

# Township Focus

JANUARY 2022

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

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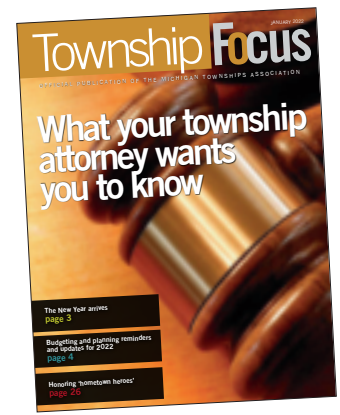


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January 2022 | Volume 10, Number 1



Official Publication of  
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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 2022 (ISSN 2330-9652), is published monthly, except for one combined spring 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 \$33 for a one-year subscription to *Michigan Township Focus*. Additional member subscriptions are available for \$33 per year. Subscription rate for residents and firms in member townships is \$44 per year (schools and libraries may subscribe for \$33 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](http://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.

Direct all display and classified advertising inquiries to Ashley Maher at (517) 321-6467. Member rate for a classified ad in either the magazine or on the MTA website on a monthly basis is \$1 per word. Call MTA for non-member rates. Deadlines for display and classified ads in the magazine are five weeks preceding the publication date. Send ads to: PO Box 80078, Lansing, MI 48908-0078; phone: (517) 321-6467, ext. 254; fax: (517) 321-8908; or email: [ashley@michigantownships.org](mailto:ashley@michigantownships.org).

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## The New Year arrives

**A** New Year's tradition has returned—registration for our in-person 2022 MTA Annual Conference and Expo opens Jan. 4! We are more than ready to get back together and know that you are, too. The registration brochure is inserted into this issue and as you can see, it is a full selection of excellent education and exciting networking events. MTA thanks all our faculty, sponsors and exhibitors for helping to make this outstanding “return to learn” our first major upcoming opportunity to see each other in person.

We'll also take advantage of being in Lansing by weaving the theme of advocacy throughout the week's activities. Building on our experience over the past two years, for those who cannot or prefer not to travel to Lansing, we will offer a virtual conference option that will include key breakout sessions and main-stage events, including the Opening and General Sessions and MTA Annual Meeting.

As in the past, you must register for the in-person Conference to get a housing code that allows you to reserve your hotel room in our discounted room blocks that open later in January. Lansing now has an exciting new lodging option that is walkable to the Lansing Center conference venue, as well as additional nearby hotels that, while just a bit further away, offer exceptional amenities and will be serviced by an MTA shuttle.

In other news, your **Government Relations** team dealt with a year-end that department director Judy Allen has called equal in its intensity and activity to the “lame duck” period at the end of a legislative session. The challenges to local control have carried over into this year. You can find the latest activity covered each week in our *Township Insights* e-newsletter.

No one knows better than you how each year the legal issues facing our officials and communities become more and more complex. The relationship that the township board

has with its legal counsel is critical to navigating this ever-changing landscape. This month's cover story shares insights and advice from veteran municipal attorneys on working with your township attorney as well as “things your attorney wishes you knew.”

With this issue, we are pleased to welcome the financial advisory firm King&King CPAs, with offices in Imlay City and Marlette, which is undertaking research and preparation of our monthly “Financial Forum” column, following the retirement of long-time author David Williamson. This issue features their first piece for township officials; we thank them for sharing their expertise, and look forward to their contributions and insights throughout the year.

We'll also introduce you to our Michigan township honorees for this year's highly competitive “**Small Town America Civic Volunteer**” awards. This national award program highlights the value and importance of public servants and we congratulate these—and all—individuals who serve their community. I serve as the National Association of Towns and Townships' representative to the competition's organizer. I am proud to share that Michigan had among the most nominees of all states that entered. Credit for this distinction goes to **Jenn Fiedler**, our magazine editor and MTA communications director. Thank you, Jenn, for informing and encouraging all our nominations.

As the New Year dawns over Michigan, thank you all for your readiness and preparations to take on the opportunities and challenges it will bring.

Neil





## Budgeting and planning reminders and updates for 2022

**A**s we head into a new year, the following is an overview of updates and changes that could impact township administrative and budgeting planning in 2022.

### **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, 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**—Townships 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 or conferences, 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 of the electors 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. (Please note that the annual meeting of the electors is different than the budget public hearing.)

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](http://www.michigantownships.org) (search for "Compensation"), or by calling (517) 321-6467.

## 2022 threshold for publishing minutes set at \$96 million for general law townships

The 2022 taxable value threshold for exempting general law townships from the requirement to publish minutes has increased to \$96 million. The 2021 rate was \$92 million.

The rate is determined by the Michigan Department of Treasury's Office of Revenue and Tax Analysis, which is required to determine the adjusted amount each year. 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.

## Minimum wage increase in effect Jan. 1

Michigan's minimum wage rate is set to increase 22 cents to \$9.87 on Jan. 1, 2022, up from \$9.65. Michigan's minimum wage will increase each Jan. 1 until it reaches \$12.05 in 2030. Michigan's Improved Workforce Opportunity Wage Act, Public Act 337 of 2018, establishes an annual schedule and increases.

The Michigan Wage & Hour Division of the state Department of Treasury announced in December that while the law does prohibit scheduled increases when the state's annual average unemployment rate for the preceding calendar year is above 8.5%, it is highly unlikely Michigan will exceed this threshold, causing another delay as occurred in 2021. The state's 2021 annual unemployment rate, which is determined by the U.S. Department of Labor, Bureau of Labor Statistics, is calculated by using both average labor force and unemployment levels for January through December. The annual average unemployment rate for 2021 is expected to remain well below 8.5%.

Townships can download the required, updated minimum wage workplace poster from the member side of [www.michigantownships.org](http://www.michigantownships.org) (look for "Workplace Posters" in the "Index of Topics" under the "Answer Center" tab after logging in, or by visiting [www.michigan.gov/wagehour](http://www.michigan.gov/wagehour)).

## 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 2021 property taxes without incurring any interest or penalty is **Monday, Feb. 14, 2022**. Treasurers **may** choose to hold office hours.

The last day to pay 2021 property taxes before they are returned as delinquent is **Monday, Feb. 28, 2022**. (MCL 211.45) Treasurers **must** hold office hours.

The treasurer also **must** be in his or her office from 9 a.m. to 5 p.m. to receive tax payments for the collection of a summer tax levy, on **Wednesday Sept. 14, 2022** (the last day taxes are due and payable before interest is added under MCL 211.44a(5)).

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

## Additional 2022 changes and updates

- The standard mileage rate—the maximum amount employers can reimburse employees for business miles driven in the employee's personal vehicle, without tax consequences—is 58.5 cents per mile in 2022. There is no requirement for townships to pay this amount per mile; the IRS sets these "safe harbor" limits whereby the employer [township] can reimburse the employee for the business use of his or her personal vehicle without income tax consequences.
- The limitation on voluntary employee salary reductions for contributions to a health flexible spending arrangement (FSA) is \$2,850. The maximum annual contribution that can be made to a health savings account (HSA) in 2022 is \$3,650 for an individual, and \$7,300 for a family. Individuals 55 and older can make an additional \$1,000 catch-up contribution to an HSA until they are enrolled in Medicare.
- The contribution limit for 401(k), 403(b) and 457 plans' employee deferrals is \$20,500. The catch-up contribution for those age 50 or older by Dec. 31, 2022, is \$6,500.
- If an employee is subject to Social Security taxes: 1) the Medicare portion of Social Security taxes is not capped; all covered employees' wages are subject to this tax, and 2) the Social Security portion is limited to the first \$147,000 wages paid in calendar year 2022 (this limit is adjusted annually and published in IRS Circular E). The employee and employer match remains 6.2%.
- There is no limit to the wages subject to the Medicare tax; all covered wages are still subject to the 1.45% tax.



# news&notes

a compendium of noteworthy items

## PLANNING FOR PROSPERITY

### Executive directives seek to ready the state for influx of federal infrastructure funding

In the final weeks of 2021, Gov. Whitmer issued numerous executive directives to help ready the state to effectively put to use federal funds that Michigan is expected to receive from the federal Infrastructure Investment and Jobs Act. The directives require state agencies to collaborate with the Legislature and begin preparing to replace lead services lines, build up water infrastructure, and continue prioritizing safe drinking water; rebuild hundreds of miles of roads, repair hundreds of bridges, and restore high-quality transportation infrastructure; and continue expanding high-speed internet access. Michigan is expected to receive billions of dollars over the next five years from the newly enacted infrastructure plan.

The directives require state departments to take a range of actions related to state infrastructure, including:

- Putting Michigan workers and businesses first, prioritizing in-state businesses and workers as infrastructure work continues.
- Prioritizing projects to revitalize rural and urban communities, accelerate housing and economic development, encourage outdoor recreation, and promote equity.
- Helping local communities build more efficiently, using the “dig once” principle to complete work on water, high-speed internet, the road, and other utilities simultaneously wherever possible.

The directives also seek to target opportunities including expediting deployment of electric vehicle chargers while rebuilding roads and bridges, prioritizing communities that require financial or technical assistance to use water infrastructure dollars, flooding resiliency, prioritizing the improvement of high-speed internet infrastructure in communities with the slowest speeds first, and working with educational institutions to train workers for such projects.

An additional six-part executive directive seeks to strengthen Michigan’s water regulations, rules and policies, and focuses on prevention and response to water quality issues. Under the directive, the Michigan Department of Environment, Great Lakes, and Energy, with the state Department of Health and Human Services and potentially other state departments, will review existing laws and regulations governing water, and identify state and local resources needed to better assist public water suppliers, collect data, and enforce water laws, among other actions.

