

Michigan Township Focus

APRIL/MAY 2021

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

Closing the digital divide



Your MTA Conference
like no other
page 3

MTA bids a
fond farewell to
Legislative Liaison
Tom Frazier
page 22

How can your
community help
'Map Michigan's
Future'?
page 24



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contents

April/May 2021 | Volume 9, Number 4



featured articles

15

Closing the digital divide: Broadband access is a critical issue for townships

The COVID-19 pandemic forced a rapid shift to a digital society—and also exposed the great digital divide in Michigan’s communities. Townships are in a unique position to provide both a voice and a rallying point for their residents to pursue broadband solutions.

22

MTA bids a fond farewell to Tom Frazier

MTA Legislative Liaison Tom Frazier, who retired at the end of March, looks back on memorable legislative efforts, and how the Association—and townships—have adapted and evolved over the past 20 years.

24

Mapping Michigan’s future

For the first time, Michigan residents are in charge of redistricting to ensure fair U.S. House and state Senate and House districts. Learn about the Michigan Independent Redistricting Commission redistricting process, timeframe and how communities can provide feedback and input.



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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.



Special section: Details on MTA’s upcoming 2021 Virtual Conference & Expo, including session descriptions and speakers!

in this issue

- 3 Daily Democracy
- 4 COVID-19 Update
- 6 News & Notes
- 12 Hello, MTA ... ?

- 14 Inside Lansing
- 26 Legal Review
- 28 Financial Forum



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Dig in: Your MTA Conference like no other

When you've seen a big family grilling and having a great time, have you ever wished you could just join in? MTA is that big family—one that would happily have you walk up, dig into the potato salad, and speak right up in the conversation. All are welcome, especially newcomers.

The MTA Conference is the place to rapidly meet many new peers from townships just like yours—to pose questions, share insights and build lasting connections. Many come back year after year to rekindle those working friendships and share how things turned out.

When I moved from being an appointed township official to MTA executive director, I brought the goal of making our excellent education and networking **more affordable and easier to take part in** from anywhere in our big state. This year's Conference makes that possible.

Believe me, our Board and Conference team are just as eager to get our vaccines as you are and we are already preparing to host face-to-face events again in the fall. For this year's Conference, we'll have to use the remote option again. There are so many topics that our experts will share with you in the educational sessions—and you won't have to pick and choose among them. Recordings of each session will be available until June 30, so you can catch all of them, watch them again or recommend them to others. Turn to the center of this issue of *Township Focus* for descriptions and a schedule of our educational sessions, covering core topics and critical issues, from effective communications to workplace safety, and meetings management to expanding broadband (which is presented by this month's cover story authors!).

We will also offer pre-Conference sessions as usual: **Board Authorities, Roles and Responsibilities**, the **Legal Institute** for your township attorneys and professional development for your **assessors**.

Your Conference will have an outstanding program of educational, advocacy and networking events as always, but with no travel costs. Since we won't have to pay for expensive conference centers, caterers and lodging, there is a **low registration fee**—even lower with a **20% discount** if your

township is an MTA Online Premium subscriber. Now, township board members and staff who never attended before can get the same access to the information and education. We hope to see more of you join in.

2021 MTA President Pete Kleiman will welcome you and share your Association's progress, despite the past year's restrictions and hurdles. I'll be teaching a course with MTA Staff Attorney Catherine Mullhaupt. We'll share how you can work to improve township services, quality of life, partnerships and resident relations through **local government innovation**. We'll also announce a new award to recognize and celebrate Michigan's innovative townships.

Come meet Judy Allen and our Government Relations team. Judy will introduce our 2021-22 MTA Policy Platform, and cover our expected challenges and opportunities in this new 101st Legislature. Please visit them in the MTA-PAC booth. Last year, 95% of candidates supported by our PAC's contributions won their election. Your \$10 or \$25 contribution directly helps support friends of township government.

Speaking of our Government Relations team, it gives us great pride to recognize **Tom Frazier's 20th MTA anniversary** serving your interests in Lansing. Tom is marking this special moment by ... retiring. Tom and his wife will restore a historic home and pursue their other passions in community service. Tom, thank you very much for your expertise and commitment to Michigan's townships.

Finally, if you are one of the first 500 Conference registrants, you'll receive a "welcome" box that we are mailing out soon.

So, this year you will have to provide your own potato salad, but please do come for your first Conference ... or your 30th one.

Neil Sheridan



COVID-19 update

COVID-19 updates and information for townships

In-person meetings allowed under current MDHHS order through April 19

The Michigan Department of Health and Human Services (MDHHS) pandemic order allowing in-person public meetings, with restrictions, remains in effect through April 19. The order, which loosened both residential and nonresidential gathering restrictions, allowed indoor public meetings beginning March 5, with total attendance limited to no more than 25 individuals. Masks are required at all times (unless eating or drinking), as well as social distancing. Outdoor nonresidential gatherings may have up to 300 people. A revised order had not been announced as of press time.

As a reminder, the allowance for townships, and all local governments, to hold meetings virtually for any reason, under Public 254 of 2020, expired March 30, 2021. Beginning March 31, 2021, through Dec. 31, 2021, remote participation is allowed only for military duty, a medical condition, or a statewide or local state of emergency or state of disaster. Senate Bill 207 has been introduced to amend the Open Meetings Act (OMA) to allow virtual meetings through June 29, but had not been acted upon as of *Township Focus* press time. Turn to page 12 for more, and watch MTA's newsletters, social media, emails and website for updated information on any changes to the OMA.

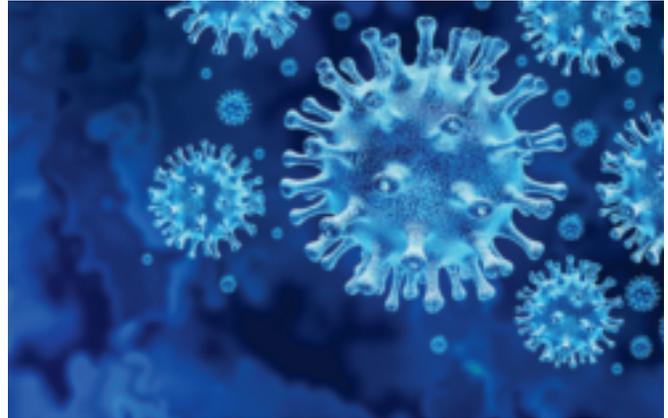
Under the current MDHHS order, recreation and fitness centers have 30% occupancy limits, with six feet of distance between stations and mask requirements. The order also loosened restriction for residential gatherings to up to 15 people from no more than three families (up to 50 people for outdoor residential gatherings), and allows restaurants to operate at 50% capacity, or no more than 100 patrons. A slightly updated order announced on March 19 will increase testing for youth athletes age 13-19, which could impact participants in township parks and recreation programs.

Indoor entertainment venues are allowed to be at 50% capacity, up to 300 people. Outdoor entertainment and recreational facilities may host up to 1,000 patrons.

Masks continue to be required for government offices and facilities, public transportation and other facilities, and office work that can be performed remotely must continue to do so. Continued vigilance to balance reopening with controlling the spread of COVID-19 is needed, including mask wearing, social distancing and hand hygiene.

State vastly opens up vaccine eligibility

Following approval in early March of the third COVID-19



vaccine—the one-dose vaccine from Johnson & Johnson, which has proven 100% effective in preventing COVID-related hospitalizations and deaths—the state of Michigan vastly expanded eligibility for individuals who can receive the vaccine. The state's goal to vaccinate at least 70% of Michigan's eligible population is the critical component in communities fully reopening and reengaging post-pandemic.

Beginning April 5, *all* Michigan residents age 16 and up are eligible to receive the vaccine. Previously, the state also announced expanded eligibility starting March 22 to all Michiganders age 50 and up, and those age 16 and up with disabilities and medical conditions that put them at high risk of a negative COVID-19 outcome. Providers are still encouraged to schedule appointments and allocate vaccinations to residents based on highest risk, including older residents, essential workers and frontline workers. Vaccinations are ongoing for the previously eligible groups. It should also be noted that it will take weeks, or likely several months, to administer a vaccine to everyone in the state who would like to receive one.

The announcement came following calls from President Biden that all states make the vaccine widely available by May 1, and news from the federal government that ramped-up production would provide enough doses for 300 million Americans by the end May. The state also announced a federal mass regional vaccination site—one of only a few in the nation—at Ford Field in Detroit, which was anticipated to open for eight weeks beginning in late March.

Share information with your residents on how they can make appointments:

- Check the website of the local health department or hospital to find out their process or for registration forms (links are also available at www.michigan.gov/covidvaccine)

- Check additional vaccination sites, such as local pharmacies like Meijer, Rite Aid or Cardinal Health (U.P. residents)
- Call 2-1-1 or the COVID-19 Hotline, 888-535-6136 (press 1)

As of press time, nearly 3.1 million doses had been administered throughout the state—or 40% of the eligible population having received at least one dose—putting Michigan in the top 10 nationally for distribution.

Even with the increase of COVID-19 vaccinations, it is important to continue to practice preventative measures such as properly wearing masks, social distancing and frequent handwashing to reduce the spread of the virus until the vast majority of people have been vaccinated.

CDC guidelines for fully vaccinated individuals

The more than 1.1 million Michiganders—almost 14% of the state’s eligible population—who have been fully vaccinated against COVID-19 can return safely, in many ways, to more typical interactions, according to new guidelines from the U.S. Centers for Disease Control and Prevention (CDC). Under the guidance, fully vaccinated people can visit other vaccinated people indoors without masks or physical distancing; visit indoors with unvaccinated people from a single household without masks or physical distancing, if the unvaccinated people are at low risk for severe disease; and skip quarantine and testing following an exposure to someone with COVID-19 and are asymptomatic, but should monitor for symptoms for 14 days.

“Fully vaccinated” is defined as those who are two weeks past their second dose of the Moderna and Pfizer vaccine or two weeks past a single dose of the Johnson & Johnson vaccine.

According to the CDC, there is growing evidence that people who are fully vaccinated don’t spread COVID-19. However, they still need to take precautions in many scenarios, including wearing a mask and distancing around the unvaccinated who are at increased risk for severe COVID-19, or if the unvaccinated person has a household member who is at higher risk, and when with unvaccinated people from multiple households.

In addition, fully vaccinated people should continue basic safety precautions, including wearing a mask, social distancing, avoiding large crowds, washing hands frequently, and getting tested for COVID-19 if they feel sick.

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news¬es

a compendium of noteworthy items



UP IN THE SKY

Townships' role in fireworks regulation and permits

The Michigan Fireworks Safety Act (Public Act 256 of 2011, MCL 28.451, *et seq.*) allows for the sale and use of consumer fireworks—such as aerials, Roman candles, bottle rockets, helicopter/aerial spinners and other items that leave the ground. The act also limits some aspects of local fireworks regulations.

What can townships regulate?

A township cannot regulate or adopt an ordinance specifically regulating the sale, display for sale, storage, transportation or distribution of fireworks that are regulated by PA 256—consumer fireworks and low-impact fireworks. (MCL 28.457)

A township may enact an ordinance regulating—including prohibiting—the ignition, discharge and use of consumer fireworks. The only days and times where a township may not regulate the ignition, discharge or use of consumer fireworks are: 11 a.m. on **Dec. 31** to 1 a.m. on **Jan. 1**; 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding **Memorial Day**; 11 a.m. to 11:45 p.m. on **June 29** and **30**, and **July 1, 2, 3** and **4**; 11 a.m. to 11:45 p.m. on **July 5**, if that date is a Friday or Saturday; and 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding **Labor Day**. (MCL 28.457)

Do townships issue display permits?

PA 256 refers to fireworks “displays” in two ways. One relates to the display of fireworks for sale—which townships cannot regulate. The other, more commonly understood use of “fireworks display” refers to the ignition, discharge and use of display fireworks.

Townships are responsible for issuing the Display Fireworks and Articles Pyrotechnic Permits for public or private displays of fireworks as listed in MCL 28.466.

