

Michigan Township Focus

JANUARY 2017

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

BUILDING TRUST



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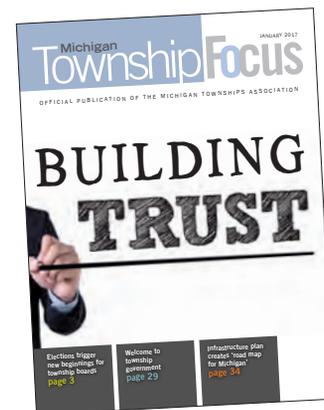
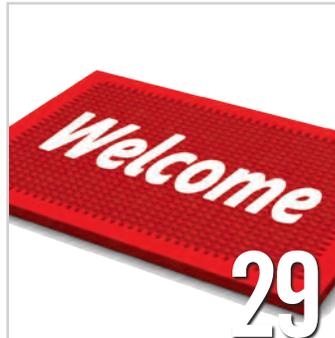
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Infrastructure plan creates 'road map for Michigan'

Learn recommendations from the governor's 21st Century Infrastructure Commission for how to close investment gaps and make Michigan a leader nationwide in infrastructure planning, management and delivery.



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



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Michigan Township Focus, Issue 1 January 2017 (ISSN 2330-9652), is published monthly, except for a combined April/May issue. MTA membership provides a subscription to township board members, the manager/superintendent, planning commission chairperson and township attorney. Member counties also receive subscriptions for elected officials, the equalization director and road commission chairperson. Annual membership dues include \$30 for a one-year subscription to *Michigan Township Focus*. Additional member subscriptions are available for \$30 per year. Subscription rate for residents and firms in member townships is \$40 per year (schools and libraries may subscribe for \$30 a year).

Michigan Township Focus is a publication of the Michigan Townships Association, 512 Westshire Dr., Lansing, MI 48917-9757. Phone: (517) 321-6467; fax: (517) 321-8908; Web: www.michigantownships.org. Periodicals postage paid at Lansing, MI. POSTMASTER: Send address changes to: *Michigan Township Focus*, P.O. Box 80078, Lansing, MI 48908-0078.

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Elections trigger new beginnings for township boards

With the approach of noon on an unseasonably warm and bright Sunday, the 20th of November, my wife Karen and I dropped in on our township board's swearing-in ceremony.



Uniformed township firefighters milled in the hallway, as residents, county officials and other township employees chatted with proud board members and their families. Lay church leader and departing Trustee **Doug Kosinski's** invocation invited God's presence to the occasion; children of new Trustees **Deana Newman, Andrea Cascarilla** and returning

Supervisor **Ken Fletcher** led all in the Pledge of Allegiance, and Township Fire Marshal **Michael Roberts** led those assembled in singing the national anthem and "God Bless America."

In typical **Delta Charter Township** (Eaton Co.) fashion, the event had been carefully planned; solemn and dignified, yet warm and joyful. After board members raised their right hands and recited their oaths of office, Supervisor Fletcher's remarks noted that the oath of office is a ceremony that reminds elected officials that earning the public's trust is an honor that comes with an expectation that they will act in a manner that upholds that trust, and to do their very best for others at all times.

Reflecting on the township board's bipartisanship in the prior term, Fletcher told the audience, "We always reached a consensus on what was in the best interest of the public." In the new term, Fletcher asserted that the board "can look forward to new opportunities and excitement from having new board members who will bring fresh perspectives, new ideas and possibly better ways of doing the peoples' business."

And on the rewards of being a township official, Fletcher said, "Township officials are far more accessible to people and work on issues that have far more direct impact on people than decisions made elsewhere.

"At the local level, we don't spend time bickering and fighting and waging partisan political attacks on each other," he added. "We work collaboratively to do the people's business without much fuss and drama. Some could even say that we are boring most of the time.

"There are important decisions that will need to be made over the next four years. It will be a very busy time to serve on the township board, but it will also be an exciting time."

After Supervisor Fletcher concluded with an affirmation of Delta Charter Township's commitment to diversity and inclusion, I welcomed new Trustees Donna and Andrea to the Michigan Townships Association and congratulated the other returning board members, Clerk **Mary Clark** and Trustees **Dennis Fedewa** and **Karen Mojita**.

We then drove out to rural **Leroy Township** in eastern Ingham County, where retiring Supervisor and 1998 MTA President **Neil West** was enjoying a steady stream of friends from around the area at his open house, all taking time to extend to Neil and his wife Ruth their best wishes. It was no surprise that, after 50 years of township government service, Neil made many friends and admirers. His accomplishments include establishing with neighboring jurisdictions a successful multi-jurisdiction fire district and building a modern township hall/community center.

Neil shared with me his thoughts about serving on the MTA Board of Directors:

"As much as I enjoyed being supervisor, being on the MTA Board and working with the other township officials from around the state was, well, it just was the best thing I ever did," he said. "When I think about what MTA has meant for townships, it was just an honor to be a part of that."

A day of beginnings and endings captured in two wonderful celebrations.

Thank you, Neil West, and all of the other newly retired officials for making your townships better. And welcome to newly elected officials like Donna and Andrea, who will stand on the shoulders of those who preceded them to achieve new and greater things for their townships.

MONEY MATTERS

Township budget reminders

Schedule budget public hearings

For the roughly 900 general law townships with an April 1-March 31 fiscal year, the proposed budget should be prepared, and the budget public hearing scheduled and notice published so the hearing can be conducted and the budget adopted by the township before April 1.

Townships may spend funds on dues, seminars

All local governments may pay dues to associations. The payment of dues has been challenged and upheld in several Michigan Supreme Court cases. MTA Legal Counsel advises that laws are to be liberally construed in favor of townships' authority to expend funds for association dues, registration fees to attend useful public information or educational workshops, and mileage reimbursement for

attendance at authorized seminars and governmental meetings other than township board meetings.

Adopt salary resolutions before annual meeting

Townships that hold an annual meeting are required to pass a salary resolution for each elected office paid by salary at least 30 days prior to the annual meeting date. Townships that hold an annual meeting in March should adopt salary resolutions in January or February, depending on the March meeting date.

If the township board does not pass salary resolutions at least 30 days prior to the annual meeting, the electors have no authority to act on or increase salaries. As a result, the salary of each elected official would remain at the previous year's established level. Electors cannot reduce township board members' salaries during a term of office, unless the duties of the office have been diminished and the township official consents in writing to the reduction. (MCL 41.95)

According to Attorney General Opinion 6422 of 1987, a separate resolution must be adopted for each township office. Each resolution must contain the date in the next fiscal year the salary will be effective. A sample resolution to establish township officers' salaries is available on the members-only section of www.michigantownships.org (search for "Compensation"), or by calling (517) 321-6467.

ENTREPRENEURIAL-FRIENDLY TOWNSHIPS

Townships honored for fostering economic growth

Fourteen townships were among the 46 communities from 25 counties recognized by the University of Michigan *eCities* program honoring local efforts to foster entrepreneurial growth and economic development. MTA assists in the *eCities* project, which is an annual research study that examines community-level factors that influence entrepreneurship, economic development and job growth.

The 2016 Five-Star Honored Communities include **Ann Arbor Charter Township** (Washtenaw Co.), **Cascade Charter Township** (Kent Co.), **Delta Charter Township** (Eaton Co.), **Kochville Township** (Saginaw Co.), **Meridian Charter Township** (Ingham Co.), **Pittsfield Charter Township** (Washtenaw Co.) and **Plymouth Charter Township** (Wayne Co.).

The 2016 Four-Star Honored Communities include **Bath Charter Township** (Clinton Co.), **Comstock Charter Township** (Kalamazoo Co.), **Flint Charter Township** (Genesee Co.), **Northville Charter Township** (Wayne Co.), **Saginaw Charter Township** (Saginaw Co.), **Thomas Township** (Saginaw Co.), and **West Bloomfield Charter Township** (Oakland Co.).

The 2016 *eCities*-recognized communities are home to more than 22 percent of Michigan's residents, and 20 percent of Michigan entrepreneurs—who earn nearly \$1.9 billion in self-employed income.

The five-star communities have commercial constructions worth over \$875 million, having issued more than 2,000 construction permits. They have more than \$29 billion in combined real and personal properties, and more than \$21 million in additions to assets in the past year.

The communities that participate in the project receive benchmarking reports showing their performance at creating inviting business environments and encouraging entrepreneurial growth. The project aims to learn and share the "best practices" to attract entrepreneurial development and create business growth. Understanding the best practices and utilizing these concepts across Michigan can have a positive impact on the state's economic future.

To date, more than 200 communities across Michigan have participated in the study.

Learn more at www.umdilabs.com/ecities.



STATE OF THE ART

Township unveils new LEED-certified fire station

This fall, **Spring Lake Township** (Ottawa Co.) unveiled a brand-new, LEED-certified fire station. High tech in every respect, the new station features rooftop solar panels, all LED lights, and electronic equipment that provides township



volunteers advantages they never had before. The facility is shared by paid on-call firefighters and Ottawa County sheriff's deputies.

The township is split northeast to southwest by five-mile-long Spring Lake, which necessitates a fire station on each side of the lake to

ensure good response times. As the economy was falling, a manufacturing building on the northwest side of the lake became available for a deflated price. The township bought that building, and for less than \$500,000 turned it into an excellent fire station. On the southeast side of the lake, the township had two fire stations—neither of which was originally built to be a fire station.

Fire department officials had told the township board for many years that a new fire station was needed, and, using fire run counts, had determined the best location of such a station. That location was for sale, but at a price the township could not afford. As the economic downturn continued, the price dropped almost 50 percent, and the township purchased the property.

The process was not easy, with some next-door and adjacent neighbors not thrilled with the idea, requiring clear education and diplomacy on the part of township leaders. Because the economy was down, bond rates were also down—another plus for the township. A local builder submitted a good estimate and completed the building on time.

In addition, during this time, township officials were working with Spring Lake village officials on an agreement to share the remodeled village hall as a home for both municipalities, which occurred more than a year ago and has worked out very well for both entities.

Fire Chief **Brian Sipe** (*pictured above with the new station*) monitored the project from day one, and personally selected, bid and arranged for the purchase of all the furniture and technology that went into the new building—both saving the township money and ensuring the station would end up the way officials envisioned and dreamed it would.

These efforts are an example of a proactive, progressive and collaborative local government.

—Submitted by John Nash, Spring Lake Township supervisor



NEW PUBLISHING THRESHOLD

2017 threshold for publishing minutes set at \$83 million for general law townships

The 2017 taxable value threshold for exempting general law townships from the requirement to publish minutes has increased to \$83 million. The 2016 rate was \$82 million.

The rate is determined by the Michigan Department of Treasury's Office of Revenue and Tax Analysis. Public Act 465 of 1996 exempts general law townships with a taxable value under a threshold from the requirement to publish township board meeting minutes, or a synopsis of the proceedings, within 21 days after the meeting.

According to PA 465, the limit must be adjusted annually for inflation each Jan. 1 and rounded to the next million.



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OVER FOR OVERTIME RULE?

Federal judge blocks implementation of new overtime rule

On Nov. 22, federal judge Amos L. Mazzant III, of the U.S. District Court for the Eastern District of Texas, issued a 20-page temporary injunction halting the U.S. Department of Labor's (DOL) final overtime rule, which was set to become effective on Dec. 1.



The rule would have extended overtime pay to more than four million workers and would have required employers—including townships—to pay overtime to most salaried workers who earn less than

\$47,476 annually, a much higher threshold than the current annual salary limit of \$23,660.

Judge Mazzant ruled that the Obama administration had exceeded its authority by raising the overtime salary limit so significantly. While the injunction was a temporary measure that suspends the regulation until the judge can issue a ruling on the merits, many said the judge's language indicated he was likely to strike down the regulation.

The DOL appealed the decision to the Fifth Circuit Court of Appeals, which granted the department's motion for expedited review. In doing so, the court ordered the DOL to file its final appeal brief no later than Jan. 31, 2017.

The fate of the overtime rule had already been thrown into question by the election of President-elect Donald Trump, who has promised to reverse many Obama Administration regulations and the Republican Congress has threatened to utilize the Congressional Review Act to nullify the rule in January, once Trump takes office.