## ARPA UPDATE

### U.S. Treasury releases updated ARPA Reporting and Compliance Guidance

More than 1,600 non-entitlement units of governments (NEUs) have received or are in the process of receiving their first allocation of American Rescue Plan Act (ARPA) funds from the Michigan Department of Treasury. In all, 98% of Michigan townships applied to access the ARPA funding, and will receive nearly \$444.5 million in ARPA funds, based on allocation estimates. Treasury has reached out to and given a deadline of Jan. 12 as the closing date for any NEUs that have not yet submitted their applications and may wish to do so (several townships have recently made the decision to request to receive their allocation) or for those that needed to submit corrections to application errors.

The U.S. Department of Treasury has also updated its *Reporting and Compliance Guidance for State and Local Fiscal Recovery Funds* under ARPA, to address feedback and comments and provide reporting flexibility to recipients. The updated federal guidance document, available at [www.michigantownships.org/covidrelief.asp](http://www.michigantownships.org/covidrelief.asp), also provides additional detail and clarification for recipients’ compliance and reporting responsibilities.

The first reporting deadline for NEUs—all but eight of Michigan’s largest townships—is April 30, 2022, and will cover the period between award date and March 31, 2022. MTA will provide additional guidance as it becomes available. A listing of certified public accountant firms that are available to assist your township with reporting is also available on MTA’s “COVID Relief” webpage.



## APPOINTMENT ANNOUNCEMENT

### New member appointed to STC

Mark Davidoff has been appointed to the State Tax Commission (STC), representing a member with at least five years’ experience in government or the private sector, dealing with matters relating to state or local taxes. A certified public accountant, Davidoff is the president and CEO of The Fisher Group and previously worked as the Michigan managing partner at Deloitte, LLP and as the executive director and chief operation officers of the Jewish Federation of Metropolitan Detroit. His STC term expires Dec. 27, 2024.



## NUMBERS REVIEW

### 2020 Census update: Review programs announced, American Community Survey state-level data released

The 2020 Census Question Resolution (CQR) program allows townships to submit documented requests to review their boundaries and/or housing counts to identify any potential errors that may have occurred while processing their 2020 Census counts. Any corrections made will not impact the apportionment counts, redistricting data, or any other 2020 Census data products. They would, however, be used in the Census Bureau's Population Estimates and other future programs that use 2020 Census data.

The township supervisor was to have received a letter and flyer about the program from the Census Bureau by the end of December, which served as the official correspondence to announce the start of the CQR program. The program is expected to run Jan. 3, 2022, through June 30, 2023.

The 2020 Post-Census Group Quarters Review (PCGQR) program allows local governments to provide the Census Bureau with proof a group quarter population existed on April 1, 2020, but—for whatever reason—was not enumerated during the decennial Census. PCGQR corrections will be used to update the intercensal, American Community Survey (ACS), and population estimates. Government units can use them for any purpose requiring their official Census counts. Any corrections will NOT be used to update any decennial Census products. The program collection period would run spring 2022 through summer 2023.

### ACS data details state-level demographics

The ACS helps local officials, community leaders and businesses understand the changes taking place in their communities, with detailed population and housing information. While the pandemic impacted the Census Bureau's full ACS community-level release, 2020 experimental state-level data released in late November offers details on Michigan social, economic, housing and demographic characteristics, including:

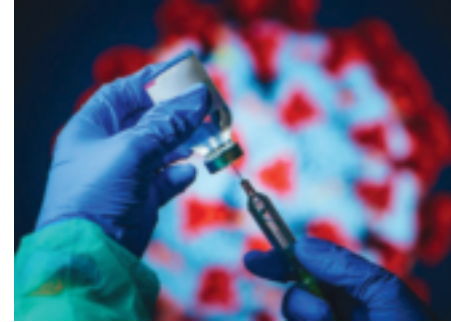
- Nearly 39% of Michigan occupied housing units are valued at \$200,000 or less. Nationwide, just 26% of housing units are valued at \$200,000 or less.
- In Michigan, the average household income is \$61,497, more than 9% below the national average of \$67,340.
- Some 6%—494,999—of Michigan's population age 18 and older are veterans. The national percentage of citizens age 18-plus is just slightly higher at nearly 7%.
- Mirroring nationwide percentages, nearly 51%—5,058,32—of the state's population is female. Just over 4.9 million Michigan residents are male.

Full ACS data is expected later this year. Learn more about the recount and ACS programs at [www.census.gov](http://www.census.gov).

## COVID-19 VACCINE UPDATE

### Large-employer vaccine requirement moves forward; SCOTUS asked for immediate stay

Just prior to *Township Focus* press time, the U.S. Sixth Circuit Court of Appeals issued an opinion dissolving a stay on the federal COVID-19 vaccination requirement for employers with 100 or more employees. Although an emergency application has been filed with the U.S.



Supreme Court (SCOTUS) to again halt the requirement, following the circuit court opinion, the federal Occupational Safety and Health Administration (OSHA) announced that it was resuming implementation of its emergency temporary standard (ETS) on the vaccine requirement.

Under the OSHA standard, employees must receive the full course of the COVID-19 vaccine—two doses of the Pfizer or Moderna series, or one dose of the Johnson and Johnson vaccine—OR take part in weekly COVID-19 testing and present a negative test, rather than get vaccinated.

However, OSHA also announced that it is extending the time for covered employers—which *does* include some townships—to comply with the ETS. Specifically, OSHA stated that it will not issue any citations for noncompliance before Jan. 10 and will not issue citations for noncompliance with the ETS's weekly COVID-19 testing requirement for unvaccinated workers before Feb. 9, “so long as an employer is exercising reasonable, good faith efforts to come into compliance with the standard.”

According to OSHA FAQs on the standard, the 100-employee count is not based on number of hours worked, and for townships, includes elected and appointed officials, firefighters, part-time employees and others. Independent contractors are not included in the 100-count threshold. The requirement applies to public employers, like townships, as Michigan operates an OSHA-approved State Plan that covers most private sector workers and all state and local government workers. The requirement is not official in Michigan until Michigan OSHA (MIOSHA) adopts the ETS, which it is required to do but had not done as of press time. The standard also requires the affected employers pay employees for the time it takes to get vaccinated and recovery from any vaccine side effects, all unvaccinated employees must wear masks, and employers must follow compliance rules. Employers are *not* required to pay for any testing costs or to allow for paid time off for testing. Visit OSHA's webpage on the standard, [www.osha.gov/coronavirus/ets2](http://www.osha.gov/coronavirus/ets2), for additional information and guidance.

MIOSHA is urging large employers to plan now for compliance with the requirement. SCOTUS is expected to rule on the emergency application after the holidays. Watch MTA publications for updates.

## Scholarships available for MTA's Township Governance Academy

MTA's Township Governance Academy (TGA) gives township board members and other local leaders the knowledge and skills needed to make even more effective decisions for the benefit of their township. TGA offers new ideas, shares "best practices" in township government and provides a hands-on approach to help leaders deal more effectively with everyday issues that townships face.



The program consists of 70 required credits, obtained by attending 11 courses (classes are offered in person AND are available on our Online Learning Center) and earning electives credits. A limited number of scholarships, up to \$1,000 each, are available to assist you or your township with program costs associated with this unique, valuable learning experience. **Applications are due Monday, March 1.**

MTA thanks scholarship sponsors **BS&A Software, Burnham & Flower Insurance Group, Foresight Group** and **ITC Holdings Corp.** for funding the scholarship program.

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

### LEADING the WAY

**2022 MTA Conference & Expo**  
April 25-28 in Lansing

The Conference registration brochure appears in **THIS** issue of *Township Focus!*

## profile



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## MTA county chapters: Reserve your Conference hospitality suite now

Is your MTA county chapter interested in hosting a hospitality suite during MTA's Annual Conference, being held April 25-28, 2022, at the Lansing Center? Hospitality suites can provide an ideal spot to network with fellow township officials after a long day of classes. A limited number of hospitality suites are available to rent at our host hotel, the Radisson Downtown Lansing, which is attached via walkway to the conference venue.



Don't wait to make your reservations! Unbooked suites will be made available to sponsors and exhibitors soon, and availability is not guaranteed. Visit [www.michigantownships.org/conf\\_housing.asp](http://www.michigantownships.org/conf_housing.asp) to learn more or to download the reservation form. For more details, call Kristin Kratky at (517) 321-6467 ext. 230 or email [kristin@michigantownships.org](mailto:kristin@michigantownships.org).

*NOTE: All suite reservations must be made through MTA. Do not contact the host hotel directly, as the hotel staff will be unable to assist you.*

## Volunteers needed for 2022 Conference

Would you like to get more involved in MTA's 2022 Annual Educational Conference, while also providing a service to your colleagues? If so, consider serving as a sergeant-at-arms (SAA) volunteer or ambassador during the Conference. All MTA members attending Conference may volunteer. SAA duties include distributing handouts and evaluation forms for educational sessions, monitoring session rooms, and collecting evaluation forms. Ambassadors may sign up to assist with welcoming and directing attendees to registration upon arrival.

For more information or to volunteer, call (517) 321-6467, ext. 230 or email [kristin@michigantownships.org](mailto:kristin@michigantownships.org). Please let us know of your interest as soon as possible; additional details will be sent to interested parties later this month.

### key mta dates | January

4

Registration opens for MTA's 2022 Annual Educational Conference & Expo, being held April 25-28 at the Lansing Center. Registration materials appear in **THIS** issue of *Township Focus* and on [www.michigantownships.org](http://www.michigantownships.org)!