Permits for displays must be obtained from the township where the fireworks will be displayed. *Under current Michigan Department of Health & Human Services pandemic order, nonresidential outdoor gatherings are limited to 300 people. Watch MTA publications for updates or revisions to the order. Any requests to approve fireworks displays should be processed only after careful review with the township’s attorney and liability insurance carrier of any orders or restrictions on public gatherings.*

The township board issues permits and may charge a fee for “the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks, consumer fireworks, or special effects manufactured for outdoor pest control or agricultural purposes, or for public or private display within the township by municipalities, fair associations, amusement parks, or other organizations or individuals” approved by the township board, if the applicable provisions of PA 256 are met. Any fees charged for these permits are retained by the township. (MCL 28.466)

The Michigan display fireworks application and permit form is available on www.michigan.gov/bfs (scroll down to “Forms and Services” and click on “2021 Display Permit Application”). Applicants may download the form to apply to the township. Townships may also wish to download and have available the current permit form.

MTA staff, in consultation with state Department of Licensing and Regulatory Affairs staff, MTA Legal Counsel and liability insurance carriers, believe that a township may enact an ordinance incorporating standards for the competency and qualifications of operators for “articles pyrotechnic” and “display fireworks,” including time, place and safety aspects of the display (ignition, discharge or use) of articles pyrotechnic or display fireworks, as part of the process of granting permits. National Fire Prevention Association fireworks standards should be used. (MCL 28.466) Townships should note that such an ordinance will possibly be required by an insurance carrier as a condition of fireworks liability insurance.

The federal Safe Explosives Act (SEA) requires any person who receives explosive materials, including display fireworks, to have a license or permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The SEA mandates inspections of applicants for new display fireworks license or permits, as well as inspections of existing licensees or permittees. Townships may be contacted by the ATF investigators during these inspections to determine compliance with state and local requirements. Questions regarding the federal regulation of display fireworks may be referred to ATF Industry Operations in Detroit at (313) 202-3550, or in Grand Rapids at (616) 301-6100.

For more resources, visit MTA’s “Fireworks Regulation” webpage at www.michigantownships.org/members.

The grades are in: Nation’s infrastructure slightly improves to C-

The nation’s infrastructure received an overall grade of C-, according to a new national “report card” from the American Society of Civil Engineers—a slight increase from the D+ grade received in 2017. The study noted that the nation’s roads continue to decline, but slight improvements have been made in rail and other categories. In 11 of 17 categories, the grade was in the “D” range: aviation, dams, hazardous waste, inland waterways, levees, public parks, roads, schools, stormwater, transit, and wastewater. The study also concluded that, overall, the national long-term investment gap continues to grow, from \$2.1 trillion over 10 years in the last report to \$2.6 trillion.

The last Michigan-specific report card was in 2018, when our state’s roads received a grade of D-, and overall infrastructure received a D. That report noted, “Infrastructure includes fundamental facilities and systems necessary for Michigan’s economy to function. Roads, bridges, schools, water and sewer systems, dams, railways, and energy systems are categories of infrastructure that directly affect our ability to live, work and play. Quality infrastructure allows Michigan to be a front-runner in research & development, manufacturing, farming, and tourism. Our transportation system gets people to work every day or up north for weekends. Water systems deliver clean drinking water to our homes, communities and businesses. School buildings provide a safe place for our children to learn. Stormwater and wastewater treatment systems protect our neighborhoods from floods and our lakes, rivers and beaches from contamination.

“Today, Michigan’s infrastructure is old and outdated. Michigan’s economic downturn resulted in underinvestment in maintenance and repairs. We’re now faced with pothole-ridden roads, bridges propped with temporary supports, sinkholes destroying homes, and closed beaches. The 21st Century Infrastructure Commission determined an additional \$4 billion annually is needed to maintain our infrastructure. Michigan must support innovative policies leading to cleaner water, smoother highways and a safe environment that will attract business and improve our quality of life.”



Township happenings

DeWitt Charter Township (Clinton Co.) Police Department was visited by retired New York City Police Department Detectives Mike Houlihan and Rob De Paolis. Houlihan and De Paolis are the founders of the Tour de Force bicycle ride to honor the victims of 9/11 by keeping their memory alive through cycling events that raise funds to benefit families of law enforcement officers nationwide who were killed in the line of duty. Houlihan and De Paolis met with township officers and presented a monetary donation to the family of Sgt. Bill Darnell, who passed away following complications from contracting COVID-19 while on duty.

Three townships will benefit from recently awarded Michigan Department of Agriculture and Rural Development Rural Development Fund Grants. Beaver Island Historical Society was awarded \$31,800 for implementation of a tourism campaign, upgrades at Heritage Park and Blue Buffalo Camp Trail, and development of a mobile app for tourists. The island is comprised of two townships, **Peaine Township** and **St. James Township** (Charlevoix Co.). **Tuscarora Township** (Cheboygan Co.) received a \$54,900 grant for the installation of an additional public boat dock at Marina Park. The grants promote the sustainability of land-based industries and support infrastructure that benefits rural communities.

Email YOUR Township Happenings to jenn@michigantownships.org. Add MTA to your newsletter mailing list! Mail to MTA, Attn. Jenn Fiedler, PO Box 80078, Lansing, MI 48908-0078, or email to jenn@michigantownships.org.

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—Township Supervisor



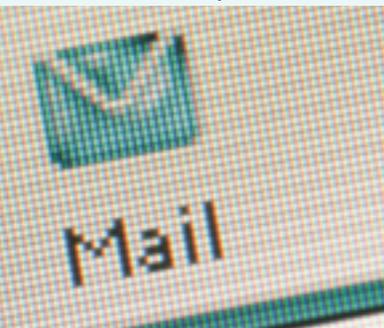
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To provide your email address, or ensure we have the correct email address, call (517) 321-6467 or email database@michigantownships.org.

We sometimes hear from members that emails sent from MTA, such as our newsletters *Township Insights* or *Township Voice* (which are sent via a system called Constant Contact), or from

Association staff—such as our Member Information Services Department—are being blocked as spam. If you have an email address on file with MTA, but are not receiving them in your inbox, there are steps you can take to allow the emails to come through:

First, check your spam or junk mail filter. If you see some of our emails are in there, typically unjunking them or marking as “safe” will solve the problem. If they are not in the junk folder or no such folder exists, try adding @michigantownships.org, as well as @in.constantcontact.com and @in.confirmedcc.com to your “list of safe senders.” This tells the system to allow all emails from addresses at the domain you enter. (Search for “Safe Senders” in your email “Help” menu.)

If you are still not receiving MTA's emails, contact your township's IT support or MTA for further assistance.

Announcement

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

profile



Advertorial

Burnham & Flower Insurance Group

Committed to serving you, while you serve others

Burnham & Flower Insurance Group was founded in 1966 by Homer J. Flower and Duane F. Burnham. The



company was established primarily to provide retirement programs to Michigan township officials and employees.

Since those humble beginnings, the agency has grown into six separate corporations, serving more than 2,600 clients in the public and private sector. Burnham & Flower is currently one of the largest municipal insurance organizations in the country.

“We are honored to work alongside Michigan townships and are proud of relationships we have developed over the past half-century of service,” said Steve Johnson, agency principal. “Throughout our history, we have remained committed to serving you, while you serve others. We look forward to strengthening and expanding our partnerships with Michigan townships!”

Burnham & Flower is proud to be an Acisire Agency Partner. As an Acisire Agency Partner, the agency is a part of a national network of hand-selected, independent agencies. This network allows Burnham & Flower to offer a wide selection of policies and increased access to products, consulting services and carriers.

Townships are invited to receive a no-obligation review of your township's current insurance or employee benefits program and a proposal for comparison. For more information, visit www.bfgroup.com or call (800) 748-0554.

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, see Burnham & Flower's ad on the inside front cover, visit their booth at MTA's Virtual Conference & Expo, turn to the Allied Service Provider Index on page 2 or visit www.michigantownships.org/asp.asp.

Still time for township officials, students from your community to apply for two MTA scholarships!

Two MTA scholarships can benefit both officials and students in your township!

Township Governance Academy—MTA’s Township Governance Academy is a credentialing program designed to take your leadership to the next level. With courses on township “foundations” and “boardsmanship,” the program offers an in-depth, elevated look at serving your community—from strategic planning and successful board meetings to land use and finances.



The program, which takes roughly 18 months to complete, includes required courses, along with earning elective credits—for attending an MTA educational event, for example—and the completion of a final project that puts lessons learned from the program into action in your township. And, you can complete a majority of the courses online, at your own pace and schedule, with our Online Learning Center!

Interested? Our TGA scholarships can help you and your township offset program costs. A limited number of \$1,000 scholarships are available to assist elected officials from MTA-member townships that may not be in a financial position to provide the funding necessary for completion of the program. The application deadline is April 15.

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



Robert R. Robinson Memorial Scholarship—Urge students in *your* community to apply for MTA’s Robinson Scholarship by May 31. The scholarship is a one-time award determined on a competitive basis by the applicant’s academic achievement, community involvement and commitment to a career in local government administration. Applicants must be a junior, senior or graduate student enrolled in a Michigan college or university and pursuing a career in local government administration.

Applications must include: 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.

Help spread awareness of the scholarship by posting details on your township website or Facebook page, or in your newsletters! You can link to www.michigantownships.org/scholarship.asp. Need more information? Call (517) 321-6467, ext. 229, or email jenn@michigantownships.org.

mta online events | April

1 Early-bird registration deadline for MTA’s 2021 Virtual Conference & Expo.
Turn to the center of this issue for more details, or visit www.michigantownships.org/conference.asp

7 *Now You Know* lunchtime learning series: *OMA is Here to Stay*

12-16 Pre-Conference sessions: *Board Authorities & Responsibilities; Board Roles: Who Does What?; Assessors Renewal: Professionally Speaking; and Legal Institute for Township Attorneys*

19-21 MTA’s 2021 Virtual Conference & Expo

mta online events | May

12 *Now You Know* lunchtime learning series: *Understanding Planning*



MTA’s **Now You Know** lunchtime learning series, held from noon to 1 p.m. monthly (or more!), covers timely topics and allows you to get your questions answered—all in just one hour!

Upcoming topics include*:

- April 7:** OMA is Here to Stay
- May 12:** Understanding Planning
- June 2:** Taking Township Minutes
- July 7:** What the Board Needs to Know about July Board of Review
- Aug. 4:** All Aboard! Appointing New Board & Commission Members
- Sept. 1:** My Deputy and Me
- Oct. 13:** Understand the Plan: Master vs. Strategic—What’s the Difference?

*schedule subject to change

Learn more at <https://bit.ly/NYKmta>.

Our thanks to **Now You Know** series sponsor



Recordings are also available in MTA’s Online Learning Center, sponsored in part by Michigan CLASS.

APRIL

1 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))

Not later than April 1, treasurers make final adjustment and delivery of the total amount of tax collections on hand. (MCL 211.43(3)(c))

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 Form 5277 *Affidavit to Rescind Exemption of Eligible Manufacturing Personal Property Defined in MCL 211.9(m) and 211.9(n)* 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)

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

Last day to pay all forfeited 2018 delinquent property taxes, interest, penalties and fees, unless an extension has been granted by the circuit court. If unpaid, title to properties foreclosed for 2017 real property taxes vests solely in the foreclosing governmental unit. (MCL 211.78k)

By 5 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)

Notice of voter registration for May 4 election published. One notice required. (MCL 168.498)

Clerk shall post and enter into Qualified Voter File (QVF) the hours the clerk's office will be open on the Saturday or Sunday or both immediately before May 4 election to issue and receive absent voter (AV) ballots. (MCL 168.761b)

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

7 The 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))

An 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.

Form 4626 *Assessing Officers Report of Taxable Values as of State Equalization* due to the county.

