

Township Focus

MARCH 2024

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

Thinking green

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Restore local control on renewables siting

It's not over until it's over, and it's sure not over yet. The utility-scale renewable energy facility siting issue is ultimately not about renewable energy at all—it's about who gets to consider and decide critically important issues about what is best for your community. Is it your residents and you, their elected officials, or is it a small group of state appointees in Lansing?

So, how much land is being targeted for utility-scale renewable energy facilities in Michigan? One estimate was more than 700,000 acres for utility-scale solar facilities alone. To put that into perspective, that's the equivalent of all the land in Michigan's 25 largest cities. Of course, those large renewable energy facilities would go into townships and rural communities. But the choice of where to put them in your township no longer belongs to locally elected representatives and planning officials, and the residents. No meaningful local control of operations or safety, either. The new law, Public Act 233 of 2023, requires all local ordinances to be no stricter than one-size-fits-all, prescribed statewide standards for the local approval process. If this deficient local process is not used, then final decision-making over these facilities will be by the Michigan Public Service Commission, an appointed, rate-setting and regulatory commission with no experience in local planning and zoning issues.

Who would want that? According to an MTA survey conducted in fall 2023, maybe only 13% of voters do—while 87% do not. Another survey from the University of Michigan (*see page 28*) found that less than 10% of local township, city and village leaders believe this siting authority should be either mostly or completely with the state government. So, although nearly 9 of 10 Michiganders and local officials oppose taking utility-scale siting control away from local authorities, the bill signing ceremony last year in Detroit seemed to seal the deal.

The signature had barely dried, however, before citizen outrage on this state overreach coalesced into the formation

of a new, independent group. Signature collection is underway by "Citizens for Local Choice," which must collect a minimum of 356,958 valid signatures before May 29 to place the proposal on the November 2024 ballot. Their initiative seeks to repeal PA 233, which was strongly opposed by MTA and its members as it quickly moved through the legislative process last fall. If successful on the November ballot, the initiative would restore critical local zoning authority to Michigan's communities for how they choose to plan and zone for clean energy.

MTA's Board of Directors has voted to support these efforts. The Michigan Campaign Finance Act limits how a public body can use public funds or property when it comes to campaigning for ballot questions or candidates. We urge every township and township official to carefully understand and follow the guidance about what you may—and may not—do in your official capacity and as individuals to support or oppose ballot initiatives. Turn to page 26 for guidance, which is also available in MTA's fact sheets, "Getting the Word Out: Campaign Finance Act Compliance," "Campaign Materials on Township Property," and on MTA's "Campaign Finance Act Compliance" webpage in the Answer Center on www.michigantownships.org (login is required to access the webpage). MTA advises members to consult their township legal counsel with questions.

As continued attacks on local authority arise, MTA remains dedicated in our continued efforts to ensure township leaders and their residents have the ability to control what happens in their communities and their futures.



Neil

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allied service provider index



president's round table

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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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featured articles

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Townships' role in materials management

The new Part 115—state law guiding solid waste management—requires all counties to develop a new materials management plan, with an expanded focus on sustainable efforts, like recycling and composting, instead of just landfilling. Townships can (and should) play a role in the planning process—which will impact their community and residents for years to come.

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Campaign Finance Act compliance: What townships and officials can—and cannot—do

Two potential ballot initiatives would have dramatic impacts for townships. Under the Michigan Campaign Finance Act, what can townships and township officials do—and what can't they do—in their official capacity and as individuals to support or oppose ballot initiatives?

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Ensuring your township is ready for MIOSHA inspections

As employers, townships are subject to Michigan Occupational Safety and Health Administration (MIOSHA) standards and requirements, and could be subject to inspections and even fines for violations. How can your township prepare, and ensure workplace safety for your team?



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TRAINING MANDATE

REMINDER: Assessing support staff must complete required training every two years

As previously noted in *Township Focus* and other MTA communications, according to the State Tax Commission (STC) under Public Act 660 of 2018, all assessing support staff in your township must complete required training once every two years.

“Support staff” is anyone on the township staff who is not certified as an assessing officer or technician, but who is involved in the development of the assessment roll, including field work. It also includes any staff who may provide information from the assessment roll to the public. According to the commission, an untrained staff person may, for example, hand a resident a property card. However, if the staff person is expected to answer resident questions, they must receive training. Each township must make its own determination as to which individuals—including which township officials—may need to complete the support staff training.

Only STC-approved courses qualify for the training requirement for support staff. While the Basic/PA 660-approved session of MTA’s *Board of Review Training* satisfies the biennial training requirement for all board of review members for example, it does NOT satisfy the support staff training. In addition, our “Advanced” *Board of Review Training* session is not approved by the STC to meet any PA 660 training mandates or for assessor renewal credit.

However, we are offering two STC-approved courses to help our members meet the support staff training and earn assessor renewal credit. Held April 22, in conjunction with MTA’s Annual Conference at the Grand Traverse Resort, “Understanding Assessing Basics” is a full-day course that satisfies the support staff requirement, while assessors can earn four hours of elective credit at “Assessors Renewal: March Madness.” See page 30 for more information and a registration form, or visit <https://bit.ly/MTAPreConf>.

FINAL RULE

Final independent contractor rule goes in effect March 11

A U.S. Department of Labor final rule seeks to help employers—including townships—better understand when a worker qualifies as an employee and when they may be considered an independent contractor under the Fair Labor Standards Act. Employee misclassification can result in costly consequences for employees and penalties for the township. The final rule, which takes effect March 11, 2024, includes six factors that guide analysis of a worker’s relationship with the township, including:

- any opportunity for profit or loss a worker might have
- the financial stake and nature of any resources a worker has invested in the work
- the degree of permanence of the work relationship
- the degree of control an employer has over the person’s work
- whether the work the person does is essential to the employer’s business
- a factor regarding the worker’s skill and initiative

It is important to note that certain laws or overriding agencies may impact an employee’s classification, regardless of the six factors—**such as the assessor, who must be classified as a township employee pursuant to IRS guidance.** Consult with your township attorney with any questions regarding employee classification.