25

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### JANUARY

**3** *Dec. 31 and Jan. 1 are state holidays; Jan. 2 is a Sunday.* Deadline for counties to file 2021 equalization studies for 2022 starting bases with the State Tax Commission (STC) for all classifications in all units on Form 602 (L-4018P) *State Tax Commission Analysis for Equalized Valuation of Personal Property* and Form 603 (L-4018R) *State Tax Commission Analysis for Equalized Valuation of Real Property*. [R 209.41(5)]

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

**25** Local units with a state equalized value (SEV) of \$15 million or less: 2021 taxes collected by Jan. 10 must be distributed within 10 business days of Jan. 10. (MCL 211.43(5)) All other local units must distribute 2021 taxes collected within 10 business days after the 1st and 15th of each month except in March. (MCL 211.43(3)(a))

### FEBRUARY

**1** *Not later than Feb. 1.* Deadline to submit STC Form 2699 (L-4143) *Statement of Qualified Personal Property by a Qualified Business* with the assessor. (MCL 211.8a(2))

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

The township may waive the penalty for the homestead property of a senior citizen, paraplegic, quadriplegic, hemiplegic, eligible service person, eligible veteran, eligible widow or widower, or 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% late penalty charge.

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

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

**18** *On or before the third Monday in February.* Deadline for county equalization director to publish in a newspaper, the tentative equalization ratios and estimated SEV multipliers for 2022, and to provide a copy to each assessor and board of review in the county. All notices of meetings of the boards of review must give the tentative ratios and estimated multipliers pertaining to their jurisdiction. (MCL 211.34a(1))

**20** *No later than Feb. 20.* Deadline for payments to municipalities from the Local Community Stabilization Authority: Local Community Stabilization Share revenue for county extra-voted millage, township millage, and other millages levied 100% in December. (MCL 123.1357(5)(b))

**22** *Feb. 20 is a Sunday; Feb. 21 is a holiday.* Form 632 *2022 Personal Property Statement* must be completed and delivered to the assessor of the local unit not later than Feb. 20 (postmark acceptable). (MCL 211.19(2))

Form 5278 *Eligible Manufacturing Personal Property Tax Exemption Claim, Personal Property Statement, and Report of Fair Market Value of Qualified New and Previously Existing Personal Property (Combined Document)* must be completed and delivered to the assessor of the local unit not later than Feb. 20 (postmark is acceptable) for each personal property parcel for which the eligible manufacturing personal property exemption is being claimed for 2022.

Deadline to file statement to claim exemption for eligible personal property, *Form 5076*

*Small Business Property Tax Exemption Claim Under MCL 211.9o*, for any taxpayer that did not file for or was not granted the exemption in 2019. See the *Guide to Small Business Taxpayer Exemption* for more information. (MCL 211.9o(2))

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(2))

**28** *Before March 1.* The STC shall publish the inflation rate multiplier. (MCL 211.34d)(15))

Deadline for municipalities to report inaccurate 2021 commercial personal property and industrial personal property taxable values on Form 5651 *Correction of 2021 Personal Property Taxable Values Used for 2021 Personal Property Tax Reimbursement Calculations* to the county equalization director. (MCL 123.1358(5)(e))

Last day for local treasurers to collect 2021 property taxes. (MCL 211.78a)





## Are election workers subject to Social Security and Medicare (FICA) withholding?

Election workers can be subject to the Federal Insurance Contributions Act (FICA), depending on whether they are covered by a Section 218 Agreement with the Social Security Administration and how much compensation they earn each calendar year. A 218 Agreement is a voluntary agreement that the state or a local government could enter into with the federal government to provide Social Security and Medicare coverage to public employees.

As of Jan. 1, 2021, the FICA tax exclusion for election workers is \$2,000 per calendar year, unless those wages are subject to Social Security and Medicare taxes under the 218 Agreement.

Under Section 218 of the Social Security Act, many municipalities have excluded from coverage election workers paid less than the threshold amount mandated by law. Therefore, Social Security and Medicare taxes do not apply until the election worker is paid \$2,000 or more. The State of Michigan excluded from Social Security coverage election workers statewide who were paid less than the mandated threshold amount for each calendar year, following Modification 975 beginning in 2003. Prior to Jan. 1, 2003, election workers earning under the mandated threshold amount were excluded from Social Security coverage on an entity-by-entity basis. Section 218 Agreements are irrevocable, and it is possible for a township to have such an agreement and not realize it. To determine if your township has a 218 Agreement, contact DTMB-ORS-Section-218@michigan.gov.

If a municipality pays an election worker less than \$2,000 in a calendar year, the wages are not subject to FICA withholdings. However, if the wages are more than \$600, the wages must still be reported on Form W-2 in Box 1, and no amounts are reported as Social Security or Medicare wages (Boxes 3 and 5). If the individual made less than \$600 in a calendar year, the wages are not required to be reported on a W-2.

All election wages are subject to FICA withholdings if an election worker earns over the \$2,000 threshold, not just the amount over \$2,000. Also, if an employee works for the township in another capacity more than just elections, their election wages are all subject to FICA withholding, even if their election wages are less than \$2,000.



## Who should be reported as employees for unemployment insurance?

The Michigan Employment Security Act (MESA) is overseen by the Unemployment Insurance

Agency (UIA) and provides for unemployment insurance to be paid by Michigan employers. Governmental entities, including townships, are employers under the MESA. Townships participate as either a “reimbursing” or a “contributing” employer. A reimbursing employer makes payments to the UIA when an eligible employee files and is granted a claim for unemployment compensation. A contributing employer makes regular payments to the UIA based on a formula calculated annually. The township is liable for unemployment compensation when an eligible employee is unemployed from the township or any other employer while working for the township.

Not all township employees are eligible to receive unemployment. Elected officials, including township, library, and park commission board members, are excluded. Those who serve in posts such as the board of review, planning commission and zoning board of appeals, are excluded as well. Officials’ deputies are eligible only for any non-deputy job functions, not the deputy position. Independent contractors and their employees are not eligible for unemployment compensation from the township.

If an excluded worker’s wages are reported by mistake, it can be protested once the employee makes a claim and receives a UIA determination allowing benefits for the excluded worker.

Examples of covered township employees include the assessor, cemetery sexton, clerical, department of public works, facility staff, maintenance, election workers, and zoning department employees. Public safety employees are also covered, including the fire chief, full-time firefighters, police chief, police officers, and other police personnel.

For more guidance, including eligible and excluded employees, check out MTA’s “What Township Officials Need to Know About Unemployment Insurance” on the members side of [www.michigantownships.org](http://www.michigantownships.org) (via “Resource Toolkits” under the “Answer Center” tab after logging in with your username and password).

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.





The township has covered all elected officials under an “employee dishonesty coverage form” from our insurer, in the amounts of \$99,000 for the treasurer and deputy treasurer, and \$10,000 for all others. Is this sufficient compliance with the statutes?

The complete answer will depend on what that insurance coverage actually includes, so be sure to check with your insurance provider for an explanation of what your policy covers. And this subject can be confusing, so a little explanation is in order.

When we talk about bonds required for township officials, we are actually talking about two different bonds: 1) the bond required when certain officers take the oath of office and 2) the bond required of the treasurer when collecting taxes.

To comply with the statutory requirements, both types of bonds must meet the definition of a “surety bond.” A surety bond is a performance bond that guarantees that the bonded officials will act in compliance with certain laws. If an official fails to do so, the bond covers resulting damages or losses.

**1) Surety bond upon taking office.** Michigan law requires a township clerk, treasurer and deputy treasurer and constable, if the township has one, to file a bond upon taking the oath of office.

MCL 41.69 requires that, “Each township clerk, within the time limited for filing the oath of office and before entering upon the duties of the office, shall give a bond to the township in the sum and with sureties that the township board requires and approves, conditioned for the faithful discharge of the duties of the office according to law, including the safekeeping of the records, books, and papers of the township in the manner required by law, and for their delivery on demand to the township clerk’s successor in office. The bond shall be filed in the office of the supervisor.”

MCL 41.77 requires that, “A township treasurer, within the time limited for filing the oath of office and before entering upon the duties of the office, shall give a bond to the township in the sum and with the sureties as the township board shall require and approve, conditioned on the faithful discharge of the duties of the office and that the treasurer will account for and pay over according to law, all money that comes into the treasurer’s hands as treasurer, and the supervisor shall indorse approval on the bond. The treasurer shall file, within the time above mentioned, the bond with the township clerk of the township, who shall record the bond in a book to be provided for that purpose. The township

clerk, after recording the bond, shall deliver it to the supervisor, who shall file it in the supervisor’s office.”

MCL 41.77(5) also requires the deputy treasurer to “give a bond to the township as required by the township board.”

MCL 41.80 requires that a constable, “before taking office and within the time prescribed by law for filing the official oath, shall execute, with sufficient sureties to be approved by the township board, an instrument in writing by which the constable and his or her sureties jointly and severally agree to pay to each person who may be entitled money that the constable becomes liable to pay on account of the neglect or default of the constable in the service or return of process that may be delivered to him or her for service or collection or on account of misfeasance of the constable in the discharge of, or failure of the constable to faithfully perform, the duties of his or her office.”

It is not required by law, but general practice is to also have the supervisor and deputy clerk bonded. This bond is to cover the township funds these officers may deal with on a day-to-day basis. The township should consult with its auditor to determine an appropriate amount for the bond for each of the offices that are required to be bonded.

