

JUNE 2020

Michigan Township Focus

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

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Returning to work during COVID-19



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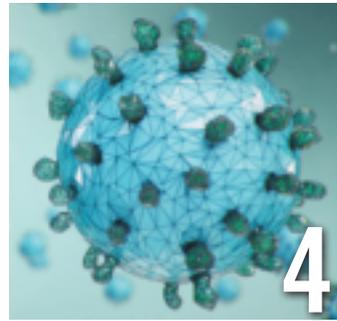
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Re-opening Michigan

It's time to rescue our communities. Although the phased re-opening is still incomplete, more people across Michigan are going back to work this month in many different fields. More of our township offices are expanding beyond appointment-only availability. Increasingly positive news about successful clinical trials of coronavirus vaccines are giving all of us hope for a better future than this too constrained, too pessimistic present.

Don Rogers, MTA District 23 director and supervisor of **Coldwater Township** (Branch Co.), and I spoke while I was writing this month's column in mid-May. Don expressed the frustration felt by his area township officials and businesses as they watched Michigan residents stream into Indiana for the shopping and recreation opportunities denied to them at home. However, later that same day, Gov. Whitmer announced relaxation of restrictions across the U.P. and the Traverse City region. By the end of that week, retail sales by appointment as well as non-emergency medical and dental were permitted statewide. The Big 3, their suppliers and other manufacturers are cautiously restarting. By the time you read this, hopefully many more of the state's less impacted regions will be fully open again.

Getting our residents back to work, our shops and restaurants open, and all our other businesses revived will be crucial to all of us. The vital Michigan summer season is also not yet lost; tourism, recreation, dining, agricultural products and so many more small businesses need to get the green light to bring back their employees, stock up their supplies and get back to it.

They will need your help. Our larger townships have their own economic development functions; others have county or business-sponsored groups. Even if your township has none to turn to, there are several things that you can do to help facilitate Michigan's successful reopening. Creating or supporting business promotion efforts, hosting community organizations' re-opening planning sessions (in person or by conference calls), making meeting space available, and responding quickly to technical assistance requests on zoning and ordinance matters are some examples I have heard. The **Small Business Association of Michigan** also participated in a live "MTA Q&A" webinar with us and will contribute

an article for next month's magazine about what help their members are looking for from townships. While we occasionally have differences on legislative policy issues with business groups, the common ground is clear: A fast recovery for our communities and our families must have healthy local businesses as a key driver.

At your township office, social distancing and other physical precautions are still necessary to protect yourselves and your visitors. **Patti Back**, **Groveland Township** (Oakland Co.) clerk, says that for re-opening, the township is limiting the number of visitors in at one time, installing plexiglass shields at the service counter, using outside pick-up points for some documents, and encouraging the use of mail-in submissions or the hall's drop box. Their building inspectors are back at work with booties, gloves and masks for interior work.

Our **cover story** this month addresses the many issues your township needs to consider for its re-opened or expanded operations. We provide the highlights of **Gov. Whitmer's** message to townships from our May meeting with her. (*Current information is available to you on our website and through our weekly updates.*)

Your **free trial of the new MTA Online subscription plans** is active this month. We have included an overview for you in this issue and you will find an easy sign-up option on your MTA dues statement. Townships are reporting that they are delighted to find that they can get **access for all township officials, employees and volunteers** to MTA webinars for a full year for less than taking several online courses individually. Even after face-to-face educational events resume, being able to easily upgrade your skills and knowledge—from essentials to more specialized courses—means your township can now have unlimited access to the best of MTA learning. Please consider this modest investment in your township and in MTA as you discuss your payment this year.

All the best as you ramp up your own re-opening,

Neil Sheridan





‘A lot to tackle, together’

Governor briefs MTA Board on COVID-19 response in Michigan

When Gov. Gretchen Whitmer provided a briefing about COVID-19 to the MTA Board on May 11, she told the nearly 30 township officials that she appreciates their leadership—and that of all local leaders—in helping to “guide their communities, to prevent community spread, and to continue to work together” to help Michigan recover from the crisis.

The briefing, during which the governor answered several MTA-submitted questions key to all townships, was held via the video conferencing platform Zoom. It was recorded just days before the manufacturing industry returned to work, and one week before she opened retail, office and restaurants, with restrictions, in the Upper Peninsula and numerous northern Michigan counties. While the COVID-19 situation continues to rapidly change throughout our state and as we slowly reopen, the following is an excerpt of Gov. Whitmer’s briefing to the MTA Board, along with her responses to questions posed by MTA.

Gov. Whitmer:

Thanks for having me. I appreciate your time. In these uncertain times, everyone with a constituency, with a platform, with responsibility toward others ... people are looking to us for reassurance that we’re going to get through this, to know that we are making decisions based on facts and information, not political conversations and what our own interests are. I think it’s really important that we stay close, and I appreciate the leadership of everyone who is a part of this organization.

Eight weeks ago, when we first realized we had COVID-19 in our state, we were in a crisis very quickly. Our numbers

were increasing exponentially. We had hospitals that were already incapacitated in the very early days and we only had enough personal protective equipment (PPE) to get through a shift—not even a day’s worth.

We had nurses and doctors who were wearing N-95 masks for days, as opposed to changing in and out every patient they see, which is the normal protocol. And it was scary. Even though we’re the 10th most populous state in the nation, we still have the third highest number of deaths. We’ve had a very hard experience with COVID-19 as a state and it mandated that we take incredibly aggressive actions. Those actions have worked. By and large, the people of our state are doing the right thing. We’ve seen our numbers start to flatten.

We’ve been able to build up PPE and resources in our hospitals. While each of the orders that I’ve had to issue has been hard—and it weighs heavily on me and I know the sacrifice that people are making—they were absolutely necessary to accomplish these goals.

We’re now in a moment where we can start to think about what does re-engagement look like and how do we safely re-engage. I think every one of us is eager to do that.

I'm tired of staying home. And yet I can tell you, until we've seen these numbers continue to decrease, we've ramped up our testing and our tracing, it's really important that we all continue to do our part. Throughout this process, I've been making decisions with our healthcare professionals who are on the front lines of the crisis, the leaders of our healthcare systems. We're working with experts, both inside Michigan and across the country.

As we continue to navigate this, [Chief Medical Executive] Dr. [Joneigh] Khaldun is by my side at every press conference, informing the work that we've done. They're working with epidemiologists and experts at the University of Michigan [School of] Public Health. We've created a panel group known as the Michigan Economic Recovery Council, and they've been advising me. This is made up of leaders in business, leaders in health, so that we are really strategic about assessing risk inherent with different sectors of our economy and how we mitigate that risk through appropriate protocols. We've worked with trade associations and national experts. The people who you watch on CNN, Fox News or MSNBC—you've seen a lot of the same experts talking to the nation whom I've been able to talk to directly.

We've made a lot of strides here in Michigan over the last weeks. I think that one of the most sobering moments of the last eight weeks was early on in a phone call with the nation's governors and the White House, where it became very clear that we were all going to have to go about procuring this PPE on our own. So, I set up a global procurement office within our State Emergency Operations Center, and because of that, we now have ample PPE for a matter of weeks as opposed to that one shift I was referring to early on. And while we've seen our numbers flatten, we've built up our PPE and our testing.

COVID-19 is still present in 79 out of 83 counties in Michigan. It is still a very real threat. We can take a breath because the work we've done has contributed to this moment where we can think about safely re-engaging, but we have to be really smart.

The only thing that's really changed in the last eight weeks is that we're aware of what measures we need to take as people to prevent community spread. And we've also been able to build up on that public health side and the healthcare side, but we've got to stay vigilant. The group that I asked to provide some advice to me, the Michigan Economic Recovery Council, divided our state into eight regions. They looked at our natural labor sheds, which is where people live and work and how much travel they do—the geography of our state in terms of labor sheds when they overlaid them with the geography of our healthcare system. They came up with eight regions of our state, which we're measuring and we're building out our infrastructure.

The council addressed a number of issues with the epidemic and with this information they provided me, we developed six stages of recovery and what that looks like. What we know is that when our country confronted the 1918 flu pandemic, we were able to look and see what happened



In mid-May, Gov. Gretchen Whitmer provided a briefing to MTA's Board of Directors on Michigan's COVID-19 response, and also answered questions, moderated by MTA Executive Director Neil Sheridan, on key issues impacting townships.

across our country when they thought they were out of the woods. Areas that re-engaged immediately and dropped all the social distancing that they had been doing during quarantine saw a second spike. In some of those cases, it was more deadly and more economically devastating than the first. Others, where they slowly re-engaged, did have a bit of an uptick, but it was manageable and they were able to continue re-engaging, and their economy benefited because of their discipline.

We're seeing this same scenario play out now in other parts of the globe that are trying to re-engage after COVID-19. Singapore, which was the global standard when it came to the lockdown stay home, re-engaged quickly and they've got a second wave. We've got to avoid that. And that's precisely why the six stages of the MI Safe Start Plan are really important, so that we can mitigate the risk of re-engagement. Assess it, measure it before we take the next step. We're looking as if it's a dial, not a switch. We have to be really smart about how we turn that dial and re-engage.

The first stage was "uncontrolled growth." That's where we have the exponential growth of COVID-19. The second stage was "persistent spread," where we saw high case levels continuing to spread throughout communities. And we saw "flattening" ... Our epidemic is not increasing at the exponential rate. Our healthcare system is sufficient for current needs.

We need to continue practicing strict social distancing, face coverings, safe workspace practices. We need to continue ramping up our contact tracing and containment. We're currently permitting and encouraging people to get outside. But distancing and face masks are really important. The fourth, fifth and sixth stages are "improving," "containing" and "post-pandemic." The things that could cause us to have to move backward are if we start to see spikes. It is if the percentage of positives increases dramatically or if we see the number of PPE needed or the ICU beds being occupied.

Those are the things that we have to watch. It's really important we see this through. We've got to stay nimble, we've got to monitor the data, we have to be able to pull back if necessary. If we start to see cases that might overwhelm hospital system, we've just got to be ready to do that. The things that we are looking at will be the sustained rise in positivity rate, a sustained increase in hospital admissions for COVID-19-like illness, reduction in hospital capacity, threatening surge capabilities or significant outbreak in a region. This is kind of the overview of how we want to take our next steps.

There's no one more eager than me to take that next step. And so, it is my great hope that with your partnership and your continuing to educate, I have people in your communities that encourage people to stay vigilant, to do what we know will prevent community spread and to continue to work together. We've got a lot that we're going to need to tackle together. This is going to be a while before we can say we're fully recovered economically or as health indicators. But we're on the route and we've just got to continue to be vigilant. And that's why I appreciate your leadership and the opportunity to talk with you today.

Following her briefing, MTA Executive Director Neil Sheridan moderated a discussion with Gov. Whitmer on several key issues impacting townships—from federal stimulus funding to upcoming elections.

How do you see the federal CARES Act funding being distributed to the local units in Michigan?

Gov. Whitmer: I'm glad you raised it. The [Coronavirus Aid, Relief and Economic Security (CARES) Act] funding—we're really grateful for it. We're still hoping that there will be a fourth supplemental coming. I recognize that like the state, local governments are on the frontline of battling COVID-19, and thankfully [Federal Emergency Management Agency] disaster relief funds should cover a large share of some of the direct emergency relief costs for both states and local governments. Currently it's a 75-25 match, but I have requested a waiver of that match so that it could be 100%.