Watch MTA publications and www.michigantownships.org for updates as they become available.

LOCAL UPDATES FROM ACROSS MICHIGAN

Township happenings

An archeological survey of the proposed second phase of the River Valley Trail in **Niles Charter Township** (Berrien Co.) identified a log cabin site from the mid-1800s. The remains appear to be part a larger farmstead site and will cause a shift in the proposed trail of 100 feet.

Oakland Charter Township (Oakland Co.) is raising money for a new veterans tribute to honor all veterans past, present and future. The tribute is expected to be completed in time for a dedication on Veteran's Day in 2017.

Bedford Charter Township's (Monroe Co.) *Out of the Darkness* walk to raise awareness and funds for the American Foundation of Suicide Prevention exceeded its initial fundraising goal of \$3,000 and 100 walkers. More than 300 walkers participated, raising more than \$14,000 that will go toward suicide prevention research, programs and support, and advocates to fight for policy change. A portion of the proceeds comes back to the township.

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

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NEW DATES

Deadline extended for providing certain ACA information to employees

Employers, including applicable townships, have an extra 30 days to provide Affordable Care Act (ACA) information to covered individuals and employees. The IRS has provided a 30-day extension, from Jan. 31, 2017, to March 2, 2017, for providing the information, which includes IRS Forms 1095-B (Health Coverage) and 1095-C (Employer-provided Health Insurance Offer and Coverage). This extension has been automatically granted, and no further extension of time to provide the forms to covered individuals and employees will be available.

This extension does not impact the due dates for furnishing the information to the IRS, which remain Feb. 28, 2017, if not filing electronically, and March 31, 2017, if filing electronically. The normal rules for requesting an extension of time to file information returns with the IRS apply.



ATTENTION TREASURERS

Reminder for tax collection office hours

The township treasurer 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.

The last day to pay 2016 property taxes without incurring any interest or penalty is **Tuesday, Feb. 14, 2017**.

Treasurers **may** choose to hold office hours.

The last day to pay 2016 property taxes before they are returned as delinquent is **Monday, Feb. 28, 2017** (the last day of February). (MCL 211.45) Treasurers **must** hold office hours.

The township treasurer **must** also 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 **Sept. 14, 2017** (the last day taxes are due and payable before interest is added under MCL 211.44a(5)). (MCL 211.44(2)(c))



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mta events | January

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JANUARY

By 10

No later than Jan. 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 township.

Form 632—*Personal Property Statements* must be sent or delivered. (MCL 211.19)

24

Local units with a state equalized value of \$15 million or less must distribute taxes collected through Jan. 10. within 10 business days of Jan. 10. All other local units must disburse taxes collected within 10 business days after the 1st and 15th of each month, except during March. (MCL 211.43)

By 31

Annual campaign statements filed. Books closed Dec. 31, 2016.

FEBRUARY

1

Not later than Feb. 1. Deadline for a qualified business to submit State

Tax Commission (STC) Form L-4143 for qualified personal property with the assessor. (MCL 211.8a(2))

10

Deadline to file the affidavit to claim the exemption for eligible personal property (Form 5076). (MCL 211.9o(2))

14

Last day to pay property taxes without the imposition of a late penalty charge equal to 3 percent of the tax in addition to the property tax administration fee, if any. (MCL 211.44(3))

The governing body may waive the penalty for the homestead property of a senior citizen, paraplegic, quadriplegic, hemiplegic, eligible service person, eligible veteran, eligible widow, or widower, totally and permanently disabled or blind persons, if that person has filed a claim for a homestead property tax credit with the state treasurer before Feb. 15. Also applies to a person whose property is subject to a farmland/development rights agreement or verification that the property is subject to the development right agreement before Feb. 15. If statements are not mailed by Dec. 31, the township may not impose the 3 percent late penalty charge.

15

Townships that collect summer property tax shall defer the collection until this date for property that qualifies. (MCL 211.51(3))

STC reports assessed valuations for Michigan Department of Natural Resources lands to assessors. (MCL 324.2153(2))

17

On or before the third Monday in February. Deadline for county equalization director to publish in a newspaper the tentative equalization ratios and estimated state equalized value multipliers for 2017. (MCL 211.34a(1))

21

Deadline for taxpayer filing of personal property statement with assessor.

Form 5278 must be filed not later than Feb. 20 for each personal property parcel for which the eligible manufacturing personal property exemption is being claimed.

Deadline for taxpayer to file Form 3711 if a claim of exemption is being made for heavy earth-moving equipment. STC Bulletin 4 of 2001. (MCL 211.19)

Deadline for payments to municipalities from the Local Community Stabilization Authority: Local Community Stabilization Share revenue for county extra-voted millage, and other millages levied at 100 percent in December 2016. (MCL 123.1357(5)(b))

28

Last day for local treasurers to collect 2016 property taxes. (MCL 211.78a)



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ALLIED SERVICE PROVIDER MTA



As township officials, we are concerned with ensuring public confidence in the integrity and ethical conduct of the township. Are there state laws that address ethical conduct?

Yes. There are three main ethics statutes principally intended to avoid conflicts of interest and even the appearance of impropriety. The first is the Standards of Conduct for Public Officers and Employees Act (Public Act 196 of 1973; MCL 15.341, *et seq.*). This act applies to employees and elected or appointed public officials of a township and other political subdivisions, and sets forth a basic ethical framework for their conduct. Generally speaking, it prohibits divulging confidential information to unauthorized persons; representing personal opinions as that of the township; waste of township resources or use for personal benefit; solicitation and acceptance of gifts that tend to influence; business transactions where profit occurs from official position or benefit occurs from confidential information; subject to limited exception, engaging in employment that is incompatible or in conflict with official duties, or that may impair independent judgment; and with limited exception, engaging in negotiation, execution or supervision of contracts relating to a business where there is a financial or personal interest. This act is intended as a code of ethics and not as a rule of law for public contracts.

The second ethics statute is the Contracts of Public Servants and Public Entities Act (PA 317 of 1960; MCL 15.321, *et seq.*), and this act does in fact provide the controlling rule of law for public contracts. This act generally prohibits public servants (including employees and elected township officials) from:

- 1) Being a party, directly or indirectly, to a contract with the township.
- 2) Directly or indirectly soliciting any contract between the township and any of the following:
 - a. himself or herself
 - b. any firm, co-partnership or other unincorporated association of which he or she is a member, partner or employee
 - c. any private corporation of which he or she is a director, officer or employee
 - d. any private corporation in which he or she is a stockholder owning more than 1 percent of the total outstanding stock if not listed on a stock exchange or, stock with present market value in excess of \$25,000 if the stock is listed on a stock exchange
 - e. a trust of which he or she is a beneficiary or trustee (In regards to contracts described in subsection (2), a public servant cannot participate in negotiations,

renegotiations, amendments or approval of the contract or represent either party in the transaction.)

These general prohibitions do not apply to a public servant who is paid for working an average of 25 hours per week or less for the township. If this exemption applies, this act provides a procedure that must be followed to enter into an otherwise prohibited contract. Additionally, the prohibition on being a party to a contract does not prohibit a public servant of a township with a population of less than 25,000 from: serving as emergency medical services personnel; serving as a firefighter in the township as long as that person is not a full-time firefighter, fire chief or person who negotiates with the township on behalf of the firefighters; or from performing other additional services for the township as approved by the township board.

The third main ethics statute is the Incompatible Public Offices Act (PA 566 of 1978; MCL 15.181, *et seq.*) This act provides that a public officer or public employee shall not hold two or more incompatible offices at the same time. MCL 15.181 provides that incompatible offices means public offices held by a public official which, when the official is performing the duties of any of the public offices held by the official, results in any of the following with respect to those offices held:

- 1) The subordination of one public office to another.
- 2) The supervision of one public office by another.
- 3) A breach of duty of public office. (A breach of duty arises when a public official holding dual offices cannot protect, advance or promote the interests of both offices simultaneously. For instance, one cannot be on both sides of an agreement. An abstention from voting is not enough and one of the offices must be vacated.)

This Incompatibility of Offices Act does not however prohibit, in a township that has a population of less than 40,000, a public officer or employee: from serving as emergency medical personnel; from serving as firefighter; police chief; fire chief; police officer; or public safety officer in the township as long as that person does not negotiate collective bargaining agreements with the township on behalf of such positions; or from performing additional services for the township as authorized by the township board.



Are there protections for a township officer or employee reporting violations of these ethics laws?

Yes. The Standards of Conduct for Public Officers and Employees Act provides whistle blower protection in MCL 15.342b. A public officer or employee who reports or is about to report a violation shall not be subject to the following as a result of this action:

- 1) Dismissal from employment
- 2) Withholding of salary increases that are ordinarily forthcoming
- 3) Withholding of promotions that are ordinarily forthcoming
- 4) Demotion in employment status
- 5) Transfer of employment location

A person who violates this protection is liable for a civil fine of not more than \$500.

Additionally, the Whistle Blower's Protection Act (PA 469 of 1980; MCL 15.361, *et seq.*) provides protection to employees who report violations or suspected violations of state, local or federal law.

 If a township employee or public official violates the ethical prohibitions of the Standards of Conduct for Public Officers and Employees Act, does the state law provide for disciplinary action?

No. Unfortunately, the Standards of Conduct for Public Officers and Employees Act, as it is applied to township public officials and employees, does not provide any sanctions

for violation of the ethical provisions therein. As it relates to townships, it only provides whistle blower protection.

A township can, however, adopt its own ethics policy or ordinance setting forth ethical standards and the sanctions for violation of such standards. We would suggest at a minimum that a township develop an ethics policy. A violation of the ethics policy would normally be enforceable against the employees of the township through disciplinary measures. While the ethics policy may apply to both township employees and public officers, it is not very effective against elected township officials (who cannot be fired). If the township wants to put more "bite" behind ensuring ethical conduct and provide for sanctions applicable to even elected officials, it could adopt an ethics ordinance. A violation of the ethics ordinance could entail a misdemeanor charge or municipal civil infraction.

For more on this topic, visit the "Ethics and Conduct" Web page on the members-only section of www.michigantownships.org (access via the "Index of Topics" under the "Answer Center" tab after logging in. Contact MTA if you need assistance with your username and password.).

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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Clean energy must adhere to local zoning

Bills designed to strengthen Michigan's energy market passed in the final hours of December and included adherence to local zoning. Senate Bill 437, sponsored by Sen. Mike Nofs (R-Battle Creek), and SB 438, sponsored by Sen. John Proos (R-St. Joseph Chtr. Twp.), were pending signature by the governor as of press time. While the measure increases the percentage of energy that must be generated from renewable resources, a final amendment added by Rep. Eric Leutheuser (R-Hillsdale) clarifies that clean energy resources, such as wind turbines, must adhere to local zoning.

Speed limit bills preserve township input

Townships will continue to have input in setting speed limits under a package of enrolled bills.

House Bills 4423-4427 received final passage at the end of the 2015-16 legislative session and were sent to Gov. Rick Snyder for enactment. Together, the bills allow speed limits of up to 75 mph on some rural state freeways and up to 65 mph on certain state trunklines.

MTA worked extensively to ensure that townships maintained the ability to request a speed study, and have input with the county road commission and Michigan State Police to set the speed limit. While this language was removed in varying versions of the bills, it was included in the final version passed.

Additionally, under the bills, municipalities in counties with more than one million residents could request the speed limit be reduced to 45 mph with the approval of the county road commission. Language was also added to allow a municipality to request a speed study to potentially lower the speed limit even further, with the Michigan State Police responsible for conducting the study. MTA initially opposed the bills prior to the reinstatement of township authority.

Water, sewer liens extended

Sewer and water liens will soon be permitted to be enforced for a longer period of time under House Bill 5113.

The legislation, sponsored by Rep. Laura Cox (R-Livonia), was enrolled and sent to Gov. Rick Snyder for signature. Once enacted, it will extend municipal water liens from three years to five years. Currently, if a property receives municipal sewer and water services, the municipality can place an immediate lien against the property to ensure that any charges or assessments will be paid. MTA supported the bill's extension of the enforceable period, which could allow more debt to be collected and increase township funds.

Sidewalk fall liability reduced for townships

Townships have a reduced liability for sidewalk falls under House Bill 4686.