Note that a “blanket bond” would not meet the requirement for a surety bond. A blanket bond is a form of fidelity bond, which, according to *Black’s Law Dictionary*, is a bond to indemnify the township for losses “due to embezzlement, larceny or gross negligence by an employee or other person holding a position of trust.” Typically, a blanket bond would cover all other employees or officers of the township and may also provide additional coverage for the above named offices.

In the case of a treasurer, the surety bond provided upon taking office is to cover the township funds the treasurer deals with on a day-to-day basis, as well as the township portion of the taxes collected. There is not a specified amount because the coverage depends on how much money that a particular treasurer will be handling. Some property and liability insurance providers provide bonds automatically every four

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years (for a new term). For example, one that MTA is aware of provides a \$25,000 bond for the treasurer. It is MTA's understanding that the \$25,000 is an aggregate amount for the four-year term. That is probably low for many townships. The township could discuss the appropriate amount with its auditor. Additional coverage can be purchased.

However, this first type of bond does not eliminate the need for a tax collection surety bond.

**2) Tax collection surety bond.** The treasurer is required by MCL 211.43 to also provide a tax collection bond to the county treasurer to cover the amount of taxes the township treasurer will collect for the other tax jurisdictions (not the township), including the county, schools, intermediate school district, and a transportation authority, if there is one in the township.

MCL 211.43 provides three options for obtaining this bond:

**Option 1:** The treasurer provides a bond to the county treasurer for the actual amount of state, county and school taxes. The bond may be issued by anyone (not a surety bond). The township pays the cost of the bond.

**Option 2:** If the treasurer provides a corporate surety bond issued by a surety company authorized to do business in Michigan, and the bond is for 40% of the total of the state, county and school taxes, then the county pays the cost of

the bond. The county may bill the school districts a prorated portion of the premium.

**Option 3:** If the county treasurer and township supervisor determine that the surety bond the treasurer filed with the township clerk upon taking office is sufficient enough to also cover the tax collections of the other jurisdictions, then no additional bond is necessary.

The second option probably makes the most sense for townships. It requires bonding up to 40% of the collections, and it also requires the county to pay the cost. The county can in turn bill each school district for its proportionate share.

Whether or not to use option one or two is the choice of the township treasurer.

In many counties, the county treasurer obtains the bond on behalf of all the units in the county. Likely they do this anticipating that most treasurers would choose option two, which would require the county to pay the cost any way. When the county treasurer obtains the bond, it ensures that all the units have a bond in place.

*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.

<p>Steven Mann</p> <p>+1.313.496.7509 mann@millercanfield.com</p>	<p>Patrick McGow</p> <p>+1.313.496.7684 mcgow@millercanfield.com</p>	<p>Thomas Colis</p> <p>+1.313.496.7677 colis@millercanfield.com</p>	<p>Katrina Piligian Desmond</p> <p>+1.313.496.7665 desmond@millercanfield.com</p>
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## Extension for personal property remote location approved

Personal property located in an alternate location due to the COVID-19 pandemic will continue to be assessed in its ordinary location for one more year under Senate Bill 698. The bill extends a measure enacted last year for one additional year to both 2021 and 2022. The bill was pending signature by the governor at press time.

## 9-1-1 Act extended

The Emergency 9-1-1 Service Enabling Act, set to expire at the end of 2021, has been extended until Dec. 31, 2027. Public Act 126 of 2021, supported by MTA, extends the act and increases the prepaid point of sale fee (prepaid cell phones) by 1% to ensure equity and assure the network is paid for by user fees going forward. The measure requires a review of collection and remittance compliances, as well as changes the timeline and certain notice requirements for tentative and final 9-1-1 service plans.

PA 126 had immediate effect.



## Small taxpayer personal property tax exemption increased with only one-year local reimbursement

The small taxpayer personal property tax exemption will increase from \$80,000 true cash value to \$180,000 true case value effective Dec. 31, 2022—without a long-term revenue replacement for local units of government. House Bill 5351 increases the current exemption and became a part of a larger economic development package in the final days of the 2021 legislative session. MTA opposed the bill, as it provides a permanent tax cut without a solution to reimburse local units of government. In response to the opposition, \$75 million was added in Senate Bill 85, an appropriations measure, to address the estimated loss of local revenue for the first year only.

MTA expects the Legislature to revisit the issue in January to develop a statewide, long-term funding solution for the replacement revenue. House Bill 5351 was awaiting action by the governor at time of press.

## Candidate affidavit of identity updated

Candidates seeking an elected office will need to include additional information on their affidavits of identity under a bill approved by the Legislature and pending signature by the governor.

Senate Bill 212 requires information to be added to the current requirements on a candidate's affidavit of identity. These include the jurisdiction, district, circuit or ward, the candidate's political party or a statement indicating no party affiliation if the candidate is running without political party affiliation, the term of office and the date of the election in which the candidate wishes to appear on the ballot. Additionally, if the candidate is running for precinct delegate, the precinct number must be included, and if the candidate is a judicial candidate, the affidavit must include whether the office sought is an incumbent position, a nonincumbent position or a new judgeship.

## 'One and done' EMPP local filing package approved

Beginning in 2023, manufacturing companies will no longer be required to file annually at the local level for the manufacturing personal property exemption (EMPP). House Bills 5502–5506 passed the Legislature and were pending signature by the governor. The bills simplify filing with the state, allowing the exemption to carry forward and no longer permit a new industrial facilities exemption certificate to be issued after Dec. 30 for manufacturing personal property. The bills do not affect reimbursement to local units of government or change tax policy.

## Process to change township name now law

An established statutory process now exists for a township seeking to change its name. Public Act 97 of 2021, supported by MTA, requires a board-approved resolution and approval by township voters to enable a township to change its name. The bill was introduced after a township sought clarification on the process. The new law will take effect on March 30, 2022.

## Candidate filing fees no longer refundable

Candidates for township offices who pay the \$100 filing fee and win or place second in the election no longer will have the fee refunded. House Bill 4285 was approved by the Legislature and was pending signature by the governor as of press time. The filing fee will now be deposited into the township's general fund to be used for the purchase and maintenance of voting equipment. The bill is part of a four-bill package that is applicable to township, county and state legislative offices.



## Expansion of medical benefits for first responders/forest fire officers

State-paid medical benefits are expanded under the First Responder Presumed Coverage Fund for certain cancer diagnosis for emergency personnel. Under Public Act 129 of 2021, township part-

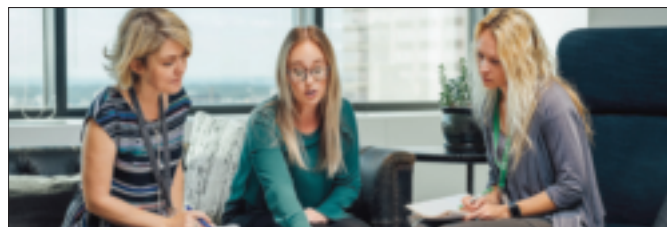


time, paid on-call and volunteer firefighters and retirees can seek benefits from the fund for certain types of cancers that was previously limited to full-time firefighters. The new law allows those with 60 months or more of service at the time of diagnosis to suspend a claim under the Workers' Disability Compensation Act and claim benefits under the First Responder Presumed Coverage Fund. Public Act 117 of 2021 extends compensation benefits to forest fire officers and fire/crash officers after certain cancer diagnosis.

MTA supported the legislation that was signed on Dec. 17, 2021, with immediate effect.

## Tuition restriction removed for families of fallen first responders

Students who are the surviving children or spouses of police officers and firefighters who have been killed in the line of duty are eligible for the Survivor Tuition Grant (STG) program at a participating public community college or university. Public Act 127 of 2021 modified the STG act to remove the demonstration of financial need requirement for families of fallen first responders and specifies that a grant under the program is for the total amount of the student's tuition, less any scholarships or grants. Those receiving the benefit must have been under age 21 at the time of the first responder's death and have to apply to the program prior to 26 years of age. The change was meant to streamline the benefits provided under the STG and alleviate financial burdens for families whose loved ones made significant sacrifices in the line of duty for their communities.



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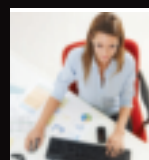
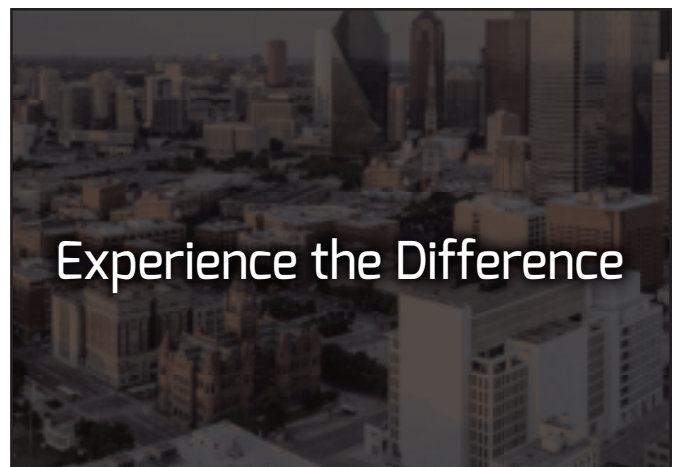


## Supplemental appropriations includes COVID funds

An appropriations supplemental, passed in the final days of the legislative session, includes the allocation of funding for COVID-19 response. House Bill 4398,



which was pending signature by the governor as of press time, includes: \$140 million funding COVID-19 emergency rental assistance, \$2.5 million in COVID-19 Emergency Management Performance grants, \$20 million for Rural Area Transportation Apportionments for the operation, planning and capital assistance for eligible public transit systems in communities under 50,000 in population, \$3.5 million for Aging and Adult Service Administration to match federal grants for aging administration, senior community services, and congregate and delivery meals, with \$1.9 million designated to specific local units of government.



