

DECEMBER 2022

Township Focus

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

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Leading through tragedy

My most heartbreaking moments this past year came as I sat across the table from **Oxford Charter Township** (Oakland Co.) Supervisor **Jack Curtis** and felt his overwhelming grief and frustration. We met after Christmas 2021 as Oxford moved from the post-school shooting crisis to recovery periods. As you know, the community and surrounding region joined together “Oxford Strong” to support their students and families and begin to heal. They were not alone. As just one example, leaders from Parkland, Fla. had reached out to Jack to offer whatever guidance they could.

From in-the-moment shock to first response, through mourning to rebuilding is an ongoing process for Oxford. As we sat together, Jack expressed his hope to share with his Michigan township peers about their tragedy and what we need to consider. We planned what became this issue’s cover story on planning for the unimaginable, both as a retrospective and to help you prevent if possible, and prepare for, if unpredictable, such devastating challenges to your community.

Your emergency response preparations may not directly align with what occurs. Earlier in my career, I joined a course in Mass Casualty Incident Command, which most of our participants likely interpreted to mean large-dwelling fires or highway accidents. However, this same group was later at the core of the more than 200 ambulances that turned out for a high-speed crash of two commuter trains, and later at Ground Zero on 9/11.

Forces of nature are a threat anywhere at anytime. Earlier this year, the Gaylord tornado killed two and injured 44 people. As in Oxford, the emergency services provider response and relief coordination serve as a model of speed, effectiveness and compassion. The flooding-related Edenville dam failure in 2020 saw 10,000 people being evacuated, with lives disrupted for months.

Ten years ago, a good friend of mine, who is also a township trustee, told me that he wanted to start advising houses of worship on preparing for incidents with active

shooters. I remember being appalled that that was even something to be worried about. But the Milwaukee, Wis., Overland Park, Kan., Charleston, S.C., Antioch, Tenn., and Sutherland Springs, Texas mass shootings followed in the next five years. As I researched and wrote that sentence, it struck me that, after the outrage at the first incidences, when more continue to occur, the public becomes numb. I did not remember Sutherland Springs.

As community leaders, you remain alert for the unpredictable and the unthinkable. Our article, education courses and other resources are ways MTA seeks to help you do so. Every fall, for example, MTA features a full-day *Emerging Issues in Emergency Services* workshop to review the challenges facing your township fire department and emergency personnel. Like this month’s cover story, it’s another resource that can help you mitigate, and manage, the impact to your community and responders.

This month’s letter to you has been somber. It could not have been otherwise.

Gather your families and friends close this holiday season and tell them that you love them.

Neil

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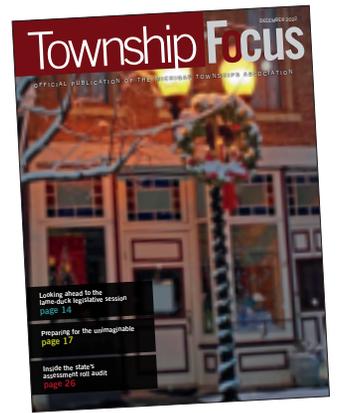
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mission statement

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



featured articles

17 Planning for the unimaginable

No one expects that an unimaginable emergency, or tragedy, will befall their community. But the truth is, it *can* happen anywhere—and all townships must be prepared for if the unthinkable happens. **Oxford Charter Township** (Oakland Co.) experienced this first-hand, when a horrific school shooting occurred at its local high school last November. Like Oxford, actions taken before, during and after an event make a critical difference if and when an emergency situation arises.

26 Inside the state's assessment roll audit

Sometime over the next five years, every Michigan township will undergo a state assessment roll audit. While township officials certainly aren't expected to know the ins and outs of assessing, the township board bears the responsibility for ensuring the township's assessment administration meets state requirements—and for ensuring any deficiencies are corrected.

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news¬es

a compendium of noteworthy items

BOARD OF REVIEW MEMBERS

Board of review appointments due Jan. 1



The General Property Tax Act (MCL 211.28(1)) requires township boards to appoint members to the township's three-, six- or nine-member board of review (BOR). BOR members serve for two years, beginning at noon on Jan. 1 of each odd-numbered year. Both new and reappointed BOR members must take the oath of office within 10 days after his or her appointment. The oath is kept on file by the township clerk.

Under MCL 211.28, a member of the township board may not serve on the board of review or fill any vacancy. A spouse, mother, father, sister, brother, son or daughter, including an adopted child, of the assessor is not eligible to serve on the board or fill any vacancy. MTA Legal Counsel recommends that a township board take a prudent approach and use a similar prohibition on appointing the same relatives of the supervisor. At least two-thirds of the board of review members must be property taxpayers of the township. (Michigan Election Law, MCL 168.342, requires all members to be taxpayers, however, the State Tax Commission (STC) has stated that is not necessary. MTA Legal Counsel suggests taking a prudent approach.)

Reminder: Alternate members may be appointed—Under MCL 211.28, township boards may appoint not more than two alternate members for the same term as regular members of the board of review. An alternate member may be called to perform the duties of a regular board of review member in the absence of a regular member, or for the purpose of reaching a decision in issues protested in which a regular member has abstained for reasons of conflict of interest.

Ensure your township's BOR members meet state training mandate—Under MCL 211.10g, the township board is responsible for seeing that all BOR members receive training and updates required and approved by the STC at least once every two-year term. So all BOR members, including those who are reappointed, *must* receive the training in either 2023 or 2024 to meet the requirements for the term. This requirement is a subject of the state audit of the assessment roll. MTA's annual *Board of Review Training*, being held in February across the state, as well as online options, qualifies for this requirement. For additional resources, purchase MTA's *Board of Review Manual* at www.michigantownships.org, by calling (517) 321-6467, ext. 221 or emailing elsa@michigantownships.org. Purchase at a discounted price when registering for our February training or on-site.

ARPA ASSISTANCE

U.S. Treasury scales back ARPA assistance

The U.S. Department of Treasury has scaled back its American Rescue Plan Act (ARPA) assistance to local governments, including responding to phone calls via its contact center. Treasury's contact center ceased its phone operations on Nov. 1 and all incoming calls receive automated voicemail messaging referring them to self-service resources available on the U.S. Treasury website. In addition, contact center staffing has been ramped down, and email response times are expected to be delayed as a result, according to Treasury, citing funding shortfalls.



The new "Self-Service Resources" page on U.S. Treasury's State and Local Fiscal Recovery Funds (SLFRF, through ARPA) website includes guidance and frequently asked questions, based on topic, including reporting, accessing Treasury's portals and eligible use of funds. Treasury urges use of the new page as ARPA recipients' "first stop for efficiently answering any questions that they have about recovery programs." You can access the Self-Services page at <https://home.treasury.gov/> (search for "SLFRF Self-Service Resources"). A link is also on MTA's "Federal COVID-19 Relief Funding" webpage, www.michigantownships.org/federal-covid-19-relief-funding/.

The National Association of Towns and Townships (NATaT) has urged the U.S. House to pass the State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act, following the U.S. Senate's passage of a companion bill last October. The legislation would, among other things, provide additional funding to allow U.S. Treasury to continue to support local governments. "Continued support from Treasury is critical to ensuring communities utilize their ARPA funds as intended by the law," NATaT stated in its support letter.

MTA-member officials can reach out to MTA's Member Information Services Department for assistance or with ARPA questions at (517) 321-6467 (press option 1). State Treasury can also assist townships continuing to have issues completing reporting or accessing U.S. Treasury's reporting system; email them at treas-arpa@michigan.gov.

ATTENTION TREASURERS

Reminder for tax collection office hours

The township treasurer, or their designee, must be in his or her office from 9 a.m. to 5 p.m. to receive tax payments on the last day taxes are due and payable before being returned as delinquent under MCL 211.55. (MCL 211.44(2)(b)) MCL 211.55 refers to the last day of February as the last day that taxes are due and payable before being returned as delinquent to the county treasurer, and provides for the unpaid taxes to be returned as delinquent to the county treasurer the next day.

In addition, the treasurer (or designee) must be in his or her office from 9 a.m. to 5 p.m. one business day between Dec. 25 and Dec. 31. However, the requirement to hold hours in December is waived if the township has an agreement with a local financial institution to collect taxes on behalf of the township, and the township provides timely notification to the taxpayers of their ability to pay their taxes at this financial institution.

The available days for required December office hours are **Monday, Dec. 26 through Friday, Dec. 30, 2022**. Treasurers **must** choose one day (unless a bank assists in collection). (MCL 211.44(2))



The last day to pay 2023 property taxes without incurring any interest or penalty is **Tuesday, Feb. 14, 2023**. Treasurers **may** choose to hold office hours.

The last day to pay 2023 property taxes before they are returned as delinquent is **Tuesday, Feb. 28, 2023** (the last day of February). (MCL 211.45) Treasurers **must** hold office hours.

The treasurer also **must** be in his or her office from 9 a.m. to 5 p.m. to receive tax payments for the collection of a summer tax levy, on **Thursday, Sept. 14, 2023** (the last day taxes are due and payable before interest is added under MCL 211.44a(5)).

Under Public Act 129 of 2019, a designee for the township treasurer can act on his or her behalf for tax collection purposes. The law allows the treasurer to appoint a designee, approved by the township board, to take the treasurer's place and accept tax payments during these designated times. The designee can be the deputy treasurer, an elected official or another individual acting on behalf of the treasurer.

Missed our Treasurer's Guide to Tax Collection workshops or "Tax Collection and Your Township" Now You Know webinar in November? Recorded versions are available in MTA's Online Learning Center! Watch, rewatch, pause and review on your own schedule. Visit learning.michigantownships.org for details or to purchase.

Looking for more tax collecting resources? Purchase MTA's Treasurer's Guide to Township Government (order on www.michigantownships.org, by calling 517-321-6467, ext. 221 or emailing elsa@michigantownships.org), and visit the "Tax Collecting" webpages on the members-only portion of MTA's website (log into the "Answer Center" under the "Member" tab).

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NEW POSTER

Updated workplace poster must be posted by townships with 15+ employees



As employers, townships must comply with federal and state regulations that require certain workplace postings to inform employees of their rights under the law. An updated “Know Your Rights: Workplace Discrimination is Illegal” workplace poster, released by the Equal Employment Opportunity Commission (EEOC), must be posted in all townships with more than 15 employees.

