

Michigan Township Focus

JULY/AUGUST 2020

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

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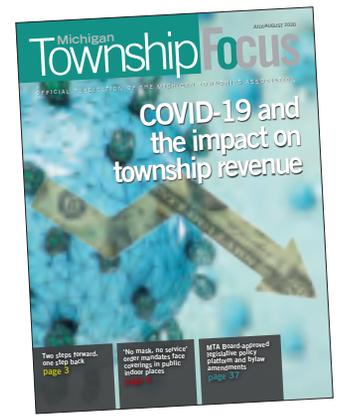
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COVID-19 and the impact on township revenues

The economic disruption and revenue declines caused by COVID-19 and the subsequent recession will create serious budgetary strain for many local governments and impact their ability to provide services to residents. To plan for the uncertain years ahead, townships should take a careful look at all of their revenue sources and identify where the major sources of risk lie.

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Is your township a ‘Township of Excellence’?

When MTA created its “Township of Excellence” program, we wanted to help each township excel within its individual resources, programs and services. Since its inception, a handful of townships have accepted the challenge—and been recognized for their commitment to excellence.

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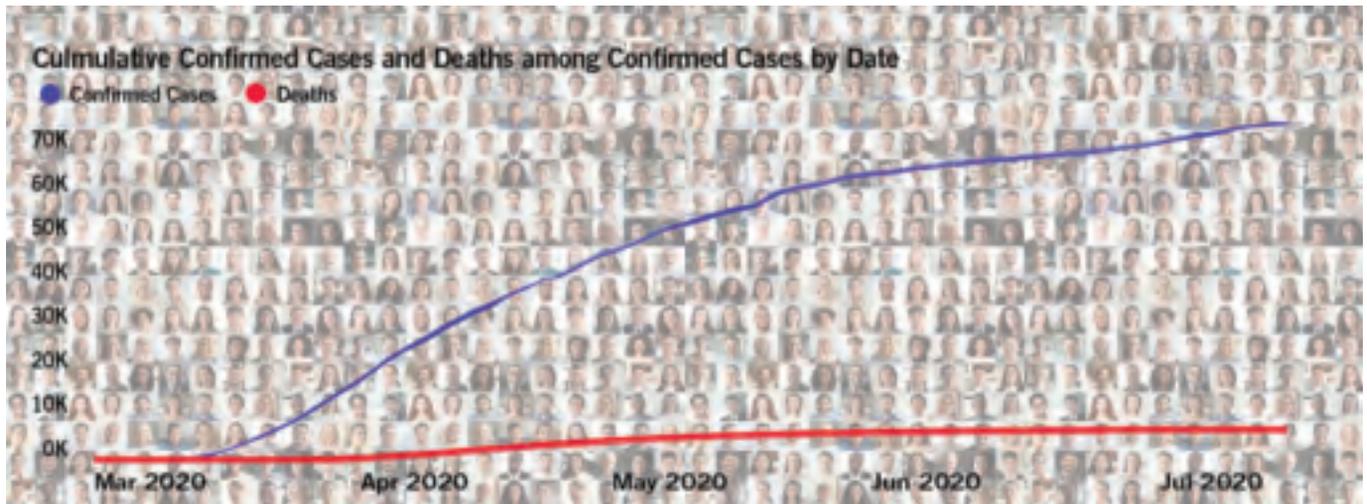
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allied service provider index



Two steps forward, one step back

First things first ... With the deep appreciation of our Association, our colleagues and all who get to work with her, it is my honor to mark Jenn Fiedler's 20th Anniversary as an MTA staff member. Nearly every word you read in our communications and publications has been either written or improved by Jenn's precise review for accuracy, impact and (trust me) grammatical correctness. Jenn, all of our township officials and our communities are the better for having had your selfless service to MTA over these past two decades. Thank you!

June and July have seen many townships taking the steps necessary to reopen for face-to-face public service. As township leaders, you have carefully planned for this and modified both your buildings and procedures to protect our residents and your teams. But in a step backward, our state's hotspots are reigniting and the coronavirus disease persists as a threat to our health, economy and freedoms. While the overall situation in Michigan is better controlled than in more densely populated coastal and southern states, many residents have deep concerns about exposure, schools, small business viability, and a return to some sort of normalcy. Fortunately for some, especially in our more rural townships, the statistics are much better. Your leadership remains a cornerstone of our state's recovery. MTA is working hard to anticipate new challenges and help your efforts to address them. Please do not hesitate to reach out to our Member Information Services team, our *Community Connection* forums, our Government Relations team and to me.

In this issue, you'll learn about MTA's current advocacy priorities especially regarding planning and zoning, tax issues and administration, and on state and federal actions regarding the coronavirus. The successful launch of our MTA Online Learning Center means that all townships can now

sign up for an annual subscription at any time (not just once a year with your dues). So, please contact us to discuss the subscription's many benefits, such as more easily meeting the educational requirements of the MTA Township of Excellence award, which MTA Staff Attorney Catherine Mullhaupt, who administers the program, relates in an article on page 34.

Our cover story explains the projected COVID-19 impacts on revenues, our townships and the state's revenue sharing forecasts; we are grateful to the University of Michigan and the Citizens Research Council of Michigan for preparing this thorough briefing for your planning purposes.

Finally, writing these words brings my own first year as your executive director to a close. I thank all of you who have shared your insights and encouragement this past year—I look forward to working with you through these remarkable times ahead.

Neil Sheridan



Governor issues ‘no mask, no service’ order

On July 10, amidst increases in COVID-19 cases, Gov. Gretchen Whitmer signed an executive order reiterating that individuals must wear a face covering whenever they are in an indoor public space or crowded outdoor space. One week later, Whitmer signed a second order, EO 2020-153, strengthening the initial mask order.

The order requires any business—including township offices—open to the public to refuse entry or service to people who refuse to wear a face covering, with limited exceptions. Signs must be posted at all entrances instructing customers of the legal obligation to wear a face covering while inside.

Those exempt from the mask requirement include children younger than five years old, and those who cannot medically tolerate a face covering, eating or drinking while seated at a food service establishment, asked to remove for ID purposes, communicating when mouth/lips need to be seen, engaged in public safety purposes, at polling place for purposes of voting in an election, officiating at a religious service, and giving speech for broadcast or audience that is at least six feet away.

A doctor’s note is not required for those who cannot medically tolerate wearing a mask. However, under the expanded mask EO, businesses cannot simply assume a person meets exceptions other than medical but may accept verbal representation they fall within a specified exception.

Township offices—Under EO 2020-153, no business—including a local government office open to the public—may provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering, unless exempt from wearing a mask.

Townships may require removal when entering a public space for ID purposes. A person may be refused entry/access if they refuse to wear or identify the applicable exception. Townships must post signs at entrance(s) instructing legal obligation to wear mask. The Michigan Department of Labor and Economic Development’s COVID-19 Workplace Safety Guidance web portal (available through www.michigan.gov/leo) includes guidance for offices, including “Wear a Mask, It’s the Law” and “No Mask, No Entry” customer posters.

EO 2020-153 also requires public safety officers to wear a face covering unless doing so would seriously interfere in the performance of their responsibilities.

Township board meetings—It is MTA Legal Counsel’s belief that an indoor township board meeting is a public space and everyone must now wear a mask. If someone intentionally does not wear a mask (unless they are exempted under the EO), they are committing a misdemeanor. They can be excluded from the meeting, and the conduct would be a breach of the peace and puts everyone in the meeting at risk of being in violation of the law. Alternately, the board could hold the meeting outdoors with proper social distancing.



Elections—EO 2020-153 clarified that wearing a mask at a polling place for purposes of voting in an election is not required, but is strongly encouraged. The state Bureau of Elections also released updated guidance, and updates to the *Elections Manual* to help clarify the order and its impact on the August primary election. Townships should continue to prepare to follow these precautions for future elections, particularly the Nov. 3 general election, as well. For the primary, all election workers were required to wear masks and gloves while performing their duties. Voters were strongly encouraged to wear face coverings, but could not be prevented from voting if they did not wear one. The order does not abridge the right to vote.

If possible, it was recommended that precincts have disposable masks available for voters who did not have one, but were willing to use one. Each precinct was to be provided with 50 masks for the primary by the Bureau of Elections; surplus masks could be offered to voters. If voters were not wearing masks, poll workers could encourage them to use curbside voting or direct them to voting areas that are at a greater distance from other locations within the polling place.

Voters with some health conditions may be unable to wear a mask and were not required to provide proof of that condition. If a voter refused to wear a mask and refused voting alternatives such as curbside voting, the bureau urged election workers to facilitate the voter’s ability to cast a ballot while preserving social distancing. Temperature checks for voters cannot be required in order to vote. If permitted or mandated by your local employment policies, election workers could be screened prior to or as they begin their shift.

A willful violation of the order is a misdemeanor subject to a \$500 criminal penalty, but no term of confinement may be imposed on individuals who violate the mask requirement.

Updated MTA COVID-19 resources are available on www.michigantownships.org/coronavirus.asp.

Additional EOs in effect impacting townships

- **EO 2020-165** extends the COVID-19 state of emergency declaration until Sept. 4.
- **EO 2020-164** requires masks at child-care centers and camps.
- **EO 2020-161** extends a previous order providing safeguards to protect Michigan's workers from COVID-19.
- **EO 2020-160** returns Districts 6 and 8, covering the entire Upper Peninsula and 17 northern Michigan counties, to the same 10-person indoor gathering limit as the rest of the state and applies the same dine-in closure under EO 2020-143 for bars in these regions. The outdoor gathering limit in Regions 6 and 8 remains 250, 500 for certain performance venues.
- **EO 2020-158** extends a previous executive order temporarily allowing e-signatures on official documents and remote notarizations to avoid unnecessary in-person contact during the ongoing COVID-19 pandemic. The order expires on Aug. 31.
- **EO 2020-157** extends a previous order lifting application requirements for Michigan youth to obtain a work permit, through Aug. 31.
- **EO 2020-154** combined several previous orders to provide for alternative means to conduct government business during the COVID-19 pandemic. This includes the authority for townships to hold remote/electronic meetings, as well as alternative notice of tax abatement hearings and remote means of carrying out state administrative hearings. The order remains in effect during the declared state of emergency **and extends 28 days past the end of the state of emergency.**
- **EO 2020-144** extends protections for Michigan residents who have had water service shut off, through Dec. 31.
- **EO 2020-143** closes indoor service at bars throughout most of lower Michigan to protect the progress Michigan has made against COVID-19. The governor's order applies to establishments with on-premises retailer liquor licenses that earn more than 70% of their gross receipts from alcohol sales. The governor also signed a package of bills allowing cocktails-to-go at bars and restaurants to help these businesses serve more Michiganders during this time (*see page 18*).
- **EO 2020-125** and **2020-128** affirm protections put in place assuring certain categories of frontline workers easier access to workers' compensation benefits. The orders create a presumption that COVID-19 is a personal injury arising out of and in the course of employment for certain classifications of workers.
- Under **EO 2020-87**, the July 2020 board of review was required to meet to hear assessment appeals from individuals who were not able to file protests in March. The order also extended the May 31 deadline to July 31 to file a petition with the Michigan Tax Tribunal to challenge assessment determination to properties classified as commercial real, industrial real, developmental real, commercial personal, industrial personal or utility personal. (*Note: PA 88 of 2020 further extended the deadline to Aug. 31 for 2020 only.*)

Statewide survey shows impact of COVID-19 on communities

Leaders across Michigan have reported problems supporting their communities in the first months of the COVID-19 pandemic—with many saying they failed to get needed health or financial help in one of the hardest-hit states, according to a survey by the University of Michigan Ford School's Center for Local, State, and Urban Policy.

Although reported impacts in the first couple months of the pandemic have been extensive, Michigan's local leaders generally expected various COVID-19 impacts would be relatively short-lived. As the survey continued through April and May, many of those assessments grew more pessimistic.

The spring 2020 Michigan Public Policy Survey, which reached roughly 1,350 leaders of townships, cities and counties, usually focuses first on the fiscal health of local jurisdictions. Researchers retooled the survey to also gather information about COVID-19's local effects, including emergency preparedness, intergovernmental coordination and the pandemic's local impact.

Among the survey's key findings:

- Majorities of local leaders reported significant or even crisis-level impacts on the state overall (93%), local schools (88%), local economic conditions (86%), their residents' welfare (70%) and their own communities overall (67%). Township-specific responses trended just a few percentages below the overall response rates.
- Large percentages of local leaders—though less than half—also reported significant or crisis-level impacts on their jurisdictions' local emergency response capabilities (43%), public health in their community (42%), the continuity of their own government's operations (40%) and their delivery of public services (37%). A slightly lower percentage of townships overall reported significant or crisis-level impacts in these areas, including 34% who reported such impacts on continuity of public services and 37% on impacts to their township's operations.
- Statewide, 39% of jurisdictions already had an emergency response plan in place or quickly adopted one in response to COVID-19. Some 29% of townships responded similarly, though 28% indicated they do not have a plan and are either currently developing one or plan to do so soon.
- Relatively few local jurisdictions reported getting the public health or financial resources they needed in April and May, when Michigan was one of the hardest-hit states in the nation.
- Although almost every jurisdiction across the state has felt significant pain in their local economy, among the state's largest jurisdictions (30,000 or more residents) 67% characterized these economic impacts as crisis-level in April and May, compared with 52% of mid-sized jurisdictions and fewer than half of smaller jurisdictions.

Launched in the wake of the Great Recession in 2009 by CLOSUP, the survey is conducted in partnership with MTA and other Michigan local government organizations.

news¬es

a compendium of noteworthy items

ASSESSING REFORM

STC releases guidance on 'designated assessor'

When Public Act 660 of 2018—which overhauled assessment administration in the state—was enacted, it introduced a new concept to local assessing: the “designated assessor.” The act defines requirements for substantial compliance with the General Property Tax Act, provides timelines for audits and follow-up audits, and details a process for bringing a local unit into compliance if they remain non-compliant after a follow-up review. The designated assessor is an integral part of that process. The State Tax Commission (STC) recently released guidance about this new role—and when it could apply to townships.



The STC’s “Interlocal Agreement and Designated Assessor Contract Checklist,” and Bulletin 8 of 2020, “Overview of Audit Process and Designated Assessor” are available at www.michigan.gov/statetaxcommission.

Bulletin 8 outlines who may be a designated assessor, notification of designated assessor, his or her terms, and costs that may be charged to the assessing district.

An assessing district can be required to contract with their county’s “designated assessor” in the following circumstances, including failure to timely submit a corrective action plan, remaining out of compliance, failure to make a good-faith effort to comply within a reasonable time, and falling out of substantial compliance within five years of achieving compliance pursuant to a corrective action plan.

The STC must be notified of each county’s designated assessor by Dec. 31, 2020, and several are starting that process. The designated assessor is a person who would be qualified to assume assessing authority for any assessing district or entities within the county. He or she is designated in an interlocal contract between the county board, a majority of the assessing entities, and the named individual. The township or city contracting with a designated assessor relinquishes assessing authority, but retains responsibility for expenses related to assessing and will be required to negotiate costs and other terms.

The STC can resolve disputes. After three years with a designated assessor, the local assessing district can petition the STC to have its assessing authority returned but must remain with the designated assessor for at least five years unless the STC and designated assessor agree to a shorter term.

REMEMBERING THOSE WHO SERVED

Traveling wall, Gold Star Families memorial honor veterans

For **Clinton Charter Township** (Macomb Co.), a top priority is to honor U.S. veterans and those who have made significant contributions to our country.

Each year, township officials participate in Veterans Day and Memorial Day services held locally. The township participates in a Wreaths Across America event every December, so that deceased veterans are not forgotten during the holiday season. And every September for 19 years, the township—which held its first 9/11 memorial event days after the tragedy took place—remembers the victims of the attacks, the first responders and the Ground Zero workers who have died from related illnesses. In keeping with this spirit of recognition and honor, Clinton Charter Township is working to bring two memorials—a travelling exhibit and a permanent monument—to their community.