The CARES Act relief fund provides about \$3 billion to Michigan and currently its uses are limited specifically to COVID-19 costs. We've been working with our bipartisan congressional delegation as well as the national governors association, which I'm really grateful for. We are working to ensure we've got the flexibility that we need so that we

can use some of these dollars to backfill revenue losses. We anticipate that our revenues could drop by \$3 billion in 2020 and even more in the next fiscal year. If we can't use those CARES Act dollars to backfill, then we would have to brace for deep cuts. If we get that flexibility in some additional funds, we can stave off some of that. But that's really what's at stake here.

I get that your members are also facing revenue concerns and at least your primary revenue source—property taxes—is not expected to decline. I'm glad for that. That will help on your budgets. I've been working to advocate that the president and Congress provide states and locals significantly more funds in the next round of stimulus. At the request of our U.S. Senate delegation, I recently joined with the governors of Wisconsin and Pennsylvania to call on the president to support another \$500 billion in stimulus funds to state stabilization funds to help us.

But I do recognize that there is going to be a lot of competing philosophy around what these stimulus funds can be used for and what the amount of them is. I would just encourage every one of you to shoot over a communication to your congressperson and to our U.S. senators and support a fourth supplemental that has additional funds and gives us the flexibility we need to prioritize how those funds are used.

Can you give us a little bit of guidance for reopening our communities and economy, based on your discussions with scientific advisors and the economic recovery council?

Gov. Whitmer: We know that with COVID-19, there generally is about a two-week period after activity before a spike of COVID-19 cases is seen. The conventional wisdom would be that we would wait two weeks between phases. Now, we have moved some things quicker than that and sometimes if you see a spike, you might move slower than that. Our hope is that everyone continues to do their part, take this very seriously and observe these important measures—wearing a mask and social distancing—so that we can keep COVID-19 from community spread, and take that next step.

That's the hope. I haven't set specific dates. I know that people would like that, but our concern, of course, is that a lot of this depends on human behavior, our ability to turn that dial. We're going to continue to measure, what is our testing showing, what is our PPE, what is our ability in our hospitals, and do we see a regional difference? All of these will be factors into how we turn that dial and when that is.

What are your thoughts on the direction of our elections in August and November?

Gov. Whitmer: First, I want to give great kudos to all of the clerks who conducted the [May 5] elections. We had twice the turnout we usually do for a May election. I was really so happy to see how people were able to cast their ballots and do so in a way that kept them safe. And I think that was a great thing. I would anticipate that we will need to run elections similarly. I will, of course, be taking counsel from our secretary of state—she is the expert in this realm. But when you look at the outcomes that twice as many people were able to participate, that they were able to do it from the safety of their homes, I just think that this really showed us that we can do this and we should think about how we sustain that ability.

We know that until there's a vaccine, COVID-19 will continue to be present and our hope is that through our own personal conduct, we can keep it from major community spread, but it will be here well into the fall. I do think that it's most prudent for us to move forward and utilize all of these lessons that we've learned in May toward August and November.

Townships operate some of the most beautiful recreational parks around the state—what are your thoughts on guidance for delayed opening for these parks?

Gov. Whitmer: One of the things about the spring and summer in Michigan is, there's nowhere better to be and we all want to get outside. I know that our parks are some of the finest offerings at the local and state level; you can't beat them. I'm working very closely with the director of the [state Department of Natural Resources] as well as the state medical executive to make determinations about when it will be safe to start grouping again.

Their concern, of course, being the public bathrooms and facilities that people would necessarily be in close quarters or touching a lot of the same things. I can't say with certainty what that's going to look like. My hope is that we continue to keep our parks open for day trips, that people are encouraged to get outside so long as they're continuing to do the distancing.

We couldn't have imagined being in this place four weeks ago, where we can talk about re-engaging because our numbers were just exponentially increasing. We had the third highest number of positive cases in the nation. But now it's very different, and so, where we are four weeks from now could hopefully be as dramatic of an improvement from where we are today.

Editor's note: On June 4, the state Department of Natural Resources announced opening dates for state park and forest campgrounds, harbors and other DNR-managed outdoor spaces.



Sen. Stamas briefs MTA Executive Committee on state budget, fiscal outlook

In early May, Sen. Jim Stamas (R-Midland), chair of the Senate Appropriations Committee, provided an update on the state budget process amidst the COVID-19 pandemic to members of MTA's Executive Committee and the MTA Board from the senator's district. The senator shared the estimated revenue loss of \$3 billion the state is facing with five months remaining in its fiscal year, with a larger impact expected for the upcoming fiscal year.

Sen. Stamas emphasized the importance of local officials sharing with their state senators and lawmakers the impact that COVID-19 is having on their communities. "I appreciate it, and look forward to working with you," he said. "Only together will we get through this." MTA appreciated the time Sen. Stamas provided in meeting with members of MTA's leadership, sharing the latest budget information and learning about the financial challenges townships and other local governments are facing.

Turn to page 19 for information on the May Revenue Consensus Estimating Conference, and projections for the state's current and upcoming fiscal years.



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We are very interested in keeping our residents safe and also helping our businesses recover and restore this vitality to our communities. Do you have any specific recommendations on how our townships can help in that process?

Gov. Whitmer: Obviously, businesses in your jurisdiction are wondering, what protocols do we need to start using to prepare for reopening when it's our time? We've really been working with industry to promulgate protocols. It's really interesting to me. A lot of businesses have asked us to do that because they want direction, but they also know that when the state articulates it, it gives their employees and the general public confidence in safety. It's good for all of us to be on the same page. Some businesses, though, have said we know better than the state, per se. We agree. That's precisely why we're working with industry to promulgate what practices should look like.

But to the extent that you are able to share that guidance and amplify it, I think will help assuage some of the concerns. At the local level, you can reinforce the behaviors that we're asking of our citizens so that we stop the spread of COVID-19—that's really important. I've been wearing a mask every time I'm out in public because I think it's important even if it's not an enclosed public space for people to see this is the new normal, this is the expectation. And when we all do our part, we all benefit. By modeling the behavior we're asking of others and empowering businesses in your jurisdictions to know what those best practices are and how they can go about meeting them is going to be really important.

One of the things that we've seen in the last [few] weeks is the governor of Georgia has said, "We're going to reopen," but people are scared. A declaration from a governor doesn't change human behavior if people don't feel safe. And while businesses are technically open, if the customers aren't showing up because they're fearful, it's actually worse for the business person because they don't have the protections of the stay home order, but they don't have the clientele that support the business. That's why we've all got to stay really close and be on the same page to make sure that we are confident and safe to move forward. But we also give the public the confidence that they're safe, too.

Sheridan thanked the governor for her time and leadership for our state, for our townships and the residents our township officials serve, noting, "It's been important working with you and your team on public policy directions as well as the implementation of these changes as we help our state turn to recovery." You can watch the recording of the briefing, or listen to an audio recording, on MTA's Coronavirus webpage, www.michigantownships.org/coronavirus.asp.

Key COVID-19 executive orders impacting townships

The following are current as of *Township Focus* press time. Watch MTA's COVID-19 Email Updates and our "Coronavirus" webpage, www.michigantownships.org/coronavirus.asp, for the most up-to-date information.

- **RESCINDED. Executive Order 2020-38**, which extended certain Freedom of Information Act deadlines due to COVID-19, was rescinded at 12:01 a.m. on June 11.
- **Executive Order 2020-75**, which allows public bodies to conduct their meetings electronically, while also facilitating public participation, *remains in effect until June 30.* (See page 29 for more on township meetings.)
- Under **Executive Order 2020-87**, the July 2020 board of review must meet to hear assessment appeals from individuals who were not able to file protests in March. The order also extends 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.
- All businesses that reopen must adopt the safety measures outlined in **Executive Order 2020-97.** (See page 24 for more on return to work safety measures.)
- **Executive Order 2020-99** extends the COVID-19 state of emergency declaration until June 19.
- Under **Executive Order 2020-103**, notice of any public hearing required to take place under a tax abatement statute may be provided electronically and by newspaper. The order is effective through June 30.
- **Executive Order 2020-104** creates a new category of community testing sites that offer testing to anyone who leaves their home for work or has symptoms of COVID-19 (even mild symptoms), without securing a doctor's order in advance.
- **Executive Order 2020-106** extends the deadline for Michigan residents to pay back taxes and avoid foreclosure on their property to June 29. The deadline was previously extended from March 31 to May 29.
- **Executive Order 2020-110** lifted Michigan's Safer at Home order, with immediate effect on June 1. (See page 27 for more on the order, which also lifted specific restrictions, with proper safety measures.)
- **Executive Order 2020-116** extends until July 3 a previous order that lifts certain requirements of the application process for young Michiganders to obtain a work permit.



ELECTIONS UPDATE

Record-breaking May election, AV applications for August and November, and online option for permanent AV list

Michigan saw record-breaking turnout for the approximately 50 elections in 33 counties and 200 municipalities across the state on May 5, with nearly 25 percent of eligible voters participating and 99 percent of those voters casting absent voter (AV) ballots.

Due to the COVID-19 crisis, the state mailed AV ballots to every eligible voter for whom there was an issue on the May ballot. Many communities opted to postpone their elections to a later date, while those that continued to hold an election were required to keep one polling place open for those who preferred to vote in person or could not vote AV. Clerks received requested personal protective equipment from the Michigan Department of State.

In late May, the state Bureau of Elections announced that it would send absentee voter applications to any voters who are not already on a permanent AV list or have not requested an AV application from their local clerk. Of the 7.7 million registered voters in the state, about 1.3 million are on a permanent absent voter (AV) list, and their local election clerk mails them applications to request to receive ballots ahead of every election. Secretary of State Jocelyn Benson has stated that federal CARES Act funding will be used to pay for the mailing.

Voters can request online to be on permanent AV list

Voters can now request online, via www.michigan.gov/vote, to join their township's permanent AV list, to ensure clerks know to send AV applications before every election for which they are eligible. If your township does not maintain a permanent AV list, voters will see a statement indicating so. Voters can also retain permanent AV status when moving from one address or one jurisdiction to another.

Watch MTA publications, social media and newsletters for additional information about the August primary and November general elections, as it becomes available.

MUCH-DESERVED RECOGNITION

New national award seeks to highlight public servants

A new national award—the Small Town America Civic Volunteer Award—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. If you would like to nominate someone from your township for their services to your community, applications are due by Aug. 15, at www.civic-volunteer.com.

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. Note that small stipends, travel reimbursement and other modest forms of financial support received by some elected and appointed township officials are not considered “pay” for the purpose of the contest.

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.

We are facing perhaps the greatest global crisis since World War II, with the spread of COVID-19, and its impact is being felt throughout all aspects of our lives. The issue has placed a particular burden on smaller municipalities and counties that already face a challenge in retaining and recruiting local volunteers to support a wide range of vital public services. The new national award is intended to help spotlight the growing challenge small communities face in retaining and recruiting people to fill vital public safety roles.

Honor the public servants in your community. Up to two nominations per township can be submitted at www.civic-volunteer.com. The supervisor, or his/her designee, must authorize the application. Nominators will be asked to describe their candidates' compelling story of local volunteerism and its positive impact on their communities. Judging metrics for evaluating nominations include: the degree to which a nominee's service has made a significant, lasting impact on their locality; the length of their public service; and, whether their service contributions would be considered above and beyond the “call to duty.”

