bridge were built in 2001 and are roughly 325 feet tall, while many of the turbines in the Isabella Wind project, Michigan’s largest wind farm located in Isabella County, are 582 feet tall. These newer, larger turbines are often grouped together in such “wind farms” in part because they require special equipment to erect the towers. By comparison, wind turbines designed to offset the energy used by individual homes or businesses are typically less than 150 feet tall and rarely require such special equipment.

Solar can also be deployed at multiple scales, to operate as a “utility-scale” power plant or to offset the landowners’ own energy use, but the technology itself looks very similar to the average resident. The most visible feature is a photovoltaic (PV) solar panel, which converts the sun’s rays to electricity. Solar panels can be fixed—facing the same direction all

day—or may use a “tracking” system—adjusting to follow the sun throughout the day. Many panels connected together make a “solar array,” which can be mounted to a roof or attached to support posts to be “ground-mounted.” The support posts for utility-scale solar energy systems are typically driven into the ground like fence posts. For specialty applications, like on brownfield sites or capped landfills, solar panels can also be mounted on ballasted supports and sit on top of the ground.

Why my township?

What makes a site good for renewable energy? While it’s largely economic considerations that have driven renewable energy projects at all scales, the specific considerations tend to be a bit different between utility-scale and home/business scale renewable energy projects.

At the home or business scale, a key consideration for customers is often payback period—how quickly they’ll recoup the cost of the solar panels or wind turbine. As the up-front cost of renewable energy has been declining, so, too, has the length of the payback period. The actual length of the payback period, though, varies across the state based on a number of factors including:

- the wind/solar resource in the area and on the specific site
- the electricity rate in the area (renewable energy pays for itself more quickly where utility rates are higher)

- the utility's rules for selling extra power to the grid (sometimes, it makes more sense to also invest in a battery to store the power rather than sell it back to the utility)

The combination of these factors leads to some interesting outcomes. For example, parts of the Upper Peninsula have some of the highest uptake in customer-owned solar in the state. Even factoring in that the solar panels may have more snow cover (though there are ways to reduce that), the U.P.'s good solar resource, relatively high electricity rates and utility policies that have enabled customer connections have led to quicker payback periods. Renewable energy installers and online calculators such as PV Watts from the National Renewable Energy Laboratory can help customers determine how big of a renewable energy system is needed and the timeframe of the payback period. Ultimately, zoning determines whether and where a property owner is allowed to install rooftop solar, ground-mounted solar arrays or a wind turbine.

At the utility scale, a number of factors also come into play that make a township more or less viable for a large

wind or solar project. While wind and solar resources are important, equally important is access to transmission lines and electric substations; connecting to existing infrastructure can significantly reduce the costs of a wind or solar project. While some wind projects have been developed in forested areas and solar is possible on virtually any properties not shaded from the sun, both wind and solar developers tend to prefer farmland since it is generally flat and has been cleared of trees. Furthermore, there are economies of scale associated with both wind and solar development, and so developers of large renewable energy projects are often looking for large parcels or areas where they can string many parcels together. The average solar farm under development in the state is roughly 1,000 acres in size, and wind farms often span tens of thousands of acres (though each turbine only uses an acre or two of land, turbines need space between them to operate). This is among the reasons that rural townships are seen by developers as prime sites for renewable energy projects.

But, it's important to note that zoning is one of the primary factors impacting a developer's ability to site a project. Zoning ordinances that limit wind or solar to

An impact that 'we are still healing from'

Pre-planning and adopting a renewable energy ordinance can certainly help a township plan and prepare for renewable energy inquiries. But that doesn't mean that additional review and changes won't be needed as technology changes—or that the issue won't still come with some controversy. This is something **Casnovia Township** (Muskegon Co.) learned all too well.

When a wind energy developer expressed interest in investigating local wind resource potential in the township 14 years ago, township officials were open to the idea. Renewable energy wasn't in the township's master plan, so they got to work on a wind ordinance.

After doing their research, the township held public hearings as they drafted the ordinance—but received little input from residents. Though the wind ordinance was adopted in six months, and the wind energy developer built a test tower in the township, the company never filed a project application.