In September, The Wall That Heals, a three-quarter scale replica of the Vietnam Veterans Memorial, will come to the township’s Civic Center grounds, just slightly delayed due to COVID-19 from its original July dates. The traveling exhibit includes a mobile education center telling the story of the Vietnam War, the wall and this divisive era in American history. One of only two Michigan communities hosting the exhibit in 2020, this marks the third time in the past 10 years Clinton Charter Township has hosted the memorial.

Plans are also being made to construct a permanent Gold Star Families Memorial Monument on the Civic Center grounds, to honor family members of a fallen service member who died while serving in a time of conflict. The memorial will help raise public awareness about Gold Star Families’ enduring sacrifice, honor the ultimate sacrifice made by their loved ones, and give these families a place to gather and remember their loved one. Working with the same local residents who organize Wreaths Across America in the township every year at Resurrection Cemetery, the township hopes this project will be complete by the summer of 2021.

“I am very honored that we are able to host these two tributes for our veterans, their families and those who gave the ultimate sacrifice,” said Supervisor **Bob Cannon**. “We believe that every day is a good day to honor veterans and first responders, and take special pride in our partnership with Resurrection Cemetery and Vietnam Veterans of America—Chapter 154 in honoring them on their special days.”



MUCH-DESERVED RECOGNITION

Nominate volunteers and public servants from your township for national award

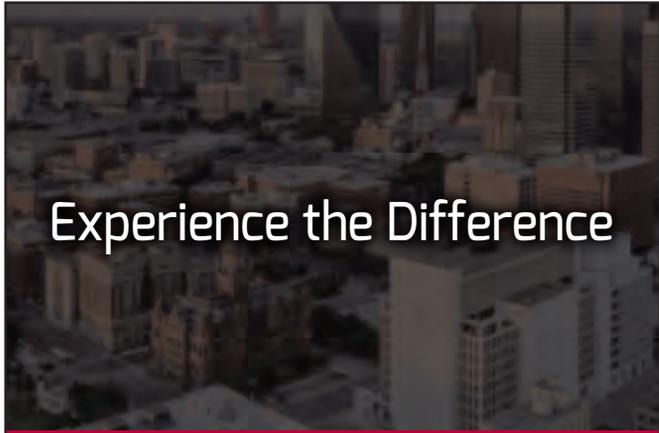
There is still time to nominate volunteers and public servants who are making an exceptional difference in your township for a new national award.



Applications are due by Aug. 15 for the Small Town America Civic Volunteer Award, which seeks to shine a spotlight on the dedication and hard work being done every day across the nation by our public servants and volunteers in small communities. The program will recognize the top 100 nominees who fill critical volunteer roles such as firefighters, emergency medical technicians, advisory committees for libraries, public recreation programs, township boards and committees, and more.

The award program is open to all U.S. townships, cities and counties with populations of 5,000 or less. Local governments represented by the top three winners will receive awards of \$10,000, \$7,500 and \$5,000, and all localities served by the top 100 honorees will receive a free website for one year. The National Association of Towns and Townships is among the program's co-sponsors.

Learn more at www.civic-volunteer.com.



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FIGHTING THE OPIOID CRISIS

Townships, first responders can request free naloxone

Townships, first responders and even businesses in your community can request free naloxone through a new Michigan Department of Health and Human Services (MDHHS) online portal, available at www.michigan.gov/opioids.

As explored in the December 2019 *Township Focus* cover story on the opioid crisis in Michigan and how townships can help respond, in 2018, opioid overdoses killed more than 2,000 Michiganders—an average of five people every day. In the middle of the COVID-19 pandemic, which may have disrupted resources that people who use drugs rely on, access to naloxone—medication that can reverse the effects of opioid overdoses—is critical.

This is an issue that impacts all communities, urban and rural, in all corners of the state. A recent study found that only 25 percent of individuals using opioids in southeast Michigan had access to naloxone. Expanding naloxone access, especially for individuals at high risk of overdosing, is imperative and an integral part of Michigan’s response to the opioid crisis.

The portal is available to any community organization statewide, including local governments, substance use treatment providers and more. MDHHS will review organizations’ plans for distributing naloxone, especially to individuals at high risk of overdose.

Separately, NEXT Naloxone, a free, online service, makes naloxone available to individuals for free, by mail. Providing naloxone by mail-order, via at Naloxoneforall.org/michigan, will help people who cannot access naloxone in their area, have insurance barriers or other challenges.

To get naloxone into the hands of people who need it most and to save as many lives as possible, MDHHS recommends that local governments and organizations distributing naloxone target distribution to individuals actively using opioids, ensure that individuals at highest risk of overdose have naloxone, and make it as easy as possible to access naloxone.

SEEKING ASSISTANCE

Townships asked to provide L-4028 information for tax analysis project

MTA is encouraging townships to assist with a project to quantify the impact of Michigan’s tax limitations. As part of the project, the Citizens Research Council of Michigan (CRC) is conducting a retrospective analysis of local governments’ tax bases, rates and revenues since 1994 by reviewing L-4028 forms, which are used to report current values as well as additions and losses. Your township can assist by providing your L-4028 forms by contacting Jill Roof at jroof@crcmich.org or (616) 294-8359.



CRC is a nonprofit research organization that seeks to provide factual, unbiased, independent information on significant issues concerning state and local government organization and finance to help policymakers create sound, rational public policy in Michigan.

classifieds

HELP WANTED

Finance manager—Bedford Charter Township (Monroe Co.) is seeking a finance manager. Visit www.bedfordmi.org for full details or call the clerk’s office at (734) 224-7320.

FOR SALE

Fire engine—Clyde Township (St. Clair Co.) is selling a 1994 Pierce Freightliner FL 80 Engine. The engine has a 1,250 gallons per minute waterous top-mount pump and 1,000-gallon poly tank, and a 300-horsepower Cummins engine with Allison 3060 automatic transmission with 21,200 miles and 1,650 hours. Current pump test was performed in 2019 and truck is in excellent condition. Asking price is \$47,500 or best offer. For photographs or more information, email daved@clydetownshipscc.org or call Assistant Chief Dortman at (810) 841-9270. Vehicle is available for inspection by appointment.



Want to place a classified in Township Focus or on www.michigantownships.org? Visit www.michigantownships.org/classifieds.asp for more information, email ashley@michigantownships.org, or call (517) 321-6467.

Township happenings

Many townships have implemented enhanced safety measures during the COVID-19 pandemic. **Burt Township** (Alger Co.) boasts that is a small town, but with a big



heart. The township is a tourist destination, but also an isolated community with an aging population, so taking precautions was priority. Plexiglass was installed at the reception area and retractable ribbons block off the rest of the building. Signage is displayed on the doors, but only the back entrance is used to enter the building to decrease traffic and possible areas of contamination in the hall. Entrances and exits are sanitized regularly. **Alpine Township** (Kent Co.) is taking similar measures to protect its employees and residents.



The township built wall barriers with key entry for staff as recommended by the Kent County Sheriff's Department and added glass partitions to separate guests and staff.

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



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

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MTA Communication Director Jenn Fiedler celebrates 20 years with the Association

This month marks MTA Communications Director Jenn Fiedler's 20th anniversary with the Association. Fiedler joined the Association in July 2020 to fill the then-newly created position of communication coordinator, following a brief stint in public relations and covering township government for a chain of community newspapers in suburban Cleveland, Ohio.



Fiedler

"I've lived in Michigan townships nearly my entire life," Fiedler said. "Coming to MTA early in my career felt like a natural fit—as has spending my career committed to serving township leaders and helping to provide the resources and information they need to best serve their communities. I have always been, and remain, enormously proud of the work that our entire team does everyday for our members, and am grateful for the professional home that I have found with MTA."

After serving as communications specialist for a dozen years, Fiedler assumed the role of communications director in March 2013. Throughout her career with MTA, she has produced the award-winning *Township Focus* magazine (and its predecessor *Michigan Township News*), member communications, e-newsletters and marketing. Under her leadership, MTA has expanded, revamped and refined its online offerings, publications and social media outreach, and launched the MTA podcast, *Township Talk*.

"MTA often says that our 1,240 townships speak with one voice to our state's policy decision-makers, to our stakeholders and to our adversaries," said Neil Sheridan, MTA executive director. "For 20 years, Jenn Fiedler has been the creative brains, the articulate spokesperson and the precise wordsmith for our Association's magazine, newsletters, publications and social media. While many at MTA contribute to that one voice, Jenn's research transformed into the Communications team's written words have helped us all make township government more effective, more knowledgeable and more responsive through these decades of both challenges and opportunities. Jenn, thank you so much for your remarkable service to Michigan and all our township residents!"

Please join us in congratulating Jenn on her milestone anniversary and commitment to MTA and township government.

Note—This issue of *Township Focus* is a combined, expanded July/August issue. The next issue you receive will be in September.

profile



Fahey Schultz Burzych Rhodes, PLC

Expert counsel and real solutions

Fahey Schultz Burzych Rhodes provides expert counsel and real solutions to more than 120 Michigan townships.

EXPERT COUNSEL. Led by Bill Fahey, this 15-lawyer firm has Michigan's most experienced township attorneys. Specializing in townships assures you the



knowledge needed to address unique township demands. Their attorneys provide clients access to the firm's own cloud-based repository of 40 years of township-based research, documents and legal opinions.

Fahey Schultz Burzych Rhodes is on your team. Their commitment and communication allow them to work closely with you and the rest of your team. They can be your principal township attorney, handle your special projects or back up your local township attorney.

REAL SOLUTIONS. Township officials face time and funding pressures. Since you need prompt attention, you can reach firm attorneys 24/7. They are always available when you need legal advice, and get back to you right away, day or night, weekdays or weekends.

Fahey Schultz Burzych Rhodes understands your financial challenges and partners with you to find proactive solutions. Their well-trained staff, cutting-edge knowledge and advanced technology provide you real solutions at a reasonable cost.

KEEP UP WITH TOWNSHIP LAW. Sign up for Fahey Schultz's monthly *Township Law E-Letter*. For more information, visit www.fsbrlaw.com or contact Bill Fahey at (517) 381-3150 or wfahey@fsbrlaw.com.

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.

Advertorial

Connect with fellow officials with MTA's online directory



MTA-member township officials can find up-to-date contact information for fellow officials in the neighboring township—or across the state—by accessing MTA's online township and township officials directory. After logging in to the members-only section of www.michigantownships.org (click on "Member Login" in the upper right-hand corner), click on "Find a Township" on the member home page, or "Find a Township Official" under the "My MTA" tab.

PDFs of our entire township directory—including contact information for every township, and every elected township official—can also be downloaded on the "Find a Township" page. PDFs of each individual office are also available.

2,407 YEARS OF COMBINED EXPERIENCE. WE GET GOV.



 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
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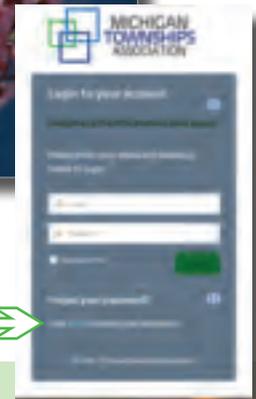
Due to an upgrade to MTA's database, you **MUST** update your MTA password to access MTA's online resources.

It's **EASY!**

To reset your password, simply visit MTA's website, www.michigantownships.org, and click on "Member Login." On the login page, click on the link to have a "reset password" email sent to you. You must enter your email address on file with MTA (the email address where you receive emails from MTA). Be sure to check your spam/junk mail filter if you don't receive the email in your inbox.



Don't have an email address on file with MTA yet? No problem! Call 517.321.6467 or email database@michigantownships.org to get connected today.



Remember, you MUST reset your password and log in to:

- Access the **members-only side of www.michigantownships.org**, which includes hundreds of pages of township topics, as well as samples, resource toolkits, ordinances, legislative updates and more
- Receive **deeply discounted member pricing** when purchasing MTA books or registering for an Association event on the online MTA Store
- Access the MTA Online Learning Center, featuring **dozens of webcasts** created specifically for Michigan townships
- Network with your fellow township officials on the Association's **members-only social networking site**, *Community Connection*
- Ensure your **contact information is up to date** in your personal member profile (under the "My MTA" tab) on MTA's website



Contact database@michigantownships.org or 517.321.6467 with questions.



Help make townships a powerful force in Lansing.



MTA-PAC needs your help.

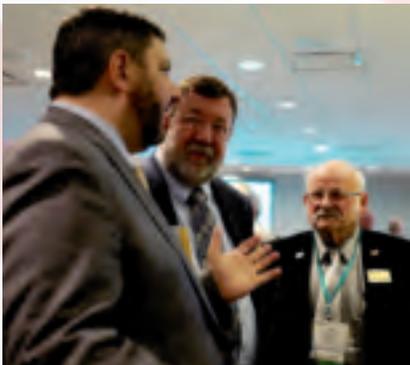
It is a legislative election year, with 110 state House of Representative seats on the ballot and 24 open seats. Without the MTA Annual Conference this year, we did not have the opportunity for members to provide strong support for MTA-PAC. **Your contribution is more important now than ever before.** Help MTA-PAC be a more powerful force in the Michigan Legislature. If all township officials participated, MTA-PAC would have the necessary financial resources to support legislators who will fight for us.

MTA-PAC matters to you.

Townships affect the lives of Michigan families every day. More than half of Michigan residents live in townships, and their governments are responsible for protecting their safety and enhancing their quality of life. **Townships continuously face legislative threats, changes and challenges that impact the role of local government and your board's right to govern your community.** MTA-PAC helps halt or improve these bills by electing legislators who value, respect and protect township government.

Get involved. Together, we can make a difference.

Become a MTA-PAC member today!



Support MTA-PAC today.

Donate to MTA-PAC online, in the MTA app on any device or by mail. To download MTA's app, search for "Michigan Townships" in your Google Play or Apple Store, or visit www.michigantownships.org/mta_app.asp. Mail your check payable to MTA-PAC to PO Box 80078 Lansing, MI 48908-0078. Visit www.michigantownships.org/members/advocacy.asp for more information.

JULY

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

By 6 Notice of voter registration for the Aug. 4 primary published. One notice required. (MCL 168.498)

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

Clerk shall post and enter into the QVF any additional locations and hours the clerk will be available to issue and receive absent voter ballots for the Aug. 4 primary, if applicable. (MCL 168.761b)

7 Deadline for governmental agencies to exercise the right of refusal for 2019 tax foreclosure parcels. (MCL 211.78m(1))

16 Candidates without political party affiliation seeking partisan offices file qualifying petitions and Affidavit of Identity for the Nov. 3 general election by 5 p.m. Withdrawal deadline elapses at 4 p.m. on July 20. (MCL 168.590c)

District library board candidates who wish to seek office at the Nov. 3 general election file an Affidavit of Identity and a nonpartisan nominating petition. (A \$100 nonrefundable fee may be filed in lieu of a petition.) (Note: If district library includes a school district, candidates file by 4 p.m. on Aug. 11, 2020) (MCL 397.181)

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

21 *Tuesday after the third Monday in July.* The July board of review must convene to correct a qualified error, and grant poverty and veterans exemptions. (MCL 211.53b) **Under Executive Order 2020-87, the July 2020 board of review must also meet to hear assessment appeals from individuals who were not able to file protests in March.** 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)) *Note: The State Tax Commission released a guidance document, available at www.michigan.gov/statetaxcommission, for the July 2020 board of review.*

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)

through 8 p.m. Aug. 4. In-person registration for the Aug. 4 primary with clerk with proof of residency. (MCL 168.497)

Candidates for village offices file an Affidavit of Identity and a nonpartisan nominating petition by 4 p.m. Withdrawal deadline elapses at 4 p.m. on July 24. (MCL 168.381)

By 23 Clerk forwards names and addresses of partisan and nonpartisan candidates for the Nov. 3 general election to county clerk. (MCLs 168.321 and 168.349)

Challenges against qualifying petitions filed by candidates without political party affiliation submitted to filing official by 5 p.m. (MCL 168.552)

By 24 Write-in candidates *other than* write-in candidates who seek precinct delegate positions file Declaration of Intent forms for the Aug. 4 primary election by 4 p.m. (MCL 168.737a)

By 25 County clerk delivers remainder of ballots and election supplies for the Aug. 4 primary to township clerks. (MCL 168.714)

By 28 Notice of the Aug. 4 primary published. One notice required. (MCL 168.653a)

Petitions to place county and local questions on the Nov. 3 general election ballot filed with county and local clerks by 5 p.m. (MCL 168.646a) (*If governing law sets an earlier petition filing deadline, earlier deadline must be observed.*)

By 30 Public accuracy test for the Aug. 4 primary must be conducted. (R 168.778) Notice of test must be published at least 48 hours before test. (MCL 168.798)

31 *Industrial Facilities Exemption Treasurer's Report* (Form 170) must be filed with the state Department of Treasury's 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.