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## Legislative lowdown

A quick look at critical bills that MTA is following as they move through the legislative process. For a complete list, see MTA's "Legislative Action Center" on the members side of [www.michigan townships.org](http://www.michigan townships.org), or look to our e-newsletters sent to all member officials.

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

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

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

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

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

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

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

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

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

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

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

**HB 4491: Elections**—Provides authority for county clerks to remove deceased individuals from the Qualified Voter File. *MTA monitoring.*

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

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

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

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

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

**HBs 4833-4834: Property tax**—Exempts certain heavy equipment rental personal property from taxation and replaces with a specific tax of 2% on the rental of that equipment. *MTA supports.*

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

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

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

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

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

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

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

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

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

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

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

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

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

**SBs 319-320: Septic system loan program**—Modifies strategic water quality initiative loan program and fund to create a municipality loan program and a resident loan program. *MTA supports.*

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


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

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

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

**SB 565: Appropriations**—Provides for supplemental appropriations for drinking water and water infrastructure improvements supplemental. *MTA supports.*

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




# 63

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# What your township attorney wants you to know

**Y**our township attorney can—and should—be a valued member of your township team. But how do township boards work with their attorney? And what is important for all board members to remember when working with legal counsel? We decided to ask a group of long-time municipal attorneys, “What do you wish your townships knew?”

## Why does a township need an attorney?

**Terry Burkhart:** As the world grows more complicated and litigious, there are simply more opportunities for the most well-intended township officers to make mistakes.

Township attorney fees are like any other budget item the township has to keep under control. However, it is clear that maintaining close contact can prevent problems or nip them in the bud. The more experienced the township official, the greater the chance he or she will know when it is time to contact township legal counsel. There are several areas where it is particularly important for township officials to dialogue with legal counsel. These would be all but the simplest Freedom of Information (FOIA) requests, Open Meetings Act (OMA) issues (especially those relating to closed meetings), conflict of interest issues, and zoning matters.

Regarding real estate transactions, the involvement of an attorney who understands the processes needed to properly convey or acquire township real estate, and the risks with such matters, is in order to eliminate inefficiency or wheel-spinning.

**Steven Joppich:** The law impacts and has serious implications for nearly every decision and action of a township official or board. But the law is far from simple or easy to understand. It consists of a complex set of statutory and constitutional provisions at both the state and federal levels, as well as a massive body of court decisions interpreting those laws, sometimes in unexpected ways. Making things even more complicated, statutes and constitutional provisions are amended on occasion and so are court interpretations of them. Lawyers constantly study all these facets of the law and are trained to work

## Meet our panel

We reached out to several long-time municipal attorneys to share their insights and advice for township officials. Our panel of experts includes:

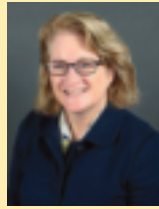
**Terry Burkhart** is an attorney with the firm Burkhart, Lewandowski & Miller, PC, in Escanaba. In addition to serving municipal clients, Burkhart also specializes in employment and business law.



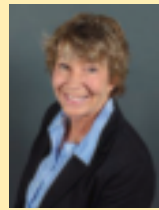
**Steven Joppich** is a shareholder with Rosati Schultz Joppich Amtsbuechler, PC, with offices in Farmington Hills and Lansing. Joppich has

devoted his legal career to representing the interests of governmental entities. Since 1994, he has assisted Michigan local governments with a variety of legal issues, gaining substantial

experience in a diverse and broad cross section of municipal law.

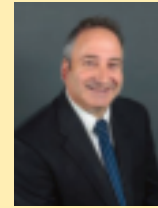


**Catherine Kaufman**, a partner at the Kalamazoo law firm of Bauckham, Sparks, Thall, Seeber & Kaufman, PC, has been practicing law for more than 20 years. Her practice includes all aspects of municipal law, with a focus on land use, planning and zoning issues. She also brings the unique perspective of being both an attorney and planner to her practice.



**Roxanne Seeber** is the lead prosecutor for zoning and code violations at Bauckham Sparks, where she is a partner. Her practice focuses on ordinance drafting and enforcement, zoning

and land use issues. She also assists municipal clients with financial issues, Open Meetings Act and Freedom of Information Act concerns, and interlocal agreements.



**Robert Thall**, partner at Bauckham, Sparks, serves as lead legal counsel for MTA and is a frequent advisor and presenter for the Association. He

serves as general or special counsel to many general law townships, charter townships, and sewer and water authorities throughout the state. His practice area includes all areas of township law.

through these ever-changing complexities. This legal training and expertise become extremely important in the gray areas of the law, which are everywhere.

A qualified township attorney is particularly experienced in the area of municipal law and can help township officials navigate through the nuances in the law, so that your township will find its way to decisions that are both lawful and for the betterment of the community.

**Catherine Kaufman:** 1) Township boards take many actions that have legal consequences. Additionally, there are many laws that a township (board, commissions, etc.) must operate within. It is important for a township board to have a good working knowledge of laws governing their activities, as well as an understanding of broader legal principles applying to all township actions (such as due process, First Amendment, equal protection, etc).

2) Emergencies happen. Many townships use their legal counsel sparingly, but having an attorney in place for when an emergency arises is a good idea. In such cases, there is an already established attorney-client relationship and the attorney can be immediately consulted as to lawful courses of action.

3) Municipal governance includes a broad range of issues and topics. A township board (and commissions, etc.) should take advantage of a municipal attorney's experience to provide background and context for decisions the township makes.

**Roxanne Seeber:** An attorney can be a teacher. We can provide you with insight, process and information that is not readily available in other places.

Townships are unique animals. Issues regarding employment, taxes, collection, resolutions, ordinances, FOIA and processes can generally be quickly answered by an experienced municipal attorney.

Your auditor is likely to require an opinion letter from your legal counsel as part of your audit.

Attorneys have a professional responsibility to provide you with the best information that they have. To a large extent, then, relying on the attorney's interpretation/work/letters to undertake certain efforts can insulate board members and employees from responsibility for improper actions. Undertaking large efforts, such as adopting ordinances, special assessments, special use hearings and the like, are very process-oriented. Letting an attorney direct the effort assures that the work is done in accordance with law.

**Robert Thall:** Townships are municipal corporations and highly regulated by law. Townships are sometimes referred to as creatures of statute because there are volumes of ever-changing laws that guide almost every aspect of a township's operation. Municipal attorneys spend years learning these laws and have a continuing obligation to keep up to date. Even the most seasoned township officials can benefit from the township attorney's assistance with making sure



There are volumes of ever-changing laws that guide almost every aspect of a township's operation. Municipal attorneys spend years learning these laws and have a continuing obligation to keep up to date. Even the most seasoned township officials can benefit from the township attorney's assistance with making sure the township's actions are in compliance with the law.

the township's actions are in compliance with the law. The current political climate is more litigious than ever and with social media users ready to pounce on the smallest errors, the guidance of trusted legal counsel is absolutely necessary.

A township is able to engage their attorney for invaluable, confidential communications regarding legal issues facing them. The township attorney can not only help a township board traverse the legal minefields that exist today, but is also needed to pursue ordinance violations in court and defend a township from suit.

## How do township boards interact or work with legal counsel?

**Burkhart:** As noted previously, township officers need to develop some sensitivity about when to bring in legal counsel.

My office does no work for townships on an annual retainer basis. Most law offices doing township work do the same. I never attend meetings except on request.

The township should specify which officials are authorized to request legal advice.

Experienced legal counsel sends legal bills in two different formats. One will have billing detail that will reflect attorney-client privileged matters. The second will be redacted to eliminate any narrative as to what information or communications are being exchanged. In the event of a FOIA

for a legal bill, the township will ordinarily assert the privilege as to the detailed narrative and produce only the "redacted" version.

For better or worse, most attorney-client communications are conducted on the phone or online. Township officials and officers should have the equipment and ability to communicate online, including the ability to scan and forward written materials. In-office conferences with township officials are becoming a relatively rare exception and I have attended lots of township meetings of all kinds on a conference call basis, so that is an important capability.

**Joppich:** Broadly speaking, the most effective township boards think of their township attorney as an essential member of the board's administrative team. Viewing them as just another outside vendor or consultant is a mistake. Your township attorney is, or should be, part of your organizational chart, and the board should recognize and interact with him or her accordingly.

On a more practical side, board members should understand that interactions with their township attorney during public meetings can be awkward, because the attorney often must straddle the line between providing good legal advice to the board in public while simultaneously maintaining what should be a strictly confidential attorney-client privilege. If board members have legal questions or issues on agenda items, the best practice is to communicate them to the township attorney before the meeting in order to provide an opportunity to properly consider and respond to the issue ahead of time.

**Kaufman:** The board is the attorney's client—not any one particular board member. While the supervisor is the legal agent for the township, that does not mean he or she is the only one who can contact the attorney, unless the board approves such designation.

The board may determine who is authorized to contact the attorney—and may include all board members, staff, planning commission and/or zoning board of appeals (ZBA) chairpersons. It is often best for an attorney if the township clearly designates who is authorized to contact the attorney, so that the attorney does not undertake work or provide legal advice that is not authorized.

The township needs to be open with its attorney and tell the attorney everything. Do not give only half of the facts. If the attorney does not have all the information, he or she cannot provide the best legal advice.