Marked with “Revised 10/20/2022,” the poster includes summaries of laws that protect workers from discrimination and retaliation. In addition to more straightforward language and formatting, the poster also includes a QR code to access online information on how to file a charge, and clarification that sex

discrimination includes discrimination based on pregnancy and related conditions, sexual orientation or gender identity.

In addition to physically posting, according to the EEOC, covered employers are encouraged to post the notice digitally on their websites in a conspicuous location. In most cases, electronic posting supplements the physical posting requirement. In some situations (for example, for employers without a physical location or for employees who work remotely and do not visit the employer’s workplace on a regular basis), it may be the only posting.

As a reminder, letters or emails predicting fines and penalties if you don’t buy an advertising company’s laminated labor posters are **false**. Employers are not required to purchase labor law posters from private vendors to be in compliance with federal and state laws.

Federal and state law does require notices to be posted prominently and conspicuously where they can be readily seen by both employees and applicants for employment.

Townships can download the poster for free, and learn more about workplace posters, on MTA’s “Workplace Posters” webpage (access via the “Answer Center” under the “Member” tab; log-in is required). The EEOC’s website, www.eeoc.gov/poster also has additional information.

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When does 1,240 + 1,000 = 1?

At MTA's 2023 Annual Conference & Expo



MTA's signature event, returning to the **Grand Traverse Resort** on **April 17-20**, is dedicated to showcasing and honoring the power of townships speaking with **One Voice**. Whether it's your board speaking as one while serving your community, or leaders from Michigan's 1,240 townships assembling as one advocate when reaching out to lawmakers—there is no question: township officials are an undeniable, powerful force when they become **One Voice**.

Together, we are stronger. Together, we can inspire confidence and change in our communities, region and state. Our 2023 Annual Conference will show you how.

Don't miss:

- Connecting with municipal experts, inspiring speakers and nearly 1,000 of your fellow officials
- 50 timely township topics at sessions crafted to keep you on top of the changes, requirements and expectations of today's local leaders
- More than 100 municipal vendors offering services that can help you improve your community

Join us to lift up **One Voice** for your township, and all townships.

SAVE the DATE: April 17-20

Registration begins Jan. 4; housing opens Jan. 25. The registration brochure will appear in your January *Township Focus*. Watch www.michigantownships.org for further details as they become available.

Can't get away in April? Prefer to watch (and learn) online? We'll have an online option, too!



Billed as a “mini MTA Conference & Expo,” MTA’s 2022 *Regional Summits* were a rousing success, bringing a multi-day educational and networking opportunity to hundreds of officials—offering connection among local government peers, as well as with MTA leadership, lawmakers, vendors and speakers. Held at five locations around the state in October, the *Summits* allowed attendees to take part in general sessions (covering township topics, a legislative update and financial tips from the state Department of Treasury), plus breakout sessions on broadband, grants, ordinances and the Right to Farm Act. Attendees appreciated the expanded event, with one attendee noting that the “one- to two-day mini-conference option was great,” while another praised the education, saying “everything” from the program was useful. “I found information that was helpful in every session,” they said.

The events each included an evening gathering (complete with entertainment!), allowing attendees to hear from 2022 MTA President **Bill Deater**, **Grant Township** (St. Clair Co.) supervisor, MTA Executive Director Neil Sheridan, MTA district directors, and area lawmakers. We thank Sens. Ed McBroom, Sean McCann and Dan Lauwers, and Reps. Sara Cambensy, Beau LaFave, Julie Rogers, Beth Griffin and Roger Hauck for attending and sharing updates with our members.

If you weren’t able to attend the *Summits*, you don’t have to miss the education! Recordings of the sessions will be available (watch *Township Insights*, and MTA’s website and emails for availability). And mark your calendars now for our two-day *Professional Development Retreats* coming in October 2023—one for each elected office, as well as your planning and zoning team PLUS a new strategy and innovation retreat. Thank you to all who attended the 2022 *Summits* and helped make them a success!

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We need your help! Share new official info, township updates with MTA

MTA needs help ensuring we have **updated information on all new officials** in your township (and current information for all individuals on your township board and team) in our database. This is especially important to ensure newly elected officials have access to the MTA education, support and resources they need as they are starting out in their service to township government.

All township clerks were sent an email following the Nov. 8 general election with information on how to update township information online, and new officials can also submit their own details via a link on the home page of www.michigantownships.org. Questions? Call (517) 321-6467 or email database@michigantownships.org. Thank you for your help!

Be sure to check your inbox!

To ensure that all our MTA-member officials and personnel from MTA-member townships—whether newly elected or those who have served for decades—get the most of their MTA membership, please take time to ensure that we have your correct email address on file. If we don't have your email, you are missing out on:

- Valuable legislative updates and information in our weekly e-newsletter, *Township Insights*.
- Notices about educational seminars and other opportunities for today's township officials.
- Access to the members-only information on MTA's website, www.michigantownships.org, which includes hundreds of pages of resources, samples and information, along with our social networking site, *Community Connection*. Your username is your email address on file with MTA.
- Targeted email alerts for your position or township, as well as legislative action alerts.

All newly elected officials entered into MTA's database will also receive a "Welcome to MTA" email once MTA is notified about their new role in the township and contact information is received.

Not receiving MTA emails? Check your spam or junk mail filter or folders. If an MTA email is there, mark as "safe" or "allow sender." You can also "whitelist" MTA emails (this tells your Internet service provider and email system that our emails are safe) by adding @michigantownships.org to your "safe senders" list, as well as @in.constantcontact.com and @in.confirmedcc.com. Need help? Download "whitelisting" instructions at www.michigantownships.org (search for "whitelist") or contact emily@michigantownships.org.

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



Join MTA in welcoming new Allied Service Providers



Please join MTA in welcoming three new members to our Allied Service Provider program at the Keystone Club level:

- **Milford Charter Township** (Oakland Co.)-based **AccuNet Web Services**, a provider of website services that combine design, hosting, security and more
- **Advanced Communications & Data (ACD.net)**, a Michigan-based telecommunication service provider that operates networks and provides fiber, broadband, telephone and more
- **Rehmann**, a financial services and advisory firm with numerous Michigan locations.

We thank these companies for their commitment and dedication to MTA and township government. For more on the Allied Service Provider program, turn to page 2 or find an Allied Service Provider Directory on www.michigantownships.org (click on "Vendor Directories" in the top menu bar).

MTA's lunchtime learning series, *Now You Know*, offers timely updates, insights from our experts and a chance to get your questions answered—all in just one hour!

Don't miss our next episode coming:
Friday, Dec. 2 from noon to 1 p.m.

Legislative Session Wrap-up

Join MTA's Government Relations team as they provide insights following the November election and share issues at the forefront as the Legislature wraps up the two-year session. Explore today's political landscape and learn what legislation may be considered—that could impact your township—during the lame-duck session, as well as what is on deck for 2023.

Cost is just \$25! Register now at <https://bit.ly/NYKmta>

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

Now You Know

mta online events | December

2 Legislative Session Wrap-up *Now You Know* webinar

13 *New Officials Training* workshop, Gaylord

14 *What Every Board Member Needs to Know about Assessing* workshop, Gaylord

15 *What Every Board Member Needs to Know about Assessing* workshop, Lansing

16 *New Officials Training* workshop, Lansing

Correction—The November issue of *Township Focus* included an incorrect public act number, which should have read Public Act 219 of 2022. We regret the error.

DECEMBER

1 Deadline for foreclosing governmental units to transfer list of unsold 2022 tax foreclosure parcels to the clerk in the municipality in which the parcels are located. (MCL 211.78m(6))

2022 taxes due and payable to the treasurer are a lien on the real property. (MCL 211.40)

County treasurer delivers to the township supervisor a signed statement of approval of the bond and the township supervisor delivers the tax roll to the township treasurer.

Results of the equalization studies should be reported to assessors of each township.

County equalization director submits apportionment millage report to the State Tax Commission (STC). (MCL 207.12)

13 *Tuesday after the second Monday in December.* Board of review meeting may be convened to correct qualified errors. (MCL 211.53b) The township board may authorize, by adoption of an ordinance or resolution, an alternative meeting date during the week of the second Monday in December. (MCL 211.53b(7))

30 The state Department of Treasury may appeal the 2022 classification of any assessable property to the Small Claims Division of the Michigan Tax Tribunal (MTT). (MCL 211.34c(7))

31 Tax day for 2023 property taxes. (MCL 211.2(2))

Deadline for an owner who had claimed a conditional rescission of a principal residence exemption (PRE) to verify to the assessor that the property still meets the requirements for the conditional rescission through a second and third year annual verification of a conditional rescission of PRE (Form 4640). (MCL 211.7cc(5))

Deadline for a land contract vendor, bank, credit union or other lending institution that had claimed a foreclosure entity conditional rescission of a PRE to verify to the assessor that the property still meets the requirements for the conditional rescission through the filing of an annual verification of a foreclosure entity. (MCL 211.7cc(5))

2022 taxes due and payable to local unit treasurer are a lien on real property. (MCL 211.40)

An eligible claimant may appeal an assessment levied, a penalty or rescission under the Essential Services Assessment Act to the MTT by filing a petition no later than Dec. 31 in the same tax year.

All taxes due and liens are canceled for otherwise unsold 2022 tax foreclosure parcels purchased by the state or transferred to the local unit or the Michigan Land Bank Fast Track Authority. (MCL 211.78m(11) and (12))

JANUARY

3 *Dec. 31 is a Saturday, Jan. 1 is a Sunday, and Jan. 2 is a state holiday.* Deadline for counties to file 2022 equalization studies for 2023 starting bases with the STC for all classifications in all units on Form 602 (L-4018P) *State Tax Commission Analysis for Equalized Valuation of*

Personal Property and Form 603 (L-4018R) *State Tax Commission Analysis for Equalized Valuation of Real Property*. [R 209.41(5)]

10 Except as otherwise provided in section 9m (bank or trust), 9n (farm products) or 9o (sugar from sugar beets), assessors and/or supervisors are required to annually send a personal property statement to any taxpayer they believe has personal property in their possession in their local unit. Form 632 (L-4175) *Personal Property Statements* must be sent or delivered no later than Jan. 10 each year. (MCL 211.19(2)(c))

25 Local units with a state equalized value of \$15 million or less: 2022 taxes collected by Jan. 10 must be distributed within 10 business days of Jan. 10. (MCL 211.43(5)) All other local units must distribute 2022 taxes collected within 10 business days after the 1st and 15th of each month except in March. (MCL 211.43(3)(a))

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

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

ANSWER: D

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

—Township Supervisor



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Our auditor reviewed our township board meeting minutes as part of our annual audit. Why?