The MTA-supported bill, sponsored by Rep. Harvey Santana (D-Detroit), received final passage and was sent to Gov. Rick Snyder.

Local units build and maintain thousands of miles of sidewalks and, as a result, face "trip and fall" lawsuits. Currently, private business owners can use what's known as an "open and obvious" defense against such a lawsuit. This means they're protected if someone is injured as a result of an obviously dangerous sidewalk condition. Under HB 4686, local units will now be able to utilize the same defense.

OPEB transparency required

A bill that received final passage late last year is meant to increase transparency for municipal retirement health care benefits.

House Bill 6075, sponsored by Rep. Dan Lauwers (R-Brockway Twp.), was waiting for Gov. Rick Snyder's signature as of press time. Once enacted, the bill will require municipal retirement systems to post online an informational report outlining the steps it may be taking to reduce its unfunded actuarial accrued liability, if its actuarial accrued liability for health care or pension is not at least 60 percent funded.

Local units are also required to include the rate of health care inflation in their annual report, as well as submit that report to the state Department of Treasury. The department would then post an executive summary of each annual report on its website, and submit the summaries to the Senate and House Appropriations Committees and fiscal agencies.

MTA monitored this legislation, but did not take a position. Additional municipal retirement health care reforms are expected in the new legislative session.

Some library millages now exempt from TIF capture

Townships can soon expect to receive less revenue for their tax increment financing (TIF) authorities.

Gov. Rick Snyder received a package of bills—Senate Bills 619-624—allowing libraries to keep some of their millages exempt from TIF capture. The legislation, which was strongly opposed by MTA, impacts TIF, downtown development, corridor improvement, water resource improvement, local development financing and historical neighborhood TIF authorities. The original package also impacted brownfields; however, that bill was not part of the final package.

Under the measure, library boards can decide to exempt their millages from TIF capture under a variety of circumstances. If a millage was approved before Jan. 1, 2017, and the TIF authority's obligations were paid, the library's millage would be exempt from capture unless the library decided to opt in. If a TIF authority modified its TIF plan, a library could exempt all or part of its taxes from capture if

the millage was approved before Jan. 1, 2017. If a millage is approved by voters after Dec. 31, 2016, the library board could vote to exclude all or part of its taxes from capture.

MTA negotiated amendments that prevented the bills from applying retroactively; however, the changes will have a significant impact on TIF authorities with “pay as you go” projects and future projects. Legislation is also anticipated in the new session that will provide similar exemptions for other special millages currently subject to tax capture.

Bill preempts local zoning for school property

Local control over zoning school property was eroded under an MTA-opposed bill that received final passage.

Senate Bill 953, sponsored by Sen. Tom Casperson (R-Wells Twp.), awaited Gov. Rick Snyder’s signature as of press time. While the enrolled version of the bill includes amendments that softened the blow to townships, it still usurps local zoning in many cases.

The legislation was originally intended to address billboards, but its language was much broader. An amendment offered by Rep. Brad Jacobsen (R-Oxford Chtr. Twp.) narrowed the intent to only allow billboards on state roads, and not in residential neighborhoods. The bill classifies school property as an unzoned commercial or industrial area, allowing billboards and potentially other commercial activities to take place on such property along state highways. Examples could include cell towers or digital billboards that otherwise would have to receive local approval. A school district or school foundation must also own the property by Dec. 31, 2016, in order to erect a billboard on it.

Some drone regulations allowed

Townships can regulate how drones are used within their jurisdictions, but not the ownership or operation of these unmanned aircrafts.

These guidelines were created under newly enrolled legislation—Senate Bill 992, sponsored by Sen. Peter MacGregor (R-Cannon Twp.)—that was sent to Gov. Rick Snyder for enactment. The measure sets the basic foundation for regulating drones, allowing them to be used for recreation as long as they meet federal guidelines. The legislation also outlines prohibited uses of drones that, if violated, would result in a misdemeanor offense.

No local ordinances can be enacted or enforced that regulate the ownership or operation of drones. However, townships and other local units may set rules, regulations and ordinances for the use of drones within their boundaries. MTA did not take a position on the bill, but monitored it throughout the legislative process.

Local preemption on plastic bag bans enacted

Townships cannot ban or regulate plastic bags and other reusable or single-use containers under Senate Bill 853.

The bill, sponsored by Sen. Jim Stamas (R-Midland Chtr. Twp.), was recently enrolled and sent to Gov. Rick Snyder for signature. Under the legislation, local government

ordinances would be prohibited from regulating or banning such bags and containers at grocery stores, fast food restaurants and other businesses.

No local regulations exist in Michigan, though two counties have considered them, and such ordinances are becoming more common in states such as California and Hawaii.

PPT exemptions could be revoked for certain businesses

Businesses could lose their personal property tax (PPT) exemptions if they don’t follow a written agreement with their municipality under a new law.

Public Act 329 of 2016, sponsored by Rep. Andy Schor (D-Lansing), was recently signed by Gov. Rick Snyder after it received final passage this fall with MTA’s support. Under this new law, townships and other governing bodies now cannot adopt a resolution after Dec. 31, 2016, exempting PPT without a written agreement with the eligible business. This written agreement must contain a provision that would revoke the exemption if the business fails to follow the agreement. It must also include a repayment requirement.

Also after Dec. 31, 2016, written agreements between a Next Michigan Development Corporation and an eligible Next Michigan business must include additional tax exemption revocation provisions.

Firefighter training grants could be used for expanded purposes

More firefighter trainings will be eligible for grant funding under Senate Bill 833.

The enrolled bill, sponsored by Sen. Goeff Hansen (R-Hart Twp.), was supported by MTA and sent to Gov. Rick Snyder for enactment. This legislation adds new types of training to the list for which firefighter training grants must be spent, including emergency medical service, hazardous material response and fire investigation.

This change will not only help to train firefighters in more situations they might face, but it also gives greater discretion in how the money is allocated. The measure also requires that firework safety fees be used to fund firefighter training grants.

New lead notification requirements created

The public would be notified of elevated lead levels in their drinking water within three business days under House Bill 5120.

The legislation, sponsored by Rep. Sheldon Neeley (D-Flint), awaits Gov. Rick Snyder’s signature and is in response to high lead levels experienced by Flint customers. The bill would require a water supplier to notify the public when the lead action level is exceeded in the water system. This must be done using at least one of the following forms: broadcast media, posting the advisory in conspicuous locations, hand-delivering the advisory to those served by the water supply, or another method approved in writing by the Michigan Department of Environmental Quality (DEQ).

inside Lansing

MTA worked with the DEQ to clarify that the required notice does not have to be sent to each individual user as originally introduced.

Bills streamline brownfield redevelopment program

Michigan's brownfield redevelopment program is being streamlined under an enrolled package of bills.

Senate Bills 908-913, under lead sponsor Sen. Wayne Schmidt (R-Traverse City), were monitored by MTA and sent to Gov. Rick Snyder for signature. These bills update Michigan's brownfield redevelopment program so that developers and local units can more easily adhere to the guidelines.

The program will be expanded to include sites with leaking underground storage tanks, likely making those sites eligible for redevelopment grants. The Michigan Strategic Fund will also be able to approve plans for addressing eligible activities up to \$1 million, rather than \$500,000.

Armed Forces would provide water to users of contaminated wells

Communities with a military base will be guaranteed an alternative source of water if their drinking water is contaminated by a substance used at the base.

Senate Bill 950, sponsored by Sen. Jim Stamas (R-Midland Chtr. Twp.), was supported by MTA and sent to Gov. Rick Snyder to become law. It's meant to address a situation in which the Armed Forces must have a state statute in order for it to take action in providing assistance.

Under SB 950, the branch responsible for a base in Michigan would be required to provide an alternative water supply to users of an impacted water source in the vicinity. Additionally, it would have to conduct long-term monitoring of the migration and reimburse the state or community that provided water.

Uber, Lyft now regulated at state level

Ride-sharing services—such as Uber, Lyft, taxis and limos—will be regulated at the state level under a package of recently enrolled bills.

House Bills 4637, 4639-4641, under lead sponsor Rep. Tim Kelly (R-Saginaw Chtr. Twp.), end the current practice of forming agreements between individual communities and transportation network companies (TNCs). Instead, the newly created Transportation Network Company Act will regulate TNCs as well as their drivers.

The new act outlines requirements, such as annual permit fees and insurance standards, for TNCs. It also defines TNC drivers as independent contractors, rather than employees.

Drivers must not have certain violations in their background checks and must submit their vehicles for inspection. They cannot solicit or accept a street hail, and they cannot accept cash payments for rides.

No new agreements will be allowed between communities and TNCs to regulate these modes of transportation. However, an amendment offered by Sen. Curtis Hertel (D-Meridian Chtr. Twp.) and strongly supported by MTA, grandfathers in existing agreements for four years after the legislation's effective date.

While MTA opposed the package in the House, we worked with Sen. Hertel to obtain the amendment that lessened the impact to affected townships.

Issues delayed until new session

Several issues that would have impacted townships—some positively, some negatively—did not receive final passage this legislative session. However, we expect many of them to be taken up early in the new session beginning this month, when new bills are introduced.

Bills providing property tax exemptions to sportsmen's clubs, Masonic properties and nonprofit associations died at the end of the session. Legislation that would have guaranteed that townships continue receiving full payments in lieu of taxes (PILT) and have more input on state land purchases also failed to move. The Legislature also decided to delay reform to municipal pension programs and other post-employment benefits until the new session. Additionally, Gov. Rick Snyder announced plans to further study such reform through a broad-based, bipartisan task force.

House Bill 5578, which would have put an end to the "dark store" assessing issue, also remained in a Senate committee at the end of the year.

All bills not acted upon will now have to be reintroduced to be considered in the 2017-18 legislative session.

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Member	\$1-99

*As of Dec. 13, 2016

Rep. Tom Leonard (R-DeWitt Chtr. Twp.)

Tom Leonard knows the Michigan Legislature needs good information from the ground level to make the best decisions for our state's residents.

The **DeWitt Charter Township** (Clinton Co.) Republican came to the House of Representatives already equipped with knowledge from his experience as an assistant prosecutor in Genesee County. He knew the court system needed an overhaul of its preliminary exam process to determine if a criminal has cause to go to trial. It took months of discussions and compromises, but finally, Leonard helped to pass bipartisan reform, one of his proudest moments.

As the newly elected speaker of the House, Leonard has his eye on other difficult issues that need reforms. As the Legislature tackles problems such as healthcare benefits for municipal retirees, Leonard believes good, reliable information from township officials is a key component to finding solutions. "Local officials who provide information and can easily relate their individual experiences are incredibly valuable to us as we try to craft policies that fit their local needs," Leonard said.

Now in his third House term, Leonard feels ready to lead his caucus through the new two-year legislative session. As a law student at Michigan State University, he was honored with the Ralph M. Freeman Scholarship, awarded annually to the student who most exemplifies the Rules of Professional Conduct by treating others with courtesy and respect. In addition to serving as an assistant attorney general, and prosecutor for Genesee County, he's chaired the DeWitt Charter Township Public Safety Committee in the community where he lives with his wife, Jenell, and infant daughter, Hannah. His daughter, whom he calls his "little miracle," even joined him on the campaign trail during the fall election season.

Though Michigan has come a long way since he was elected to the House in 2012, jobs and personal income growth must remain the Legislature's top priority, Leonard said. He also believes more tough decisions must be made in order to keep the comeback going strong. "Michigan has made several important strides, but we are still playing catch-up from the days of the Lost Decade," he said. "Things are headed in the right direction, and we need to do all we can to keep Michigan's comeback going strong."

Hard choices may lie ahead, but Leonard said Michigan is now in a position to build for the future, rather than fix mistakes of the past. He envisions providing more



Rep. Tom Leonard (R-DeWitt Chtr. Twp.) believes that Michigan is in a position to build for the future, rather than fix mistakes of the past. He envisions providing more opportunities for vocational education, as well as education reforms that can give students new options and help fill jobs.

opportunities for vocational education, as well as education reforms that can give students new options and help fill the thousands of jobs that are just waiting for qualified people.

