

Michigan Township Focus

JULY 2019

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

Protecting Michigan's water resources



A new era:
MTA welcomes its
5th executive director
page 3

Taking the township
message to
Washington, D.C.
page 8

Meet Neil Sheridan,
MTA's new leader
page 28



You Serve Others. We Serve You.

Since 1966, Burnham & Flower Insurance Group has been specializing in the unique coverage needs of Michigan's townships. We've learned what is important to public officials like yourself and have made it our ongoing commitment to provide you with unparalleled service and expertise.

Burnham & Flower is your single source for Property & Liability, Group Health Benefits, and Group & Individual Retirement Planning. In addition to comprehensive coverages we provide risk management services, onsite reviews, online enrollment, 24/7 access to each employee's benefits information, and much more.

You can count on us to deliver the products, service and support you want and deserve. Contact us today to discuss how we can serve you!

Burnham & Flower

INSURANCE GROUP

Serving Michigan Townships Since 1966



315 South Kalamazoo Mall, Kalamazoo, MI 49007

800.748.0554 • www.bfgroup.com

contents

July 2019 | Volume 7, Number 6



MTA Official Publication of the Michigan Townships Association
MICHIGAN TOWNSHIPS ASSOCIATION

mta officers

President
Jeff Sorensen, Supervisor
Cooper Charter Township
(Kalamazoo Co.)

First Vice President
Peter Kleiman, Supervisor
Harris Township
(Menominee Co.)

Second Vice President
Bill Deater, Supervisor
Grant Township (St. Clair Co.)

Treasurer
Pauline Bennett, Clerk
Addison Township (Oakland Co.)

Secretary
Connie Cargill, Treasurer
Golden Township (Oceana Co.)

Immediate Past President
Ken Gauthier, Supervisor
Sanborn Township (Alpena Co.)

past presidents

Doug Mansfield, Supervisor
Union Township
(Grand Traverse Co.)

Linda Preston, Supervisor
Pokagon Township (Cass Co.)

Diane Randall, Supervisor
Roscommon Township
(Roscommon Co.)

editorial & design

Publisher G. Lawrence Merrill
Editor Jennifer Fiedler
Advertising Manager Ashley Maher
Former Staff Writer Bethany Mauger
Printer Foresight Group, Lansing

mission statement

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

featured articles

18 Protecting Michigan's water resources

Whether your township operates a water supply or simply uses one, protecting Michigan's water resources is your township's responsibility. Don't assume your water will be clean tomorrow if it isn't protected today. The decisions your board makes today could impact Michigan residents long into the future.

28 A new leader: Neil Sheridan becomes MTA's fifth executive director

When Neil Sheridan first moved to Michigan 20 years ago, he knew he wanted to be involved with townships. But he didn't know that years later, he'd lead the largest municipal organization in the state as the voice for township government. As of July 1, Sheridan is officially MTA's fifth executive director.

in this issue

- | | | | |
|----|--------------------|----|------------------|
| 3 | From the President | 16 | Inside Lansing |
| 4 | News & Notes | 24 | Knowledge Center |
| 11 | Financial Forum | 30 | Legal Review |
| 14 | Hello, MTA ... ? | 32 | Around the State |



mta board of directors

Mary Segalin, Ironwood Charter Township (Gogebic Co.), Dist. 1
 Jim Nankervis, Ishpeming Township (Marquette Co.), Dist. 2
 Peter Kleiman, Harris Township (Menominee Co.), Dist. 3
 Marilyn Strickland, Newton Township (Mackinac Co.), Dist. 4
 Harold Koviak, Burt Township (Cheboygan Co.), Dist. 5
MTA Executive Committee member-at-large
 Sharon Schultz, Torch Lake Township (Antrim Co.), Dist. 6
 Ken Lobert, Ossineke Township (Alpena Co.), Dist. 7
 Marvin Radtke Jr., Green Lake Township (Grand Traverse Co.), Dist. 8
 Steven Ebels, Clam Union Township (Missaukee Co.), Dist. 9
 Kimberly Anderson, Whitney Township (Arenac Co.), Dist. 10
 Connie Cargill, Golden Township (Oceana Co.), Dist. 11
 Yulanda Bellingar, Morton Township (Mecosta Co.), Dist. 12
 Tom Paige, Williams Charter Township (Bay Co.), Dist. 13
 Lawrence Krohn, Oliver Township (Huron Co.), Dist. 14
 Josh Westgate, Wright Township (Ottawa Co.), Dist. 15
 Kevin Beeson, Pine River Township (Grafton Co.), Dist. 16
 Joanne Boehler, James Township (Saginaw Co.), Dist. 17
 Bill Deater, Grant Township (St. Clair Co.), Dist. 18
 Bret Padgett, Comstock Charter Township (Kalamazoo Co.), Dist. 19
 Patti Jo Schafer, Eagle Township (Clinton Co.), Dist. 20
 Pauline Bennett, Addison Township (Oakland Co.), Dist. 21
 Malinda Cole-Crocker, Buchanan Township (Berrien Co.), Dist. 22
 Donald Rogers, Coldwater Township (Branch Co.), Dist. 23
 Al Boggs, Rome Township (Lenawee Co.), Dist. 24
 Diana Lowe, Genoa Charter Township (Livingston Co.), Dist. 25

To find your MTA District, visit www.michigantownships.org or call (517) 321-6467.

postal requirements

Michigan Township Focus serves as the medium for the exchange of ideas and information for the elected and appointed officials of Michigan townships. The views expressed and the material presented by the contributors and advertisers are not to be construed as having the endorsement of the officers, board of directors, staff or membership of the Michigan Townships Association nor represent the views or positions of said parties unless specifically so stated.

Michigan Township Focus, Issue 6 July 2019 (ISSN 2330-9652), is published monthly, except for a combined March/April 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. 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.

Michigan Township Focus, © 2019
 Michigan Townships Association, all rights reserved.



president's round table

Burnham & Flower Insurance Group
 315 S. Kalamazoo Mall
 Kalamazoo, MI 49007
 (800) 748-0554
www.bfgroup.com
See ad on inside front cover.

Municipal Employees' Retirement System of Michigan
 1134 Municipal Way
 Lansing, MI 48917
 (517) 703-9030
www.mersofmich.com
See ad on page 7.

Michigan Township Participating Plan
 1700 Opdyke Ct.
 Auburn Hills, MI 48326
 (248) 371-3657
www.theparplan.com
See ad on back cover.



leadership circle

Asphalt Materials Inc.
 3737 Fisher Rd.
 Columbus, OH 43228
 (614) 634-6024
www.asphalt-materials.com

DTE Energy
 One Energy Plaza
 Detroit, MI 48226
 (800) 477-4747
www.dteenergy.com

ITC Holdings Corp.
 27175 Energy Way
 Novi, MI 48377
 (248) 946-3000
www.itc-holdings.com

Rosati, Schultz, Joppich & Amtsbuechler, PC
 27555 Executive Dr., Ste. 250
 Farmington, MI 48331
 (248) 489-4100
www.jrsjlaw.com

Bauchham, Sparks, Thall, Seeber & Kaufman, PC
 470 W. Centre Ave., Ste. A
 Portage, MI 49024
 (269) 382-4500
www.michigan-townshiplaw.com

Fahey Schultz Burzych Rhodes PLC
 4151 Okemos Rd.
 Okemos, MI 48864
 (517) 381-0100
www.fsblawyers.com

Mika Meyers PLC
 900 Monroe Ave. NW
 Grand Rapids, MI 49503
 (616) 632-8000
www.mikameyers.com
See ad on page 10.

Ted Hartleb Agency, An EMC Insurance Company Partner
 5840 King Hwy.
 Kalamazoo, MI 49048
 (269) 385-5911
www.hartlebagency.com

Consumers Energy
 2400 Weiss St.
 Saginaw, MI 48602
 (989) 791-5608
www.consumers-energy.com

Foster, Swift, Collins & Smith, PC
 313 S. Washington Sq.
 Lansing, MI 48933-2193
 (517) 371-8100
www.fosterswift.com



keystone club

Carlisle Wortman Associates, Inc.
 117 N. First St. Ste. 70
 Ann Arbor, MI 48104
 (734) 662-2200
www.cwaplan.com
See ad on page 9.

Gourdie-Fraser, Inc.
 123 W. Front St., Ste. A
 Traverse City, MI 49684
 (231) 946-5874
www.gfa.tc

Miller Canfield
 150 W. Jefferson Ave., Ste. 2500
 Detroit, MI 48226
 (313) 963-6420
www.millercanfield.com
See ad on page 13.

Wade Trim
 25251 Northline Rd.
 Taylor, MI 48180
 (734) 947-9700
www.wadetrim.com
See ad on page 5.

David Chapman Agency
 5700 W. Mt. Hope Hwy.
 Lansing, MI 48917
 (517) 321-4600
www.davidchapman-agency.com

GFL Environmental USA Inc.
 6200 Elmridge Dr.
 Sterling Heights, MI 48313
 (844) 464-3587
www.gflusa.com

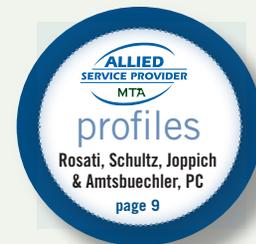
Nickel & Saph, Inc. Insurance Agency
 44 Macomb Place
 Mount Clemens, MI 48043
 (586) 463-4573
www.nickelsaph.com

Emergent Health Partners
 1200 State Circle
 Ann Arbor, MI 48108
 (734) 477-6783
www.emergenthealth.org

Michigan Municipal Risk Management Authority
 14001 Merriman Rd.
 Livonia, MI 48154
 (734) 513-0318
www.mmrma.org

Tyler Technologies
 1194 Oak Valley Dr., Ste. 150
 Ann Arbor, MI 48108
 (800) 457-3863
www.tylertech.com

Participation in the Allied Service Provider program does not constitute or imply MTA's endorsement of the company or its products/services.



MTA welcomes our new executive director, Neil Sheridan

In the Michigan Townships Association's 66-year history, four leaders have steered the helm as executive director. Now, it is my honor and privilege as MTA president to welcome our fifth, Neil Sheridan.



Hiring a new executive director is bittersweet. Our outgoing leader, Larry Merrill, faithfully served our members and township government throughout his 39 years at the Association. Larry has been such a rock for me since I became **Cooper Charter Township** (Kalamazoo Co.) supervisor. He's a go-to, a mentor, a walking township encyclopedia.

Larry has always shown the utmost respect for me as an individual, but even more than that, he respects anyone who's passionate about township government. If by some chance you're not passionate, he does his best to create that passion and light a fire of excitement for the form of government closest to the people.

Filling Larry's position was not a job the MTA Board of Directors took lightly, so we sought professional help. A search committee of Board members interviewed several executive search firms throughout the country before settling upon the Michigan Society of Association Executives (MSAE), which we felt would best know what MTA stood for and the qualities we need. When the job was posted online, 48 applications flooded in. MSAE honed down the applicant list to eight candidates and brought each one in for an interview.

Our search committee painstakingly vetted those candidates down to three finalists for a second round of interviews. Neil, of course, was among the three. In the final interviews, each candidate was asked to write and present an "elevator speech" for MTA, explaining what the Association means to them and to townships in Michigan. This is where Neil excelled tremendously. Before his interview, Neil dove into issues from MTA's *Township Focus* magazine and listened to *Township Talk* podcasts. He had done his research, and it showed. I was amazed when he could quote from MTA publications without a single note in front of him.

One particular quality we wanted in an executive director was the ability to engage and captivate an audience. As anyone who's been to MTA's Annual Conference knows, one of Larry's finest qualities is to stand in front of a group for two hours and have it feel like you've only been listening for 15 minutes. In his interview, Neil showed the search committee he could do just that.

We were also struck by his team-player style of leadership. He made it clear to us that MTA has nothing to fix, and the exemplary staff knows how to do their jobs. His job would be to continue to listen to the staff, learn from them and ask how he could make things even better for them. He truly cares about the staff as individuals, not just as employees. His goal is to make sure MTA's staff continues to look forward to coming to work and enjoy their jobs.

Change is never easy, but I can assure you that our membership is in good hands. We have a new leader who is more open to listening than he is to talking. He isn't coming to us with an agenda other than to continue MTA's success and reputation as one of the finest associations in Michigan. I'm excited for the opportunity to work with him, and I know you will be, too.

Neil, welcome to MTA! We are thrilled to have you and look forward to seeing where you take the Association.

A handwritten signature in black ink, appearing to read "Jeff Sorensen". The signature is fluid and cursive, written on a white background.

news¬es

a compendium of noteworthy items

THE PLACE TO BE

Townships still Michigan's fast-growing communities

Townships remain the fastest-growing municipalities in the state, according to recently released U.S. Census Bureau population estimates for cities, villages and townships. All 10 of the fastest-growing local units are townships.

Lyon Charter Township (Oakland Co.) is the state's fastest-growing community, increasing 42 percent since 2010. It now has an estimated 20,628 residents. **Allendale Charter Township** (Ottawa Co.) saw a population increase of 29 percent—adding 5,978 residents and bringing its total population to 26,684.