Electors may obtain an absent voter ballot for the Aug. 4 primary via first-class mail until 5 p.m. (MCL 168.759)

AUGUST

By 1 Voters may submit written request to spoil their absent voter ballot and receive a new ballot for the Aug. 4 primary by mail until 2 p.m. (MCL 168.765b)

1 Deadline for a township or local authority to file Form 5608 *Portion of 2020 Essential Services Millage Rate Dedicated for Cost of Essential Services*. (MCL 123.1353(7))

Deadline for a municipality to file Form 5613 *Millage Rate Correction for 2020 Personal Property Tax Reimbursement Calculations*. (MCL 123.1358(4))

3 Electors qualified to obtain an absent voter ballot for the Aug. 4 primary may vote in person in the clerk's office until 4 p.m. (MCL 168.761)

Voters may submit written request in person to spoil their absent voter ballot for the Aug. 4 primary and receive a new ballot in clerk's office by 4 p.m. (MCL 168.765b)

4 Primary election.

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

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

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

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

District library board candidates (for library districts that include a school district) file an Affidavit of Identity and nominating petition for the Nov. 3 general election by 4 p.m. (a \$100 nonrefundable fee may be filed in lieu of a petition). Withdrawal deadline elapses at 4 p.m. on Aug. 14. Note: If district library *does not* include a school district, district library board candidates file by 4 p.m. on July 16. (MCL 397.181)

15 Deadline to certify 2020 essential services assessment statement and electronically submit essential services assessment with the state Department of Treasury without late payment penalty. (MCL 211.1057)

By 17 *By the third Monday in August.* Deadline for taxpayer to file appeal directly with the Michigan Tax Tribunal (MTT) if final equalization multiplier exceeds tentative multiplier and a taxpayer's assessment as equalized is in excess of 50 percent of true cash value. (MCL 2015.737(7))

By 18 Boards of county canvassers complete canvass of the Aug. 4 primary; county clerks forward results to secretary of state within 24 hours. (MCLs 168.581, 168.822 and 168.828)

By 24 Board of State Canvassers meet to canvass Aug. 4 primary. (MCL 168.581)

31 Deadline to file a petition with the MTT to challenge assessment determination to properties classified as commercial real property, industrial real property, developmental real property, commercial personal property, industrial personal property or utility personal property. ***(While the original deadline of May 31 was extended by Executive Order 2020-87, the deadline was further extended for 2020 only by Public Act 88 of 2020.)***

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 MTT on or

before July 31 of the tax year involved. (MCL 205.735a(6)) ***(The original July 31 deadline was extended for 2020 only by Public Act 88 of 2020.)***

SEPTEMBER

By 4 Last day townships can establish, move or abolish a polling place for the Nov. 3 general election. (MCL 168.662)

14 Summer taxes due. (MCL 211.107)

Interest of 1% per month will accrue if the payment is late for the State Education Tax and county taxes that are part of the summer tax collection. (MCLs 211.905b(9) and 211.44a(6))

Last day of deferral period for summer property tax levies, if the deferral is for qualified taxpayers. (MCL 211.51(7))

15 Deadline to amend a previously certified 2020 essential services assessment statement. (MCL 211.2057)

By 19 Delivery of military and overseas absent voter ballots for the Nov. 3 general election must begin by this date. All requests received since Nov. 5, 2019, from a military or overseas voter

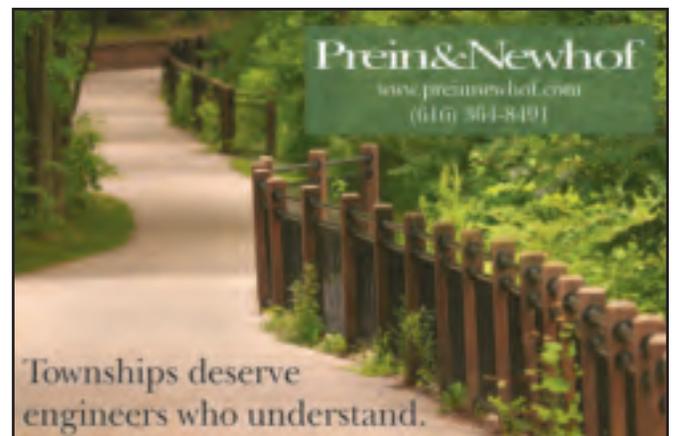
must be honored for all 2020 elections. (MCL 168.759a)

County clerks deliver absent voter ballots for the Nov. 3 general election to local clerks. (MCL 168.714)

24 *through Oct. 13.* Precinct inspectors for the Nov. 3 general election appointed by township election commission. (MCL 168.674)

By 30 Township clerk delivers to supervisor and county clerk a certified copy of all statements, certificates, and records of vote directing monies to be raised by taxation of property. (MCL 211.36(1)).

Financial officer of each township computes tax rates in accordance with MCLs 211.34d and 211.34 and governing body certifies that rates comply with Section 31, Article 9, of 1963 Constitution and MCL 211.24e, Truth in Taxation, on STC Form L-4029 on or before Sept. 30.





Does a township clerk or secretary of a township public body have to allow a citizen to review or request a copy of meeting notes or recordings?

Yes—if the notes or a recording of a public meeting exists at the time a Freedom of Information Act (FOIA) request is made, the township must furnish the record. Meeting notes or a recording prepared to assist in transcribing the minutes are both considered a writing prepared in the performance of an official function. (Attorney General Opinion 5500 of 1979)

Meeting notes or recordings may be destroyed the day after the minutes are approved, unless a FOIA request has been received before they are destroyed. If they are not destroyed—or destroyed completely—meeting notes or recordings are subject to public disclosure for as long as they exist. For this reason, MTA recommends that recordings be completely erased or destroyed once the minutes are approved, and not simply recorded over at subsequent meetings. As long as a part of the recording exists, the township is responsible for providing it if it is the subject of a FOIA request.



Are notes or recordings made at a meeting by a board member who is not taking the minutes public or private?

If a township board member or other township official or employee makes notes or records meetings for his or her personal use, those notes or recordings are likely not subject to a FOIA request.

In *Hopkins v. Township of Duncan*, 294 Mich. App. 401 (2011), the Michigan Court of Appeals held that “handwritten notes of a township board member taken for his personal use, not circulated among other board members, not used in the creation of the minutes of any of the meetings, and retained or destroyed at his sole discretion, are not public records subject to disclosure under the FOIA.”

This is a very narrow exception, and it does not include notes or recordings made for the purpose of drafting or correcting the minutes. Notes and recordings are subject to disclosure under the FOIA if they are used for an official township function, even if they were made by someone other than the clerk or secretary: “[T]he case law is clear that purely personal documents can become public documents based on

how they are utilized by public bodies. However, it is their subsequent use or retention ‘in the performance of an official function’ that rendered them so.” (*Howell Ed. Ass’n, MEA/NEA v. Howell Bd. of Ed.*, 287 Mich. App. 228, 2010)

If the notes or the recording were made for the purpose of transcribing the official minutes of the meeting, the notes or recording must be retained until the minutes of that meeting are approved. At that time, the notes or the recording may be destroyed.

So, even recordings made by board members or other township personnel for a purpose other than the performance of an official function may become public records and be subject to FOIA disclosure if they are used in the performance of an official function.

As long as they are not used in the performance of an official township function, an audience member who makes notes or recordings of meetings of a township public body is not required to provide a copy of those notes or recordings. They are also not required to get permission to make recordings or to identify when they are making a recording.



We read correspondence sent to the township out loud at our meetings. Does that make the correspondence a public record?

Correspondence received by the township is not required to be read aloud at a meeting or included in the minutes. But if it is, it may become a public record subject to FOIA requests.

In *Walloon Lake Water System, Inc. v. Melrose Twp.*, 163 Mich. App. 726 (1987), a letter written to the township supervisor, pertaining to the water system supplying the township, was read aloud to the township board at a regular township board meeting, they considered its contents to decide that the subject of the letter did not require township action, and it was offered to the administrator of the water system corporation.

The Michigan Court of Appeals held that the letter was a “public record” subject to disclosure under the FOIA because, “once the letter was read aloud and incorporated into the minutes of the meeting where the township conducted its business, it became a public record ‘used ... in the performance of an official function.’” (Cited in *Howell Ed. Ass’n, MEA/NEA v. Howell Bd. of Ed.*, 287 Mich. App. 228, 2010, as an example of how an otherwise private record could become a public record.)



We tabled a motion a while ago. How do we bring it back up?

That may depend on the form of parliamentary procedure that the board has adopted, but it will also depend on just what the board intended when it tabled the motion.

First, when we talk about parliamentary procedure, most of the rules originated with *Robert's Rules of Order*, which is the “gold standard” of meeting rules and procedure. Note that *Robert's* is not law, and Michigan law regarding townships and public bodies controls over *Robert's*, but *Robert's* is still the most commonly used and comprehensive form of procedure used to help board members make decisions efficiently, effectively and fairly.

However, the official version of *Robert's* is almost 700 pages long, most of which deals with large assemblies, not boards or committees, like a township board. The downside to using the full version of *Robert's* is that it can be intimidating and complicated to use, especially if you haven't had some training in using it. I personally recommend using some of the “simplified” versions of *Robert's*, such as the official *Robert's Rules of Order in Brief*, or the independent *Robert's Rules in Plain English*, by Doris Zimmerman. They are inexpensive pocketbooks that each board member could have and refer to at meetings. They are short and to the point, with easily understood, real-life examples. When questions arise, flip to that page and get the answer without delay.

Second, the motion to table is probably the most misunderstood—and possibly the most commonly misused—motion. In a nutshell, a motion to table means to temporarily postpone action on the motion until the body is prepared to consider it again.

Supposedly, the motion “to table” originated with the English Parliament, where pending matters were filed in colored leather boxes on large tables in the center of the hall. If the king or queen suddenly arrived, the box for the matter at hand was literally put on the table until the monarch left the hall and business resumed.

Today, a motion to table is in order (according to *Robert's*) either because the discussion of the motion is being interrupted, by a guest speaker, for example, or because the board needs more information or some other action, and it must postpone acting on the motion until a specified time or event. It is improper, however, to use a motion to table to “kill” or end the motion—by sending it away to never bring it back.

If the board intended to put the matter off to a future meeting because the board was not ready to address it, then that is a proper motion to table. But the motion to table should have stated when the matter would come back to the board. For example, the motion could have been to table

“until the September board meeting, when the manager will provide a report of the statistics on how many people use the transfer station,” or “until the October board meeting, when the supervisor will provide the board with the state's projections for bimonthly revenue sharing.” If done properly, then it should automatically be on the agenda for the stated meeting.

But, if the board intended that the motion to table would kill the motion being considered, then the motion was improper. I would guess that the board could raise the matter again if a board member makes a motion and gets a second, but that could depend on the actual subject of the motion. If there is any question, the township board should consult with its local legal counsel for specific guidance.

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.

MTA's Introduction to the Freedom of Information Act puts all things FOIA at your fingertips

All townships have public records, and all townships must comply with the Freedom of Information Act (FOIA), which allows public access to public records. Are your township's board members up to speed on all things FOIA?

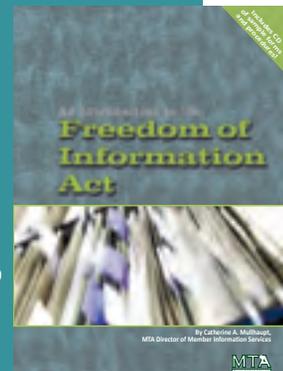
MTA's publication, *An Introduction to the Freedom of Information Act*, is a must-have for all members of the township board, as well as employees responsible for fulfilling FOIA requests. **This easy-to-understand, user-friendly handbook is the only resource of its kind**, authored by MTA Staff Attorney Catherine Mullhaupt specifically for Michigan townships, covering what all township officials must know about public records, as well as how to handle FOIA requests.

Updated in 2015, the booklet also includes information on:

- Common FOIA questions
- Managing records for FOIA requests
- Sample FOIA forms and worksheets, including determining FOIA fees
- Costs and denial of requests

Order your copy today! Order online at the MTA Store on www.michigantownships.org, email, fax or mail a publication order form (also available on MTA's website) to MTA, or call (517) 321-6467.

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Joint absent voter counting boards allowed

Township clerks can now join a combined absent voter counting board (AVCB) under Public Act 95 of 2020, sponsored by Rep. Julie Calley (R-Danby Twp.). The law, effective June 23, is permissive and allows municipal clerks to join a combined AVCB with a county clerk or with one or more municipal clerks.

CARES Act appropriations provides funding for locals

Townships can seek specific funding from the state's portion of the federal CARES Act stimulus funding. Public Act 123, sponsored by Sen. Jim Stamas (R-Midland Chtr. Twp.), included \$325 million for local governments for COVID-19 related items. The Public Safety and Public Health Payroll Reimbursement Program, with a quick-turnaround application deadline of July 17, allocated \$200 million to reimburse townships, cities, villages and counties for eligible public safety and public health payroll expenditures incurred during April and May 2020. A second round will occur if funds are available after the first funding round closes and will cover payroll expenditures incurred during June and July 2020 and round one applications received after July 17.

MTA worked to include changes in Public Act 144 of 2020 to allow local government authorities and intergovernmental agencies that employ local public safety or public health personnel to apply.

The First Responder Hazard Premiums Pay Program provides \$100 million in grant funding to local units for first responders who performed hazardous duty or work involving physical hardship related to COVID-19. Those eligible for up to \$1,000 per employee include law enforcement officers, firefighters, emergency medical technicians (EMTs), paramedics, 9-1-1 operators, certain ambulance services staff, and private EMTs and paramedics who contract with municipalities. Grants will be approved on a first-come, first-served basis.

MTA shared information about the public safety payroll and hazard pay programs in eblasts, *Township Insights*, on www.michigantownships.org, as well as during two webinars with the state Department of Treasury.

The Water Utility Assistance Program provides \$25 million to reimburse water utility providers for providing bill forgiveness for arrearages and fees incurred by residential water customers during the COVID-19 state of emergency and for providing a 25% discount on the total water bill for eligible customers through the end of December 2020. Watch MTA publications for details on this program.

PA 123 took effect July 1, and PA 144 took effect July 31.

State balances FY 2020 budget, impacting CVT and CARES Act funding for townships

The Legislature and governor used a combination of measures in late July to balance the state's FY 2020 budget. The budget deal included the passage of two supplemental appropriation bills, an executive order and work project liquidations along with a \$350 million transfer from the Budget Stabilization Fund and an injection of federal CARES Act dollars to eliminate the deficit.

A key component of the agreement included the elimination of \$43.5 million in August CVT (statutory) revenue sharing payments to townships, cities and villages—to be replaced with federal CARES Act funding at approximately 150% of the August payments. Currently, the federal funds are limited to eligible CARES-related expenditures.

Clarifying language was also added to Public Act 144 of 2020 (*see related article at left*) on eligibility for CARES Act funding previously appropriated for public safety/public health payroll reimbursement and first responder hazard pay premiums.