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

Last day to register in any manner other than in-person with the local clerk for May 4 election. (MCL 168.497)

20 through May 4 at 8 p.m. In-person registration for May 4 election with local clerk with proof of residency. (MCL 168.497)

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

By 24 County clerk delivers remainder of ballots and election supplies for May 4 election to township clerks. (MCL 168.714)

By 27 Notice of May 4 election published. One notice required. (MCL 168.653a)

27 Petitions to place proposals on Aug. 3 ballot filed with county and local clerks by 5 p.m. (MCL 168.646a)

By 29 Public accuracy test for May 4 election must be conducted. (R 168.778) Notice of test must be published at least 48 hours before test. (MCL 168.798)

30 Electors may obtain an AV ballot via first-class mail for May 4 election until 5 p.m. (MCL 168.759)

Electors may submit a written request to spoil their AV ballot and receive a new ballot by mail for May 4 election until 5 p.m. (MCL 168.765b)

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 filing Form 2599 *Claim for Farmland (Qualified Agricultural) Exemption from Some School Operating Taxes* with the 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.

3 *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 AV ballot for May 4 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 May 4 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 May 4 election and receive a new ballot in the clerk's office by 4 p.m. (MCL 168.765b)

4 Election.

Emergency absentee voting until 4 p.m. (MCL 168.759b)

Election Day registrants may obtain an AV ballot in person in the clerk's office or vote in person in the proper precinct until 8 p.m. (MCL 168.761)

6 Boards of county canvassers meet to canvass May 4 election by 9 a.m. (MCL 168.821)

By 11 Ballot wording of county and local proposals to be presented at Aug. 3 election certified to county and township clerks by 4 p.m.; township clerks receiving wording forward to county clerk within two days. (MCL 168.646a)

14 *May 15 is a Saturday.* Not later than this date, the state must have prepared an annual assessment roll for the state-assessed properties. (MCL 207.9(1))

Not later than May 15. May 15 is a Saturday. Deadline for assessors to report the current-year taxable value of commercial personal property and industrial personal property as of May 10, 2021, to the county equalization director. (MCL 123.1353(3))

20 Deadline for payments to municipalities from the Local Community Stabilization Authority: For underpayment of a prior personal property tax reimbursement and remaining balance of Local Community Stabilization Share revenue. (MCL 123.1357(8)(d))

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

After 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)

By 28 *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 by this date. (MCL 211.34d(2))

By 31 *Not later than May 31.* Deadline for assessors to file Form 5403 *Personal Property 2021 Taxable Value for Expired Tax Exemptions* with the county equalization director and state Department of Treasury. (MCL 123.1353(6))

Not later than May 31. Deadline for assessors to file Form 5429 *Personal Property 2021 Taxable Value for Expired/Expiring Renaissance Zone* with the county equalization director and Department of Treasury. (MCL 123.1353(6))

JUNE

1 *May 31 is a holiday.* 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))

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 (first year) of a *Conditional Rescission of PRE* (Form 4640) for the summer tax levy. (MCL 211.7cc(5))

Deadline for filing for *Foreclosure Entity Conditional Rescission of a PRE* (Form 4983) to qualify for the summer tax levy. (MCL 211.77cc(5))

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

Requests are due from a tax increment finance (TIF) authority, local development financing authority or downtown development authority for state reimbursements of tax increment revenue decreases as a result of the Michigan Business Tax (MBT) reduction in personal property taxes. (Form 4650; PA 155-157 of 2008)

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

On or before the first Monday in June. County equalization director calculates current-year millage reduction fraction including those for inter-county taxing jurisdictions. The completed, verified STC Form L-4028 is filed with the county treasurer and the STC. (MCL 211.34d(3))

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

15 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 "homestead" exemption granted under the Neighborhood Enterprise Zone Act. (MCL 207.786(2))

Not later than June 15. Requests are due from a brownfield redevelopment authority for state reimbursements of tax increment revenue decreases as a result of the MBT reduction in personal property taxes. Form 4650; PA 154 of 2008

Deadline for TIF authorities to file TIF loss reimbursement claims Form 5176, Form 5176BR, or Form 5176ICV. (MCL 123.1356a(3))

By 19 Clerks shall electronically transmit or mail (as requested) an AV ballot to each absent uniformed services or overseas voter who applied for an AV ballot 45 days or more before Aug. 3 election. (MCL 168.759a)

AV ballots must be available for issuance to voters for Aug. 3 election. (MCL 168.714)

24 *through July 13.* Precinct inspectors for Aug. 3 election appointed by township election commissions. (MCL 168.674)

By 30 Deadline for classification appeals to the STC. (MCL 211.34c(6)) Appeal must be filed in writing on Form 2167 by June 30.

Township 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))



Can our township resume having indoor in-person township board meetings?

Under a current March 2, 2021, Michigan Department of Health and Human Services (MDHHS) Pandemic Order, beginning March 5, 2021, through April 19, 2021, you may resume indoor in-person public meetings, subject to certain limitations. Not more than 25 persons are allowed in the meeting room, including board members. Additionally, this number cap may be further limited by spacing restrictions requiring that persons not of the same household maintain six feet of distance from one another to the extent possible. Seating should be arranged accordingly. At these indoor meetings, masks must also be worn unless a personal exception applies as set forth in the MDHHS order.

It is also very important to be aware of the risk associated with holding an indoor public meeting with a number cap. The township cannot exclude members of the public from attending a public meeting; therefore, if more than the number cap (i.e., 25) attend the meeting in person, the meeting must be ended. Future changes to this MDHHS order may alter the above restrictions so it is extremely important to keep watch for any such changes.



We think we will have more than 25 people attend our township board meeting. Can we instead have an electronic meeting of the board?

Pursuant to the Open Meetings Act (OMA), Public Act 267 of 1976 (MCL 15.261, *et seq.*), on and after March 31, 2021, through Dec. 31, 2021, public bodies are permitted to hold meetings electronically only for reasons set forth in Section 3(2) of the OMA, for accommodating absent members. Sec. 3(2) of the OMA provides that procedures shall be established to accommodate board members who are absent because of:

“military duty, a medical condition, or a statewide *or local* state of emergency or state of disaster declared pursuant to law or charter or local ordinance by the governor *or a local official*, governing body, or chief administrative officer that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.” (*emphasis added*)

As such, if your township has validly declared a local state of emergency, then for the duration of the emergency, but

not longer than Dec. 31, 2021, the township is allowed to continue conducting its meetings electronically, subject to the requirements of MCL 15.263a.

You should also be aware that there are ongoing proposals for amendments to the OMA that could impact these provisions; therefore, you need to keep watch for any such future amendments.



Does the township have the authority to declare a local state of emergency?

Under PA 390 of 1976, the Emergency Management Act (MCL 30.401, *et seq.*), any municipality that has first appointed an emergency management coordinator may:

“[d]eclare a local state of emergency if circumstances within the county or municipality indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property from a natural or human-made cause exists and, under a declaration of a local state of emergency, issue directives as to travel restrictions on county or local roads.” (MCL 30.410(b))

While the language quoted above only allows a municipality to issue directives as to travel restrictions on county or local roads, it does not require any such directives be enacted in order to declare a local state of emergency. Thus, a municipality can declare a local state of emergency with COVID-19 being the cited reason because it is a “natural or human-made cause” that exists within the community and threatens widespread or severe injury or loss of life, if contracted.

The power to declare a local state of emergency is vested in the chief executive official of the township. The chief executive official is defined as the township supervisor. Additionally, the emergency declaration may not last in excess of seven days, without the governing body of the municipality voting to extend, by resolution, the declaration for a set period of time. The declaration of emergency must be in writing, and promptly transmitted to the state Department of State Police Emergency Division.

It should also be noted that some counties have already declared a local state of emergency and that pursuant to such declaration, municipalities within such counties may hold electronic public meetings. Such authority to hold electronic meetings extends during the duration of the county emergency declaration but cannot extend beyond Dec. 31, 2021.

Finally, the plain language of the OMA allows a township board to adopt an ordinance to declare a local state of emergency.



How does a township appoint an emergency management coordinator?

The method for appointing an emergency management coordinator is set forth at MCL 30.409(2)-(4). The emergency coordinator is appointed by the township supervisor.

Under the statute, a township with a population of 25,000 people or more **shall** either: (1) appoint an emergency management coordinator; (2) appoint the coordinator of the county as its emergency management coordinator; or (3) make no appointment, in which case the township supervisor serves as the emergency management coordinator. (MCL 30.409(2)) Townships with populations of 10,000 people or more **may** appoint an emergency management coordinator to serve at the direction of the township supervisor. (MCL 30.409(3)) Finally, townships with a population less than 10,000 **may** appoint an emergency management coordinator who serves at the direction of the county emergency management coordinator. (MCL 30.409(4))

A public official is not barred from being appointed a municipality's emergency management coordinator. (MCL 30.409(6)) Additionally, a county coordinator can be appointed a municipal coordinator for any municipality within the county and vice versa. (MCL 30.409(7))

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.

Get an update on legislative efforts impacting remote public meetings, and learn from MTA legal counsel and tech experts on how to navigate these meetings at MTA's Virtual Conference & Expo. Turn to the center of this issue or visit www.michigantownships.org/conference.asp for details!



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63

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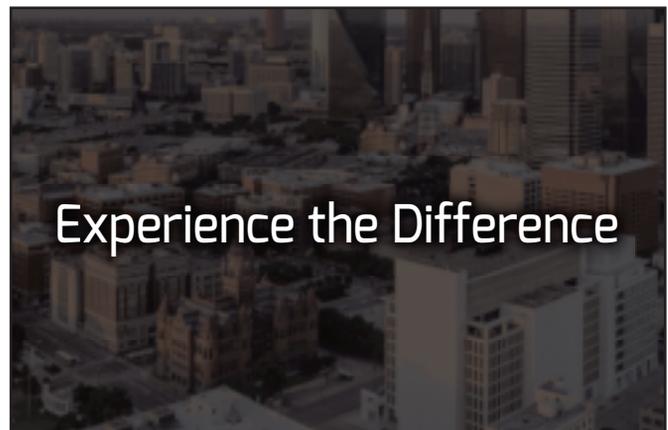
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American Rescue Plan Act to provide aid to local governments

Michigan is expected to receive \$10.3 billion—including an estimated \$1.46 billion for municipalities—in direct financial relief under the American Rescue Plan Act of 2021 (ARP).

Approved by Congress and the president in March, the ARP contains \$1.9 trillion for the coronavirus relief package with \$350 billion allocated for state, local and tribal governments to mitigate the fiscal impacts of the COVID-19 pandemic and provide vital services. Local governments can use ARP funds to cover costs incurred by Dec. 31, 2024, to:

- Provide government services affected by a revenue reduction during the pandemic (in the most recent full fiscal year prior to the emergency); thus, a local unit may use the money to replace the amount of revenue lost during the pandemic compared to the prior full fiscal year
- Make necessary investments in water, sewer and broadband infrastructure
- Respond to the COVID-19 emergency and address its negative economic impacts, including aid to households, small businesses, nonprofits, and industries such as tourism and hospitality
- Provide premium pay—up to \$13 an hour or \$25,000 per worker—in additional wages for essential employees performing an essential function in the pandemic

The allocation of funds will be based on relative population counts with a maximum based on 75% of the local government's budget as of Jan. 27, 2020 (pre-pandemic annual budget). Additionally, the ARP prohibits the use of the funds for pension or to offset revenue loss due to a tax cut.

The measure sets 60-day deadlines (i.e., May 10, 2021) for the U.S. Treasury Department to distribute 50% of the funds to state and local units—with municipalities of 50,000 population and above receiving direct payment from the federal government. For local units with populations of less than 50,000, the state must distribute the funds within 30 days of receiving the Treasury payment, with extensions permitted.

A second tranche of funds will be distributed to localities 12 months after the initial allocation (April/May 2022).

The ARP also includes \$10 billion to states for a Critical Infrastructure Projects Program, with Michigan expected to receive \$250 million. The monies are to be used for projects that would directly enable work, education and health monitoring—including remote options—in response to COVID-19. Examples provided during the legislative discussion included water, sewer and broadband.

Final U.S. Treasury allocations and guidance were not available as of press time, and current estimated allocations and summaries are subject to change. Forthcoming guidance is also expected to address several outstanding questions. Watch MTA publication for more information as it becomes available.