Winners of the award will be announced in the fall.





UP IN THE SKY

Townships' role in fireworks regulation and permits

The Michigan Fireworks Safety Act (Public Act 256 of 2011, MCL 28.451, *et seq.*) allows for the sale and use of consumer fireworks—such as aerials, Roman candles, bottle rockets, helicopter/aerial spinners, and other items that leave the ground. The act also limits some aspects of local fireworks regulations.

What can townships regulate?

A township cannot regulate or adopt an ordinance specifically regulating the sale, display for sale, storage, transportation or distribution of fireworks that are regulated by PA 256—consumer fireworks and low-impact fireworks. (MCL 28.457)

A township may enact an ordinance regulating—including prohibiting—the ignition, discharge and use of consumer fireworks. The only days and times where a township may not regulate the ignition, discharge or use of consumer fireworks are:

- 11 a.m. on Dec. 31 to 1 a.m. on Jan. 1
- 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day
- 11 a.m. to 11:45 p.m. on June 29 and 30, and July 1, 2, 3 and 4
- 11 a.m. to 11:45 p.m. on July 5, if that date is a Friday or Saturday
- 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day (MCL 28.457)

Do townships issue display permits?

PA 256 refers to fireworks “displays” in two ways. One relates to the display of fireworks for sale—which townships cannot regulate. The other, more commonly understood use of “fireworks display” refers to the ignition, discharge and use of display fireworks.

Townships are responsible for issuing the Display Fireworks and Articles Pyrotechnic Permits for public or private displays of fireworks as listed in MCL 28.466. Permits for displays must be obtained from the township where the fireworks will be displayed. *Due to potential coronavirus restrictions on public gatherings, any requests to approve fireworks displays should be processed only after careful review with the township’s attorney and liability insurance carrier of any existing executive orders or other COVID-19 restrictions on public gatherings.*

The township board issues permits and may charge a fee for “the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks, consumer fireworks, or special effects manufactured for outdoor pest control or agricultural purposes, or for public or private display within the township by municipalities, fair associations, amusement parks, or other organizations or individuals” approved by the township board, if the applicable provisions of PA 256 are met. Any fees charged for these permits are retained by the township. (MCL 28.466)

Fireworks application and permit forms are provided only to the township (the local permitting authority) and are available only from the state Bureau of Fire Services. Each year, the township supervisor or clerk must contact the bureau via email at fireworks@michigan.gov to request the current permit forms.

MTA staff, in consultation with state Department of Licensing and Regulatory Affairs staff, MTA Legal Counsel and liability insurance carriers, believe that a township may enact an ordinance incorporating standards for the competency and qualifications of operators for “articles pyrotechnic” and “display fireworks,” including time, place and safety aspects of the display (ignition, discharge or use) of articles pyrotechnic or display fireworks, as part of the process of granting permits. National Fire Prevention Association fireworks standards should be used. (MCL 28.466) Townships should note that such an ordinance will possibly be required by an insurance carrier as a condition of fireworks liability insurance.

The federal Safe Explosives Act (SEA) requires any person who receives explosive materials, including display fireworks, to have a license or permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The SEA mandates inspections of applicants for new display fireworks license or permits, as well as inspections of existing licensees or permittees. Townships may be contacted by the ATF investigators during these inspections to determine compliance with state and local requirements. Questions regarding the federal regulation of display fireworks may be referred to ATF Industry Operations in Detroit at (313) 202-3550, or in Grand Rapids at (616) 301-6100.

For more resources, visit MTA’s “Fireworks Regulation” webpage at www.michigantownships.org/members.

LOCAL UPDATES FROM ACROSS MICHIGAN

Township happenings

Cannon Township (Kent Co.) held a successful community clean-up day in May. This service was provided free to township residents except for few excluded items with a small fee. Additional safety measures were put in place to keep everyone safe during a time of social distancing.

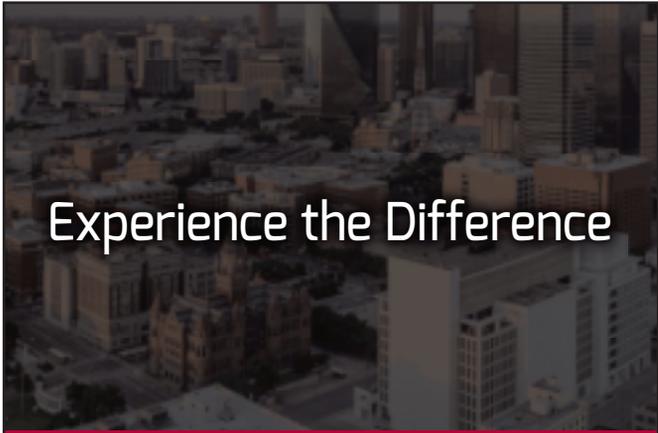


DeWitt Charter Township (Clinton Co.) is one of the many townships that helped make children's birthdays a little brighter during the "Stay Home, Stay Safe" order. Police and fire departments led parades of family and friends by the house of the guest of honor in a safe celebration and putting

smiles on the faces of residents.

Wisner Township (Tuscola Co.) received more than 1,500 sandbags and Tuscola County Road Commission donated two loads of sand for township residents to help address February flooding issues due to high water levels.

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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Robinson Scholarship deadline extended to July 15



Due to the COVID-19 crisis, the Robert R. Robinson Memorial Scholarship Committee has extended the application deadline from May 31 to July 15. This will allow applicants time to receive a resolution of support from an MTA-member township—a requirement for all applications.

Townships can still help MTA promote the scholarship, which is a one-time award determined on a competitive basis by the applicant's academic achievement, community involvement and commitment to a career in local government administration.

Applicants must be a junior, senior or graduate student enrolled in a Michigan college or university and pursuing a career in local government administration. Students must submit application materials to: The Robert R. Robinson Memorial Scholarship Fund, c/o Michigan Townships Association, P.O. Box 80078, Lansing, MI 48908-0078.

Post a link on your township website to www.michigantownships.org/scholarship.asp. Need more information? Call (517) 321-6467.

New Association database means a few small changes for members

MTA is implementing a new database in July, which impacts some online member services. Members will need to reset their password to access the members-only portion of our website and *Community Connection* social networking site (watch your email in July for additional information, including a temporary password). The online store, website log-in page, "My Profile" page, "Find a Township" and "Find a Township Official" look-up webpages may also have a different appearance. Further details, including on additional functionality and features, will appear in member emails, *Township Insights* and *Township Focus*.



profile



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As a proud member of MTA's Allied Service Provider program, Asphalt Materials Inc. is dedicated to being a client-focused, innovative provider of high-quality asphalt and asphalt emulsions products.



For more than 50 years, Asphalt Materials has provided quality materials for roadway construction. Asphalt Materials plays a critical role in assisting federal, state, local and private authorities in building economical and reliable pavements.

Through experience and research, the company has found that asphalt performance is dependent on selection of grade, mix design and how it is applied. Asphalt Materials recognizes the value of a knowledgeable sales staff to assist clients in the technical aspects of constructing and maintaining asphalt pavements. Its marketing team has the "real world" experience of having worked within the public sector and understands the demands placed on agencies to provide services to the traveling public. Through consistent research and the strong relationship between other Heritage-related industries, they continue to introduce new technology to ensure the highest quality asphalt products.

New technologies available to townships for pavement preservation and rehabilitation include cold in-place recycling and cold central plant recycling. The recycling process uses the existing roadway materials to create a new asphalt base course. Scrub sealing is used as a mass crack filling and chip sealing process. This creates a sealed underlying surface with a chip seal-wearing surface.

Asphalt Materials Inc. is committed to building long-term relationships with its customers based on trust and confidence, creating solutions to issues affecting its customers. For more information, visit www.asphalt-materials.com or contact Scott Assenmacher, P.E. at (734) 755-8274 or Jeremy Thomas at (734) 395-9766.

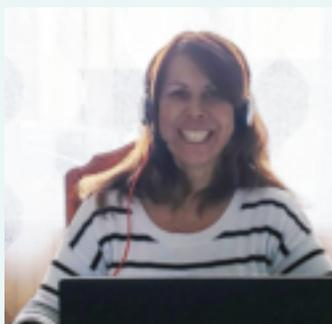
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Advertisorial

Recognizing key MTA staff on the frontlines of member service

Each and every member of MTA’s staff was able to quickly pivot and shift their duties to home offices to continue to serve our members during the COVID-19 crisis. Last month’s “Daily Democracy” column by Executive Director Neil Sheridan highlighted how the pandemic impacted numerous MTA services, including expanding information and resources provided by our Member Information, Education, Communications and Advocacy staff. We’d like to share some behind-the-scenes looks at two additional key members of MTA’s team.

When the MTA Office closed on March 13, Receptionist Elsa Munõs set up her home office—and the phone hasn’t stopped ringing since then. In fact, over the past two-plus months, Munõs has fielded more than 1,500 phone calls for our Member Information Services Department alone—a 50% increase over the same time period a year ago. Every call to MTA’s main office line is directed to Munõs, who forwards them to the appropriate MTA staff person working in their homes—all without missing a beat to serve our members.



Munõs

When Gov. Whitmer issued her “Stay Home, Stay Safe” order, MTA made the determination that fulfilling our publication orders was not an “essential service,” and put mailing out publications on hold, out of an abundance of safety for our staff as well. After more than a month, we resumed fulfilling member publication orders at the beginning of May. MTA Knowledge Center Assistant Emily DeRushia heads this task, and has worked diligently to process and mail all previous orders, as well as current ones that continue to be submitted, primarily through our online MTA Store. DeRushia reports that she has sent more than 400 copies of MTA’s updated *Authorities & Responsibilities of Michigan Townships* alone over the past few weeks!

We thank both Elsa and Emily, and all MTA staff, for their continued commitment and service to our member townships and officials.



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JUNE

1 Deadline for filing the initial request of a *Conditional Rescission of Principal Residence Exemption (PRE)* (Form 4640) for the summer tax levy. (MCL 211.7cc(5))

Deadline for filing Form 4983 *Foreclosure Entity Conditional Rescission of a Principal Residence Exemption (PRE)* to qualify for the summer tax levy. (MCL 211.77cc(5))

Assessment roll due to county treasurer if local unit is not collecting summer taxes. (MCL 211.095b(6)(a))

Requests are due from brownfield redevelopment, tax increment finance, local development financing or downtown development authorities for state reimbursements of tax increment revenue decreases as a result of the Michigan Business Tax reduction in personal property taxes. (Form 4650; PA 154-157 of 2008)

By the first Monday in June. Deadline for notifying protesting taxpayers in writing of board of review action. (MCL 211.30(4))

On or before the first Monday in June. County equalization director calculates current-year millage reduction fraction including those for inter-county taxing jurisdictions. The completed, verified Form L-4028 is filed with the county treasurer and State Tax Commission (STC). (MCL 211.34d(3))

By 4 Post-primary campaign statements due. Books closed May 24.

5 Final date townships can establish, move or abolish a polling place for the Aug. 4 primary. (MCL 168.662)

By 8 Clerks submit reimbursement requests with verified costs for the conduct of the March 10 presidential primary. (MCL 168.624g)

Not later than the second Monday in June. Allocation board must issue final order. (MCL 211.216)

15 Deadline to submit Water Pollution Control (PA 451 of 1994, Part 37) and Air Pollution Control (PA 451 of 1994, Part 59) tax exemption applications to the STC.