Other townships rounding out the top 10 are:

- **Washington Township** (Sanilac Co.)—27 percent increase, to 2,102 residents
- **Algoma Township** (Kent Co.)—25 percent increase to 12,452 residents
- **Aurelius Township** (Ingham Co.)—Up 24 percent to 4,368 residents
- **Oceola Township** (Livingston Co.)—Up 24 percent to 14,767 residents
- **Jamestown Charter Township** (Ottawa Co.)—Increased 23 percent, to 8,618 residents
- **Byron Township** (Kent Co.)—Increased to 24,444 residents, up 20 percent.
- **Caledonia Township** (Kent Co.)—With 14,659 residents, an increase of 19 percent
- **Leighton Township** (Allegan Co.)—Increased 18 percent to 5,845 residents

Michigan's three largest townships are also now at record-setting populations for the municipalities.

Clinton Charter Township (Macomb Co.) is the state's 7th largest municipality in the state, with an estimated population of 100,800 in 2018. This represents a change of 4,004, or a 4 percent increase since 2010, when the population was 96,796.

Canton Charter Township (Wayne Co.) and **Macomb Township** (Macomb Co.) both top 90,000-plus in population, with the former now having an estimated population of 93,018—an increase of 3 percent since 2010. Macomb Township increased more than 11,000 residents, coming in at 90,758, up 14 percent from 2010.

Almost half of Michigan residents live in the state's 75 largest cities and townships, according to the latest Census data. Of the 75 largest municipalities, 32 are townships.



ROUGH ROADS

Asset Management Council report shows roads continue to deteriorate

Michigan's roads continue to deteriorate, according to the 2018 Annual Road & Bridge Report released by the Michigan Transportation Asset Management Council (TAMC). The report highlights pavement and bridge conditions across the state.

According to the report, 2018 condition data indicates 41 percent of federal-aid eligible roads are in poor condition, 38 percent are in fair condition and 21 percent are in good condition. Twelve years ago, 25 percent were in poor condition. The report noted that paved federal-aid roads in poor condition now surpass the number of miles in fair condition.

"For well over a decade, more roads have deteriorated than have been improved," the report noted. "This has happened every year since 2005, and 2018 was not an exception. This trend must be reversed if Michigan's roads are to improve."

Federal-aid eligible roads include state trunklines as well as roads under the jurisdiction of Michigan's counties, cities and villages.

The report also includes data on bridge conditions in Michigan, showing 10.7 percent of all bridges rated as structurally deficient. As the number of bridges in "fair" condition increases, there continues a need for preservation to prevent a further increase of poor bridges.

The council did note some encouraging news: that with added years of investment data, new types of analysis are becoming available, and culvert data collection and asset management workshops are continuing to expand asset inventory collection tools and efforts.

Watertown Charter Township (Clinton Co.) Manager **Jennifer Tubbs** represents MTA on the council.



GREAT HONOR

Township honor guard lays wreath at Tomb of the Unknown Soldier

The **Redford Charter Township** (Wayne Co.) Police Department Honor Guard had the privilege of laying a wreath at the Tomb of the Unknown Soldier in Washington, D.C. during this year's Police Week in May.

National Police Week is an annual gathering of tens of thousands of survivors and law enforcement officers from around the world who gather in our nation's capital to participate in a number of planned events that honor those who have paid the ultimate sacrifice.

Representing Redford Charter Township were Chief **Nick Lentine**, Lieutenant **Rich Cory**, and Officers **John Burris** and **Dustin Nelson**.

The Tomb of the Unknown Soldier is a monument dedicated to all U.S. service members who have died without their remains being identified.

ASSESSING YOUR ASSESSING

STC releases assessing FAQ

The State Tax Commission (STC) recently approved a new resource to offer additional guidance to local governments about property assessment. The "Property Assessing Reform Proposal Frequently Asked Questions," available at www.michigan.gov/statetaxcommission, reflects changes to the General Property Tax Act as a result of Public Act 660 of 2018, and includes information about property assessing reform, the designated assessor, boards of review and villages.

The "Supervising Preparation of the Assessment Roll" document was also updated to reflect the removal of land value maps as a required record to be maintained, as amended by PA 660.

The STC will be continuously updating its website with information regarding property assessing reform, including bulletins, guidance and any required forms.

As mentioned in the June *Township Focus* cover story, "Assessing Your Township's Assessing," the commission has also established a dedicated email—AssessingReformQuestions@michigan.gov—for submitting questions related to property assessing reform.

NEW RULES

Reminder: Townships wishing to opt out of recreational marijuana establishments should adopt ordinance soon

Under the Michigan Regulation and Taxation of Marijuana Act (MRTMA), any municipality that wishes to delay or prevent recreational marijuana establishments or retail businesses from locating in their community must adopt an "opt-out" ordinance.

As included in the June issue of *Township Focus*, draft emergency rules to regulate recreational marijuana were expected to be released sometime in June by the state Marijuana Regulatory Agency (MRA). While the MRTMA requires the agency to begin accepting applications no later than Dec. 6, 2019, the MRA shared with MTA that it may begin accepting applications as soon as 90 days after the rules are issued. The rules had not been released as of *Township Focus*' press time.



If a township wishes to prohibit recreational marijuana establishments or retail shops in their community, it must adopt an opt-out ordinance. Once the state begins accepting applications—which could be as soon as September—they can locate recreational marijuana establishments in any townships that have not opted out. If they have not already done so, townships that wish to opt out should adopt regulatory ordinances immediately.

A sample ordinance to prohibit recreational marijuana establishments is available on the members-only side of MTA's website, www.michigantownships.org. After logging in, access our Marijuana Resources web page under the "Answer Center" tab. Townships should work with their legal counsel on adopting an opt-out ordinance.

Watch MTA publications for updates and additional information on the rules as they become available.




800.482.2864
www.wadetrim.com

Engineering Stronger Communities

For nearly a century, we've been solving complex engineering challenges to maximize the value of your infrastructure investments. We adapt our work processes to fit the unique demands of each project using a collaborative, friendly style. The result? Solutions you can stand behind.

UP IN THE SKY

Remember: 2018 law changed when consumer fireworks can be used

The Michigan Fireworks Safety Act (Public Act 256 of 2011, MCL 28.451, *et seq.*) was amended in late 2018 to reduce the number of days municipalities are prevented from regulating consumer fireworks. Now, the only days and times where a municipality may not regulate the ignition, discharge or use of consumer fireworks are:



- 11 a.m. on Dec. 31 to 1 a.m. on Jan. 1
- 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day
- 11 a.m. to 11:45 p.m. on June 29 and 30, and July 1, 2, 3 and 4
- 11 a.m. to 11:45 p.m. on July 5, if that date is a Friday or Saturday
- 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day

The new amendments apply to all municipalities equally, regardless of population.

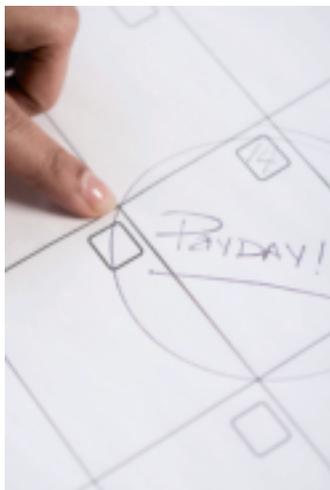
For more resources, visit MTA's "Fireworks Regulation" webpage at www.michigantownships.org/members.

IRS INFO

IRS resources available to help townships as employers

Due to recent changes in the federal Tax Cut and Jobs Act, all townships should have their employees check their paychecks for payroll tax withholdings to ensure the correct amount is being deducted. The Internal Revenue Service (IRS) has a new web page—www.irs.gov/paycheck-checkup—with guidance to help employees do just that.

Another new IRS web page, the "Public Employer's Toolkit," has a link to every document townships need as a public employer and for payroll taxes. Search for the page on www.irs.gov to access forms, reference guides and more.



WAIT AND SEE

SCOTUS grants stay in redistricting order

Just after *Township Focus'* press time for the June issue, the U.S. Supreme Court granted a stay in the order that several Michigan Congressional and state House and Senate districts lines be redrawn by Aug 1.

This means that Michigan's Legislature can hold off redrawing the state's political boundaries pending appeal of a court order of *League of Women Voters of MI v. Benson*.

As reported in the June *Township Focus*, in late April, a three-judge federal panel ordered the state Legislature to redraw nearly three dozen boundaries for congressional and state legislative seats, saying they were unconstitutionally



gerrymandered in order to favor Republicans. Michigan Republican lawmakers requested the stay, saying that the timeline ordered by the court was unreasonable and that district lines were already set to be redrawn after the 2020 Census.

The Supreme Court is considering substantially similar cases from North Carolina and Maryland that could affect Michigan's case. A decision in those other cases is expected by the time the court's term ends in late June.

The state Bureau of Elections has indicated that it will develop timelines and informational materials for clerks and election administrators if and when they are needed to help prepare for the new redistricting plans.

Watch MTA publications for details as they become available.

MONROE · CANTON · LANSING · DETROIT · TRAVERSE CITY · HOUGHTON



- Municipal Engineering
- Special Assessment Districts
- Asset Management Plans
- Planning | Landscape Architecture
- Site Plan Review & Inspection
- Road / Bridge Design
- Funding Assistance
- Geotechnical
- Environmental
- Surveying
- Construction Support

www.MannikSmithGroup.com

NEW RIGHTS

Hundreds of voters take advantage of new Proposal 18-3 rights for May election

Proposal 18-3, approved by voters in November 2018, codified numerous new voter rights, including same-day registration and registration within two weeks of Election Day. According to the state Bureau of Elections Data Analytics Team, 37 percent of jurisdictions participating in the May 7 election had voters register or update their registration address within the 14 days prior to the election and on Election Day. Most of those registering in this period were between 18 and 21 years old, and most people registered on Election Day. The bureau noted:

- 703 registrations were processed 14 days prior to and on Election Day
 - 441 of these voters (63 percent) registered on Election Day
 - 568 of these voters (81 percent) were registering for the first time in Michigan

The bureau is analyzing and releasing election data to assist clerks with preparation for future election cycles.



PLANNINGMICHIGAN 2019 September 25-27 | planningmi.org

The Michigan Association of Planning's annual conference in beautiful downtown Kalamazoo offers sessions customized for township planning and zoning officials including a comprehensive zoning administrator workshop, a panel of township experts moderated by MTA's own Executive Director, an opportunity to take the MSU Extension Citizen Planner Program in only three days, relevant national speakers and a variety of mobile workshops.

Learn more at planningmi.org/planning-michigan-conference



Your Partner in RETIREMENT

MERS provides customized benefits to fit your workforce and your budget

- Retirement plans
- Other post-employment benefits
- Group life and disability insurance



www.mersofmich.com
800.767.MERS (6377)





NATaT fly-in brings MTA members to Washington, D.C.

Township officials and MTA staff took the township agenda straight to Capitol Hill in June. The National Association of Towns and Townships' (NATaT) annual Washington, D.C., fly-in brought MTA President **Jeff Sorensen**, **Cooper Charter Township** (Kalamazoo Co.) supervisor, MTA Treasurer **Pauline Bennett**, **Addison Township** (Oakland Co.) clerk, Supervisor **Gary Wall**, **Waterford Charter Township** (Oakland Co.) and Supervisor **Jorja Baldwin**, **Fort Gratiot Charter Township** (St. Clair Co.) to the nation's capital. MTA's Government Relations Director Judy Allen, new Executive Director Neil Sheridan and former Executive Director Larry Merrill joined the group of local officials in meeting with members of the Michigan congressional delegation.

The MTA group met first-term Reps. Elissa Slotkin (D-Holly) and Haley Stevens (D-Rochester Hills), taking the opportunity to present information on the services and value that township government provides to Michigan residents. They also met with staff for Reps. Tim Walberg (R-Tipton), Paul Mitchell (R-Dryden) and Fred Upton (R-St. Joseph), and Sens. Debbie Stabenow (D) and Gary Peters (D).

Key issues discussed included broadband deployment, protecting local authority over rights-of-way, infrastructure, tax exemptions for municipal bond re-issues, and first responder incentive tax exemptions. These meetings not only reminded members of Congress that local government matters, it also helped to build relationships that are critical to grassroots advocacy.

During the fly-in, Merrill was also recognized by NATaT for his involvement with the organization, having served on its board for many years and as its president from 2012-2014.



Remembering MTA Life Member and MTA's 50th President Marv Besteman

MTA Life Member and 1993 President **Marvin Besteman Jr.** passed away this spring. Besteman, who served on the **Kinross Charter Township** (Chippewa Co.) Board for 42 years, was MTA's 50th president. He represented the eastern district of the Upper Peninsula as MTA District director.



Besteman

Besteman lived his entire life in his hometown of Rudyard. From a young age, he began working at his father's sawmill, and eventually took over the family business. While still in high school, he began making maple syrup as a project for the Future Farmers of America. His Besteman Maple Syrup business has grown over the years with the help of the whole family.

Township government was in Besteman's blood, as his grandfather served on the township board in the 1940s and his father served on the board of review for more than four decades. Besteman first began serving Kinross Township on the township zoning board before running for clerk in 1976. He later served as trustee, until his retirement just last fall. He was named "Township Clerk of the Year" in 1988.

Besteman was elected to the MTA Board in 1981, and served as a Board member for 25 years. He was also on the Michigan Township Participating Plan board, where he served as president for one year.

"Marv was well liked on the MTA Board for his easygoing manner, and he and his wife Dee enjoyed hosting the MTA staff for smoked lakefish and fried perch whenever we were in the area for workshops," said former MTA Executive Director Larry Merrill.

Besteman was an avid outdoorsman, including hunting and fishing (although he never ate the fish, according to his family!). He was known as a good friend and neighbor whose door was always open for coffee, conversation and a meal.