The supplemental appropriation bills became effective on July 31, 2020.

New laws to assist bars and restaurants

Legislation took effect on July 1 to assist on-premises liquor license establishments.

Public Act 124 of 2020, sponsored by Rep. Michael Webber (R-Rochester Hills), will allow—through Dec. 31, 2024—a qualified licensee to obtain a permit to sell and dispense alcohol to customers for consumption in the common area of a social district. The new law allows municipalities to establish designated drinking areas where individuals of legal age can walk around in public drinking alcoholic beverages if they remain within the boundaries. If a social district would close a road, prior approval is required from the road agency with jurisdiction over the road.

PA 125 of 2020, sponsored by Rep. Sarah Anthony (D-Lansing), allows a retailer licensed for on-premises consumption to sell cocktails to-go or for delivery until Dec. 31, 2025. PA 125 of 2020, sponsored by Sen. Aric Nesbitt (R-Porter Twp.), increases the discount allowed to on-premises licensees on liquor bought from the state and allows manufacturers to refund or replace purchases of beer or wine by wholesalers when the product has gone out of date.

PFAS firefighting foam must be reported

Local fire departments that utilize firefighting foam containing per- or polyfluoroalkyl substances (PFAS) are now required to report the incident to the Michigan pollution control emergency alert system.

Effective July 8, Public Act 132 of 2020, sponsored by Rep. Sue Allor (R-Wolverine Twp.), requires a fire chief to report such an incident and also formally requires the state Department of Environment, Great Lakes, and Energy to establish a collection program for firefighting foam concentrate containing intentionally added PFAS.

PA 133 of 2020, sponsored by Rep. Jeff Yaroch (R-Richmond), prohibits the use of PFAS-containing foam in firefighter training, and requires specific training on the proper use, handling, and storage of foam concentrate. PA 133 will take effect on Oct. 6, 2020.

PA 143 of 2020, effective July 31, 2020, also sponsored by Rep. Yaroch, requires rules to be promulgated by the Michigan Department of Licensing and Regulatory Affairs regarding a firefighter's use of firefighting foam concentrate.

New law modifies assessable property rules in shopping districts

Public Act 91 of 2020, sponsored by Sen. Peter MacGregor (R-Cannon Chtr. Twp.), revised the definition of assessable property in the Shopping Areas Redevelopment Act to allow residential real property to be treated as assessable property for the purposes of a principal shopping district (PSD), business improvement district (BID) or business improvement zone (BIZ).

Under the new act effective June 16, 2020, residential property owners whose properties may be subject to assessment for PSD, BID or BIZ purposes must be notified and have a voice in the assessment process.

2020 PRE filing deadline extended

A filing deadline extension was granted—from June 1 to June 30, 2020—to file an affidavit for the principal residence exemption (PRE). Public Act 96 of 2020, sponsored by Sen. Roger Victory (R-Georgetown Chtr. Twp.), provided the additional time if property owners were unable to occupy the property before June 1, 2020, due to the COVID-19 pandemic. The law took effect on June 24, 2020.

Towing incentives prohibited

Effective Oct. 6, 2020, state law will prohibit payments or incentives to local governments in exchange for towing, wrecker, or recovery services or contracts. Public Act 141 of 2020, sponsored by Sen. Jim Stamas (R-Midland Chtr. Twp.), prohibits local governments from accepting money for towing service business or contract, or requiring a fee as a term of the contract for providing those services.

Feasibility study to be completed on highway tolling

The Michigan Department of Transportation (MDOT) will conduct a feasibility study and strategic implementation plan on tolling highways in the state. Public Act 140 of 2020, sponsored by Sen. John Bizon (R-Battle Creek), stipulates the study will include such things as estimates of which

highway facilities would be conducive to tolling operations and the optimal levels at which tolls may reasonably be expected to be set for passenger vehicles and other vehicles. Within 24 months of enactment, MDOT is required to deliver a written report to the governor and House and Senate leaders.

The new law took effect July 8, 2020.

Industrial hemp bill enacted

Public Act 137 of 2020, sponsored by Sen. Dan Lauwers (R-Brockway Twp.), creates the Industrial Hemp Growers Act, integrating federal requirements into state law for hemp growers in Michigan. The new act requires the Michigan Department of Agriculture and Rural Development to establish, operate and administer an industrial hemp program and submit a state hemp plan for U.S. Department of Agriculture approval.

Effective July 8, the new act was needed to meet federal requirements and supersedes the Industrial Hemp Research Act.

Legislative budget deadline extended

Public Act 122 of 2020, sponsored by Sen. Curtis Hertel (D-Meridian Chtr. Twp.), revises the budget presentation deadline for the Legislature to submit a general appropriations bill for the upcoming fiscal year to the governor. The change postpones the implementation date from July 1, 2020, to July 1, 2021.

House resolution urges locals not to defund police

Townships, cities, and counties were urged by a House-passed resolution not to defund their police departments following national calls to do so. House Resolution 277, sponsored by Rep. Ryan Berman (R-Commerce Chtr. Twp.), discourages local units of government from defunding or abolishing their police departments and resolved that copies of the resolution be sent to local government organizations, which MTA received.

The resolution recognizes the need for reform and states police departments serve as a cornerstone of a safe and prosperous society, further noting that defunding of police could affect the state's economy by discouraging business location and out of state tourism. HR 277 warns that the result of defunding could place a burden on remaining police agencies.

Trust fund project funding approved

Funding for 18 township projects recommended through the Michigan Natural Resources Trust Fund (MNRTF) has been approved. Public Act 145 of 2020, sponsored by Sen. Jon Bumstead, (R-Newago), provides \$28.7 million for acquisition and development projects approved by the MNRTF board.

2020 public acts

The following is a list of 2020 public acts enacted into law to date that may impact townships:

PA 1 & 2: Road commissions (*Sen. Victory*)—Extends sunset for the transfer of functions and powers of duties of a county road commission to the county board of commissioners. *Effective Jan. 27, 2020*

PA 3: Neighborhood enterprise zones (*Sen. Moss*)—Modifies the Neighborhood Enterprise Zone Act definition of rehabilitated facility and increases true cash value for eligible properties. *Effective Jan. 27, 2020*

PA 28: Renaissance zones (*Sen. Stamas*)—Modifies exemption for certain property located in renaissance zones. *Effective Feb. 13, 2020*

PA 33: Delinquent property taxes (*Rep. Bryd*)—Allows for counties to implement a program to reduce the redemption amount for delinquent property taxes under certain circumstances and requires notification to local units of government. *Effective March 2, 2020*

PA 35: Quality assurance assessments (*Rep. Schroeder*)—Requires the state Department of Health and Human Services to provide notice of quality assurance assessment on ambulance providers by Nov. 1 of each year. *Effective March 3, 2020*

PA 36: Freedom of Information Act (*Rep. Johnson*)—Modifies the method of correspondence used for FOIA requests to allow a requestor to also specify the way a response be made. *Effective March 3, 2020*

PA 38: Freedom of Information Act (*Rep. Iden*)—Requires public records be provided to a requestor on any form of non-paper physical media and in the actual and most reasonably economical cost of the non-paper physical media. *Effective March 3, 2020*

PA 45: School safety (*Rep. VanSingel*)—Allows installation of temporary door barricade devices in school buildings

and requires notification to local law enforcement and fire departments prior to installation. *Effective March 3, 2020*

PA 48: Emergency services (*Rep. Wozniak*)—Revises critical incident stress management services for emergency service providers to include physicians and individuals employed by or under contract with a health facility or agency. *Effective June 1, 2020*

PA 66 and 67: Supplemental appropriations (*Sen. Stamas and Rep. Hernandez*)—Provides supplemental state appropriations for FY 2019-20 that includes \$150 million for necessary COVID-19 resources and \$14 million for reimbursements for the March presidential primary. *Effective March 30, 2020*

PA 70, 71 and 72: Watercraft speed restrictions (*Reps. Eisen and Lilly*)—Allows temporary speed limits on water bodies during high water conditions, establishes civil infractions for violations, and provides for temporary emergency rules in water control zones. *Effective April 2, 2020*

PA 88: Tax tribunal appeal deadlines (*Rep. Hauck*)—Modifies certain Michigan Tax Tribunal property tax appeal deadlines between May 27, 2020, and Sept. 1, 2020, to Aug. 31, 2020. *Effective June 11, 2020*

PA 91: Assessable property (*Sen. MacGregor*)—Revises definition of assessable property in the Shopping Areas Redevelopment Act to allow residential property to be considered assessable property for purposes of principal shopping districts, business improvement districts and business improvement zones. *Effective June 16, 2020*

PA 95: Absent voter counting board (*Rep. Calley*)—Revises absent voter counting boards to allow for county absent voter counting boards and combined absent voter counting boards. *Effective June 23, 2020*

PA 96: Principal residence exemption (*Sen. Victory*)—Extends the deadline to claim a principal residence exemption from the typical deadline of June 1 to June 30, 2020, for the 2020 tax year only. *Effective June 24, 2020*

PA 122 Appropriations (*Sen. Hertel*)—Revises presentation deadline for general appropriations bill for the upcoming fiscal year by the Legislature to the governor to July 1, 2021. *Effective July 1, 2020*

PA 123: Supplemental appropriations (*Sen. Stamas*)—Provides for supplemental appropriations for fiscal year 2019-20 that includes \$200 million for reimbursement to local governments for public health and safety expenses, \$100 million for grants to local governments for first responder hazard pay premium, and \$25 million for water utility assistance. *Effective July 1, 2020*

PA 124, 125 and 126: Liquor licenses (*Reps. Webber and Anthony, and Sen. Nesbitt*)—Allows for on-premises liquor licenses to sell in common areas designated by local governments, allows on-premises liquor licenses to sell for delivery and carryout, and modifies liquor sale, purchase and delivery regulations for on-premises licensees. *Effective July 1, 2020*

PA 132, 133 and 143: Firefighting foam; PFAS (*Reps. Allor and Yaroch*)—Requires report on use of firefighting foam containing PFAS, requires the state Department of Environment, Great Lakes, and Energy to accept for disposal, prohibits the use of firefighting foam containing certain substances, requires specific training on use, and requires the promulgation of rules regarding use of firefighting foam. *PA 132, effective July 8, 2020; PA 133, effective Oct. 6, 2020; PA 143, effective July 31, 2020*

PA 137: Industrial hemp (*Sen. Lauwers*)—Creates regulations for industrial hemp program and requires program to be established and regulated by the Michigan Department of Agriculture and Rural Development. *Effective July 8, 2020*

PA 140: Highway tolls (*Sen. Bizon*)—Provides for a feasibility study and implementation plan for tolling on certain highways. *Effective July 8, 2020*

PA 141: Towing services (*Sen. Stamas*)—Prohibits payments or incentives to local governments in exchange for towing, wrecker, or recovery services or contracts. *Effective Oct. 6, 2020*

Continue to urge legislators to vote ‘no’ on sand and gravel bills

MTA is asking township officials to continue conversations with their state representative and senator on the sand and gravel mining legislation, **Senate Bill 431** and the recently introduced **House Bill 5979**. Your conversations with state legislators, sharing the impact the bills will have on your community, are extremely beneficial.

The bills would eliminate zoning and oversight authority from local governments for sand and gravel mining operations—regardless of where the operation is located or its impact to nearby residents, schools, businesses or others.

Said MTA Executive Director Neil Sheridan, “It should go without saying that locally elected leaders can best respond to residents’ concerns and desires for what is right for their communities, and have a duty to balance protecting their residents against impacts on their quality of life with the need for access to aggregate. MTA urges legislators to place people over profit, vote no on these bills, and allow communities to continue to have a voice in sand and gravel mining operations in their borders.”

The bills are an attack on a local government’s ability to plan and zone for sand and gravel operations, virtually eliminating a township’s authority for sand and gravel mining operations—creating a one-size-fits-all process. SB 431 and HB 5979:

- remove your township’s authority to approve, deny or request changes to an application or special land use permit—regardless of zoned location (residential, industrial, agricultural, commercial)
- eliminate your local oversight over mining operations
- remove the ability to regulate truck loading hours, blasting hours, noise levels (decibel level that exceeds EPA standards) and dust based on proximity of mining operation to residences/businesses
- eliminate any local approval of truck/haul routes
- prohibit reasonable requirements for setbacks and stockpiling—allowing stockpiles of 70 feet and the operation of crushing equipment 300 feet from a residence
- eliminate the ability for a township to conduct an annual review to address any problems
- reduce financial assurance reclamation to a level that is insufficient to cover costs to close mining operations and restore property—maximum of \$3,000—regardless of size of mining operation
- change the process for a zoning decision court challenge by eliminating the consideration of any prior judicial proceedings or review of the zoning ordinance/decision
- do not require applicant to demonstrate a need in the region for the material

While a substitute for SB 431 has been proposed, it does not provide any substantive change for local governments, it does not remove or alleviate our concerns—nor did the discussions involve any organization representing local government.

Discussions are anticipated on this issue in the upcoming weeks. **MTA encourages members to continue to talk with their legislators urging opposition to the bills, and thanks those who have reached out to urge a “No” vote on SB 431 and HB 5979.**

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Legislative lowdown

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

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 absent ballots for military personnel. *MTA monitoring.*

SB 104 & HB 4179: 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.*

SB 431 & HB 5979: Local preemption—Prohibits local regulations of certain conditions under zoning ordinance for mining permit approval. *MTA opposes.*

SB 714: Erosion control—Allows for the construction of temporary erosion control structures without a permit under certain conditions. *MTA monitoring.*

SB 719: Local government—Allows elected officials to hold meetings and to place constituent services information in local government offices. *MTA opposes.*

SBs 725-726: Delinquent property taxes—Revises and expands delinquent property tax notification information required to be sent and allows a foreclosing governmental unit to withhold or cancel property for which a payment was made for taxes levied after the levy of taxes on property subject to foreclosure under specific conditions. *MTA supports.*

SB 756: Elections—Allows election inspectors appointed to absent voter counting boards to work in shifts for tabulating ballots. *MTA supports.*

SB 757: Elections—Allows for the pre-processing of absent voter ballots the day prior to election in townships with a population of 10,000 or more active registered voters and sets requirements for absent voter ballot secrecy containers. *MTA supports.*

SB 892: Personal delivery devices—Regulates personal delivery devices for the delivery of cargo by a business entity (i.e., FedEx, Amazon), provides 90-day local opt-out window, and prohibits local regulation of the automated delivery devices. *MTA opposes.*

SBs 946-947: Qualified heavy equipment tax—Replaces the personal property tax on qualified heavy equipment rentals with a 2% excise fee for each rental. *MTA monitoring.*

HB 4030: Special assessments—Allows townships the option to allocate the cost of maintenance or improvement for private roads on a pro rata frontage basis to landowners in the special assessment district. *MTA supports.*

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 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 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 4268 & SB 163: Broadband personal property exemption—Creates a personal property tax exemption for new broadband equipment that resolves lack of broadband service. *MTA opposes.*

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.*

HB 4691: Municipal stormwater utilities—Creates a new act to provide for and authorize a fee for municipal stormwater utilities. *MTA supports.*

HB 4692: Drains and sewers—Specifies rainfall levels and what constitutes a sewage system defect for liability for overflow or backups. *MTA supports.*

HB 4750 & SB 400: Lead—Requires testing and disclosure of lead in water systems. *MTA monitoring.*

HBs 4775-4776: Recreation passport fees—Modifies the distribution of recreation passport fee revenue and increases the percentage to the Local Public Recreation Facilities Fund. *MTA supports.*

HB 4800: Transportation funding—Allocates a portion of revenue from vehicle registration fees to the township, city or village where registrant resides for road funding. *MTA supports.*

HBs 4963-4964: Transportation funding—Allows a county, city or township to ask voters to create a local gas tax and/or a local add-on to their driver registration fees. *MTA supports.*

HB 4965: Transportation funding—Modifies allocations for certain expenditures by county road agency for primary and local roads to provide more flexibility. *MTA neutral.*