Deadline for assessor's report to the STC on the status of each neighborhood homestead exemption granted under the Neighborhood Enterprise Zone Act. (MCL 207.786(2))

Deadline for tax increment finance (TIF) authorities to file TIF loss reimbursement claims Form 5176, Form 5176BR, or Form 5176ICV. (MCL 123.1356a(3))

By 20 Delivery of military and overseas absentee voter ballots must begin for the Aug. 4 primary. 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 absentee voter ballots for the Aug. 4 primary to township clerks. (MCL 168.714)

25 *through July 14.* Precinct inspectors for the Aug. 4 primary appointed by township election commissions. (MCL 168.674)

By 30 Summer tax levy for school millage detail and tax roll. (MCL 380.1613(4)(c)) Before June 30, the county treasurer or the treasurer of the school district or intermediate school district shall spread the taxes being collected.

Deadline for classification appeals to the STC. (MCL 211.34c(6)) Appeal must be filed in writing on Form 2167 (L-4100) by June 30.

Township supervisor shall prepare and furnish the summer tax roll before June 30 to the township treasurer with supervisor's collection warrant attached if summer school taxes are to be collected. (MCL 380.1612(1))

Deadline for filing Form 2368 *Principal Residence Exemption (PRE) Affidavit* for exemption from the 18-mill school operating tax to qualify for a PRE for the summer tax levy. (MCL 211.7cc(2)) **Note: This change is for 2020 only.**

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 absentee 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 absentee 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)

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 has 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 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 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))

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 absentee voter ballot for the Aug. 4 primary via first-class mail until 5 p.m. (MCL 168.759)

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 (**Original deadline of May 31 was extended by Executive Order 2020-87**)



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Can campaign stickers be posted in the hallway of a polling place on Election Day?

No. The Michigan Election Law prohibits any person from doing the following on Election Day in the polling room or a room/ compartment connected to the polling room OR within 100 feet from any entrance to the building in which the polling place is located:

- Persuading or attempting to persuade a person to vote for or against any particular candidate, party ticket or ballot question being voted on at that election.
- Placing or distributing stickers (other than stickers provided by election officials pursuant to law).
- Soliciting donations, gifts, contributions, purchase of tickets or similar demands.
- Requesting or obtaining signatures on petitions.
- Posting, displaying or distributing any material that directly or indirectly makes reference to an election, a candidate or a ballot question (other than official material required by law to be posted, displayed or distributed in a polling place on Election Day). (MCL 168.744)
- The name of any elected or appointed official of the state, township or any political subdivision cannot appear on any material that is temporarily posted, displayed or distributed in a polling place or polling room on Election Day. (MCL 168.744a)

A person who violates MCLs 168.744 or 168.744a is guilty of a misdemeanor. Based on MCLs 168.744 and 168.744a, MTA recommends that when township officials or employees are candidates, township office name plates, name tags or honorary plaques that show their names, for example, be covered or removed.

The prohibition on campaign materials also applies to election officials and workers themselves. It also includes prohibiting vehicles with campaign signs or bumper stickers from parking within 100 feet of any entrance to the building (except those parked only while a person is voting).

Exit pollsters can be 20 feet away from the entrance to the polling place, but then may speak only to people who exit, not those who are entering.

Also note that Section 57 of the Michigan Campaign Finance Act, MCL 169.257, prohibits the use of township property to expressly advocate voting for or against a candidate or ballot question on any day other than Election Day.



The township hall is one of our polling places, and a board member and an employee are candidates. Do they have to stay away from the hall on Election Day?

No, as long as they do not violate MCL 168.744 (including not wearing campaign buttons).

However, there may be other things to look out for. For example, a township newsletter article posted on a hallway bulletin board on what a proposed fire millage would allow the fire department to purchase if it passes should be removed before Election Day. All materials displaying “pro and con” information on any proposals appearing on the ballot are prohibited.



Can a township enforce the Election Law prohibitions or remove campaign materials inside the 100-foot limit on private property on Election Day?

Yes. The Election Law 100-foot rule does not distinguish between private and public property. According to MTA Legal Counsel, the township has a responsibility to see that campaign materials are not present within the 100-foot limit, regardless of whether the property is township property or private property.



May a township remove campaign materials outside of the 100-foot limit on township property on Election Day?

Yes. As long as the policy is equally and consistently applied, a township board may adopt a policy that it will remove unattended campaign signs or other materials from township property outside of the 100-foot limit on Election Day.

Note that people may display or hand out campaign materials on township property outside of the 100-foot limit, but only on Election Day, and only if the materials are not left unattended. When the materials are being displayed or handed out by a person, the activity qualifies as protected political free speech.

A township may also regulate vehicle or other use of the township’s parking lot on Election Day. A person may park a vehicle with campaign materials on the property only for as long as it takes for them to vote.



May a township lawfully pay to provide food and beverages to election workers on Election Day?

It is possible under certain circumstances, but there may be better options. Check with the township’s auditor for his/her comfort level with the township’s approach.

According to the Michigan Department of Treasury’s *Bulletin for Audits of Local Units of Government*, Appendix H:

“The purchase of coffee, donuts and sandwiches must be for a public, not an individual or private group or purpose. These expenditures for use at a regular or special meeting, for firefighters, volunteer or full-time employees, when working an extended period of time or when dedicating public buildings are normally considered expenditures for a public purpose.

“Coffee and donuts for employees’ use during normal working hours is considered personal, not for a public purpose, and improper unless specifically provided for in a collective bargaining agreement or duly adopted employment policy of the governmental unit (fringe benefit).”

There is a belief in some communities that once election workers arrive for work on Election Day, they cannot leave the building, even for meals. We are not aware of any requirement in the Michigan Election Law or Bureau of Elections procedures that election workers must remain on-site throughout the day. Just as with other hourly employees, break times must be available. If a township requires election workers to remain on-site even through lunch, it must pay them for that time.

More commonly, election workers are asked to stay through lunch to ensure that enough staff are available throughout the day, because sometimes workers don’t come back from lunch. And, in a particularly busy election or where the election workers are short-staffed due to illness or emergency, it may be necessary for the proper administration of the election for election workers to work through breaks or for extended hours. In those circumstances, a township board may choose to provide food or beverages for election workers.

Under normal conditions, it is probably best if the township does not provide meals with township funds. Just as with other township employees, election workers may bring their own lunches or go out for lunch. Some clerks very generously use their own funds to order in, and in many townships, election staffers volunteer to bring dishes to pass—which gets my vote because few things beat a Michigan potluck!

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.

The Centers for Disease Control and Prevention offers the following recommendations for polling places to mitigate the spread of COVID-19:

Actions for elections officials in advance of Election Day

- Encourage voters to use voting methods that minimize direct contact with other people and reduce crowd size at polling stations.
 - Encourage mail-in methods of voting.
 - Encourage early voting, where voter crowds may be smaller throughout the day, to minimize the number of individuals a voter may come in contact with.
 - Encourage voters planning to vote in-person on Election Day to arrive at off-peak times. For example, if voter crowds are lighter mid-morning, advertise that in advance to the community.
 - Consider additional social distancing and other measures to protect these individuals during voting.

Preventive actions polling workers can take

- Stay at home if you have fever, respiratory symptoms, or believe you are sick.
- Practice hand hygiene frequently.
- Practice routine cleaning of frequently touched surfaces, including tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, etc.
- Routinely clean and disinfect voting-associated equipment. Consult with the voting machine manufacturer for guidance on appropriate disinfection products for voting machines and associated electronics.

Preventive action polling stations workers can take for themselves and the general public

- Ensure bathrooms at the polling station are supplied adequately with soap, water and drying materials so visitors and staff can wash their hands.
- Provide hand sanitizer for use before or after using the voting machine or the final step in the voting process. Place in visible, frequently used locations, such as registration desks and exits.
- Incorporate social distancing strategies, as feasible. Keeping individuals at least six feet apart is ideal based on what is known about COVID-19. If this is not feasible, efforts should be made to keep individuals as far apart as is practical, depending on the space available in the polling station and the number of voters who arrive at one time. Polling station workers can:
 - Increase distance between voting booths.
 - Limit nonessential visitors.
 - Remind voters upon arrival to try to leave space between themselves and others. Provide signs to help voters and workers remember this.
 - Discourage voters and workers from greeting others with physical contact (e.g., handshakes). Include this reminder on signs about social distancing.

Recommendations for processing mail-in ballots

- Workers handling mail-in ballots should practice hand hygiene frequently.
- No additional precautions are recommended for storage of ballots.



Can health savings accounts benefit our township employees?

The rising cost of health care coverage has caused many individuals and employers to switch from traditional health insurance coverage to high-deductible health plans. The U.S. Congress created health savings accounts (HSAs)—special types of tax-sheltered trusts—to provide individuals covered by high-deductible health plans a tax-exempt means of savings to offset out-of-pocket medical expenses. HSAs not only provide potential current tax savings, they also provide an investment vehicle to save money for future medical costs.

To qualify as a high-deductible health plan, you must have an individual deductible of at least \$1,400 or a minimum deductible of \$2,800 for family coverage, and an out-of-pocket limitation of no more than \$6,900 for individuals and \$13,800 for families (for calendar year 2020).

Individuals covered by high-deductible plans can contribute up to \$3,550 to an HSA for 2020. For family coverage, the maximum contribution for 2020 is \$7,100. Individuals over age 55 may make catch-up contributions. For 2020, the maximum catch-up contribution is \$1,000. All contributions can be made at your convenience during the year, either as an individual or as a township, and can be made as periodic contributions or as a lump sum. In any case, the maximums for the taxable year may not be exceeded.

HSA contributions by an individual are deductible above-the-line in computing adjusted gross income. Unlike cafeteria plans, such as a Section 125 plan, HSAs are completely portable and are not tied to the township in anyway. Participants must use the accounts for “qualified” medical expenses or the plan distributions are subject to ordinary income taxes and a 10% penalty. After a participant turns age 65, the HSA can be used for any purpose but will be subject to ordinary income taxes—but not the 10% penalty tax—for non-medical uses. Any funds remaining upon death of the participant are taxed to the beneficiaries at ordinary income rates, except for spouses, who may treat the HSA as their own.

Coronavirus relief

The Coronavirus Aid, Relief and Economic Security (CARES) Act provides for temporary relief from certain law provisions regulating HSAs:

- Can cover telehealth or other remote care services before plan deductibles have been met
- May cover the cost of testing for or treatment of COVID-19
- Any vaccination costs will count as preventive care and can be paid for by a high-deductible health plan

- For COVID-19 testing and treatment, the panel of diagnostic testing for influenza A & B, norovirus and other coronaviruses, and respiratory syncytial virus, and any items or services must be covered with zero cost sharing under the Families First Coronavirus Response Act

This provision will sunset Dec. 31, 2021, unless extended by Congress.

Additionally, the CARES Act liberalized eligible medical expenses to include over-the-counter medicines and drugs incurred after Jan. 2, 2020. This provision applies to both HSAs and flexible spending accounts (FSAs) established under IRC 125. Additional COVID-related relief applicable to FSAs is found in IRS Notice 2020-29. During 2020, a plan may permit eligible employees to change certain elections regarding participation in employer-sponsored health coverage:

- Initially declined to elect employer-sponsored health coverage
- Revoke an existing election and make a new election to enroll in different health coverage sponsored by the same employer on a prospective basis
- Revoke an existing election on a prospective basis, provided that the employee attests in writing that the employee is enrolled or immediately will enroll in other health coverage not sponsored by the employer
- Revoke an election, make a new election, or decrease or increase an existing election applicable to health FSA on a prospective basis
- Revoke an election, make a new election, or decrease or increase an existing election regarding a dependent care assistance program on a prospective basis

This relief may be applied retroactively on or after Jan. 1, 2020.