Townships have an important role in Michigan's future because of their unique ability to provide important services in a way that fits their community, instead of a one-size-fits-all solution, Leonard said. "We need to make sure townships continue to have the resources and flexibility they need to get the job done," he said.

With Michigan's economy on the rebound, and more young people returning to our state to raise their families, Leonard feels lucky to have the opportunity to be involved in Michigan's comeback. "Our job now is to keep this comeback going and build on it to set up a strong foundation for the future," he said.



Rep. Sam Singh (D-East Lansing)

State Rep. Sam Singh has stepped foot on all seven continents of the world at least once in his lifetime. The avid traveler has visited 60 countries—and counting. Each trip is more than a tourist excursion for Singh. It's an opportunity to witness firsthand how other countries invest in their communities and support their education. For the last four years, those experiences have shaped his priorities as a state representative and, now, as House minority leader.

The new leader of the House's Democratic Caucus plans to remain focused on education and the economy, with a particular emphasis on infrastructure, for the next two years. He sees a bright future for Michigan—and he believes that townships will continue to have a role in that economic rebound. That's why he wants to ensure townships and local units receive the funding they need through revenue sharing and other sources.

"I will continue to focus on the budget and hope our budget priorities adequately address the needs of Michigan residents in terms of revenue sharing, local schools and higher education funding, as well as all forms of infrastructure," he said.

Singh knew from an early age he wanted to give back to the country that had given so much to him. A son of Indian immigrants, he learned the value of hard work and of community service from his parents. These ideals motivated him to be elected to the East Lansing City Council at just 24 years old. He spent 10 years on the council, followed by one term as East Lansing mayor, working to support economic development and promote regional cooperation. He's also worked as the president and CEO of the Michigan Nonprofit Association.

With those experiences under his belt, Singh came to the Legislature fully aware of the difficulties local officials face every day, as their budgets shrink smaller but demands keep growing. "Serving on the East Lansing City Council gave me perspective on the vast challenges that local communities face in terms of budgetary constraints, along with how difficult it can be to represent people and families in specific communities under restrictions imposed by state regulation," Singh said.

His local government background also showed him the importance of a partnership between lawmakers and local officials. State officials need to hear regularly about the strengths and challenges of their local government, as they consider legislation that could positively or negatively impact their home communities. All lawmakers, especially those without a thorough background in local government, need to understand how laws that diminish local control can negatively impact communities.



As House minority leader, Rep. Sam Singh (D-East Lansing) plans to focus on education and the economy—and hopes to ensure budget priorities adequately address the needs of Michigan residents in terms of revenue sharing, local schools and higher education funding, as well as all forms of infrastructure.

The cuts to revenue sharing over the past six years have resulted in budget constraints for many communities. Singh said this is one reason local units have had trouble managing long-term liability issues, such as health care and pensions. He believes the state can be helpful in addressing both areas of concern, and he wants to work with his colleagues on both sides of the aisle to find a solution that benefits all communities and employees.

Over the next two years, as Singh focuses on his top priorities of the economy and education, he also plans to continue to make a case for other Democrat ideals—college affordability, equality for all and protecting our shared environment.

"I hope that in the next two years, we can work together to both advance that vision for our state and make sure Michigan residents have access to the rights they deserve," Singh said.



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BUILDING TRUST



Anyone who walks into **Pat White**'s office angry rarely leaves the same way. The **Pavilion Township** (Kalamazoo Co.) supervisor's office staff is often surprised to see a once-disgruntled resident walk out of the township hall with White's arm around their shoulder.

In his 35 years with the township, White has developed a reputation as a good communicator who truly cares about his residents. Township citizens know he'll see them right away when they have a problem, and even if they don't agree with one another, he'll always listen to what they have to say.

White's philosophy isn't complicated. He just genuinely likes people. He makes an effort to get to know anyone who visits his office beyond the usual pleasantries. He knows that when a resident approaches him with a problem, it seems as "big as a basketball" to them, and he treats it that way. While he knows he can't make everyone happy, his approach has

earned him the community's trust and a positive relationship with his constituents.

"I don't put myself above them and I think that's the important thing," said White, an MTA life member and 2003 MTA president. "My chair isn't higher than theirs. I look them right in the eye. It's about good communication."

Building trust is an absolutely vital component of being an effective township official. Without the trust of the community—or of other board members—your term in office is more likely to be wrought with conflict and divisiveness. Trust isn't given automatically. It must be earned over time.

By consistently communicating well, listening to others, being transparent and staying committed to governing best practices, you can create a culture of trust in your township.

Maybe you've had a tenuous relationship with your township's residents since you took office. Maybe you're filling the shoes of a beloved board member, or of someone notorious for their misdeeds. Or maybe you just want to make a fresh start for the year. Whether you're a brand-new official or a seasoned veteran, it's never too late to put these principles into practice. You can take steps today to start the new term in office on the right foot, or to rebuild trust even after it was lost.

Why can't we all just get along? The challenges of building trust

The good news is citizens are more likely to trust their local government than the federal or state levels. In September 2016, a Gallup poll revealed that 71 percent of respondents had either a great deal or fair amount of trust in their local government. Public confidence in their city, township or other local unit has hovered around that number for at least the last decade. But that doesn't mean your constituents will never eye you with suspicion, or that your board meetings will never experience conflict.

Building trust requires taking the time to listen to others. In a world where people are increasingly pressed for time, listening might not happen as often as it should, said Julie Cowie, a trainer in mediation who's also a minister and former clerk in **Casco Township** (Allegan Co.).

Then there's the matter of priorities. The issues that motivated you to run for the board might not be important to some residents, who instead think you should be concerned about something else altogether. At the same time, your fellow board members have reasons for serving that might not be the same as yours. And when your primary interactions with one another are in a public forum, you don't have many opportunities to build relationships unless you're intentional.

This continuing education article and accompanying self-assessment are worth 2.0 elective credits in MTA's Township Governance Academy. See page 24 for details.



OBJECTIVES

- To recognize the importance of creating a culture of trust among township board members and the community
- To discuss methods, policies and practices to enhance positive relations on the township board, and with the public

CORE COMPETENCIES

- Communicates effectively
- Listens attentively
- Works effectively with individuals, departments and committees to achieve desired outcomes
- Demonstrates behavior that results in public trust

Listening—the foundation of trust

The simple fact is, taking the time to really, truly listen to township residents and board members will almost certainly make your board meetings longer. But if your board is serious about building trust, it must be a priority—even if it means a few late nights.

Every resident and board member in your township wants to be heard. If they believe you're not listening to them or are discounting their opinions, trust is eroded.

The best way to build trust is to be an open-minded listener. That's often easier said than done. Despite your best intentions, you are likely attached to a certain outcome and may not be as open to opposing viewpoints as you might think. That means that, despite the best intentions, an official could come to the boardroom with a "my way or the highway" attitude, Cowie said. To battle this, township officials should take time to reflect and be honest with themselves about their true motivation.

“Transparency among township board members and with members of the township creates a very cohesive and trusting board. This also helps to keep everyone involved and makes board discussions on point.”

—Don Rogers, supervisor
Coldwater Township (Branch Co.)

“We're all human, so we all walk into meetings hoping for certain things,” Cowie said. “We all have our judgments. But we have to manage them exceedingly well. We have to be aware of them. Unfortunately, that's not always what happens in our culture. The political debates are very charged. It takes leadership and calmness.”

Strategies for effective listening

It's not enough to simply say that you're listening. Your constituents and fellow board members need to see evidence that you're truly hearing what they have to say.

For White, it's all in the body language. Acting disinterested sends the message that you don't care about what the other person is saying. He looks right at the person talking to him and takes notes. As they speak, he asks them to tell him everything that's on their mind. Then, once the other person has laid everything out, they can discuss it.

When you hear what they have to say, don't jump right in with your response. First, make sure you understood everything they said. Take a beat, say, “Let me see if I understood you correctly,” and repeat what they said back to them. According to Cowie, this can be a turning point



A board meeting is a critical time to stick to good policies, since your governance practices are on public display. If your township board doesn't have good processes in place, taking the time to create them can significantly improve your meetings and show the public that you're professionals who care about serving them well.

in even the tensest conversations, because the other person knows that they've been fully heard. This can be done both in one-on-one meetings and in board meetings. While it takes time and discipline, this practice can help to build trust with your residents.

Being transparent

Any appearance of secrecy can do serious damage to the trust between your board and township residents. Transparency and openness are absolutely crucial to maintaining good relationships. This doesn't happen by accident—your board must methodically take steps to show the community that the board has nothing to hide. For example, Cowie said, it might be helpful to reiterate to residents during board meetings that the township is in compliance with various statutes, such as the Open Meetings Act.

In **Coldwater Township** (Branch Co.), Supervisor **Don Rogers** and his board members follow specific procedures to be as transparent as possible. Minutes from every meeting are posted on the township website, and if the local newspaper doesn't attend a meeting, Rogers notifies reporters of actions the board took.

Rogers, who is MTA District 23 director, also believes it's important that all board members are aware of what's happening in the township and fully understand the issues being discussed at meetings. Board members receive copies of information from the planning commission, zoning administrator and on any other issue that arises. His goal is

to avoid a situation in which a board member is approached with a question on a township situation and has no idea what the person is talking about.

"Transparency among the township board members and with members of the township creates a very cohesive and trusting board," Rogers said. "This also helps to keep everyone involved and makes board discussions on point."

Speaking up in meetings also halts any assumptions that board members are making their decisions behind the scenes. Cowie recommends that board members talk through their thought process in meetings so that the public can hear their reasoning and rationale. Another effective technique—especially when faced with a controversial decision—is to hold a public hearing, then make a decision at the next board meeting. Board members and the public are then free to learn and hear other viewpoints rather than solely advocating for their own position. Citizens also know that their comments are valued and aren't purely perfunctory before the board announces the decision that members have already made in advance.

'Open door' policy

It isn't unusual for township residents to drop by the **Grant Township** (St. Clair Co.) hall regularly and join in the daily discussions with their township officials, Supervisor **Bill Deater** said. That's part of his township's "open door" policy. He wants residents to feel comfortable with coming to the office.

Deater, who serves as MTA Executive Committee member-at-large and District 18 director, also checks on residents to see how they're doing or if they have any concerns. "They feel free to call me on tax issues, road problems or even to have a dead deer in the yard removed," Deater said.

Dennis Bragiel, supervisor of **Kawkawlin Township** (Bay Co.) and MTA District 13 director, makes it a point to be available to his residents, whether that's through a phone call, in his office, or before or after a township board meeting.

The same availability also goes for fellow board members, Rogers added. All board members have his phone number, and they're encouraged to contact him to discuss any issue, at any time.

Good habits build trust

Township residents might have trouble trusting your board if your office is unprofessional or meetings are disorganized. Following state statutes and basic principles of good governance can go a long way toward giving the public confidence in your board. This could be as simple as ensuring that public meeting notices published in compliance with state statute are also user friendly and accessible.

A board meeting is a critical time to stick to good policies, since your governance practices are on public display.

Meetings should start on time, and they should be held in an appropriate location. For example, if you've advertised that a controversial topic is on the agenda and you're expecting a large crowd, it might be helpful to find a larger space for the meeting if your township hall only holds a handful of people. Even holding the meeting at a time when more people can attend shows that your board is sensitive to the needs of the community, Cowie said. If your township board doesn't have good processes in place, such as for how meetings are run or for public comments, taking the time to create them can significantly improve your meetings and show the public that you're professionals who care about serving them well.

Bragiel does everything he can to ensure smooth discussions at meetings. He provides board members with information packets at least a week in advance—and he expects his fellow board members to read it and ask questions ahead of time. Reading the packet during the meeting isn't acceptable.

"My opinion is that meeting time is not the time to get information on agenda items," he said.

The importance of knowledge doesn't end with board meetings. White recommends that all officials and employees understand their township policies and ordinances so that when they're approached with a question, they can offer an explanation. But if you don't know the answer, just say so. Let the resident know you'll do your best to find the answer, White said, and make sure you follow through and call them with what you've learned.

Diffusing the tension

Every board is bound to face controversy and tension from time to time—whether it's with the public or with one another. You can't always make everyone happy, but pros say a few communication techniques can diffuse the tension and create a more positive dialogue.