Community Connection Tips & Tricks

Not yet on MTA's online networking site, *Community Connection*? Your first step is to access the site via the members-only side of www.michigantownships.org or go directly to <http://community.michigantownships.org>. Click the "Sign in" button, which brings you to either the MTA member or *Community Connection* log-in page, and enter your MTA username and password. When logging in for the first time, you must review and agree to the *Community Connection* "Code of Conduct." Then, join the discussions and start connecting!



Your MTA username is your email address on file with MTA. If you do not remember your password, click "Forgot Password" to receive an email to re-set your password, or call MTA at (517) 321-6467 for assistance.

Wishing MTA Staff Writer Bethany Mauger farewell and good luck

June brought more changes than MTA Executive Director Larry Merrill's retirement. MTA Staff Writer Bethany Mauger left MTA last month to pursue a full-time book writing career.

We are truly excited for this amazing opportunity for her, and wish her all of the best. And we thank Bethany for her nearly six years at the Association, where she has elevated the writings and information provided to our members, in *Township Focus*, *Township Insights* and *Township Voice*, as well as being a critical part of our social media efforts and launching our successful *Township Talk* podcast.

Bethany did an exceptional job taking complicated issues, talking with experts, and creating resources that are accessible, valuable and useful for our members. Thank you, Bethany, and good luck!



Mauger

profile



Rosati, Schultz, Joppich & Amtsbuechler, PC

Municipal law specialists protect townships of all shapes and sizes

All Michigan townships—charter or general law, rural or suburban, population 900 or 90,000—are facing increasingly sophisticated legal challenges in a rapidly changing world.

Rosati, Schultz, Joppich & Amtsbuechler, PC (RSJA) has a team of 26 attorneys who have proudly dedicated their careers to serving the public through the practice of municipal law. As a result, all of RSJA's township clients, big and small, receive the benefits of having what amounts to a large-size municipal law department at their disposal.

Each RSJA township client has a primary attorney on call 24/7/365 to help address day-to-day questions, advise the township board and administration, and attend meetings. For specific issues, they collaborate with one of the 25 other attorneys in the office who specializes in that discipline.

Through its Farmington Hills and Lansing offices, RSJA offers attorneys across the state with deep knowledge and experience in general law and charter governance, employment and labor law, constitutional law and civil rights, freedom of information and open meetings issues, contracts, zoning and land use, property acquisition, environmental issues, economic development tools, municipal building construction, municipal infrastructure and utility systems, taxes and assessing, civil litigation, appeals, prosecutions, ordinance enforcement and more.

"They have a wealth of knowledge," said **Green Oak Charter Township** (Livingston Co.) Supervisor **Mark St. Charles**. "It's like one-stop shopping. If I need a labor attorney, they have one. If I need a land use attorney, they have one. If I need someone for the Michigan Supreme Court, they have one. The whole firm is a very balanced, professional and knowledgeable group of attorneys."

Opinions expressed within do not represent the views of MTA, its Board or members. Participation in the Allied Service Provider program does not constitute or imply MTA's endorsement of the company or its products/services. For more information, turn to the Allied Service Provider Index on page 2 or visit www.michigantownships.org/asp.asp.



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

Advertorial

63

Michigan communities have a 22-person planning department. You can, too.

"They're always available to provide advice on most planning or zoning issues and their advice is based on 35 years of experience in numerous communities throughout Michigan."

R. Brent Savidant, planning director, City of Troy

Carlisle | Wortman
ASSOCIATES, INC.

CWAPLAN.COM 734.662.2200

mta events | July

9-10 *Planning & Zoning Team Professional Development Retreat, Bellaire*

11-12 *Township Supervisors' Professional Development Retreat, Bellaire*

15-16 *Township Treasurers' Professional Development Retreat, Bellaire*

17-18 *Township Clerks' Professional Development Retreat, Bellaire*

26-27 *Township Trustees' Professional Development Retreat, Bellaire*

Got township questions? MTA has answers!

Member township officials and employees may contact MTA Member Information Services staff with questions Monday through Friday, from 8 a.m. to 5 p.m. Call (517) 321-6467, fax to (517) 321-8908, or email:

- MTA Director of Member Information Services Michael Selden: michael@michigantownships.org
- MTA Staff Attorney Catherine Mullhaupt: catherine@michigantownships.org
- MTA Member Information Services Liaison Cindy Dodge: cindy@michigantownships.org



Does your township have a print or electronic newsletter for residents?

Help MTA stay on top of what's happening in your township by adding us your mailing list! E-newsletters can be emailed to jenn@michigantownships.org; print newsletters can be mailed to: Michigan Townships Association, Attn. Jenn Fiedler, PO Box 80078, Lansing, MI 48908-0078. Thank you!

Bradley A. Fowler

Mark E. Nettleton

Proven municipal expertise

Municipalities are balancing costs with meeting the demands of constituents. Let us help you. From municipal finance to labor contracts, to elections and enforcement.

- General Municipal
- Municipal Finance and Bond Counsel
- Litigation
- Election and Ballot Proposals
- Special Assessments
- Property Tax Appeals
- Zoning and Land Use Planning
- Intergovernmental Cooperation
- Labor and Employment
- Environmental
- Water, Sewer, Drainage Systems
- Technology
- Condemnation
- Libraries

mikameyers.com
(616) 632-8000

Mika Meyers PLC
Attorneys at Law





As treasurer, can I deposit funds in any commercial bank of my choosing?

No. According to MCL 41.77, all township depositories must be approved by the township board, as provided by resolution. In the resolution, the board can list several institutions the treasurer may use. In addition, the bank must be a participating member of the Federal Deposit Insurance Corporation (FDIC) and have a branch office located in Michigan.



How do I know if my financial institution has some type of federal deposit insurance?

Generally, most member banks feature the FDIC symbol in their promotional materials. The FDIC website, www.fdic.gov, lists member institutions and their financial operating results, along with general information. Most credit unions that belong to the National Credit Union Share Insurance Fund (NCUSIF) feature the logo in their materials. NCUSIF also has a website, www.ncua.gov.



How does federal depository insurance work for townships?

FDIC and NCUSIF insure township deposits in member banks up to \$250,000 per institution for checking (demand deposit accounts), and \$250,000 for time and savings accounts.



Should our treasurer open many accounts in different member banks to maximize FDIC insurance coverage?

The cost of implementing this solution may outweigh the benefits of additional insurance coverage, particularly if the financial institutions currently being used have a strong balance sheet and operating results. Many townships find concentrating investments and deposits into a small number of financial institutions, with strong balance sheets, results in better service, lower fees and better rates. Many larger townships would find it nearly impossible to provide FDIC insurance to all their investments and deposits, and in some instances use other tools to increase the security of investments.

Some communities require banks to “collateralize” deposits and investments. Collateralization requires the depository bank to place in escrow (usually with a third-party trustee) agreed-upon securities, such as commercial paper, or U.S. Treasuries or agencies, whose market value is equal to 105 percent of the uninsured bank deposits. This arrangement essentially grants the township with a security interest in banks’ investments in case of a failure. Many states—not Michigan, however—require collateralization of public deposits. In Michigan, collateralization is an option, and if asked for, in most cases, the investment rate will be lower than non-collateralized certificates of deposit.

Other townships directly invest in U.S. Treasury securities. Since U.S. Treasury securities carry no credit risk, the township gives up some investment return for the credit safety gained. As both approaches will cost the township investment returns, the treasurer, operating under the township’s investment policy, must weigh these costs (lower investment returns) against the benefits gained (credit safety).



If we wanted to concentrate most of our deposits in one institution, how can we get comfortable with the financial condition of the bank?

The FDIC has a tool on its website to gather financial information. The most common reports are known as “call reports” on your bank. You must know the bank’s FDIC number or headquarters location, which can be found on the FDIC’s site. With these reports, you can review the bank’s balance sheet and operating results, and run ratio analysis to determine trends. The FDIC even has a tool to compare your bank’s results with all member banks or banks of similar sizes. Remember: Investment over-concentration carries some risk, and it is better to diversify investment holdings.

You may also wish to use bankrate.com, a free service, or Thomson Reuters, which has a fee-based service, or consult with your local county treasurer’s office or your county treasurers’ association.

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.

JULY

1 Taxes due and payable in those jurisdictions authorized to levy a summer tax. (MCLs 211.44a(3) and (4))

2 Deadline for governmental agencies to exercise the right of refusal for 2018 tax foreclosure proposals. (MCL 211.78m(1))

8 Notice of close of registration for Aug. 6 election published. One notice required. (MCL 168.498)

Clerk shall post and notify the secretary of state of hours the clerk's office will be open on the Saturday or Sunday, or both, immediately before the Aug. 6 election to issue and receive absentee voter ballots. (MCL 168.761b)

Clerk shall post and notify the secretary of state of additional locations and hours the clerk will be available to issue and receive absentee voter ballots for the Aug. 6 election, if applicable. (MCL 168.761b)

16 *Tuesday after the third Monday in July.* The July board of review may be convened to correct a qualified error. (MCL 211.53b) The township board may authorize, by adoption of an ordinance or resolution, an alternative meeting date during the week of the third Monday in July. (MCL 211.53b(9)(b))

An owner who owned and occupied a principal residence on May 1 for taxes levied before Jan. 1, 2013, for which the exemption was not on the tax roll may file an appeal with the July board of review in the year for which the exemption was claimed or the immediately succeeding three years. For taxes levied after Dec. 31, 2012, an

owner who owned and occupied a principal residence on June 1 or Nov. 1 for which the exemption was not on the tax roll may file an appeal with the July board of review in the year for which the exemption was claimed or the immediately succeeding three years. (MCL 211.7cc(19))

An owner of property that is qualified agricultural property on May 1 may appeal to the July board of review for the current year and the immediately preceding year if the exemption was not on the tax roll. (MCL 211.7ee(6))

July board of review may hear appeals for current year only for poverty exemptions, but not poverty exemptions denied by the March board of review. (MCL 211.7u, STC Bulletin No. 6 of 2017)

22 Last day to register for the Aug. 6 election in any manner other than in-person with the local clerk. (MCL 168.497)

23 *through 8 p.m. Aug. 6.* In-person registration with clerk for the Aug. 6 election with proof of residency. (MCL 168.497)

Partisan and nonpartisan candidates for Nov. 5 election file nominating petitions and Affidavits of Identity by 4 p.m. (MCL 168.644e) Withdrawal deadline elapses at 4 p.m. on July 26.

26 Write-in candidates file Declaration of Intent forms for Aug. 6 election by 4 p.m. (MCL 168.737a)

By 29 Clerk forwards names and addresses of partisan and nonpartisan candidates for Nov. 5 election to county clerk. (MCL 168.321)

By 30 Notice of Aug. 6 election published. One notice required. (MCL 168.653a)

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

By 31 Appeals of property classified as residential real, agricultural real, timber-cutover real or agricultural personal must be made by filing a written petition with the Michigan Tax Tribunal (MTT) on or before July 31 of the tax year involved. (MCL 205.735a(6))

Industrial Facilities Exemption Treasurer's Report (Form 170) must be filed with the Property Services Division on or before July 31 of the tax year involved.

A protest of assessed valuation or taxable valuation or the percentage of Qualified Agricultural Property exemption subsequent to board of review action must be filed with the MTT in writing on or before July 31.

AUGUST

By 1 Public accuracy test must be conducted for Aug. 6 election. (R 168.778). Notice of test must be published at least 48 hours before test. (MCL 168.798)

1 Deadline for local school districts and intermediate school districts to file Form 5451 *2019 Debt Millage Rate for Personal Property Tax Reimbursement to School District or Intermediate School District.* (MCL 123.1353(4))



We've got plans to cover all of yours.

Blue Cross Blue Shield of Michigan and Blue Care Network offers the complete insurance solution to protect the overall health and well-being of your employees.

For more information, contact the Michigan Township Association at 800-653-2483

GROUP HEALTH PLANS | SPECIALTY BENEFITS | BCBSM.COM/EMPLOYERS

DOWNLOAD OUR MOBILE APP



Blue Cross Blue Shield of Michigan and Blue Care Network are nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association. 8/27/2017

Deadline for local school districts to file Form 5609 *2019 Hold Harmless Millage Rate for Personal Property Tax Reimbursement*. (MCL 123.1353(4))

Deadline to file Form 5608 *Portion of 2018 Essential Services Millage Rate Dedicated for Cost of Essential Services*. (MCL 123.1353(7))

Deadline to file Form 5613 *Millage Rate Correction for 2019 Personal Property Tax Reimbursement Calculations*. (MCL 123.1358(4))

2 Electors may obtain an absentee voter ballot via first-class mail until 5 p.m. (MCL 168.759)

4 Electors who wish to receive an absentee voter ballot for Aug. 6 election by first-class mail must submit applications by 5 p.m. (MCL 168.759)

5 Electors qualified to obtain an absentee voter ballot for Aug. 6 election may vote in person in the clerk's office until 4 p.m. (MCL 168.761)

6 Emergency absentee voting for Aug. 6 election until 4 p.m. (MCL 168.759b)

Election.

Election Day registrants may obtain and vote an absentee voter ballot in person in the clerk's office or vote in person in the proper precinct. (MCL 168.761)

7 Candidates without political party affiliation who seek a partisan office on the Nov. 5 ballot file qualifying petitions and Affidavits of Identity by 5 p.m. (MCL 168.590c) Withdrawal deadline elapses at 4 p.m. on Aug. 12.