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.



State revenue loss for current and upcoming fiscal years

In mid-May, the Consensus Revenue Estimating Conference (CREC) was held to discuss the state's economic picture and agree on revised state revenue estimates. Typically held each January and May to review revenues and make necessary budget adjustments, a third CREC will be held in August, due to the COVID-19 pandemic and its impact on state revenues this year.



The consensus agreement reached on May 15 projected a \$3.2 billion (12%) decrease in state revenues for the state's current fiscal year—ending Sept. 30—and an expected \$3 billion decrease in revenues for the state's upcoming fiscal year—beginning on Oct. 1. These totals represent the decline for both the state's general fund and the School Aid Fund. For the current

fiscal year, the general fund faces a \$2 billion loss and the School Aid Fund is \$1.2 billion below January revenue estimates. The decreases are the result of the revenue declines experienced since January, as well as the expected state revenues for May through Sept. 30.

For townships, the CREC provided the much-anticipated consensus adjusted payment estimates for June and August 2020 constitutional revenue sharing payments. While not a positive change, the revised estimates for the remaining two payments did not decrease to the extent projected earlier by the state Department of Treasury (up to a 50% reduction). Townships can view their June and August 2020 estimated payments—based on the May consensus projections—at www.michigan.gov/revenuesharing. Click on “Constitutional Revenue Sharing,” then “Bimonthly Estimated Payments for Local Governments,” and select your county and township. Be certain the year indicates “FY 20 (Estimated)” to determine June and August estimates. Projections for FY 2021 are also available, as well as a comparison between the two fiscal years.

If the economy experiences a further slowdown or revenues collected change, actual payments for June and August will differ from the May 15 estimates. As of press time, no additional changes are anticipated for the June constitutional revenue sharing payments as these payments are based on sales taxes collected for March and April. However, estimates for May revenues collected by the state are lower than what was projected at the May CREC; thus, August constitutional revenue sharing payments, which are based on May and June sales tax revenue collections, may be affected.

If your township receives City, Village and Township (CVT) revenue sharing, please note this funding is provided by a legislative appropriation, and it is not based on sales tax collections or revised revenue estimates. Any change in CVT revenue sharing payments occurs as the result of action by the Legislature and the governor—and may be affected due to necessary budget reductions to balance the state's budget.

Based on the CREC, almost all of taxes collected by the state saw a significant decline due to the closure of businesses to curb the spread of the COVID-19 virus. The state is required to have a balanced budget and the agreed-upon revenue estimates are necessary to ensure that occurs. The governor and the Legislature are expected to act in June to reduce current fiscal year appropriations—with less than four months remaining in the state's fiscal year—to absorb the \$3.2 billion revenue loss. The estimates will also be used as the state's Fiscal Year 2020-2021 budget is finalized before Sept. 30.

MTA will continue to update members on the revenues and budget reductions and their impact to townships.

Principal residence exemption filing deadline extended

Individuals will have additional time to file an affidavit for the principal residence exemption (PRE) under a bill headed to the governor. Senate Bill 940, sponsored by Sen. Roger Victory (R-Georgetown Chtr. Twp.), extends the June 1 deadline to June 30 for this year only if the owner was unable to occupy the property before June 1, 2020, due to the COVID-19 pandemic. The change applies to the 2020 summer tax levy and all subsequent tax levies if the owner was unable to occupy the property prior to June 1 due to Executive Order 2020-77 or any similar order or directive in response to the coronavirus pandemic. The bill will take effect once signed into law by the governor.

Property tax appeal deadlines extended

Individual and business property owners have an extended opportunity to file an appeal with the Michigan Tax Tribunal (MTT) on the assessed value of their residential, commercial, and industrial property. Public Act 88 of 2020, sponsored by Rep. Roger Hauck (R-Union Chtr. Twp.), extends the filing deadline for property tax appeals to the MTT to Aug. 31. The measure allows businesses an additional 90 days to file an appeal, and agricultural and residential property owners receive an additional 30 days to file an appeal with MTT. MTA worked with the sponsor to narrow the scope of the bill, limiting the deadline extension to only property tax appeals. The new law, effective June 11, 2020, is similar to Executive Order 2020-87 issued in May by Gov. Whitmer.

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 absentee 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: Local preemption—Prohibits local regulations of certain conditions under zoning ordinance for mining permit approval. *MTA opposes.*

SBs 518-519: Transportation—Provides for the allocation of federal aid funding to MDOT and directs non-federal aid funds to local road agencies. *MTA monitoring.*

SB 521: Transportation funding—Requires local road agencies to identify funding sources for new roads, including maintenance, when adding new infrastructure or planned developments. *MTA monitoring.*

SB 522: Transportation—Establishes a local road agency advocate to the Transportation Asset Management Council. *MTA supports.*

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 certain 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 in townships with a population of 10,000 or more active registered voters. *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.*

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.*

HBs 4389-4391: Firefighting foam—Requires specific reporting requirements to the state when firefighting foam containing PFAS is used, and sets minimum training and certification standards regarding use of firefighting foam and PFAS. *MTA monitoring.*

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.*

HB 4971: Transportation—Requires the Transportation Asset Management Council to evaluate roads throughout the state for “right-sizing” and to work with local road agencies to ensure infrastructure is not overbuilt. *MTA monitoring.*

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 5141: Elections—Allows a municipality to enter into an agreement with the county or one or more municipalities to establish an absent voter counting board. *MTA supports.*

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

HB 5761: Property taxes—Suspends the collection of late charges on property taxes for 11 months. *MTA monitoring.*

HB 5810: Property tax payments—Requires local tax collecting units to allow taxpayers to enter partial payment plans for their summer 2020 taxes until the last day that winter 2020 taxes could be collected. *MTA monitoring.*

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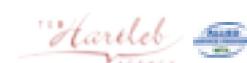
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Back in business

Returning to work during COVID-19

As **Buchanan Township** (Berrien Co.) officials and employees prepare to move into their brand-new township hall later this month, they are already thinking about ways to keep both staff and the public safe as the COVID-19 crisis continues. At the same time, they have made modifications to their current offices to ensure the health and safety of township personnel.

The township offices closed to the public on March 23—the day before Gov. Whitmer’s first “Stay Home, Stay Safe” order went into effect. “However, we have continued service with employees being in the office and working from home when possible,” explained Supervisor **Malinda Cole-Crocker**. “The elected officials, department deputies, building officials, inspectors and all other employees have always been part-time. Our office has made some changes to ensure that as few people as possible are in the building at any given time.”

In addition to social distancing and frequent cleaning of surfaces multiple times each day, the township has also installed a plexiglass partition at the counter that divides the office area from the lobby. As is the case with so many changes to our way of life during—and likely following—the COVID situation, Cole-Crocker says the increased cleaning, social distancing and plexiglass are likely long-term fixtures for the township.

Like Buchanan Township, townships across the state are making adjustments to their functions, services and facilities, to prepare their employees and officials to return to work, both during the continuing crisis—often on a more limited scale—and after restrictions are lifted throughout the state.

The new normal?

On June 1, Gov. Whitmer signed Executive Order 2020-110, which rescinded the stay-at-home executive order. The order—which applied to the entire state—allowed retailers and restaurants to resume operations (with capacity restrictions), day camps and outdoor recreational sports and programs to resume, and outdoor gatherings of up to 100—all with social distancing and additional safety guidelines to ensure that the virus does not begin to spread further. The order also allowed office work that cannot be performed remotely to resume. Currently, any work that is capable of being performed remotely *must* be performed remotely.

An exception to this is for Regions 6 and 8 of the governor’s MI Safe Start Plan. Just prior to *Township Focus* press time, the governor signed EO 2020-115, which moved those regions—which encompass all of the Upper Peninsula and 17 counties in northern Michigan—to Stage 5 of the plan, “containing,” which indicates that the virus spread is being contained. Among other changes, like the opening of theaters and allowing indoor gatherings of 50 or fewer persons and outdoor gatherings of up to 250 (with social distancing), EO 2020-15 also notes that in those regions office work that can be performed remotely *should*—not



must—be performed remotely. Offices may only operate in accordance with the safeguards detailed in EO 2020-114.

As a result of EO 2020-10, there is no longer a distinction between an essential employee or critical care worker—it is just whether the position would allow the employee to work remotely or not. The township board—as the owner, operator and employer of the township—makes the determination whether and what township facilities are open to workers, and also must ensure that the township workplace protects the health and safety of its employees.

Until the spread of coronavirus is contained, and further EOs are issued and restrictions are lifted, the new way in which townships have been operating will likely remain status quo, in the near future and for an indeterminate amount of time. For some townships, the “new normal” doesn’t look a great deal different than previous operations—with little staff and officials working from their homes.

“We are doing the best we can,” said **Gregg Johnson**, supervisor of **Bark River Township** (Delta Co.), an Upper Peninsula community of just over 1,500. “We are not doing much differently, though our hall is closed to the public and I am going in for a few hours daily to take messages.”

Sebewa Township (Ionia Co.) Clerk **Marcia Lewis** expressed similar sentiments about her township of just over 1,300 residents. “We are a small, very rural township, and we all work from home, so we have not really been affected,” she said, noting that the township board has continued to hold in-person meetings, while staying six feet apart. “We try to keep them short,” she added.

Many other townships, particularly those with regular staff or offering full services, have been able to adapt to the crisis—while continuing to serve the public—by being flexible and resourceful. Townships are adjusting officials and employees’ schedules or allowing them to work remotely if possible. Just before the “Stay Home” order first went into effect on March 24, **Plainfield Charter Township** (Kent Co.) created and implemented a plan to allow its staff to do just that.

“Some staff have now worked from home for more than two months without coming into the office, while others are taking turns in the office while working from home on alternating shifts,” said Superintendent **Cameron Van Wyngarden**. “Staff who cannot conduct their job from home have worked split shifts to reduce contact.”

This will likely continue for the near future, Van Wyngarden said, though he noted that all of the township’s water, and buildings and grounds staff have returned, due to increased need and demand. The township team, he praised, has performed admirably through the crisis. “Our staff has been very understanding and cooperative through all of this,” Van Wyngarden said. “I really appreciate how flexible our staff has been and how willing to adjust to new work routines to meet the needs of the public.”

St. Charles Township (Saginaw Co.) has also implemented numerous changes that have “worked well,” according to Clerk **Regina Smith**, who took office just two months before the COVID-19 crisis hit Michigan. In addition to rotating which days staff comes into the office and reducing the number of days the office manager reports to work, “we all have had masks, gloves and disinfectant wipes,” she said.

Ira Township (St. Clair Co.) is also having employees report for reduced hours. When the outbreak first came to Michigan, all office/support staff worked just one, staggered shift for a few hours a week. Clerk **Jean Corbat** reports that in mid-May, office and other staff returned to work reduced hours each day. Before this occurred, however, the township took extra precautions.

