

Michigan Township Focus

MARCH 2015

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

Linda Preston leads the Association in 2015



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Learn more about 2015 MTA President Linda Preston, including her thoughts on her upcoming year at the helm of the Association, and her commitment to local officials and how to "make the best better."

27 Coordinated planning for community placemaking



Townships can turn their planning process into a galvanizing event that provides great direction for the community while helping to reduce costs. A key to this is combining the planning process and planning documents.



2015 Conference highlights:

- A look back at MTA's 2015 Conference & Expo (pages 16-17)
- Meet the new members of MTA's Board of Directors (page 18)
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mission statement

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



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allied service provider index



president's round table

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Talking townships and the May 5 road funding ballot proposal

Township Focus talks with MTA Executive Director Larry Merrill about the Association's support for the May 5 transportation ballot proposal:

Do MTA members support the proposal?

Like voters, they are still studying it, but their reactions have been mostly positive. Before the ballot proposal was developed, township officials were split on a preferred revenue source to fix roads, but overwhelmingly, they recognize that something must be done.



Why would township officials support this proposal when the public is yet to be convinced?

Township officials are more engaged with the challenges of fixing roads than is the average voter. They are often the first person that people complain to about the condition of their roads, even though townships are not responsible for road construction and maintenance. MTA members pay taxes just like everyone else, but are grounded in the reality that you get what you pay for. Township officials also recognize that a hypothetical better plan is nowhere on the horizon.

When you talk to people about the road proposal, what are the most common complaints you hear about it?

The most common complaint is that the Legislature should have raised the money themselves to fix the roads, and not required voters to become road funding experts. However, one of the biggest complaints about current taxes on fuel is that all of the revenues should go to transportation. Removing the sales tax currently collected at the pump necessitated generating replacement revenues through increasing the sales tax rate on other taxable purchases. That piece of the plan requires voter approval.

What about the non-transportation expenditures included in the plan? Why not just raise money for roads?

There weren't enough votes in the Legislature for a simple increase in fuel taxes and registration fees, and polling data indicated only a third of the public supported that approach. Garnering enough votes in both chambers required a bipartisan plan that included broadening the Earned Income Tax Credit to soften a regressive sales tax increase. Other lawmakers would only vote for a proposal that replaced and increased funding for schools and local governments.

So what do townships get out of this?

If county road commissions are adequately funded, there will be less pressure on townships to spend money on roads—which is now creeping toward \$200 million a year. That's money townships can direct to improving their own programs and services, or they can back off from levying extra voted millages and special assessments for road improvements.

The proposal also includes a \$9.64 per capita increase in constitutional revenue sharing to townships and increased township authority over road project contracts.

What if the ballot proposal doesn't pass?

Tax increases are always a tough sell, and this one is particularly complicated. It can pass if voters see the issue for what it is—do they want better, safer roads or not? If voters are convinced by voting “no” that some other solution will emerge that will shift the cost to someone else, we will likely be stuck not only with the bad roads we have, but more on the way. And the cost to fix the roads will continue to grow by hundreds of millions more dollars every year.

Can't the Legislature find the money in the current budget to fix the roads?

It would take a 12 to 20 percent diversion from the state's \$10 billion general fund to generate enough money to fix the roads, as the rest of the state budget revenues are restricted to their use. Most of the current general fund programs have already survived a decade of austerity and downsizing, and the budget is also being cut due to revenue shortfalls. Additional reductions to township revenue sharing and other programs important to local communities would likely be part of any “revenue neutral” solution.

Turn to page 12 for more on the May 5 ballot proposal.

news¬es

a compendium of noteworthy items

SAFE AND SOUND

Townships top list of Michigan's safest communities

Residents of **Raisin Charter Township** (Lenawee Co.) have a reason to sleep a little more soundly at night. According to consumer research firm ValuePenguin, their township is the safest community in Michigan.



With a nonexistent violent crime rate and few property crimes, Raisin Charter Township was ranked No. 1 on ValuePenguin's 2015 list of the safest places in Michigan. The other four places in the top five are also townships—**Cambridge Township** (Lenawee Co.), **Chocolay**

Charter Township (Marquette Co.), **Lapeer Township** (Lapeer Co.) and **Theftord Township** (Genesee Co.).

Raisin Charter Township Supervisor **Jay Cavanaugh** is proud of his township's recognition and is promoting it to potential residents. Not only does the township have a strong law enforcement presence, but it's also the kind of place where residents know their neighbors, and they look out for one another. He hopes that will convince more people to consider Raisin Charter Township when searching for a new home.

"It's nice for people to know there's a place they can go and leave their doors unlocked—even though I don't recommend it," Cavanaugh said with a laugh.

ValuePenguin created the safety rankings using 2013 FBI crime statistics, excluding communities with populations smaller than 5,000. The data considered included violent crimes and property crimes from all law enforcement agencies participating in the FBI Uniform Crime Reporting Program. Then, the data was standardized to reflect violent and property crimes per 100,000 people. This was aggregated into a crime score, with violent crimes weighted at 90 percent and property crimes at 10 percent. The scores were adjusted for their populations to prevent small communities from being penalized more severely than larger communities.

The 2015 rankings also include top 10 lists for safest places by population. Again, townships top all three lists, with **Bloomfield Charter Township** (Oakland Co.) first in big communities (more than 25,000 in population), **Grosse Ile Township** (Wayne Co.) first in mid-sized communities (10,000-25,000 population) and Raisin Charter Township first in small communities (under 10,000 population).



PAY RAISE

After multi-year freeze, more locals say they are raising employee pay

Five years after the depths of the recession, more local governments in Michigan say they've boosted employee pay while subtracting in other places such as benefits.

A University of Michigan survey of elected and appointed officials in the state's 1,856 units of government found that, among those that have paid employees, the percentage that reported boosting employee pay rose in each of the last four years, from 22 percent in 2011 to 48 percent in 2014.

The poll, part of the Michigan Public Policy Survey (MPPS) series, reports:

- Most leaders continue to think their employee pay rates are "about right," although one-quarter still think their pay rates are "too low."
- Officials were much less likely to say their jurisdictions' fringe benefit packages (among those that offer them) are "too generous" today compared with four years ago.
- Among jurisdictions that provide health care benefits, many have been asking employees to take on a greater share of the costs, from a peak of 51 percent in 2012 to 43 percent in 2014.

Among townships specifically, more than half—51 percent—reported no change in employees' wages and salaries, while 42 percent reported that wages have "somewhat increased." Nearly 60 percent of townships that participated in the survey do not offer health care benefits to their employees. Among those that did, close to 20 percent reported an increase in costs, while an identical percentage noted no change. Among those townships that do offer fringe benefits, 30 percent felt the benefits were "about right."

MTA is among the partners on the MPPS. Township supervisors, clerks and managers are among those surveyed.

NEW REIMBURSEMENT RATE

IRS standard mileage rate set for 2015

The standard mileage rate—the maximum amount employers can reimburse employees for business miles driven in the employee's personal vehicle, without tax consequences—is 57.5 cents per mile in 2015.

There is no requirement for townships to pay this amount per mile; the IRS sets these “safe harbor” limits whereby the employer [township] can reimburse the employee for the business use of his or her personal vehicle without income tax consequences.



LOCAL UPDATES FROM ACROSS MICHIGAN

Township happenings

A Transportation Alternative grant from the Michigan Department of Transportation is responsible in part for a new sidewalk in **DeWitt Charter Township** (Clinton Co.) that will eventually connect to the Lansing River Trail and the Northern Tier Trail in East Lansing.

This fall, after two years of design work and a year of construction, the new **Milton Township** (Cass Co.) hall opened its doors. An open house was also held for the \$1.7 million facility, which includes a playground and improvements to parking, election space and disaster preparedness facilities, as well as increased meeting and office areas. The hall was paid for with general fund money and a \$1.5 million capital improvement loan. The township worked with community groups, county offices and organizations, and many various elected officials in designing the building to best serve the needs of the community.

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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MTA welcomes new lobbyist

MTA has welcomed a new member to its team. Justin Dickman recently joined the Association's Government Relations Department as legislative counsel. In his new role, he will advocate for townships and lobby state lawmakers.

"I am thrilled to have the opportunity to serve in my new capacity as legislative counsel at MTA," Dickman said. "I look forward to serving our township members and engaging legislators and staff in issues critical to Michigan townships."

Dickman comes to MTA with extensive experience serving on staff for both state and federal lawmakers. Most recently, he was chief of staff for then-Sen. John Pappageorge (R-Troy). A Van Wert, Ohio, native, he has a law degree from Ohio Northern University. He currently resides in the city of Grand Ledge.



Dickman

Robinson Scholarship available to students in your township

Help ensure that today's youth become involved in local government tomorrow! Encourage students in your community to apply for MTA's Robert R. Robinson Memorial Scholarship by May 31, 2015.