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

13 Ballot wording of proposals qualified to appear on Nov. 5 ballot certified to county and local clerks by 4 p.m. (MCL 168.646a)

By 15 Clerk forwards names and addresses of candidates without political party affiliation who seek a partisan office on Nov. 5 ballot to county clerk. (MCL 168.321)

15 Deadline for electronically paying and filing the essential services assessment with the state Department of Treasury without interest and penalty. (MCL 211.1057)

By 19 *By the third Monday in August.* Deadline for taxpayer to file appeal directly with the Michigan Tax Tribunal if final equalization multiplier exceeds tentative multiplier and a taxpayer's assessment as equalized is an in excess of 50 percent of true cash value. (MCL 2015.737(7))

■ Steven Mann
+1.313.496.7509
mann@millercanfield.com

■ Patrick McGow
+1.313.496.7684
mcgow@millercanfield.com

■ Thomas Colis
+1.313.496.7677
colis@millercanfield.com

■ Katrina Piligian Desmond
+1.313.496.7665
desmond@millercanfield.com

■ Steve Frank
+1.313.496.7503
frank@millercanfield.com

■ Jeffrey Aronoff
+1.313.496.7678
aronoff@millercanfield.com

■ Ronald Liscombe
+1.313.496.7906
liscombe@millercanfield.com

■ Ian Koffler
+1.517.483.4904
koffler@millercanfield.com

THE LAW FIRM FOR TOWNSHIPS

From municipal bonds to innovative projects, collaborative agreements and tax increment financing, townships and their attorneys throughout Michigan rely on Miller Canfield's 160+ years of collective wisdom and diverse expertise.

We are where you are. Local firm. Global resources. ■

Attorney advertising material – Prior results do not guarantee similar outcomes. This message is for general information only and should not be used as a basis for specific action without obtaining further legal advice.



MILLER CANFIELD

millercanfield.com/PublicLaw



When does the treasurer have to disburse tax collections to the other taxing authorities?

MCL 211.43 specifically governs the disbursement by the township treasurer to the county treasurer (state and county taxes), school district(s), public transportation authorities, and intermediate school districts and community college district.

Treasurers are generally required to remit tax collections within 10 business days of the first and 15th day of each month that taxes are collected. (MCL 211.43(3)(a))

For example, for the 2019 summer tax collection bills sent out on July 1, the township should remit taxes collected July 1 through July 15, 2019, by July 29, 2019, to all taxing authorities. Taxes collected July 16 through July 31, 2019, would be remitted on Aug. 15, 2019.

The Michigan Department of Treasury's *Accounting Procedures Manual* requires that "the distribution should include all collections made up to that point."

A treasurer who willfully neglects or refuses to perform a duty of timely disbursing tax collections as required in MCL 211.43 may be guilty of a misdemeanor, punishable by imprisonment for not more than six months or a fine of not more than \$300, and is liable to a person injured to the full extent of the injury sustained. (MCL 211.119(1))

Are there exceptions to the disbursement schedule?

MCL 211.43(4) does allow the township serving as the tax collecting unit and the local governmental unit for which the tax collections are made to enter into a mutual agreement establishing an alternative schedule for delivering tax collections.

Townships under \$15 million in state equalized valuation or less are also allowed to disburse winter taxes collected from Dec. 1 through Jan. 10, within 10 business days after Jan. 10 unless they have more than 25 percent of the amount of the taxes apportioned to the township. When collections on hand reach this percentage, the township treasurer shall immediately account for and disburse to all taxing authorities.

Although townships with a state equalized valuation of \$15 million or less may have different distribution dates per MCL 211.43(5), it is recommended by the Department of Treasury that all tax collecting units disburse all tax collecting money on hand within 10 business days of the 1st and 15th of each month.

Does the township disburse its own collection on the same schedule as other disbursements?

The statute does not explicitly require it, but it makes sense to do so, giving the township access to its tax revenues and making it easier to reconcile the tax collection disbursement account each month. But many townships do wait until settlement to formally transfer the township's tax collections to the township. Regardless of whether a township disburses township funds at settlement or on the regular disbursement schedule, all funds must be transferred out of the current year tax collection account and a zero or imprest balance should be in place after settlement.

Is the tax collection account different from other township bank accounts?

The current year property tax collection account is a form of "trust" account and is subject to strict rules. The funds in the current year property tax collection account cannot be commingled with other funds.

The *Accounting Procedures Manual* requires real and personal property taxes collected by the treasurer to be deposited in a separate bank account in the name of the treasurer. The account must be reduced to a zero or imprest balance as soon as possible after settlement with the county. The property tax administration fee (PTAF) revenues must also be deposited in the account and disbursed to the township with the township's taxes.

Is it possible to earn interest on the tax collection account before disbursement?

The current year property tax collection may be an account that earns interest. (Note that this is not the same thing as moving tax collections into a different account/investment vehicle prior to disbursing those collections to the respective taxing units—see below.)

If the current year property tax collection account earns interest, the interest follows principle and is disbursed to the respective tax levying units. MCL 211.43(12) states that any interest earned "shall also be accounted for and delivered to the respective taxing units on a pro rata basis."

According to the Department of Treasury's Summer Education Tax (SET) Frequently Asked Questions, "The

general rule is that interest follows principal, unless there is statutory language to the contrary. In 1985, the Court of Appeals in *Grand Rapids Public Schools v City of Grand Rapids* (146 Mich. App. 652) held that ‘Interest on public funds designated for a specific purpose follows those funds, absent a clear statutory provision to the contrary, in general, interest is merely an incident of the principal fund, making it the property of the party owning the principal.’”

MCL 211.43 subsections (12) and (13) do allow for agreements between the township and a taxing unit that authorizes the township to retain the earned interest on that taxing unit’s collections.

Note that interest earned on the SET is treated differently, according to Treasury:

“County treasurers have the authority to keep earned interest on the SET. MCL 211.43(10)... provides that ‘The county treasurer may retain the interest earned on the money collected under Act No. 331 of the Public Acts of 1993 while held by the county treasurer, as reimbursement for the cost incurred by the county in collecting and transmitting the tax imposed by that act.’

“Township and city treasurers have authority to keep earned interest on the SET. MCL 211.43c provides that ‘Notwithstanding section 43, if there is not an agreement for alternative schedules for delivering interest earned, the local tax collecting unit shall retain interest earned on the collections of the state education tax levied under the state education tax act, Act No. 331 of the Public Acts of 1993, being sections 211.901 to 211.906 of the Michigan Compiled Laws, while in the possession of the local tax collecting unit.’”

Interest earned on the PTAF is retained by the township.

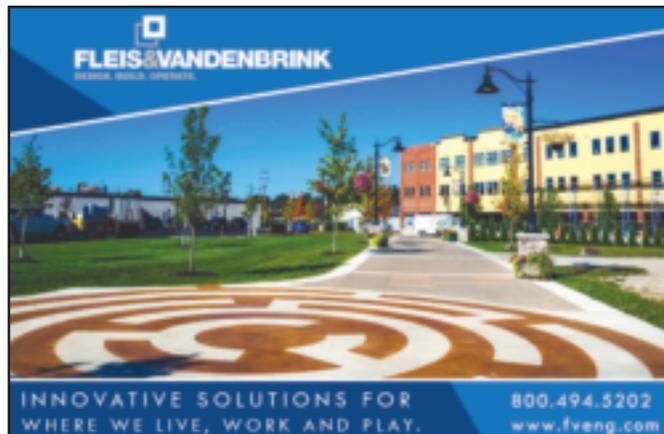
Per MTA Legal Counsel, the Investment of Surplus Funds of Political Subdivisions Act, Public Act 20 of 1943, MCL 129.91, *et seq.*, authorizes local units of government to invest surplus funds. For example, the township treasurer invests surplus funds of the township as directed by the township investment policy. Once it is disbursed to the taxing units, including the township, the tax collection revenues may be surplus funds for those taxing units, but they are not surplus funds of the township or other units while they are in the tax collection account.

MTA Legal Counsel also caution that a treasurer may be jeopardizing their bond if they invest tax collections in any account other than the current year property tax collection account because their bond would likely not cover actions outside of their statutory authority. A treasurer has no statutory authority to move those collections out of the tax collection account or to invest other public entities’ surplus funds.

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.

Is it possible to invest the tax collections before disbursement?

There is no statutory authorization to remove tax collections from the current year property tax collection account except to disburse them to the respective tax levying units.



Experience the Difference



Local Government ERP

- Financial Management
- Community Development
- Public Works
- Personnel Management





Scholarship Sponsor

Get started today at (855) BSA-SOFT | www.bsasoftware.com



Natural Resources Trust Fund funnels money to local outdoor projects

More than 20 townships will receive \$7 million to expand parks, improve trails and develop campgrounds under a recently signed bill.

Public Act 12 of 2019 was signed May 14 by Gov. Gretchen Whitmer and has immediate effect. The law, sponsored by Rep. Phil Green (R-Millington Twp.), allocates \$26 million to fund 64 projects recommended to the Natural Resources Trust Fund Board. Of the funding, \$18.7 million will be spent on 30 land acquisition projects, and \$7.4 million will go to land development projects. Matching funds will cost \$15.8 million, bringing the total project costs to \$41.8 million.

Delinquent tax payments will be required before land parcel divisions

Townships could soon see their property tax revenue increase under a bill awaiting enactment that requires property taxes due for the previous five years to be paid before a parcel of land is divided.

House Bill 4055, sponsored by Rep. Bradley Slagh (R-Zeeland Chtr. Twp.), received final passage with MTA's support. Once signed by Gov. Gretchen Whitmer, the bill will amend state statute setting conditions required before a land division is allowed.

The bill requires a tax payment certification of a parcel of land as a condition for approving any proposed land division. If someone applies for a land division on or after March 1 and before the treasurer has returned the current delinquent taxes, the county treasurer would have to include on the certificate a notation that the return of delinquent taxes was not available for examination.

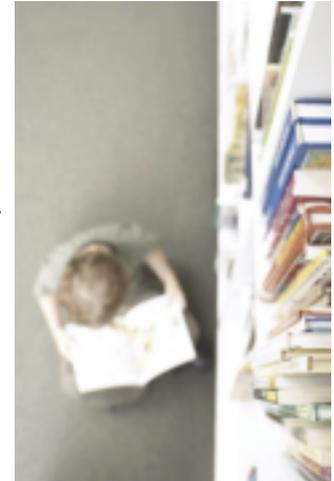
Land division applications could not be denied due to the presence of such a notation. The county treasurer would collect a certification fee of at least \$5 for carrying out the examination process.

Libraries can be re-established under Charter Township Act

Four Michigan libraries inadvertently left without an authorizing statute will be allowed to continue operating under a bill awaiting Gov. Gretchen Whitmer's signature.

House Bill 4119, sponsored by Rep. Luke Meerman (R-Polkton Chtr. Twp.), received final passage and is expected to be signed into law with MTA's support.

Once enacted, the bill will address a problem in which at least four public libraries in charter townships were established under the school code, which was later updated without the library authorization language. While the Charter Township Act allows public libraries to be established, they're limited to charter townships in counties with a population of at least 750,000 but less than two million. HB 4119 will fix this glitch, allowing free public libraries to be re-established in charter townships if they were first established under a repealed act.



Civil asset forfeiture bills to take effect Aug. 7

Law enforcement will no longer be allowed to permanently seize money or property related to drug crimes under certain conditions.

Gov. Gretchen Whitmer recently signed three bills into law—Public Acts 7, 8 and 9 of 2019, sponsored by Sen. Peter Lucido (R-Shelby Chtr. Twp.) and Reps. Jason Wentworth (R-Clare) and David LaGrand (D-Grand Rapids). The laws take effect Aug. 7 and were monitored by MTA for their potential impact on townships.

Together, the laws target a practice called civil asset forfeiture, in which property is seized by governmental entities if it's suspected of having been used for or derived from drug-related crimes. The practice is believed to deter crime by removing the financial incentive for that activity; however, it has come under scrutiny in recent years.

Under the new laws, money or property could only be seized if the individual was either convicted of or pleaded guilty to the crime, or the total value was over \$50,000. This total does not include the value of the contraband.

Legislative lowdown

A quick look at critical bills that MTA is following as they move through the legislative process. For a complete list, head to MTA's "Legislative Action Center" on the members portion of www.michigantownships.org, or look to our weekly and monthly e-newsletters sent to all MTA member officials.