Tough conversations are unavoidable, but the problem is many people don't have the skills to help these conversations go smoothly, said Joyce Weiss, a communication strategist, coach and past presenter at the MTA Annual Educational Conference.

"You have every right to give your opinion," she said. "But maybe you need to practice how you're going to say it first."

One technique she teaches is called "Making the Conversation Safe." In this technique, you start the conversation with the words "I don't want ... I do want." For example, in a tense situation, you could say, "I don't want to create stress between us. I do want to open up a dialogue." Those two statements address the elephant in the room and make your intention clear, she said.

When you're in the midst of a difficult conversation, or you're listening to heated comments at a board meeting, everyone who speaks must be treated with respect, Weiss said. Citizens at your meetings expect—and deserve—to be heard, even if you disagree with what they're saying. Instead of focusing on how you're going to respond, listen to what they're saying.

A few more tips from the pros

MTA Board members offered additional insights for establishing trust among your township board and community.

"Be willing to own your mistakes, say you're sorry, and right the wrong if possible. Always speak the truth as you know the truth and have resources to back you up—including materials and information from MTA. If you don't know the answer, state that and work to find the answer. Don't bluff your way through a discussion. Do not consider yourself better than others when interacting with them."

—MTA District 1 Director **Steve Karpiak**, Supervisor
Osceola Township (Houghton Co.)

"Accept new board members as full-fledged members. Don't isolate them. Include them in discussions and get their opinions. Try to determine why they decided to run. Give them your perspective. Ensure their voice is heard during public discussions."

—MTA District 25 Director **Lance Schuhmacher**, Trustee
Oceola Township (Livingston Co.)

"Whether people like what you say or not, give it to them straight. Be honest. Some may not like what you tell them at the time, but at least they will know that you are being truthful with them. Never sugar coat."

—MTA District 18 Director **Dennis Bragiel**, Supervisor
Kawkawlin Township (Bay Co.)

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In these situations, it's important to keep an open mind while also being well-versed in the issue, noted Rogers.

"This comes down to being firm, but fair," Rogers said. "You will never have your residents in 100 percent agreement on issues, so you must make them feel that their concerns are noted and that you will do your best to work with them."

Don't ever use sentences with the words "you" and "but," Weiss said. An example of this could be, "You make some good points, but you never come to meetings." The "but" in the middle of the sentence completely discounts the first statement, she said. And if a resident at the meeting gets defensive, consider that you might be doing something to make them feel that way.

In one-on-one conversations, White makes it a point to ask questions about who the person is, not just what they're there to discuss. He might ask when they moved to the township, or about their family or interests. He spends time talking to them about their lives and isn't afraid to share information about himself or how the township operates. That sincere interest in people can build bridges over gaps that might seem insurmountable.

"You would be surprised how many people will wind up being your friends and advocates," White said.

It could be that an issue with one particular group or citizen might best be solved outside of a board meeting. **Lance Schuhmacher, Ocoala Township** (Livingston Co.) trustee and MTA District 25 director, recommends informally meeting with community leaders to discuss the points of disagreement. Together, you can work toward a solution.

These meetings must, of course, comply with state statutes—a quorum of board members cannot be present without properly noticing the meeting. Or, if someone on your board has good rapport with that group or citizen, send the board member to start the conversation, Weiss said.

Sometimes tension on the board comes from among board members. While disagreements or even personality clashes are inevitable, meetings riddled with board conflict don't breed trust from the public. It's your job to get along



While disagreements or even personality clashes are inevitable, meetings riddled with board conflict don't breed trust from the public. It's your job to get along with one another, and if you don't, find a way to deal with it quickly. This is a matter of setting aside your pride and putting the township's interest before your own.

with one another, and if you don't, find a way to deal with it quickly. This is a matter of setting aside your pride and putting the township's interest before your own.

"You must resolve differences immediately," Rogers said. "You cannot let them fester. You must also be willing to listen to all sides and work on compromise to resolve an issue for the betterment of your community."

This doesn't mean that board members will always agree, and that's the way it should be, White said. It's healthy to have discussions and offer differing viewpoints. But when you disagree, it must be done respectfully.

When someone at a meeting, or even another board member, bullies another person or exhibits other bad behavior, don't let it slide. Weiss is a firm believer that you get what you tolerate. If you allow someone to get away with poor behavior, you'll almost certainly see it again, whether it's from that person or someone else.

"If you allow certain people to get away with things and you don't confront them in a positive way, nothing new is going to happen," Weiss said.

Turning over a new leaf

No board is perfect. After some reflection, you may discover that you've made mistakes that need to be corrected in order to build trust with the community. If your board decides to change up your meetings or take corrective steps, be open about it, Cowie said. Tell the public that your board is making efforts to build trust with the community, and explain changes they can expect at future meetings as a result.



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What can brand-new officials do?

This month, many township board members find themselves working alongside brand-new officials—a great opportunity for both new and seasoned officials alike. Start these relationships on the right foot by making the new members feel welcome. On the Grant Township board, new members are introduced as family, Deater said. Everyone makes sure they have the right information and tools to address any concerns they might have.

New officials will need help from the entire board, Bragiel said. No matter how prepared they are, most people can't really know what the office consists of until after they're elected. Just as you make yourself available to residents, do the same for new officials so that they know they can approach you with questions, Rogers said.

As a new board member, you can set a foundation of trust by doing everything you can to understand the job and its responsibilities. Attend educational opportunities offered by MTA, and when questions arise, don't hesitate to ask MTA's Member Information Services staff, other board members and your fellow officials from nearby townships.

White recommends calling elected officials already in office. Someone who's served for several years can draw from experience and offer you sound advice as you're getting started. "How do you learn? It's all experience," White said. "Take each day at a time and deal with issues as they come up."

Doing your job well is the first step toward building trust with residents and your township peers. They need to see that you're committed to serving them and the township, White said. You can't expect to be trusted immediately. That comes from building relationships and proving yourself as a worthy board member and public servant.



Bethany Mauger,
MTA Staff Writer

Learn more about this topic at MTA's Annual Educational Conference, April 10-13, in Lansing, including a session, "We're All In This Together," taught by mediation expert Julie Cowie.



See page 24 for a continuing education self-assessment, worth 2.0 elective credits in MTA's Township Governance Academy.

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Continuing Education Self-Assessment

Participants enrolled in the Township Governance Academy (TGA), MTA's credentialing program, may obtain 2.0 elective credits for successful completion of this quiz. (To receive credit, this quiz must be completed by January 1, 2020.) To obtain credit, participants must answer the following 10 multiple-choice questions by circling the correct answer and receive a minimum passing score of 70 percent. The questions are based on content from the article, "Building Trust," beginning on page 18. There is no charge for MTA members to take the quiz or to obtain TGA credit. Completed quizzes

should be faxed to (517) 321-8908 or mailed to: MTA, 512 Westshire Dr., Lansing, MI 48917. MTA will notify you of your results within two weeks after receiving your quiz. **IMPORTANT:** Please keep a copy of your completed quiz in your TGA binder. For information about TGA, call (517) 321-6467, email tga@michigantownships.org, or visit www.michigantownships.org/members/tga.asp on the members-only section of MTA's website.

TGA Continuing Education—January 2017 Building Trust

NAME: _____ **TOWNSHIP & COUNTY:** _____

EMAIL ADDRESS: _____

- 1) **What can result from a lack of trust between your board and the community?**
 - a. A less active constituency
 - b. Conflict
 - c. Residents with differing agendas
 - d. Transparency
- 2) **What is the foundation of building trust?**
 - a. Listening
 - b. Having an agenda
 - c. Putting your interests first
 - d. Discussions
- 3) **How can township officials overcome their personal agendas and become more open-minded listeners?**
 - a. Come to meetings with their decisions made
 - b. Ensure residents have your phone number
 - c. Reflection and honesty about your true motivation
 - d. Have a good debate
- 4) **Which of the following is NOT a strategy for effective listening?**
 - a. Take notes
 - b. Jump right in with your response
 - c. Repeat back with the other person said
 - d. Look at the person speaking
- 5) **Why is speaking up in meetings important?**
 - a. It gets your concerns off your chest
 - b. You'll get a reputation for telling it like it is
 - c. It halts any assumption that the board makes decisions behind the scenes
 - d. No one can complain that they didn't know your reasoning
- 6) **What are basic principles of good governance to build trust?**
 - a. Publishing meeting notices according to state statutes
 - b. Starting meetings on time
 - c. Providing board members with board packets ahead of time
 - d. All of the above
- 7) **How can boards handle controversy and tension?**
 - a. Limit public comment
 - b. Practice techniques to diffuse tension
 - c. Bring in a mediator
 - d. Disregard comments from those who rarely come to meetings
- 8) **How should boards address conflict between members?**
 - a. Resolve differences immediately and work on a compromise
 - b. Avoid disagreeing with another board member's opinion
 - c. Come to an agreement on decisions outside of board meetings
 - d. Accept that public conflict is your board's method of handling issues
- 9) **When a board has made mistakes and wants to turn over a new leaf, it should:**
 - a. Gradually make subtle changes to its meetings
 - b. Hire a consultant to suggest changes
 - c. Sit down with the local media
 - d. Explain changes the public can expect at future meetings
- 10) **New officials can set a foundation of trust by:**
 - a. Understanding that knowledge of the job and its responsibilities will come in time
 - b. Waiting to make public comments in meetings until you're more comfortable
 - c. Talking to elected officials already in office
 - d. Relying on your background and common sense



Q Can the treasurer decide where to deposit township funds?

No. All depositories used by the township must be approved by the township board.

MCL 41.77 states “The township board ... may provide by resolution for the depositing of the money coming into the hands of the treasurer of the township, and the treasurer shall deposit the money in the financial institution the township board may direct, subject to this act.” In the resolution, the board can list several institutions the treasurer may use.

building authority, economic development corporation or other separate corporation, that entity could also be entitled to depository insurance up to \$250,000 per institution.

Townships are considered “state and local government,” and as such are also afforded \$250,000 in additional insurance for any savings or certificates of deposit (CDs) at a member bank, if the deposits are located in the Michigan.

Q Do all financial institutions participate in the FDIC or NCUSIF?

No. The FDIC insures deposits in some, but not all, banks and savings institutions. FDIC-insured institutions must display the official FDIC sign at each teller window or station. For more information on FDIC-insured institutions, call (877) 275-3342. The FDIC lists member institutions and their financial operating results on its website, www.fdic.gov.

All federal credit unions must be insured through the NCUSIF by the National Credit Union Administration, but state credit unions may be insured by the NCUA or private insurance corporations. All NCUA insured credit unions must display the NCUA sign in their offices. The NCUA lists all credit unions at www.ncua.gov.

Q Should the treasurer open accounts in different banks to maximize federal insurance coverage?

The cost of using multiple financial institutions may outweigh the benefits of having additional insurance coverage, particularly if the bank or credit union the township currently uses has a strong balance sheet and operating results. Many townships find that concentrating investments and deposits in a single or small number of financial institutions results in better service, lower fees and higher interest rates on their investments.

Many small units of government “ladder” CDs to gain more FDIC insurance coverage. The township would still have a primary bank for depository and to accomplish disbursements, but invest in CDs in many different banks that have maturities due throughout the month or quarter, so as to not impact liquidity.

Larger townships won’t be able to use “laddering” as a means of diversification, but can look at direct U.S. government investments (e.g. Treasury bills or notes) or “collateralization” of their deposits with their bank. Collateralization is not required by Michigan law—though many states do require it—which involves the depository pledging high-quality investments, such as U.S. Treasury obligations, to secure the deposits. For more, see the Government Finance Officers Association’s white paper at www.gfoa.org/collateralizing-public-deposits.

Q If the township has three accounts in one bank, is each account insured up to \$250,000?

No. Municipal corporation deposits, including township deposits, are limited to FDIC or NCUSIF coverage of \$250,000 per institution, not per account. If a township has a municipal

Q Are mutual fund investments protected by FDIC or NCUSIF insurance?

No, only deposits into savings and checking accounts, and certificates of deposit in banks participating in FDIC carry depository insurance. Mutual funds may participate in the private insurance fund known as the Securities Investor Protection Corporation, which is not guaranteed by the U.S. government, but does provide protection up to \$500,000 per account if a member brokerage or bank brokerage subsidiary fails.