Legislative lowdown

A quick look at critical bills that MTA is following as they move through the legislative process. For a complete list, head to MTA's "Legislative Action Center" on the members side of www.michigantownships.org, or look to our weekly and monthly e-newsletters sent to all MTA 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 4123: Water supply—Modifies use of clean water assistance and safe drinking water assistance funds for energy efficiency water works projects. *MTA supports.*

HB 4129: Elections—Requires secretary of state to post on department of state website 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 absentee 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 4172: Firefighter Cancer Presumption—Extends presumption of causation to part-time, paid on-call, and volunteer firefighters. *MTA monitoring.*

HB 4285: Candidate Filing Fees—Makes filing fees for candidates seeking township office nonrefundable and designates use of funds for election equipment. *MTA monitoring.*

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

SB 17: Public employees and officers—Modifies population thresholds for contracts of public servants serving as public safety officers. *MTA supports.*

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

SB 46: Broadband personal property exemption—Creates a personal property tax exemption for new broadband equipment that resolves lack of broadband service. *MTA opposes.*

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

SB 207: Open Meetings Act: Extends ability for a public body to hold meetings electronically or with remote participation under certain circumstances and provides procedures and requirements for electronic meetings. *MTA supports.*



You've inspired us ... Now, let us inspire you.

Join us April 19-21 for MTA's 2021 Virtual Conference & Expo, where we will honor the heart and soul of township government—"Neighbors Serving Neighbors," a tribute that has never been more true, or more needed, than in the past year.

Our virtual conference is more **accessible** and **affordable** than ever, and while we know it will be a little different, we guarantee that it will provide you with the **education, connection** and **inspiration** you need, as you serve your community.

We look forward to "seeing" you there!



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Conference Schedule

Monday, April 19

11 a.m. to Noon
Opening Session

1 to 2 p.m.
Concurrent Breakout Sessions

2:15 to 3:30 p.m.
Legislative Plenary: MTA Policy Platform
and Legislative Update

Expo open all day
Visit with exhibitors and MTA staff
live from noon to 1 p.m. in the Expo,
MTA Bookstore, MTA-PAC Booth
and MTA “Ask Us” Booth

Tuesday, April 20

10 to 10:45 a.m.
General Session

11 a.m. to Noon
Concurrent Breakout Sessions

2 to 3 p.m.
Concurrent Breakout Sessions

Expo open all day
Join a live Business Solutions Session
beginning at 12:30 p.m.

Wednesday, April 21

10 to 11 a.m.
Concurrent Breakout Sessions

1 to 2 p.m.
Concurrent Breakout Sessions

2:30 to 3:30 p.m.
Closing Session

Expo open all day
Visit with exhibitors and MTA staff
live from 11 a.m. to noon in the Expo,
MTA Bookstore, MTA-PAC Booth and
MTA “Ask Us” Booth

New to online learning, or have questions about participating?
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Concurrent Breakout Sessions

Monday, April 19

1 to 2 p.m.

Clearing the Haze of Marijuana Regulation

Get the most current information on medical and recreational marijuana, including the impact it is having on townships across the state.

Presenters: Catherine Kaufman and Rob Thall, MTA Legal Counsel, Bauckham, Sparks, Thall, Seeber & Kaufman, PC

Effective Communication Strategies

While effective communication skills may come naturally to some, others experience breakdowns that have far-reaching consequences. Explore techniques for swaying public opinion, engaging your community stakeholders and conveying your vision for your community in a compelling fashion. Learn strategies for controlling the narrative and handling challenging issues before they spin out of control.

Presenter: Kelly Rossman-McKinney, Communications Director, Michigan Department of Attorney General

Elections Update

Don't miss this chance to hear directly from the state's top election officials on the hot issues in Michigan elections. Get a wrap-up of 2020 elections and learn what you can expect for 2021.

Presenter: Jonathan Brater, Director, Bureau of Elections, Michigan Department of State

What the Board Needs to Know about Corrective Action Plans

Townships that don't meet minimum assessing requirements as determined by statute and the State Tax Commission (aka, the AMAR) must submit a corrective action plan detailing how and when the deficiencies will be resolved. We'll walk you through the process, and help you learn to identify issues and put together a plan that works for the board, the assessor and the state alike.

Presenter: Will Gast, Department Specialist, Property Services Division, Michigan Department of Treasury

Tuesday, April 20

11 a.m. to noon

Payroll Questions? We've Got Answers!

This must-attend session will examine payroll from pre-employment requirements to year-end processing, including required quarterly reporting to federal and state governments. Find out how to properly calculate Social Security and Medicare taxes, and delve into other payroll topics.

Presenter: Cindy Dodge, MTA Member Information Services Liaison

The Impact of COVID-19 on Your Township Workplace

It is more important than ever for your township to understand the potential legal and workplace ramifications of the COVID pandemic. Township employees have new state statutory protections, plus protections under Michigan's Whistleblowers' Protection Act for even discussing COVID issues in the township hall. This session will help you understand and ensure your board is protected and able to defend new and uncharted lawsuits and claims.

Presenter: Stacy Belisle, Attorney, McGraw Morris P.C.

Tools of Engagement: Township Websites & Social Media

Your residents, businesses and the media prefer different channels of engagement. Your website and social media accounts are important, but so is what you share and how often you provide updates. We'll spotlight several useful tools, techniques and resources, so you can choose the strategies that make the most sense for you and your township.

Presenter: Andy Wolber, technology writer/consultant (@awolber)

Top Township Legal Pitfalls

What you don't know CAN hurt you! This informative session examines a broad range of activities and actions taken by townships that are unlawful or present legal pitfalls. Save your township time (and money!) by learning how to avoid these missteps, blind spots and traps.

Presenter: Rob Thall, MTA Legal Counsel, Bauckham, Sparks, Thall, Seeber & Kaufman, PC

2 to 3 p.m.

Innovating Your Township: How-to Methods and Legal Information for Leaders

Explore ways to improve township services, quality of life, partnerships and resident relations through local government innovation. Identify methods to choose, develop, speak about and implement innovative new activities for your township, including considerations for staying out of court.

Presenters: Neil Sheridan, MTA Executive Director and Catherine Mullhaupt, MTA Staff Attorney

Managing Expectations: A Positive, Pain-Free Audit

Gain insights into how to prepare for an audit, from what to expect and have ready to appropriate responses to common auditor questions. Review what a municipal audit entails, including how often you should have one and why. Learn how to read your township's audit and act on any auditor comments.

Presenter: Jeff Anderson, Regional Director, Public Trust Advisors, LLC; Michigan Class

Policies Matter: Hot-topic Policies Your Township Needs to Succeed

Township policies govern day-to-day operations to ensure efficient governance and consistent application. Certain topics—like marijuana, social media and more—have generated litigation that might be avoided through adoption of specific policies. Failing to do so doesn't just make tough decisions more difficult, it puts your township at risk.

Presenters: Steven Joppich and Lisa Hamameh, Shareholders, Rosati Schultz Joppich & Amtsbuechler, PC

What You Need to Know About Virtual Meetings

If your township hasn't already mastered virtual meetings, it's time. This past year has taught us to prepare for, and expect, the unexpected. Review the latest on the Open Meetings Act, including pending legislative action, and take away technology tips for handling the board's business (and accommodating your community stakeholders!) virtually. This hands-on tech session will empower you to take control of your virtual meetings.

Presenters: Kyle Shumaker, President, Shumaker Technology Group; and Seth Koches, MTA Legal Counsel, Bauckham, Sparks, Thall, Seeber & Kaufman, PC

Wednesday, April 21

10 to 11 a.m.

Introduction to Township Ordinances

Ordinances—local laws enacted by your township board and enforced by the township—can be used to protect your residents and retain the character of your community. Properly written ordinances boost credibility, limit public complaints and assist with enforcement efforts. Get an overview of statutory authority for zoning and non-zoning ordinances and tips for tailoring ordinances to fit your community's needs.

Presenter: Roxanne Seeber, MTA Legal Counsel, Bauckham, Sparks, Thall, Seeber & Kaufman, PC

Meeting Myths, Mysteries & Misconceptions

Board meetings, annual meetings, special meetings, public hearings, joint meetings ... should we continue? Are you confused by the variety of meetings your township board is involved in?

Get clarification on the differences and learn helpful tips for managing public comment, handling complaints and other board etiquette issues.

Presenter: Michael Homier, Attorney, Foster Swift Collins & Smith PC

Township Public Safety Services: So Many Options!

While not legally required to provide public safety services, most townships provide one or more of them either directly or indirectly. Learn about part-paid "volunteer" departments, contracts with other municipalities, the county sheriff or private service providers, and forming multi-unit departments and authorities. Explore finance options such as tax levies, special assessments and service fees. Consider options for dividing costs equitably among participating municipalities and hear ideas, solutions and case studies of other townships.

Presenters: William Fahey and Christopher Patterson, Attorneys, Fahey Schultz Burzych Rhodes PLC

Volunteer Neighbors Supporting Neighbors

Social isolation and the impact on quality of life has been underscored during the pandemic. Learn how neighbors supporting neighbors via weekly "connection" calls and referrals to free counseling, access to food, and other resources can revive your community and your volunteer network.

Presenter: Camille Jensen, MSN, RN-CENP, University of Maryland School of Nursing

1 to 2 p.m.

Bringing Broadband into Your Community

The pandemic forced a rapid shift to a digital society unveiling a digital divide between those who have access and those who do not. This broadband gap affects every generation and industry in rural and urban communities alike. Townships are in a unique position to help bridge that digital divide, from gathering data and building plans to pursuing partnerships and funding. Hear how one township took action and learn more about resources and partnerships that can help you improve access in your community.

Presenters: Ben Fineman, President, Michigan Broadband Alliance; Charlotte Bewersdorff, Vice President for Community Engagement, Merit; and Gary Munce, Deputy Supervisor, Lyndon Township (Washtenaw Co.)

Safety First: Active Assailant Preparedness & Violent Behavior Response

Increase safety in and around your township hall by learning to recognize and respond appropriately to suspicious and oftentimes violent activity. With the knowledge to recognize the indicators and the preparation to react timely and appropriately, you can minimize the devastation from these tragedies.

Presenters: Terry Bykerk, Mike Wierenga and Ryan Ricketson, Two The Rescue

Show Me the Money! Grant Writing Tips

Successful grant recipients know that the process begins well before the application is submitted. Before investing time, energy and effort, it is important to understand the entire process and adjust expectations accordingly. Gain insights into the many steps involved, from resources to research and preparation to proposal.

Presenter: Scott Schmidt, Schmidt Grant Consulting

Things I Wish I Knew When I First Took Office

Get advice on managing the duties of your office from experienced officials, and walk away with a better understanding of how to effectively represent your constituents and your community.

Moderator: Michael Selden, MTA Member Information Services Director

conference registration form

Save time! Register online at www.michigantownships.org

Registrant Information (Please photocopy this form to register additional attendees.)

LAST NAME _____ FIRST NAME _____ TITLE _____

TOWNSHIP _____ COUNTY _____

EMAIL *(Required for ALL attendees to access the event)* _____ TELEPHONE _____

Registration Options	Early-bird rate <small>(by April 1)</small>	Regular rate <small>(after April 1)</small>	Subtotal
Virtual Conference—Attendee (April 19-21)	\$159	\$179	
Virtual Conference—Attendee (April 19-21) <i>MTA Online Premium subscriber savings!</i>	\$127	\$147	
Add a pre-Conference session <i>Session descriptions appear in the March Township Focus or visit www.michigantownships.org/preconference.asp. Select your session(s) and use subtotal column to calculate fees</i>			
<input type="checkbox"/> Board Authorities, Responsibilities & Roles (April 12-13)	\$99	\$119	
<input type="checkbox"/> Assessors Renewal: Professionally Speaking (April 14)	\$50	\$70	
<input type="checkbox"/> MTA Legal Institute <i>for your township attorney</i> (April 16)	\$99	\$119	
Rates shown are for member registrations made online, postmarked or faxed by the deadline. Non-members, contact MTA for rates.	TOTAL DUE		

Payment Information

- Check or money order enclosed; check # _____ *(Make checks payable to MTA.)*
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Send completed forms to MTA, P.O. Box 80078, Lansing, MI 48908, or fax to (517) 321-8908. Register online at www.michigantownships.org/conference.asp. Questions? Call MTA at (517) 321-6467.