Almost a decade later, with technology changes that made it viable to produce power even at lower wind speeds, a new wind developer took interest in building a wind farm in the township. A wind farm application was formally submitted

to the township in June 2018, proposing a 100-megawatt wind farm with 31 turbines throughout the township and one turbine in neighboring **Tyrone Township** (Kent Co.).

Unlike in 2005, residents turned out in droves to public hearings about the proposed wind farm. While some speakers were supportive of the project, many were opposed and expressed concerns about feelings of inadequate information sharing about the project, that setback distances in the zoning ordinance were too small, and the noise disturbance caused by the turbines. The community insisted that it was not opposed to wind energy, but rather argued that there should be more controls in place to reduce negative impacts on the many township residents who did not hold leases.

After months of discussion, the township board reviewed the proposal and decided in April 2019 to approve the project with a series of extra conditions that attempted to address the public's concerns. The wind developer filed lawsuits, and eventually cancelled the project. The township then reviewed and revised its ordinance, including more stringent and specific measures that aim to minimize impacts on those who do not sign up for a wind farm.

Supervisor **Kelli Ashbaugh** used expertise from the University of Michigan Graham Sustainability Institute, and also reached out to townships with wind turbines to ask for insights on what to include in an ordinance—including what they would recommend in hindsight. Among the lessons she learned were that, in Michigan, ice throw from the turbines is a concern and the importance of setbacks and how population density should correspond with the number of turbines in a township. Since the ordinance was amended in October 2019, there have been no new wind farm applications.

The turmoil the township experienced in recent years ago has left a lingering effect. "It has impacted our township personally and caused strife we are still healing from," Ashbaugh said. "Our township has struggled to make sure that landowners can use their land, but should not negatively affect non-participants."

Solar energy has been easier to handle, "because it is less controversial," she added. "It is less invasive, but takes so much land. We have solar leasing happening in our township, and adopted a solar ordinance."

Portions of this article were excerpted with permission from "Revising Regulations for Wind Energy: Casnovia Township, Michigan," written by Jessica Crawford, for the University of Michigan Graham Sustainability Institute's 2020 "Clean Energy in Michigan" series.

only a small area of the community or in isolated pockets within individual properties may make a project financially infeasible. On the other hand, zoning ordinances that provide many opportunities for renewable energy development might attract developers to a community with otherwise mediocre wind or solar resources. The zoning ordinance effectively attracts or repels potential developers to a community.

Being in the driver's seat—planning for renewable energy

The importance of zoning for both small renewable energy systems and for large wind and solar projects demonstrates why townships should start thinking about renewable energy now. Thinking proactively about renewable energy, how it complements or conflicts with your township's land use goals, and then making that clear in your zoning ordinance, puts your township in the driver's seat. When communities plan and zone for renewable energy facilities prior to a project proposal, they have the benefit of more time to thoughtfully consider whether, how and where it fits within their community. Without that additional time and consideration, a community—and its residents—may be scrambling to react to a proposal.

Proactive planning can also either send a message to developers that your community would welcome a renewable energy development or not. And even for smaller-scale wind and solar installations, making your ordinance detailed on where this infrastructure is allowed sets clearer expectations for property owners. They can know for certain, for instance, whether their sunny front yard is even a possibility for ground-mounted solar.

If your township is due for a revision of its master plan, that's an ideal time to explicitly consider whether, how or where renewable energy fits. Even if you don't have the ability to engage in a full-scale master planning effort, you can still think about how wind and solar at the different scales compliment or conflict with stated goals in your plan.

For small-scale systems, for example, you might consider whether the economic, energy security or environmental benefits resonate with the other goals of your community. Communities providing opportunities in their zoning ordinances for clean energy will help enable the United States to guarantee electricity generation without concern over price fluctuations and global conflicts that could jeopardize electricity flow. Further, increasing use of renewable energy will help limit the pollution associated with burning fossil fuels and the negative impact pollution has on wildlife and human health. This need not suggest carte blanche support for renewable energy at all scales, but would help set the stage for considering opportunities for small-scale systems.

As it relates to larger utility-scale renewable energy systems, townships often want to consider the positive and negative impacts of this type of development that would be specific to the local level. These are largely linked to if and how large renewable energy projects fit with the township's long-term economic development and land use plans. Following are just some of the considerations.