HBs 5024-5025: Property tax/special assessment—Allows authority for townships to establish a millage or special assessment for mosquito abatement. *MTA supports.*

HB 5031: Elections—Expands polling place locations to include a privately owned building. *MTA monitoring.*

HB 5032: Elections—Increases allowable precinct size, allows for precinct consolidation at certain elections by adding primary elections and requires permanent absent voter list. *MTA monitoring.*

HB 5119: Planning commission—Expands eligibility for membership to allow volunteers, police officers, firefighters and medical first responders to serve on a planning commission of a local unit of government. *MTA opposes.*

HB 5123: Elections—Requires absent voter counting boards in cities and townships with more than one election precinct. *MTA monitoring.*

HB 5197: Construction document retention—Allows municipalities to reproduce certain construction documents in electronic or digital format and dispose of original documents as long as specific conditions are met. *MTA supports.*

HB 5247: Elections—Allows township board elections to be nonpartisan with the approval of voters. *MTA supports.*

HB 5305: Land use—Modifies local zoning regulation and permitting of mining operations. *MTA supports.*

HB 5312: Freedom of Information Act—Prohibits a public body from charging any fee for production of records, and modifies the number of days to respond and produce records to 10 calendar days. *MTA opposes.*

HB 5411: False impersonation—Prohibits an individual from impersonating a census taker with the intent to interfere with the operation of the census and creates penalty. *MTA supports.*

HB 5673: Special assessments—Allows townships to create special assessment districts for communications infrastructure including broadband and high-speed internet. *MTA supports.*



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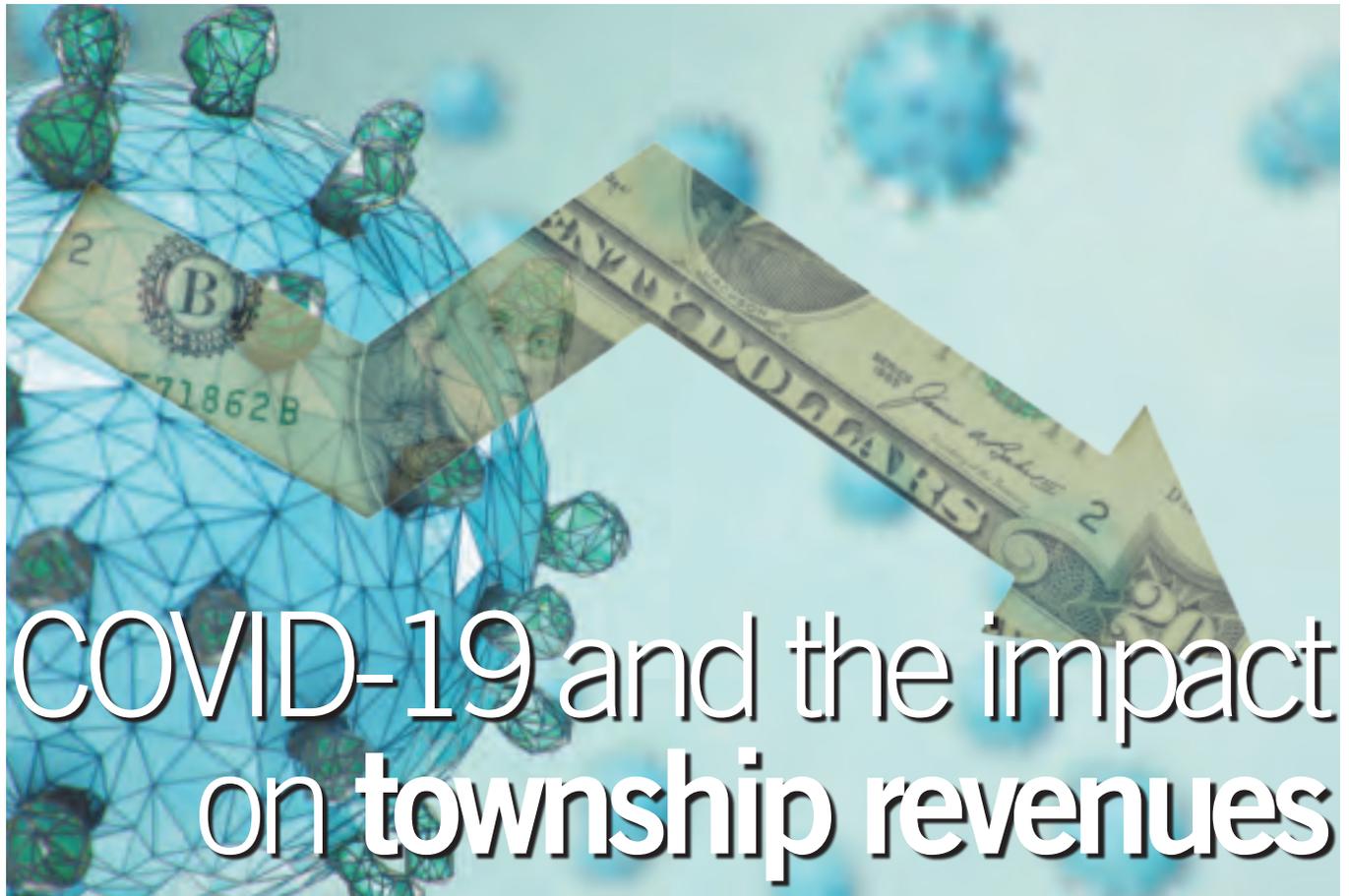
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The COVID-19 pandemic and subsequent recession has upended life for just about everyone. It has changed how businesses and governments operate over the last few months and has led to a freefall in the U.S. and state economies. The economic disruption and revenue declines caused by the virus will create serious budgetary strain for many local governments and impact their ability to provide services to residents.

In order to plan for the uncertain years ahead, townships should take a careful look at all of their revenue sources and identify where the major sources of risk lie. While some of these risks, such as state budget cuts, are shared by all local governments across the state, other risks, such as declines in water and sewer fees, may vary considerably from community to community.

Impact of declining state revenues on local governments

The May 15 Consensus Revenue Estimating Conference provided some more solid projections on the impact the COVID-19 pandemic and resulting economic shutdown

will have on state and local revenues and it is not pretty¹. The projected decline from previous estimates in combined General Fund and School Aid Fund revenue expected for this year and next totals \$6 billion.

Michigan's current year budget was built on the expectation of a combined \$24.9 billion going into the state's General Fund and School Aid Fund; officials now expect closer to \$21.7 billion. That amounts to a 13% drop in revenue² and is twice the size of the state's largest annual revenue loss during the Great Recession. This will be followed by an expected \$3 billion decrease in revenues in the next fiscal year beginning Oct. 1.

The state's options for dealing with the projected declines include using the "Rainy Day Fund" (the Budget Stabilization Fund), increasing taxes, cutting spending and using federal funds where possible. The federal government has provided the state and some local governments with aid through the CARES Act³, but that money must be used for specific pandemic-related expenses⁴. Michigan has \$1.2 billion in its Rainy Day Fund, so even if it were fully depleted to cover the \$6 billion shortfall, the budget gap would still be \$4.8 billion. In addition, statute limits the percentage of existing funds that can be removed from Budget Stabilization Fund, and unlike the federal level, Michigan is required by our state constitution to have a balanced budget. Increasing taxes will be a hard sell at this point and cutting services will require deep cuts.

Just prior to press time, the governor and state Legislature used a combination of \$490 million in state budget cuts, \$350 million in Rainy Day Funds, and federal CARES Act money to close the FY 2020 budget hole. The plan fills the current-year budget hole without net funding cuts to schools, universities or local governments. While this may be a good sign for local budgets in FY 2020, the projected state revenue declines will have a major impact on local governments through both formula-based funding declines and cuts the state may make to help balance its own budget in FY 2021 and beyond.

Township revenue sources

Michigan local governments, and townships in particular, rely heavily on property taxes and state revenue sharing to finance services. **Table 1** shows how much the different levels of government rely on each revenue source and **Table 2** takes a deeper look at township revenue in fiscal year 2018. The tables show that townships rely most heavily on property taxes and state revenue sharing in their general funds, but user fees and charges make up a large percentage of revenues when including all types of funds.

At least in the short term, declines are expected for all these major revenue sources except property tax revenue⁵. Townships may experience some delinquencies caused by

an inability to pay the tax bills⁶, especially for commercial properties. We expect property values to remain stable at this time, but a prolonged recession caused by an inability to reopen the economy could impact on real estate markets and housing values. Precise revenue impacts are unknown.

Property taxes in the long term

While the COVID-19 pandemic shut down the Michigan economy and sent the state spiraling into an economic recession, reviewing property values and revenue data from previous recessions can help us to understand the potential impact this recession might have on tax revenues. A quick look at the data illustrates that, for the most part, property values and tax revenues remain fairly stable during economic downturns.

Looking at economic data over the past 50 years, Michigan has experienced at least four separate periods of fairly severe economic contraction and only one of those periods, the Great Recession from 2007 to 2009, led to significant drops in property tax revenue. This was because of the strong ties of the financial crisis to the real estate market. In other recessions—the first oil crisis of 1973 to 1975, the 16-month recession in the early 1980s, Michigan's single state recession that started around mid-2002—property tax revenues remained fairly stable.

Table 1: General Fund and Other Governmental Funds Revenue, FY 2018 (\$ in millions)

	Property Tax Revenue	%	State Revenue Sharing	%	Income Tax Revenue	%	All Other Revenue*	%	Total
Counties	\$2,080.5	28.0%	\$223.7	3.0%	\$0	0.0%	\$5,122.4	69.0%	\$7,426.6
Cities	\$2,115.8	28.2%	\$696.9	9.3%	\$562.5	7.5%	\$4,115.4	54.9%	\$7,490.6
Townships	\$1,005.0	44.3%	\$408.0	18.0%	\$0	0.0%	\$853.4	37.7%	\$2,266.4
Villages	\$84.8	34.4%	\$27.9	11.3%	\$0	0.0%	\$134.0	54.3%	\$246.7

* Includes other types of tax revenue (e.g., in Detroit) and all other types of revenue in these funds.

Source: Michigan Department of Treasury F-65 data as reported to Munetrix; CRC calculations

Table 2: Total Township Revenues by percentage, FY 2018

	Property Tax	State Revenue Sharing	User Fees and Charges	Licenses and Permits	All Other
General Fund	34.2%	34.8%	8.3%	6.6%	16.1%
GF and Other Governmental Funds	44.3%	18.0%	8.1%	4.1%	25.4%
Enterprise and Component Funds	4.9%	0.1%	78.0%	0.4%	16.7%
Total All Funds	31.8%	12.3%	30.3%	2.9%	22.7%

Source: Michigan Department of Treasury F-65 data as reported to Munetrix; CRC calculations

cover story

Chart 1 shows the percentage yearly change in state equalized value (SEV) from 1970 and the percentage yearly change in taxable value (TV) since 1995. This reflects changes in the assessed values upon which property taxes are levied. Until 1995, property tax rates were levied on SEV, which is 50% of the true cash value of each property. Proposal A of 1994, in addition to changing the school finance system and lowering property taxes for many Michigan residents, created TV as the basis that property taxes are levied on. TV equals SEV when a property is purchased, but a property's value for tax purposes can only grow by 5% or the rate of inflation as long as a person owns it (inflation, and therefore TV growth, has been less than 5% every year since 1994). When a property is sold, it reverts back to its SEV level.

As Chart 1 shows, property values fell slightly in the mid-1970s due to the recession and grew very slowly in the years directly following the 1980s recession. They continued to grow during Michigan's single state recession, though at lower rates than in previous years. The only recession that saw extended, severe drops in property values was the Great Recession, which was precipitated by the housing market crash.

Charts 2 and 3 highlight what has happened with property tax revenue since 1970. Chart 2 shows two major declines in total state and local property tax revenues in actual dollars: one when Proposal A was enacted in 1994 (no surprise—part of the impetus behind Proposal A was to lower property taxes) and the second was during the Great Recession. Chart 3 illustrates that township property tax revenue grew steadily except during the Great Recession.

Property taxes in the near-term

While property values are expected to remain fairly stable over the long run, local officials should keep a close eye on potential volatility in the near-term, which will be impacted by current business and economic conditions. According to the Michigan Public Policy Survey (MPPS), an annual survey of local officials conducted by the Center for Local, State, and Urban Policy at the University of Michigan, 45% of township officials surveyed between March and May expect "bad times" in local business conditions over the course of the next year. However, conditions could vary substantially from community to community, depending on the particular mix of industries that make up the local economy. Areas reliant on tourism, for example, are expected to fare worse than areas where the economy is more diversified.

With this economic uncertainty, home values are expected to fluctuate a bit in the short run, but stabilize

Chart 1: State Equalized Value and Taxable Value % Change from Previous Year

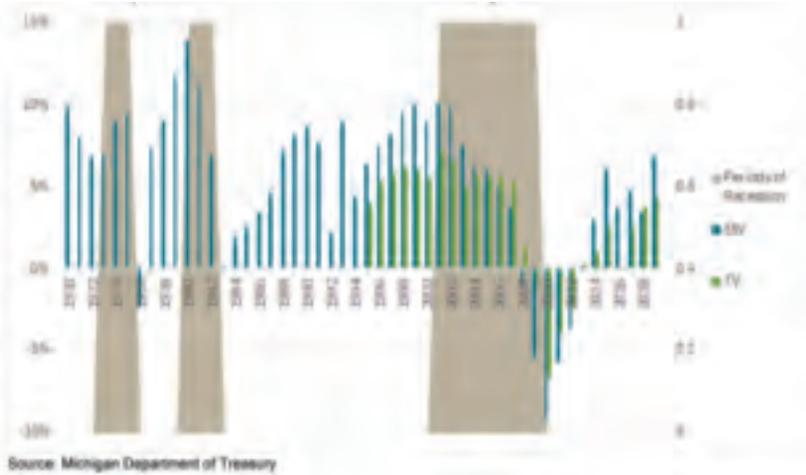


Chart 2: Total State and Local Property Tax Revenues (in millions)