If there is an ongoing disagreement between board members, please refrain from using the attorney or his or her legal advice as a way to advance a personal conflict. This puts the attorney in a difficult position and does not serve the township as a whole well.

Do not tell the township attorney something and then say, "Don't tell any other board members this." As township attorney, our client is the board.

Attorney-client privilege belongs to the board; no one member of the board can unilaterally choose to violate that privilege and release privileged information. Such action may violate law.

If the township employs another attorney for other legal work, make sure that the township attorney understands the scope of his or her engagement. It is not helpful to be doing work for a township that the township has already assigned to another attorney.

If there are billing questions, please contact the attorney directly for clarification and resolution.

**Seeber:** Often a board will designate who may contact the attorney and for what reason. Sometimes it is helpful (and cost effective) to have all correspondence go through one person.

If you are doing ordinance enforcement, the attorney will need to be in contact with your ordinance enforcement officer/police department and zoning administrator. Consider letting the zoning administrator have contact with the attorney.

Remember that the attorney works for the whole board. If you and another board member have a personal situation, involving the attorney is generally a costly way to express it.

Don't tell the board/commission or others that you have talked to the attorney and gotten his or her blessing when you haven't. Do not quote the attorney if you cannot read something directly off a page or an email. Sometimes a summary or a recommendation can be misconstrued. Checking the story can be a costly result.

**Thall:** How township boards interact with their attorney varies from township to township. Some townships allow their board members to contact the attorney with any questions at any time. Other townships designate the officials that have authorization to directly interact with the attorney or require an official to first approve any other official's interaction. Other boards only engage the attorney on specified matters at their direction. In all cases, access should be given to engage the attorney if such legal assistance is required to carry out the official's duties.

## What advice do you have for how a township should choose its attorney?

**Burkhart:** In cases where a lawyer retires, moves out of the area or otherwise leaves on good terms, ask that lawyer for a recommendation. Good sources of information regarding legal representation are other local governmental units (including but not limited to other townships).

Another resource is MTA, which regularly interacts with experienced township attorneys and has access to its own legal counsel on complex issues of township law.

Finally, the importance of having an attorney experienced in governmental unit representation is obvious. There is little specific governmental representation training in law school and particularly with regard to matters regulated by statute, much of which is, at times, counterintuitive.

**Joppich:** Based on my experience, in order of importance, I would advise a township board to consider the following in choosing its township attorney:

- Experience as a municipal lawyer, actively representing communities.
- Demonstrated knowledge of the laws applicable to townships.
- Character and reputation among peers and clients in the field of municipal law, not in politics or another area of the law.
- Input from township department heads.
- Support and resources available in his or her law firm to assist in representing the township.
- Longevity with his or her current municipal clients, including your township.
- Hourly rate/cost. Avoid prioritizing costs over the other considerations above. Otherwise, the maxim of "penny wise and pound foolish" may ring true for you and your taxpayers in the long run.

As a final piece of advice, I would recommend avoiding a requirement for a lump sum monthly retainer as part of your selection process. Yes, it is attractive from a budgeting standpoint, but ask yourself how likely it is that an attorney who has not represented your township previously will be able to accurately estimate how much time it will take on a monthly basis to provide your township with proper legal representation? There is too much at stake to risk hiring an attorney who ends up in a situation where he or she is losing money every time you ask for his or her help. A retainer can always be implemented later, after the relationship between your township and its chosen attorney matures.

**Kaufman: 1)** Not all attorneys are knowledgeable in municipal law. Choose an attorney experienced in municipal law. He or she will be able to identify the issue and suggest courses of action quicker than a general law attorney. Experienced municipal attorneys will generally take less time on a legal matter because of their broad experience.

**2)** Ask other municipalities for recommendations on municipal attorneys.

**3)** If the township uses a request for proposals (RFP), make sure the qualifications for the legal counsel position reflect the township's actual legal needs. In some cases, a one-size-fits-all RFP may overstate the qualifications needed for your township's actual legal needs.

**4)** Ask, will you need the attorney at night meetings?

**5)** Check longevity of client base and attorneys in the firm. Is the municipal practice solidified in the firm, such that your township will have continued representation if any of the lead attorneys leave or retire?

**Seeber: 1)** You need a municipal attorney or at least one with municipal experience. While a local attorney may do some municipal work, municipal law is a whole different ballgame. If you have such an attorney, will that person be willing to consult with municipal attorneys on issues they are not



**A qualified township attorney is particularly experienced in the area of municipal law and can help township officials navigate through the nuances in the law, so that your township will find its way to decisions that are both lawful and for the betterment of the community.**

qualified to handle? Attorneys with mostly municipal practice can likely do work in less time, because research of the law, producing a resolution or ordinance for the first time may not be necessary.

**2) Ask around.** Check with supervisors, clerks, planners and others in your area as to who they use and whether it is working out. Check on costs. Is there an hourly rate? A piecemeal rate? Do they charge mileage? Does the attorney want a retainer? Remember that a township is a good client for an attorney to have because townships pay their bills. There is no need for “collection efforts” as to township clients. There is a vast difference in cost. The highest-priced attorney may not be the best. Don’t be afraid to ask for a second opinion if something doesn’t seem right, which may mean simply calling MTA.

**3) Decide whether you need your attorney at board, commission and/or ZBA meetings.** Check with your zoning administrator and planning commission. Remember that the ZBA acts in a quasi-judicial manner, such that a good record is required. If someone were to appeal a decision of the ZBA to circuit court, the ZBA’s decision-making record is basically the “trial record.”

**Thall:** A township attorney or law firm should be a trusted advisor to the township board. Assuming there are no issues, these relationships can span decades and extend over many officials’ term of office. The township attorney can provide invaluable continuity and institutional knowledge to span township turnover that occurs with all boards.

With this in mind, the township attorney is not a service that is normally periodically bid out by the board. Unless there is an issue that can’t be simply resolved through communication, there is normally no reason to change attorneys. Many issues arise in a township that require knowledge of the past and the legal basis for those decisions. If a township is looking for an attorney or to replace a current attorney, there are a few essential criteria. First and foremost, the attorney should be extremely knowledgeable in the area of township law. The attorney should not just dabble in this area of law. Township law involves knowledge of a vast array of statutes and regulations that are sometimes extremely complex and interrelated. At a minimum, that attorney should show a propensity to continuing education in this field.

Second, the attorney should be someone the board is comfortable with and can trust. In many cases, the attorney is going to be relied on to help the township through pressure-filled issues facing the board requiring a high level of candor between them. Finally, price is important because townships have to operate on a strict budget. How the township will be billed should be clearly understood and the fee needs to be acceptable based upon the township’s finances.

## What are the top three things you wish township boards knew?

**Burkhart:** 1) When to seek legal counsel, 2) the importance of ongoing training for township officials, and 3) with respect to matters that do NOT rise to the level of requiring legal representation, the importance of MTA membership, including, most importantly, its willingness to share the experience of other townships statewide.

**Joppich:** A township attorney is there to provide you legal advice based on the law and facts provided to him or her. An experienced municipal attorney will respect that you make the decisions, and that those decisions usually take into consideration policy issues and politics, along with the law. Such an attorney will not be offended if your vote, or the board’s decision, is contrary to his or her advice (so long as it is still legally permitted, of course). The attorney’s job, when asked, is to help you make your decisions after having been advised of the law and legal risks associated with those decisions.

Your township attorney cannot prevent someone from suing the township or its officials, but if you ask for his or her advice and opinion on a matter before making a decision, it is likely that your attorney will be able to help you to reduce



the risk of being sued or at least put the township in a good position to manage the risk of liability (i.e., defend itself) if a lawsuit is ultimately filed. But you need to ask for his or her advice before the decision is made.

Your township attorney should be neutral and do his or her best to be circumspect in the advice and opinions given to you. It's always easy to give a client the answer they want to hear. As hard as it is to do, your township attorney will occasionally have to advise that the law says you cannot do something, or that you should consider doing it a different way. In doing this, your attorney is not trying to be an impediment or unnecessarily create problems for you. Instead, he or she is fulfilling their duty as the township attorney.

**Kaufman: 1)** We value your commitment to serving your community and it is our privilege to serve your township as legal counsel.

**2)** Following the law is important—including OMA, FOIA, the Michigan Zoning Enabling Act, etc. As legal counsel, we don't emphasize legal compliance to run up our bill, but instead to protect the integrity of decisions your township boards and commissions make.

**3)** If the township uses more than one attorney, please consider playing attorneys off against each other. By and large, municipal attorneys know and respect each other. While it is always okay to seek a second legal opinion, it's unfair to your township attorney to go behind their backs and shop work around elsewhere. If you have issues with your township attorney, please do him or her the courtesy of addressing it with them directly—by phone or email. Allow your attorneys the chance to respond.

**Seeber:** We respect you. As a township board member, manager, or member of a board or commission, you are undertaking a community service that many people will decline to do. We know you are trying and working hard to run your government. We are here to help. In our experience, townships are the best-run form of local government in Michigan. Townships get the most work done with the least cost. We get it; you have to do a lot of the heavy lifting for other units and you don't get a lot of credit for it.

Process is important, whether you are answering a FOIA request, noticing a meeting, adopting an ordinance or passing a resolution. Do not assume that the way you have always done it or that a predecessor officeholder or board has "always done it this way" was doing it correctly. In some cases, process violations can result in payment of attorney's fees, nullification of ordinances, and other costs to the township. While you know your own jobs better than we do, and we likely could never step into the shoes of a treasurer, trustee, clerk or supervisor, we know the law and keep up with the changes. It is better to ask and pay a little bit than it is to have a bigger problem in the future. Send an email. Don't wait until after a problem has been exposed before you consult your attorney.