“Our township buildings remain open to staff only, where staff all has their own offices,” Corbat said. “Before reopening to staff, an enhanced cleaning and disinfecting of our township building was done by our contracted cleaning company. Staff is also required to wear a mask when they are not in their office and to practice social distancing while at work.”

Planning for a return

While some townships very well may continue operating with enhanced remote workplaces and staggered schedules for the foreseeable future, as the state begins to enter the “improving” stage in terms of COVID spread, planning and preparations for resumption of duties are underway in townships across the state.



To limit inside traffic, Meridian Charter Township (Ingham Co.) has set up “portable outdoor service centers” in front of its municipal building, allowing for in-person transactions such as utility payments and fees, taxes, special assessments, and building permits.

When determining what their township offices and workforce look like in today’s situation, the township board doesn’t need to make this determination all on their own. Reaching out to individuals who have knowledge about specific areas of operations—be it staff, department heads, or consultants—can provide perspective on what tasks are accomplished and how they can be done safely, and share insights on any questions or anxieties that employees may have about returning to the workplace. The board may decide to delegate to a team, task force, committee or individual(s) to prepare recommendations for returning to work and ensuring expectations are clear. Clear direction will speed up the process, as well as potentially alleviating any employee anxiety on how decisions were made and precautions being taken to provide a safe, hazard-free workplace.

Several executive orders outline specific requirements with which employers—including townships—must comply with to ensure worker safety. EO 2020-97 includes requirements for “all businesses or operations that are permitted to require their employees to leave home or residences for work,” specific precautions that must be followed for outdoor and office work, construction (which impacts building and zoning inspections), as well as record-keeping responsibilities.

As some townships continue to have employees report to work, or are beginning to bring or consider bringing employees back to the township facilities, EO 2020-97 requires *every* township to develop a preparedness and response plan to reduce the impact of potential COVID-19 outbreaks in the workplace. Even if township officials work out of their homes, or staff are continuing to stagger shifts or telecommute, some sort of plan must be put together for how

each function or department of the township will operate. While the executive orders may reference “in-person” work, this does not exempt small townships or those with minimal public contact from thinking through how the township will help to protect its officials, employees and volunteers from spread of the virus, and how it will respond should someone from the township contract COVID-19.

A sample plan is available on the “Coronavirus Resources for Townships” page on MTA’s website, www.michigan-townships.org. While not all township plans may need to be as extensive as MTA’s sample, other townships may find their plans go into much further detail. Do what is right for your township. But, no matter the case, each township must create a plan. So, what does that entail?

According to MTA Legal Counsel Seth Koches, who created MTA’s sample preparedness plan and discussed what goes into a plan during MTA’s live Q&A webinar on “Reopening the Township Hall,” the township board must adopt the plan, which must be consistent with recommendations in the “Guidance on Preparing Workplaces for COVID-19” guidelines developed by the Occupational Health and Safety Administration (also available on MTA’s website). Within two weeks of resuming in-person activities, the township’s plan must be made readily available—either electronically or by hard copy—to employees.

Northville Charter Township (Wayne Co.) developed a plan in the early stages of the crisis, which has been adapted following the closure of township offices and continues to evolve as the township makes plans to reopen. The plan—which includes a four-tiered risk system for business operations—states, “As we continue to navigate this new normal, we have updated our response plan to keep our staff safe and informed. This has challenged us in unforeseen ways, and reestablishing a workplace where employees feel comfortable performing their jobs safely is our priority and commitment. We will tighten or loosen our risk controls as needed to keep our staff and the community safe.”

This flexible approach is key. “The plan is meant to be fluid and will change as we work our way through COVID-19,” said Koches.

The board should designate a “workplace coordinator” to oversee plan administration and implementation. This could certainly be, but does not have to be, the township supervisor, or other designee appointed by the board. The board may choose to appoint more than one coordinator or a back-up coordinator. The position is the point of contact for questions related to the plan and COVID-19 workplace safety, and must be on-site at all times when workers are present.

“Be proactive, and train and educate your employees to keep themselves—and others—safe.” recommended Koches, who said the plan should encourage employees to continue to work from home if possible, and not come to work if they are sick. The plan should also outline how the township plans to monitor employees for symptoms and manage infections, should they arise in the workplace.

“Once people start coming back to work, things open up a little more and restrictions are lifted, there’s always that risk that infection rates are going to increase,” Koches said. “Every municipality and, really, every business will have to figure out a way to manage infections if that happens.”

The plan should identify how many departments the township has (even it’s only a department of one!), the number of employees in each department, and the risk level for each department. You can determine the risk level using the risk pyramid developed by OSHA and the U.S. Department of Labor. The pyramid breaks down risk in four levels—the higher the risk, the greater the protective measures needed to keep these employees safe. For example:

- **Very high risk**—This category could include township paramedics or emergency medical technicians who are performing “aerosol-generating” procedures on COVID-19 patients.
- **High risk**—Township emergency services personnel, firefighters or police officers who may come into contact with someone with COVID-19 could fall into this category.
- **Medium risk**—This includes jobs that require close contact (six feet or less) with others who may be infected with COVID, positions that have contact with the general public, and those that require traveling to a different worksite, such as a building or zoning inspector, or the assessor.
- **Lower risk**—Jobs that have minimal contact with the public and coworkers would fall into this category.

To ensure everyone on your township team knows what to look for, list in the plan common COVID-19 symptoms, including fever, cough, shortness of breath, new loss of taste and smell, and sore throat. In addition, reminders about ways to mitigate spread—even though they may seem obvious at this point—are essential, like proper hand washing, and covering coughs and sneezes. The plan can also outline measures the township and its employees will take, including:

- Requiring employees to wear masks indoors if they are physically able. Simple homemade, non-medical grade masks would certainly suffice. It is MTA Legal Counsel opinion that providing masks, or other personal protective equipment like gloves, is a lawful expenditure for townships.
- Encouraging employees to self-monitor for symptoms.
- Requiring social distancing when working in an indoor, enclosed setting.
- Increased disinfecting and cleaning of workspaces and public areas.
- Encouraging working remotely if possible.

EO 2020-97 specifically allows for workplaces to conduct daily screenings for workers, which could include temperature checks when reporting to work, and questions about symptoms or exposure or potential exposure to people with COVID-19. Any actions that the township decides it will take should be spelled out in the preparedness plan. If an employee refuses to participate in screenings, the township may choose to send them home and not allow them to return to the workplace.

Slowly reopening our state

On June 1, Gov. Whitmer lifted Michigan’s Safer at Home order effective immediately as the entire state moved to Phase 4 of the MI Safe Start Plan. Additional loosening of restrictions was announced on June 5 for the Upper Peninsula and 17 northern Michigan counties, which moved to Phase 5 of the plan. The governor has said she hopes to move the entire state to Phase 5 by July 4.

Executive Order 2020-110 also included the immediate lifting of specific restrictions, with additional restrictions being lifted throughout June, as long as proper safety measures are adopted, including implementation of workplace infection-control practices and employee training on the proper use of personal protective equipment, and employees are informed of steps they must take to notify their employers of any COVID-19 symptoms or suspected or confirmed COVID-19 diagnosis.

Beginning Monday, June 1:

- Office work may resume where remote work is not possible.
- Outdoor social gatherings of up to 100 people or less are allowed, but residents are encouraged to continue taking precautions to prevent a resurgence of COVID-19.
- Outdoor sports/games and outdoor parks and recreational facilities, including campgrounds (for day or overnight camping), may be open.

Beginning Thursday, June 4:

- Retail stores may resume normal operation, subject to capacity restraints and workplace standards, and serve customers without an appointment. Strict social distancing guidelines must be followed and customers are required to wear masks.

Beginning Monday, June 8:

- Outdoor public swimming pools could begin reopening with capacity limited to 50 percent and subject to Michigan Department of Health and Human Services guidance.
- Day camps for children may reopen subject to guidance issued by the state Department of Licensing and Regulatory Affairs.
- Libraries and museums can reopen subject to rules governing retail stores.
- Restaurants and bars may reopen statewide with limited capacity while maintaining social distancing. Servers must wear masks and all other employees must follow rigorous disinfection protocols. Patrons are required to wear masks until they are seated at their table.

On Friday, June 5, the governor signed EO 2020-115, which moved Regions 6 and 8 in the northern Lower Peninsula and the Upper Peninsula to Phase 5 of her restart plan, effective Wednesday, June 10. The order expanded the number of people permitted for both indoor and outdoor gatherings, and allows for the reopening of gyms, theaters, outdoor performance and sporting venues, among others.

Unemployment and returning to work

The Michigan Department of Treasury announced on June 1, 2020, a Unemployment Insurance Agency (UIA) Work Share program, allowing employers to retain employees with reduced hours, while the employees collect partial unemployment benefits to make up a portion of the lost wages. Additionally, through July 2020, employees may be eligible to receive the additional \$600 per week federal CARES Act benefit. Below is an example from the UIA illustrating the comparison of wages under the Work Share Program versus the worker's weekly wages.

Example: If a worker's weekly wages are \$1,000, yet the employer needs to reduce their salary/hours by 30%. Under Work Share, their weekly salary would be \$700 ($\$1,000 - 30\% = \700). Plus 30% of their state unemployment benefits ($\$362 \text{ maximum} \times .30 = \108), plus an additional \$600 federal payment in Pandemic Unemployment Assistance through the CARES Act through July 2020. With Work Share, the employee would earn \$1,408/week through July 2020 vs. \$962 without Work Share.

More detailed information on the Work Share program is available at www.michigan.gov/workshare. Employer questions can be emailed to UIA-workshare@michigan.gov.

MTA Member Information Services Liaison Cindy Dodge, who presented with Koches for MTA's "Reopening the Township Hall" webinar, advised that if a township decides to require daily temperature checks, the township may wish to assign the task to a specific, trained employee. "Typically, under the Americans with Disabilities Act, taking temperatures is considered a physical screening and there are quite a few restrictions on that in normal times," she said. "However, we do have some allowances for it now due to the pandemic."

Dodge recommends "specific criteria for when and how you will be taking temperatures, which should be part of your preparedness plan," she said.

Townships can—and should—send home any employee who displays symptoms of or has potentially been exposed to the virus, and can ask that they be tested before returning to work. The preparedness plan should include what steps will be taken for a suspected or confirmed case of COVID-19.

For suspected cases, the employee should notify the workplace coordinator and be sent home immediately. The employee's workspace and common areas should be disinfected, and any other township employees who may have come in contact with the individual must be alerted to their potential exposure so they can self-monitor for symptoms. And even though, as Koches notes, "everyone will want to know," confidentiality must be maintained. Similar actions are required if an employee tests positive for COVID-19, though it is recommended that the employee tell the workplace coordinator of all other employees they

came in contact with in the past two weeks, to inform them of possible exposure. The township also must report any suspected or confirmed cases of COVID-19 to the county health department.

When can a sick employee return to work? The Centers for Disease Control and Prevention recommends two different strategies that townships may wish to choose from: "symptom-based," which requires that the employee has been symptom free for 72 hours and at least 10 days have passed since symptoms first appeared; and "test-based," which, along with improved symptoms, requires a negative COVID-19 test result.

Northville Charter Township has included a "COVID illness decision tree" in its plan, to help provide clear guidance to both employees and their department heads about when an employee can return to work. The detailed tree maps out step-by-step considerations and actions should an employee demonstrate COVID symptoms or have been in contact with a sick person.