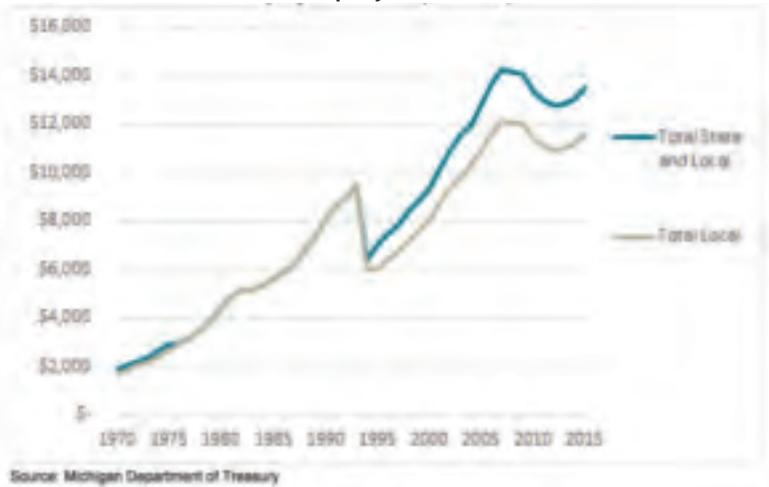
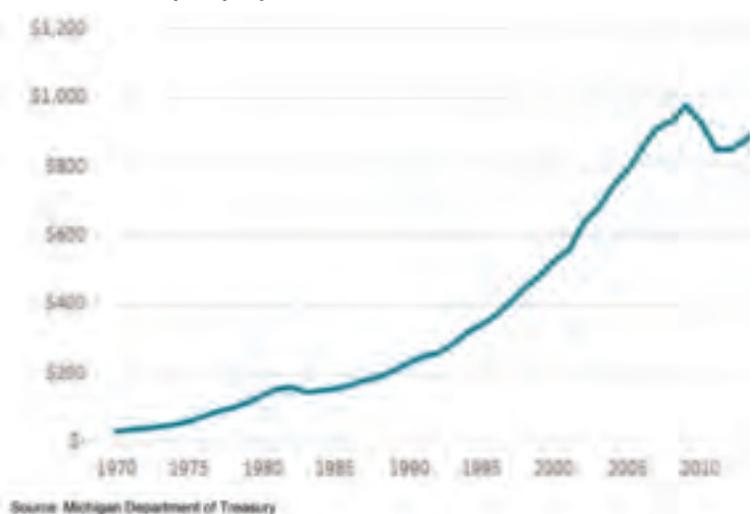
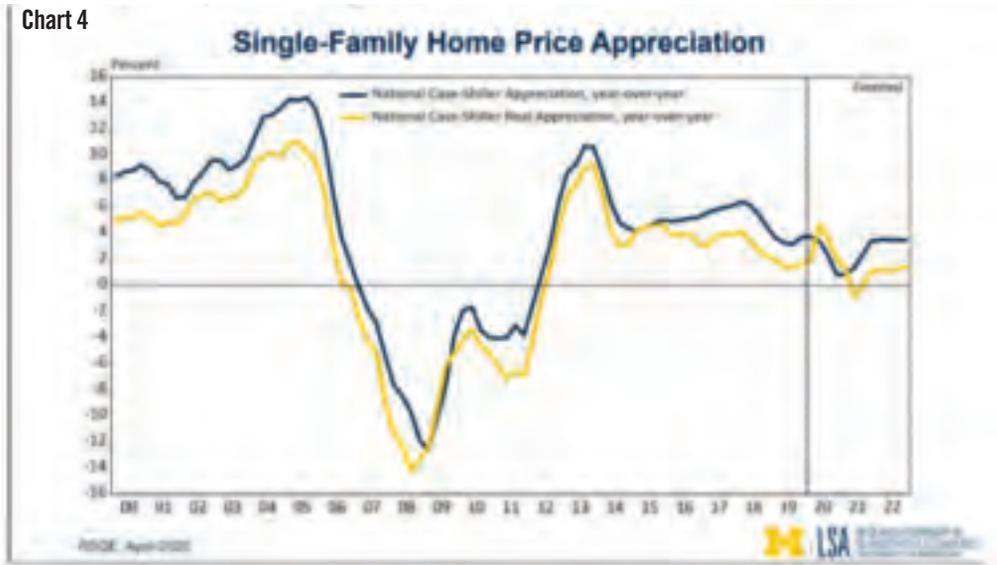


Chart 3: Township Property Tax Revenues (in millions)



fairly quickly. **Chart 4** shows the projected single-family home price appreciation at the national level through 2022; home prices have been stable for the past five years and are projected to stabilize after the initial economic shock from the COVID outbreak. We do not see large increases creating a bubble like in the early 2000s before the housing market crashed. Prior to the COVID-19 pandemic, low inventory combined with low mortgage costs contributed to price increases. The forecast shows that appreciation will slow and the housing market will take a hit as economic fears grow⁷, but these projections do not show large decreases in home values. This is partially due to measures in place⁸ to suspend home foreclosures and allow for delayed payments in the short run.



Even if commercial and residential property values remain stable, many individuals and businesses may struggle to pay their taxes in full and on time due to unemployment or business closure, creating potential cash flow challenges for local governments. While counties manage the collection of delinquent taxes and reimburse townships and cities for any unpaid amounts, many local governments have waived or reduced late fees. And although Gov. Whitmer recently vetoed two bills that would allow for deferment of summer 2020 property tax payments and create a program for the state to cover the cash flow shortages created by deferment, replacement legislation—Senate Bill 943—was passed by the House and is pending in the Senate. Additional work is planned in August on this issue and will likely be addressed when the Legislature returns later this summer.

Michigan’s method of assessing properties may insulate local governments from fluctuations in the short term. Proposal A of 1994, and the change to TV from SEV for the tax base, has created something of a bubble that can insulate property tax revenues during periods of decline. Here’s how it works for an individual property: SEV is linked to the market value of a property and can fluctuate substantially with market conditions, while TV is limited by inflationary growth. This can lead to a fairly large difference between a property’s SEV and TV and the amount of property taxes collected, especially if the property stays with the same owner for several years. After the housing crash of the Great Recession, property values have largely recovered for most local governments, leading to growth in statewide SEV. During that same period, inflation has limited the growth in TV and local government revenues have experienced slow growth.

According to the Southeast Michigan Council of Governments (SEMCOG)⁹, the ratio of TV to SEV in the SEMCOG region is 78% as of 2019, meaning that 22% of the market value of all property is untaxed. The TV-SEV gap

varies by community. Its existence provides room for property tax revenues to grow, even in an environment of declining property values. However, if a recession causes market values to decline enough to erase the gap, further reductions in SEV will drive down TV and the associated revenues.

Overall, property taxes should continue to be a reliable source of revenue for townships and other local governments, although short-term fluctuations and local economic challenges may mean that some communities fare better than others. There is plenty of room for improvement in Michigan’s municipal finance system¹⁰, but the ability of local governments to rely on property taxes during recessionary periods should not be overlooked.

State revenue sharing

Michigan’s 1,773 townships, cities and villages rely to varying degrees on unrestricted state revenue sharing¹¹ payments to supplement locally raised revenue. Elements of revenue sharing were adopted after certain local taxes were discontinued or preempted by the state. Today, the program consists of constitutional and statutory payments based on formulas and conditioned on annual state appropriations. For some townships, revenue sharing comprises a significant portion of their budgets (*see Tables 1 and 2*).

Table 3 on the following page shows the actual constitutional and statutory revenue sharing payments in FY 2018 and FY 2019. Constitutional payments for FY 2020 and FY 2021 will decline because they are based on sales tax collections. While constitutional payments are guaranteed based on a formula, statutory revenue sharing payments are subject to annual appropriation. Counties, cities, several villages and 12% of the townships that receive statutory payments are being spared the impact of state budget cuts because federal CARES Act will offset the cuts. It remains to be seen whether the state will cut FY 2021 statutory payments and if federal funding will be available to offset funding from state sources if cuts are made.

Table 3: Constitutional and Revenue Sharing Payments, FY 2018-2019
(\$ in millions)

	FY2018 (actual)	FY2019 (actual)
Constitutional	\$814.16	\$851.29
Statutory (pre-COVID projections)	\$254.85	\$255.02
Total	\$1,069.01	\$1,106.31
Cities (not Detroit)	\$435.87	\$451.34
Detroit	\$199.93	\$202.61
Villages	\$25.78	\$26.86
Townships	\$407.43	\$425.50
Total	\$1,069.01	\$1,106.31

Source: Michigan Department of Treasury, Constitutional and Statutory Revenue Sharing Projections

Constitutional revenue sharing

Most townships receive only constitutional revenue sharing payments. Payments to local governments are made bimonthly, and the distribution rate is based on sales tax collections from the prior two months. For example, the June 30 payment is based on collections in March and April, the first months to see major declines in revenue. The total per-capita distribution rate for FY 2019 was approximately \$86.40 per resident. The rates for FY 2020 and FY 2021 are expected to be less because of the COVID-19 recession. Current estimates¹² reflect a decrease of 11% in sales tax revenue for the state’s current fiscal year ending Sept. 30, while total constitutional revenue sharing payments are expected to decrease by 2.2%. This difference reflects the two-month lag between payments and collections.

Determining how individual local units will feel the effects of the decrease is complicated by the fact that municipalities have different fiscal years. The total amount an individual local government receives each year is dependent on which bi-monthly distributions are included in its fiscal year. Using calculations from SEMCOG, **Chart 5** shows actual per-capita distributions through April 2020 and estimated payments after April based on updated sales tax revenue figures¹³.

As the graphs in **Chart 6** illustrate, the decreased payments will affect locals’ budgets differently depending on when their fiscal year starts. Most township fiscal years begin April 1 (*upper right panel of Chart 6*) and should expect to see an 11%

reduction in revenue sharing between FY 2020 and FY 2021. Because constitutional revenue sharing is distributed on a per-capita basis, townships with large populations will see the largest reductions on a total dollar basis. However, some townships with small populations rely on revenue sharing as a larger percentage of their budget than larger units that may receive a greater dollar amount.

Townships with lower taxable values per capita are typically more dependent on state revenue sharing to supplement their own-source revenue because they cannot raise as much revenue through property taxes. Due to this budgetary dependency, revenue sharing reductions will likely hit harder in these communities.

Statutory revenue sharing

Statutory revenue sharing payments are based on a formula contained in state law. Less than half of local governments receive this funding, and because of the way that cuts have been made, Detroit receives more than half of the total distribution. In FY 2020, only 149 townships—just 12% of Michigan’s 1,240 townships—were eligible for funding.

Since inception, the statutory revenue sharing program has been modified several times¹⁴. Distributions are based on the 1998 statute where full funding would be 75.5% of 21.3% of the sales tax revenue collected at the 4% rate. (MCL 141.913) The initial formula was designed to take into account the variations in local governments’ service delivery needs, infrastructure maintenance requirements, and revenue raising capacity¹⁵. However, the formula was never fully implemented¹⁶. Today, payments are dependent on annual state appropriations.

Chart 7 shows that the state has consistently underfunded statutory payments relative to the full funding level stipulated in law. The revenue instead has been directed to finance other areas of the state budget. Moreover, since FY 2002, payments have been based on a unit’s prior year payment. This means that a local government’s population, taxable property value per capita and yield equalization from the early 2000s are still a factor in their current payments.

In FY 2015, the revenue sharing program was changed in an effort to increase the number of eligible local governments. The new program eliminated criteria related to consolidating services and employee compensation as a condition of receiving payments. In FY 2020, the criteria were again changed so that local units must have received a statutory payment in the previous year and meet requirements related to accountability and transparency in order to be eligible to receive payments. The maximum payment for FY 2020 is 102.3% of a local unit’s combined payments (including supplemental payments) from FY 2019.

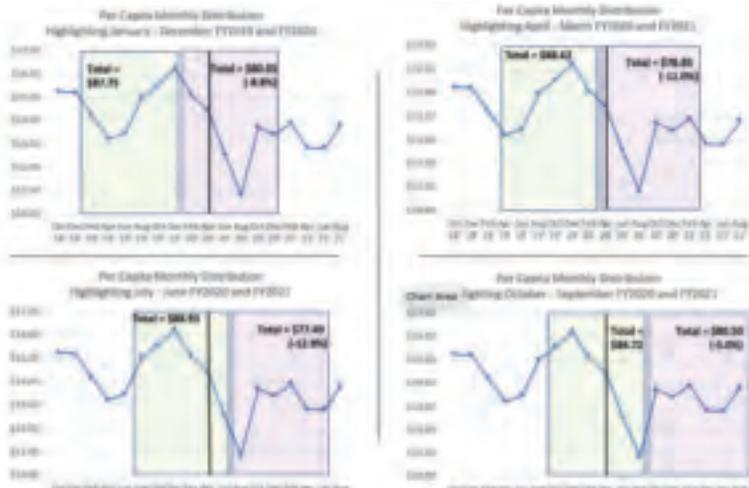
These payments are subject to appropriation risk. They are not guaranteed like constitutional payments. As **Chart 7** illustrates, the state has a history of providing significantly

Chart 5: Per-Capita Monthly Constitutional Revenue Sharing Distribution



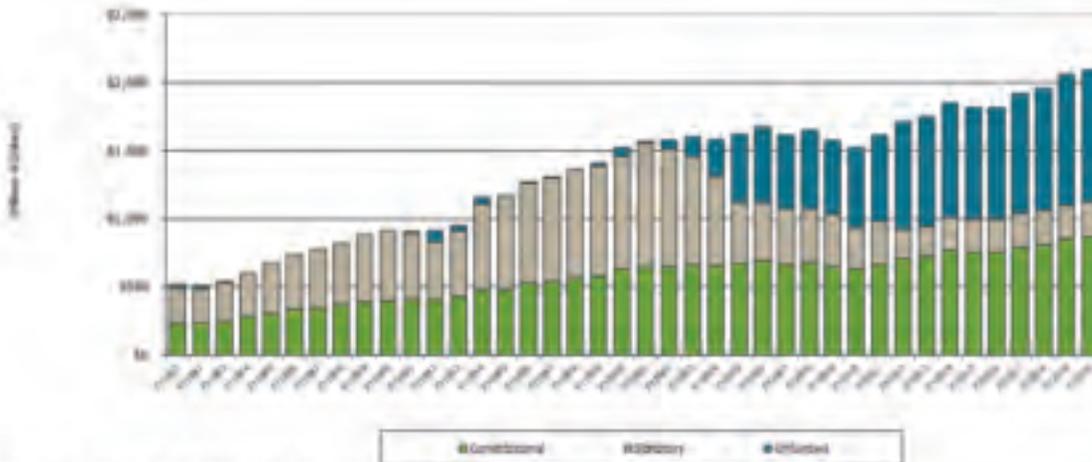
Source: Anderson, Bill 2020 Blog "Constitutional Revenue Sharing Reductions: Fiscal Years Matter" Southeast Michigan Council of Governments (SEMCOG), May 19, 2020.

Chart 6: Per-Capita Monthly Distributions based on Fiscal Year



Source: Anderson, Bill 2020 Blog "Constitutional Revenue Sharing Reductions: Fiscal Years Matter" Southeast Michigan Council of Governments (SEMCOG), May 19, 2020.

Chart 7: State Revenue Sharing, FY 1981-2020 (budgeted)



Source: Michigan Department of Treasury; Citizens Research Council of Michigan

less than the fully funded amount, especially during years when its own budget is under strain. The gap is so large that considering the expected decrease in sales tax revenue, even if a local government receives the maximum payment, it would still not likely reach the fully funded amount.

Given the current pressure on the state budget, legislators may decide to decrease payments by an amount disproportionately greater than the decrease in sales tax collections. According to the plan released by the state for the FY 2020 budget, the state will use Rainy Day Funds and federal funds to prevent additional cuts to local governments this year. That being said, the state is working on the FY 2021 budget, which is more likely to include additional reductions. A third Consensus Revenue Estimating Conference, to be held on Aug. 24, will provide better revenue estimates for the Legislature and governor to complete the FY 2021 budget.

While the impact of the current recession is uncertain and state lawmakers have not yet made decisions on how to balance the current-year and next year's budgets, a decision to drastically reduce payments this year or next year could potentially have long-lasting effects since current payments are dependent on prior year payments. Even with expansion under the current program, payments are still lower than they were in the early 2000s.

User fees and charges

While property taxes and constitutional revenue sharing make up a majority of the general revenues for most townships, these revenues are supplemented by a variety of other miscellaneous sources, including cable franchise fees, permits, fee-for-service revenues, grants and investment income. In addition, many townships provide water, sewer, and stormwater services funded by user fees. Historically, fee-funded activities have been resistant to economic fluctuations, but during this pandemic and recession, many local governments are experiencing revenue declines in their business operations as well.

With recreation centers and golf courses closed and many municipal parks and recreation activities cancelled or postponed, those admittance, participation and greens fees were not collected for many months. While pent-up demand for some fee-based programs, like building permits, may help revenue recover, lost revenues due to recreation activities will never be recouped. Local governments cannot make up for lost seasons and sports opportunities, just hope to be able to provide them next season.

cover story

Over the past few months, building permits¹⁷ and rental fees were stagnant. Water usage charges were also down from normal levels because industry, which was largely shut down, uses far more water than residential properties. Revenues may also be down if customers are struggling to make payments. Reductions in water system usage and revenue may be particularly problematic because the high fixed costs of operating a utility mean that expenses cannot easily be reduced. Water rate structures often rely on spreading the fixed costs over all customers based on a “normal” level of usage.