Auditors use minutes in the performance analysis of municipalities. When reviewing minutes for an audit, auditors look at several details that show how your township effectively uses its money. Auditors review how the township spends its money. Minutes show the approval of everyday bills and any abnormal bills. Minutes also record the approval of any new funds, any funds that were closed, or any transfers between funds. Auditors also review pay increases and if any significant employees were hired.

If a township has an annual meeting, they look to see if salary resolutions were submitted prior to the meeting to approve the salary expenditure. Auditors also review minutes to help them better understand how the township is fulfilling its responsibilities in their governance.



What is the purpose of minutes?

All township board members are considered a “fiduciary” of the township’s property and assets, responsible for acting in the best interests of the township. All decisions of the township board must be made at public meetings, and the Open Meetings Act (OMA; Public Act 267 of 1976, MCL 15.261, *et seq.*) requires “certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings ...” Minutes establish a record of what the public body has done, and memorialize the actions of the board to provide clarification for future reference and to inform members who were absent. As public records, minutes can also help inform residents and community members about the board’s actions, including financial decisions and expenses.



What should we include in our minutes?

A public body must keep minutes of each of its meetings showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose(s) for which a closed session is held. The minutes must include the roll call for any roll call votes taken at the meeting. (MCL 15.269)

For each roll call vote, MTA recommends that the names of each board member and how they voted—“Yes,” “No” or “Absent”—be listed opposite each person’s name. The minutes should not include why they voted as they did.

Minutes are a record of actions taken by a public body—they are not meant to be a verbatim recital of the meeting or a medium for expressing individual positions. “Minutes should contain mainly a record of what was done at the meeting, not what was said by the members. The minutes should never reflect the secretary’s opinion, favorable or otherwise, on anything said or done.” (*Robert’s Rules of Order Newly Revised*)

The board may establish through its policies the form and style of the minutes, consistent with the OMA requirements. Information over and above the requirements of the OMA and other statutes may be added at the discretion of the clerk/secretary and the public body when it approves the minutes at the next meeting.



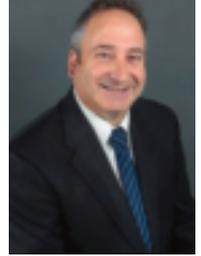
When do minutes have to be available?

According to the OMA, draft minutes must be available to the public within eight business days after the meeting, and approved minutes should be made available within five business days after the meeting where the minutes are approved with any corrections necessary. If minutes need to be corrected, the corrections should be completed at the next meeting after which the minutes of the meeting occurred. The corrected minutes should be available at or before the next meeting. The corrected minutes must include the original entry with a strikethrough and the correction.

While auditors will only review minutes for the previous fiscal year, or two fiscal years for townships that have biennial audits, the approved minutes of a public meeting must be retained permanently. Draft minutes are kept until the minutes are approved.

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.





Did the recent updates to the American Rescue Plan Act (ARPA) *State and Local Fiscal Recovery Funds (SLFRF)*

Compliance and Reporting Guidance or Final Rule FAQs change compliance and/or reporting requirements for townships?

Yes. The initial guidance from the U.S. Department of Treasury stated that non-entitlement units of government (NEUs; most Michigan townships) were required to follow certain compliance and reporting requirements contained in 2 CFR Part 200 (Uniform Guidance) when expending SLFRF funds (as appropriated through ARPA) for any of the permitted uses. The Uniform Guidance includes 2 CFR 200.317 through 2 CFR 200.327, creating requirements related to procurements of services or property using federal funding and mandating the use of competitive procurement practices. As such, the March 2022 *Hello, MTA ... ?* article informed townships that they should familiarize themselves with the procurement requirements contained in those sections of the Uniform Guidance, especially concerning the different requirements for micro-purchases, small purchases, and purchases over a \$250,000 threshold.

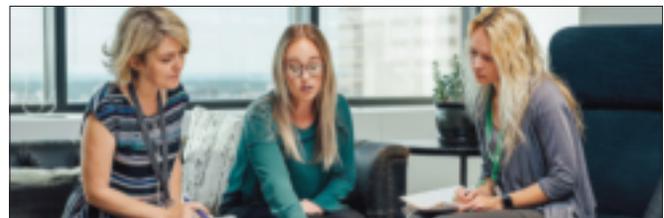
In July/August of 2022, the U.S. Department of Treasury updated its SLFRF FAQs and Compliance and Reporting Guidance. Together, the documents clarified that the Uniform Guidance requirements for expenditures made to provide government services, up to the extent of revenue loss suffered by a municipality (revenue replacement) only have to comply with Subparts A (Acronyms and Definitions), B (General Provisions), C (Pre-Federal Award Requirements and Contents of Federal Awards) and F (Audit Requirements) of the Uniform Guidance. Regarding Subparts D and E of the Uniform Guidance, the updated guidance documents, as amended, provide that only a subset of each of those subsections are applicable to use of funds for revenue replacement. Importantly for townships, the procurement standards listed at 2 CFR 200.317 through 2 CFR 200.327, are not listed with the applicable provisions of the Uniform Guidance to be complied with when expending SLFRF funds for revenue replacement purposes.

As such, when contracting for property or services with SLFRF funds under the revenue replacement option, a township is no longer subject to the competitive procurement requirements contained in 2 CFR 200.319. Additionally, purchases of property or services under the revenue replacement option are also now exempt from the various requirements for procurements based on whether they are micro-purchase procurements, small-purchase procurements,

and procurements of property and services of \$250,000 or more, as set forth in 2 CFR 200.320. Overall, the updated guidance simplifies the procurement process for townships spending funds for revenue replacement purposes because it permits them to spend the funds subject only to their own procurement policies.

This could have wide-ranging implications for Michigan townships. The SLFRF final rule permits a municipality to either calculate its revenue loss, based on a provided formula, or select to receive a standard allowance of \$10 million, up to the total amount of a township's award to use for the provision of government services. If a township chose the standard allowance of \$10 million in revenue loss for government services, then none of its expenditures would be required to adhere to the procurement requirements of 2 CFR 200.317 through 2 CFR 200.327, because the township received its entire award under the standard allowance. This change will significantly reduce the procurement procedure for any township that chose to receive the \$10 million standard allowance for government services under the revenue loss option. For townships that did not select the \$10 million standard allowance, it will be important to continue to follow the procurement procedures of 2 CFR 200.317 through 2 CFR 200.327, except for any purchases made for the provision of government services to the extent of revenue loss, as calculated by the township.

As shared in the November 2022 *Township Focus*, townships that did not select the standard allowance option still have the opportunity to do so. U.S. Treasury's *Project and Expenditure Report User Guide* released this summer noted that local governments that missed the deadline to select the standard allowance may change to the standard deduction in their next federal ARPA report. The guide stated that, "if a recipient previously elected to calculate revenue loss or elected the standard allowance but would like to update that election, Treasury's Portal will allow recipients to supersede their prior election."



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The above changes to the *SLFRF Compliance and Reporting Guidance* and *Final Rule FAQs* offer a significant shift in procurement procedure for townships that selected to receive their full award for the provision of government services under the \$10 million standard allowance. However, the new guidance did not alter the reporting or project expenditure requirements of NEUs in any manner.

NEUs will still be required to submit an annual project and expenditure report on April 30 of each year through 2026, detailing the use of SLFRF funds for the period covering the previous calendar year. Additionally, all SLFRF funds must be obligated for only costs incurred by the township between March 3, 2021 and Dec. 31, 2024. All money not allocated by Dec. 31, 2024, or not actually paid out by Dec. 31, 2026, must be returned to the federal government.

Q Are there any exceptions to the requirement that all SLFRF funds be obligated for costs incurred between March 3, 2021, and Dec. 31, 2024?

Yes. The Final Rule provides that there are limited circumstances where the SLFRF funds can be expended for costs incurred prior to March 3, 2021.

First, if spending SLFRF funds under the public health category, to respond to the negative economic impacts of COVID-19 on households in a community (e.g., rent, mortgage or utility assistance), costs incurred by the beneficiary (e.g., a household), may be paid through the use of SLFRF funds, so long as a government entity did not incur the cost of providing assistance prior to March 3, 2021. However, any expenditure of SLFRF funds by a municipality must be authorized by underlying law and there is no state law that authorizes a township to expend funds in the manner contemplated by this exception.

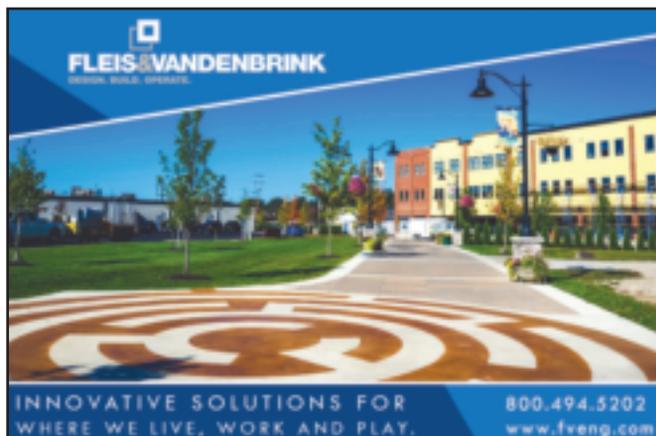
Next, under the premium pay SLFRF spending category, a township can provide its employees premium

pay, retroactively, for work performed at any time since the beginning of the COVID-19 health emergency. This premium pay must be in addition to wages or other benefits already received, and an obligation to provide premium pay could not be incurred by the township prior to March 3, 2021.

Finally, if expending SLFRF funds for investments in water, sewer and broadband, townships can use such funds to cover costs incurred for eligible projects planned or started prior to March 3, 2021. However, under this exception, project costs that are being covered by the SLFRF funds must still be incurred by the township after March 3, 2021. This allows townships to use the SLFRF funds to finance projects that were planned or had already begun when the COVID-19 public health emergency occurred, but only for costs incurred on such projects after March 3, 2021.