The scholarship 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. The following materials are required to apply:

- 1) a letter of recommendation from a professor or instructor,
- 2) a copy of a resolution of support from a Michigan township board, and
- 3) a short essay on an important issue facing local government.

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.

Ensure students in your area know about the scholarship! Post a link on your township website to www.michigantownships.org/scholarship.asp. Need more information? Call (517) 321-6467.

Contributions to the scholarship fund are also accepted throughout the year. Call the MTA office for details.

profile



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Par Plan became an MTA Allied Service Provider at the President's Round Table level in 2005. "It's really quite simple," Rita Evans, Par Plan program administrator said. "MTA is the foundation of knowledge and teachings for Michigan communities. Being able to partner with MTA offers the Par Plan another avenue for networking to provide Michigan communities local representation and personal service for their property and casualty needs."

The Par Plan is administered by Kenrick Corporation of Auburn Hills. For more information about the Michigan Township Participating Plan's services, please visit www.theparplan.com or call the administrative offices at (800) 783-1370.

Participation in the Allied Service Provider program does not constitute or imply MTA's endorsement of the company or its products/services. For more information, see Par Plan's ad on the back cover or visit www.michigantownships.org/asp.asp.

Advertorial

WWW.MICHIGANTOWNSHIPS.ORG

FEATURED WEB PAGE

Resource Toolkits

Prepared by MTA, state agencies and other sources, these fact sheets, booklets, bulletins and Web resources address various township topics in depth. Many provide handy sample language, checklists or charts, along with commentary and compliance tips.

To explore a wealth of information on the "Resource Toolkits" Web page, look under the "Answer Center" drop-down menu on the Members-only section of MTA's website. To log in, click on "Member Login" in the upper right-hand corner of the www.michigantownships.org home page, and enter your username and password. Questions? Email website@michigantownships.org.

LOG IN TODAY, AND SEE ALL THAT MTA HAS TO OFFER!

Clarification—The January/February *Financial Forum* column discussed a new e-service, the Michigan Treasury Online/One Stop Business portal for state tax purposes. To use this service, the state Department of Treasury is authorizing the use of the NAICS Code 921190 for townships. An alternate code was provided by Treasury and included in the January/February *Financial Forum*.

mta events | March

- 24 *The Art of the Deal* workshop, Kalamazoo
- 25 *The Art of the Deal* workshop, Mt. Pleasant
- 26 *The Art of the Deal* workshop, Boyne Falls
- 30 *Township Board Roles & Relations: Broadening the Scope* workshop, Frankenmuth
- 31 *Utilizing Strategic Planning and Making Meetings Work More Effectively* workshops, Frankenmuth



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MARCH

1 The State Tax Commission (STC) shall publish the inflation rate multiplier before this date. (MCL 211.34d(15))

By 2 Boards of county canvassers meet to canvass Feb. 24 election. (MCL 168.821)

2 Last day for treasurer to collect 2014 property taxes. (MCL 211.78a)

On or before the first Monday in March. The 2015 assessment roll shall be completed and certified by the assessor. (MCL 211.24)

3 Local units to turn over 2014 delinquent taxes to the county treasurer. (MCL 211.78a(2)) On March 1 in each year, taxes levied in the immediately preceding year that remain unpaid shall be returned as delinquent for collection. However, if the last day in a year that taxes are due and payable before being returned as delinquent is on a Saturday, Sunday or legal holiday, the last day taxes are due and payable before being returned as delinquent is on the next business day and taxes levied in the immediately preceding year that remain unpaid shall be returned as delinquent on the immediately succeeding business day.

County treasurer commences settlement with local unit treasurers. (MCL 211.55)

Four percent county property tax administration fee added to unpaid previous year's taxes and interest at 1 percent per month. (MCL 211.78a(3))

Tuesday after the first Monday in March. The assessor/supervisor shall submit the 2015 certified assessment roll to the board of review. (MCL 211.29(1))

Organizational meeting of township board of review. (MCL 211.29)

9 *Second Monday in March.* First meeting of the board of review. (MCL 211.29) Meeting must start not earlier than 9 a.m. and not later than 3 p.m. The board of review must meet six additional hours during this week and shall hold at least three of those hours after 6 p.m. (MCL 211.30) *Note:* The township may authorize an alternative starting date for hearing appeals, which can be either the Tuesday or Wednesday following the second Monday in March.

13 Within 10 business days after the last day of February, at least 90 percent of the total tax collections on hand must be delivered by the local unit treasurer to the county or school district treasurers. (MCL 211.43(3)(b))

By 21 Clerks shall electronically transmit or mail (as requested) an absentee voter ballot for the May 5 election to each absent uniformed services or overseas voter who applied for an absent voter ballot 45 days or more before the election. (MCL 168.759a)

Absentee voter ballots for May 5 election must be available for issuance to voters. (MCL 168.714)

26 Post-election campaign statements filed (books closed March 16).

through April 14. Precinct inspectors appointed for May 5 election. (MCL 168.674)

By 30 Notice of close of registration for May 5 election published. One notice required. (MCL 168.498)

31 School district or intermediate school district must reach agreement for summer tax collection with township or county if there is a summer school levy. (MCL 380.1613(2))

APRIL

1 *Not later than April 1.* Treasurers make final adjustment and delivery of the total amount of tax collections on hand. (MCL 211.43(3)(c))

Separate tax limitations voted after April 1 of any year are not effective until the subsequent year. (MCL 211.205i(2))

6 *On or before the first Monday in April.* Board of review must complete its review of protests and certify the assessment roll. (MCL 211.30(6))

Last day to register for May 5 election. (MCL 168.497)

8 *Wednesday following the first Monday in April.* Supervisor or assessor shall deliver the completed assessment roll, with board of review certification, to the county equalization director not later than the 10th day after adjournment of the board of review or the Wednesday following the first Monday in April, whichever date occurs first. (MCL 211.30(7))

Assessor files STC Form L-4021 with the county equalization department, and STC Form L-4022 (signed by the assessor) with the county equalization department and the STC, immediately following the adjournment of the board of review.

20 Allocation board meets and receives budgets. (MCL 211.210)

By 24 Pre-election campaign statements filed (books closed April 19).

Write-in candidates file Declaration of Intent forms for May 5 election by 4 p.m. (MCL 168.737a)

By 28 Notice of May 5 election published. One notice required. (MCL 168.653a)

Petitions to place county and local questions on Aug. 4 ballot filed with county and local clerks. (If governing law sets an earlier petition filing deadline, earlier deadline must be observed.) (MCL 168.646a)

By 30 Public accuracy test for May 5 election must be conducted by local election commission. (R 168.778) Notice of test must be published at least 48 hours before test. (MCL 168.798)



Q Can our township transfer money from the general fund to an infrastructure account for projects like road construction and installing water and sewer lines?

The township board could internally restrict the money, by formal resolutions to “commit” the surplus funds to the projects (*Governmental Accounting Standards Board Statement 54 and State of Michigan Department of Treasury MCGA Statement 15 both provide guidance on how to accomplish these “demarcations” of fund balance*). The township could also establish a public improvement or township improvement revolving fund, which would serve as a formal way of segregating surpluses to be used to accomplish your goals.

A public improvement fund, established by Public Act 136 of 1956 (MCL 141.261, *et seq.*), is used by townships to accumulate non-tax revenue to “construct, acquire, extend, alter, repair or equip public improvements or public buildings.” Funds may only be used for improvements or buildings authorized to townships under state law. This fund works best if project financing will be provided primarily from township funds. Monies deposited in a public improvement fund may not be used for any other purpose than those identified above. The township can only use non-earmarked, unpledged revenues, and may not transfer tax revenues to this fund. Only surplus non-tax revenue, such as state shared revenues, may be used in a public improvement fund, which is established by a resolution of the township board.

According to PA 188 of 1954 (MCL 41.735), a township improvement revolving fund may be established to accumulate resources to finance special assessment projects authorized by PA 188. After the special assessment roll is created, the township board may authorize transfers of the amount anticipated to be collected on the roll to finance the construction of the project. The principal and interest collected annually on the assessment roll would be repaid to the improvement revolving fund.

The interest rate charged to the special assessments cannot exceed 5 percent, nor can the total amount accumulated in the improvement revolving fund exceed 5 mills of the township’s taxable value. The total amount that can be transferred annually from the general fund to the improvement revolving fund cannot exceed 2 mills times the township’s current taxable value.

Q How is each fund handled from a budgetary standpoint?

The Michigan Department of Treasury issued MCGA Statement Number 15 in June 2011 which changed the fund types from “Special Revenue Funds” (as indicated in the Uniform Chart of Accounts) to “Capital Project Funds,” which don’t require annual budgets.

Q Can the funds be transferred back to the general fund?