SB 14: Drinking water standards—Provides for maximum PFAS contaminant levels allowed for drinking water standards. *MTA monitoring.*

SB 19: Public employees and officers—Modifies population thresholds for contracts of public servants serving as public safety officers. *MTA supports.*

SB 26, HBs 4025 & 4047: Property tax—Requires Michigan Tax Tribunal determinations to consider all three methods of appraisal in assessment disputes and prohibits deed restrictions on valuation of property. *MTA supports.*

SB 28: Motor fuel tax—Requires motor fuel tax to be dispersed to county where fuel is pumped. *MTA monitoring.*

SBs 31-32: Recreation passport—Expands current recreation passport program to include trails and state forest campgrounds. *MTA monitoring.*

SB 39: Property tax assessments—Excludes private deed restrictions from being considered by the Michigan Tax Tribunal if they substantially impair the highest and best use of property as compared to property subject to assessment. *MTA supports.*

SB 46: Property tax assessments—Clarifies valuation of wind energy systems. *MTA supports.*

SBs 47-48 & HBs 4069 & 4465: Alternative energy personal property—Provides personal property tax exemption for alternative energy systems up to specific threshold. *MTA neutral.*

SB 54 & HB 4100: Historic preservation tax credit—Restores the state historic preservation tax credit program. *MTA supports.*

SB 78: Elections—Requires ballot instructions to be printed on ballot. *MTA monitoring.*

SBs 79, 117 & 297: Elections—Revises procedure for returning absentee ballots for military personnel. *MTA monitoring.*

SB 104: Open Meetings Act—Allows additional remedies for noncompliance to include attorney fees and allows a one-year window during which civil actions may be brought. *MTA opposes.*

HB 4035: Local preemption—Prohibits local regulation of dogs based upon breed or perceived breed. *MTA opposes.*

HB 4046: Land use/zoning preemption—Limits local zoning regulation of vacation rentals and short-term rentals. *MTA opposes.*

HB 4083: Sanctuary cities—Prohibits local laws that prevent local officials from cooperating with federal authorities regarding an individual's immigration status. *MTA opposes.*

HB 4091: Neighborhood Enterprise Zones—Modifies eligibility requirements to qualify as a rehabilitated facility. *MTA supports.*

HB 4095: Land use/zoning preemption—Preempts local zoning authority for child foster care institutions for a state licensed facility up to 10 children. *MTA opposes.*

HB 4101: Downtown development authorities—Modifies membership appointed to the downtown development authority board. *MTA supports.*

HB 4185: Destruction of property—Adds willfully and maliciously destroying or damaging the real property of a fire, sheriff or police department to the current prohibition regarding a fire or police department's personal property. *MTA supports.*

HB 4209: Township treasurer designee—Allows the township treasurer to appoint a designee to act on their behalf for tax collection purposes under certain conditions. *MTA supports.*

HB 4227: Committee on Michigan's Mining Future—Creates an advisory committee on the future of mining within the Department Environment, Great Lakes & Energy that includes municipal representation. *MTA supports.*

HB 4268: Broadband personal property exemption—Creates a personal property tax exemption for new broadband equipment that resolves lack of broadband service. *MTA opposes.*

HB 4408: Recreational authority audit—Modifies the requirement for an annual audit based on whether a recreational authority levies and collects a millage. *MTA supports.*

HB 4468: Freedom of Information Act—Allows a person making a FOIA request to request any written response be made by email, fax or first-class mail if the public body has the technological capacity to provide the documents and response electronically. *MTA neutral.*

HB 4454: Unlawful dumping—Revises criminal penalties and civil fines for unlawful dumping of garbage. *MTA supports.*

HBs 4554-4563: Short term rental—Creates the Short-term Rental Promotion Act requiring registry of short-term rentals and retains local zoning authority. *MTA supports.*

Protecting Michigan's water resources

Jeff Sorensen will never forget the moment he learned his community's water was undrinkable.

On July 26, 2018, the **Cooper Charter Township** (Kalamazoo Co.) supervisor picked up the phone like he would any other day. His state senator, Margaret O'Brien, was on the other end.

"Did you know the municipal water system that serves Cooper and Parchment is contaminated with PFAS?" she asked him.

Sorensen felt as if he'd been punched in the stomach as he hung up. A recent test had confirmed a nightmare scenario—the township's drinking water had levels of per- and polyfluoroalkyl substances (PFAS) at 20 times higher than the federal government recommends. He and his township's residents had unknowingly been ingesting the chemical that's linked to cancer, thyroid problems and low infant birth weights.

The coming days and weeks were a blur of emergency meetings, handing out cases of water and hooking the township's water system onto the City of Kalamazoo's system. Residents continue to feel the impact today, as the township works to provide water to more than 400 residents with contaminated wells.

"It makes you look back and see how years ago, we abused our natural resources," Sorensen said. "We put chemicals on the ground and thought it would go away. Now we're paying the price."

PFAS has dominated headlines throughout the past year as the latest chemical threatening the health and welfare of Michiganders. Unfortunately, it's far from the only threat to Michigan's precious water resources. Failing septic systems, combined sewer overflows and emerging contaminants



continue to close waterfronts, deter anglers and cross yet another water supply off the list of usable sources.

Yet water is the lifeblood of Michigan. As the only state that touches four of the five Great Lakes, Michigan borders 90 percent of the country's fresh surface water supply. An additional 36,000 miles of rivers and streams, as well as 11,000 inland lakes, add to Michigan's reputation as a recreational playground. Residents rely on clean water pouring from their faucets for drinking, cooking, showering and the list goes on. Tourists travel from out of state to enjoy Michigan's more than 3,000 miles of shoreline along the Great Lakes.

Whether your township operates a water supply or simply uses one, protecting Michigan's water resources is your township's responsibility. Maybe your township has a high

number of homes with septic systems, or perhaps it's home to a landfill or brownfield site that could potentially leak chemical substances. Don't assume your water will be clean tomorrow if it isn't protected today. The decisions your board makes today could impact Michigan residents long into the future. Local units of government can't afford to assume their water is fine until they're told otherwise.

"The solution to water contamination continues to be shutting down a groundwater source and plugging a community into another source," said Sean Hammond, deputy policy director of Michigan Environmental Council. "What happens when we start running out of sources? We need to start digging in and addressing how we treat contamination and how we stop it in the first place."

Chemical contamination

For nearly a century, per- and polyfluoroalkyl substances were used as the go-to chemical for making surfaces stick-proof. Teflon pots and pans, stain-proof carpet and plastic food wrappers made life easier for households and soon proliferated the market. Even firefighters used the chemical in a foam to help put out fires.

PFAS is known as a forever chemical, meaning it doesn't break down or dissipate over time, whether it's in a human body or a lake, river or stream. PFAS continues to collect as more is ingested or released over time. That's a problem because, in recent years, PFAS has been linked to everything from cancer to hormone disruption.

Last year, the Michigan PFAS Action Response Team sampled nearly 1,600 drinking water systems and schools looking for the chemical. While just two breached the federal action level of 70 parts per trillion, about 10 percent of the tests came back positive for PFAS—including **Plainfield Charter Township** (Kent Co.).

PFAS was first discovered there in 2013, when the township was required to test for it through the Environmental Protection Agency's Unregulated Contaminant Monitoring Rule, Water Treatment Plant Supervisor **Donald Petrovich** said. Though Plainfield Charter Township's never exceeded the health advisory standard of 70 parts per trillion, it was clearly present in one of the township's three wellfields, the result of an aging landfill nearby. The company that owned the landfill even built a filtration system to keep chemicals from leaching into the wellfield, but unfortunately, the system wasn't effective for PFAS.

Petrovich ordered the wellfield to be closed in 2015, but afterward, trace amounts of PFAS were still found in the other two wellfields—an average of 8.5 parts per trillion. As homeowners detected PFAS in their private wells too, a public outcry grew.

"It's been the most intense time of my career," Petrovich said. "I've been here 40 years. We've dealt with contaminants before, but we had no idea how to take care of PFAS until we did our research."

Petrovich knew he had to take action—and quickly. Board members voted to set aside \$400,000 for an emergency fix to convert the water plant's filters to carbon, an effective method for removing all traces of PFAS. With the help of state representatives, the township secured a \$750,000 grant to pump nine million gallons of water a day through carbon filters. That allowed the township to use its own dollars for filters to cover another three million gallons of water. A large chunk of the state grant money will be used for testing water for any trace of the harmful substance.

When the two-year project is finished, township residents will drink water that's passed through a cutting-edge



The days and weeks following the discovery of PFAS in Cooper Charter Township's (Kalamazoo Co.) water system were a blur of emergency meetings, handing out cases of water and hooking the township's water system onto the City of Kalamazoo's system. Residents continue to feel the impact today, as the township works to provide water to more than 400 residents with contaminated wells.

filtration system so ahead of its time that it's drawing state, national and even international media attention. Typically, water treatment plants opt to use pressure tanks to remove PFAS before it enters the system. While it's effective, it also comes with a hefty price tag of \$15 million. After extensive research, Petrovich learned that carbon filters would accomplish the same feat for a fraction of the cost.

"This has ramifications for other water treatment plants across the state and across the nation," Petrovich said.

PFAS isn't a chemical your community can afford to ignore. Hammond doesn't mince his words—if your community's water tests PFAS at 70 ppt, you need another water source, and you need it as soon as possible. Any test results between 10 and 70 should be shared with residents.

Hammond urges township officials to encourage their businesses and brownfield owners to test their outgoing water. Forming a partnership now, before contamination is detected, can help you to better work together and potentially prevent a crisis. But he warns that even after PFAS disappears from newspaper headlines, chemicals in water are still a major concern.

"It's not that this chemical is the end-all, be-all of problems," Hammond said. "It's a symptom of a system we set up for years and years that doesn't properly protect our groundwater and drinking water supplies from chemical contamination. There's always the latest chemical crisis, and we can never seem to get ahead of it because we never address the root cause."

Septic systems

Many Michigan homes are far beyond the reaches of municipal sewer lines. About 1.3 million home septic systems are used instead to treat waste in our state alone—yet Michigan is the only state in the U.S. without a statewide sanitary code to regulate their use.

The Michigan Department of Environment, Great Lakes and Energy estimates 130,000 failing septic systems are currently operating in Michigan—about 10 percent. Those systems release an estimated 31 million gallons of raw sewage daily into the groundwater. While some failing systems are repaired or replaced immediately, others go undetected for years.

In 2015, Dr. Joan Rose of Michigan State University published a study tying septic systems to the presence of E. coli in a watershed. She and her researchers sampled 64 Michigan rivers for E. coli and the human fecal bacteria B-theta. Researchers took samples focused on bacteria entering a stream from the surrounding groundwater, allowing them to examine how pollution could come from groundwater rather than runoff from a storm. The research clearly showed that the more septic systems in a watershed, the more human fecal source tracking bacteria was present in the water.

“It’s a symptom of the fact that once you put a septic system in the ground, there’s no state requirement that anyone ever looks at it again,” Hammond said. “It’s a factor of out of sight, out of mind.”

While some homeowners regularly have their septic systems pumped and inspected, some don’t. Adding to this problem is the fact that many older septic systems are now faced with more demands than they were built to handle. Houses that were built as summer homes around a lake are now occupied year-round or used as rentals for higher numbers of occupants.

Some septic system failures are detected with alarms that alert the homeowner, but sometimes, those mechanisms don’t work. That’s why a few municipalities, including **Long Lake Township** (Grand Traverse Co.), are turning to point-of-sale ordinances. These ordinances require every home to have its septic system inspected before it can be sold.

Long Lake Township is now 10 years into its program, township planner **Leslie Sickterman** said. With every home in the township served by community or private septic systems, the community’s active lake association and township officials wanted to protect water quality to preserve their lifestyles and property values. They believed the solution was greater oversight of septic systems. At the same time, an EPA grant allowed the township to update its watershed management plan, which identified a need for just this sort of program.

So the township turned to a point-of-sale ordinance. With the help of an attorney and the county health department, the township spent a year rolling out the ordinance and notifying realtors and property owners. Officials also identified how they would approve third-party inspectors, information to include on inspection reports, how the township would receive those inspections and how they would be tracked.

At first, the township tracked every home sale and compared them to the inspection reports it received. Today, that’s not necessary—realtors, title agencies and mortgage companies all know about the requirement. Instead of resisting the inspections, realtors and sellers alike view it as a selling point. In most cases, they conduct their inspections early, and if there’s an issue, they make sure the seller addresses it.

“They like having those clean reports,” Sickterman said. “It’s one more thing the buyer can be assured of.”

Sickterman receives anywhere from an inspection report or two a week during the winter to four or five a day during peak summer months. Throughout the past 10 years, inspectors have uncovered septic tanks operating below standard levels, in imminent states of failure or current failure. Each time a failure or serious issue is identified, the health department is immediately alerted and can require the property owners to fix or replace their system. Major issues are fortunately rare, Sickterman said.

Today, many township properties’ systems have been inspected two, three or even four times as they’ve changed hands. Homeowners who know an inspection is part of a home sale are more likely to take care of their septic system to avoid future issues.

“It’s hard to measure, but I certainly think there’s a heightened awareness in our township,” Sickterman said. “I don’t think you can say this hasn’t improved water quality in the township.”

While point-of-sale ordinances are undoubtedly helpful, they are rare. Only a handful of townships, counties and villages have one, while most have nothing regulating their septic systems. Some have raised concerns that requiring an inspection could potentially infringe on the sale of someone’s home, dissuading officials from requiring inspections. However, taking the difficult step to adopt an ordinance can help to ensure your community continues to have clean water in the future.

Combined sewer overflows

Sandra Diorka likes to think of the **Delhi Charter Township** (Ingham Co.) wastewater treatment plant as a water resource recovery effort. After all, the water we have today is the water we’ll use tomorrow. Even water that’s flushed down the toilet never really disappears. Instead, as the director of public works, it’s Diorka’s job to turn that toilet water back into a usable resource.

To accomplish that mission, every drop of water that enters the plant flows through a multi-step process designed to strain and clean all contaminants and particles out of the finished product. By the time it leaves, it’s clean enough to drink. In some communities, water from the wastewater treatment plant is discharged into the same body of water that’s used for drinking.