Substitution, Cancellation and Refund Policy: A virtual Conference registration may be transferred to another individual (from the same township) for a \$10 administrative fee. If the original and substituted registrants both log in to the event, the township will be charged for both registrants. Refund of the registration fee, less a \$25 administration fee, will be made if notice of cancellation is received in writing by April 5, 2021. Written cancellation requests received after April 5 will incur a \$50 administration fee.

2021 Virtual Conference vendor partners



2021 Virtual Conference vendor patrons

- Anderson, Eckstein & Westrick, Inc.
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Closing the digital divide

Broadband access is a critical issue for townships

Access to digital information has reshaped how citizens, educators, businesses and municipalities interact and participate in nearly every dimension of society.

High-speed broadband internet connectivity benefits economic development and industry growth, increases profitability for local businesses, boosts educational outcomes for K-12 and higher education students, creates pathways for additional democratic participation and public information exchange, and increases home values. With broadband internet, communities are strengthened, citizens are empowered and businesses flourish—and its importance will only continue to grow.

The COVID-19 pandemic forced a rapid shift to a digital society, economy and educational environment—as well as governmental, with many township employees working from home and boards shifting to virtual meetings to conduct township business. The past year has highlighted some of our state's access issues and exacerbating others in relation to the digital divide. In this moment of societal cataclysm, an equitable and mutually beneficial path forward is on the shoulders of municipalities, citizens and the federal

government. Awareness, technological solutions, federal funding sources, growing numbers of private partners and an interested public have created an environment where alignment and forward momentum are possible and necessary.

Townships are in a unique position to help—as the most accessible unit of government for many of Michigan's citizens, townships can provide both a voice and a rallying point for their residents to pursue broadband solutions. Township officials around the state are reporting that broadband access is the number one issue brought to them by their constituents. Township boards can step up by forming broadband committees and funding planning activities that enable their communities to gather data, build plans, and pursue partnerships and funding that result in broadband access for their citizens. According to a recent Broadband Breakfast expert roundtable discussion, "Gathering data at the community level is key to improving broadband mapping." Local engagement is critical to improve broadband mapping for expansion efforts.

Case Study: Lyndon Township

Lyndon Township (Washtenaw Co.) is a rural community located just 20 minutes west of Ann Arbor. Despite this proximity to the sixth largest city in Michigan, township residents were almost entirely lacking in broadband connectivity. On Aug. 8, 2017, residents approved a bond proposal to fund construction of a community owned fiber-optic broadband network serving every home in the township.

Noted Supervisor **Pam Byrnes**, who calls herself a “very grateful township resident, “Having broadband/unlimited data/streaming has been a life changer. I was a mere township resident using my Verizon hot spot when this project was being formulated and put to the voters for approval. One year ago on March 11, 2020—*right* before the lockdown, my internet was installed. I can’t express how fortunate we were to have this access to the world when everything came to a screeching halt.”

The vote passed with 622 (66%) voting yes, and 321 (34%) voting no, and at a record-high non-general election voter turnout of over 43%. The \$7 million project was funded by a bond backed by a 20-year millage, with an average annual millage rate to retire the bonds estimated at 2.91 mills. Based on currently available taxable valuation data for the township, the average cost per property owner for this construction will be about \$21.92 per month.

The township proceeded with activities to execute necessary public bids, contracts, and decisions that informed the design, construction, and operation of the fiber optic network. The township selected Midwest Energy and Communications (MEC), a local electric cooperative who also provides fiber to the home services, as the operator. MEC lit service to the first households in the township on June 27, 2019. Construction of the mainline fiber was completed in the first half of 2020, with all subscribing households connected by the end of 2020. The levels of service available in Lyndon Township are 50Mb for \$35/month, 250Mb for \$45/month, and 1Gb for \$70/month. All levels of service are symmetric, have unlimited data, and adhere to the principles of both net neutrality and privacy.

This initiative has brought 21st century internet access to all Lyndon Township residents at competitive prices, even when accounting for the property tax. More information can be found at <http://www.lyndonbroadband.org>.



What is broadband internet?

“Broadband” is internet access, but the term refers to a high-speed internet connection that provides a user the capability to upload and download high-quality video, data and images. Current federal standards define broadband as 25 megabits per second (Mbps) for download and 3 megabytes per second for upload, though this definition has become outdated. Technology to deliver this connection can include wireless, satellite, fiber and more. (*The sidebar article on page 18 offers an overview of these different technologies.*)

When visualizing bandwidth, or broadband speed, it may help to think of an internet connection as a system of roads. If there is only one lane and a lot of traffic, it will take a long time for a group of cars to reach their destinations. But if more lanes are available, the same group of cars can reach their destinations much quicker.

The second important metric is latency. Latency is a different kind of speed—this is the amount of time it takes a single car (or piece of data) to travel from one end of the highway to the other.

The final important metric is data. This is a measurement of how much total data flows over a connection, via both download and upload. Unfortunately, some connections today have data caps. For data caps, an analogy can be drawn to leasing a vehicle—if you exceed the miles you are contractually limited to, you have to pay a penalty on a per-mile basis. A modern broadband connection should allow for 100 Mbps download and upload speed, have a latency less than 100 milliseconds, and have no data cap.

How can townships further internet expansion efforts in their communities?

Townships play an important role in creating and enabling visions of what they want their communities to look like in the future. While historically these activities have focused around land use and zoning, enabling access to infrastructure like broadband has become a critical area in planning activities.

When understanding how to address citizen concerns around broadband, a thorough understanding of address-level broadband access, the speeds of that connectivity, and citizens’ attitudes regarding service plans and price points is critical in the early planning and engagement process of a community network journey.

When seeking to address the broadband gap, understanding which households have access to broadband, and at what speeds they are currently connected, is critical. All state and federal grant programs rely upon coverage data for funding eligibility. The primary existing source of coverage data, the Federal Communications Commission (FCC) Form 477, is self-reported by service providers and aggregated to the census block level. This data is unreliable

and lacks the granularity needed for accurate coverage inferences. Furthermore, recent studies from the Michigan Moonshot—a collective call to action that aims to bridge the digital divide in Michigan—and the Quello Center at Michigan State University have found that localized data can differ greatly from state averages, further identifying the need for regionally collected information.

Future proofing

As we consider the trajectory of technology, it is also important to consider future demand for broadband. We know that users' bandwidth grows at an average rate of 50% year over year, so it is important to look to future growth such that your community won't be working to address the same problem again in five or 10 years. Wireless, cellular and LEO satellite solutions that can provide speeds up to 100 Mbps today are already an order of magnitude behind what will soon be the majority of households that have access to 1,000 Mbps cable or fiber. And while cable and fiber can easily scale up to 10,000 Mbps and beyond, other solutions will struggle to grow beyond their current levels of service.

How to pay for it

Problems are often simple, even when the solutions are not. In this case, the simple problem is that areas of Michigan with low population densities do not enable fast enough returns on investment to motivate many providers to invest in infrastructure. To solve the problem, significant capital investments are needed to build infrastructure: someone needs to pay for it.

Grants

There are a number of grant options available at the state and national level. There are two important considerations for grants. First, grant programs generally favor shovel-ready projects—if your township wishes to pursue grant money, it must develop a complete project plan, including pre-engineering and financial feasibility, so that it's ready to go when a new grant becomes available. If you wait to start until a grant is announced, it's already too late. Second, do not count on grant funding as the sole solution—generally, grant funding is very competitive and even good grant programs usually have match requirements of around 25% of the project cost.

The Michigan Moonshot maintains a list of high-priority grant opportunities for Michigan communities (visit www.merit.edu/community/moonshot; click on “policy and funding”).

Municipal financing

Townships have various mechanisms available to finance projects such as broadband infrastructure. Each mechanism has advantages and disadvantages, as well as varying requirements.

- **General fund:** If a municipality has sufficient unencumbered funds in their general fund, this can be used to build broadband infrastructure.

Bridging the broadband gap

- Michigan currently ranks 30th in the nation for broadband internet access.¹
- In 30% of Michigan's townships, the majority of households don't have access to broadband—and 11% of townships don't have any access to broadband at all.⁴

Benefits to communities include:

- Broadband fiber within a neighborhood has been shown to increase median home values by as much as 7%.²
- Communities without access to real-time data suffer higher rates of injuries and crime.¹
- A home broadband connection gives households an estimated economic benefit of as much as \$1,850 a year.
- Farmers with broadband access see an average of 6% higher revenue on average.¹
- K-12 students with home broadband access, on average, score higher on standardized tests, achieve a higher grade point average and are more likely to intend on pursuing higher education.³

¹Michigan Broadband Roadmap. (August, 2018). Retrieved from <https://www.merit.edu/wp-content/uploads/2018/12/MCAN-final-report.pdf>

²Molnar, G., Savage, S. J., & Sicker, D. C. (2015). Reevaluating the Broadband Bonus: Evidence from Neighborhood Access to Fiber and United States Housing Prices. Retrieved from <https://pdfs.semanticscholar.org/36ff/7956a0244097d8e503730b182b6724641fb0.pdf>

³Hampton, K. N., Fernandez, L., Robertson, C. T., & Bauer, J. M. (2020). Broadband and Student Performance Gaps. James H. and Mary B. Quello Center, Michigan State University.

⁴Connect Michigan, Aggregated Coverage Data (July 2018)

- **Public revenue bond:** A municipality can issue a bond that is secured by the future revenue from the broadband buildout. Revenue bonds carry additional risk because their repayment is dependent upon the success of the broadband service, so significant due diligence is required.
- **General obligation bond:** A municipality can issue a general obligation bond, which is backed by the credit and taxing power of the issuing jurisdiction. Often the municipality would vote on a new tax, such as a property tax, to fund the bond repayment. The community network in **Lyndon Township** (Washtenaw Co.) is an example of this model. (See page 16 for more on Lyndon Township's broadband efforts.)

Public-private partnerships

Many of Michigan's townships are rural and have very limited staff resources—becoming an internet service provider is generally not high on their priority lists. Fortunately, there are many ways that townships can help their residents get broadband access that do not involve them staffing up or suddenly becoming network wizards. They can

Home internet technologies

Cable—Cable internet services are delivered over the same coaxial cables that were originally installed for the purpose of delivering analog video to television sets. Is it broadband? Yes! Cable is the most prevalent form of broadband today. But, it is available in few rural areas.

DSL—Digital subscriber line (DSL) service is a family of technologies that are used to provide internet connectivity over telephone lines originally intended for analog voice. Is it broadband? Generally, no. While DSL can reach broadband speeds, the signal degrades over distance so rural customers can rarely get broadband speeds.

Cellular (including 5G)—Cellular provides wireless connections, generally to a mobile endpoint like a phone. Many cellular plans have data limitations when using data for devices other than a phone (“tethering” or “hotspot”). 5G cellular will provide modest improvements in rural areas but will not provide the high speeds advertised for larger or more urban areas. Is it broadband? Only if truly unlimited data is available along with a good signal. True unlimited plans are not widely available in rural Michigan.

Traditional satellite—Satellite internet access is provided by communications satellites in Earth’s orbit. Traditional communications satellites have high latency, which make the services problematic for real-time applications such as voice or video chat and gaming. Is it broadband? No. The high latency precludes traditional satellite from being anything but a service of last resort.

Low earth orbit (LEO) satellite—New LEO satellites have an altitude of only a few hundred miles, and as such can transmit data with low latency. Starlink is leading this market, with over 1,000 satellites currently in orbit and beta service deployed to a limited number of Michigan users. Is it broadband? Probably. But, Starlink is still in beta, and it’s not yet clear how widely available their service will be and how it will perform.

Fixed wireless—Fixed wireless is the operation of wireless communication devices or systems used to connect two fixed locations, such as between a tower and a building. Is it broadband? It can be. Unfortunately, with Michigan’s rolling topography and foliage, fixed wireless often fails to achieve broadband speeds in rural areas.

Fiber optic—Fiber to the home is the fastest way to deliver internet service to residences and businesses. Internet backbones use fiber optic cable, as the last-mile connection removes any bottlenecks between the end user and the internet backbones. Is it broadband? Yes! Fiber to the home is the best possible broadband connection. But, home access to fiber is not widely available.

partner with private companies to play to their strengths, as in the example of Lyndon Township. Public-private partnerships can take many other forms as well, including incentivizing private investment and shared investment models.