'Be proactive and have a good ordinance in place'

When **David Kronk** was elected **Grand Island Township** (Alger Co.) clerk in 2020, he brought with him to office a passion for renewable energy.

"My wife and I have always been interested in renewable energy as a way to reduce our carbon footprint and climate change impact," Kronk said, noting that they installed a solar array on their home eight years ago. "I'd like the township residents to learn more about renewable energy so our entire township can help out with the climate change crisis."

As the small Upper Peninsula township of just 35 residents looks to the future, renewable energy is part of the mix—with interest from both residents and the township's elected officials.

"Several residents are interested in solar and there is land that could accommodate large scale wind or solar in the township," said Kronk, adding that the township is garnering resident input, and also learning more about the issue and reviewing how other townships have integrated renewable energy into their ordinances.

Kronk knows that learning about the issue and educating the community about wind and solar energy is critical to gain local public support for these alternatives.

"But, just as important, is for townships to be proactive and have good zoning ordinances in place prior to homeowners or companies knocking on your door for permission to install these systems," he said.

Kronk also recommends reaching out to experts, such as MTA and the Great Lakes Renewable Energy Association for education and guidance, which "can help you learn about renewable energy and potential sources of good zoning ordinance language. That's what they did for our township, and now our township planning commission is rewriting our master plan and zoning ordinance to hopefully enable our citizens to invest in renewable energy and help create a safer world for all of us and our children!"



'Today's limitations can transform into tomorrow's opportunities'

While renewable energy is typically thought of in rural areas, it can also impact suburban and urban townships.

Since 2015, **Kalamazoo Charter Townships** (Kalamazoo Co.) has maintained a record of permitted renewable energy systems in its borders—all of them solar. “Nearly all of the 35 installations are residential solar systems, along with a few commercial properties, including a greenhouse, and a 384-panel system at the county sheriff department,” representing an estimated capacity of 181 kilowatts of electricity, said Trustee **Steven Leuty**.

Keeping a record of renewable energy systems proved advantageous from the start. “Early on, the record helped demonstrate the need and garner support for updating the zoning ordinance to address the growing trend,” Leuty said. “Plus, the record continues to document aspects of the township's climate-change efforts, particularly the growing potential capacity of renewable energy generation in the community.”

Local interest in solar energy systems has been on the rise, with 57% of the township's 35 systems permitted in the past 26 months. The township zoning ordinance has long included both wind and solar energy systems, though when the township updated the ordinance in 2021, changes were made to clearly permit systems for non-residential properties and improve details for utility-scale systems.

“Being a largely urban township, wind is considered less consistent,” Leuty said. “So, the township's zoning ordinance planned for wind, but recognizes limited opportunities. In contrast, currently unutilized brownfield properties offer potential opportunities for large-scale solar installations.”

As part of the planning commission's discussions to update the zoning ordinance, the township's building official and fire inspector shared insights about the Michigan Building Codes setback requirements for roof-mounted solar systems, which affect the location of solar panels mounted on roofs. “We unexpectedly learned the value of this information to promote both fire safety and renewable energy objectives,” Leuty said.

Additional challenges the public, planning commission and township staff had to consider included limiting visibility from public roads, which was remedied by requiring a special exception use for ground-mounted solar systems in a front yard; and defining ground-mounted solar structures as accessory structures and counting them for lot coverage, but exempting them from the maximum limit of two accessory structures.

Solar installations have not generated notable concerns in the township, largely due to strong community support for transitioning to cleaner energy sources, according to Leuty. For townships adopting or updating renewable energy ordinances, Leuty offered the following advice: “Seek input from a variety of resources, from the public to staff to renewable energy experts, and be flexible and open-minded to consider new information as this rapidly evolving topic offers new insights. Today's limitations may quietly transform into tomorrow's opportunities.”

Economic impacts of large renewables projects

Positive economic impacts are one of the primary benefits of choosing to host a utility-scale wind or solar development. Some of these benefits are felt at the individual level. For example, wind developers rarely buy land outright but instead enter into leases or other long-term contracts with property owners in the project area, many of whom may not actually have a wind turbine sited on their property. For solar development, the developer either leases or buys the land on which the solar panels will sit. While the yearly value of these leases varies across the state, it can be on the order of a few thousand dollars per year for wind, and commonly near \$1,000 per acre for solar. The financial security from this additional revenue helps these landowners solidify succession plans, as they now have a guaranteed revenue stream that helps to weather times of low crop prices or drought/flooding.