The danger for any wastewater treatment plant is the possibility that water could leave the plant untreated. That’s a real problem for communities with combined wastewater and stormwater sewers, where rain from the street and sewage all end up in the same pipe. In heavy rains, wastewater plants



Whether your township has its own municipal water system or it connects to another, officials have a responsibility to make sure their community's water is safe. No one should have to question whether the water pouring from their tap each day could potentially lead to health problems down the road.

sometimes can't handle that level of water at once. The result is water pumping straight out to the receiving water without treatment. In other words, raw sewage flows directly into rivers, lakes and streams. Each year, about 5.7 billion gallons of raw sewage flow into Michigan waterways because of these overflows—and that's not counting partially treated sewage. According to Clean Water Action, an extreme two-day rain storm hit southeast Michigan in August 2014, overwhelming combined sewer systems and resulting in 10 billion gallons of raw and partially treated sewage to overflow the system, flood basements and pollute waterways.

"Those discharges often mean you can't swim in the water after a rainstorm, because it's contaminated," Diorka said.

To avoid this scenario, Delhi Charter Township invested in building a separated sanitary sewer, which is now a best practice for infrastructure. Rainwater and sewage have separate sewers, and a heavy rainstorm won't result in combined sewer overflows.

Even so, the township has a back-up plan. Water still manages to sneak into the sanitary sewer through manhole covers and other openings, and sometimes, it rises too high in the pit where water first enters the system. If that happens, the water is instead pumped to overflow lagoons built to store up to 20 million gallons of water, and it waits there to be treated. Delhi Charter Township has even loaned its pumps to other communities during rainstorms because it doesn't have as great of a need.

The problem is projects of this magnitude aren't quick, easy or inexpensive. Clean Water Action reports that the City of

Grand Rapids began separating its sanitary and storm sewer pipes in 1991 and didn't complete it until 2015. In total, the project cost \$400 million, which was paid for with municipal bonds. However, the project also created jobs and stopped the flow of raw sewage into the Grand River.

"Preventing overflows is crucial," Diorka said. "That's why we were put here. If you let the sewage get out, rivers can catch on fire, people can die of cholera, and it's a bad thing. If all the water is contaminated, what would we do?"

Budget now to protect water

Ultimately, prevention is the key to keep Michigan's water clean—and that takes planning. Communities that plan and save for separating their sanitary and storm sewers or installing carbon filters can avoid sudden rate hikes in times of emergencies that anger their residents.

Clean water comes down to proper infrastructure. When communities attempt to run their waterworks and wastewater on a shoestring budget, contamination often follows. Diorka credits Delhi Charter Township officials with the forethought and planning to separate its sewers before it was forced to do so. That's just their mentality, she said.

"In Delhi, if we've even started to approach situations where our infrastructure was inadequate, we replace or repair it so we never put ourselves in a bad situation," she said.

But the reality is, emergencies can happen, sometimes through no fault of your township. If a test shows your community's water is undrinkable, you need a plan, Sorensen said. Townships should examine their capital improvements plans and set aside money in case they need to suddenly hook their water onto another community's water supply. They should develop a strategy of steps they would take and resources they would draw from if they needed to supply their residents with a temporary alternative water source.

Whether your township has its own municipal water system or it connects to another, officials have a responsibility to make sure their community's water is safe. No one should have to question whether the water pouring from their tap each day could potentially lead to health problems down the road.

"That's really the bottom line here," Hammond said. "When you turn on a tap, and you're providing your family with water, you should know it's safe, and you're able to drink it without fear."



Bethany Mauger, MTA Staff Writer (former)

THANK YOU

2019 MTA-PAC CONTRIBUTORS*



Platinum

Patti Schafer

Gold

Dan Acciavatti
Judy Allen
Chris Barnett
Joseph Boogren
William Deater
John Hinkle
Larry Merrill
Richard Stauffer

Silver

Tony Barnes
Kevin Beeson
Pauline Bennett
Joanne Boehler
Artie Bryson
Kenneth Gauthier
Edward Hak
Harold Koviak
Lance Schuhmacher
Marvin Radtke
Diane Randall
Donni Steele
Donald Rogers

Bronze

Kimberly Anderson
Tracey Bartlett
Charles Beckwith
Ruth Blake
Nicole Blonshine
Dennis Bragiel
Alan Briolat
John Calhoun
Connie Cargill
Jim Christopher
Elizabeth Heiny-Cogswell
Ed Comber
Mindy Cole-Crocker
Stephen Crusoe
Susan Daugherty
Belynda Domas
Mike Dombrowski
Omer Doran
James Drolett
Todd Eldred
Timothy Elkins
Terry Eull
Michael Flood, Jr.
Paul Gambka
Steven Gerhardt
Carol Gillman
Penny Haney
Richard Hults
Barry June
Lawrence Krohn
George Kullis
Cathy Lane
Andrew Linko
William Livingston
Lana Mangiapane
Kim Markee

Karyn Miller
Kevin Moran
James Nankervis
Denny Olson
Bret Padgett
Thomas Paige
Tina Papineau
Jayne Passeno
Terry Peck
Deborah Peterson
Daniel Pulaski
Jacki Reed
Harley Rider
James Ringler
Maria Sandow
Sharon Schultz
Bill Seppanen
Kern Slufter
David Sommers
Jeffrey Sorensen
John Steimel
Frederick Thorsby
Rachel Vallance
Kathy Vosburg
Roger Wickerham
Pat Williams
Lynette Wolfgang
Leon Wright

Member

Phillip Abney
Keith Acker
Roy Aho
Dorance Amos
Michael Appel
Carol Asher
Brenda Ashley
Robert Bailey
Shirley Ball
Tammy Beal
Henry Behrenwald
Yulanda Bellingar
Dennis Bjorkquist
Wanda Bloomquist
Dawn Bolock
Marsha Bouwkamp
Marilyn Brancheau
Gary Brandt
Dennis Brennan
Charles Briolat
Sam Britton
Jerry Brown
Lee Brown
Mary Brown
Linda Bruckner
Sara Burkholder
Kelly Bushre
James Chapman
Dave Chrenka
Meryl Christensen
Mary Clark
Terri Close
Maggie Cooper
Richard Cooper
Robert Corrin

Ronald Cousino
Mike Coutant
Adam Cramton
Robert Crawford
Mary Daniels
Laura Dawson
Carol DeHaan
Kenneth DeWeerd
Robert Dopkowski
Richard Dougherty
Lydia Draves
Marsha Drouin
Robert DuBois
Katie Parker-Ebbers
Steven Ebels
Carol English
Scott Eno
Arlene Erickson
Joan Farwell
Sheryl Feazel
Brigid Forlenza
Paul Foust
Paul Fox
Dawn Sawicki-Franz
Thomas Frazier
James Frederick
Jerry Fritz
Kellie Fuelling
John Gehris
Adrienne Glover
John Golan
Kimberly Gonczy
Karen Goodhue
Larry Green
Gary Griewahn
Norman Groner
Tom Gunning
Joyce Hagood
Robin Hanrahan
Robert Hanvey
Lori Hayes
Rick Hayes
David Heeres
Donna Heeres
Shirley Herron
Daniel Hess
Peggy Hoard
Herschel Hoese
Dennis Hook
Joyce Hook
Deb Hoyt
Madalyn Joyce Hubble
Dennis Huehl
Dianna Ireland
Patrick Jenks
Elyn Kallio
Steven Karpiak
Bill Kasprzak
Mary Ellen Keel
Skip Keeter
Dennis Keiser
Wayne King
George Kinsella
Peter Kleiman
John Kohr

Kristina Koski
Brian Krus
Roger Krzeminski
Stephanie Kuziak
Bethel Larabee
Larry Leach
Thomas Lehman
Paul Lehto
Kenneth Lobert
Diana Lowe
Kendall MacConnell
Denise MacFarlane
Greg Madura
Jerry Marchetti
James Marion
Carl Marsh
Donald Martin
Kevin Martin
Debbie Masserant
Elizabeth Masters
Robb Maynard
David McCormick
Donna McDougall
Terry McIver
Melvin McNally
Linda McSweyn
John Mella
Douglas Merchant
Tim Mester
Thomas Metiva
Tim Mickler
Carie Milburn
Mark Miller
Reggie Miller
Sherine Miller
Cindy Minnie
Michelle Mohney
Mark Mudge
Penny Nelson
Jacob Newby
Elgin Nichols
Tom Norbey
Darrell Oman
Sharon Ossewaarde
Scott Owen
Gregory Palen
Louis Parsch
Cathy Pavick
Robert Pawlak
James Peek
Gregory Petrimoulx
Edward Pfaff
Sue Pike
James Pitsch
Norm Poli
Robert Press
Linda Preston
Henry Rasmussen
Sandy Reardon
Kurt Reich
Wesley Reinbold
Marilyn Rendell
William Renn
Michael Rife
Darla Rippee

Debra Roberson
Sharon Rogers
Jerome Rohde
Mayelene Rood
Karen Rosa
Denise Rossman
Rodney Roy
Walter Ruhl
Patricia Sampier
Donna Samyn
Rita Sands
Bill Schumacher
Roger Seeley
Fran Semenick
Brent Sharpe
Peter Shonka
Larry Simons
Terrie Smith
Dianne Scheib-Snider
Ronda Snyder
Mike Sowles
Tom Stege
Carol Stone
Constance Stone
Marilyn Strickland
Ron Stroven
Paul Swartzendruber
Carol Taylor
Janice Thelen
Gregory Thomas
Randy Thompson
William Thompson
Shellene Thurston
Sheryl Tillitson
Linda Trombley-Robitaille
Dan Turke
Sheryl Tussey
Michelle Valuet
Peter Van Nort
Charles Veneros
William Wagner
Jean Wahlfield
Cinda Walton
Paul Wasek
Teri Webber
Linda Weger
Dale Weidmayer
Marian Werner
Paul White
Nancy Wieland
Mark Wilkin
Kathy Windiate
Starr Wirth
Kevin Young
Kimberly Young
Jesus Yruegas

Contribution Levels

Platinum	\$1000+
Gold	\$500-999
Silver	\$250-499
Bronze	\$100-249
Member	\$1-99

*As of June 14, 2019

Mark your calendar for upcoming educational opportunities for your township

As an MTA member, you belong to the largest community of local government officials in the state. Our educational events provide an opportunity to connect with that community, MTA staff and other municipal experts, to discuss the latest issues affecting townships. Take note of what's coming up and watch your email and mailbox for additional details and registration materials, or visit www.michigantownships.org.



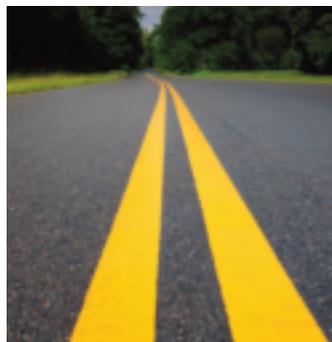
Emerging Issues in Planning & Zoning

This popular summer evening workshop series identifies and explains hot topics in planning and zoning. Explore preemption issues and regulatory strategies for mining operations, event barns, short-term rental properties and more! We'll offer tips to help you regulate what you can't regulate and insights into balancing property rights while preserving the character of your community. Join us:

- Aug. 14:** Fetzer Center at WMU, Kalamazoo
- Aug. 20:** Bavarian Inn Lodge, Frankenmuth
- Aug. 22:** Little Bear East Arena, St. Ignace
- Aug. 27:** Fox Hill Event Center, Cadillac

Regional meetings bring knowledge, networking

MTA travels across the state each October for our *On The Road* regional meeting series. Each meeting features a thought-provoking general session, insightful legislative update and breakouts on timely township topics. Registration fees include continental breakfast, lunch and a mini expo. Dates and locations:



- Oct. 1:** Crystal Center at Crystal Mountain, Thompsonville
- Oct. 2:** Holiday Inn, Big Rapids
- Oct. 3:** Delta Hotels Kalamazoo Conference Center, Kalamazoo
- Oct. 8:** Riverwalk Inn, Gladwin

- Oct. 9:** Ramada Inn, Alpena
- Oct. 10:** Treetops Resort, Gaylord
- Oct. 16:** Comfort Inn & Village Conference Center, Chelsea
- Oct. 17:** Bavarian Inn Lodge, Frankenmuth
- Oct. 22:** Memorial Union at Michigan Tech, Houghton
- Oct. 23:** Island Resort Conference Center, Harris
- Oct. 24:** Little Bear East Arena, St. Ignace

Academy courses improve board effectiveness

The Township Governance Academy (fondly referred to around MTA as TGA) is designed to provide board members with knowledge and skills to make effective decisions that benefit the township and help master the role of township official. Required courses are available online and also rotate around the state each year. Here's what's being offered this fall:



Boyne Highlands, Harbor Springs

- Sept. 17:** *Managing Your Township Team* (F-104)
- Sept. 18:** *At Your Service: Meeting Township Needs* (F-101)

Bavarian Inn Lodge, Frankenmuth

- Nov. 19:** *Land Use: Defining Your Township's Future* (F-102)
- Nov. 20:** *Utilizing the Strategic Planning Process to Achieve Results* (B-104)
- Making Meetings Work More Effectively* (B-105)

If you've been thinking about enrolling in TGA but haven't, you can still register! Courses are open to every official and we'll issue credit retroactively as far back as six months. If you're already enrolled and need to earn elective credit, register for one of MTA's *On the Road* regional meetings and earn four elective credits, just by showing up! Or take the continuing education self-assessment that appeared in last month's magazine for two credits.



upcoming MTA events

REGISTRATION INFORMATION



Professional Development Retreats

As a township leader, you are expected to have solutions for a wide variety of challenges. How do you ensure you're equipped to anticipate, and develop strategies to overcome, virtually any situation that arises in your community?