Public improvement funds cannot be transferred back to the general fund; once established, they can only be used for the purposes previously outlined. The township board may transfer funds from the township improvement revolving fund to the general fund when, in the judgment of the board, funds should be transferred.

Q How can we ‘internally finance’ small special assessment projects?

The township may use general fund monies, though this may result in “deficits” in the construction fund used to account for the special assessment project. When the general fund “loans” or advances funds necessary to pay the contractors and engineers on the project, these resources are not considered “revenues,” as there is an expectation of repayment to the general fund. Thus, the construction fund will have deficit balances until the special assessment collections are sufficient to repay the general fund.

If you use the township improvement revolving fund, the deficits are avoided. When the general fund transfers money to the revolving fund, these are considered revenues, as there is no intent for repayment. The surplus funds in the improvement revolving fund can be used to pay construction costs, and then are replenished through special assessment fund collections. The replenished funds can then be used for other projects, thus the “revolving” element of the fund.

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.



Is my township required to have a construction board of appeals?

Yes, if your township administers and enforces the Uniform Single State Construction Code. Pursuant to MCL 125.1514, governmental subdivisions that enforce the code shall have a construction board of appeals.



How do I know if my township is the administrative and enforcement agency for the state construction code?

If your township has its own building official—as opposed to you designating the state or county as your building official—your township is an administrative and enforcement agency for the state construction code.

If you are unsure as to the administrative and enforcement status of your township, you can go to www.michigan.gov/lara and look up “statewide jurisdiction list.” If your township appears on this list as “local” for “building,” your township is charged with the responsibility of administration and enforcement and, therefore, your township must have a construction board of appeals.



How many members serve on a construction board of appeals?

As set forth in MCL 125.1514, a construction board of appeals must have between three and seven members “as determined by the governing body of the governmental subdivision.”



Who is qualified to serve on a construction board of appeals?

The board of appeals consists of members qualified by experience or training to perform the duties of a member of the board of appeals. As such, it is incumbent upon the township to consider an individual’s qualifications and training in the building trades (i.e., construction, plumbing, mechanical and/or electrical) and appoint persons who have training in one or more of these trades. (Note that some townships enforce only some of the four enforcement areas: building, electrical, mechanical or plumbing.)

Lists of persons qualified to serve include: structural engineers, architects, builders, building officials from adjoining counties or municipalities, dangerous buildings

hearing officers for other municipalities, retired engineers, building officials, builders and architects, as well as mechanical inspectors, plumbing inspectors, etc.

Inasmuch as these persons are usually fairly well-known to each other, having worked together on various occasions, seeking persons from an adjoining county or municipality may work best as these individuals may not feel comfortable reviewing the work of persons with whom they have worked in the past. Members are able to serve on more than one construction board of appeals at a time.



How does the township appoint persons to the construction board of appeals?

MCL 125.1514 provides that the supervisor of the township shall appoint the members of the construction board of appeals, unless otherwise provided by local law or ordinance. Persons appointed shall hold two-year terms.



How does the township charge for costs of a hearing and determine the amount to pay the members of the construction board of appeals?

A township is authorized to charge an applicant the reasonable costs of a construction board of appeals hearing. These costs generally must equate to the costs to the township of undertaking the hearing. Costs associated with a construction board of appeals hearing can include the administrative (overhead) costs as well as the per diem fees paid by the township to the individual members. To the extent a township may wish to charge the same amount that it charges for a zoning board of appeals case, the township must evaluate whether that would be a reasonable estimation of costs of a construction board of appeals hearing to the township.

As part of that determination, a township should factor in the following:

- Construction board of appeals cases do not require the publication of notices, although an 18-hour notice must be posted and an applicant must be notified of the time and place of any hearing.
- General overhead costs to consider would include: staff time to convene the hearing; minutes preparation and distribution; decision preparation and distribution; code copying costs; and mailing costs.
- Fees paid to each member of a construction board of appeals, including time for individual observation of the

matter in question, if necessary. Because each member of the construction board of appeals has a technical expertise, the board may take that into consideration in setting the per-meeting and/or per-inspection rate to be paid to the members.

Q How often is a construction board of appeals required to meet?

MCL 125.1514 sets forth that a board of appeals is required to hear an appeal and render and file its decision, along with a statement of the reasons for its decision, not more than 30 days after the submission of an appeal. The failure of a board to hear an appeal and render an opinion within the 30-day time limit constitutes an appeal for purposes of authorizing an appeal to the State Construction Code Commission. This means that the filing of an appeal triggers the necessity of the construction board of appeals to meet at least once within 30 days of the time the appeal is filed.

Whether additional meetings are required within the 30-day period is up to the board to decide on a case-by-case basis. Any additional meetings also would be subject to notice requirements. The construction board of appeals is not required to have a meeting unless an appeal is filed.

Q Are minutes required for construction board of appeals meetings?

Yes, the construction board of appeals is subject to the requirements of the Open Meetings Act. Minutes must be kept whenever the construction board of appeals meets. The minutes must be available for public inspection within eight business days of a meeting. Approved minutes must be available within five business days after a meeting at which they are approved. The construction board of appeals also must keep an indexed record of its decisions open for public inspection.

Q What are notice requirements for construction board of appeals meetings?

Construction board of appeals meetings will occur on an as-needed basis and notice of the meetings must be posted at least 18 hours before they occur.

An applicant should be advised of the time and place of any hearing. Additionally, a copy of the board's decision and statement of the reasons for the decision shall be delivered or mailed to the applicant before it is filed.

Special notice need not be provided to adjoining property owners unless the construction board of appeals has its own notice requirements that permit or require such notice. Importantly, however, the tenets of due process should be followed so that notice is provided to adjoining property owners if the appeal in question would have an impact on any adjoining property.

Hello, MTA ... ? provides general information on typical questions asked by township officials. Readers are encouraged to contact an attorney when specific legal guidance is needed. Member township officials and personnel may contact MTA Member Information Services with questions or requests from 8 a.m. to 5 p.m., weekdays, at (517) 321-6467 or fax (517) 321-8908.

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MTA supports Proposal 1 to fix Michigan's roads

A plan to increase the state's transportation funding and make Michigan's roads safer has MTA's support. Michigan's roads and bridges are crumbling after decades of underfunding. Though no one disputes that the roads are in serious disrepair, state leaders have been unable for years to agree on a way to pay for the much-needed fixes.

Last year, however, the Legislature finalized a plan to generate an additional \$1.3 billion in transportation revenue. The basic premise of the Legislature's plan is for all taxes paid at the pump to go to roads, bridges and other transportation needs, while sales tax dollars would be used for local governments and schools. MTA supports this plan, and we encourage our members to do the same. Final approval will be put to a statewide vote at the May 5 election.

Dedicated funding to roads

The Legislature's plan centers on Proposal 1, a ballot initiative raising Michigan's sales and use tax from 6 to 7 percent. Currently, the state collects \$1 billion in sales tax on fuel—but none of it goes to roads. It's used instead to pay for schools and constitutional revenue sharing for local

governments. The May ballot proposal changes this by eliminating the sales tax on fuel at the pump along with the 19-cent-per-gallon tax on gas. Instead, drivers will pay a percentage tax on the wholesale price of gas, with all of money raised going to roads, bridges and other transportation needs.

Another \$95 million will be generated by changes in registration fees—including \$50 million from an increase in registration taxes for trucks weighing over 26,000 pounds. Several other reforms are also included in the plan, such as warranties on road work as well as an option for townships to require competitive bidding on road projects in which they contribute at least half of the cost.

Together, the changes would mean a \$1.3 billion increase in transportation funding. An additional \$94 million would go to constitutional revenue sharing, giving each township a \$9.64 per capita increase.

Critical to safety and economic prosperity

MTA's Executive Committee believes a transportation funding increase is in the best interest of townships and the state as a whole. Quality roads are critical for the safety of

our residents as well as Michigan's economic prosperity. Townships already spend more than \$186 million a year on roads and bridges—even though they have no statutory requirement to do so. The Association's Legislative Policy Platform approved by the MTA membership supports increasing transportation revenue at rates sufficient to restore and maintain state and local roads (*turn to page 20 for MTA's 2015 Policy Platform*).

The sales tax increase is estimated to cost roughly \$130 a year for an individual with a \$75,000 annual income, according to Former House Fiscal Agency Director Mitch Bean. The gas tax increase would cost about \$91 more each year for a driver who travels 20,000 miles per year in a 22 mpg vehicle.

If voters approve the ballot initiative, Michigan's sales tax rate will be similar to neighboring states Indiana and Ohio, which already have tax rates of 7 percent to 7.11 percent, respectively. Michigan's rate would still be lower than Illinois, which has the 10th-highest state and local tax rate in the nation at 8.16 percent.

MTA knows that safe roads and bridges are well worth the increased investment. In the coming months, we will work with other organizations to actively support this proposal and ensure its approval. We ask our members to vote "yes" and support safe roads in our great state.