But even these individual payments can have a community-wide impact. University of Michigan research finds landowners in existing Michigan wind farms often use their wind lease revenues to reinvest in their property: buying new equipment, building new outbuildings, adding additional field tile or irrigation systems, or making home improvements. These can all help spur economic development at the local level.

Wind turbines, solar panels and most of the other equipment involved in utility-scale wind and solar projects are taxed as personal property, which can translate into significant tax revenues for local governments. While the exact amount will vary depending on the size of the investment and the local millage rate, this high-value land use is one that places little to no additional burdens on local services. Utility companies have, however, appealed to the Michigan Tax Tribunal over depreciation schedules for such equipment. The State Tax Commission has released valuation multipliers for solar energy systems, which are updated annually. Legislative efforts are expected sometime this year that would replace the personal property tax on solar equipment with an optional payment in lieu of taxes.

While there is much discussion about clean energy jobs and the economic benefits they can bring to states, many of those jobs are in the manufacturing and construction sectors. These jobs are not necessarily located in communities hosting big wind and solar projects or tend to be more temporary. Even so, each large wind or solar project is likely to lead to a handful of longer-term operations and maintenance jobs.

Visual impacts and 'rural character'

The primary and undeniable concern about utility-scale renewable energy projects is that they change the landscape. This is most evident for wind turbines. At 500-600 feet tall, modern wind turbines are impossible to conceal except in the most forested of landscapes, and the red lights atop of the towers—which the Federal Aviation Administration (FAA) requires—are visible from even greater distances at night. (The FAA has approved a technology that would activate the

lights only when an aircraft is within the vicinity of the wind farm, but that technology is not common yet in Michigan.)

This is particularly relevant in communities where aesthetic considerations are a high priority—for example, areas where the economy is based on tourism, or where a high number of people live in the area for its rural character. Michigan State University research that spans across the Midwest finds that property owners who see the landscape more for its productive value (for example, as a good place to farm) tend to be more supportive of wind turbines than those who place a higher aesthetic value on the landscape. While the most rigorous property value studies in the U.S. have found little to no impact on property values as a result of wind development, the reality is that most wind farms in the U.S. are in the “wind-belt” from Iowa down through west Texas, where productive landscapes dominate.

Generally, the visual impact of solar farms is far less than wind farms, and is largely limited to those that drive by. Even so, when solar is proposed on farmland, this divide between those who have a productive versus aesthetic view of the landscape often arises. For a person who built a house in a township to enjoy a bucolic rural setting, having solar panels across the road—or even surrounding their home—is a significant change to that vision.

Local environmental considerations

The most immediate and obvious impact to wildlife from both utility-scale wind and solar projects is the displacement of habitats during construction. While many wildlife will return following construction, that may not be the case if the project impacted niche habitat. For this reason, renewable developers have to comply with various state and federal environmental standards, including the Endangered Species Act and wetlands regulations overseen by the Michigan Department of Environment, Great Lakes, and Energy. For wind farms, this means determining any short- or long-term adverse impacts on bats and birds, including bald eagles. Additionally, research and recommendations on best practices to avoid conflict with wildlife is available from the Renewable Energy Wildlife Institute, among other sources.

In addition to providing a carbon-free energy source, there may be some opportunity for renewable energy projects to offer other, more localized environmental benefits. While farming generally continues on the lands adjacent to wind farms, solar projects may displace crops and in doing so, provide environmental benefits akin to those offered by the conservation research program depending upon what is planted under and between the solar panels. Planting ground cover aimed at retaining the soil and minimizing or eliminating fertilizer use may lead to downstream water quality benefits. Furthermore, planting native plants or pollinator habitat under solar panels can be used to increase biodiversity, which may provide additional ecological benefits on neighboring lands.