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

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New to township government?

MTA's New Officials Training has the information you need

Are you new to township government, or serving in a new role on the township board? MTA can help you get up to speed on your new roles and responsibilities! Part 1 of our *New Officials Training—Getting Started Right*, which kicked off in December, continues throughout January. Remaining dates and locations are:

- Jan. 11: Memorial Union at MTU, Houghton
- Jan. 12: Island Resort & Conference Center, Harris
- Jan. 13: Kewadin Convention Center, Sault Saint Marie
- Jan. 17: Crystal Mountain, Thompsonville
- Jan. 18: Holiday Inn, Muskegon
- Jan. 19: Fetzer Center at WMU, Kalamazoo
- Jan. 20: Holiday Inn near U of M, Ann Arbor
- Jan. 24: Forward Conference Center, West Branch
- Jan. 25: Treetops Resort, Gaylord
- Jan. 26: Ramada Inn, Alpena

This full-day class—taught by MTA Executive Director Larry Merrill and MTA's Member Information Services staff—will introduce you to what you need to know as

you attend your first board meetings and take on your administrative duties. The morning session offers insights into the “hows and whys” of township government. After lunch, breakout sessions are targeted to each office—supervisor, clerk, treasurer and trustee. A panel of seasoned officials takes the stage at the end of the day to share what they wish they'd known when they first took office.

Registration fees include continental breakfast and lunch. Additional information, including online registration, is available at www.michigantownships.org.



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upcoming MTA workshop

REGISTRATION INFORMATION

2017 Board of Review Training

To assist board of review members, alternates, supervisors and assessors in preparing for 2017 board of review sessions, MTA is conducting half-day *Board of Review Training* at 13 locations throughout the state.

Concurrent sessions offered at each location allow participants to choose the appropriate level and topics of interest. The advanced session is geared to experienced board of review members, while the basic session acquaints newer board of review members with their statutory duties and requirements.

Dates and locations are:

- Feb. 2:** DoubleTree by Hilton, Grand Rapids
- Feb. 3:** Holiday Inn West, Kalamazoo
- Feb. 7:** Magnuson Franklin Square Inn, Houghton
- Feb. 8:** Island Resort & Conference Center, Harris
- Feb. 9:** Little Bear East, St. Ignace
- Feb. 13:** Bavarian Inn Lodge, Frankenmuth
- Feb. 14:** Quality Inn Forward Conference Center, West Branch
- Feb. 15:** Comfort Inn & Suites Conference Center, Mt. Pleasant
- Feb. 21:** Evergreen Resort, Cadillac
- Feb. 22:** Treetops Resort, Gaylord
- Feb. 23:** Ramada Inn, Alpena
- Feb. 27:** Comfort Inn & Village Conference Center, Chelsea
- Feb. 28:** Lansing Community College West Campus, Lansing

Download directions or register online at www.michigantownships.org.

Registration check-in and light lunch begins at 11:30 a.m. Sessions are from 12:30 to 4:30 p.m.

Cancellation, Substitution & Switching Policy

Written cancellation requests received at the MTA office at least two weeks prior to the event date will receive a full refund. No refunds will be issued thereafter. You may switch workshop locations at no charge if you notify MTA of the change at least one week prior to the workshop; otherwise, a \$25/person fee will be assessed. You may substitute another individual for your registration at any time without incurring a charge; please notify MTA of the change.

Advanced Session: What's New and In Review

- 2017 procedural changes and bulletin review
- Reading, asking, deliberating and deciding appeals
- Understanding economic condition factors and county multipliers
- Sales/appraisal studies and how they affect the assessment

Instructor: Debby Ring, Michigan Master Assessing Officer and former assessor, City of Kentwood

Basic Session: Know Before You Go

- Review of the assessment process
- Overview of the board of review's statutory authority
- Responsibilities of the assessor and township supervisor
- Understanding exemptions, what can be appealed and the documents used to review appeals
- How to listen to, and act on, protests
- What's new this year

Instructors: Cindy Davis, MTA Member Information Services Liaison & Michigan Certified Assessing Officer; and JoAnn Csapos, Supervisor, Manlius Township (Allegan Co.) & MCAO

SESSION CONTENT



SPECIAL DISCOUNT

Members may purchase a 2017 edition of MTA's comprehensive and updated *Board of Review Guide*, at a discounted rate of \$31.50, when registering for the class. The books will be distributed at check-in.

Board of Review Training Registration Form

Please indicate which session EACH person will attend AND whether a book is desired.

TOWNSHIP	COUNTY
TELEPHONE	EMAIL ADDRESS
NAME & TITLE	Attending: <input type="checkbox"/> Advanced <input type="checkbox"/> Basic Need a book? <input type="checkbox"/> Yes <input type="checkbox"/> No
NAME & TITLE	Attending: <input type="checkbox"/> Advanced <input type="checkbox"/> Basic Need a book? <input type="checkbox"/> Yes <input type="checkbox"/> No
NAME & TITLE	Attending: <input type="checkbox"/> Advanced <input type="checkbox"/> Basic Need a book? <input type="checkbox"/> Yes <input type="checkbox"/> No
NAME & TITLE	Attending: <input type="checkbox"/> Advanced <input type="checkbox"/> Basic Need a book? <input type="checkbox"/> Yes <input type="checkbox"/> No

Which location will you attend?

- Feb. 2: Grand Rapids
- Feb. 3: Kalamazoo
- Feb. 7: Houghton
- Feb. 8: Harris
- Feb. 9: St. Ignace
- Feb. 13: Frankenmuth
- Feb. 14: West Branch
- Feb. 15: Mt. Pleasant
- Feb. 21: Cadillac
- Feb. 22: Gaylord
- Feb. 23: Alpena
- Feb. 27: Chelsea
- Feb. 28: Lansing

REGULAR rate*: \$101 For paid registrations received after Jan. 19.

DISCOUNTED rate*: \$81 For paid registrations received by Jan. 19.

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

_____ (# of books) x (\$31.50/book*) = \$_____

AMOUNT ENCLOSED = \$_____

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

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

Check enclosed (payable to MTA)

Charge to: (circle one) MasterCard VISA

Card #	Expires
Print Card Holder's Name	Signature



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

upcoming MTA workshop

REGISTRATION INFORMATION

The Basics of Budgeting

For many township officials, one of the first tasks of the new year is preparing the township's budget. Not only is the budget an essential part of financial administration, but the budget process provides an opportunity for officials and the public to review the township's financial priorities and services, as well as strengths and weaknesses.

While state law assigns the responsibility for preparing the budget to a single official, other officials play important roles in developing the budget, and the township board reviews and approves the budget and its subsequent amendments.

Balancing a budget does not have to be a choice between downsizing and raising taxes; an effective budget process will lead to a budget that reflects the board's collective policy preferences.

This February, MTA is offering *The Basics of Budgeting*, a workshop that will show you how to prepare and administer the budget. Learn about the policy choices facing boards when they adopt a budget, characteristics of a great budget process and final document, estimating revenues and expenditures, scrutinizing and adopting a budget, and monitoring budget compliance.

Dates and locations

Feb. 1: Treetops Resort, Gaylord

Feb. 16: Lansing Community College West Campus, Lansing

Registration check-in and continental breakfast begin at 8:30 a.m. The workshop is held from 9 a.m. to 4 p.m., and includes lunch served at noon.

Download directions or register online at www.michigantownships.org.

Cancellation, Substitution & Switching Policy

Written cancellation requests received at the MTA office by Jan. 18 will receive a full refund. No refunds will be issued thereafter. You may switch workshop locations at no charge if you notify MTA of the change at least one week prior to the workshop; otherwise, a \$25/person fee will be assessed. You may substitute another individual for your registration at any time without incurring a charge; please notify MTA of the change.



Instructors



Larry Merrill,
MTA Executive Director



Michael Selden,
MTA Director of Member
Information Services



SPECIAL DISCOUNT

Members may purchase MTA's *Building a Better Budget* book, which includes a CD of customizable samples, at a discounted rate of \$28.80 when registering for the class. The books will be distributed at check-in and additional copies will be available for sale on-site while supplies last.

The Basics of Budgeting Registration Form

TOWNSHIP _____ COUNTY _____

TELEPHONE _____ EMAIL ADDRESS _____

NAME & TITLE _____ Purchase Budgeting Book: Yes No

NAME & TITLE _____ Purchase Budgeting Book: Yes No

NAME & TITLE _____ Purchase Budgeting Book: Yes No

NAME & TITLE _____ Purchase Budgeting Book: Yes No

Which location will you attend?

- Feb. 1: Gaylord
 Feb. 16: Lansing

- REGULAR** rate*: \$121 For paid registrations received after Jan. 18.
 DISCOUNTED rate*: \$101 For paid registrations received by Jan. 18.

____ (# registered) x \$ ____ (rate) = \$ ____

____ (# of books) x (\$28.80/book*) = \$ ____

AMOUNT ENCLOSED = \$ ____

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

Save time, register online
www.michigantownships.org

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	
_____ - _____ - _____	_____ / _____
Card # _____	Expires _____
Print Card Holder's Name _____	Signature _____



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



Welcome to township government

Whether you've been re-elected after years of service to your township or are one of the estimated 1,400 newly elected township officials, the Michigan Townships Association welcomes you to a new term of office. You are one of more than 6,500 individuals who belong to Michigan's grassroots government—township government.

In Michigan, if you don't live in a city, you live in a township. According to the 2010 Census, more than 5.2 million residents live in Michigan's 1,240 townships—and that number is increasing every year.

To best serve their residents, it is important that both veteran and newly elected township officials understand township government's potential to shape, protect and support the character of their communities. The following is an overview of the core structure and functions of township government, along with how township authority is defined—and how it can benefit township residents.

Structure

There are two kinds of Michigan townships—1,102 general law townships and 138 charter townships. As defined by the Michigan Constitution, each township has a governing board consisting of an elected supervisor, clerk, treasurer, and two or four trustees. Some have full-time staffs and provide a broad range of services, while others have no staff and are served by part-time officials.

All townships, regardless of their population or size of their budgets, share certain characteristics. This is because townships are statutory governmental entities. Townships have only those powers expressly provided or fairly implied by state law.

Meetings

Attending and voting at meetings is a function that all township board members share, with all township actions and decisions made within the framework of a meeting. All township officials must be knowledgeable of the procedural and statutory requirements for scheduling, noticing, conducting and recording meetings.

Several statutes govern township meetings, including (but not limited to) the Michigan Township Laws Recodified (Revised Statutes of 1846, MCL 41.1a, *et seq.*), The Charter Township Act (PA 359 of 1947, MCL 42.1, *et seq.*) and the Open Meetings Act (PA 267 of 1976, MCL 15.261, *et seq.*). Other acts mandate noticing, publishing and recording requirements for specific types of meetings, such as meetings that contain a budget public hearing, hearings to adopt or amend ordinances, and hearings to establish special assessment districts, and different statutory boards and commissions. The authorizing statute should always be consulted for specific meeting requirements.

Motions and resolutions

Matters pertaining to day-to-day township functions and internal affairs are generally handled by motions or resolutions at board meetings. A "motion" is a simple action taken by the township board, usually by voice vote and recorded

in the meeting minutes. A board member can request a roll call vote for a motion, but it is not required.

"Resolution" means the official action of the township board in the form of a motion. A resolution is accomplished with a roll call vote and normally is recorded in a more formal manner than a motion.

Several statutes require that specific actions of the township board be accomplished by resolution. For example, MCL 41.95(1) requires that township officials' salaries be set by resolution. Other actions that require a resolution and roll call vote include, but are not limited to, ordinance adoption, setting the annual meeting and regular township meeting dates, selling public improvement bonds, establishing a special assessment district, ballot questions, and incorporating as a charter township.