Be wary of attorneys representing different facets of the economy that want to provide you with ordinances and/or forms and/or legal advice.

**Thall: 1)** Consult your attorney ahead of time before engaging in major actions to ensure that proper process and procedures are followed. It is much less costly to address a question up front to make sure things are done right than to have to address a later-discovered error. Don't be penny-wise, pound-foolish. In today's environment, township boards are under the public microscope.

**2)** Do not make legal assumptions based upon past board practice. Sometimes past board actions were not properly aligned with the law, or, in some cases, the law may have changed. Additionally, it is a mistake to just assume that a neighboring township, city or village action or ordinance is lawful and can be applied in your township. Sometimes these matters are just unlawful or inapplicable because of different statutory authority for a city and village, or between a general law or charter township.

**3)** Make sure the township is properly insured against lawsuits. Litigation against townships is more prevalent than ever and can be very expensive. Proper coverage will help mitigate against budget-breaking suits that can be brought against the township.

You can get more advice, insights and updates from municipal attorneys—including several of those on this month's *Township Focus* panel—at MTA's 2022 Annual Conference & Expo, coming to the Lansing Center April 25-28. Find details about more than 60 educational sessions at the Conference—as well as all the details about the township event of the year—in THIS issue, and at [www.michigantownships.org/conference.asp](http://www.michigantownships.org/conference.asp).



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# MTA's 2022 Board of Review Training

Every board of review member (and alternate!) is required, under Public Act 660 of 2018, to complete training once per term—by the end of 2022 for the current term of office. If you didn't complete your mandated training last year, you **must** do so this year—or risk a deficiency on your township's state Audit of Minimum Assessing Requirements. To help ensure ALL townships meet the requirement, MTA is offering both in-person and live online learning options this February.

We are changing things up a bit this year, offering one class for *all* attendees that satisfies the training mandate AND includes a segment to demonstrate how to handle common trouble spots, hot topics and other key issues encountered by boards of review. See in-person dates and locations, plus online training options, at right. (*Assessors can earn renewal credit at our April 25 class, held in conjunction with MTA's Annual Conference in Lansing.*)

**Ready to attend in-person training?** Each location will have two separate, but concurrent sessions to allow attendees to choose between an "all comers" session or a more cautious room with their vaccinated colleagues. We will not require proof of vaccination, instead relying on the honor system. MTA will abide by all federal, state, local and facility requirements in place at the time of the event. Mask-wearing is strongly encouraged, regardless of your vaccination status. Room setup will allow some social distancing. We anticipate classes will fill up quickly, so register early!

Sessions for vaccinated individuals are from 11:30 a.m. to 4:30 p.m. Check-in and lunch begin at 11 a.m. The "all-comers" session is noon to 5 p.m., with check-in and lunch beginning at 11:30 a.m. Please don't come too early—we'll need time to get the other group settled in.

**LIVE online training** is also available, bringing the same education—you can even ask questions during the session—to your home or office. **You must join the session live on Feb. 9, 14 or 25 to satisfy the state requirement and receive certification.**

**Special discount:** Purchase a 2022 edition of MTA's *Board of Review Guide*, at a discounted rate of \$34.50 (member rate only; non-members, call for rates), when registering for the class. Books will be distributed on-site or shipped to online registrants. Add \$5 shipping/handling for orders up to \$150; \$10 for orders up to \$350.

## In-Person Training:

- Feb. 1: Alpena Events Complex, Alpena
  - Feb. 2: Treetops Resort, Gaylord
  - Feb. 3: Evergreen Resort, Cadillac
  - Feb. 8: Comfort Inn Conference Center, Mt Pleasant
  - Feb. 10: Fetzer Center at WMU, Kalamazoo\*
  - Feb. 11: DoubleTree, Ann Arbor
  - Feb. 16: Michigan Tech University, Houghton\*
  - Feb. 17: Island Resort Conference Center, Harris
  - Feb. 18: Little Bear East Arena, St. Ignace
  - Feb. 23: Bavarian Inn Lodge, Frankenmuth
  - Feb. 24: Quality Inn Forward Conference Center, West Branch
  - Feb. 28: Lansing Community College West Campus, Lansing\*
- \*as of Dec. 23, masks are **required** in these public universities

## Live Online Training: \* Feb. 9, Feb. 14 or Feb. 25

**Instructor varies by location:** *Cindy Dodge, Michigan Certified Assessing Officer, MTA Member Information Services Liaison; Shila Kiander, Michigan Advanced Assessing Officer and Mecosta County Equalization Director; Debby Ring, Michigan Master Assessing Officer; and Laurie Spencer, Michigan Master Assessing Officer and Leelanau County Equalization Director*

**Need to cancel, substitute or switch?** Written cancellation requests received at MTA at least two weeks prior to the event will receive a full refund. No refunds will be issued thereafter. In-person registrations can be switched to online registrations upon timely request; the price difference is applied to administrative processing and no refunds will be issued. If space allows, in-person registrants may switch locations at no charge if MTA is notified at least one week before the event; otherwise, a \$25/person fee will be assessed. Another individual from the same township may be substituted for your registration at any time without incurring a charge; please notify MTA of the change. **Online registrants *only* may switch dates without notifying MTA.** See your confirmation for details.

## Registration Form

This form must include which session EACH person will attend. In-person registrants acknowledge the inherent risk of exposure to COVID-19.

Township	County
Name & Title	Email Address
Will be attending: <input type="checkbox"/> General session <input type="checkbox"/> Vaccinated session <input type="checkbox"/> Online session <b>Needs a book:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
Name & Title	Email Address
Will be attending: <input type="checkbox"/> General session <input type="checkbox"/> Vaccinated session <input type="checkbox"/> Online session <b>Needs a book:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
Name & Title	Email Address
Will be attending: <input type="checkbox"/> General session <input type="checkbox"/> Vaccinated session <input type="checkbox"/> Online session <b>Needs a book:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
Name & Title	Email Address
Will be attending: <input type="checkbox"/> General session <input type="checkbox"/> Vaccinated session <input type="checkbox"/> Online session <b>Needs a book:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
Name & Title	Email Address
Will be attending: <input type="checkbox"/> General session <input type="checkbox"/> Vaccinated session <input type="checkbox"/> Online session <b>Needs a book:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	

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

Invoice township (ONLY for live online registrations)

Card #	Expiration Date
Print Card Holder's Name	Signature

### Choose your date/method of participation:

#### In-Person Training

- Feb. 1: Alpena
- Feb. 2: Gaylord
- Feb. 3: Cadillac
- Feb. 8: Mt Pleasant
- Feb. 10: Kalamazoo
- Feb. 11: Ann Arbor
- Feb. 16: Houghton
- Feb. 17: Harris
- Feb. 18: St. Ignace
- Feb. 23: Frankenmuth
- Feb. 24: West Branch
- Feb. 28: Lansing

#### Live Online Training

- Feb. 9 Online only
- Feb. 14 Online only
- Feb. 25 Online only

*Select preferred date to help us gauge attendance; online registrants ONLY may switch dates without notifying MTA. See your confirmation for details.*

- In-person early-bird rate\*: \$103** Expires two weeks before event date (Premium subscribers pay \$82)
- In-person regular rate\*: \$128** Begins two weeks from event date (Premium subscribers pay \$102)
- Live online only rate\*: \$78** Must be received one week before event date (Premium subscribers pay \$62)

\_\_\_\_ (# registered for in-person) x \$ \_\_\_\_ (rate) = \$ \_\_\_\_

\_\_\_\_ (# registered for live online) x \$ \_\_\_\_ (rate) = \$ \_\_\_\_

\_\_\_\_ (# of books) x (\$34.50/book\* + shipping online only) = \$ \_\_\_\_

**AMOUNT ENCLOSED = \$ \_\_\_\_**

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



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](http://www.michigantownships.org). Questions? Call (517) 321-6467 ext. 221

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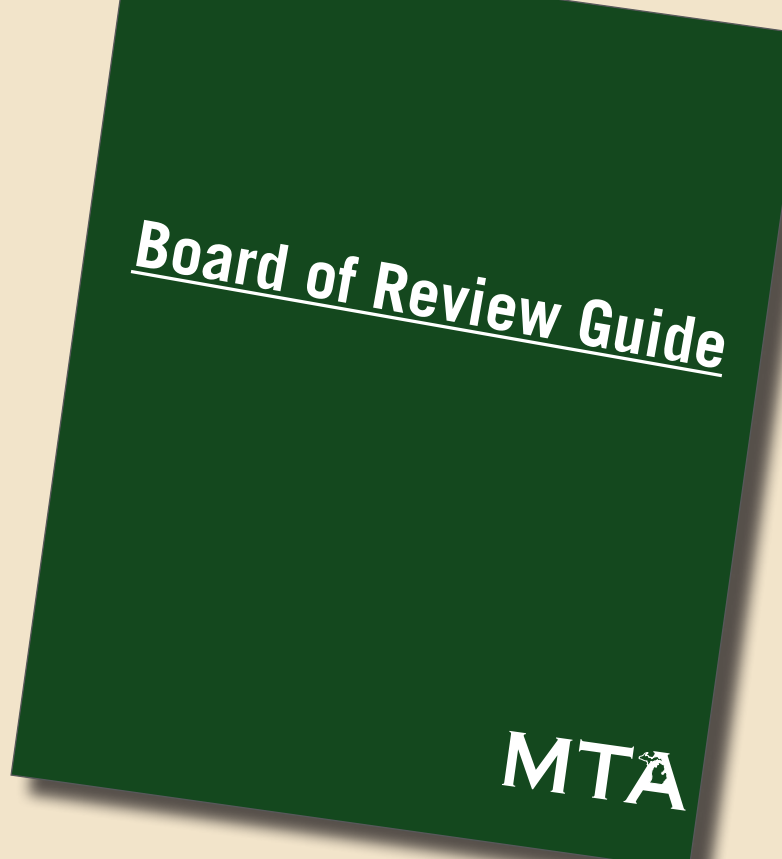
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Name \_\_\_\_\_

Position \_\_\_\_\_

Township \_\_\_\_\_

County \_\_\_\_\_

Phone \_\_\_\_\_

### SHIPPING ADDRESS:

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\$351-\$749, add \$15; over \$750, contact MTA

Add 6% tax if not tax-exempt + \$ \_\_\_\_\_

Total \$

### CHOOSE PAYMENT TYPE

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# Honoring 'hometown heroes'

Township recipients in national spotlight for service to their communities

Our elected and appointed officials and all who serve their townships are the backbone of our communities in Michigan and the nation. That role is, arguably, more important—and more challenging—than ever. Two township leaders and a multi-unit fire and rescue department are among the honorees of a national award program seeking to shine a spotlight on the importance and value of today's hometown leaders.