Renewable energy and farmland preservation

Many rural communities in Michigan have land use goals associated with farmland preservation, and so it is appropriate to consider how a large wind or solar project might link to that goal. The reality, though, is that “farmland preservation” often means different things to different people, even to

neighbors in the same township, and so determining fit of renewables along this metric can be contentious.

To some, farmland preservation means preventing suburban-type subdivision development. This is something both large wind and solar projects may help with. To others, farmland preservation means preserving rural views or “rural character,” which, as noted previously, is something where wind and solar projects are often more problematic.

A third definition of farmland preservation is about preserving farmers’ income. Also as noted above, renewable energy development provides an additional revenue stream to owners of farmland that may help them diversify their farm income to weather the ups and downs of agricultural markets. In communities with wind energy, often, these revenues are reinvested often in the agricultural sector—in field tile, irrigation or farm implements—and offset any reductions in cultivation due to the footprint of the turbine base or access road. There’s currently research underway by Michigan State University and University of Michigan to understand if landowners with solar leases behave similarly.

Finally, another definition of farmland preservation aims to preserve prime soils. Wind energy development, since the footprint of the turbine is small, typically gets a pass here, but large solar energy projects may raise concerns, particularly about whether the land can be farmed at the end of the solar project’s life. There is nothing inherent in solar development that would make the land unfarmable; the panels and support posts can all be removed. It is unknown what long-term impacts solar farm driving paths or the concrete pads on which the inverters sit will have on farmland, particularly with respect to soil compaction. But these tend to be a relatively small percentage of the land area of a solar farm.

A bigger concern for long-term farmability is local zoning requirements, for example, to provide on-site stormwater detention, plant landscaping, or to berm as a screening mechanism. The guidelines outlined in Public Act 116’s policy on solar energy may be instructive. The policy requires the solar developer to maintain the field tile, plant pollinator habitat and other environmentally friendly ground cover, and provide financial assurances that the solar equipment will be removed, suggesting an interest in allowing farmers to diversify their income in the short term while ensuring the future ability for the land to be farmed.



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If farmland preservation is included in your township's master plan, it would be helpful to consider which definition your community intends, and which definition it has used to evaluate other land uses in agricultural districts. That might help point a way to how you might treat wind and solar consistent with these other land uses in your zoning.

Weighing what is best for your community

Each township must make its own decision for how renewable energy systems fit into the community, weighing your overall vision as well as resident input. The topic can be fraught with controversy and strong feelings, but understanding the issue, doing research, planning ahead and weighing what is best for your community, officials can better navigate the renewable energy changes on the horizon.



Sarah Mills, PhD, Senior Research Area Specialist, University of Michigan Graham Sustainability Institute, and **Gavin McGregor**, Clean Energy Land Use Specialist,

University of Michigan Graham Sustainability Institute

Contact Mills at sbmills@umich.edu or (734) 763-0726, and McGregor at mcmgregor@umich.edu.

Resources for townships

- Article author Sarah Mills will teach "Planning and Zoning for Renewable Energy" on April 27, from 1:30 to 2:45 p.m. at MTA's Annual Educational Conference.
- MTA's "Solar Energy" and "Wind Energy" web pages, on the members side of www.michigantownships.org (access via the "Index of Topics" under the "Answer Center" after logging in), offer resources, samples and guidance.
- MTA's *Emerging Issues in Planning & Zoning* webinar series includes two segments on planning and zoning for wind and solar energy. Visit <https://learn.michigantownships.org/> to watch on demand. (MTA Online subscribers at the Plus and Premium levels can watch for FREE!)
- Michigan State University Extension's *Planning and Zoning Guide for Solar Energy Systems: A Guide for Michigan Local Governments* and *Sample Zoning for Wind Energy Systems*. Both documents contain sample zoning ordinances, as well as additional insights and information, and can be downloaded from MTA's "Wind" and "Solar Energy" web pages.
- The Michigan Department of Environment, Great Lakes, and Energy is sponsoring a series of webinars, in-person trainings, renewable project site tours, and workshops this summer (May-August). Watch MTA publications for details as they become available.

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Capital improvements using ARPA funds

As townships continue to consider how to best put their American Rescue Plan Act (ARPA) funds to use, many are likely considering various capital improvement projects.