Join fellow officials from across the state this summer at **Shanty Creek Resort in Bellaire** for MTA's *Professional Development Retreats*. These events offer unparalleled educational programming and excellent networking opportunities that you cannot receive elsewhere.

Practical techniques and valuable resources

The programs are packed with informative sessions featuring topics tailored to the duties specific to your township position. Take advantage of this learning opportunity and connect with others who can help make your role as a township official more fulfilling. It's an investment worth making.

All about the education

Each retreat offers a learning experience geared to your office on concepts, trends and pressing issues in township government. Sessions are designed for officials at every level, and will help you develop new skills while providing you with knowledge of the statutory duties and responsibilities required of you. Detailed descriptions for each retreat's educational sessions appear in registration materials mailed in May, and are also available online at www.michigantownships.org.

Evening activity

After a full day of education, we know you'll be ready for some fresh air! Leave the meeting room behind and join your friends for a northern Michigan summer evening in the great outdoors.



P&Z TEAM: JULY 9-10 **SUPERVISORS:** JULY 11-12

TREASURERS: JULY 15-16 **CLERKS:** JULY 17-18

TRUSTEES: JULY 26-27

Lodging

Housing is not included in retreat registration rates. Contact Shanty Creek directly at (866) 695-5004 or visit www.bit.ly/MTALodging.

Cancellations & Substitutions

Written cancellation requests received at the MTA office four weeks prior to the event will receive a full refund; two weeks prior will receive a half refund; no refunds will be issued thereafter. You may substitute another individual from your township for your registration without incurring a charge. Please notify MTA of the change. Changes to hotel reservations must be made directly with Shanty Creek; see hotel confirmation for cancellation policies.

Attendance at an MTA Professional Development Retreat is worth four (4) elective credits in the Township Governance Academy.



Registration Form

Township _____ County _____

Daytime Telephone _____ Email _____

Name & Title _____

Name & Title _____



2nd registrant saves \$58!

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

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

_____ / _____
 Card # Expires

_____ Signature

Which retreat do you wish to attend?

- P&Z - New! Supervisors Treasurers Clerks Trustees

Full Program: Includes all meals, refreshments, classes, materials and evening activity. Housing is NOT included; see lodging details above.

- \$329/person \$379/person if payment is received at MTA within two weeks of event

Single-Day Session: Check the day you wish to attend. Includes that day's meals, refreshments, classes and materials. Day one includes evening activity.

- Day One ONLY \$208/person
\$228 within two weeks of event
- Day Two ONLY \$164/person
\$184 within two weeks of event

Save \$58 on second full-program registration; online use code: MTA-58

Guest Registration: Includes that day's meals and refreshments.

- Full Guest: \$118 Day One only: \$76 Day Two only: \$42

Guest name: _____

TOTAL: \$ _____ **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. Questions? Call (517) 321-6467.

upcoming MTA workshop

REGISTRATION INFORMATION

Hot Topics in Planning & Zoning

Join MTA for a how-to guide and real-life practical experiences at the summer's hottest evening workshop series. This program identifies emerging issues in planning and zoning, and is a must for planning commissioners, township board members and zoning administrators.

How do you regulate what you can't regulate?

Dig into land use and zoning issues that are preempted from regulation by state or federal law. Mining operations, oil and gas facilities, event barns and short-term rental properties are just a few of the hot-button regulatory issues facing townships. How can townships deal with the legal issues and still address the concerns of their residents?

Explore preemption issues and regulatory strategies for these hot topics and more. We'll offer insights into regulating unusual trouble-spots like tiny houses, composting operations, drones and tree ordinances. Learn the fine art of balancing property rights while maintaining the peace and character of your community.

Dinner is included with registration and will begin at 4 p.m. The workshop is held from 5 to 8:30 p.m. Dates and locations are:

Aug. 14: Fetzner Center at Western Michigan University,
2350 Business Ct., Kalamazoo (269) 387-3232

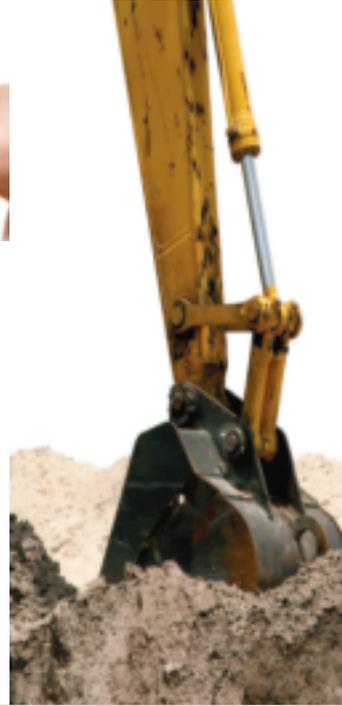
Aug. 20: Bavarian Inn Lodge & Conference Center, One Covered Bridge Ln., Frankenmuth (989) 652-7200

Aug. 22: Little Bear East Arena, 275 Marquette St., St. Ignace (906) 643-8676

Aug. 27: Fox Hill Event Center, 7640 Mackinaw Tr., Cadillac (231) 775-7650

Discounted book package available! Use this form to pre-purchase MTA's Planning & Zoning Book Package, which includes updated (in 2019!) versions of both *The Township Guide to Planning & Zoning* and *Planning & Zoning Decision-making*. The *Township Guide to Planning & Zoning* provides a detailed look at the planning process and outlines elements of a successful planning program, while *Planning & Zoning Decision-making* aims to help planning and zoning officials reach defensible, effective decisions and build a strong community based on sound planning principles and procedures. Books will be distributed at check-in. A limited number of publications will also be available to purchase on-site.

Cancellation, substitution & switching policy: Written cancellation requests received at the MTA office by July 31 will receive a full refund. No refunds will be issued thereafter. You may switch workshop locations at no charge if you notify MTA of the change at least one week prior to the workshop; otherwise, a \$25/person fee will be assessed. You may substitute another individual from your township without incurring a charge; please notify MTA of the change.



Hot Topics in P&Z Registration Form — — — — —

Township _____ County _____

Daytime Telephone _____ Email _____

Name & Title _____ Purchase P&Z book package? Yes No

Name & Title _____ Purchase P&Z book package? Yes No

Name & Title _____ Purchase P&Z book package? Yes No

Please check the date/location you will attend:

- Aug. 14:** Kalamazoo **Aug. 20:** Frankenmuth
 Aug. 22: St. Ignace **Aug. 27:** Cadillac

DISCOUNTED rate*: \$94 For paid registrations received **by** July 31.

REGULAR rate*: \$114 For paid registrations received **after** July 31.

ON-SITE rate*: \$124 For paid registrations received within three days of the event

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

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

AMOUNT ENCLOSED = \$ _____

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

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

Check enclosed (payable to MTA)

Charge to: (circle one) MasterCard VISA

_____ / _____

Card # _____ Expires _____

Print Card Holder's Name _____ Signature _____

Save time, register online!

www.michigantownships.org



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

WE HAVE AN APP FOR THAT!

MTA's new app—available on **GooglePlay** and the **Apple App Store**—makes connecting with your peers and the Association and its resources easier than ever! Download to your mobile device and start exploring today!



Click on "Events" to find information on upcoming MTA trainings



- Easily connect to the MTA website
- Quick link to MTA's online Answer Center
- Stay up to date on legislative issues impacting townships
- Get social with MTA on Facebook and Twitter
- Connect with other local officials
- and more!

A new leader

Neil Sheridan becomes
MTA's fifth executive director

When Neil Sheridan moved to Michigan nearly 20 years ago, his local township hall was one of his first stops.

As he introduced himself to the **Groveland Township** (Oakland Co.) staff between house-hunting stops, he was immediately struck by their professionalism and helpfulness. Even beyond the walls of the township hall, it was clear—this was good government.

Sheridan knew he wanted to be involved with townships. But he didn't know that years later, he'd lead the largest municipal organization in the state as the voice for township government.

As of July 1, Sheridan is officially MTA's fifth executive director. His predecessor, Larry Merrill, retired June 30 after 39 years of service to the Association.

'In great hands'

The MTA Board of Directors enthusiastically hired Sheridan after a thorough, months-long search that attracted nearly 50 candidates. Sheridan made it to the final round of interviews and impressed the search committee with his ability to captivate a room, his extensive background in local government and his proven track record as a leader.

"We have a new leader who is willing to learn from current staff and is more open to listening than to talking," said 2019 MTA President **Jeff Sorensen**, supervisor of **Cooper Charter Township** (Kalamazoo Co.). "With his leadership style, MTA members and the staff are going to be in great hands."

For as long as he can remember, Sheridan was intrigued by the men and women who guided, shaped and served his community. Whether he was earning a Boy Scouts "Citizenship in the Community" merit badge, volunteering in local campaign efforts or meeting his state representative, his experiences

only whet his appetite for the difference he could make in government. So, when the time came to choose a college major, he chose American Government. His professor, one of the nation's leading government experts at the time, later invited him to be his teaching assistant—an experience Sheridan credits with sparking his love of teaching and speaking.

Before he pursued a career in government, Sheridan wanted a solid footing in the business world. He was hired by J.P. Morgan and Company, which was specifically looking for liberal arts and sciences students—people who could think creatively to innovate, with new approaches to opportunities and challenges. The bank even paid for him to continue his education by earning a Master of Business Administration degree at New York University.

"What they taught us about forecasting, budgeting, presenting, managing, negotiating and auditing was exactly what a guy with a liberal arts degree needed to understand the ways and means of getting things done," Sheridan said.

After nearly seven years at the bank, a friend lured him back into the world of government. Sheridan volunteered for his friend's dark horse mayoral campaign, which unexpectedly won for a short six-month term. Sheridan was hooked. After re-organizing the mayor's office, he immediately managed his friend's re-election campaign, expanding the volunteer base from 14 to 1,400 and raising \$1.5 million. The campaign team won not only the mayor's race again, but also helped a slate of candidates win all the city council seats.

The administration his friend replaced had been corrupt for decades, and the new administration and their voters revealed in the chance to truly make a difference.

“It was a breathtaking time,” Sheridan said. Sheridan helped secure the Battleship New Jersey from the U.S. Navy as a memorial, negotiated with state and federal governments, worked on healthcare issues and served on a task force for the state Legislature.

A consulting firm eventually recruited Sheridan to take a break from government. As part of KPMG Consulting, he lived around Europe and the U.S. for five years, selling major management projects to several of the world’s largest companies. His travels frequently brought him to Michigan, where he was struck by the friendly people, excellent quality of life and beautiful scenery. He decided the time was right to permanently unpack his suitcase, and he knew Michigan would be his home.

Getting involved in his local government

As Sheridan started his own consulting firm in Groveland Township, he knew he wanted to be involved in his local government in some way. After settling in, he was appointed to the board of review, and later was selected to serve on the township planning commission. Over the years, he developed close friendships with his township’s board members and learned as much as he could about their roles.

Meanwhile, Sheridan became involved with the world of associations when the Michigan Society of Association Executives asked him to lead a half-day strategy workshop with leaders of Michigan’s 30 largest associations. A few friendships he cultivated as a result led him to serve on the board of the Small Business Association of Michigan, which like MTA is also considered one of the most influential in the state. He continued collaborating with Lansing public policy groups and later co-authored a Michigan strategic plan that was presented to Gov. Gretchen Whitmer.

‘The dream job’

But as much as he loved his home in Groveland Township, he cast his eye toward the Lansing area. His wife spent hours each week commuting to her job at Michigan State University, and they decided they eventually wanted to relocate and raise their family in mid-Michigan. When the MTA executive director position popped up on his job search, he knew it was the perfect opportunity to apply his interests and make a positive impact for Michigan.

“Leaving our township is a little bittersweet,” Sheridan said. “We love where we live. But they’re excited for me, and I’m excited, too. This outstanding organization really is the dream job.”

As MTA’s new leader, Sheridan says his top priority is to maintain the Association’s high-performing status and fine reputation. Throughout his first year, he plans to spend time listening to township officials, board members and staff, learning as much as he can about the organization and townships as a whole. He’s a planner by nature and says he also wants to fully understand the organization’s long-term trajectory.



At MTA’s Annual Educational Conference & Expo in April, MTA’s new Executive Director Neil Sheridan had the opportunity to address attendees at the General Session (*top photo above*), meet lawmakers during the VIP reception (*second photo above*), and talk further with MTA Board members, including 2018 MTA President Ken Gauthier (*bottom photo above*).

Sheridan emphasized that he isn’t stepping into this role with his own agendas and priorities. With an approved policy agenda and satisfied members, MTA is already moving in the right direction, he said. His immediate priority is to make MTA’s changing of the guard as smooth a transition as possible.

Beyond managing MTA’s day-to-day operations, Sheridan looks forward to serving as the voice for MTA in the community. Whether it’s at an MTA event or a county chapter meeting, he hopes to encourage township officials and share the message of why townships, whether large or small, are so important and so effective at delivering local democracy.

“Our goals are pretty clear,” Sheridan said. “As I’m focused on those goals and our policy priorities, I want to speak with a unified voice for all townships.”



Public meetings are a limited public forum, and reasonable regulations on speech may be imposed



Holeton v City of Livonia, ___ Mich. App. ___, May 7, 2019—The Michigan Court of Appeals held that John and Pauline Holeton failed to establish a claim under 42 USC 1983 that the named city officials, acting under “color of state law” deprived them of a right secured by the Constitution or laws of the United States.