2016 presidential primary rescheduled for March 8

Michigan's 2016 presidential primary will now occur on March 8, after legislators changed an earlier proposed date of March 15. This change will eliminate any concerns of having both the board of review and the presidential primary take place the same week. Amended versions of Senate Bills 44 and 45, both sponsored by Sen. Dave Robertson (R-Grand Blanc Chtr. Twp.), have been signed into law by Gov. Rick Snyder and are now Public Acts 1 and 2 of 2015.



Michigan Election Law schedules each February regular election on the fourth Tuesday in the month. However, this runs against Republican National Convention rules and would result in Michigan losing delegates at the national nominating convention. PAs 1 and 2 remedy this situation by moving the presidential primary to March in each presidential election year. Initially, the proposed date was the third Tuesday in March, which next year would have been March 15—the same week as the March board of review.

Though MTA did not take a position on the bills, we raised concerns that this change would impact accessibility for voters and those wishing to meet with the board of review, as well as create logistical issues for townships. In response to the Association's concerns, the bills were amended and the primary date was moved to March 8.

Legislative lowdown

Here's a quick look at important bills that MTA is following as they move through the legislative process. For up-to-date information on this legislation—and more—that MTA is monitoring, look to our *Township Insights* e-newsletter, sent every Friday to all member officials with an email address on file in our database, as well as our monthly legislative e-newsletter, *Township Voice*.

FY 2015-16 Budget: The House and Senate have introduced bills appropriating funds for the upcoming fiscal year. Proposals from Gov. Rick Snyder include increasing constitutional revenue sharing by 3.1 percent, providing full funding for payments in lieu of taxes and eliminating statutory revenue sharing for the 100 townships that were added for the current fiscal year.

HB 4068: Would allow local units to consolidate election precincts during state elections when a constitutional amendment or question is on the ballot, but only in precincts with polling places located in the same building.

SBs 92-95: Proposes changes to the Michigan Commission on Law Enforcement Standards.

HBs 4018-4019: Would exempt granting the right to use prewritten software installed on another person's server from sales and use tax. *Opposed by MTA* as it would reduce sales and use tax revenue by an estimated \$43-49 million for FY 2014-15 as well as \$100 million in retroactive refunds.

HB 4213 and HJR 1: Would change the calculation of taxable value.

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2015 MTA President Linda Preston: ‘Making the best better’

Linda Preston has never backed down from a challenge. She wasn't afraid to run for **Pokagon Township** (Cass Co.) clerk more than 30 years ago, even though her opponent was the well-known deputy clerk. Later, when her three children came along, she never missed a day of work, juggling her township responsibilities while raising her young family.

After serving as clerk for two decades, Preston was ready for a new experience. She successfully ran for supervisor in 2005, a position she continues to hold today.

Now, Preston has begun her latest challenge: serving as the 2015 MTA President. She was elected to the position at the MTA Annual Meeting, held Jan. 30 during the Association's Annual Educational Conference & Expo in Grand Rapids.

Preston has already jumped into her new job with enthusiasm and is thrilled to spend this year at the helm of MTA. She believes in townships and will use her role to see that the form of government closest to the people is preserved. She'll spend her term meeting as many township officials as she can, encouraging them to advocate for townships to their state representatives and senators. She'll also push for more officials to utilize MTA to educate themselves and become the best officials they can.

Preston recently sat down with Township Focus to reflect on the experiences that prepared her to lead the largest municipal association in the state, as well as what she envisions for the future of township government and MTA.



2015 MTA President Linda Preston addresses the membership at the MTA Annual Meeting.

What are your goals as MTA president, and for townships, this year?

I would like to get to know as many township officials as possible and understand what their issues are so that our organization can better serve them. Our township officials need to engage with our Legislature and communicate with them regularly, so they can better understand what townships represent. While many officials communicate with their state representative and senator regularly, others do not. If we

can use our 6,500-plus voices, it will make a bigger impact in the state. If we all just get out and participate, and advise our legislators of something that is important to us, they will make sure that we're recognized.

How can township officials engage residents in the local government process?

They can make residents more aware of what's going on in the township. It has to be a continual process, and communication is a big part of that.

You can use mail or newsletters, but there are also many possibilities with the Internet. When you want to catch someone's attention, you've got to use the communication process that they're using. So many are using the Internet technology that's available. You've got to talk to your listener in the voice that they can hear.

Going into our schools to reach our youth is another good way to get our word across, because the kids will bring that message home to their parents and share what's going on in the township.

What role do townships play in Michigan's prosperity?

Townships can encourage new business start-ups. The decisions that we make will affect how the area and the businesses can grow. Keeping our zoning ordinances current and up-to-date with what's going on in the world will help businesses to grow and flourish. Prosperity comes in all sizes, so if we can help the very smallest start and grow into a larger business, we should do that.

What do you see in the future for township government?

I think they will continue to be strong and effective. They will be technologically savvy, use innovative ways to do more with less and continue to modernize. MTA is always on the cutting edge and encouraging townships to be the best they can. We can always make the best better.

What advice do you have for township officials in how to achieve quality leadership and service in their communities?

Go to as many workshops and educational experiences as you can. You need to just keep learning. The best way to learn is by experience,



Preston affixes the Immediate Past President pin on 2014 MTA President Doug Merchant.

so take on leadership positions in clubs, church and organizations in your community. When a club needs somebody to lead it, take that position. You need to be committed to your township. You need to listen to what the people are saying and react to that. You need to be a good listener, and step up and take the challenge in your community.

Upon completion of your term, what would you like your legacy to be?

I would hope that I've encouraged officials to participate in education and in their community, to be more than just average. You're not just another piece of fiber in the mitten. It takes the whole spool to make it complete. It's not anything that one person can do. Everybody together makes this organization grand.

Who are your heroes?

I'd have to say my dad was my hero. He was a decorated World War II veteran who developed multiple sclerosis. He always had a positive outlook on life and overcame a lot of adversity. He taught me to have a positive outlook, and you can overcome just about anything.



Preston welcomes attendees to the Conference at the Opening Session on Wednesday morning.

2015 MTA Executive Committee

**Linda Preston,
President**

**Supervisor,
Pokagon Township
(Cass Co.)**



**Doug Mansfield,
First Vice President**

**Supervisor,
Union Township
(Grand Traverse Co.)**



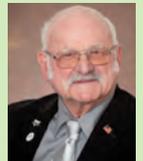
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**Doug Merchant,
Immediate Past
President**

**Supervisor,
Arcada Township
(Griiot Co.)**



A look back at #MTA2015



Doug Merchant reflected on his year as 2014 MTA president during his President's Address at the Opening Session.



Conference Keynote Dave Timmons (above left) shared his "six-string leadership" model at the Opening Session, and had attendees out of their seats and dancing in the aisles.



Larry Merrill shared insights on the Conference's theme, "The Will to Lead," during his Executive Director's address.



DeVos Place provided ample space for networking among colleagues between educational sessions.



The MTA Expo connected attendees with more than 100 vendors offering township solutions and services.

Photos by Trumple Photography. To view or order online, visit www.trumplephotography.com.



Conference-goers enjoyed a “Night at the Museum” at the Grand Rapids Public Museum, courtesy of Michigan Township Participation Plan.



2014 President Doug Merchant (left) presented Denny Olson with an MTA Immediate Past President award for his service as 2013 Association president.



MTA's Themed Dinner Party offered three rooms and three times the fun—including dance lessons!—in the Motown, Swing and Country & Western Rooms.



The Parade of Flags offered an inspirational start to the Conference.



Attendees mingled with lawmakers at MTA's first VIP Legislative Networking Reception.



More than 60 educational sessions to choose from and dozens of speakers to share their expertise.



Delegates debated MTA legislative policy at the Annual Meeting.



Delta Charter Township recognized as 'Township of Excellence'

Delta Charter Township (Eaton Co.) was honored as the second township in the state to receive MTA's "Township of Excellence" designation. Supervisor **Ken Fletcher** (*pictured above, far left*) accepted the award at the Conference's Opening Session, and was joined on stage by (*pictured above, continuing from left*) Clerk **Mary Clark**, Treasurer **Howard Pizzo** and Trustee **Dennis Fedewa**.

"We have a dedicated board and an outstanding staff who work tirelessly to make Delta a great place to live, work and play," Fletcher said. "This award shows that their hard work has not gone unnoticed by the community."

MTA honors Lt. Gov. Calley with Distinguished Leadership Award

Lt. Gov. Brian Calley was presented with a Distinguished Leadership Award at MTA's first VIP Legislative Networking Reception, held during the Conference on Thursday, Jan. 29.



The award recognizes Calley for his efforts to ensure that local units of government continued to receive funding for local services, while reforming the state tax code to create a better business environment.