Rural Digital Opportunity Fund

Recently, the FCC announced preliminary winners of the Rural Digital Opportunity Fund reverse auction that will allocate \$9.2 billion for broadband expansion across the U.S., including \$362 million in Michigan for almost 250,000 locations. While winners have up to six years to complete construction, townships should explore the results to see what might be in the works for their own communities (visit www.fcc.gov, and search for “Rural Digital Opportunity Fund Phase 1 Results”).

A note on special assessment districts

Special assessment districts would be a useful tool for townships to finance broadband, especially for townships with a significant number of residents who are already served. Unfortunately, townships are not currently allowed under Michigan law to use special assessment districts for this purpose. Legislation has been introduced over the last several sessions of the Michigan Legislature to enable this, but it has died in committee each time.

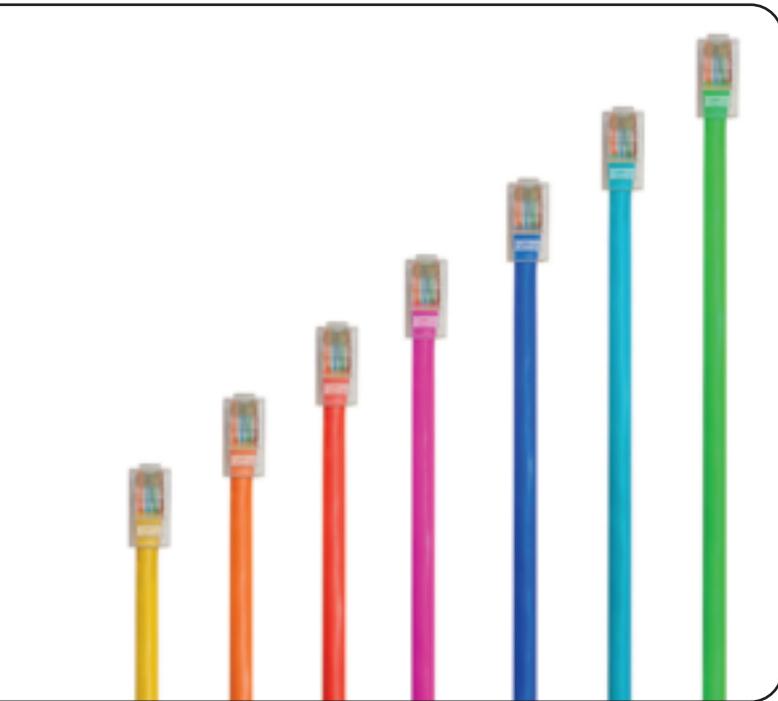
Statutory issues

In Michigan, there are two main laws that townships should be aware of when it comes to engaging on broadband: The Michigan Telecommunications Act and the Metropolitan Extension Telecommunication Rights-of-Way Oversight (METRO) Act.

- **Michigan Telecommunications Act:** This act defines under what circumstances a municipality can provide broadband to their own citizens—basically, a township must ensure there isn’t a viable private provider available by issuing a public RFP for services and receiving fewer than three viable responses.
- **The METRO Act:** This act provides additional requirements that townships must comply with if providing broadband access, including public hearing, cost-benefit analysis and accounting requirements.

How townships can take action

A decade ago, it would have been hard to believe that rural townships would be taking the lead on broadband expansion for their communities. Intuitively, it seems that this is a problem that should be solved by private companies, the state or federal governments, or some combination of those. Unfortunately, this hasn’t happened, and despite new attention to the issue, it’s still unlikely that things are going to change for many rural townships without local action.



Despite new attention to the issue of broadband access, it's still unlikely that things are going to change for many rural townships without local action. There are several specific steps townships should consider if their citizens are asking for help in getting broadband access.

There are several specific steps townships should consider if their citizens are asking for help in getting broadband access.

- **Form a broadband committee** with involvement from at least one board member as well as selected interested citizens. Many communities have citizens who are ready and willing to engage on this issue if given a vehicle to do so. Townships can provide that vehicle by forming a committee to conduct research into the community's current broadband situation, as well as possible solutions.
- **Conduct data collection to understand both the true coverage situation within your township as well as citizens' attitudes regarding broadband.** Data collection that includes parcel-level granularity and speed tests is recommended to understand real-world availability.
- **Fund planning activities that support next steps as determined by the results of data collection.** These may include feasibility studies, pre-engineering or other consulting services.
- **Take action based upon the outcome of community conversations.** Some options require direct involvement from the township, such as establishing partnerships, submitting grant applications, obtaining financing or even building broadband infrastructure. Don't worry if these actions seem intimidating—there is lots of help available, from resources within the Michigan

Township Association to the Michigan Moonshot initiative, to specialized consulting services. You may also be surprised to find how much expertise is available from citizens in your own community!

You don't have to go it alone

Broadband is a critical issue for many of Michigan's townships, and elected officials are well positioned to get the ball rolling. But you don't have to go it alone. The following are some resources to help get you started.

- Join the Michigan Moonshot, view the educational webinar series, and download the comprehensive (and free) Michigan Moonshot Framework, which includes more detailed information on these topics as well as template resolutions and RFPs that townships can use. Visit MichiganMoonshot.org
- Join the upcoming session at MTA's 2021 Virtual Conference entitled "Bringing Broadband to Your Community." Attendees can view the session live on April 21 from 1-2 p.m. and will have access following the event to watch on demand at their convenience.
- Join Michigan Broadband Jumpstart, which provides a community of practice to help individuals get their own initiatives off the ground. Email jumpstart@mibroadband.org.
- Join the Michigan Broadband Alliance, which provides advocacy, education, and information to help municipalities and nonprofits achieve ubiquitous broadband. Email alliance@mibroadband.org.

Among the many lessons learned over the past year, it is the necessity in all our communities, for all our residents, to have fast, reliable access to broadband. The time is now—and townships can help make it happen.

Ben Fineman, President, Michigan Broadband Alliance, **Charlotte Bewersdorff**, Vice President for Community Engagement, Merit Network, and **Pierrette Renée Widmeyer**, Director of Marketing, Communications and Events at University of Michigan/Merit Network

For more information and resources, visit www.mibroadband.org or www.merit.edu, or email alliance@mibroadband.org or info@merit.edu.

Learn more, and get your questions answered during the session, "Bringing Broadband to Your Community," being held Wednesday, April 21, from 1-2 p.m. during MTA's Virtual Conference & Expo. Fineman and Bewersdorff, along with Lyndon Township Deputy Supervisor Gary Munce, will share their expertise and experiences helping to expand broadband in our state. You can also stop by the Merit Network virtual booth in the Expo, and download resources, get contact information or ask questions during the live chat on two days.



Broadband a key topic during the NATaT virtual legislative fly-in

Access to broadband—in rural areas, but also in all Michigan townships—was a key topic of conversation when township officials and MTA staff met with members of the Michigan congressional delegation during the National Association of Towns and Townships (NATaT) virtual legislative fly-in event in March.

Meetings were held with eight members of Congress or their staff, including Sens. Gary Peters (D) and Debbie Stabenow (D), and Reps. Lisa McClain (R-MI-10th), Fred Upton (R-MI-6th), Debbie Dingell (D-MI-12th), Peter Meijer (R-MI-3rd), Dan Kildee (R-MI-5th) and Tim Walberg (R-MI-7th). In each meeting, discussions were held on key issues impacting Michigan's townships—including direct, flexible COVID-19 federal relief to local governments (see article on page 14), transportation infrastructure funding, as well as the importance of access to broadband.

In the first meeting of the week, Rep. McClain told township officials—including MTA 1st Vice President **Bill Deater, Grant Township** (St. Clair Co.) supervisor, 2nd Vice President **Pauline Bennett, Addison Township** (Oakland Co.) clerk, and MTA Life Member **Bill Renn, Chandler Township** (Huron Co.) supervisor—that the topics are at the “top of concerns” that are being discussed at the federal level, particularly broadband. “The issue has always been there, but the pandemic highlighted the need and importance of access to broadband,” said McClain, who is a **Bruce Township** (Macomb Co.) resident.

She also encouraged officials to reach out to their federal leaders, whether it's on a critical, statewide issue, like broadband, or a smaller question where assistance is needed. “Don't think that an issue is too small, or that it doesn't matter,” she said. “It does matter; this is our community.”

Throughout the meetings, township officials—including **Brownstown Charter Township** (Wayne Co.) Supervisor **Andrew Linko** and **Grand Blanc Charter Township** (Genesee Co.) **Scott Bennett**—shared the impact on the lack of broadband in their communities, particularly in the areas of education, economic development and emergency services. “We need your help, as everyone needs access to broadband,” Pauline Bennett told staff from Sen. Peter's office.



U.S. Rep. Tim Walberg told township officials during a NATaT virtual legislative fly-in meeting, “I appreciate what townships do, and I am glad I live in one.”

“This is similar to the rural electrification act, that brought electricity to rural areas across the country decades ago,” echoed MTA District 16 Director **Kevin Beeson, Pine River Township** (Gratiot Co.) supervisor. “A lack of broadband is almost a deal-breaker for any kind of development—whether you are a business, a township or a parent with students in school.”

Rep. Upton told officials that broadband is “such a key issue,” especially for telemedicine and education. “We are full speed ahead, and I am glad to help in anything I can do to help townships and rural areas—as well as urban ones. It is critical, and we need to expand our infrastructure to ensure access is there.”

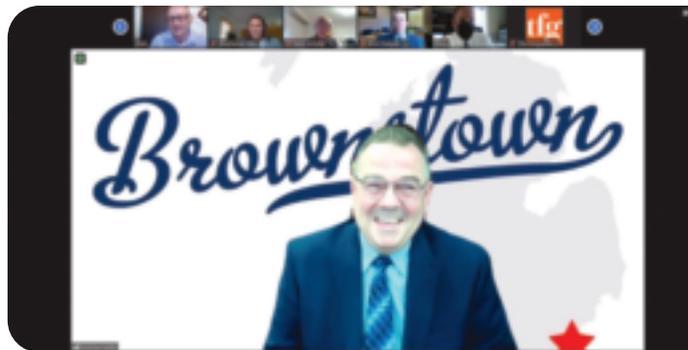
Rep. Walberg also agreed with the importance of having accurate mapping to ascertain broadband coverage, “so we know exactly what we have in any municipality,” he said. “We'll keep pushing.”

“The silver lining to this pandemic is that we have found things that we can do better,” continued Walberg, noting that his **Franklin Township** (Lenawee Co.) home got broadband access right before the pandemic hit. “I do not know what I would have done without it. Everyone needs access—farmers and small businesses. They need it, and it’s time to do it in the U.S.”

The need for federal funding to help fix roads and bridges was also emphasized. “If any one bridge goes down in our township, that reduces the response time for our emergency services, and that can mean someone’s life,” Linko said.

During a meeting with the office of Sen. Debbie Stabenow (D-MI), officials thanked the senator for her sponsorship of the Lifting Our Communities through Advance Liquidity for Infrastructure (LOCAL) Act of 2021, which would restore state and local governments’ ability to refinance outstanding municipal bonds to more favorable borrowing rates or conditions before the end of the initial bond term on a tax-exempt basis. This would help manage existing debts and free up additional township capital for much-needed local infrastructure projects.

Our thanks to additional township participants, including MTA President **Peter Kleiman**, **Harris Township** (Menominee Co.) supervisor; MTA Life Member **Linda Preston**, **Pokagon Township** (Cass Co.) supervisor; MTA Immediate Past President **Jeff Sorensen**, **Cooper Charter Township** (Kalamazoo Co.) supervisor; MTA District 15 Director **Greg Golembiewski**, **Blendon Charter Township** (Ottawa Co.) treasurer; MTA District 19 Director **Joanne Boehler**, **James Township** (Saginaw Co.) treasurer; MTA



The NATAT virtual fly-in offered an opportunity to share local issues to federal leaders. Said Brownstown Charter Township (Wayne Co.) Supervisor **Andrew Linko**, “Townships are the most efficient form of government, and we must make our voices heard to ensure our senators and representatives understand our wishes to better represent our residents.”