Last month's *Township Focus* cover story explored township options for funding capital improvements. The following further explores funding capital improvements with ARPA funds. Townships may undertake capital improvement projects under three of the four eligible use categories outlined in ARPA, which include: 1) responding to the COVID-19 public health emergency or its negative impacts; 2) general revenue loss; and 3) water, sewer and broadband infrastructure.

Specific rules for various use categories

Specific rules govern the use of ARPA funds for capital improvement projects, depending on the applicable eligible use category. Many townships may simply be planning to use their funds under the broadly construed "revenue loss" category, which has a "standard allowance up to \$10 million"—in most cases, townships' full ARPA allocation—that can be used for "government services," including capital improvements.

Under the general revenue loss category and according to final rule supplemental information from the U.S. Department of Treasury, a township may use ARPA funds for capital expenditures, provided such use is consistent with government services provided by a township. Per Treasury, "government services" include, "but are not limited to, maintenance or pay-go building of infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services."

Pursuant to this guidance, a township can use funds under the "general revenue loss" category for emergency vehicle purchases, township hall and other township facility construction and improvements, and road projects.

What is noteworthy with respect to the supplemental information, however, is the use of the phrase "pay-go" related to infrastructure funding under the "general revenue loss" category. Treasury's definition of "pay-go" infrastructure funding is "the practice of funding capital projects with

cash-on hand from taxes, fees, grants and other sources, rather than with borrowed funds." The implication from Treasury's use of this term is that a township may not use ARPA funds in conjunction with new debt to finance a capital improvement project. However, ARPA and the final rule do not expressly prohibit a township from using ARPA funds in combination with new debt to pay for a capital expenditure. ARPA funds cannot be used to pay outstanding debt service or the costs of issuance for new debt for any ARPA-funded project.

Additional options to consider

Townships may also consider using the funds under another eligible use category, for example, "responding to the public health emergency or its negative impacts." Under this category, a township may use all or a portion of the ARPA funds to fund "capital expenditures" where the township identifies a harm or impact to a beneficiary or class of beneficiaries caused or exacerbated by the public health emergency or its negative economic impacts and the capital expenditure responds to that harm. The ARPA final rule notes that "investments in communities to promote improved health outcomes and public safety, such as parks [and] recreation facilities..." are types of capital expenditures that may fit within the "responding to the public health emergency or its negative impacts" eligible use category.

Townships must prepare additional written justification to use funds under this category for a capital expenditure where the capital improvement project has a total expected expenditure of \$1 million or more. This written justification does not need to be provided to the U.S. Department of Treasury if the project has total expected capital expenditures of \$10 million or less. However, if capital expenditures in this category are in excess of \$10 million, the written justification must be provided to Treasury. In contrast, capital expenditures under the general revenue loss and water, sewer and broadband categories do not require any written justification.

The water, sewer and broadband infrastructure category permits the use of ARPA funds to pay for necessary investments in water, sewer and broadband infrastructure. With respect to a water or sewer project, any project eligible for funding under the federal government's Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs can be funded using ARPA funds as those projects are considered "necessary investments" in infrastructure. Projects outside of DWSRF and CWSRF guidelines may, nonetheless, be funded using ARPA allocations if the township determines that the project is both: 1) "responsive to an identified need to achieve or maintain an adequate minimum level of service" (which may include a "reasonable projection of increased need, such as population growth"), and 2) a cost-effective means for meeting that need, taking into account available alternatives.

For example, a community may use ARPA funds to construct a new water tower and oversize the water tower to accommodate both existing and future customers, but the township must first undertake an analysis that the water project is sustainable, capable of serving both existing and future customers over the long term, and cost effective.

Additional capital improvement projects that may be funded using a township's ARPA allocation under the water and sewer eligible use category include lead service line replacement (so long as the entire service line is replaced), as well as stormwater and certain types of dam projects. The supplemental information to the final rule notes that costs for planning and design and associated pre-project costs are eligible costs that may be paid using ARPA funds.

With respect to broadband projects, a township may use ARPA funds to pay for broadband infrastructure where the infrastructure is "designed to provide service to households and businesses with an identified need" and, when completed, the infrastructure provides certain reliable benchmark upload and download speeds. Additional requirements apply to such infrastructure as well, including a requirement that the service provider providing broadband service utilizing the ARPA-funded infrastructure must participate in the Federal Communication Commission's affordability program and provide access to low-income consumers through a "broad-based affordability program."