Before expending SLFRF funds, a township should work closely with its attorney to ensure the money is being spent on a lawful expenditure that is eligible under the SLFRF.

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.



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Inside the lame-duck legislative session

The Legislature is working to wrap up the 101st Legislative Session (2021-2022). Known as the “lame duck” session, this is the time between the General Election and the end of the two-year legislative session at the end of the year.

While historically this period is extremely busy with lengthy session days and hundreds of bills voted on, this year’s lame duck is expected to be a shortened period of time due to the shift in political control in the House and Senate in the November election. (Both the House and Senate will change from Republican to Democratic control in January by small majorities.)

The Legislature resumed session on Nov. 29 and, as of press time, is expected to wrap up by Dec. 13 or 14—much earlier than in previous lame-duck sessions. Committees are scheduled and discussions are ongoing on several issues, but in the end, action may focus on issues where there is general agreement or those that have a time constraint.

Key issues

There are some leadership priorities that each chamber hopes to act on before the end of the session, as well as several bills that term-limited members wish to have passed before they leave office later this month.

MTA is working on several legislative bills, and it remains to be determined how many will move forward in the waning days of this session. These include:

- **Reimbursement for personal property tax revenue loss that will begin in 2023.** Last December, the Legislature approved an increase in the personal property tax small taxpayer exemption increasing the threshold from the current \$80,000 to \$180,000 beginning in the 2023 tax year. Senate Bills 1060-1062, passed by the Senate and currently in the House, provide revenue replacement to local units for the revenue loss due to increase in the exemption.
- **Reimbursement for disabled veterans property tax exemption.** There are several changes legislators would like to enact regarding the disabled veterans property tax exemption—including allowing the exemption for surviving spouses of veterans killed in action or unremarried surviving spouses who moved after the death of the disabled veteran. MTA and other local government organizations, as well as statewide veterans’ groups, are working to provide a funding mechanism to hold local units harmless for the revenue loss due to the current exemption and any expanded exemptions that may be approved.
- **Protection of local authority.** Local governments continue to face legislation preempting their local authority, creating a one-size-fits-all approach when communities are vastly

different. The two largest challenges this session continue to be the preemption of local authority for short-term rentals (HB 4722) and for sand and gravel mining permits (SBs 429-431). Both strip local units of all zoning authority regardless of where they would be located and will be detrimental to quality of life in communities. Unfortunately, both items are priorities of the Senate.

- **Clarification on information available for appeal before the Michigan Tax Tribunal.** Due to a recent procedural change at the Michigan Tax Tribunal, legislation (HB 5697) is pending to protect business information deemed to be confidential. MTA continues to work to ensure the legislation provides a reasonable and balanced approach for both sides (petitioner and respondent) during an appeal.

Several other legislative packages are in the mix that MTA has been engaged in and could see action before the end of December, such as the solid waste rewrite (Part 115) legislation (HBs 4454-4461), bills to streamline and clarify the Open Meetings Act (HB 6423) as well as provide limited remote meeting participation (HB 6283), and a consolidated elections package that would move the primary election to June and eliminate the May election completely (SB 130 and HBs 4530-4533).

Watch MTA’s *Township Insights* and *Legislative Action Alerts* for updates on these and other legislation impacting townships during lame duck.

Legislative lowdown

A quick look at critical bills MTA is following as they move through the legislative process. For updates, look to our *Township Insights* e-newsletter, emailed weekly to all member officials. **Please note any bills not passed and signed into law at the end of 2022 will no longer be active and would have to be introduced in the 102nd session (2023-2024) to be considered.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB 5282: Elections—Prohibits intimidation of an election inspector or preventing an election inspector from performing his or her duties. *MTA supports.*

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

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

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

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

HBs 5683-5684: Sales and use taxes—Provides sales and use tax exemptions for pet food. *MTA opposes.*

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

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

HBs 5706 & 6060: Marijuana—Allows Cannabis Regulatory Agency to contract with Indian tribes regarding marijuana operations and provides

allocation of the excise tax. *MTA monitoring.*

HBs 5921, 5923-5925: FOIA requirements—Modifies Freedom of Information Act (FOIA) requirements including required acknowledgement of FOIA request within two days, requires waiver or reduction of fee for request of a public record if it would primarily benefit the public, requires specific information about a record to be included in written denial, and requires a \$500 fine to public body if denial challenged in court and new basis raised for denial. *MTA opposes.*

HB 5922: FOIA requirements—Requires disclosure of FOIA coordinator's name and contact information. *MTA neutral.*

HB 5972: Water resource improvement district—Modifies the definition of water resource improvement district to include certain water trails for tax increment financing. *MTA monitoring.*

HB 6062: Public notices—Creates Local Government Public Notice Act. *MTA supports.*

HB 6124: Election challengers—Provides election challenger training for county clerks, political parties and other organizations, and requires election challengers to be trained. *MTA supports.*

HBs 6133-6134: Revenue sharing—Creates the Revenue Sharing Trust Fund for statutory revenue sharing. *MTA supports.*

HB 6283: Open Meetings Act—Modifies procedures for electronic meetings of public bodies. *MTA monitoring.*

HBs 6317-6318: Drain code—Revises Chapter 22 of drain code for water management districts. *MTA neutral.*

HB 6367: Local ordinances—Prohibits local decriminalization of public urination, public defecation or littering. *MTA monitoring.*

HB 6423: Open Meetings Act—Modifies the Open Meetings Act. *MTA monitoring.*

HB 6449: Video services—Modifies definition of video services. *MTA monitoring.*

HB 6467: Property tax—Provides application of income tax credit toward payment of property taxes levied on certain community land trust property. *MTA monitoring.*

HB 6468: Community Land Trust—Provides community land trust homestead tax credit. *MTA monitoring.*

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

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

SBs 130-133: Elections—Moves the May and August election dates to March and June with primary to be held the Tuesday following the first Monday in June. *MTA monitoring.*

SB 273: Elections—Provides for regulation of absent voter ballot drop boxes. *MTA opposes.*

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

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

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

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

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

SBs 429-431: Land use/local preemption—Preempts local units of government on zoning and all regulation

of sand and gravel mining operations, and places jurisdiction under the state Department of Environment, Great Lakes, and Energy. *MTA opposes.*

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

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

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

SB 538: Automated delivery device—Defines and regulates automated delivery devices and prohibits a local authority from adopting, enacting or enforcing a local law governing the devices. *MTA opposes.*

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

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

SBs 783 & 1084: Property taxes—Replaces process for disabled veterans property tax exemption with an income tax credit and requires the state to reimburse local units of government. *MTA supports.*

SBs 805-806: Property tax exemptions—Modifies the filing for eligible manufacturing personal property tax exemptions and the distribution of the Local Community Stabilization Share retroactively for businesses that missed the exemption filing deadline. *MTA opposes.*

SB 807: Property tax exemptions—Provides, for 2021 year only, a process for owner of personal property that would have qualified for an exemption if failed to file due to COVID-19, to obtain an exemption and holds local units of government harmless. *MTA supports.*

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

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

SB 881: Property tax exemption—Extends automatic poverty exemption for 2021 tax year through 2022 tax year for properties exempt in 2019, 2020 or 2021 tax year, and allows board of review to grant a partial poverty exemption equal to 75% reduction in taxable value. *MTA monitoring.*

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

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

SBs 972-973 & 1029: Sales and use tax suspension—Exempts sale of fuel from sales and use tax at the pump from June 15 to Sept. 15, 2022. *MTA opposes.*

SBs 1060-1062: Property taxes—Provides for the replacement revenue to local units for personal property tax exemption for the small taxpayer exemption between \$80,000 and \$180,000 that takes effect in tax year 2023. *MTA supports.*

SBs 1106-1107: Property tax/solar PILT—Establishes solar energy facilities tax (payment in lieu of taxes) for certain renewable energy facilities. *MTA neutral.*

Preparing for the unimaginable

It can't happen here.

It's what everyone thinks about their community, their children's school, their church, supermarket or township hall.

No one expects that an unimaginable emergency, or tragedy, will befall their community.

But the truth is, it *can* happen anywhere—and all townships must be prepared for if the unthinkable happens.

Just ask **Oxford Charter Township** (Oakland Co.) Supervisor **Jack Curtis**.

Just over one year ago, Curtis was in his office at the township hall when he learned of reports of an active shooter at Oxford High School. The township contracts with the Oakland County Sheriff's Department for its policing, and Curtis's office sits just above the sheriff's office substation. He beelined downstairs when he heard the news.

The Oakland County Emergency Operations Plan had already been put into action. All the players involved knew their role.

Less than five minutes after receiving the call about the shooter, the suspect was apprehended and in handcuffs. Four students had been tragically and senselessly killed. Six more students and a teacher were wounded. The shooter, noted Curtis, had 19 more rounds of ammunition. Had the school's

resource officer, sheriff's deputies and community emergency services personnel not sprung into action, the already-utterly devastating event could have been even worse.

"It's horrific," Curtis said, choking back tears as he recalls the horrors of that day. "But everyone involved in the response did their job. They knew what they had to do, and they did it."

It can't happen here.

While your township may never deal with anything as catastrophic and horrifying as a school shooting, the potential for disaster—from severe weather, to flooding, to gas-line explosions or hazardous materials spills—can happen. While it's true that you can't plan for every scenario, actions taken before, during and after an event make a difference in your community and the residents you serve.

All in the plan

Emergency management in Michigan is guided by the Michigan Emergency Management Act (Public Act 390 of 1976). Under the law, counties are required to appoint an emergency management coordinator to coordinate all response, recovery and preparedness measures in the event of

cover story



Oxford Charter Township (Oakland Co.) Supervisor Jack Curtis (far right) and members of the county and township's emergency response team all play a critical role in preparing for and responding to emergency situations.

an emergency or disaster. The communities within that county are then involved with their county's emergency plans.

Municipalities with a population of over 10,000 can also appoint their own emergency managers. A municipality with less than 10,000 residents is automatically integrated into the county emergency management program, but still may appoint an emergency manager who serves at the discretion of the county emergency manager. The emergency manager is charged with putting together an emergency plan, whether that's at the township or county level for your community. It's your township's responsibility to work with the emergency manager.