"Lt. Gov. Calley dedicated months working with

lawmakers and local government representatives, including MTA, to ensure townships fairly and equitably receive reimbursement for the eliminated personal property tax," MTA Executive Director Larry Merrill said. "We commend the lieutenant governor for his leadership and hard work in protecting townships and the services they provide."

Said Calley, "I'm honored to accept this award because it represents the hard work of Gov. Snyder and the rest of our team, as well as all Michiganders who came together on this important issue. Michigan is headed in the right direction and organizations like the Michigan Townships Association are great partners in our efforts to reinvent our state."

Nankervis, Rose elected to MTA Board

Two township officials have been elected to the MTA Board of Directors, following caucus elections held Thursday, Jan. 29 at the Conference.

James Nankervis, supervisor of **Ishpeming Township** (Marquette Co.), will serve as District 2 director, while **Barbara Rose**, **Covert Township** (Van Buren Co.) supervisor, is the new District 22 director. District 2 encompasses Baraga, Dickinson, Marquette and Iron counties, while District 22 represents Berrien, Cass and Van Buren counties.

A long-time supervisor, Nankervis began serving his township in this position in 1988. He got his start in local government on the planning commission, where he served from 1975 to 1982, and served on the sewer authority from 1982 to 1988. He is currently president of the Marquette County MTA Chapter, and was previously the chapter vice president.

"I look forward to learning more about MTA as I serve on the Board of Directors," Nankervis said. "I will also lend my expertise in the areas where I have experience."

Nankervis is active in Teaching Family Homes, a non-profit organization providing a continuum of services to children and families in need. He was named the organization's Volunteer of the Year in 2005. He was also involved with the Bay Cliff Health Camp for 15 years.

Rose began serving her township as supervisor in 2008. She has a long history in politics and has been a precinct delegate since 1966. She was also a delegate to conventions for President Jimmy Carter and President Bill Clinton. For 10 years, she served the Michigan Department of Commerce after being appointed by Govs. James Blanchard and John Engler. She also lobbied for Western Michigan University from 1977 to 1987. Additionally, she was elected for two terms as recording secretary for the Michigan Democratic Party.

"In my new role, I hope to empower local townships to learn and build on proven strategies to improve our communities," Rose said. "I will continue to work hard to discover avenues where we can work together for the betterment of our residents while also recognizing our differences and utilizing our strengths."



Nankervis



Rose



Merchant honored with President's Resolution

At the MTA Annual Meeting on Friday, Jan. 30, 2015, 2014 MTA President **Doug Merchant** was honored with a President's Resolution, recognizing his leadership over the past year. 2015 MTA President **Linda Preston** presented Merchant with the resolution, which read:

LET IT BE KNOWN that it is an honor for the Michigan Townships Association to acknowledge with admiration and respect the leadership of Doug Merchant, as his term as president of the Association for 2014 comes to an end.

With a low-key and effective leadership style, Merchant approached his year at the helm of the Association with a spirit of commitment—to MTA, its Board and staff, and to the 6,500-plus elected township officials leading the form of government closest to the people. Merchant traveled the state with a goal of inspiring MTA members to strive to reach their personal best, and a commitment to being the best local officials they can be. Merchant served as the face of MTA by speaking at public events, standing shoulder to shoulder with the governor and lieutenant governor as he promoted townships and advocated for personal property tax replacement revenues. A firm believer that townships are the grassroots of local democracy, Merchant brought that message to both state and federal lawmakers.

Merchant's commitment to township government began nearly 30 years ago, when he was appointed to fill an **Arcada Township** (Gratiot Co.) trustee vacancy in 1986. Two years later, he was elected supervisor, a position he has held ever since. Saying that he's never been afraid of hard work, Merchant also serves as assessor for Arcada, **Bethany and Pine River Townships** (Gratiot Co.), and farmed cash crops on 1,500 acres until 2006. A dedicated husband and father of four sons, Merchant knows—and reminds township officials—that service is at the heart of township government and is crucial for good leadership.

THEREFORE, BE IT RESOLVED that the Michigan Townships Association offers its sincere gratitude to Doug Merchant for his tireless efforts to advance the Association's goals and mission during his term as president. May he always know the admiration of those with whom he has served, as well as their sincere wishes for his continued success.

We hereby make this declaration a permanent part of the Association's official records.

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2015 MTA policy platform

As adopted by delegates at MTA's Annual Meeting, Jan. 30, 2015, at DeVos Place in Grand Rapids, these proposed policies are the platform from which legislation is sought in the coming year.

Assessment and Taxation

Taxation is the means by which governments at all levels are provided financial resources to perform functions and provide services necessary for the general well-being of society.

The Michigan Townships Association supports taxation policies that are fair, equitable and efficiently administered. As lawmakers and regulators enact changes to current tax laws and local government requirements, the Michigan Townships Association supports the following objectives:

1. Maintaining property tax assessment and administration at the local level to ensure accountability, public trust and locally accessible information and assistance
2. Careful consideration and concern for revenue impacts and administrative burdens to townships and other local governments, and the greater burden placed on other taxpayers resulting from broadening tax exemptions
3. Tax appeal decisions consistent with the principles of assessment administration required of assessors by the manuals and directives promulgated by the State Tax Commission, and with which compliance is required of local assessors as a condition of maintaining state certification
4. Assessor certification and continuing education classes are available at sufficient locations such that excessive distances do not create a barrier to enrollment, participation and successful class completion, with course content focused on developing and maintaining effective assessing skills
5. State financial and technical support to local entities engaged in expensive tax appeals
6. Greater clarity of roles and responsibilities of assessors and township boards for compliance with State Tax Commission requirements
7. Eliminating unnecessary redundancy of collecting taxes twice each year
8. Increasing tax limitations for charter townships from 10 to 12 mills
9. Full reimbursement of all revenues lost by townships resulting from the small parcel exemption on commercial personal property taxes
10. Increasing the specific tax on mobile homes located in licensed parks
11. Exempting minimal personal property tax obligations resulting from minor property improvements on mobile home lots such as small decks, stairs and porches
12. Property values based on the highest and best use of the property and recognition that such highest and best use may result in a value based upon the continuation of an existing use of the property

Elections

Democracy requires transparent and efficient elections with high voter participation while maintaining election integrity. Township clerks administering elections can best accomplish these objectives. Given the wide disparities in resources and population densities among local governments, a "one-size-fits-all" approach is often not good public policy. As lawmakers and regulators enact changes to current election laws, the Michigan Townships Association supports the following objectives:

1. Protect local control of election administration
2. Encourage voter participation by authorizing "no reason" absentee ballots
3. Standardized absent voter ballot application forms
4. Ability to register to vote online with digital signatures through the Secretary of State website
5. Embrace the use of emerging technology to administer elections while considering the needs and limitations of all jurisdictions
6. Term limits lengthened, or repealed
7. Continue straight party voting
8. Pre-registration of 16- and 17-year-olds at Secretary of State offices
9. Make voter registration process uniform and allow local clerks with access to the Qualified Voter File to register any voter regardless of their jurisdiction of residence
10. Permit a person who registers by mail and wishes to vote by absentee ballot to present valid identification to satisfy the picture identification requirement of a first-time voter at any clerk's office

Environment and Land Use

The activities of township governments impact Michigan's environmental quality, and state laws and regulations regarding environmental protection impact township government programs, services and policies. The Michigan Townships Association advocates for environmental laws and practices that appropriately support the responsibility of townships to efficiently and effectively perform their duties to protect the public health, safety and general welfare. As lawmakers and regulatory agencies enact changes to current environment laws and local government requirements, the Michigan Townships Association supports the following objectives:

1. The definition of Waters of the United States, subject to permitting processes of the United States Environmental Protection Agency and the Army Corps of Engineers, should not be extended to non-navigable waters such as roadside ditches, field drainage systems, and culvert installation and maintenance
2. Federal laws and regulations should not be intended to impact the growth and development policies and objectives of local governments

3. Statewide septic system maintenance standards to reduce septic system failures that create serious public health threats and expose townships to being required to build expensive public sewer systems
4. Land use planning and zoning decisions remain a local government responsibility
5. Expansion of solid waste recycling programs
6. Newly instituted statewide landfill tipping fees fairly and equitably distributed to all local units of government
7. Greater authority for local governments to prevent the spread of invasive species of plants and animals
8. State responsibility for mitigating effects of preempted land uses
9. The imposition of local impact fees on oil and gas exploration and extraction
10. Restore township zoning authority to regulate oil and gas wells in residential areas

Intergovernmental Relations

Successfully solving many of Michigan's greatest challenges, such as restoration of greater prosperity to the Michigan economy and providing effective and economical governmental programs and services, requires governments at all levels to work collaboratively toward a common mission. As lawmakers and regulatory agencies enact changes to current laws and local government requirements impacting intergovernmental relations, the Michigan Townships Association supports the following objectives:

1. State laws should apply to townships in the same manner as they do other local government entities
2. Level playing fields and win-win outcomes in resolving intergovernmental conflicts
3. Flexible laws and regulations that promote local government creativity and locally appropriate solutions consistent with statewide objectives
4. Regional collaborations and initiatives that provide meaningful input by township officials to achieve outcomes that appropriately balance regional public policy objectives and local concerns
5. Joint service agreements among local governments providing fair and equitable sharing of costs, benefits and governance; long-term stability and predictability; and effective and fair problem resolution mechanisms
6. Boundary protection for townships that provide all essential local government services; discouraging boundary adjustments that are merely tax base grabs; and imposing appropriate standards for county board decisions related to expansion of village boundaries
7. A standard local government consolidation process applicable to all local government entities that continues to require voter approval of any consolidation; and state funding for independent consolidation impact studies as a prerequisite for county boards or the State Boundary

Commission to order a consolidation vote among local governments

8. Equitable treatment for all local units of government for statutory revenue sharing and grants
9. Full funding for payments-in-lieu-of-taxes and the swamp tax program to compensate townships for property owned by the State of Michigan

Township Operations

State and federal governments should give Michigan townships broad discretion and autonomy to govern the delivery of non-statutory programs and services protecting the public health, safety and general welfare. As lawmakers and regulatory agencies enact changes to current laws and local government requirements impacting non-statutory township programs and services, the Michigan Townships Association supports the following objectives:

1. Township authority to decide how local government services will be funded from currently authorized revenue sources
2. Improving the ability of townships to recover the costs of providing emergency services
3. Prohibiting the imposition of mandates on local governments that increase the costs of services
4. A fee structure for Freedom of Information Act requests that reflect the costs of search, retrieval, lawful redaction, legal review, copying and mailing public documents



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5. State funding to townships providing public safety protection to state-owned, tax-exempt properties
6. Publishing public notices on websites in lieu of newspaper printing

Transportation

In response to inadequate state funding for roads, townships contribute more than \$150 million per year for road maintenance and construction, despite no statutory responsibility to fund roads. Given the level of local money that townships voluntarily contribute to the Michigan transportation system, township officials want state lawmakers to increase funding for Michigan's transportation system, give townships a stronger role in decisions affecting transportation costs and priorities, and institute efficiencies to stretch scarce transportation funding. As lawmakers and regulators enact changes to current transportation laws and local government requirements, the Michigan Townships Association supports the following objectives:

1. Increasing the gas and diesel taxes, to be levied at the wholesale level, as well as increasing other transportation revenues at rates and amounts sufficient to restore and

maintain state and local roads, to be distributed through the existing PA 51 funding formula

2. Requiring bids for road projects where townships contribute 50 percent or more of the project costs, at the township's discretion
3. Requiring the state to share revenues from tree cutting on state land with affected townships for road and bridge repairs
4. Creating a bid process for the sale of timber located on property managed by the Michigan Department of Transportation or located in Michigan Department of Transportation rights-of-way to fund road and bridge maintenance
5. Requiring road agencies to comply with a township's Complete Streets Policy Resolution
6. Regulations to prevent road damage and protect the public safety from vehicles that are not required to be licensed or plated as well as other equipment that use public roads
7. Support mass transit in urbanized areas



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TGA Class of 2015 honored

The Township Governance Academy (TGA) graduating class of 2015 crossed the stage at the Opening Session of MTA's 62nd Annual Educational Conference at DeVos Place in Grand Rapids on Wednesday, Jan. 28. Eight individuals were recognized for completing the Academy.

The 11th graduating class received their TGA certificates and lapel pins on stage as MTA President **Doug Merchant** and MTA Executive Director Larry Merrill congratulated the graduates on their accomplishments.



The graduates are (pictured above, back row, from left): **Wendy Mazer**, Trustee, **Texas Charter Township** (Kalamazoo Co.); **Gerald Masters**, Trustee, **Richfield Township** (Genesee Co.); **Patrick Miller**, Treasurer, **Davison Township** (Genesee Co.); **Bret Padgett**, Treasurer, **Comstock Charter Township** (Kalamazoo Co.); and **Mary Brown**, Trustee, **Otsego Lake Township** (Otsego Co.); and (front row, from left) **Margaret Birch**, Treasurer, **Waterford Charter Township** (Oakland Co.); **Mayelene Rood**, Treasurer, **Hayes Township** (Clare Co.); and **Patricia Back**, Deputy Clerk, **Groveland Township** (Oakland Co.).

MTA commends the commitment of these individuals to pursue this challenging opportunity to enhance the effectiveness of their township boards.

YOU too can learn how to be a more effective board member and leader in your community. Regardless of your position on the township board or your level of experience, the Academy is designed to move you to a higher level of performance and make your service on the board more rewarding.



Visit MTA's Township Governance Academy Web page on the members-only section of www.michigantownships.org. After logging in, click on "Township Governance Academy" under the "Training" tab. You can also email shelley@michigantownships.org or call (517) 321-6467 for additional information.

TGA scholarship funds still available

Whether you're already enrolled in MTA's Township Governance Academy, or it's something you or your fellow board members are considering, scholarships are available to assist with costs for this comprehensive credentialing program.

A limited number of scholarships, up to \$1,000 each, are available to assist elected officials from MTA-member townships that may not be in a financial position to provide the funding necessary for completion of the program. **Applications are due March 16.**

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

Download the scholarship application at www.michigantownships.org (click on "Township Governance Academy" under the "Training" tab on the members-only section), or call (517) 321-6467 to have an application sent to you.



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upcoming MTA workshop

REGISTRATION INFORMATION

Learn strategies for negotiating contracts and agreements

Every township has to work with contracts, and the entire board needs the knowledge to be an effective negotiator. Whether it's a contract for a relatively small service or an intergovernmental agreement with neighboring communities, you need to know what to consider, what to include, and how to renegotiate (or end!) contracts.

Get an overview of negotiation tips and strategies tailored specifically for township officials. MTA's March workshop series, *The Art of the Deal*, will provide a broad, yet comprehensive overview of best practices (and challenges!) when it comes to bidding requirements, purchasing policies, contracts and agreements. Learn how to deal with difficulties, and downright disagreements, even after the ink is dry on the deal.

Examine the finer points of the procurement process and learn best practices required for working with government contractors—from soliciting bids to complying with regulatory requirements. Registration rate includes lunch, served at noon. Class is held from 1 to 4 p.m. Dates and locations are:

March 24: Radisson Plaza Hotel at Kalamazoo Center, 100 W. Michigan Ave., Kalamazoo, (269) 343-3333

March 25: Soaring Eagle Resort & Conference Center, 6800 Soaring Eagle Blvd., Mt. Pleasant, (888) 732-4537

March 26: Boyne Mountain Resort, 1 Boyne Mountain Rd., Boyne Falls, (855) 688-7025

Speakers: (Vary by location)

Michael Homier & Anne Seuryneck,
Attorneys, Foster Swift Collins & Smith, PC

Cancellations & Substitutions:

Written cancellation requests received at the MTA office by March 10 will receive a full refund. No refunds will be issued thereafter. You may switch workshop locations at no charge if you notify MTA of the change at least one week prior to the workshop; otherwise, a \$25/person fee will be assessed. You may substitute another individual from your township for your registration at any time without incurring a charge; please notify MTA of the change.



Registration Form

Township _____ County _____

Daytime Telephone _____ Email Address _____

Name & Title _____

Name & Title _____

Name & Title _____

Name & Title _____

REGULAR rate*: \$99 For paid registrations received after March 10.

DISCOUNTED rate*: \$79 For paid registrations received by March 10.

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

AMOUNT ENCLOSED = \$ _____

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

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

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

upcoming MTA workshops

REGISTRATION INFORMATION

March workshops examine board roles, effective meetings and strategic planning

MTA will offer insights into how your role as a board member relates to the board as a whole, demonstrate how to structure your board meetings to achieve more in less time, and delve into the elements of strategic planning. Join us in **Frankenmuth** at the **Bavarian Inn Lodge Conference Center** on **March 30-31** for one (or all!) of the sessions described below:



Township Board Roles & Relations (B-101; 4 credits) 1 to 4:30 p.m. (Includes lunch served at noon)

Examine your role as a board member and how you fit in to the board as a whole. Discuss the roles of watchdog, supporter, planner, communicator and manager, as well as the relationships among board members, appointed and elected officials, and the board with the community. Identify the fundamentals of leadership and the ethical standards specific to public servants.

Presented by *Larry Merrill, MTA Executive Director*

Making Meetings Work More Effectively (B-105; 4 credits) 8:30 a.m. to 12:30 p.m. (Includes continental breakfast)

Structure your meetings to achieve more in less time, with less headaches! Uncover strategies to deal with differences around the board table while staying focused on results. Identify ways your board can define its "rules of engagement" so that meetings will be orderly and productive.