While the final rule provides townships with wide latitude to use its ARPA allocation for capital improvement projects, ARPA and the final rule prohibit using ARPA funds to pay debt service on existing debt, the costs of issuance for new debt, paying down existing pension obligations, replenishing or contributing to "rainy day" funds or financial reserves, or paying judgments in outstanding court cases. ARPA funds also cannot be used to undermine or discourage compliance with federal Centers for Disease Control and Prevention guidance or in any way that violates state or federal laws and regulations.



Mark E. Nettleton, Attorney, Mika Meyers PLC, Grand Rapids

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upcoming MTA workshop

REGISTRATION INFORMATION

Legal Institute for Township Attorneys

MTA's 2022 *Legal Institute for Township Attorneys* is the premier educational event for attorneys who serve Michigan's townships. Held in conjunction with **MTA's Annual Conference & Expo**, this event will take place from 9:30 a.m. to 4:30 p.m. April 25 at the Lansing Center. Your attendance keeps you on top of legal news and changes that impact local government. Don't miss this opportunity to connect with fellow municipal attorneys to discuss recent changes, court opinions and other trends affecting the townships you serve.

On the agenda. Learn more about public water and sewer class-action lawsuits under the Headlee Amendment and other laws that are impacting dozens of Michigan communities • Review requirements for compliance under the Americans With Disabilities and Fair Housing Acts to properly address requests for zoning accommodations • Get an update on marijuana and municipal case law, as well as current legislative efforts • New this year! Bring your questions to the group discussion to brainstorm solutions with your fellow municipal experts

Need lodging? To take advantage of MTA's discounted rates on lodging, you must be registered for the Institute. After registering for the Institute, visit <https://www.grandconnection.com/mta2022> and click on "Legal Institute," then use code LEGAL22 to book your room today. Direct lodging questions to Amy at (616) 785-6027 ext. 34 or email cole@grandconnection.com. After April 3, reservations are based on availability, discounted rates are not guaranteed.

Cancellations & substitutions. Written cancellation requests received by March 28 were refunded the registration fee less a \$25 processing fee. Requests made from March 29 to April 11 will be refunded half of the registration fee. No refunds will be issued thereafter. Substitutions may be made for a \$10 processing fee.



Topics and Presenters

Sewer and Water Fee Class-Action Lawsuits Under the Headlee Amendment and Other Laws

Steve Joppich, Attorney, Rosati, Schultz, Joppich & Amtsbuechler, PC

Marijuana Law Update

Chris Patterson, Attorney, Fahey Schultz Burzych Rhodes PLC, and Catherine Kaufman, MTA Legal Counsel, Bauckham, Sparks, Thall, Seeber & Kaufman, PC

New Legislation

Judy Allen, MTA Director of Government Relations

Zoning and the Americans With Disabilities and Fair Housing Acts

Leslie Abdo, Attorney, Foster Swift Collins & Smith, PC

Municipal Case Law Review

Ronald Liscombe, Attorney, Miller Canfield

Brainstorming: Group Discussion and Q&A

Rob Thall, Institute Coordinator & MTA Legal Counsel, Bauckham, Sparks, Thall, Seeber & Kaufman, PC

Legal Institute Registration Form

Firm Name	

Township Represented (include county)	
_____	_____
Telephone	Email Address
_____	_____
Name	Title
_____	_____
Name	Title
_____	_____
Name	Title

<u># of Attendees</u>	<u>Registration Rate</u>	<u>Total</u>
_____	REGULAR rate: \$271/attendee For paid registrations received from March 29 to April 11.	_____
_____	ON-SITE rate: \$321/attendee For paid registrations received after April 11.	_____

NOTE: Payment must accompany form in order to be processed.