In this case, the city council had scheduled a meeting of its infrastructure committee to take citizen comments about DTE Energy “smart meters.”

Committee Chair Brosnan required speakers to follow a rule to address the chair, and not the audience. Pauline Holeton instead repeatedly addressed the audience, and Brosnan subsequently ordered her to leave the meeting, which she did. John Holeton and others were allowed to address the committee as the meeting continued. In their suit, the Holetons alleged that Brosnan’s decision to order Pauline to leave the meeting amounted to a deprivation her federal constitutional rights.

The Court held that “It is well settled that the First Amendment prevents government from interfering with the speech of private individuals on the basis of the message expressed. The amendment does not, however, prevent governments from enacting content-neutral restrictions that impose incidental limitations on speech. That is so because the First Amendment does not protect the right to publicize one’s views whenever, however, and wherever one pleases. Additionally ... the committee meeting at issue was a limited public forum. ... For limited public fora, the state may impose reasonable regulations on speech so as to reserve the forum for its intended purposes, as long as the regulation does not suppress expression on the basis of the speaker’s view.”

“The evidence showed that the City Council scheduled the meeting to address citizen concerns about smart meters, which previous meetings of the City Council had shown to be a contentious issue. By requiring commentary to be directed to the chair, Brosnan ensured that commentators would not be inciting other attendees to heckle or debate the commentator, or otherwise disrupt the orderly progress

of the commentary. The City Council had a significant governmental interest in conducting orderly and efficient meetings. The rule was on its face reasonably calculated to ensure the orderly participation of the community members who wished to express their views without targeting the content or their viewpoint. Accordingly, the rule was reasonable and consistent with the requirements of the First Amendment for limited public fora.”

“As noted, the address-the-chair rule did not by itself target the speaker’s viewpoint and did not prevent anyone from petitioning the Infrastructure Committee. Brosnan also provided reasonable notice of the rule by explaining the nature of the rule before the meeting of the Infrastructure Committee. The mere existence of the rule—without regard to the propriety of its promulgation—did not violate the Holetons’ First Amendment rights or their right to due process under the Fourteenth Amendment. Additionally, although removing Pauline for a violation of the rule might have amounted to a violation of Michigan’s [Open Meetings Act (OMA)], see MCL 15.263(6), a violation of the OMA does not itself establish that Brosnan’s actions also deprived Pauline of her rights under the First and Fourteenth Amendments.”

MMMA does not create right to employment or prohibit a public employer from imposing zero-tolerance marijuana policies

Eplee v City of Lansing, ___ Mich. App. ___, decided Feb. 19, 2019, approved for publication April 23, 2019—The Court of Appeals affirmed the trial court’s grant of the city’s motion for summary disposition of Angela Eplee’s claim of a violation of Michigan Medical Marihuana Act (MMMA).

The Lansing Board of Water and Light, a public employer, had extended a conditional offer of at-will employment to Eplee, but rescinded that offer after she tested positive for tetrahydrocannabinol (THC) during a drug screen as part of the hiring process.

Eplee sued, claiming that doing so violated her protections as a qualified medical marihuana patient under MCL 333.26424(a), as a disciplinary action by a business for the medical use of marijuana. Eplee also argued that even if the MMMA did not prevent private employers from disciplining employees for marijuana use (per the 2012 U.S. Sixth Circuit holding in *Casias v Wal-Mart Stores, Inc.*, 695 F.3d 428), this rule did not apply to public entity employers. She argued that the MMMA was intended “to prohibit any penalty associated with the use or cultivation of marijuana in the context of public employment.”



The Court held: “[A]n individual must show some pre-existing entitlement or right or benefit that has been lost or denied—i.e., unemployment benefits under MESA in that case—before it can be said that the loss or denial of that benefit constitutes a penalty or the denial of a right or privilege under the MMMA.”

“Generally, and under Michigan law by presumption, employment relationships are terminable at the will of either party. Such at-will employment relationships may be terminated ‘for any reason or no reason at all.’”

“Plaintiff has not rebutted the presumption that the position offered to her by the BWL was terminable at the will of the BWL. If the BWL would have been able to terminate plaintiff’s employment at any time after her employment began for any or no reason, it logically follows that the BWL could rescind its conditional offer of employment at any time and for any or no reason at all.”

“Further, plaintiff’s assertions regarding defendant’s status as public entities do not and cannot serve as a legal basis on which this Court could find that plaintiff had any ‘right’ or ‘property interest’ in employment with the BWL. ‘A property right emanates from a contract or statute; public employment in and of itself is not a property interest automatically entitling an employee to procedural due process.’ Additionally, although a contract or statute may provide a property right, ‘a public employee does not have a property right in continued employment when the position is held at the will of the employee’s superiors and the employee has not been promised termination only for just cause.’”

“Furthermore, unlike the situation in *Braska v Challenge Manufacturing*, 307 Mich. App. 340 (2014), where the claimants could demonstrate that they would have been entitled to unemployment benefits but for their medical use of marijuana, plaintiff in this case cannot show that she would have certainly begun employment with the BWL but for her medical marijuana use because the BWL at all times retained the ability to terminate her employment, including the offer of employment, for any reason or no reason, regardless of plaintiff’s medical use of marijuana. Plaintiff therefore cannot demonstrate that the withdrawal of the employment offer constituted a ‘penalty’ for purposes of § 4(a) of the MMMA.”

“When viewed in its entirety, plaintiff’s MMMA-violation claim is an attempt to use § 4(a) of the MMMA as a sword to obtain a protected right to employment rather than as the shield of protection that is the true function of § 4(a). But § 4(a) of the MMMA does not provide such a right. Notably, there is no language in this statute related to ‘employment.’ Moreover, as previously discussed, the statute does not create affirmative rights but instead provides immunity from penalties and the denial of rights or privileges based on the medical use of marijuana. In this case, plaintiff cannot show that she incurred such a penalty or was denied such a right or privilege because the harm she suffered was the loss of an employment opportunity in which she held absolutely no right or property interest.”

Court of Appeals upholds township’s ordinance regulating short-term rentals

Reaume v Township of Spring Lake, ___ Mich. App. ___, May 21, 2019—Susan Reaume purchased a home in **Spring Lake Township** (Ottawa Co.) in 2003, located in the township’s R-1, Low Density Residential zoning district, and used it as her primary residence until 2015, when she began renting it out as a short-term vacation rental. Short-term rentals were not specifically permitted in the ordinance as an authorized use or special use.

According to the court, “In December 2016, the Township adopted Ordinance No. 255, which prohibited short-term rentals in the R-1 zone. However, the ordinance allowed long-term rentals of more than 28 days. The ordinance provided that all short-term rentals must be registered and licensed with the community development director before rental activity could occur. The Township also adopted Ordinance No. 257, which amended the Spring Lake Township Zoning Ordinance to allow ‘short-term rentals’ and ‘limited short-term rentals,’ which had independent definitions, in certain zoning districts. Ordinance No. 257 permitted ‘limited short-term rentals,’ but not ‘short-term rentals,’ in R-1 zones. The amendment defined ‘limited short-term rentals’ as ‘[t]he rental of any Dwelling for any one or two rental periods of up to 14 days, not to exceed 14 days total in a calendar year.’”

Reaume applied for a short-term rental license, was denied, and then appealed to the township zoning board of appeals, and was denied. The trial court affirmed the township’s decision.

The Court of Appeals affirmed, holding: “Plaintiff’s use of the property for short-term rentals was never permitted under the Township’s R-1 zoning. This is consistent with case law establishing that commercial or business uses of property, generally meaning uses intended to generate a profit, are inconsistent with residential uses of property. Plaintiff’s use of the property for short-term rental was not a prior nonconforming use because it was never lawful pursuant to the Ordinance. The Township’s mere failure to enforce the Ordinance does not confer upon plaintiff a right to continue violating the ordinance. Neither does a statement made by any individual without the power to bind the Township, especially where none of the statements clearly express an opinion that short-term rentals in R-1 zones was affirmatively lawful. Accordingly, the trial court properly affirmed the Township Board’s denial of plaintiff’s application for a short-term rental license.”

Not all Court of Appeals opinions are “published,” and unpublished opinions cannot be used as precedent. Here, the court advocated that the opinion be published because “the issues presented in the current matter are of increasing importance and commonality in Michigan, and that the bench and bar would benefit from the certainty that a published opinion would bring.”

aroundthe**state**

townships in the spotlight



Chassell Township

The 51.9 square miles that make up **Chassell Township** (Houghton Co.) are home to more than 1,822 residents. Located in the beautiful Keweenaw Peninsula of upper Michigan, the township was organized in 1888, and named after John Chassell, a prominent businessman and farmer whose farmland became the site of the community of Chassell. The township's early history centered on logging and milling. The Sturgeon River served as a key early artery for floating white pine timber from the south and a narrow gauge railroad later brought hardwood timber to the mill from areas to the southwest. Commercial fishing and agriculture would become important economic drivers for the area during the 20th century, with potatoes and strawberries becoming key crops.



Today in downtown Chassell, community members can be seen watering bright flower beds along the sidewalks. Walking around the quaint township, visitors will notice the local post office built from Jacobsville Sandstone, the grotto owned by the St. Anne Catholic Church, and the community gazebo built by local students.

In July, the township hosts an annual Strawberry Festival in the township's Centennial Park. During the two-day festival, the township sells scrumptious strawberry shortcake

and community members can attend the fish boil in the pavilion. Local crafters are featured at a craft show during the festival. The Strawberry Festival features the Strawberry Queen competition and once the queen is crowned, the queen is in the festival parade.

The community's natural beauty and outstanding array of outdoor recreational assets support a four-season lifestyle unparalleled by other parts of the country. Key community assets are the beautiful wooded 10K classic cross country ski trail and 10K snowshoeing trail system. The trails cross through Centennial Park and reach all the way up to Houghton. In the winter, residents ride through the same trails, which double as state-maintained snowmobile trails. Centennial Park on Pike Bay has a playground, beach, boat launch, fish cleaning station, ice skating, ice fishing access and pavilion, and the Chassell Heritage Center museum is also a popular activity.

With funding support from the Portage Health Foundation and a recently passed recreation millage, the township will open a 10-station fitness trail this summer on a portion of the cross country ski trail. The recreation millage will also support the opening of an off-leash dog park along Pike Bay. The township has an engineering study underway to support the development of a motorboat, canoe and kayak launch at the US-41 Sturgeon River crossing funded 50 percent by a state Department of Natural Resources Waterways Grant in order to help develop this outstanding river trail. An historic interpretive trail is also under development on the mill site of the Sturgeon River Lumber Company and Worcester Lumber Company.

The township is committed to becoming a Michigan Economic Development Corporation Redevelopment Ready Community and is currently engaging in the development of its master plan. Chassell Township seeks to leverage its outstanding location

and four-season outdoor recreation assets to become a home for the remote workforce and is also focused on revitalizing its agricultural economy.



Purchase your updated Township Guide to Planning & Zoning TODAY!

The Township Guide to Planning & Zoning



A must-have for elected officials, and every member of your township's planning and zoning team!

MTA's *Township Guide to Planning & Zoning* is the only guide geared exclusively toward Michigan townships to provide a comprehensive look at land use planning—from the local perspective. Our new edition includes clarifications and updates made throughout the publication, including new sections on current issues such as marijuana, short-term rentals and wireless communication, and the use of technology and social media in acquiring information and making decisions.

Beginning with a detailed look at the planning process, this guide goes on to outline the elements of a successful township planning program. It includes statutory authority for township planning, legal influences and limitations on zoning, cooperative planning with other government units, growth management tools and techniques, and the authorities and duties of planning commissions.

ORDER FORM (please print neatly)

Name _____

Company _____

Phone (_____) _____

SHIPPING ADDRESS:

Street _____

City _____, MI Zip _____

THE TOWNSHIP GUIDE TO PLANNING & ZONING

Quantity _____ x \$49.50 (MTA member price) = \$ _____

_____ x \$71.50 (non-member price) = \$ _____

Shipping and handling + \$ _____

*Up to \$150, add \$5; \$150-\$350, add \$10;
\$351-\$749, add \$15; over \$750, contact MTA*

Subtotal \$ _____

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

Total \$

CHOOSE PAYMENT TYPE

Invoice township Check enclosed (payable to MTA)

Visa or MasterCard # _____

Exp. ____/____

Authorizing Signature

**Mail completed form to:
MTA, P.O. Box 80078, Lansing, MI 48908-0078,
or fax to: (517) 321-8908**

**MTA members can order online at www.michigantownships.org
(click on "Store"; must log in to receive member pricing)**

**Price for MTA members is \$49.50;
non-member price is \$71.50.**



Municipal Office



MICHIGAN TOWNSHIP PARTICIPATING PLAN



- Largest Public Act 138 program in Michigan Providing tailored Property/Casualty insurance coverages for public entities
- Underwritten by an A+ rated insurance carrier
- Supervised by a Michigan board of directors elected from the membership, by the membership
- Administered by Tokio Marine HCC Public Risk providing in-house underwriting, risk control and claims administration
- Servicing over 1300+ Michigan public entities
- Risk Reduction Grant Program
- Scholarship Reimbursement Program
Citizen Planner & Zoning Administrator
- Dividend Program



For more information please call 1-800-783-1370 or visit our website www.theparplan.com



SERVING MICHIGAN PUBLIC ENTITIES SINCE 1985