Townships and other local governments may consider examining usage patterns and revisiting some of their fee-based activities and programs to ensure that fees are effectively recovering the costs of those activities. Fee-setting and cost recovery depends on keeping detailed records and implementing full cost accounting methods¹⁸. According to the 2020 MPPS survey, 16.2% of Michigan local governments—but only 10.6% of townships—expect to increase “charges for fees, licenses, etc.” over the next year. Altogether, changes in miscellaneous fees and charges can add up to have a big impact on local government revenues.

Identify risks, plan carefully

At a time when many local governments still have not recovered from the Great Recession, the COVID pandemic recession will deal a major blow to the public sector’s ability to deliver the services that residents and businesses rely on. In a time of great uncertainty, governments and organizations of all kinds will need to carefully examine their revenue and cost structures to identify risks and think through alternative scenarios.

While no communities are likely to be spared budget cuts, local governments that plan carefully and strategically will put themselves in the best position to recover in the years ahead.



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*With contributions by
Miranda Vetter.*

This article was based on memos from the University of Michigan’s “Local Government COVID-19 Fiscal Strategy and Resource Guide,” available at closup.umich.edu/COVID-19.

Learn more at closup.umich.edu or contact Leiser at schmidts@umich.edu. You can also reach out to Roof at roof@crcmich.org or by visiting <https://crcmich.org>.

Endnotes

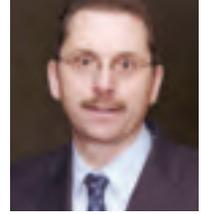
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- <https://www.bridgemi.com/michigan-government/michigans-62b-coronavirus-budget-gap-bad-or-worse-great-recession>
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Given the impact of COVID-19, has the Michigan Department of Treasury revised audit due dates?

No, the state Department of Treasury lacks the statutory authority to extend audit due dates past the six months after year-end established by the Uniform Budgeting and Accounting Act (Public Act 2 of 1968, as amended; MCL 141.427, *et seq.*). The act does provide for an extension period, which was outlined in Numbered Letter 2001-1. To be granted an extension, a local unit must:

- 1) Make a written request from the chief administrative officer of the municipality (typically, the township supervisor).
- 2) Make the request prior to the expiration of the six-month period post year-end.
- 3) Make a complete request, including:
 - that the audit is currently in progress, including “component units”
 - when the audit is expected to be completed
 - an explanation of the existence of extraordinary circumstances beyond the control of the local unit and the audit cannot be completed and filed timely (the reasonable cause). A letter from the auditor is acceptable as an attachment to the chief administrative officer’s request.

In addition, requests for extension of the filing requirement for the annual financial report (F-65) must be accompanied by unadjusted year-end trial balance reports.

The Department of Treasury will post these unadjusted year-end trial balance reports on the department’s website if the extension is granted. A written response to each audit extension request will be sent to the local unit. Treasury will respond in writing to each request for an audit extension received.

Requests for an extension will be denied absent the existence of an extraordinary circumstance beyond the control of the unit of government justifying the extension.

The extension, if granted, will be an additional 30 days. Note the extension doesn’t extend the due date for township’s obligations for “continuing disclosure” required under the Security and Exchange Commission for certain obligations (bonds) of the township. Also, late-filing audit reports contain a number negative consequences:

- Possible revenue sharing delays
- Borrowing requests may be upheld
- Possible review of the township’s activities by the department

Depending on your fiscal year-end, funding levels for other post-employment benefits and pension plans may shift based on economic conditions. Underfunded status is defined by Public Act 202 of 2017.



Our auditors are considering performing much of the audit field work “remotely.” Is this permissible?

The Department of Treasury requires that township’s annual audit (or biannual for units with less than 4,000 in population) be conducted under generally accepted auditing standards (GAAS). Currently, auditors are not prohibited from conducting fieldwork remotely. However, they may face challenges in performing their duties, including:

Access to books and records. Auditors need access to the township’s general ledger system, and “books of original entries” if transactions are posted in the general ledger in summary form. Most software programs provide the ability to export reports to Microsoft Excel or PDF format. Townships should encourage their CPAs to communicate through a secure portal to allow them to safely and efficiently upload scanned documents, Excel, PDF and Microsoft Word files.

Internal controls. Auditors are required by GAAS to perform work to document the system of internal controls. The purpose of this review is to determine if the system is robust enough to detect material errors or irregularities. This review typically consists of “walk throughs” of the system by the auditors during the preliminary phase of the audit. Due to the pandemic, some townships have made significant changes to operating procedures that need to be documented by the auditors, and either perform additional test work over the controls or more “detail testing.”

Doing this work remotely presents challenges, and may be remedied by video conferencing or other means to allow the auditors to gain and document this understanding the major controls systems. Even if the auditors were not planning on relying on the systems to reduce detail testing, they must perform adequate reviews of the major control systems and perform risk assessments to properly design their audit programs. Townships may wish to consider setting up a portal to allow for secure file transfer, or granting the audit team read-only access to the general ledger and related attachments, which could reduce the number of requests and questions.

If they are unable to do so, they may have a scope limitation, which means that they cannot issue an “unmodified opinion” (ie, a clean report) on the township’s financial statements.

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.

Vote



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Elections Tips and Fundamentals

Townships vary dramatically in size and location, but all have elections in common. Every township runs elections, and each is challenged with doing so safely! While some logistics are tried-and-true, new procedures must be put into place for handling hurdles like COVID-19, cyber-attacks, absentee voter ballots and more.

MTA can help! Purchase our *Elections Tips and Fundamentals* webcast series today to learn more about these new challenges, and get tips designed to help you organize and prioritize your elections. This prerecorded series is broken into several watchable segments, allowing you to watch and learn at your own pace (and convenience!) from the safety of your home or office.

The first segment in the series offers checklists and time management tips, and will even help you troubleshoot those nagging Election Day issues. Examine the absentee voter process, tackle ballot issues and streamline precinct setup. Publications and notices are also addressed. We take you beyond the legal requirements for conducting elections and explore effective ways to run an election safely.

Next up, we've got what you need to know about election workers. From recruiting to requirements, we hit the highlights. Take away tips on alternates to ensure you have appropriate backup to avoid any unwelcome surprises come Election Day.

But wait, there's more! After the August primary, we are adding a segment on security. Learn how Michigan is securing the polls, managing misinformation and troubleshooting any lessons learned from the trenches.

Did you miss the MTA Q&A featuring experts from the Bureau of Elections in July? A recorded version of this session, offering insights into the impact of Proposal 18-3 and COVID-19 on elections, is included with this series and is also available at www.michigantownships.org/coronavirus.asp.



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Emerging Issues in Planning & Zoning

We are taking the summer's hottest evening workshop series virtual! If you've attended MTA's face-to-face series, you already know this program identifies hot topics and emerging issues in planning and zoning, and is a must for planning commissioners, township board members and zoning administrators.

Not only has it gone virtual, our ever-popular *Hot Topics* workshop has been divided into **four separate hour-long LIVE webinars, so you can get your questions answered** by our expert speakers. This entire series combines a how-to guide with real-life practical experiences. Join us:

Aug. 17 at 4 p.m.:

Taking Your PC & ZBA Meetings Virtual

Aug. 26 at 4 p.m.:

Mining Operations & Short-Term Rentals

Sept. 10 at 5:30 p.m.:

Introduction to Planning & Zoning for Wind & Solar Energy

Sept. 17 at 5:30 p.m.:

Planning & Zoning for Utility-Scale Solar Energy

If you can't attend the live portion, don't worry! Recordings of each segment will be available on demand in our Online Learning Center following the conclusion of the series.

Get **tips for how your planning commission and zoning board of appeals can navigate the new virtual environment** we've all been thrust into during the pandemic.

Dig into **mining operations and short-term rentals** and gain insights into how townships can mitigate the legal issues while addressing the concerns of its residents.

Review the **fundamentals of planning and zoning for both wind and solar energy** and learn more about **utility-scale, non-residential solar arrays**.

Only \$94 per person! Visit <https://my.michigantownships.org/upcoming-events> to register today! Members may select "invoice my township" when registering for live webinars to expedite the process. Questions? Call (517) 321-6467.

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Watch your email for a registration link. To add new users to your township subscription, send names, titles and emails to mtaonline@michigantownships.org.

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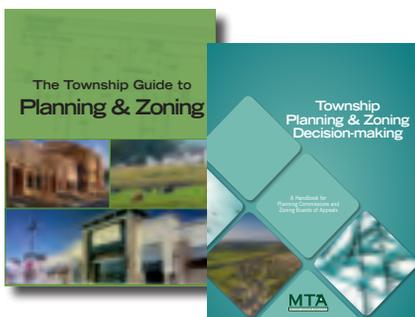
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MTA has packaged two of our most popular publications, revised in 2019, and is making them available to you at discounted rates. Get both of these helpful tools for just \$72 when registering for our *Emerging Issues in Planning & Zoning* webinar.

The *Township Guide to Planning & Zoning* provides a detailed look at the planning process and outlines elements of a successful planning program. *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.



Is *your* township a Township of Excellence?



According to MTA’s challenging “Township of Excellence” program, a Township of Excellence is a strong, vibrant community governed by a township board that applies best practices to deliver quality programs and services to accomplish community goals.

MTA wanted to create opportunities for townships to take an introspective look at how they operate the areas where they currently excel, and in the areas where they can still grow. The goal is to help each township excel within its individual resources, programs and services. Since its inception, a handful of townships have accepted the challenge—and been recognized for their commitment to excellence. **Look for a profile of our latest Township of Excellence in next month’s issue of *Township Focus*!**

What is it?

It’s not a competition. It is a designation program that recognizes the hard work of your board and staff to better serve the community. It is a tool that your township can use as a benchmark for progress in your township. And it is also an opportunity to challenge your township to grow in ways you might not have considered before.

Any township of any size could achieve the award. There are some requirements that are based on a township’s size or resources, but services that are not provided are not counted against a township. For example, if a township does not provide fire protection services, they can still achieve the full award. Also, for example, under the fire protection services section, a certain ISO rating must be achieved, but it differs depending on the level of fire protection and water system provided by the specific township.

One key to remember...

This program is designed to push townships to go above and beyond what is required by law to provide superlative service to their residents. Doing only what is required by statute in each section that applies to the township does not determine excellence in this program.

The program also requires all township board members to participate in some specific training or education opportunities (offered by MTA and other organizations). In the past, probably the only real obstacle to a township achieving the full award has been meeting the training requirements. Attempting to become a Township of Excellence does require a continuing commitment by a majority of the township board members to ongoing education and training. Some MTA training is required, but training or education from other sources is accepted for many of the sections.

MTA has continued to expand its learning opportunities, including creating a library of webinars that may be viewed to meet the Township of Excellence criteria. **And with the introduction of the new MTA Online subscription packages (see promo at right), the ongoing MTA training requirements may be easily met at very low costs.**

What’s involved in the application process?

Ten sections make up the application: governance; financial stewardship; assessment administration; tax collection; election administration; emergency services; land use management and economic development; transportation; utilities; and cemeteries.

Some documentation is required in most sections to show that the township meets the criteria for the designation, such as township policies or contracts, and MTA training/education participation will be confirmed.

Two ways to apply—A township can apply for the entire Township of Excellence designation. Or a township may apply for a Certificate of Achievement in one or more of the sections to build toward fulfillment of the full designation—or just recognize excellence in a single section.

When can a township apply?—A township may apply after a township board has served together for a minimum of six months. Note that if there are changes in board members, the six-month waiting period applies again.

A township board member, superintendent or manager may apply on behalf of an MTA-member township board. A township board resolution is required to ensure that the board has authorized—and committed to—the process, which may continue over months or, in some cases, years during a term, based on when the township applies. There is no advantage to applying early in a term, because some of the training requirements involve showing continuing training during a term.

Length of designation—A designation continues until the end of the four-year township board term. A township may reapply for the designation in each new term, with no limit to the number of terms that a township may be recognized as a Township of Excellence.

Is there a fee?—There is no fee to apply for the full designation or a Certificate of Achievement. Applications and documentation may be submitted completely in digital format.

For more information on the Township of Excellence program, contact MTA Member Information Services at (517) 321-6467 or visit www.michigantownships.org (under the “About MTA” tab).

MTA Online Learning Center



Purchase a township-wide online subscription and get access for everyone on your township team for a full year. Choose from three different levels. Each level contains different courses, with new content being added to the **Plus** and **Premium** levels throughout the year. Package level pricing provides deep discounts and is a benefit your entire township can take advantage of. Get access to online education for all, anytime, anywhere, at your convenience.

Option 1. Premium Pass

Includes year-round access to every title in our **Essentials** and **Plus** packages as well as 10 additional courses, nine of which are Township Governance Academy courses. Visit www.michigantownships.org/mtaonline.asp for a full list of titles.

NEW courses coming this summer

- *Elections Tips & Fundamentals*
- *Emerging Issues in Planning & Zoning*

UPDATED course elements

- *Cemetery Management*
- *Roles & Functions of the ZBA*

BONUS courses offered April to June

- *New Officials Training*
- *Treasurer's Guide to Tax Collecting*
- *Board of Review Basic & Advanced Training*

A \$4,032 PER PERSON value for just \$1,900 for your ENTIRE TOWNSHIP TEAM

Option 2. Plus Package

Get access to all 10 titles listed in Option 3, plus five more specialized topics that take your township in-depth on additional services some townships provide.

Titles include:

- *Cemetery Management (new updated elements)*
- *Governing an Accountable Fire Department*
- *Intro to Planning & Zoning*
- *Roles & Functions of the ZBA (new updated elements)*
- *Ordinance Enforcement*

Coming soon ...

- *Emerging Issues in Planning & Zoning*

A \$1,400 PER PERSON value for just \$1,000 for your ENTIRE TOWNSHIP TEAM

Option 3. Essentials Package

Offers access to 10 of our top online courses, featuring topics designed for all board members and required knowledge for all townships. Titles include:

- *Accounting & Payroll*
- *Building a Better Budget*
- *Effectively Exercising Board Authority*
- *Exploring Township Revenue Sources*
- *Meeting Misconceptions*
- *Secrets to Great Board Meetings*
- *Spending Public Money*
- *Special Assessment Procedures*
- *Taxation Trouble Spots*
- *Who Gets Paid What ... and How?*

A \$800 PER PERSON value for just \$750 for your ENTIRE TOWNSHIP TEAM

Registration Form

Township _____ County _____

Telephone _____

Select one of the following options for your entire township team:

- Premium Pass \$1,900
- Plus Package \$1,000
- Essentials Package \$750

Send your completed registration form with payment to MTA, P.O. Box 80078, Lansing, MI 48908-0078; fax: (517) 321-8908 or email to rebecca@michigantownships.org. Questions? Call (517) 321-6467.

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 _____

aroundthe**state**

townships in the spotlight



Saugatuck Township

Situated between Holland and South Haven, in the heart of Lake Michigan’s “Art Coast,” **Saugatuck Township** (Allegan Co.) wraps itself around the cities of Saugatuck and Douglas along the Kalamazoo River. With a population estimated at 3,200 people, Saugatuck Township—first settled in 1837—is a geographically and socially diverse community. Originally including the two Saugatuck-Douglas commercial centers, its landscape includes lush farmlands, the world-renowned Saugatuck Dunes, two popular golf courses, and several miles of Lakeshore Drive known for beautiful homes, some of which have been in the families of Chicago, St. Louis and Detroit residents since the early 20th century.

Several art galleries and studios that draw tourists and collectors to the area are located along Blue Star Highway, which runs through the township crossing the Kalamazoo River. The river reaches its mouth at Lake Michigan near Saugatuck Dunes State Park. A new addition to the landscape is the Blue Star Bike Trail, which aims to one day link South Haven and Holland.



Saugatuck Township is the home of the Ox-Bow School of Art. Owned and operated by the Art Institute of Chicago since 1908, it has hosted many celebrated artists—among them Muppets creator Jim Henson. Rumor has it, Kermit the Frog was born here! Across the river from Ox-Bow, the Saugatuck Dunes hide the buried ghost town of Singapore, once a flourishing lumber and fishing outpost. Deforestation to help build Chicago after the Great Fire caused Singapore to become a victim of the dynamic, shifting sands.