Presented by *Susan Radwan, CAE, Leading Edge Mentoring, Grand Ledge*

Utilizing Strategic Planning to Achieve Results (B-104; 4 credits) 1:30 to 5:30 p.m. (Includes lunch served at 12:30 p.m.)

Strategic planning is critical to achieving real results in your township. Discover what strategic exploration entails, as well as the voices that must be heard, in order to develop a solid plan that aligns the township's resources and creates favorable outcomes.

Presented by *Susan Radwan, CAE, Leading Edge Mentoring, Grand Ledge*

These courses are part of MTA's Township Governance Academy, an innovative credentialing program for township officials and local leaders in Michigan. You do NOT have to be enrolled in the Academy to attend.



Cancellations & Substitutions: Written cancellation requests received at the MTA office by March 16 will receive a full refund. No refunds will be issued thereafter. You may substitute another individual from your township for your registration at any time without incurring a charge; please notify MTA of the change. Scholarship funds are not subject to substitution.

Registration Form

	Registration Rate After March 16	Discounted Rate Before March 16
FULL PROGRAM: All 3 sessions!	\$327/attendee	\$267/attendee
Board Roles (B-101)	\$109/attendee	\$ 89/attendee
Effective Meetings (B-105)	\$109/attendee	\$ 89/attendee
Strategic Planning (B-104)	\$109/attendee	\$ 89/attendee

Township _____ County _____

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Name & Title _____ All 3 Roles Meetings Planning

Name & Title _____ All 3 Roles Meetings Planning

Name & Title _____ All 3 Roles Meetings Planning

Name & Title _____ All 3 Roles Meetings Planning

of Sessions Registration Fee Total

_____ x _____ = _____

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

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MTA webcasts include:

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- Assessing Oversight: The Process
- Board of Review Training
- Fundamentals of Assessment and Taxation*

Board Essentials

- Anatomy of a Township
- At Your Service: Meeting Township Needs*
- Cemetery Management
- Effectively Exercising Board Authority
- How Boards Make Decisions*
- Legal Pitfalls in Human Resources
- Making Meetings Work More Effectively*
- Meeting Misconceptions
- Secrets Behind Great Board Meetings
- Utilizing Strategic Planning*

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- Accounting & Payroll
- Exploring Revenue Sources
- Introduction to Millage Questions
- Making the Most of QuickBooks (*FREE!*)
- Special Assessment Procedures
- Spending Public Money
- Who Gets Paid What ... and How?

Intergovernmental Cooperation

- Urban Cooperation Strategies

New Officials Training

- Tools for Getting Started Right
- Sessions for each office

Planning & Zoning

- Introduction to Planning & Zoning
- Land Use: Defining Your Township's Future*
- Roles & Functions of the ZBA
- Writing, Adopting & Enforcing Ordinances

Public Safety

- Governing an Accountable Fire Department

Taxation

- Delinquent Personal Property Tax
- Tax Collecting
- Taxation Trouble Spots
- Tips for Treasurers

* An MTA Township Governance Academy course



Descriptions of each webcast are available online; visit MTA's Online Learning Portal via www.michigantownships.org, or go directly to the portal at <http://eo2.commpartners.com/users/mta/>. Questions? Call MTA at (517) 321-6467.





Coordinated planning for community placemaking

Michigan townships are as diverse as the people who live in them. From small, agriculturally rich communities to those with development or redevelopment pressures, planning is one function that applies to the spectrum of townships. Some townships have a simple master plan while others have a master plan, recreation plan and a capital improvement plan, among others.

Townships can turn their planning process into a galvanizing event that provides great direction for the community while helping to reduce costs. A key to this is combining the planning process and planning documents.

The power of planning

Planning can be a daunting task considering that many townships are supported by part-time officials or volunteers. Maximizing the benefit of the time and emotional investment of citizen leaders is a critical priority. Additionally, in our changing world where more and more we desire to decide what our future holds, the traditional planning process needs to be refined and simplified.

Many townships have multiple planning documents created at different times by different groups. These documents often date back to a past era and may be vague as to the specific goals for the community. This can lead to conflict, mistrust or ultimately the abandonment of the plans as a guiding document. Communities need a simple guide—a playbook, if you will—that any resident could understand with a brief review. The planning process also needs to be cost effective.

The power of planning comes when the result is a simple and clear guide for all community decisions. It also needs to address clear implementation—defining the steps to make something happen.

business solutions



A consolidated planning process helps a community look at the big picture and put everything on the table to allow citizens and their elected and appointed officials to choose projects, set priorities and discuss funding options, all at one time.

Whatever a community's dream might be, the planning process is a critical first step to ensure that your vision can become reality. "Our master plan document is a road map of where the community said they wanted to go," said **Mike Hildebrand**, supervisor of **Oronoko Charter Township** (Berrien Co.).

What, When, Where, Why and How

As a place to begin, every community should be able to answer a "What, When, Where, Why and How" statement, simply:

Goals: What is important to us as a group of people living together?

Vision: Where do we want development/improvements (or not?) and what does it look like?

Identity: Why are we unique and different from our neighbors?

Priorities: When do we implement each goal?
List in order of priority.

Implement: How will we fund improvements or partner with others to help us realize our dreams?

Community planning can involve a 20-year master plan, a separate parks, recreation, open space and greenway plan, plus a capital improvement plan. Each plan separately shows what a community wants to do in the future, how much it will cost, and how projects and priorities will be funded. Establishing and updating a recreation plan and capital improvement plan can also lead to grant opportunities from the state and other agencies. This may be for a small playground next to township hall or a network of amenities around a community.

Master plan—Required by the Michigan Planning Enabling Act, a master plan must comprehensively address community development needs for the next 20-plus years. Once a community has a master plan, it is required by the Michigan Planning Enabling Act to be updated at least every five years.

Parks & recreation plan—Required by the Michigan Department of Natural Resources as a prerequisite for grant submissions. The Michigan Natural Resources Trust Fund provided grants totaling \$27.7 million in 2014.

Capital improvement plan (CIP)—Required by the Michigan Planning Enabling Act, the CIP addresses projects and funding sources for infrastructure, buildings/grounds and other capital expenditures for a six-year future period.

A coordinated process

The cost to develop these plans separately for a small or medium-sized community may be prohibitive for some communities. Townships may wish to consider combining the planning effort into one process—and one document.

A consolidated planning process can minimize effort and maximize value. Combining the process helps a community look at the big picture and put everything on the table to allow citizens and their elected and appointed officials to choose projects, set priorities and discuss funding options, all at one time. An added benefit is to align goals and expectations across the community with a united approach. Engaging citizens once to discuss the big picture of all issues can provide better feedback from more people who generally



Opening up the decision-making process to include citizens in planning for the future results in better direction for community leaders.

may only be interested in one particular topic. By combining the discussion, everyone can see how the pieces fit and why certain items should be priorities.

In addition, as Oronoko Charter Township’s Hildebrand points out: “Boards can change in one election cycle, but communities’ desires and goals evolve over time. A concise planning document preserves the vision and goals documented during the community outreach process. These can then be shared with incoming board and commission members to continue to implement the established vision.”

The first step in the process is redefining the piecemeal approach, to identify and understand the notification, public hearing and adoption requirements, creating a timeline so that everyone is informed and encouraged to participate in the planning process. Opening up the decision-making process to include citizens in planning for the future results in better direction for community leaders.

“It is incredibly important to engage with community members to understand their ideas, which helps us enhance our community spirit,” stated **Jefferson Township** (Cass Co.) Supervisor **Jeff Carmen**.

The next step is to develop an easy-to-read document displaying what the township desires and what it will do to achieve success. A simple and easy-to-read document is more likely to be understood, read and implemented. Additionally, a combined plan can be an advantage in pursuing grants. The complete community vision can be represented, which enhances an applicant’s chances of success.

Keys to success

The keys to success for a better community with economy of process include:

Engage: Engage people better in your community.

Combine: Combine all plans and groups into one planning effort.

Summarize: Produce a simple summarizing document that can be at the center of all community development conversations going forward.