When Curtis first begins discussing the November 2021 incident, he holds up a copy of Oakland County's 80-plus page emergency operations plan (EOP), which provides guidelines for the 21 townships in the county, as well as its villages and cities. It outlines characteristics found in each community, including bodies of water, dams, large venues, and even major events held throughout the year—features and activities that could involve a potential emergency. In Oxford Charter Township, for example, a high-pressure petroleum line runs through the township. The far-reaching plan includes maps of the county and surrounding region, analyzes types of threats and hazards (natural, technological

and human-caused), and details the processes, responsibilities, contacts and much more for emergency response.

"If you stick with this plan, and everybody is doing what they're supposed to do, you don't have 10 people out there trying to solve the same problem in a different way," Curtis said. "Most importantly, it assigns one individual to be the 'boss' in an emergency."

In Oxford Charter Township, Fire Chief **Pete Scholz** is that boss. On the day of the school shooting, Scholz implemented the plan for an incident that is every resident and every community's worst fear.

When an emergency or disaster takes place, local units are expected to be the first to respond, and the emergency manager monitors the situation. If the crisis reaches a point where several agencies must coordinate, the local emergency manager may decide to activate the local emergency operations center, and key personnel must report there to manage the incident and coordinate with one another. This is exactly what happened in Oxford.

"[Scholz] has a command control center, a list of needs, a list of requirements, and then he disseminates that out to the agencies in our community," Curtis said. "He also gets things coming in, like offers of food and water, blankets, emergency stuff. The chief delegates those things to people who can get them done. Nothing was said, done or moved without Chief Pete."

If the jurisdiction has used all of its resources, and the chief executive official—like a county administrator, chairman of the county board of commissioners or township supervisor—decides the situation is beyond what they can handle locally, he or she can ask the governor to declare a state of emergency or state of disaster and send in state assistance. The governor can then ask for federal assistance and a presidential declaration when state resources are exhausted.

Know your resources—and know your role

As you consider how your township would respond to a disaster or emergency situation, it's important to inventory the resources you have to aid in your response. This can include anything from the number of police and firefighters available in an emergency to the number of ambulances and fire trucks to buildings that could be used as shelters.

Since it is a secure location, Oxford Charter Township opened its hall to family members of students, with parents, grandparents and loved ones gathering for updates and information. Many students also gathered at the nearby Meijer in the immediate aftermath of the event.

"Having everything in place beforehand is paramount," Curtis said. "It's something that every township needs to consider, even smaller communities. If there are 100 kids in your high school, where do you take them? Do you have a place you can send them? Assess those needs and address them now."

Along with assessing what resources you have available, Curtis also emphasizes that it is critical for everyone involved to know their role if and when an emergency arises. It was not, he says, his job to run command during the school shooting incident—that is Scholz’s role.

“He sets his command control center,” Curtis said. “They find out they don’t have any water, for example. So, he would call me and say, hey, we need 20 cases of water. I’m the one, no questions asked, who has to get that. He may say, we have a need for ambulatory care or helicopter evacuation. He is the one who sets all that up. It’s not up to me to say, ‘There’s a school shooting. Let me call medevac, let me call University of Michigan hospitals.’ He organizes all the contacts. Anything that’s required, he knows where to go to get it done.”

What *is* Curtis’s role is to help and “make sure all resources that should be available to your township are available,” he said, quickly noting that neither he nor anyone on his team wants or expects recognition for their efforts throughout the incident and its aftermath. On the day of the shooting, additional back-up officers from neighboring municipalities came to the substation. Curtis ensured they knew the basics—information that helped things run smoother—like phone and internet access, the Wi-Fi password, the availability of a back-up generator if needed, even where the restrooms are located.

“It helped to make them just a little more at ease, if you will,” Curtis said. “That was my job. They knew what they had to do. And they did it, in under five minutes.”

In addition, township staff continued to play their own roles throughout the day, and days that followed. “We still had residents coming in, for building permits or to pay taxes,” Curtis said. “Between running upstairs and downstairs, we had to maintain the safety and security of the building, but we still had to be responsive to the needs of the customer. We are a growing community, dealing with building permits, scheduling inspections. We have 12 people who work in our office—the clerk, treasurer and building department. They still had to do their job, under the pressure.”

Being decisive within your role as outlined in the plan, and within your authority, is key in an emergency. “The biggest thing is you can’t be afraid to make a decision,” Curtis said. “There’s nothing worse than to be indecisive. As a leader, you have to take the bull by the horns; those analogies and parables come to life. No decision is a bad decision. Making a decision is a good decision. Moments mean everything; who you know and how you know to get things done is monumental.”

It’s all about partnerships

In addition to what resources your township has, it’s also critical to assess *who* your resources are. The importance of cultivating contacts and connections was never more evident to Curtis than last November.

“Everybody wants to help,” he said. “Knowing your role is how you can help. I’m not a cop. But if a cop needs something, I get it. I’m not a firefighter. If a firefighter needs something, I get it. If our school district superintendent



Volunteers purchased every pack of sidewalk chalk they could find, and the students and others covered the walls and floors of 925 Legacy—a massive entertainment complex turned community gathering space following the Oxford Charter Township (Oakland Co.) school shooting—with words and messages of love and support.

needed something, I got it. Knowing who to get a hold of, how to get a hold of them, and getting them to engage with what you need is paramount to a successful emergency operation plan.

“You better know who to call,” he continued. “You need direct contacts to call. You have to know these people well in advance and have a relationship with them. You have an interaction on a daily basis, not at the moment of crisis, that moment is building up to it. It just makes things that much easier.”

A major disaster will most likely involve a response by multiple agencies. Leaders of each department should all be well-acquainted with one another, whether they’re at the township or county level. It’s also crucial to work with the emergency manager and build that relationship now, not later.

On the day of the incident, everyone from officials from other municipalities, to U.S. Rep. Elissa Slotkin to Gov. Gretchen Whitmer, reached out to Curtis to ask what the community needed. They called him on his personal cell phone—he had established these relationships over the years since he first took township office as trustee in 2012, before being elected supervisor in 2020. Those connections proved invaluable, Curtis said, adding that officials from the Oakland County MTA Chapter and neighboring leaders like **Orion Charter Township** (Oakland Co.) Supervisor **Chris Barnett** were “monumental” in their outreach and assistance. “Chris called me and said, ‘Whatever you need, you call me,’ from fire trucks, school busses, even the assistance of his chief of staff ...” Curtis said. “The bond that I have with Chris and

cover story



In the days, weeks and months following the Nov. 30, 2021, school shooting, and continuing today, Oxford Charter Township (Oakland Co.) provided resources and information to aid a grieving community, including setting up a drop-box outside the township hall to allow community members to drop off letters and cards of support for the victims and their families.

our surrounding communities ... We have built a stronger community, together.”

Michigan offers a program called the Michigan Emergency Management Assistance Compact, which allows municipalities to leverage resources from other communities during an emergency response. This compact operates on the principal that one entity can loan their personnel or equipment to another with proper compensation provided by the requestor to the provider. There is no cost for joining and is another level of security and support in the event a community is affected by a disaster.

Partnerships, of course, go beyond emergency services. In a given situation, your township might need to communicate with the power company, the school district, senior services, and more. Your emergency response will be much smoother if you make calls and create your plan ahead of time, not in the middle of a disaster.

Oxford Charter Township put those broader connections to work in the days following the incident. The annual Oxford Village Downtown Development Authority “soup stroll” had been scheduled for Dec. 3—just four days after the shooting—in the downtown area. Plans quickly pivoted to a prayer vigil, drawing 15,000 people. The event would block off M-24, a main thoroughfare that runs through the township—necessitating a call to the Michigan Department of Transportation to seek a permit to utilize the state highway. In addition, DTE Energy had planned

to shut down power in the village that night for scheduled maintenance. Curtis had contacts to these agencies and reached out, getting permissions allowing the vigil to be held and DTE postponing the power shutdown until 1 a.m.

“I want to do the best for Oxford Township and these people are my support to get it done,” Curtis said. “It’s tough if you don’t have those contacts; at the last minute, at the moment of doom, you better have those contacts.”

Curtis even used his contacts to help when flooring to allow the school to reopen to students after the carpeting was on back-order. He explained the situation to an individual who owns a flooring business in nearby Orion Charter Township, who took it from there and worked within his industry to help ensure the school received what it needed. The township’s building inspector then completed a walk-through to help identify any potential areas that still needed to be remedied before the required state inspection of the school building. These connections helped the high school open its doors just under two months following the shooting.

Partnerships are also a two-way street; it’s not just about what other departments or businesses can provide for you. It’s also about what you can provide for others. For example, maybe your township has a strong police or fire department, while the municipality next door doesn’t have emergency services. Your township could aid them in their emergency response. Perhaps your township has an airport that could be used to bring in supplies for the county, or you have a building with a generator that could offer shelter to the community during a power outage. Map out how these resources could be used to help your neighbors in an emergency.

Plan to communicate

While communicating with other agencies during an emergency is crucial, your responsibility doesn’t stop there. Residents in your township will expect—and deserve—to stay updated on the latest news. Emergency situations could also draw media coverage and inquiries, as was the case in Oxford when local, statewide and even national outlets covered the tragic event.

Adding to the chaos on the day of the shooting was a media circus; once darkness fell on that autumn night, media floodlights filled the sky. When media contacted the township looking for information, however, the township knew its role. For updates on the incident and the arrest, they directed media to the county sheriff’s office. In the days following, reporters asking questions about the case were told to contact the prosecutor’s office.

Social media also played a role in keeping the media—and the community—updated. “We have a social media following of 9,000 people, so I can exponentially have our communications and grants manager communicate something on social media and boom, it throws it out to

thousands of people in two quick keystrokes,” Curtis said. The township initially shared updates on its Facebook page straight from the sheriff’s department on the day of the incident, and in the days, weeks and months after, continue to share information and resources for those in need of mental health resources, or looking to make donations or share words of support.

Depending on the emergency, it may indeed be township personnel providing updates and information to the media. This is just one reason why it is important for the township to be familiar with local media, including TV stations and newspapers. Your emergency plan should include maintaining media contracts, and notifying media of closures, local states of emergencies and other updates—including how and who provides press updates. In certain cases, especially if multiple media outlets are involved, a press conference may be the most effective method. When working with multiple agencies, having one designated person act as a public information officer can streamline the information flow, allowing consistent, accurate details to be shared more efficiently.