District 19 Director **Bret Padgett**, **Comstock Charter Township** (Kalamazoo Co.) treasurer; MTA District 20 Director, **Patti Jo Schafer**, **Eagle Township** (Clinton Co.) supervisor; MTA District 22 Director **Malinda Cole-Crocker**, **Buchanan Township** (Berrien Co.) supervisor; and MTA District 25 Director **Diana Lowe**, **Genoa Charter Township** (Livingston Co.) trustee.

The event also included a plenary session where 100-plus town and township leaders from across the U.S. heard remarks from members of Congress, a briefing from the White House deputy director of intergovernmental affairs, and from USDA Rural Development and the National Volunteer Fire Council.

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All of our best

MTA bids a fond farewell to Tom Frazier

After 20 years serving Michigan townships, there is no doubt in Tom Frazier's mind that it is truly the best form of government.

The long-time legislative liaison for the Association, who retired at the end of March, spent two decades helping to protect and preserve the ability of townships to serve their residents and communities. In Frazier's view, townships are simply the most efficient, effective and accessible local government—something that has not changed over the years.

"Townships and township officials have always done what is needed to get the job done," he said. "I marvel at the fact they are the closest form of government to the people and they respond accordingly to their residents. They continue to provide services at low costs and have been able to maintain those services at minimal rates of taxation. They continue to be the best form of government in my view."

It is the dedication of Michigan's local leaders that has kept Frazier committed to contributing efforts to advocate on behalf of townships—as well as the commitment demonstrated by his MTA colleagues working on behalf of our members. "It is really an appreciation for the township form of government, enjoying representing local government in Lansing and working around a great staff," said Frazier, who joined the Association in March 2001 after working as a legislative aide and special assistant in the state Legislature, and as a regional director for former U.S. Sen. Spencer Abraham.

Frazier has influenced hundreds of legislative bills over his career—helping to advance beneficial legislation, or improve or fend off harmful bills seeking to limit township authority or having a negative impact on our members. In addition to advocating to state and federal lawmakers, he has testified before countless committees and served on workgroups and committees. He has helped to guide the Association's legislative policy platform, and has taught educational sessions and legislative updates at MTA events.

"Tom's work at MTA has made a lasting impact that improved laws governing townships in many ways," said Judy

Allen, MTA Director of Government Relations. "After 20 years, his presence will be missed and we wish him nothing but the very best as he embarks on this next chapter in his life."

One of Frazier's proudest legislative achievements was helping to reshape the state's recall process for local officials. "Without a doubt, the biggest legislative accomplishment that I was involved in was reforming the recall process," he said. "When I first joined MTA, way too many recalls against township officials were occurring with the majority occurring for frivolous or political reasons. Being able to make the necessary legislative changes to reform the system was definitely a highlight."

Frazier also recalled (pun intended!) House Bill 4780, a 2007 attempt to strip townships of core statutory functions—a short-lived effort that was met with swift action and uproar from the Association, township officials and residents who value the townships they call home. "That was a serious and severe threat to the township form of government and one in which township officials became highly engaged to stop this effort in Lansing," Frazier recollected, noting that efforts to stem local democracy continue today. "On the negative side, unfortunately we continue to see efforts to take away local zoning authority, local control in general and often a Lansing mentality of a one-size-fits-all approach works best—which is not the case."

Strong ties with townships, and his community

During his tenure at MTA, Frazier has seen the Association adapt and grow to meet the needs of our members, as they too have grown and changed—as well as pivoting services over the past year due to the pandemic.



“MTA has learned to adopt to changes extremely well, especially in an era of COVID,” he said. “During the past year, the Association has really stepped up in a big way to continue to provide services to its members. It has had to adjust by providing most of those services and education opportunities through virtual means and has really made the process rather seamless from staff being able to work from home and yet still providing what our members need.”

That service and connection with our members means a great deal to Frazier, as he reflected on his time with MTA and moves on to the next chapter in his life. “One of the most significant and meaningful things to me has been to be able to build relationships with township officials from all around the state,” he said.

Frazier has strong ties in his community, as a volunteer and being active in his church. His retirement will allow him to focus on those efforts.

“I am definitely looking forward to spending more quality time with my wife, more time at our cottage on Bois Blanc Island and more opportunities to serve the Lord,” he said. “We are both quite heavily involved in our church and other ministries. In addition, I have always wanted to restore an old home and will have the time to do that now as we have recently purchased an historic home built in 1871, which needs some pretty significant restoration.”

Thank you, Tom, for your service to MTA and Michigan townships. We wish you all the best!



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Mapping Michigan's future

Townships, residents can play a role in redistricting process

In 2018, Michigan voters took fate into their own hands and drastically shifted the redistricting process by adopting Proposal 18-2. Instead of legislators drawing lines for their best interests, citizens would draw lines that represent their interests and respect historical, cultural or economic perspectives.

For the first time in the state's history, the Michigan Independent Citizens Redistricting Commission (MICRC) will lead the redistricting process to draw fair and independent maps. The MICRC has the exclusive authority to redistrict the state under Article IV, § 6 of the Michigan Constitution of 1963.

Who is the MICRC?

The MICRC is responsible for drawing the district lines for the Michigan House and Senate, and the U.S. House of Representatives. The MICRC is the only entity in the state authorized to draw and adopt redistricting plans for the state.

Randomly selected from more than 9,000 applicants, the MICRC is comprised of 13 citizens from across the state of Michigan. They include four people who affiliate with the Democratic party, four who affiliate with the Republican party, and five who do not affiliate with either major party. Their varied backgrounds range from a college student to an attorney, a retired specialized foster care worker to a payroll specialist.

Constitutional responsibilities of the MICRC

Before drawing any lines, the MICRC must hold at least 10 public hearings, per the Michigan Constitution, to:

- Inform the public about the redistricting process
- Share the commission's purpose and responsibilities



- Solicit information from the public about potential redistricting plans for U.S. House and state House and Senate districts

The state Constitution outlines the specific criteria and procedures the MICRC must utilize when proposing and adopting a redistricting plan (listed in order of priority):

- a) Districts shall be of equal population as mandated by the United States Constitution and shall comply with the voting rights act and other federal laws.
- b) Districts shall be geographically contiguous. Island areas are contiguous by land to the county of which they are a part.

- c) Districts shall reflect the state’s diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents or political candidates.
- d) Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.
- e) Districts shall not favor or disfavor an incumbent elected official or a candidate.
- f) Districts shall reflect consideration of county, city and township boundaries.
- g) Districts shall be reasonably compact.

After developing at least one plan for each type of district, the MICRC must hold at least five public hearings to solicit comment about the proposed plans being considered.

Before the MICRC votes on any redistricting plan, it is constitutionally required to publish the plans and provide a minimum of 45 days for public comment on the proposed plan or plans. Adoption of a final redistricting plan requires a majority vote of the MICRC that includes at least two commissioners who affiliate with each major party and two commissioners who do not affiliate with either major party. If this is unattainable, the commission will follow the procedures outlined in the constitution to adopt the final maps.

Commission meetings and public hearings

The MICRC meets weekly on Thursdays, virtually, due to COVID-19. Once in-person meetings are restored, the MICRC will meet across the state of Michigan. Visit www.michigan.gov/MICRC for meeting locations and times.

The first round of public hearings is scheduled most Tuesdays and Thursdays in May and June. Dates and locations are: **May 4—Gaylord; May 6—Marquette; May 11—Muskegon; May 13—Grand Rapids; May 18—Jackson; May 20—Kalamazoo; May 25—Midland; May 27—Lansing; June 1—Pontiac; June 3—Flint; June 8—Novi; June 10—Dearborn; June 15 and 17—Detroit; June 22—Port Huron; and June 24—Warren.** The MICRC will also conduct its weekly meeting on Thursdays, in addition to the public hearings.

The second round of public hearings will be held in Detroit, Flint, Gaylord, Grand Rapids, Lansing, Marquette, Novi, and Warren in either November or December. Please stay tuned for more information on specific dates and times.

When is the MICRC expected to finish its work?

Although the MICRC constitutional deadline is Nov. 1, due to the delayed release of the 2020 Census data, it is unknown at this time when the commission will complete its redistricting work. Under federal law, the census data should be provided to the states by April 1; however, per the U.S. Census Bureau, it is scheduled to be released Sept. 30.

The constitution states that the MICRC must publish the proposed redistricting plans and provide a minimum of 45 days for public comment. Under the current Nov. 1 deadline, this would occur on or before Sept. 17. During the 45 days, the MICRC will be conducting its second round of public hearings. Considering the census data will not be released until Sept. 30, it would be impossible to begin the 45-day public comment period on Sept. 17 and complete this process by Nov. 1.

To address the timing issue created by the delayed census data, the MICRC recently voted to petition the Michigan Supreme Court for relief in the form of modified deadlines to complete its critical work. Stay tuned for more information.

Why should I care about redistricting?

For authentic representative democracy, consider these three reasons why you should care about redistricting.

- 1) Instead of elected officials choosing the voters to maintain their partisan advantage, the MICRC ensures that citizens can vote for the elected officials that best represent their interests.
- 2) The new redistricting process ensures that redistricting occurs in an open and transparent manner with opportunity for statewide public participation.
- 3) Communities of interest have voices to prevent gerrymandering and dividing of neighborhoods for partisan gain, which can harm these communities.

Townships’ role in the MICRC

Townships can assist the MICRC in the following ways:

- Refer your residents to www.michigan.gov/MICRC to learn more about Michigan’s new redistricting process
- Promote and attend/watch the MICRC meetings and/or public hearings across the state
- Submit public comments and/or proposed redistricting maps to the MICRC
- Collaborate and host a Town Hall Forum to provide information about the redistricting process with local community organizations

For more information about redistricting, to learn more about the commission or to sign up to receive alerts, please visit www.michigan.gov/MICRC.



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COA: Zoning ordinance can regulate location of caregiver grow operations

Charter Township of York v. Miller, ___ Mich. App. ___ (Jan. 28, 2021)—In a previous opinion, the state Court of Appeals affirmed a circuit court judgment that the township’s zoning ordinance conflicted with the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 *et seq.*, to the extent that it prohibited the outdoor growth of medical marijuana in all zoning districts. But following the Michigan Supreme Court’s judgment in *DeRuiter v. Byron Twp*, 505 Mich. 130 (2020), that judgment was vacated and remanded to the Court of Appeals. After reconsideration, the court held that the township’s zoning ordinance does not directly conflict with the MMMA.

In *DeRuiter*, the Supreme Court held that a zoning ordinance can directly conflict with the MMMA if it prohibits or penalizes all medical marijuana cultivation, or when it imposes regulations that are unreasonable and inconsistent with regulations established by state law. The Court of Appeals held in this case, however, that the township’s zoning ordinance did not prohibit or penalize all medical marijuana cultivation because it allows primary caregivers to cultivate medical marijuana, but limits where a caregiver may cultivate the marijuana.

The court also found that York Charter Township’s zoning ordinance was very similar to Byron Township’s ordinance in *DeRuiter* because both ordinances allow for the cultivation of medical marijuana by primary caregivers as a “home occupation” and require that the caregiver cultivate the marijuana inside a residence. The court noted, “Given the similarity of the two ordinances, because the Supreme Court concluded in *DeRuiter* that the defendant township’s ordinance did not directly conflict with the MMMA, we conclude that there is no direct conflict between the zoning ordinance and the MMMA. ... The ordinance does not prohibit or penalize all cultivation of medical marijuana, and it does not impose regulations that are unreasonable and inconsistent with the regulations established by the MMMA.”

COA: Township water rates served ‘valid regulatory purpose’

Youmans v. Charter Township of Bloomfield, ___ Mich. App. ___ (Decided Jan. 7, 2021, approved for publication March 2, 2021)—In a class action (as the sole member of the class), Jamila Youmans challenged the municipal water and sewer utility rates and ratemaking practices of the township, and the trial court held in her favor on several of her claims. In this case, the state Court of Appeals reversed most of the trial court’s findings, holding among other things that the township’s disputed rates were found to serve valid regulatory purposes in “raising a prudent level of both revenue and capital and operational reserves—including revenue to fund its other post-employment benefits (OPEB) obligations, the costs of providing fire protection services to the community, expenses related to the county storm drain system, and necessary capital improvements.”