Temporary federal and state laws and regulations—including the Families First Coronavirus Response Act (FFCRA) and the Emergency Family Medical Leave Act—provide for paid or unpaid leave for certain COVID-19 related reasons. As part of the township's plan, officials and department heads should review employee leave policies to determine how their existing policies interact with these new obligations, and to address, when implemented, eligibility, pay, benefits, duration, and coordination with other leave policies.

Townships may wish to review or create new guidelines for certain workplace behaviors that we once likely gave little thought to. Should outside visitors be allowed in the office? Should they be screened and required to follow precautions like masks and distancing? The township must make it clear what is expected of visitors, and who is responsible for allowing visitors access to the office.

In **Putnam Township** (Livingston Co.), Supervisor **Dennis Brennan** said that his township offices are planning to reopen by mid-June—but with necessary changes in place. "We are planning to keep the public at a distance, even after we reopen the township offices with full staff," he said. "We will encourage the use of our lockbox for payments and various applications, including absentee ballot, principal residence exemption and permits. In-person meetings will be by appointment only and will require a mask and pre-screening for COVID-19."

Chikaming Township (Berrien Co.) is following similar precautions, which are changing the accessible, personal service for which townships are so well known, noted Supervisor **David Bunte**. "We have installed plexiglass protection for our front desk, a main door buzzer entry, lobby lockbox for business-hour payments and permits, require masks for entry, and are requiring in-person meetings be pre-scheduled with township staff," he said. "For the foreseeable future, we will not be allowing public access to our offices, unless they have an appointment. We have always had an

open-door policy and will miss the casual atmosphere and personal contact.”

What about holding in-office team meetings—or going to off-site meetings with business groups, peers and others? Should those be limited, or become virtual? These are all questions and considerations that take on a new perspective in today’s times, and can be spelled out in the township’s preparedness plan.

Changes in the workplace

Change has permeated every facet of our lives during this crisis. And workplace changes at township offices—whether for the short term or permanent—are just as prevalent.

Many townships report that they will continue to have workers report to the office in staggered shifts. In its preparedness and response plan, **Chocolay Charter Township** (Marquette Co.) outlines a schedule of which staff report to work when, over a period of weeks, with a slow return to operations. Under the plan, everyone in the office must wear a mask, practice social distancing, and cleaning and disinfection “will be done by everyone.”

The plan lays out the eventual allowance of meeting with the public, initially by appointment only, and—hopefully—opening its doors to its residents within the next few weeks. When this is done, however, the number of people allowed in the offices will be limited, consistent with social distancing and CDC guidelines.

Northville Charter Township’s plan also calls for social distancing and isolation controls, while noting, “We understand it is not possible to remove all interactions; however, by reducing the interactions we are inherently reducing the risk. We recognize these changes may take some time to adjust to, but we are taking these precautionary measures for the safety of our employees.” Along with encouraging distances of six feet in common areas, the township has marked out six-foot interval floor markings to promote distancing. If contact is closer than six feet, masks—provided by the township—are required.

In addition to stocking up on hand sanitizer for employees and the public, **Flushing Charter Township** (Genesee Co.) is making disposable masks available for not only its employees, but for the public to use when entering the hall as well.

In preparing to reopen to the public, the township—like many other townships—has also installed a plexiglass divider across its front counter. “We will only allow one person at the counter at a time,” said Supervisor **Frederick Thorsby**. “One person can wait in the hallway, and everyone can wait in their cars in the parking lot. We have added a ‘Ring’ video doorbell, so they can talk with someone inside.”

Welcoming the public to the township offices is something that is weighing heavily on many township officials. Van Wyngarden said, “We are discussing just when we will open our doors to the public. We have been maintaining most of our regular services throughout this crisis, operating by mail, phone or electronically. We will still encourage residents to use these methods even after our doors open again to reduce contact and potential exposure for staff and the public.”

Other townships are also finding ways to serve their residents with minimal contact if possible, from encouraging

What about township board meetings?

While Executive Order 2020-110 has opened much of the activities restricted by earlier executive orders, it still limits the ability of the public to gather indoors to groups of no more than 10 persons. An exception to this was made just before *Township Focus* press time, with EO 2020-115, which allows—among other things—indoor gatherings of up to 50 people in Regions 6 and 8 of the MI Safe Start Plan. In these regions, which encompass the entire Upper Peninsula and 17 northern Michigan counties, most (if not all) can therefore resume full in-person meetings.

Even though a township board or other public body could meet in-person now, the limit for much of the state of no more than 10 persons still poses a restriction on the public’s in-person attendance. But the Open Meetings Act does not allow a public body to prohibit access to any or some of the public who wish to attend.

As a result, township boards and other public bodies are strongly advised to conduct meetings electronically, in compliance with EO 2020-75, which is still in effect, until June 30. (It is uncertain at this point if the order will be extended.) This can be done via teleconference or video conference options—note that teleconferences (phone conference calls) do not require any special equipment and may be done entirely on the board members’ and public attendees’ phones, including land line phones.

If a meeting is held with any persons attending in-person, all attendees must comply with Executive Order 2020-110 and:

- a. Follow social distancing measures recommended by the Centers for Disease Control and Prevention (CDC), including remaining at least six feet from people from outside the individual’s household to the extent feasible under the circumstances.
- b. Wear a face covering over his or her nose and mouth—such as a homemade mask, scarf, bandana, or handkerchief—when in any enclosed public space, unless the individual is unable medically to tolerate a face covering.
 1. An individual may be required to temporarily remove a face covering upon entering an enclosed public space for identification purposes.
 2. Businesses and building owners, and those authorized to act on their behalf, are permitted to deny entry or access to any individual who refuses to comply with the rule in this subsection (b). Businesses and building owners will not be subject to a claim that they have violated the covenant of quiet enjoyment, to a claim of frustration of purpose, or to similar claims for denying entry or access to a person who refuses to comply with this subsection (b).

cover story

the use of drop-boxes—like in Buchanan Township, where the lobby is open to allow absentee voters to drop off ballots—or making appointments to allow a resident to drop off a tax bill, if they prefer to do so in person rather than mail. Some treasurers simply meet the resident in the parking lot to accept the payment, rather than having additional people enter the office. While townships cannot require that all payments be mailed, tax bills can state that the preferred method for paying taxes in the township is by mail, for safety reasons, while offering other options for in-person payment.

Even the concept of accepting cash payments is being questioned by townships. While townships must accept cash, again, they can emphasize a preferred method or may wish to consider allowing bill payment online. In Putnam Township, “Cash payments will be discouraged but allowed, only because we are required by law to accept currency and silver coins,” Brennan said.

Many townships also are considering if it is prudent to limit how many members of the public can be in the hall at one time. “We installed plexiglass at our office manager’s desk at the public entrance to the building, and have a table across our entrance to keep the public contained,” Smith said. “At our last board meeting, we discussed, once we open to the public again, we will only allow one household of residents in the office at a time.”

Even while in-office preparations are made—with hand sanitizer stations and plexiglass barriers—some townships are expanding the use of technology to make serving residents easier, something that could benefit both the residents and the township far into the future. In Flushing Charter Township, residents can pay their water or tax bills online, and the township now pays for a cell phone for Thorsby and lists the phone number on the township website, so residents have someone to reach out to with questions or concerns.

Access to technology, online services, and ensuring your township has the capability to be nimble is a key takeaway from this crisis, both for continuing core township functions and ensuring township officials and staff remain accessible to the public. One thing we don’t know right now is employees’ and the public’s comfort level as we begin returning to “normal.” After months of fear and uncertainty, they may be more comfortable with remote work and virtual access. Townships may want to consider the impacts of the past few months—and into the future—to determine if investments should be made to update equipment and technology so townships can easily adapt to working or meeting remotely, or increase virtual services to residents. Van Wyngarden noted that Plainfield Charter Township is “improving our online functions to make it easier to conduct business with the township without making a visit to township hall.”

Adapting programs and services to residents who are among the most vulnerable is also likely to look quite different for the near future—and possibly longer.

“Of course, we will be even more cautious when it comes to our most vulnerable population—our seniors,” Brennan

said. “We have continued to provide a food bank for our seniors, and we see that as a major part of our continued service. The return to normalcy at the senior center is another story. By its very nature, a senior center is about bringing isolated individuals together in a social setting. It makes no sense to bring them together while maintaining social distancing. Yet, that is the challenge we are presented.”

In Bark River Township, Johnson also noted cancellations at the senior center, saying, “we are just trying to keep people safe.”

Another consideration that could slip to the wayside is offering support for those who have anxiety or questions about this new world. As employees return to work, it is critical to answer their questions and discuss any concerns they may have. This is not an easy time. Township personnel have been on the frontlines—firefighters, police and emergency services workers possibly treating or coming into contact with sick people, fearing they too may become infected. Officials and employees have continued to serve their communities and their residents. And everyone is doing this while also dealing with the crisis on a personal level as well. Coupled with decreased connection and long periods of isolation, and the idea of returning to an office setting ... well, it’s just a lot to deal.

Townships may wish to help their employees by offering, or sharing resources to, mental health help. Northville Charter Township integrated free employee support into its response plan, which states, “The COVID-19 pandemic may be the source of anxiety and stress for individuals due to the uncertainties associated with the virus.” Townships without benefits plans could reach out to county resources, and simply let your township team know about their availability, to help everyone get through this, together.

Adjusting operations, serving residents

As townships resume more normal operations and services, including with their workforce, it is key to work with the township attorney on the preparedness and response plan, to ensure that your “re-entry” plan meets your township’s specific needs. There is no one-size-fits-all method for this process. In a time of great uncertainty, one thing remains certain: townships will continue to do their best for their communities, their workforce and their residents as we navigate a potentially changed world—safely, responsibly and with an eye toward a better future.



Jenn Fiedler,
MTA Communications Director



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MTA Online

New ways of serving you in the new normal

When **Theresa Chenier** was appointed to the **Escanaba Township** (Delta Co.) Planning Commission, she knew there was a lot to learn—and she knew where to turn for help.

MTA's online learning library features webinars exploring dozens of township topics, perfect for officials just starting out or long-time township leaders looking for a refresher.

"I am starting from the very basics," said Chenier, who took advantage of MTA's 50%-off all webcasts sale this March. "I enjoyed them, and have learned so much."

A new offer from MTA allows Chenier and every elected and appointed official, employee and even volunteers from MTA-member townships to learn even more—critically important in a time when face-to-face learning just isn't possible or safe.

Free learning through June 30—and new options

As the COVID-19 crisis unfolded, MTA provided members with free video updates and live Q&A webinars to help you understand and navigate the impact of the pandemic on your township operations, obligations and communications. We also gave every member free trial access to 10 of our top online courses through the end of June (*elected officials and managers received an email offer May 1; all other township officials and personnel were added upon request. Contact MTA to take advantage of the offer through the end of the month*).

Officials who have taken advantage of the offer have learned how quick, easy and convenient online learning with MTA is. "This is such a great opportunity," said Chenier, noting that she appreciates being able to print webinar PowerPoint presentations for future reference. "The presenters have so much knowledge and present in a way that is easy to understand. I will certainly take advantage of some more of the webinars. Thank you for this amazing offer!"

Sherman Township (Newaygo Co.) Trustee **Ken Smalligan** echoed those sentiments after he took advantage of the free MTA offer, watching the two-part webinar, *Effectively Exercising Board Authority*. "Each course was easy to follow and very informative," Smalligan said. "Online learning makes it easy to get the information I need."