After an event

Advance planning and incident response on the day of an event are essential to emergency preparedness. But what happens when the event passes? From clean-up following extreme weather to support and care of victims, emergency response personnel and the community as a whole, the township’s involvement doesn’t end when an incident is over.

In Oxford, individuals from the county emergency operations management team came to the command center to allow Scholz to take a breather, and command officers helped provide a break for the sheriff’s deputies working the incident.

The safety and care of students was paramount on everyone’s mind, Curtis said. “What do you do with 1,800 high school students when the school is shut down? You can’t let them sit at home and dwell on this terrible incident.”

A “monstrously benevolent” local business owner, as Curtis described him, stepped up to support the mourning community. The owner of 925 Legacy Center, a 200,000-square-foot entertainment center in the township, opened its doors, free of charge, as a place for the students, and the greater community, to gather, grieve and perhaps begin the healing process, together.

Preparing your residents

Township emergency services, officials and staff aren’t the only ones who need to be prepared for an emergency—your residents do, too. Residents should know where they can look for updates, where they can go for shelter and even what they can do at home to prepare. Share information on your township website, newsletters and social media, including links to emergency readiness information (for example, at www.fema.gov; click on “Emergency Management”).

When residents are ready, they can also play a key role in spotting and alerting the police to possible emergencies. Even if it turns out to be nothing, it’s always worth calling if it could possibly prevent or minimize a crisis.

“Therapy dogs, coffee, food that had been donated, pastoral care, activities like laser tag and indoor go-karting,—everything was available, free,” said Curtis. “Even the emergency operation center was set up in 925 Legacy. We had 30 EOC people in there, volunteers from all around the state—different townships, fire departments, police chiefs. They came in and helped, answered every question, and made sure all the kids were safe and that they had something to do.”

One year later, the township continues to share information to support the community. A banner on top of the www.oxfordtownship.org home page links to “Hearts for Oxford.” The volunteer group offers resources and ways to help those impacted by the event, including continued donations, mental health resources, ways to offer words of thanks to first responders, and even collecting memories of the victims—photos, stories, videos—for the families. A “Light Up Oxford with Love” event, with homes and businesses displaying luminaries, was held Nov. 30, in acknowledgement of the one-year anniversary. These are just a few ways that the community continues to come together, supporting one another after tragedy.

Curtis worked to help fill needs within the community, reaching out to contacts and working with his peers at the county to secure federal funding for hiring additional prosecutors for the case, to help offset costs for police overtime, and working with the Oakland County Health Network to open the Oxford Resiliency Center staffed by mental health professionals for anyone in need. Other area hospitals have also offered free mental health care.

Whether it’s something as simple as keeping an emergency stash of water on hand at the township hall or assessing greater community needs, part of the aftermath of an event is reflection and efforts going forward. For example, the Oxford incident further amplified the dire need for a hospital in or near the township; the closest hospital is 17 miles away, “40 minutes to drive, 20 with sirens on,” Curtis said, noting that he had put together a 74-page document seeking to have the township’s “certificate of need” reevaluated at the state level to explain the need for a medical center in the community.

“Definitely after this incident, I’m battling to get what the community needs,” he said. “Assessing our needs is non-stop—and what we don’t have, get it. Get what the community needs based on facts and data, not emotion. We need money to open a resiliency center for mental health, go after it. The data is, I need prosecution money. I need my overtime paid for the police department. I need my fire department budget paid for. Get those things for the community, based on personal experiences and an understanding of who does what.”

Training for the unexpected

Your plan won’t work if those involved don’t know their role in an emergency response. Everyone—from the fire chief to the police chief to the senior services coordinator to the school superintendent—needs to understand what’s expected of them and what to do when disaster strikes.

cover story

But reading a written plan will only take you so far. One of the best ways to get ready—and put your plan to the test—is with a training exercise, many of which are planned by your county. In addition to the training exercises, your township can have table-top run-throughs of emergency scenarios, role-playing discussions where people talk through what they would do in the event of a specific type of emergency. The discussions don't take the place of training exercises, but they do help your emergency responders and township leaders be better prepared.

An ongoing process

Because Michigan doesn't experience many major natural disasters, like hurricanes, it's easy to become complacent. As a result, too many communities don't think about what they might need in case of an emergency until it's too late.

Preparing for an emergency is an ongoing cycle, and emergency managers are constantly in a mindset of thinking about potential risks and making sure they're prepared to handle those risks, while also effectively handling the emergencies that come and learning from them as a result.

A good place to start is by thinking about possible threats. What kinds of emergencies or disasters could your township feasibly experience? At a minimum, your township will more than likely experience a major snowstorm at one point or another, simply by being located in Michigan. Websites such as the National Oceanic and Atmospheric Association (www.noaa.gov) can provide you with historical weather data to help you better predict the types of natural disasters that are more likely to occur in your township.

You can also reference recent history. Think about whether you have a river that floods every few years, or if you tend to get a storm with high winds once in a while. Are there stretches of power lines with trees and branches nearby? Are there berms that need to be strengthened? These questions can help you prepare for the worst. No one wants to envision an active shooter or other violent situation in their community, but it needs to be considered. If there was

a threat outside your township hall, how easy would it be to lock down? How could you spread the word to residents to stay indoors?

When an unthinkable event happens, "at first, you don't understand what happened. 'How did this happen here?'" Curtis said. "To prepare, you assess your threats, your weaknesses and your opportunities; you address them and make them better."

Plan to keep planning

No emergency plan is ever complete. As technology changes and new threats emerge, your township will need to continually adjust your plan and your role in your countywide emergency response. Whether it's on an annual basis or more frequently, individually or working with the county and neighboring municipalities, review the plan and look for any necessary updates. You may need to reevaluate your plan as a result of an emergency response that revealed problems that must be addressed. Big changes in your township's population or services offered would also call for a shift in your emergency plan.

A community that's truly prepared is always looking ahead. You can stay a few steps ahead of a disaster simply by frequently asking yourself: what would you do if it happened here?

Portions of this article were excerpted from "Are you prepared? Townships' role in emergency management" from the October 2016 issue of Township Focus.



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Upon taking the oath of office as a township official, you are assuming multiple responsibilities, requiring a unique combination of leadership, decision-making and administration skills, as well as an understanding of statutory requirements.

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Held from 9 a.m to 4 p.m on:
Dec. 13: Treetops Resort, Gaylord
Dec. 16: LCC West Campus, Lansing

New Official Training Registration Form

Township _____ County _____

Telephone _____ Email Address _____

Name & Title _____ Purchase book package: Basic Essential

Name & Title _____ Purchase book package: Basic Essential

Which location will you attend?

Dec 13: Treetops Resort, Gaylord Dec. 16: LCC West Campus, Lansing

Regular Rate*: After Nov. 29
\$175/person (*Premium subscribers pay \$140/person***)

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TOTAL AMOUNT ENCLOSED = \$ _____

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

***Premium subscribers are townships that have purchased an online learning subscription to MTA Online at the Premium level. Find out if your township is a Premium subscriber at www.michigantownships.org/learning/mta-online.*

NOTE: Payment must accompany form in order to be processed.		
<input type="checkbox"/> Check enclosed (payable to MTA)		
<input type="checkbox"/> Charge to: (circle one) MasterCard VISA		
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upcoming MTA workshop

REGISTRATION INFORMATION

What Every Board Member Needs to Know about Assessing

The township board is responsible for financing and managing the assessment process. You cannot take a hands-off approach or make the mistake of assuming that the job is covered—if something goes wrong, the township board (not the assessor) will be held responsible.

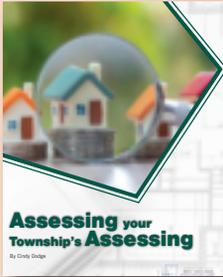
Don't wait until your board is faced with the state's audit of assessing practices, take the wheel now!

Join MTA's own Cindy Dodge, a Michigan certified assessing officer, for an overview of the board's role in assessing and walk away with timelines, calendars and a better understanding of who is responsible for what—and why. We'll review assessing ethics, offer tips on how to respond to a wide variety of public inquiries and more!

This half-day event is geared for every member of your township board, regardless their level of experience. Clerks, treasurers, trustees and supervisors should all take a few steps regularly to ensure their township's assessing functions are running smoothly. Not only does this give your township a better chance of passing the state's assessment roll audit, it's a great way to build trust and confidence with your community. Learn what to do if you have concerns regarding compliance and steps you can take to check the quality of your assessing. Gain insights from both the board and assessor perspective, and explore trouble spots from a legal and a practical standpoint. You'll take away tips for monitoring your assessor, along with a checklist review sheet to help ensure your assessor meets requirements.



Held from 10 a.m to 3 p.m on:
 Dec. 14: Treetops Resort, Gaylord
 Dec. 15: LCC West Campus, Lansing



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Assessing Class Registration Form

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Name & Title _____ Purchase guidebook: Yes No

Name & Title _____ Purchase guidebook: Yes No

Which location will you attend?