- Check enclosed (payable to MTA)
 Charge to: (circle one) MasterCard VISA

Card #	Expiration Date
Print Card Holder's Name	Signature



Send your completed registration form with payment to MTA, P.O. Box 80078, Lansing, MI 48908-0078; fax: (517) 321-8908. Or register online at www.michigantownships.org. Questions? Call (517) 321-6467, ext. 221.

upcoming MTA workshop

REGISTRATION INFORMATION

Introduction to Planning & Zoning

Whether you're a member of the township board, planning commission or zoning board of appeals, your knowledge of the planning and zoning process is vital to your community. As new developments and projects approach your township, it's important to be prepared to make tough decisions.

MTA can help! Join us at this evening workshop for an overview of the basic elements of an effective planning and zoning program. We'll review the sources of township planning and zoning authority, the structure and function of the planning commission and zoning board of appeals, and the role of the township board. In addition, we'll discuss the "ins and outs" of master plans and zoning ordinances, along with key strategies for effective decision-making.



Presented by MTA Legal Counsel Catherine Kaufman, who brings her unique experience as both a planner and an attorney with the firm Bauckham, Sparks, Thall, Seeber & Kaufman PC, this workshop offers real-life, practical application.

Registration and dinner begin at 4 p.m., class is held from 5 to 8 p.m. on:

May 19: Treetops Resort, 3962 Wilkinson Road, Gaylord (989) 732-6711

May 25: Fetzer Center at Western Michigan University, 2251 Business Court, Kalamazoo (269) 387-3232

May 31: Bavarian Inn Lodge, One Covered Bridge Lane, Frankenmuth (989) 652-7200

Can't make the date? Prefer to join online? Catch a live stream online from the computer nearest you on May 31 OR by watching a recorded version after the event (available in June) anytime at your convenience until Sept. 1.

Discounted book package available: Participants can pre-purchase MTA's Planning & Zoning Book Package, which includes *The Township Guide to Planning & Zoning* and *Planning & Zoning Decision-making*, for \$72 (those joining us online should add \$5 for shipping and handling). The *Township Guide to Planning & Zoning* provides a detailed look at the planning process and outlines elements of a successful planning program, while *Planning & Zoning Decision-making* aims to help planning and zoning officials reach defensible, effective decisions and build a strong community based on sound planning principles and procedures. Books will be distributed on site at check-in or shipped to online registrants.

Cancellation, substitution & switching policy: Written cancellation requests received at the MTA office by May 5 will receive a full refund. In-person event "no shows" or those who cancel after May 5 will be converted to online access. No refunds will be issued after May 5 without extenuating circumstances. If space allows, you may switch locations at no charge if you notify MTA of the change at least one week prior to the workshop; otherwise, a \$25/person fee will be assessed. You may substitute another individual from your township without incurring a charge; please notify MTA of the change.

Intro to P&Z Registration Form

Township _____		County _____	
Name & Title _____		Email _____	
Joining: <input type="checkbox"/> In Person <input type="checkbox"/> Online			
Name & Title _____		Email _____	
Joining: <input type="checkbox"/> In Person <input type="checkbox"/> Online			
Name & Title _____		Email _____	
Joining: <input type="checkbox"/> In Person <input type="checkbox"/> Online			

Which location will you attend?

- May 19:** Treetops Resort, Gaylord
 May 25: Fetzer Center at WMU, Kalamazoo
 May 31: Bavarian Inn Lodge, Frankenmuth

Online option:

- May 31:** Join live OR watch on demand later

Early-bird Rate*: Expires May 5
 \$103/person (*Premium subscribers pay \$82/person***)

Regular Rate*: After May 5
 \$123/person (*Premium subscribers pay \$98/person***)

_____ (# registered) x \$ _____ (rate*) = \$ _____

_____ (# of book packages) x (\$72/package*) = \$ _____

Online only, add \$5 shipping/handling for books = \$ _____

AMOUNT ENCLOSED = \$ _____

*Rate applies to MTA members. Non-members, call for rates.

**Premium subscribers are townships that have purchased an annual online learning subscription to MTA Online at the premium level. Wondering whether your township subscribes? Visit www.michigantownships.org/mtaonline.asp to learn more.

NOTE: Payment must accompany form in order to be processed.

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Questions? Contact michelle@michigantownships.org or 517.321.6467, ext. 236.

**For those ineligible to contribute to MTA-PAC, a portion of proceeds will benefit MTA's Robert R. Robinson Memorial Scholarship.



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