Budgeting

PA 621 of 1978 requires each township to annually adopt a general appropriations act, which is defined as the township budget adoption document. The general appropriation resolution must set forth the total number of mills of ad valorem property taxes and the purposes for which those taxes are levied. It requires a balanced budget and formal amendments to the budget, if necessary, as soon as the township board is aware that a deviation from the original appropriations act is necessary. The statute specifies the

Township Supervisor's Statutory Duties

- Moderates board and annual meetings
- Chief assessing officer (if certified)
- Secretary to board of review
- Township's legal agent
- Maintains records of supervisor's office
- Responsible for tax allocation board budget (if applicable)
- Develops township budget
- Appoints some commission members
- May call special meetings
- May appoint a deputy

Township Clerk's Statutory Duties

- Maintains custody of all township records
- Maintains general ledger
- Prepares warrants for township checks
- Records and maintains township meeting minutes
- Keeps the township book of oaths
- Responsible for special meeting notices
- Publishes board meeting minutes (if taxable value is \$83 million or more, or a charter township)
- Keeps voter registration file and conducts elections
- Keeps township ordinances book
- Prepares financial statements
- Delivers tax certificates to supervisor and county clerk by Sept. 30
- Shall appoint a deputy
- Shall post a surety bond

Township Treasurer's Statutory Duties

- Collects real and personal property taxes
- Receives receipts for township expenditures
- Issues township checks
- Deposits township revenues in approved depositories
- Invests township funds in approved investment vehicles
- Collects delinquent personal property tax
- Responsible for jeopardy assessments in collecting property tax
- Collects mobile home specific tax
- Issues and collects fees for dog licenses
- Shall appoint a deputy
- Shall post a surety bond

Township Trustee's Statutory Duties

- Township legislator, required to vote on all issues
- Responsible for township's fiduciary health
- Other duties as assigned by board

information required to be submitted to the township board for budget consideration and adoption. It further requires consistency with the uniform chart of accounts published by the Michigan Department of Treasury.

Under PA 621, unless another official has been so designated, the supervisor or charter township superintendent is considered the chief administrative officer for the development of the township budget. However, all township board members play a role in adopting, monitoring and amending the budget.

Fiduciary role

Board members, individually and collectively, have responsibility for the township's finances, which the laws call a fiduciary responsibility. Officials are responsible for protecting the township's assets. A strong accounting and financial reporting system must be in place. Expenditures must serve a valid public purpose and be authorized—either expressly or fairly implied—by law. All claims for financial payment to the township must be approved by the board.

Determining if an expenditure is lawful can be tricky. Essentially, a township may expend funds only for a public purpose and only if the state constitution or a statute provides specific authorization or fairly implies authorization for the township to make the expenditure.

Services and programs

Townships are required to perform assessment administration, tax collection and elections administration. Townships may choose to perform other governmental functions, including enacting and enforcing ordinances, planning and zoning, fire and police protection, cemeteries, parks and recreation facilities and programs, and many more. Townships can also enter into intergovernmental agreements or contract with the private sector to provide township services and programs authorized by law.

Ordinances

An ordinance is an expression of the board's legislative authority on more permanent matters; it is a township law. The Township Ordinances Act (PA 246 of 1945, MCL 41.181, *et seq.*) authorizes "township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of

townships by the county sheriff; to provide for the publication of ordinances; to prescribe powers and duties of township boards; and to provide sanctions."

A township's ability to enact a specific ordinance on any given subject depends on whether the Legislature has enacted a statute conferring the authority upon townships. Fortunately, various statutes authorize township ordinances on a wide variety of subjects covering most facets of municipal government.

An ordinance is required to put in place land use or building requirements, local traffic laws, and many types of more permanent rules. Ordinances can be adopted on dismantled cars, adult entertainment, fences, junkyards, littering, mobile homes, nuisance abatement, outdoor gatherings and recycling, to mention just a few.

Appointments

The procedures for making appointments to township boards and commissions are outlined by their authorizing statutes, and they fall into two categories. In the first category are boards and commissions whose authorizing statutes give the township board the authority to appoint the members, such as boards of review (MCL 211.28) and zoning boards of appeals (MCL 125.3601).

Authorizing statutes for boards and commissions in the second category give the township supervisor the exclusive right to select the members who will serve. The full township board then confirms the selection. Planning commissions (MCL 125.3815(1) and downtown development authorities (MCL 125.1654) fall into this category, among other positions.

Statutes also authorize the township board to appoint numerous positions within the township, including assessor (MCL 41.61), attorney (MCL 41.187) and auditor (MCL 141.425).

In some cases, appointed officials have a definite term of office, defined by a specific statute. For other positions, the term is at the discretion of the township board, which can specify a definite term or have the position continue for an indefinite term.

Planning and zoning

Townships have statutory authority to plan and zone for growth and development within their boundaries. Through planning and zoning, townships can promote a desired community character, guide

growth and development decisions, ensure that growth and development decisions are fiscally sound, protect property values and natural resources, ensure compatibility of land uses, and prevent the creation of nuisances, overcrowding and inappropriate uses of property.

A township's legal authority to plan and zone is derived from the Michigan Planning Enabling Act, PA 33 of 2008 (MCL 125.3801, *et seq.*), and the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101, *et seq.*).

Ethics

Township board members must faithfully perform their official duties as authorized and limited by state law. MCL 41.96 authorizes township boards to assign additional non-statutory duties to township officers and to compensate them for those duties. However, state statutes, court cases and attorney general opinions affect an individual's ability to hold a township office and another position within the township or another political entity. Public offices are incompatible

when a public official simultaneously holds two offices that result in: 1) the subordination of one public office to another, 2) the supervision of one public office by another or 3) a breach of duty of public office. The determination of whether the two offices are incompatible is made on a case-by-case basis.

Township officials may not engage in a business transaction in which they may profit from their official position or authority, or confidential information. To a great extent, Michigan law requires public officials to take the initiative in disclosing a potential conflict of interest before participating in decisions that could serve their own self-interests. Under most circumstances, public officials can avoid potential conflicts of interest by disclosing their conflicts, refraining from participating in any deliberations and abstaining from voting on the issue.

Human resources

Township are not only public entities, they are also public employers. MCLs 41.75a and 42.9 authorize a township

board to employ employees and create additional officers as needed, as long as those actions do not diminish the duties or responsibilities of the elected officials. All townships are required to appoint a deputy clerk (MCL 41.69) and deputy treasurer (MCL 41.77).

Depending on its size and the services offered, a township may employ many individuals in addition to the township board, including, but not limited to, assessor; superintendent/manager; planner; clerical and maintenance staff; police, fire and emergency medical personnel; cemetery sexton; election inspectors; constable; building, plumbing, electrical and mechanical inspectors; zoning administrator; librarian; public works staff; parks and recreation staff; and board of review, planning commission and zoning board of appeals members.

All township officials must be aware of both state and federal employment law, including the Americans with Disabilities Act, Veterans' Preference Act and Fair Labor Standards Act.



Tips to be effective at township board meetings

The most important township business is transacted at board meetings, and the ability of an elected township official to influence the actions of the township for the betterment of the community depends on that official's skill to work with and influence his or her fellow township board members.

It does not matter to which office a person has been elected; every board member's vote is counted the same. Each township board member has an equal right to initiate a proposal for the board's consideration, to be heard, to dissent, and to have his or her views prevail on matters before the board.

So why do some board members always seem to get their way, while others seem stuck in a perpetual inconsequential minority? Influential board members master these basics:

Build trust

Newly elected officials often complain that their points of view are quickly dismissed, but even veteran board members can find that their positions seem to automatically trigger opposition, leading to personal conflicts and board divisiveness. Long-term success in any group, but particularly when serving on a public body, is contingent on others believing you mean what you say, are true to your word, and will not attempt to succeed

by setting others up for failure. Building trust takes time, but can be destroyed in an instant. Do not leave effective communications with your fellow board members to chance.

Be prepared

The time that board members set aside to meet as a group is a precious commodity, not to be wasted by members who expect others to do all the preliminary research and then demand that those who took the time to become knowledgeable must take board meeting time to tutor the uninformed. Knowledge is power, and not bothering to read your meeting packet ahead of time, or relying on “gut instinct” to respond to the thoughtful positions of others is a recipe for irrelevance. Asking questions is okay to expose gaps in the group’s critical knowledge, but not to make up for your lack of preparedness.

Have goals

Not to suggest it is good to make up your mind on an important issue before hearing the views of others, but effective board members should have some preliminary view of what they want to do with an issue before the discussion begins. Board members should identify which stakeholders need to be heard from, anticipate what solutions seem to be implied or recommended, consider whether recommended actions are consistent with one’s own sense of values and ethics, gauge public acceptance of various outcomes, consider the long-term implications, etc.

Know the rules of engagement

Every township has its own traditions and meeting styles that may or may not suit the tastes and preferences of new board members, but veteran officials may not be wildly receptive to a brand-new board member setting them straight about everything they think is wrong. Wait awhile and build credibility before attacking everything that seems different from your prior organization or leadership experiences. You may very well be right, but build credibility first through demonstrating your commitment to serving the township’s best interests. Do nothing that appears to be self-serving.

Know the rules of procedure

Very few public bodies use *Robert’s Rules of Order* exactly as General Robert’s intended. Nonetheless, board members should know how to introduce a motion and the proper way to adopt, table, defeat or reconsider a motion. Supervisors especially need to know how *Rules of Order* ensure that the majority prevails while ensuring the members holding a minority view have a right to be heard. When speaking, be brief. Do not engage in side conversations. Seek permission from the chair prior to speaking, and address comments to the chair. No personal attacks.

Stay calm

It is natural to feel some excitement and nervousness when one first joins a public body, especially meetings where the public will attend. Projecting sincerity and confidence, and, by all means, keeping one’s temper in check is fundamental to earning the respect necessary to have one’s position taken seriously.

Be transparent

Hidden agendas eventually are exposed, and if one’s real intent is different from one’s public position, your credibility will be damaged. Taking the time to honestly explain why you are taking a particular position will go far to build trust. Michigan has a strong expectation that governments will make public policy in the open. Insist that the board comply with the spirit, intent and explicit requirements of the Open Meetings Act.

Help the moderator

When the discussion wanders from the agenda, anyone on the board can tactfully intervene. Simply ask, “Could we please return the discussion to the issue on the agenda?” Two main motions simultaneously before the board? Don’t be afraid to point it out. Discussion getting too heated? Suggest a short recess so everyone can cool down.

Work for solutions with which everyone can live

The principle of “majority rule” is ingrained in our rule of law. Generally speaking, for a motion to pass, it must receive one vote more than half of the votes of those board members present and eligible to vote. That said, there are a number of legal exceptions to that simple rule, and MTA can help boards navigate to a lawful conclusion.

Even when a particular proposal can garner the minimum number of votes to prevail, it may be worth the board’s time to spend some additional time discussing the matter further to seek a solution that can get the support of the greatest possible number of board members. This is true even if the resulting compromise is less than perfect in the eyes of the majority. As long as the majority doesn’t give up anything that it considers to be essential, there is great value in having most, if not all, of the board supporting a decision. The board’s decision will be stronger, ongoing opposition will be significantly reduced, if not eliminated, and the stigma of board winners and losers is avoided. This is the true meaning of “consensus.”

Remember there will always be another meeting

Contrary to the widely held, cynical view, public officials who play nice *do* come in first, especially at the local level where the public’s sense of fair play has stronger sway. Any strategy to intimidate or trick the board into doing what it otherwise would not be inclined to do will eventually backfire. Trust will be eroded; others will develop their own strategies to neutralize the manipulator, including painful paybacks. Practitioners of the political “dark arts” will usually be marginalized pretty quickly.

Leave the board meeting as friends. If something was said in the heat of the debate that was hurtful, apologize. Keep a sense of humor, especially if directed at oneself rather than others. Treat others as you would want to be treated. Give credit to others for compromising, initiating or facilitating, or for tactful dissent. It won’t be long until the compliments, influence and effectiveness will flow to you.

MTA: Ready to serve you

The Michigan Townships Association is committed to providing our member township officials a wide array of essential programs and services to help you perform your public duties and better serve your constituents. We are here to ensure you are equipped with the knowledge and information you need to be an effective leader. MTA offers you:



Knowledge

- Our Member Information Services staff are available to answer your questions on all facets of township governance and administration.
- *Township Focus* magazine offers news, information and coverage of emerging issues and township accomplishments.
- Dozens of educational programs throughout the year cover topics from accounting to zoning, and everything in between.
- MTA's Annual Educational Conference & Expo features more than 70 workshops, networking opportunities and inspirational affirmation of local democracy.
- Our website, www.michigantownships.org, provides samples, resources, legal information, legislative updates—and more.
- MTA's invaluable publications offer guidance and insights on a wide variety of topics.