Balancing preservation and conservation with thoughtful development is a key goal of the Tri-Community Comprehensive Plan, which was last revised and adopted in 2016 by the three local governments that strive to work together on many important issues. The township once included all three municipalities until the City of Saugatuck was formed in 1984, followed by Douglas in 2004. A proud example of this tri-community spirit is that all three adopted nondiscrimination ordinances by 2007, becoming some of the first outside of the Detroit and Grand Rapids metro areas to do so.

—Submitted by Township Board Member
Jon Helmrich



2020-21 MTA Board-approved policy platform

The following legislative policy platform was approved by the MTA Board of Directors to guide the Association's legislative efforts for 2020-21. In the absence of an MTA Annual Meeting, an MTA-member briefing providing an opportunity for questions and answers, and a review of the platform will be held virtually.

Vision Statement

The Michigan Townships Association envisions a 21st Century Michigan where:

- Townships have statutory authority and state financial support sufficient to provide high quality services and infrastructure consistent with community needs and expectations, and to enable full compliance with ever-expanding state-imposed mandates without cutting local spending priorities
- Elections are accurate, fair and a high percentage of registered voters participate
- Townships are valued and respected for solving local and regional challenges through visionary, ethical leadership and collaboration
- Natural resources are developed from townships in a manner consistent with township regulations that protect public safety and property values
- There is clarity of roles and responsibilities among township officials essential for efficient and effective services to the public
- Townships retain authority to protect and regulate the public rights-of-way and other land uses in the interest of the public
- State laws recognize that township officials are elected by and accountable to their residents for the township's governance, financial position, programs and services consistent with community values

Assessment and Taxation

The Michigan Townships Association supports property tax fairness, equity, and efficient assessment and collection by public servants who are accountable to township officials to ensure public trust and locally accessible information and assistance. Valuation should be based on sound assessing principles. Local governments should be reimbursed by the state for property tax revenues lost due to statutory exemptions. State government should provide local governments with education and technical support to develop and defend their assessment rolls.

As lawmakers and regulators enact changes to current tax laws and local government requirements, the Michigan Townships Association supports the following objectives:

- Valuation of big box stores should be determined using the same assessing methodology as other commercial properties and prohibit the consideration of private deed restrictions or covenants imposed to reduce the value of the property or exclude competitors of the grantor from the market

Purpose

The Michigan Townships Association Policy Platform is a member-adopted plan that identifies the Association's primary legislative policy objectives. It provides broad policy guidance to the MTA Board of Directors and staff in responding to legislation in a manner that reflects the values and preferences of the MTA membership. It offers instruction as to the issues that the membership desires the Association to bring to the attention of policymakers and for which the Association is to effectively advocate. The Policy Platform also identifies positions on issues that the Association's membership pledges its active support, including engaging in grassroots advocacy consistent with the Policy Platform objectives.

The legislative process requires compromise and accommodations to alternative perspectives. As such, the Association will pursue legislative outcomes that most closely achieve the spirit and intent of the Policy Platform, but cannot be bound to premise its position on the precise wording of its Policy Platform.

The Policy Platform delineates issues into six broad issue areas:

- Assessment and Taxation
- Elections
- Environment and Land Use
- Intergovernmental Relations
- Township Operations
- Transportation and Infrastructure

The issues addressed in a particular subject area may have implications for issues addressed in other subject areas and should be interpreted such that the broad policy objectives of all affected areas are accomplished.

- Oppose expansion of property tax exemptions and support the state assuming administration and funding of disabled veteran's property tax exemption
- Clarify property tax exemption eligibility for nonprofit charitable institutions
- Raise the current charter township 10-mill tax limitation to allow charter townships, with voter approval, to address legacy costs, meet demands for expanding services, and offset millage rollback requirements
- Recodify Michigan township statutes to include clarification that assessors are accountable to the township board when the supervisor is not certified to perform assessing functions

MTA Board-approved policy platform

- Increase the specific tax on mobile homes located in licensed parks and levy on park owner rather than individual occupied dwelling owners
- Exempt minimal personal property tax obligations resulting from minor property improvements on mobile home lots such as small decks, stairs and porches

Elections

The Michigan Townships Association supports fair, transparent and efficient elections administered by township officials that encourage high voter participation and procedures appropriate to varying community resources and population densities.

As lawmakers and regulators enact changes to current election laws, the Michigan Townships Association supports the following objectives:

- Preserve authority of townships to convey information on ballot proposals to their residents
- Preserve the authority of townships to place millage and bond proposals before voters at any election
- Permit the option for non-partisan township offices to be approved by the township board and the electors

Environment and Land Use

The Michigan Townships Association supports state laws that enable townships to efficiently and effectively plan for land uses and adopt zoning ordinances to protect the public health, safety and general welfare. State and federal regulations should not impede local government growth and development policies and objectives. Further, preemption of local land use authority should be limited to issues of great statewide impact and any resulting adverse local impacts should be mitigated by the state or federal government.

As lawmakers and regulatory agencies enact changes to laws addressing township land use and environment, the Michigan Townships Association supports the following objectives:

- Statewide septic system maintenance standards to reduce septic system failures that create serious public health threats and expose townships to being required to build expensive public sewer systems
- Preserve landfill capacities by directing appropriate materials to waste utilization facilities and support an increase in the state tipping fee to a rate competitive with nearby states while preserving a local tipping fee option

- Preserve local authority on zoning issues that are local in nature
- Increased state funding for environmental programs to address issues such as brownfield redevelopment, contamination and invasive species

Intergovernmental Relations

The Michigan Townships Association supports township officials having the discretion to resolve policy issues that are manifestly local in nature. MTA also supports state laws that encourage intergovernmental collaboration to restore economic prosperity, efficiently and effectively deliver programs and services, and solve other challenges. State laws should allow creativity, flexibility and incentivize fair and equitable cost-sharing, benefits and governance in inter-local agreements. State laws authorizing economic development tools and other powers should be based on community characteristics relative to policy objectives, rather than city or township legal status. State taxation and spending policies should mitigate adverse revenue impacts on townships.

As lawmakers and regulatory agencies consider altering the fiscal relationship of the state to local governments as well as powers and authorities of local governments, the Michigan Townships Association supports the following objectives:

- State laws should allow township officials to solve local issues in a manner consistent with local values, priorities and needs rather than impose a one-size-fits-all approach
- Full funding to townships for payments-in-lieu-of-taxes for state-purchased lands, commercial forest lands and swamp tax/tax-reverted properties
- Expand the number of townships eligible for statutory revenue sharing and grants
- A local government consolidation process that continues to require voter approval

Township Operations

The Michigan Townships Association supports state and federal governments granting to Michigan townships broad discretion and autonomy to govern the funding and delivery of programs and services. MTA also supports state reimbursement to townships for increased costs resulting from new mandated services and state regulations. Michigan Townships Association supports the following objectives:

- Modernizing state laws to clarify the governance role of township boards to establish policy direction for townships

- Appropriate, cost-effective training requirements for township planning commissioners, and zoning board of appeal members to reduce costly lawsuits and improve township decision-making by key appointed boards
- Authority for township board to change township name with voter approval
- Authority for township boards to create special assessment districts, levy a millage or use unrestricted township funds for the eradication and control of pests, including but not limited to mosquitos
- Granting township supervisors discretionary authority to perform marriages

Transportation and Infrastructure

The Michigan Townships Association concludes that Michigan's road system will continue to require more funding than is currently anticipated in law to ensure that county primary and local roads are safe and convenient for travel. As townships are major financial contributors to road maintenance and construction costs, the Michigan Townships Association supports the inclusion of township officials in transportation policy discussions at all government levels. Michigan has also under-invested in other infrastructure necessary to remain economically competitive and protect the health, safety and general welfare of residents. The Michigan Townships Association supports the State of Michigan working with township officials in planning, funding and delivering infrastructure needed by every community to be economically viable and free of environmental threats and risks.

As lawmakers and regulators address pressures to better address Michigan's infrastructure, the Michigan Townships Association supports the following objectives:

- Additional funding above current statutory levels for primary and local roads, and increased state funding for water, sewer and communications infrastructure
- Allow townships to create special assessment districts for high-speed internet
- Allow for a county road agency in conjunction with a requesting township to lower the speed to a level deemed necessary for motorist and pedestrian safety on a gravel or unimproved surface road
- Expand township special assessment authority to include replacement of privately owned sewer leads
- Encourage county road agencies to provide matching funds for township road construction and maintenance projects to be spent at the township's discretion

Proposed MTA bylaw amendments

The MTA Board of Directors adopted various amendments to the MTA bylaws at its Feb. 21, 2020, meeting. Pursuant to Article XI of the MTA bylaws, bylaw amendments may be made by the Board of Directors subject to the right of the voting membership at the next Annual Meeting to reject the same by a majority vote of the membership present and voting on the same.

ARTICLE VI— BOARD OF DIRECTORS

CAUCUS RULE 1.

b. Special Caucus Meetings. In the event a vacancy is created during the year of a director's term and temporarily filled by the directors, a special caucus meeting shall be held during the next Annual Educational Conference for the purpose of electing a successor to fill the unexpired term. The procedure at such a meeting shall be the same as at regular caucus meetings.

CAUCUS RULE 4

b. Balance of Term. A district director elected to fill a vacancy shall be elected only for the balance of the term of the director whose place the district director is taking.

G. District Director Vacancies

1. At the discretion of the President, ~~V~~vacancies in district director positions on the Board of Directors ~~shall~~may be filled by appointment made by the remaining directors, ~~or by a special caucus held at the next district or regional meeting held in or near the district where the vacancy occurred, or at the next Annual Educational Conference.~~ A candidate for appointment shall only be brought forward to the Board of Directors upon recommendation of the Leadership Development Committee. If the Board of Directors does not appoint the recommendation of the Leadership Development Committee, then the Board of Directors will direct the Leadership Development Committee to present another recommendation.

2. The person so appointed ~~or elected~~ shall be an official of a member township located within the district in which the vacancy has occurred.

3. When a vacancy is filled by appointment by the Board, ~~†~~The person so appointed shall serve through the remainder of the term, until a successor is elected at a caucus held at the next Annual Educational Conference. A person elected at a special caucus shall serve through the remainder of the term.

O. Powers of the Board.

1. Power to Appoint. The Board of Directors shall have the power to appoint the Executive Director, and upon consultation with the Executive Director, to appoint

proposed MTA bylaw amendments

consultants, and such other agents as the Board might deem necessary for the transaction of business of the Association, and to fill any vacancies in these positions. The Board also has the power to fill vacancies on the Board by the appointment of a new district director. ~~who shall serve until a successor is chosen by district caucus at the next Annual Educational Conference.~~

ARTICLE VII—COMMITTEES

A. Standing Committees

4. Leadership Development Committee

b. Duties. The Leadership Development Committee shall develop and implement a merit-based selection process, consistent with Board policy, for the MTA Officers and the At-Large Member of the Executive Committee. The committee shall also recommend to the Board of Directors the Officers to be nominated to the membership at the Annual Meeting and the Member-At-Large of the Executive Committee selected by the Board of Directors. When a Board of Directors vacancy is to be filled by the Board of Directors, the Committee shall solicit and review applications, conduct interviews, and make a candidate recommendation to the Board of Directors.

ARTICLE XI—AMENDMENTS OF THE BY-LAWS

A. The Board of Directors shall have the power to make and alter any By-Law of the Association by the affirmative vote of 2/3 (two-thirds) majority of the Board of Directors elected and serving at any regular meeting or special meeting called for that purpose with due notice to the Directors in advance of such meeting; subject, however, to the right of the voting membership at the next Annual Meeting to reject the same by a majority vote of the membership present and voting on the same. The Board shall give written notice to each township official member of any such By-Law amendment not less than ten (10) days prior to the next following Annual Meeting of the Association. The Board of Directors shall also have the power on the affirmative vote of a majority of the Board of Directors to move any Board proposed By-Law amendment for approval by a majority of the qualified membership of the Association present and voting on the same at the next Annual Meeting upon written notice to each township official member of such By-Law amendment not less than ten (10) days prior to the next Annual Meeting.



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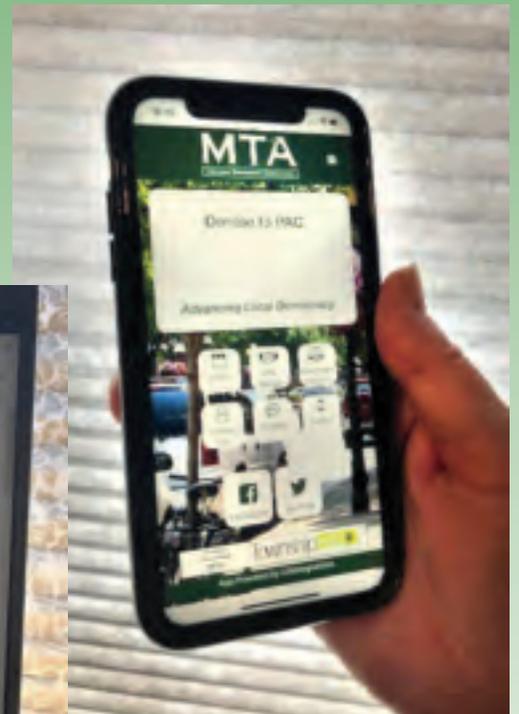
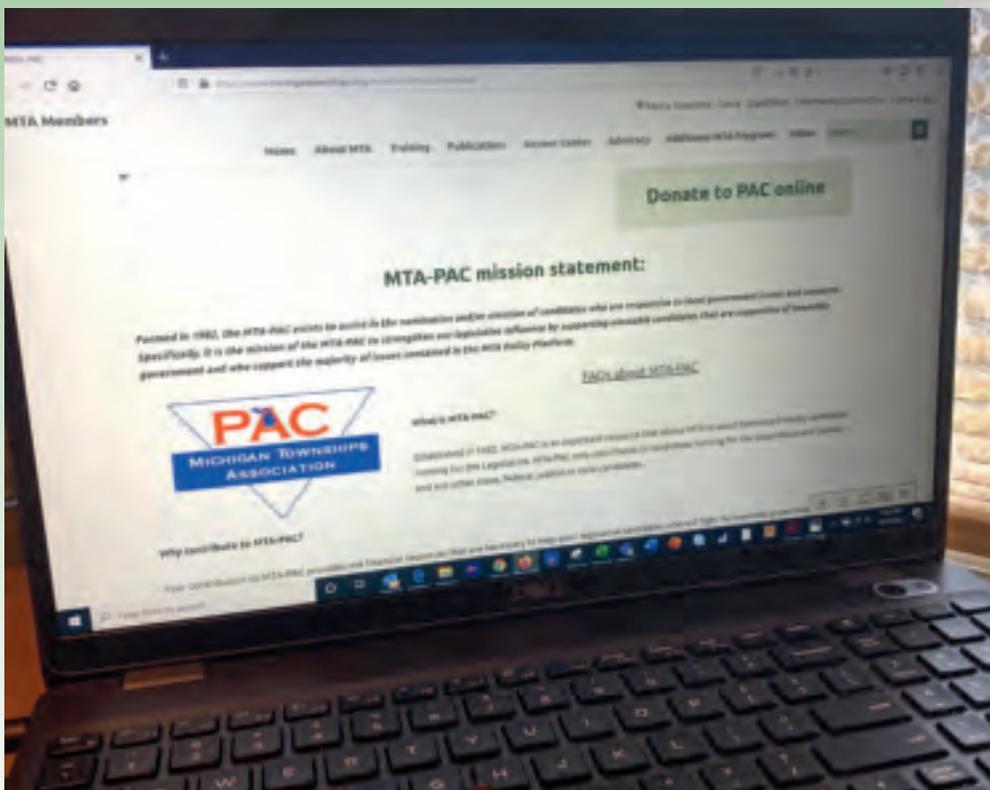


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MICHIGAN TOWNSHIP PARTICIPATING PLAN



Municipal Office



- 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



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