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Regular Rate*: Dec. 1 thru Dec. 7
 \$125/person (*Premium subscribers pay \$100/person***)

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_____ (# of assessing books) x (\$34.50/book*) = \$ _____

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

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

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Charge to: (circle one) MasterCard VISA

Card # _____ Expires _____

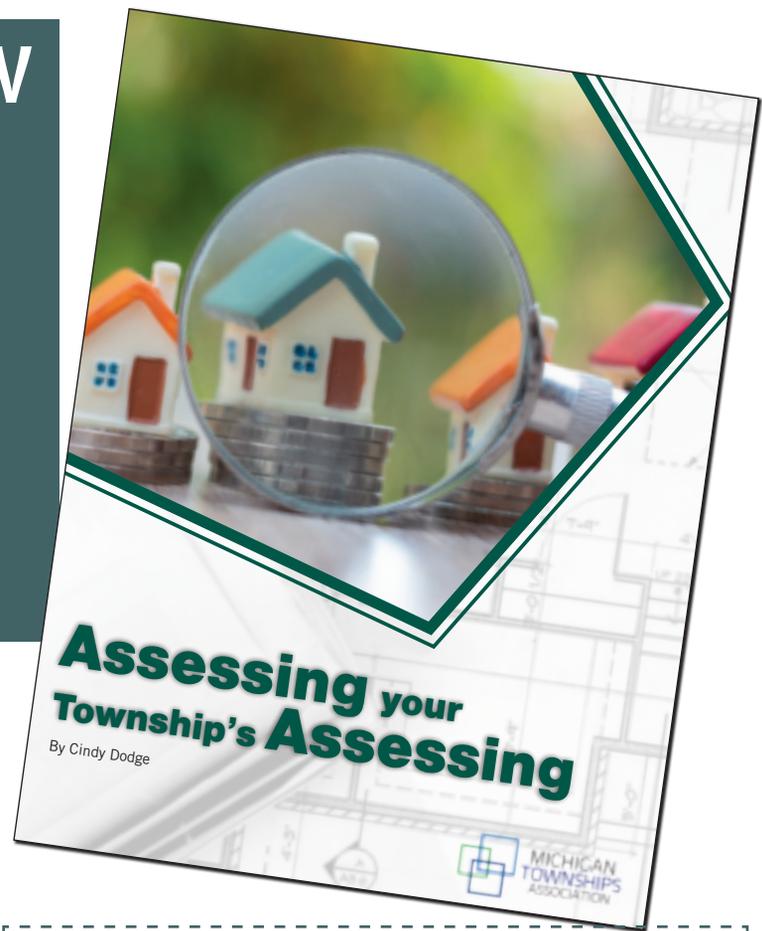
Print Card Holder's Name _____ CSV 3-digit code _____ Signature _____

****Premium subscribers are townships that have purchased an online learning subscription to MTA Online at the Premium level. Find out if your township is a Premium subscriber at www.michigantownships.org/learning/mta-online.**



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media for online ordering availability.**

Inside the state's assessment roll audit

Sometime over the next five years, every Michigan township will undergo an assessment roll audit by the State Tax Commission (STC). Some township officials may believe that's just something for the assessor to worry about, but that is absolutely not the case. While township officials certainly aren't expected to know the ins and outs of assessing, the township board ultimately bears the responsibility for ensuring the township's assessment administration meets state requirements—and for ensuring any deficiencies are corrected.

The STC has released its 2023-2027 five-year schedule (see page 28) outlining when each county's "assessing units" (townships, cities and joint assessing districts) will undergo its audit of assessment practices and compliance. Formerly called the Audit of Minimum Assessing Requirements (or perhaps better known as the "AMAR"), the audit is now simply referred to as the assessment roll audit. As codified by Public Act 660 of 2018, sweeping legislation that reformed property tax assessment laws, the audit sets standards that every township must follow to ensure proper, high-quality administration of this crucial local government responsibility.

What's in the audit?

While the audit requirements outlined in PA 660 are not new, there are areas of emphasis and guidance about which township boards, assessors and the assessing team should be aware.

The audit, which is conducted by a state contractor, includes a review of the township's assessing database and records. To help the township prepare, the state will send an audit notice packet to the township. Working with the assessor, the township board plays a role in ensuring the required information is complete and accurate. An audit review sheet outlines required information, as well as



basic details about the township, including if any outside assistance—such as appraisers, field staff, attorneys or other consultants—was used for valuation studies or field work.

The audit will determine if the township is in “substantial compliance” in three areas:

- **Properly developed and documented land value studies**
- **Properly developed and documented economic condition factor (ECF) studies**
- **No more than 1% of parcels in the township’s assessing database are in override** (ie., when a true cash value is manually adjusted in the assessing database, overriding “normal” computation of true cash value and assessed value, due to extenuating circumstances)

While PA 660 eliminated the requirement for land value and ECF maps, analyses and narratives *are* required—as well as narratives for any overrides. What does this mean? The assessor must document the steps taken to come to the final determinations, sharing both how and why the assessor came to his or her conclusions. This should be presented in a complete and clear way that is easily comprehensible by anyone reviewing them, and able to stand on their own merit, without the need for additional explanation from the assessor/staff. Clear, defensible assessing documentation is key to a successful assessment roll audit.

In addition to the areas of “substantial compliance,” the audit also includes areas of “technical compliance,” including:

- **Utilizes a computer-assisted mass appraisal (CAMA) system.**
The CAMA system used must be approved by the STC.

- **Has adopted and follows a published (written) policy outlining public access to assessing information.**

MCL 211.10g(1)(c) outlines what must be included in the policy, including contact information, available hours, estimated response time for inquiries, record inspection details and the process for the assessor to informally hear disputes from taxpayers.

- **Online access to assessing information.**

This is required if there is a township building “in an area with broadband access.” To determine if this requirement applies to your township, visit <http://connectmi.org> (click on “residents,” then “broadband coverage maps”; the interactive map allows you to search for applicable addresses). Note that online information—including parcel information, and land value and ECF studies—can also be hosted on the county’s website to meet this requirement.

- **Assessment change notices must include assessor/assessing department contact information.**

While it is likely that the assessment notices already include this information, it is now subject to the state’s audit.

2023-2027 assessment roll audit schedule

2023 Counties	2024 Counties	2025 Counties	2026 Counties	2027 Counties
Alcona	Alger	Baraga	Antrim	Arenac
Allegan	Bay	Houghton	Branch	Benzie
Alpena	Berrien	Ionia	Cheboygan	Calhoun
Barry	Chippewa	Iron	Clare	Huron
Cass	Crawford	Leelanau	Delta	Isabella
Charlevoix	Dickinson	Livingston	Iosco	Lake
Clinton	Eaton	Mackinac	Jackson	Mecosta
Emmett	Genesee	Marquette	Kalkaska	Monroe
Gladwin	Gogebic	Menominee	Kent	Oakland
Grand Traverse	Gratiot	Missaukee	Keweenaw	Ogemaw
Hillsdale	Newaygo	Muskegon	Luce	Osceola
Ingham	Oceana	Ontonagon	Macomb	Roscommon
Kalamazoo	Otsego	Ottawa	Mason	Shiawassee
Lapeer	Presque Isle	Schoolcraft	Montcalm	St. Clair
Lenawee	Sanilac	Wayne	Oscoda	St. Joseph
Manistee	Tuscola	Wexford	Saginaw	Van Buren
Midland	Washtenaw			
Montmorency				

- **Board of review members and assessing support staff must receive training every two years.**

All board of review members, regardless of how long they have served, must complete STC-approved training. (MTA’s annual *Board of Review Training* satisfies this requirement for board of review members.) In addition, support staff—anyone involved in assessing-related field work or data entry, or who provides information for or is involved in the development of the assessment roll—must complete some sort of assessing training. Note that, according to the STC, an untrained staff person may, for example, hand a resident a property card. However, if the staff person is expected to answer resident questions, they must receive training. (While MTA’s *Board of Review Training* does not suffice for support staff training, the Association is working to develop a class that would meet this requirement. Watch MTA emails for updates.)

- **If the township collects a property tax administration fee (PTAF), it must comply with requirements of MCL 211.44(4).**

While the form has not yet been finalized, the PTAF question will likely be a check box, with a required signature to note that the collected fee is being used properly. (*Note:* If your township collects a PTAF, check “yes” on the audit form. If it does not, check “N/A”; do *not* check “no” (“no” indicates that the township collects a PTAF, but does not comply with accounting requirements).)

- **Sufficient personal property canvass and records.**

The township should create a policy to ensure proper physical canvassing of personal property and records is in place and practiced. The township board can monitor compliance by reviewing this policy/process with the assessor at an annual review.

- **July and December board of review operates in accordance the General Property Tax Act.**

The audit will examine any adjustments made at the July and December board of review meetings to ensure that any changes made were within their authority.

- **Adequate process for granting or denying property tax exemptions.**

New to the audit under PA 660, all townships must ensure that statutory guidelines are followed when granting or denying such exemptions, including using or creating exemption applications when no state-mandated application is provided.

- **Meets the requirements in the STC’s “Supervising Preparation of the Assessment Roll” publication.**

Certification of meeting the document requirements will be made via STC Form 5823, *Assessment Duties Audit*, which is to be completed by the township supervisor or “highest elected official.” The county equalization department must also complete Form 5824, indicating that the township provided

to the county a copy of the assessing database following the March board of review, an original copy of the assessment roll, and Forms L-4021, if requested, and L-4022.

- **Compliance with poverty exemption guidelines.**

PA 253 of 2020 made numerous changes impacting how townships, assessors and boards of review handle poverty exemptions, including required documentation for those requesting the exemption and allowing the board of review to only grant a 100%, 50% or 25% reduction in taxable value (unless otherwise approved by the STC). The township board must annually adopt poverty exemption income guidelines and an asset level test.

- **Implemented STC-adopted CAMA data standards.**

Released annually by the STC, CAMA standards ensure statewide uniformity and equitable property assessment. The CAMA software must be connected to the provider through the internet to keep the cost tables of the software automatically updated through the Michigan Marshall Swift Valuation software platform.

Correcting deficiencies

Following the audit, Michigan Department of Treasury staff will review the audit report and notify the township of any failures to substantially comply with the minimum assessing requirements. If the township is in “substantial compliance,” congratulations! No additional follow-up is needed, and the township will simply undergo an audit during the next five-year cycle.

However, if found to be in noncompliance, the township board must file a corrective action plan within 60 days after notification of the deficiencies. If a township has three or fewer of the technical deficiencies, a corrective action plan is not required. Any township that is deficient in any one of the three “substantial compliance” areas or that has four or more technical deficiencies must submit a plan. Failure to submit a corrective action plan may result in removing the current assessor and contracting with the county designated assessor.

The plan must outline the “who, when and how” for correcting the deficiencies within one year. The STC reviews and approves the plan within 60 days. A follow-up review of the areas of deficiencies will then take place the following year. If, upon the follow-up review, the township fails a substantial compliance issue, it has three options:

- Hire a new assessor at the advanced or master assessing officer level
- Assign the county’s designated assessor to oversee the township’s assessing
- Voluntarily have the township’s assessment roll assumed by the STC

The role of the designated assessor

The township can be required to contract with the county’s designated assessor, who becomes the assessor of record for the township, if the township fails to file a corrective action plan, remains out of compliance in the second year, fails to make a good-faith effort to comply within a reasonable time, or falls out of substantial compliance within five years of achieving compliance with the corrective action plan.

When a township contracts with a designated assessor, it relinquishes assessing authority, but retains responsibility for expenses related to assessing and will be required to negotiate costs and other terms.