Advocacy

- MTA lobbies on behalf of townships—advocating for new laws that are beneficial to local government and fending off legislation harmful to townships. In a typical legislative session, MTA exerts its influence on more than 600 pieces of legislation.
- MTA, on its own and as part of coalitions, supports or battles ballot proposals impacting townships.
- The MTA Legal Defense Fund intervenes in litigation where court decisions have a statewide impact on local government.
- MTA shares information and updates on legislation impacting townships through e-newsletters, alerts and conferences, to allow members to appropriately and effectively communicate with lawmakers.

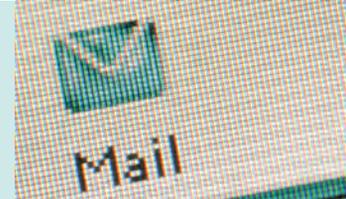
Community

- MTA's educational programs and conferences provide ample opportunities to meet and network with fellow officials.
- *Community Connection*, MTA's social networking site, allows officials to share ideas and insights with one another.
- MTA's online directories are invaluable in connecting township officials with one another.
- MTA facilitates meetings of officials facing similar issues or from similar township characteristics.

MTA is here to serve you! Call (517) 321-6467 or visit www.michigantownships.org for additional information.

Check your inbox!

To get the most of your MTA membership, all officials must 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*, and our in-depth monthly legislative e-newsletter, *Township Voice*.
- Notices about educational seminars and other opportunities for today's township officials.
- Access to the members-only portion of MTA's website, www.michigantownships.org, which features 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 should also have received a "Welcome to MTA" email in November and December. If you did not receive this—or other—emails from MTA, be sure to check your spam or junk mail filter, and add @michigantownships.org to your "safe senders" list, as well as @in.constantcontact.com and @in.confirmedcc.com.

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



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Infrastructure plan creates 'road map for Michigan'

It's no secret that Michigan's infrastructure is in desperate need of an overhaul.

Throughout our state, 39 percent of roads are in poor condition, while 1,200 bridges are structurally deficient. Many of Michigan's community water systems are 50 to 100 years old, contributing to the recent crisis in Flint of lead-contaminated water. And nearly half a million families don't have access to advanced broadband—a crucial need in today's world.

The problem is that Michigan continues to underinvest in its infrastructure, leading to major gaps between our current funding levels and the amount needed to bring our roads, sewers and communications up to par. Even recent efforts to increase spending on highways, roads and bridges lag far behind the investment needed to adequately address the problem.

In 2016, Gov. Rick Snyder issued an executive order creating the 21st Century Infrastructure Commission, charged with identifying long-term strategies to ensure Michigan's infrastructure remained safe and efficient. Last month, the commission released a much-anticipated report with recommendations for how to close the investment gaps and make Michigan a leader nationwide in infrastructure planning, management and delivery.

Prior to the release of its final report, MTA submitted a white paper to the commission (available on www.michigan-townships.org), offering information and insights into its task to assess and prioritize current infrastructure needs throughout the state, both at the state and local level, including recommendations for better long-term planning and management and financing options for the next 30 to 50 years.

"Comprehensive attention to replacing Michigan's aging infrastructure and financing new infrastructure to meet contemporary needs is long overdue," MTA noted in the white paper. "Infrastructure systems are in a serious state of disrepair. And while the challenges facing the state are significant, the commission's work has the potential to improve the quality of life for communities left behind in the global economy, protect treasured natural resources and create prosperity opportunities for all of Michigan."

Vast implications

The commission traveled the state throughout the summer, listening to residents' concerns and compiling information that were then used to make recommendations in its final

report. Its implications are vast—Michigan would need to spend an additional \$4 billion per year for the next 20 years to fully close the investment gap. However, it also addresses strategies and calls for a new approach to how Michigan plans and manages its infrastructure.

Additionally, the report emphasizes what MTA has brought to the state’s attention—that lack of broadband access is a serious problem, especially for the rural poor, and must be addressed to improve lives and boost Michigan’s economy.

The commission’s report focuses on water, transportation, energy and communications, with recommendations in each area. It suggests investing in roads and bridges to bring them to good or fair condition; replacing aging water, sewer and stormwater infrastructure; constructing a new Soo lock; meeting 30 percent of the state’s electric energy needs from clean sources; and making Michigan a top-five state for broadband access. Meeting these goals would take a hefty investment, with suggested funding sources including federal funding, user fees, a gas tax increase, private investment, a dedicated sales tax for infrastructure, and a dedicated statewide property tax.

According to the report, a first step is to implement a statewide asset management system to collect reliable data and information across all types of infrastructure. Then, the report also calls on the Michigan Legislature to establish a Michigan Infrastructure Council to help coordinate and unify infrastructure efforts throughout the state. For example, when doing subsurface road work, any needed broadband and sewer work could also be done at the same time in order to save time and money.

The recommendations are just that, and the Legislature is not bound to act on the report’s call to action. However, it is yet another reminder of what MTA has long supported—Michigan needs to invest more in its infrastructure in order to secure our state’s future. MTA has been and continues to be a champion of improving Michigan’s roads and increasing the state’s investments, even though townships are not required by statute to repair roads.

MTA paper identifies infrastructure needs

MTA’s white paper offered insights on various infrastructure needs, such as water and sewer infrastructure and critical bridge infrastructure. Among the issues noted by MTA were:

- The drinking water investment gap between spending and investment needs is vast. Drinking water infrastructure investment is being underfunded between \$284 and \$563 million per year, according to a recent report, *Michigan’s Water Infrastructure Investment Needs*, prepared by Public Sector Consultants, Inc.
- With respect to wastewater, the aforementioned report based on Census data indicated that between 2004 and 2013, communities in Michigan spent on average \$691 million each year on wastewater and stormwater infrastructure needs combined. The EPA has estimated that Michigan’s wastewater and stormwater investment need is approximately \$2.14 billion. The survey was based on short-term, rather than long-term, needs, making the estimate significantly underreported. This

estimate does not take into consideration on-site septic systems that service approximately 30 percent of the homes and businesses in Michigan.

- Michigan has 1,122 structurally deficient bridges and 1,288 functionally obsolete bridges, according to the Federal Transportation Administration’s National Bridge Inventory. While additional federal and state dollars going toward roads and bridges will be a step in the right direction, it will not be a final solution. As Michigan seeks to address its infrastructure, roads and bridges should be at the top of the list of issues. Rural bridges should not be forgotten due to the remote geography of those areas.
- Michigan must adjust its policies to help bring natural gas to our underserved and unserved residents and businesses. The challenge to provide natural gas availability is the infrastructure costs to build and expand the pipelines into rural areas. However, the initial pipeline infrastructure costs will likely be more than offset by economic growth and development opportunities.

Emphasis on broadband

The commission’s emphasis on broadband expansion echoed the MTA white paper. A lack of broadband access is a major problem, especially for the 2.5 million Michiganders classified as rural poor residents. Broadband brings with it economic, educational and social benefits, and without proper access, rural residents and businesses are put at an unfair disadvantage.

“In developing countries, broadband deployment has paid huge dividends to economic growth,” MTA stated in its white paper. “Yet many Michigan rural residences and businesses have no high-speed Internet connectivity, and even suburban communities have substantial underserved areas.”

Broadband is no longer just a luxury—from schools and businesses to farms and work-from-home residents, it’s critical to stay competitive. As the infrastructure commission conducted its research and hearings, MTA urged it to consider expanding Michigan’s broadband infrastructure, not just in cities but also in our state’s smallest communities.

“The availability of ensuring high-speed Internet access to every area of our state is critical for economic, social and educational purposes,” MTA’s white paper stated. “With future commitment and investments, Michigan can continue to see growth and offer additional benefits for economic prosperity, which are essential to safeguard Michigan’s future competitiveness in the global economy.”

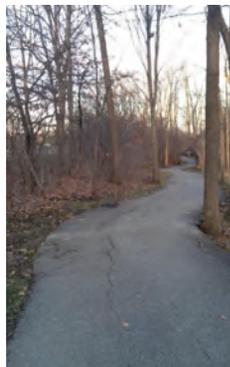
A stronger, more viable Michigan

MTA will continue to advocate on behalf of townships to ensure local governments are part of any future conversations resulting from the commission’s report and efforts to overhaul Michigan’s infrastructure system.

As MTA noted in its white paper, “Only with a sustainable infrastructure system—safer roads and bridges, accessible broadband and natural gas, safer water and sewer systems—will Michigan become a stronger and more economically viable state.”

aroundthe**state**

townships in the spotlight



Grand Blanc Charter Township



Grand Blanc Charter Township (Genesee Co.), known for award-winning public schools, an exceptional police department, and as a friendly and safe community, is home to more than 36,000 residents. Grand Blanc was originally settled by Chippewa Indians. The name, meaning “great white,” came from the French traders who arrived in the area before 1800. By 1823, pioneer families were settling on the abundant farmland. In 1833, the township became the area’s first unit of government, two years before Genesee County was created, and four years before Michigan became a state.

The township is home to the Perry McGrath House, a piece of history that was saved from demolition with just days to spare. The Perry House was built by Simeon Perry, the oldest son of Edmund Perry, the second known settler in Grand Blanc. He purchased 80 acres of land in 1830,

building what is now referred to as the Perry House. Grand Blanc Charter Township succeeded in restoring the property and developing it into a historic place for the community, with a meeting center, walking trail, butterfly garden, and a biannual open house with various activities for the community.

Integral in preserving the township’s history



was Supervisor **Marilyn “Micki” Hoffman**, who served the township for nearly 30 years before her retirement from public office this fall. Hoffman taught at Grand Blanc High School for 24 years, until a tax abatement affecting school staff sparked her interest in politics. In 1988, she became a trustee before being elected supervisor in 2008. Hoffman leaves a legacy of commitment to community service behind for others to emulate.

A full-service municipality with more than 100 employees and a state equalized value of more than \$1.3 billion, Grand Blanc Charter Township also jointly operates full-time fire and parks and recreation departments with the City of Grand Blanc. Creasey Bicentennial Park, a 202-acre, multi-generational facility with amenities to serve all age groups, is home to 10 ball fields, four soccer fields, four sand volleyball courts, a sledding hill, splash pad, five pavilions of varying sizes, two playscapes (including one that is Americans with Disabilities Act compliant), a dog park, and a mile-long walking, jogging and biking trail connecting with other trails outside the park.

The township is conveniently located to many key employment centers in Michigan. With easy access to major interstate freeways, rail and the third busiest airport in Michigan, it is easy to see why the township has become a desirable location for both business and residents. In fact, the township issued over 100 new residential building permits for three years consecutively, and has more than 16,000 people in the local work force.

Future plans have been envisioned to create a technology-driven, mixed-use district that would encourage development to include knowledge-based jobs, and recreational, cultural, residential and retail opportunities. This area is referred to as Technology Village. Currently, the township has initiated a public-private partnership to assist in the completion of a market study and conceptual plan to spur development. The future is bright in Grand Blanc Charter Township—a planned, progressive and prestigious community.

Information

when you need it.

Four ways to connect with MTA

1 Log on to www.michigantownships.org

MTA's website provides access to a wealth of members-only information, including hundreds of pages of township information, sample documents and resources, covering topics from assessing to zoning, and so much more. If you're not logging in to the members-only section of www.michigantownships.org, you are missing out! Click on "Member Login" in the right-hand corner of MTA's home page, and log in with your username (your email address on file with MTA) and password.

2 Join the *Community*

Community Connection, our exclusive social networking site *only* for MTA members, is a great way for township officials to come together to discuss best practices, share ideas and ask questions of your peers. Registered event attendees can network with fellow attendees and find handouts at the conclusion of the workshop series. Access on the member login page of www.michigantownships.org, or by clicking on the  logo on the member home page.

3 Follow MiTownships on Twitter

Stay up-to-date on legislative issues and other important topics when following MTA. Find MTA on [@MiTownships](http://www.twitter.com).

4 Like us on Facebook

Like the Michigan Townships Association page for updates on legislation, education opportunities, MTA news and resources, and more—all on your Facebook timeline!



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