MTA has created new options to make online learning even easier for our member officials—both now as well as after we are able to return to traditional, in-person workshops and conferences. With your township's annual Association dues renewal, township boards can opt to purchase a township-wide online subscription for the entire year. As explained in the dues mailing, and in the information at right, there are three different levels, with varying titles at various prices: **Essentials**, **Plus** or **Premium**.

We urge all boards to review each package to see which is the best fit for your township—it truly is an extraordinary value and just one way that MTA is shifting our programs and services to continue to serve our members during these uncertain and unprecedented times. And remember that your subscription will include unlimited access for *your entire township team* (boards, commissions, deputies, staff and volunteers). Boards and commissions could watch webinars and learn as a team. You will also receive access to new content as it is added throughout the year.

Upcoming featured webinars—with both multi-part, pre-recorded portions, and time for live Q&A—include June's *Cemetery Management* (see the inside back cover for details), July's *Elections Tips & Fundamentals*, and *Emerging Issues in Planning & Zoning* in August. These can be purchased individually, or are included in the various subscription packages.

"Online learning breaks down barriers," noted MTA Education Director Shelley Cardenas. "It broadens your horizon without the constraints of time or place. Our webinars are a great solution, not just for social distancing, but for the challenges you face in your efforts to serve your township. It's a flexible way to get the education you need, anytime, anywhere, at your convenience."

Contact MTA at (517) 321-6467 or email education@michigantownships.org to learn more or with any questions.

New Options for Townships in 2020



MTA Online: Unlimited online learning access

MTA gave free trial access to our Essentials Package as part of our coronavirus response. Now you can upgrade to the Plus Package or Premium Pass, or renew the Essentials Package, to give access to your entire township team for a full year.



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 and Functions of the ZBA (new updated elements)*
- *Ordinance Enforcement*

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Zoning caregiver uses as home occupations did not conflict with MMMA



DeRuiter v. Township of Byron, ___ Mich. ___, April 27, 2020—In a significant win for zoning authority, the Michigan Supreme Court held in a unanimous opinion that “the Michigan Medical Marihuana Act [MMMA] does not nullify a municipality’s inherent authority to regulate land use under the Michigan Zoning Enabling Act [MZEA], as long as (1) the municipality does not prohibit or penalize the cultivation of medical marijuana and (2) the municipality does not impose regulations that are unreasonable and inconsistent with regulations established by state law.” (*Syllabus*)

Christie DeRuiter, a medical marijuana patient and caregiver, began to grow medical marijuana on commercially zoned property, but the township’s zoning ordinance restricted caregivers to growing as a home occupation at their full-time residence, and she was ordered to cease and desist. She sued to challenge the legality of the ordinance. The trial court held that the ordinance directly conflicted with the MMMA and was preempted, and the state Court of Appeals affirmed. The township applied for leave to appeal, and after ordering oral argument, the Supreme Court, instead of granting leave, reversed the Court of Appeals in this MTA Legal Defense Fund case.

The court found that even though the ordinance restricted the location of a caregiver grow operation, it did not prohibit or sanction that use, but only directed where the locked, enclosed facility required by the MMMA could be located.

The court distinguished the case from *Ter Beek v. City of Wyoming*, 495 Mich. 1 (2014), where the city’s zoning ordinance prohibited uses contrary to federal law and imposed civil sanctions for violations, with the effect of banning and penalizing medical marijuana use. The court clarified that the MMMA does not foreclose all local regulation of marijuana and held that local law may add to the conditions of the MMMA, “as long as its additional requirements do not contradict the requirements set forth in the statute.”

The court also held that “the permit requirement does not effectively prohibit the medical use of marijuana. The

MZEA allows Byron Township to require zoning permits and permit fees for the use of buildings and structures within its jurisdiction. Accordingly, Byron Township may require primary caregivers to obtain a permit and pay a fee before they use a building or structure within the township for the cultivation of medical marijuana.”



Township could exclude wedding barns from seasonal agri-tourism land uses

Nixon v. Webster Township, Michigan Court of Appeals, Docket No. 343505, Jan. 21, 2020 (unpublished)—In June 2011, the township adopted a zoning ordinance that included an agriculture district.

According to the court, “The intent of the Agriculture District was to enable productive farming, to encourage the continuation of contiguous blocks of active farms, to preserve the rural character of the Township, and to allow very low-density housing that is compatible with the Township’s agricultural heritage. The ordinance included as a permitted use within the Agriculture District: ‘Seasonal agri-tourism, including but not limited to hayrides, pumpkin patches, corn mazes, and Christmas tree farms.’

“Ryan Nixon operated 330 acres of farmland in the Agriculture District and grew corn, soybeans, pumpkins, and hay. In 2012, Nixon began to rent a barn on his property for weddings. According to Nixon, he requested and was given permission from the Township zoning administrator to do so because that use was considered seasonal.”

In 2016, the Michigan Court of Appeals in *Webster Twp. v. Waitz*, Docket No. 325008, June 7, 2016 (unpublished), affirmed a trial court order prohibiting the operation of a different commercial event barn in the township that purported to be seasonal but operated year-round. The township then notified Nixon that it would enforce that ruling and that no weddings, receptions or similar events would be allowed after Oct. 31, 2016.

Nixon requested an interpretation by the zoning board of appeals (ZBA) of whether the term “agri-tourism” in the

ordinance included barn weddings and receptions, with the township arguing that the ordinance's listed examples of "seasonal agri-tourism" did not include those uses. The ZBA determined that the ordinance excluded wedding barns from the definition and the examples of "seasonal agri-tourism," and Nixon appealed. The trial court reversed the ZBA's decision, and the township appealed. The Michigan Court of Appeals reversed in favor of the township in this MTA Legal Defense Fund case.

The Court of Appeals noted that, "the text of the ordinance provides that 'seasonal agri-tourism' 'includ[es] but [is] not limited to hayrides, pumpkin patches, corn mazes, and Christmas tree farms.' The term 'includes' can be one of enlargement or of limitation, depending on the context. In this case, it is clear that 'including, but not limited to' is a phrase of enlargement, rather than limitation, to describe nonexclusive examples of 'seasonal agri-tourism.'"

The court continued, "However, the examples of agri-tourism listed in the ordinance relate to recreational or amusement activities on a farm that occur during the autumn and winter seasons and during the holidays. As reasoned by the ZBA, these activities share the common characteristics of being associated with an agricultural or harvest season. The activities are also open to the public and involve members of the public coming and going during the hours that the activities are available. The examples identified in the ordinance involve products that are grown on a farm, namely hay, pumpkins, corn, and Christmas trees. The examples of seasonal agri-tourism listed in the Ordinance also involve visiting farms and participating in farm activities, i.e., 'harvesting' pumpkins or cutting down Christmas trees.

"In contrast, wedding ceremonies and receptions are private events that are not associated with a particular agricultural product or harvest season. As reasoned by the ZBA, agricultural products are not necessary or utilized during a wedding ceremony or reception. Although plaintiffs argue that there is a 'wedding season' generally from May to September, weddings are unrelated to an agricultural or harvest season that takes place on a farm as contemplated by the Ordinance. Weddings have concentrated traffic patterns at the beginning and end of the event and may also include significant commercial traffic for vendors. Wedding receptions often stretch late into the night. The ZBA further reasoned that the sounds of hundreds of wedding attendees and amplified music for dancing and celebrating are not traditional agricultural sounds or noise associated with agricultural activities.

"Additionally, the context and legislative scheme of the Ordinance supports the conclusion that the township intended to exclude wedding barns from the permitted use of 'seasonal agri-tourism.' The township Master Plan, as amended in 2015, provides that agriculture was historically a major economic activity in the township, and township residents supported farmland preservation and preservation

of natural features. The township established the planning goals of preserving the rural character of the township, strengthening the rural identity of the township, and maintaining large areas of active agricultural land. Regarding agriculture area policies, the Master Plan provided that township residents emphasized the importance of farming and agricultural preservation. The Master Plan provided that '[i]ntense commercial operations such as event barns are not compatible within the Agriculture district.' Therefore, wedding barns were expressly contrary to the purposes of the Agriculture District under which 'seasonal agri-tourism' was a permitted use. Further, the purposes of the Agriculture District support the conclusion that 'seasonal agri-tourism' did not include wedding barns. The intent of the Agriculture District was to 'enable productive farming, encourage the continuation of contiguous blocks of active farms, preserve the rural character of the township, and allow very low-density housing that is compatible with the township's agricultural heritage.'"

The court also noted that, "The ZBA found that weddings have concentrated traffic patterns at the beginning and end of the event and that sounds associated with wedding receptions are not traditional agricultural sounds that can be associated with agricultural activities. Therefore, the ZBA's determination that weddings do not promote the rural character of the Agriculture District and the Township was supported by its findings."

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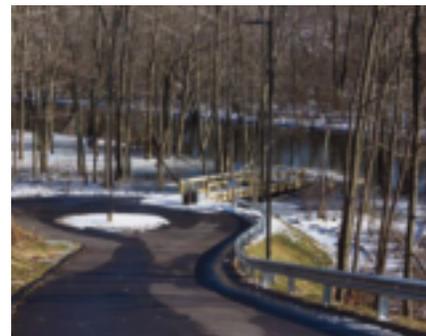
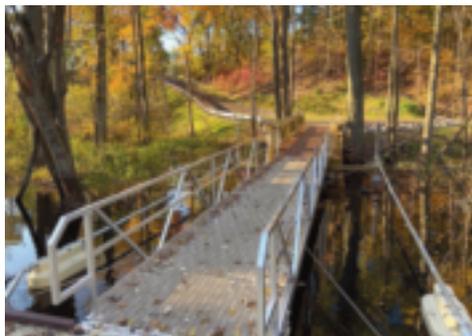
Hagar Township

In 1839, the first settlers came to **Hagar Township** (Berrien Co.), which was officially incorporated in 1846. Today, the township is home to more than 3,600 residents, though the population increases in the summer months when seasonal residents return to enjoy the season. Located along the Lake Michigan shoreline, the township is not as densely populated as other lakeshore communities, and residents enjoy a lower cost of living. Along with sandy beaches, the township also consists of grain and fruit farms, as well as dense woods, making the township an attractive place to live and visit. The township is a quiet, rural community near several shopping and recreational areas in Berrien County and neighboring Van Buren County.



Riverside and Lake Michigan Beach are unincorporated communities in the township. Riverside is a farming and light industrial community with a post office, township hall, public safety building, restaurant, convenience store, gas station, children's park and other small shops. The township-owned baseball fields are located nearby. Lake Michigan Beach is a census-designated place for statistical purposes, without any legal status as a municipality. The area is also known as Hagar Shores, a beach community that boasts two public beach parks.

A portion of a former 112-acre landfill that had been designated a conservation district has been transformed into a brand-new, seven-acre park and kayak launch, with wide-open views of the accessible Paw Paw River. A bilevel park, the upper level includes a pavilion, vault toilets, picnic tables and grills, while 90 feet below, a combined kayak launch and fishing platform extends out into the river. The project took just three years to complete and was funded through a Michigan Department of Natural Resources grant with the balance paid by the township's Riverside Downtown Development Authority. The township hopes the new park brings more tourism to the area. Supervisor **Izzy DiMaggio** led the project for over three years and would like to personally thank the township board, the downtown development authority, Abonmarche Consultants and the township's planning commission for their support and approval.





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