They were among 100 honorees recognized through the Small Town America Civic Volunteer Award (STACVA) program. This is the second year for the national award competition, which was created to honor extraordinary public service volunteers in smaller localities, and highlight the growing need for citizens to fill these critical civic roles.

This year, the population threshold for eligible communities was increased to 25,000 from 5,000, and submitted nominations from around the country exploded. All told, more than 700 applications were submitted from 49 states, with individuals and municipalities seeking to honor those whose dedication and commitment to their community and public service is above and beyond and, in a word, inspiring.

"All of the 700 nominees were 'winners,' in the sense that local government leaders believed their contributions made a substantial, positive impact on the communities they serve," noted Barton Russell, a former president of the National Association of Towns and Townships (NATaT) and a nationally recognized expert on "everything small town," who spearheads the award program, in partnership with CivicPlus.

MTA Executive Director Neil Sheridan served at the NATaT representative to the five-member award advisory panel. "Your Michigan Townships Association is proud of the commitment and dedication all of our members' officials, employees and volunteers put into serving their communities," Sheridan said. "This year, we were delighted that dozens of you were nominated for this prestigious national award. And we are even more proud of our township honorees. We congratulate you for earning national recognition of your work bettering your community, and thank you for your many years of selfless service."

## 'A pillar in the community'

**James Lavanway** has spent nearly his entire life giving back to his community, and his country.

A U.S. Airforce veteran, Lavanway has served **Sodus Township** (Berrien Co.) residents in myriad roles—from overseeing youth sports to improving township parks and keeping residents safe. "He has been a pillar in the Sodus Township community for over 50 years," Treasurer **Terry McCain** wrote in Lavanway's nomination. "His enthusiasm

for volunteering has been evident to the community, for multiple generations.”

For 20 years, Lavanway supported area youth as the township’s volunteer Little League coordinator. Thanks to these efforts, Sodus youth were active, had friendly competitions, and “community spirits ran high,” noted McCain.

Lavanway is an active firefighter in the Sodus Volunteer Fire Department, with a tenure of more than 50 years. He maintains an active role with the department, as a first responder, leader of the department’s fundraising activities, working with new recruits, presenting fire education at schools, and contributing to multiple community projects. In addition, Lavanway serves as the township’s volunteer park director. Within his directorship of 25 years, his oversight includes conducting regular maintenance and upgrades on the playground equipment. Area families and children benefit from his efforts toward keeping the playground safe and in good condition. The dedicated Lavanway also oversees the landscaping, planting of trees and cleanliness of the parks. His public service extends beyond the township, serving as liaison between Sodus Township and the Berrien County Judicial System for the community service restitution program.

As McCain noted, “Mr. Lavanway is a simple man who reflects the community heart and spirit of Sodus Township.”

### ‘Loves his community’

**Anthony Lozada** has spent nearly 20 years providing emergency services to his community—and he remains committed to providing the best service possible for residents.

The **Silver Creek Township** (Cass Co.) fire chief has made serving the public his life’s work. He spent eight years as an emergency medical technician, before joining 9-1-1 county dispatching in 2012. After six years, he became dispatch supervisor.

After serving as a volunteer with Sister Lakes Volunteer Fire Department—which serves Silver Creek Township, **Keeler Township** (Van Buren Co.) and **Bainbridge Township** (Berrien Co.)—for seven years, Lozada became chief in 2009. He spent two years working to complete his training as a Level 3 Fire Officer, while working full time at county dispatch, raising a family and spending at least 20 hours a week at the fire department.

According to Silver Creek Township Clerk **Lorri Behnke**, who nominated Lozada for the national recognition, since he became chief, the department has increased participation in fire safety and prevention programs at local camps and schools, food drives for local pantries and a free smoke alarm program.

“Anthony’s main goal has been to make this fire department more proactive and to improve its ISO rating,” Behnke noted, instituting a schedule for annual equipment testing and prioritizing a savings program so the department can keep its equipment up to date without needing to finance the upgrades. Construction on a second fire station began in 2021, to help reduce response times.

Always looking for opportunity to advance and improve the department, and safety and opportunities for its personnel, Lozada wrote and received a grant to update

personal protective equipment (PPE) and air packs for all members of the fire department. In 2014, he introduced the requirement for firefighters to complete training for Company Officer 1 & 2 before they can be promoted within the department. And in 2016, he formally restructured the department dive team and standardized their water rescue procedure and PPE for diving. The chief also obtained FirePrograms software to streamline reports, equipment maintenance, officer training and records management.

“Anthony clearly loves his community—all of his community, not just his own department,” Behnke said. “He refers to his firefighters as ‘rock stars’ and is always focused on the next improvement. Anthony is a positive, driven leader in our community; he is a true professional in this demanding volunteer position.”

### ‘I cannot nominate just one’

A municipal department providing emergency services to multiple communities has also been recognized as a STACVA honoree for going “above and beyond” keeping residents safe.

The Montgomery Fire & Rescue Department serves **Camden Township** (Hillsdale Co.) and village, as well as the village of Montgomery. The *entire* department was nominated by Captain **Ann Snellenberger**, who said that she “cannot nominate just one” individual—each member of the 17-person crew is incredibly deserving.

“This group is one of the most caring, and is constantly giving—with no expectations of anything in return,” Snellenberger said. “This team has put their hearts into being there for their community when the tone for help drops, and to hold someone’s hand or be there in an emergency.”

In her nomination submission, Snellenberger noted that for several years, the department’s 17 first responders were paid on a “point system,” with just \$7,000 divided. But following budget cuts, the committed public servants are now truly volunteering for their community. In fact, when the wages were eliminated, their response was, “We don’t do this for the money—we do this because our community needs us.”

“These amazing members serve their community for free and keep giving,” Snellenberger wrote. “They have responded to car accidents, COVID emergencies, house fires and drownings. They have seen what we hope no one has to ever see, and much more.”

Several times a year, department personnel spend their free time hosting fundraisers, garnering sponsors to supply 600 backpacks for community children to go back to school “with supplies and no worries,” Snellenberger said. “Every year for Christmas, they put together fruit baskets and deliver to the elderly in the community. The smile on their faces is priceless.”

They have raised funds to purchase a rescue boat on their own and prepped it for service, and for a compression device to assist in CPR calls. They also implemented a cadet program to help teach the department’s future team members.

“They are always working for something to help the community,” Snellenberger said. “As a captain in this department, I could not ask for a better team.”

# aroundthestate

townships in the spotlight



## Coldwater Township

The area that is now **Coldwater Township** (Branch Co.) was established in 1821, and the township itself was formally established in 1827. The township became the seat of a thriving population. Between 1830 and 1837, the township's population grew to 960. Coldwater Township's first cemetery was established in 1821, though its earliest burial was actually in 1815. Prior to 1951, township board meetings were held in the basement hallway of the Branch County courthouse and the basement of the old county jail. A fire destroyed the courthouse in 1972, forcing the township to relocate its offices. A portion of the Pratt Building was rented until 1974, when the township purchased one acre of land and built a new township hall. The cost of the site and building was paid for with revenue sharing monies.



Today, Coldwater Township, which surrounds the City of Coldwater, has grown to more than 6,000 residents. Because of a franchise agreement between the township and city in the mid-'90s, annexation is no more. Since that time, the township and city have entered into more than 40 Public Act 425 agreements, which has allowed the area to prosper and grow. The township is home to a pork production facility processing over 11,000 hogs per day, which employs hundreds of community members. The township is also home to the largest tomato greenhouse facility in North America, with more than 3.1 million square feet under glass.

Residents value the programs and services provided by the township, including a recycling center and a composting site. Outdoor recreation abounds, with a 21-acre soccer complex that includes a building that can be rented for a variety of uses, a dog park on five acres, eight beautiful pickleball courts



with two pavilions, and a children's park. With the help of a grant from the Michigan Department of Natural Resources, the township was able to add four rain gardens and a natural green roof on the restroom building at the children's park. An outdoor pavilion, seating up to 120 people, can be reserved at no charge to residents. A chain of seven lakes runs through the township, offering numerous water recreation options and great fishing, along with a championship golf course situated along its shoreline.



## MTA's *Now You Know* webinar series provides expertise, insights

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**Now You Know**

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