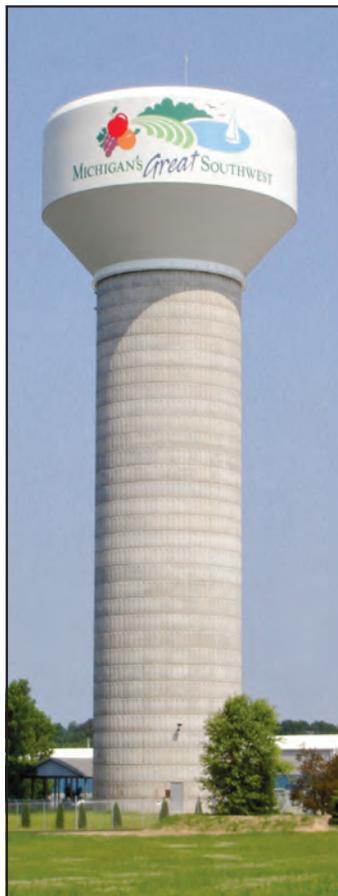


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Headlee mandate claims must prove specific amount Legislature has underfunded

Adair v. State of Michigan, ___ Mich. ___, Docket No. 147794, Dec. 22, 2014—The Michigan Supreme Court has ruled that, “Consistent with our construction of the Headlee Amendment and our court rules, we have required that plaintiffs bringing an action charging inadequate funding of a legislative mandate under the Headlee Amendment must allege and prove not only that the funding was insufficient, but the type and extent of the harm. Today we make clear that this burden includes the requirement that the plaintiff show the specific amount of underfunding where the Legislature has made at least some appropriation of funds.”

Government employer may limit employee speech where impact on governmental services outweighs individual speech interest

Shirvell vs. Department of Attorney General, ___ Mich. App. ___, Consolidated Docket Nos. 314223, 314227, and 316146, Jan. 8, 2015—In an opinion that consolidated three cases involving a former assistant attorney general’s off-duty statements in an online blog and to the media, and actions that amounted to stalking an openly gay student who was president of the University of Michigan student assembly, the Court of Appeals held that, although government employees do not lose the constitutional right to free speech, a government employer also has interests that may impose certain limitations on that freedom. The Court held that, “Although Shirvell may have spoken as a private citizen on a matter of public concern, the department introduced evidence at both proceedings to show that its interests in the efficient provision of governmental services outweighed Shirvell’s speech interests. Accordingly, neither termination of Shirvell’s employment nor denial of unemployment benefits offended the constitution.”

MPSC approval of overhead transmission line preempts township requirement to locate it underground

Charter Township of Oshtemo v. Michigan Electric Transmission Company, LLC, et al., ___ Mich. App. ___, Consolidated Docket Nos. 317893 and 317872, approved for publication Jan. 13, 2015—The Michigan Electric Transmission Company (METC) applied to the Michigan Public Service Commission for a certificate of public convenience and necessity (CPCN) for construction of an overhead transmission line. Oshtemo Charter Township’s ordinance required part of the transmission line to be located underground. The MPSC accepted METC’s evidence that this would be prohibitively expensive and granted the CPCN to construct a transmission line that was entirely above ground. The Court of Appeals held that, “Once the PSC issued the CPCN allowing METC to build such a line, Oshtemo Township’s ordinance conflicted with the CPCN. Under the plain language of MCL 460.570(1), that certificate took precedence over Oshtemo Township’s conflicting ordinance that required that a portion of the transmission line be constructed underground. MCL 460.570(1) is not an unconstitutional blanket usurpation of Oshtemo Township’s ability to pass regulations and ordinances regarding its municipal affairs. The Legislature has the authority to enact laws that limit the way in which a local government can exercise the power granted to it under Article 7, Section 29 of the Michigan Constitution of 1963.”

Court of Appeals clarifies employment status for workers’ disability compensation

Auto Owners Insurance Co. v. All Star Lawn Specialists, ___ Mich. App. ___, Docket No. 149036, Nov. 25, 2014—The Michigan Court of Appeals has clarified the determination of whether a person is an employee for Workers’ Disability Compensation Act purposes: “Under MCL 418.161(1)(n),

as used in the WDCA, the word ‘employee’ means every person performing service in the course of the trade, business, profession, or occupation of an employer at the time of the injury, if the person in relation to this service does not maintain a separate business, does not hold himself or herself out to and render service to the public, and is not an employer subject to the WDCA. The Court of Appeals properly interpreted this statute in *Amerisure*. Each criterion of MCL 418.161(1)(n) must be satisfied for an individual to be considered an employee; conversely, failure to satisfy any one of the three criteria will exclude an individual from employee status.”

Third-party records may be public records if possessed or used by the public body

Amberg v. City of Dearborn, ___ Mich. ___, Docket No. 149242, Dec. 16, 2014—In this case, copies of surveillance videos from business security cameras were collected as evidence by the city and referred to in the police file. The Michigan Supreme Court held that the videos, “created by third parties but received by the city during the course of pending criminal misdemeanor proceedings constitute ‘public records’ within the meaning of the Freedom of Information Act (FOIA), MCL 15.231 *et seq.*, thus requiring their disclosure by defendants.” The Court stated that, “What ultimately determines whether records in the possession of a public body are public records within the meaning of FOIA is whether the public body prepared, owned, used, possessed, or retained them in the performance of an official function.”

Tribe’s commercial activities off Indian lands area immune from suit unless authorized by Congress

Michigan v. Bay Mills Indian Community, et al., (572 U.S. ___, 2014), Docket No. 12-515, May 27, 2014—According to the Court’s syllabus, “The State of Michigan ... entered into a compact with ... Bay Mills Indian Community pursuant to the Indian Gaming Regulatory Act. The compact authorizes Bay Mills to conduct class III gaming activities (i.e., to operate a casino) on Indian lands located within the State’s borders, but prohibits it from doing so outside that territory. Bay Mills later opened a second casino on land it had purchased through a congressionally established land trust. The Tribe claimed it could operate a casino there because the property qualified as Indian land. Michigan disagreed and sued the Tribe under §2710(d)(7)(A)(ii), which allows a State to enjoin ‘class III gaming activity located on Indian lands and conducted in violation of any Tribal-State compact.’ The District Court granted the injunction, but the Sixth Circuit vacated. It held that tribal sovereign immunity barred the suit unless Congress provided otherwise, and that §2710(d)(7)(A)(ii) only authorized suits to enjoin gaming activity located ‘on Indian lands,’ whereas Michigan’s complaint alleged the casino was outside such territory.” (*Citations omitted*)

The U.S. Supreme Court held that Michigan’s suit against the Bay Mills Tribe was barred by tribal sovereign immunity, which “applies whether a suit is brought by a State ... or arises from a tribe’s commercial activities off Indian lands.”



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townships in the spotlight

Case Township

A rural community located in Presque Isle County, **Case Township** has just over 900 residents. While the township may be small, there is not a shortage of community pride among residents and officials alike.



An unused school building has turned into a community landmark, offering services and programs to residents and bringing people together. In 2009, Millersburg Elementary School was sold to the township for \$1, and is now the Case Township Community Center. It houses the township offices, a room for Alpena Community College satellite classes, a gym with basketball court and track, and a branch of the Presque Isle District Library.

The township has a six-week summer youth program at the community center for children between ages seven and 12. The program, funded through donations and grants, provides children with two free meals a day, educational programming, arts and crafts, and physical activity. A new theme each week explores ideas and activities for the children, such as nature, health, or science where the kids built their own volcanos! Guest speakers teach the children about safety and nutrition, among other topics. Area teens work with the summer youth program, offering them work experience and the opportunity to mentor the program's young attendees.

The community center is also used for numerous other activities, such as cooking courses or exercise classes. A quilting group meets regularly in the center. High school students can get a head start on their college education by attending satellite courses through Alpena Community College.

Case Township has also made it a priority to provide exemplary emergency services to the community. The township's emergency services equipment, acquired with the assistance of grants and donations, is quite impressive,



including a hover craft, thermal imaging camera, snowmobile, all-terrain vehicle, tanker, tanker/pumper, pumper and first responder rescue rig. The township was approved by the state to offer emergency medical technician and first responder classes in the fire department facility. The township's all-volunteer fire department has mutual aid agreements with nearly every township in Presque Isle County, as well as with the Michigan Department of Natural Resources to provide emergency services to the area.



Be here. Be heard. Be engaged.

Radisson Hotel, Lansing
April 16, 2015

MTA's Legislative Advocacy Day is your opportunity to be heard by legislators.

Join MTA and fellow township officials in Lansing for this **FREE** event where you will learn about topics concerning townships and have the opportunity to meet with your state representative and senator.

Look for details in upcoming issues of Township Focus and Township Insights, and on MTA's website.



Registration Form

Township County

Name Title

Name Title

Name Title

House District Senate District

Email Phone

There is no charge to attend this event!

Send your completed registration form to MTA,
P.O. Box 80078, Lansing, MI 48908-0078,
fax to (517) 321-8908, or register online at
www.michigantownships.org.

Questions? Call (517) 321-6467.

Catch a ride with MTA!

MTA is offering a **FREE** MTA shuttle to bring attendees from the Upper Peninsula/northern Michigan to Lansing for the event, departing from Escanaba and making additional stops along the way. *(Those riding the bus would be responsible for any associated overnight & meal costs.)* If you are interested in riding the MTA shuttle, please contact Michelle at michelle@michigantownships.org or (517) 321-6467.

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