The township had appealed the trial court’s amended judgment that awarded plaintiff and the plaintiff class permanent injunctive relief and more than \$9 million in restitution. The Court of Appeals affirmed the trial court’s ruling concluding that the township’s rates and ratemaking were not a violation of the Headlee Amendment (Article 9, §31 of the Michigan Constitution of 1963) or the first two criteria of *Bolt v. City of Lansing*, 459 Mich. 152 (1998), but reversed the trial court’s judgment awarding monetary and equitable relief to Youmans, remanding to the trial court for entry of a judgment of no cause of action in favor of the township.

In a comprehensive and complicated challenge to various aspects of the township’s water and sewer rates and its related ratemaking methodology, which involved multiple finance experts testifying, the court evaluated various types of costs being recovered in the township’s water and sewer system rates, including purchasing water wholesale, providing water for public fire protection (PFP), system and general fund administrative and overhead costs such as retirees’ non-pension benefits (OPEB), renting township facilities, assuming some county drain charges, and providing for capital improvements and maintenance, balanced with general fund payments and in-kind services from some township departments, and the amount a municipal utility should maintain in cash reserves.

In ruling on Youmans’ claim of assumpsit (in this context a claim of “unjust enrichment”), the court held the plaintiff had failed to rebut the presumption of reasonableness, saying, “Absent clear evidence of illegal or improper expenses included in a municipal utility’s rates, a court has no authority to disregard the presumption that the rate is reasonable.” *Shaw v. Dearborn*, 329 Mich. App. 640 (2019).

The court continued, “Without a comprehensive rate study—or some similar evidence demonstrating that the disputed rates excessively compensated the township for the related utility services—one can at best speculate about whether the disputed rates were proportional to the underlying costs. And several of the testifying experts at trial specifically indicated that, based on a review of the township’s audited financial statements, its cash inflows and outflows over the disputed period were proportional. Therefore, we are not definitely and firmly convinced that the trial court made a mistake when it found that plaintiff had failed to demonstrate disproportionality in the rates. In light of that finding, however, the trial court erred by nevertheless ordering defendants to refund more than \$9 million to plaintiff and the plaintiff class. Given that plaintiff failed to demonstrate that the township would be excessively (and thus unjustly) enriched by the retention of such funds, the trial court should not have ordered the refund that it did.”

Youmans also argued that the township received unlawful free public fire protection services under the Revenue Bond Act of 1933, MCL 141.101 *et seq.*, “because the township’s water and sewer fund, not its general fund, pays for those services by incorporating the PFP expenses into the disputed utility rates.”

The court continued, “Plaintiff ignores the fact that, in the trial court’s amended judgment, it expressly found that the township did, in fact, pay for the disputed PFP expenses by way of in-kind remuneration provided to the water and sewer fund. ... There was extensive evidence at trial concerning the in-kind services the township renders to its water and sewer fund, [...] estimating their annual value at somewhere around \$700,000 or \$800,000. On the other hand, there was a relative dearth of evidence concerning the proper value for the trial court to ascribe to the PFP services. Plaintiff’s own expert [...] admitted that the ‘preferable’ method of assessing the value of such services was to perform ‘a fully allocated cost of service study’ and that he had failed to do so, having instead used the “antiquated” Maine Curve methodology. Therefore, we are not persuaded that the trial court clearly erred when it found that the township’s provision of in-kind services constituted sufficient payment for the disputed PFP services. And in light of the finding that the township was paying for those PFP services, we cannot conclude that the trial court erred by failing to hold that the township was receiving ‘free’ PFP services in contravention of MCL 141.118(1).”

Relying on *Bolt*, Youmans also argued that the trial court erred or clearly erred by holding that the disputed OPEB, county drain and PFP charges were not unlawful exactions under the Headlee Amendment.

The court explained that under *Bolt*, courts apply three key criteria when distinguishing between a user fee and a tax: (1) a user fee must serve a regulatory purpose rather than a revenue-raising purpose; (2) user fees must be proportionate to the necessary costs of the service; and (3) a user fee is voluntary in that users are able to refuse or limit their use of the commodity or service. The court noted that, “These criteria are not to be considered in isolation, but rather in their totality, such that a weakness in one area would not necessarily mandate a finding that the charge is not a fee.”

Addressing the first *Bolt* factor, the court extensively cited *Shaw*, in which the court upheld challenged water and sewer rates as permissible user fees in a similar Headlee challenge:

“Under the analysis suggested by plaintiff, a city could never use funds obtained from city-wide water or sewer ratepayers to install, repair, or replace any particular pipe or facility that is part of the overall water or sewer system. Take, for example, a water main that runs beneath a major thoroughfare on the west side of any average city. The water main does not transport water to the residential homes, commercial businesses or industrial factories on the east side of that city. Yet, when the water main ruptures and must be repaired, the city can use funds obtained from the general pool of water ratepayers to make the repairs—without transforming its water rates into an unconstitutional tax. The city is not constrained by the Headlee Amendment to determine which specific homes, businesses or factories in the city use water that flows through the specific water main that burst, and then use revenues derived from only those users to pay the cost of repairing that burst pipe. When the city uses funds paid by water ratepayers throughout the entire city to pay for the repairs to the burst water main, that repair does not transform the city’s water rates into an illegal tax on the ratepayers who use water that flows through pipes other than the one that burst. Rather, the water rates are used to operate

and maintain a viable water-supply system for the entire city and the revenues used to make the repairs serve a regulatory purpose of providing water to all of the city’s residents.”

The court found that *Shaw*’s analysis of the *Bolt* factors strongly supported the trial court’s Headlee ruling here: “In *Shaw*, the court held that it was beyond dispute that the city’s water and sewer rates comprise a valid user fee because the rates serve the regulatory purpose of providing water and sewer service to the city’s residents. Although the rates generate funds to pay for the operation and maintenance of the water and sewer systems in their entirety, this by itself does not establish that the rates serve primarily a revenue generating purpose. ‘While a fee must serve a primary regulatory purpose, it can also raise money as long as it is in support of the underlying regulatory purpose.’ *Graham v. Kochville Twp.*, 236 Mich. App. 141 (1999).”

“Similarly, in this case, it is undisputed that the contested rates are assessed to fund the operational and capital expenses of the township’s water and sewer system, which serves the primary function of providing water and sewer services to the township’s ratepayers. Moreover, to the extent that those rates result in surpluses during some fiscal years, [...] the township’s 20-year capital improvement program was, at least in part, necessitated by the entry of an ‘abatement order’ against the township, which arose out of litigation with the DEQ and regarded the level of water ‘infiltration’ in the township’s sewer system. Categorically, such obligations arising out of administrative-agency regulations serve a regulatory purpose. On the strength of the entire record, we hold that the township’s act of raising a prudent level of both revenue and capital and operational reserves through the disputed rates—including revenue to fund its OPEB obligations, the costs of providing fire protection services to the community, expenses related to the county storm-drain system, and necessary capital improvements—primarily serves valid regulatory purposes.”

On the second *Bolt* factor, the court emphasized that the presumption of reasonableness regarding municipal utility rates is a “pertinent” consideration: “In this case, on several occasions, the trial court expressly found that plaintiff had failed to demonstrate that the disputed utility rates were disproportionate to the underlying utility costs, and as already explained, we see no basis for disturbing that factual finding. Because plaintiff did not carry her burden of demonstrating disproportionality, it necessarily follows that the second *Bolt* factor militates in favor of the township’s position.”

The court did find that, “at least the fixed portion of the disputed rates here—the most sizable portion—is effectively compulsory. Thus, the third *Bolt* factor weighs in favor of plaintiff’s position.”

But the court concluded, “On balance, plaintiff has failed to carry her burden of demonstrating that the disputed rates are impermissible taxes, rather than user fees. The first and second *Bolt* factors clearly favor the conclusion that the disputed charges are proper user fees, and with regard to the third factor, the lack of volition does not render a charge a tax, particularly where the other criteria indicate the challenged charge is a user fee and not a tax. Therefore, the trial court did not err by entering a no-cause judgment against plaintiff with regard to her Headlee claims.”



Q Our clerk is considering using a third-party payroll processing service. The cost seems reasonable, but will it really save that much effort?

Many private sector businesses and larger governmental units have used third-party payroll for years. The staff time reduction is usually the motivation, but other benefits include:

- **Tax filing service.** Third parties will file all tax returns, 941, W-2/W-3, and Unemployment forms, as well as make tax payments at the appropriate time
- **Direct deposit options** for employee net pay
- Generally **easier to cross train** other employees in case of absence of payroll person
- **Internal control improvements.** A township can generally separate key functions involving payroll: adding/deleting employees, changing pay rates and entering time. This is much more difficult to accomplish in a small township using “off the shelf” products like QuickBooks. Third parties can also directly mail payroll reports to another township employee or official, such as the treasurer.

While townships with integrated software packages enjoy the ability of the payroll modules to post directly to the general ledger, many payroll third-party processors can also create electronic postings to the general ledger in some applications.

Interested townships should do a cost-benefit analysis of the incremental cost of third-party payroll, measured against time savings, and other potential benefits and services.

Q Are there risks to outsourcing payroll processing?

Just like financial intuitions, payroll services are *not* all alike. Since the industry has moved from payroll and tax preparation to include payment of taxes, employee withholdings and direct deposits, by “impounding” client funds (directly drafting from client bank accounts), townships should only consider those firms that have a long-term track record and meet IRS requirements on software development. For more information, visit www.irs.gov and search for “Outsourcing payroll.”

A large recent fraud, involving \$26 million from 1,000 different businesses that involved a cloud-based payroll processing company, draws attention to the need for oversight:

- **Obtain or conduct service organization audits.** Most audited entities must obtain a report expressing an opinion on the internal controls over Service Organizations (SOC-1).
- **Be aware of the potential for fraud.** Enroll in Electronic Federal Tax Payment System and monitor tax payments under your employer identification number.
- Contact the Social Security Administration to confirm the wages, and taxes paid.

- Make certain the township’s address, not the payroll company, is the employer address with the IRS and Michigan Department of Treasury, to receive notices and other correspondence.

It is strongly suggested that townships consider only those companies that have strong financial controls in place and that are able to provide internal control reports. The township auditor will need these internal control reports for their audit, and should provide the township with some assurance that the township’s fiduciary responsibilities to file and remit taxes are being fulfilled. Consult your CPA and local bank before entering into these relationships.

Q What procedures should we have for using an electronic funds transfer (EFT) system for payroll?

The Electronic Transactions of Public Funds Act (Public Act 738 of 2002, MCL 124.301, et seq.) requires adoption of an automated clearinghouse (ACH) policy that includes designation of electronic transfer officer, documentation of payment, and establishment of internal controls system, specifically that all payments must be approved by the township board and the clerk and treasurer must be involved in any disbursement of funds.

A sample ACH policy is available on the members-only side of www.michigantownships.org. After logging in, look in the “Index of Topics” under the “Answer Center” tab.

Other specific recommendations include:

- EFT transactions should only occur in “imprest” cash accounts—special accounts to handle disbursement of EFT transactions, considered a firewall between third parties and township resources, in case of error or fraud. This helps assure that only debits authorized by the township account occur.
- The clerk should initiate the transaction by sending payroll transactions to the payroll company (usually hours worked). After calculation of the payroll, the clerk should review the results and create a draft request, similar to a check request, submitted to the treasurer.
- The treasurer should transfer the appropriate funds after board approves, and the treasurer reviews the documentation attached to the draft request.
- The board should approve drafts from operating accounts to imprest accounts, either prior to disbursement or ratifying in the next board meeting. It is suggested that board preauthorize payroll transactions prior to the commencement of fiscal year, with the stipulation that all preauthorized transactions be included on the approval list for the following board meeting.

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.



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- *Secrets to Great Board Meetings*
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- *Special Assessment Procedures*
- *Taxation Trouble Spots*
- *Who Gets Paid What ... and How?*

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- *Introduction to Planning & Zoning*
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