After three years with a designated assessor, the township can petition the STC to have its assessing authority returned, but is obligated to remain with the designated assessor for at least five years unless the STC and the designated assessor agree to a shorter term. (MCL 211.10g) The township may also consider retaining its current assessor and have him or her work alongside (including continuing to conduct field work) the designated assessor, who serves in a mentor-like role to help ensure adherence to and understanding of required assessing practices and requirements. The designated assessor, however, must be the one who signs the assessment roll. While employing the two assessors would of course be an extra expense to the township, it could ultimately ensure proper compliance in the long run.

Focus on excellence

Property assessment is a core responsibility for Michigan townships, and all townships must focus on excellence in this area. The state’s assessment roll audit ensures that your local assessing is done accurately and fairly, to the benefit of your township and its taxpayers.

MTA has the assessing resources that your township needs! Turn to page 25 to order our **BRAND-NEW** publication, *Assessing Your Township’s Assessing*, and look to page 24 for details on our “What Every Board Member Needs to Know About Assessing” workshop being held in Lansing and Gaylord this month. Our *Board of Review Guide* and assessing webpages on www.michigantownships.org share even more information!



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Attorney may discuss written legal opinion in closed session

Mr. Sunshine and Jason Aldrich v Delta College Board of Trustees, __Mich. App. __, Decided Oct. 20, 2022, Docket No. 358042—The Michigan Court of Appeals addressed the question of whether a public body may invite an attorney into a closed session to discuss a written legal opinion by that attorney under the Open Meetings Act (OMA). MCL 15.268(h) allows a public body to go into closed session “to consider material exempt from discussion or disclosure by state or federal statute.”

According to the court, “In this case, defendant’s minutes reflect that it initiated a closed session under MCL 15.268(h) to consider “a [w]ritten [l]egal [o]pinion.” Under Michigan’s Freedom of Information Act [FOIA], a public body may exempt from disclosure “[i]nformation or records subject to the attorney-client privilege.” MCL 15.243(1)(g). And an attorney’s written legal opinion is subject to the attorney-client privilege. Thus, defendant’s decision to initiate a closed session to discuss a written legal opinion falls within MCL 15.268(h) because material and discussions subject to the attorney-client privilege are statutorily exempt from public disclosure under the FOIA.”

The court concluded that “a public body does not exceed the scope of MCL 15.268(h) when an attorney participates in a closed session to discuss legal advice. Instead, the OMA is violated when the considerations discussed during the closed session exceed the scope of the confidential legal advice.

MSC modifies definition of ‘standing’ for appeals to ZBA

Saugatuck Dunes Coastal Alliance v Saugatuck Township, __Mich. __, Decided July 22, 2022, Docket No. 163058—The Saugatuck Dunes Coastal Alliance (SDCA) sued the

township and its zoning board of appeals (ZBA), challenging the ZBA’s decision that the SDCA lacked standing to appeal a decision of the township’s planning commission regarding a proposed residential site condominium and marina project, based on existing case law requiring a party to show that it would suffer harms that were different from harms suffered by similarly situated community members. Appeals to the district court, circuit court and Court of Appeals all affirmed the ZBA’s decision, and the SDCA appealed to the Michigan Supreme Court (MSC).

In an opinion in lieu of granting leave to appeal, with two justices dissenting, the court addressed the question of “what it means to be aggrieved for purposes of appealing certain land-use decisions to a zoning board of appeals, MCL 125.3604(1), and appealing a zoning board of appeals’ decision to the circuit court, MCL 125.3605.” (*Synopsis*)

The court held, “We overrule *Olsen, Joseph*, and related Court of Appeals decisions to the limited extent that they (1) require real-property ownership as a prerequisite to being ‘aggrieved’ by a zoning decision under the [Michigan Zoning Enabling Act, MZEA] and (2) require special damages to be shown only by comparison to other real-property owners similarly situated. Real-property ownership is not a requirement to appeal under the MZEA.”

The court specified that to be a “party aggrieved” under MCL 125.3605 and MCL 125.3606, the appellant must meet three criteria:

“First, the appellant must have participated in the challenged proceedings by taking a position on the contested decision, such as through a letter or oral public comment.

“Second, the appellant must claim some legally protected interest or protected personal, pecuniary, or property right that is likely to be affected by the challenged decision.

“Third, the appellant must provide some evidence of special damages arising from the challenged decision in

the form of an actual or likely injury to or burden on their asserted interest or right that is different in kind or more significant in degree than the effects on others in the local community.”

Photographing and fingerprinting during Terry stop unconstitutional

Johnson v Vanderkooi, __Mich. __, Decided July 22, 2022, Docket No. 160958—This appeal was brought as a § 1983 action against the City of Grand Rapids challenging the Grand Rapids Police Department’s policy of photographing and fingerprinting detainees as a violation of the Fourth Amendment of the U.S. Constitution’s protections against unreasonable searches.

In a unanimous opinion, the Michigan Supreme Court reviewed “the GRPD’s policy of photographing and fingerprinting individuals stopped without probable cause, referred to as the ‘photograph and print’ (P&P) procedure. In considering the fingerprint component of the P&P procedure, we hold that the P&P procedure is unconstitutional. Fingerprinting an individual without probable cause, a warrant, or an applicable warrant exception violates an individual’s Fourth Amendment rights.”

According to the court’s opinion: “The P&Ps giving rise to these lawsuits took place during two separate incidents. At the time of the incidents, each GRPD patrol officer was assigned as a part of their standard equipment a camera, a fingerprinting kit, and GRPD ‘print cards’ for storing an individual’s copied fingerprints. Generally speaking, a P&P involved an officer’s use of this equipment to take a person’s photograph and fingerprints whenever an officer deemed the P&P necessary given the facts and circumstances. After a P&P was completed, the photographs were uploaded to a digital log. Completed print cards were collected and submitted to the Latent Print Unit. Latent print examiners then checked all the submitted fingerprints against the Kent County Correctional Facility database and the Automated Fingerprint Identification System. After being processed, the cards were filed and stored in a box according to their respective year.”

Both incidents addressed in the opinion involved young black males who were stopped on the street for questioning by GRPD officers and were released after their accounts had been quickly confirmed—but after being fingerprinted and photographed by the GRPD officers. Neither was charged with a crime.

According to the court, “The Court of Appeals held that the P&Ps did not infringe on plaintiffs’ Fourth Amendment rights, having concluded that taking neither a person’s fingerprints nor their photograph was a search under the Fourth Amendment.”

In a unanimous opinion, the court reversed and held “that fingerprinting constitutes a search under the trespass doctrine and that the P&P policy is facially unconstitutional because it authorizes the GRPD to engage in unreasonable searches contrary to the Fourth Amendment.”

The court also held that “the fingerprinting in these cases was not reasonably related in scope to the circumstances” and “also exceeded the permissible duration of a *Terry* stop.” A *Terry* stop is “[a] brief, on-the-scene detention of an individual [that] is not a violation of the Fourth Amendment as long as the officer can articulate a reasonable suspicion for the detention.” *People v Pagano*, 507 Mich. 26 (2021)

Right to Farm Act entitles prevailing farm to recover attorney costs and fees

James Township v Rice, __Mich. __, Decided June 22, 2022, Docket No. 163053—In this case, the township attempted to enforce its blight ordinance and the Michigan Residential Code regarding unpermitted construction, fencing height and junk on Rice’s property under a municipal civil infraction citation. Rice moved to dismiss portions of the citation involving the fencing and unpermitted construction as a farm operation protected under the Right to Farm Act. The district court determined that the property was used as a farm or farm operation and dismissed those portions of the citation but denied both parties’ requests for attorney costs and fees.

Following several appeals, Rice appealed to the Michigan Supreme Court on the specific question of whether, “under MCL 286.473b, a prevailing farm or farm operation is entitled to the actual amount of costs and expenses reasonably incurred, together with reasonable and actual attorney fees, when so demanded.”

The court held that held that the award of costs to a prevailing farm or farm operation is not discretionary: “The statute does not impose an additional contingency of whether the court chooses to grant the requested relief. Instead, the phrase ‘may recover’ in MCL 286.473b entitles the prevailing farm or farm operation to recover what the statute permits: the actual amount of costs and expenses reasonably incurred in connection with the defense of the action, together with reasonable and actual attorney fees.”

The court also held that, “the trial court maintains the discretion to determine the amount of costs and fees that were reasonably incurred by the prevailing farm or farm operation, as well as the amount of the prevailing farm or farm operation’s reasonable and actual attorney fees.”

aroundthe**state**

townships in the spotlight



Lyon Charter Township

Lyon Charter Township (Oakland Co.) strikes a perfect balance as a community in which to live, work and enjoy the great outdoors. The township's master plan has resulted in beautifully designed residential subdivisions, strategically located commercial facilities and a vast job-producing industrial/research corridor.

Lyon Charter Township has earned the distinction as the fastest-growing township in Oakland County with a population of 23,271, increasing 60% since the 2010 census with just



over 2,700 new households added. Families choose to live here for its well-thought-out neighborhoods and abundance of natural and recreational assets, as well as its top-notch business climate. The community retains a rural atmosphere but is ideally located so that educational, cultural and recreational amenities are easily accessible.



The township dates back to 1837, and was once known as the horse capital of Michigan. The township is home to the oldest operational bar in Michigan, the New Hudson Inn,

thought to have been a stop along the Underground Railroad, and to historic New Hudson Cemetery with burials dating back to the Revolutionary War. The Michigan War Dog Memorial Cemetery, located in the township, is the resting place for U.S. military service dogs and notable pets from world-renowned explorers, including Admiral Byrd's pet parrot and a sled dog from one of his expeditions.

The township has plenty of opportunities for avid outdoor adventurers with a 102-acre public park, six golf courses, a disc golf course, over 18 miles of the Huron Valley Trail System, sports fields, bike paths, playgrounds, close access to Island Lake State Recreation Area, Kensington Metropark and more!

What began in the 1830s is today being transformed into a vibrant, robust and active community.



**Be here.
Be heard.
Be engaged.**



MTA's 2023 Capital Conference **March 1 | Lansing**

Multiple changes will occur in 2023 with the new state Legislature, election changes and state departments. Join MTA and fellow townships officials at the 2023 Capital Conference on March 1 to learn the latest updates, what's at the forefront and projected issues for the new legislative session. Lend your voice and experiences as we advocate for township authority and issues. Check out event details at www.michigantownships.org and register today!



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