MTA has additional resources and information on our website, <https://michigantownships.org>, including on the “Employee Issues” and “How to Hire a Township Contractor or Consultant” webpages. Access via the “Answer Center” under the “Member” tab (login is required).

AG OPINION

AG: PACE Act assessments are special assessments

Attorney General Opinion 7324, issued Oct. 30, 2023, in response to an inquiry from Rep. Betsy Coffia (D-Traverse City)

Summation: The contractual assessments imposed by local governments under the Property Assessed Clean Energy [PACE] Act (MCL 460.931, *et seq.*), are considered special assessments by the local government and treated in a similar manner as the real estate taxes on the property.

MAKE IT COUNT

U.S. Census Bureau looks to improve access, response for 2030



After receiving more than 8,000 comments on ways to improve or enhance the way people respond to the once-a-decade population count, the U.S. Census Bureau is developing and expanding new projects as it looks toward the 2030 Census.

The new projects aim to better assist respondents and help with

accessing the census questionnaire, including:

- **Census questionnaire assistance and contact strategies**—This project seeks to better support respondents when they have questions about filling out their census questionnaire. Live webchat functionality and a chatbot component are being considered as possible options to improve access and customer support.
- **Easing access to census information**—This project will focus on making it easier for people to get information about the census via QR codes and other methods.
- **Administrative data sources**—This project will look at accessing data from additional sources, such as the Federal Student Aid program and National School Lunch Program.

The Census Bureau is also looking at new ways of reaching participants, including the possibility of using a mass texting campaign to announce Census Day and to encourage response. It is also exploring how to better equip partners and stakeholders—including local governments like Michigan's townships—to help support the census and improve response, such as requests for specific materials and information.

A complete census count every 10 years is critical, as it is used to ensure fair federal representation for Michiganders and funding for critical programs and services such as public safety, housing, worker retraining, education, health care, roads and other physical infrastructure improvements, and much more.

classified

HELP WANTED

Assessor—Liberty Township (Wexford Co.) is seeking an assessor with at least Michigan Certified Assessing Officer (MCAO) certification and five years of experience, including APEX drawing software. This part-time position is for a township of 847 total parcels: 799 residential, with the remaining comprised of Michigan Department of Transportation and Department of Natural Resources land, and four commercial sites. Direct your questions and/or resumé to Supervisor Monroe at (989) 751-0379 or monroeachers@yahoo.com.

Want to place a classified in Township Focus or on www.michigantownships.org? Visit www.michigantownships.org/classifieds.asp for more information, email ashley@michigantownships.org, or call (517) 321-6467, ext. 254.

RECORD RETENTION

In case you missed it: Updated Elections Records retention schedule available

In Fall 2023, an updated "General Schedule #23—Elections Records" retention schedule was adopted by the State of Michigan. A new "Guide: Retention of Elections Records" was also released to accompany the updated retention schedule. Among the updates is the retention period for ballot drop box security video recording records, included in Section 23.336 of Schedule #23.



State records retention and disposal schedules identify all of the records that are maintained by government agencies, regardless of format. Approved schedules provide the only legal authority to destroy public records. If a record is not covered by an approved schedule, it cannot be legally destroyed and must be kept permanently. Townships do not need to take any action to adopt adopted state record retention schedules.

Learn more about records management and find links to township retention schedules—including the updated Schedule #23 and related guide—on MTA's "Records Management" webpage on <https://michigantownships.org>. Access via the "Answer Center" under the "Member" drop-down menu; member login is required.

LOCAL UPDATES FROM ACROSS MICHIGAN

Township happenings

Congratulations to **Buena Vista Charter Township** (Saginaw Co.), which has been named a Redevelopment Ready Community (RRC) after receiving certification from the Michigan Economic Development Corporation. The township is one of



71 Michigan communities—including just four townships—that have qualified as "thoroughly prepared" to remove traditional barriers in planning and zoning and encourage opportunities for future investors. Certification allows the township to plan for the future development of the community and access to resources that will aid in improving area economic efforts. "With our focused commitment to restore, rebuild and renew our beloved community, the RRC certification gives us the capacity, as well as the support, to effectively plan for the dynamic development of our township," said Supervisor **Dr. Christina L. Dillard**.

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.

Jennifer Hodges joins MTA Board



Jennifer Hodges, Muskegon Charter Township (Muskegon Co.) supervisor, has been appointed to the MTA Board of Directors as the new director of MTA District 15, which encompasses Kent, Muskegon and Ottawa Counties.

Hodges, who took the MTA Board oath of office at the Feb. 9 meeting (pictured at left), has been supervisor since 2018 and previously served as trustee from 2012-2018. In her new role helping to lead the Association, Hodges says her priority is helping townships maintain local control over issues impacting their community and residents.

“Maintaining the authority and responsibilities of local government is one of the best ways to serve township residents throughout Michigan,” she said. “Being a local elected official is our democracy’s closest form of representation. We are the most intimately connected to our residents and communities, we’re more easily accessible, and we have a better understanding of the impacts of change.”

“MTA has been the leading voice for maintaining township governance,” she continued. “Becoming a district director will allow me to not only be a champion for the concerns of my constituents, but the insights and knowledge I will gain from this role will benefit those I represent.”

Hodges serves as president of the Muskegon County MTA Chapter, and is also chair of the county Regional Water Policy Board, secretary of the Muskegon Municipal Wastewater Management Committee, and treasurer of the Muskegon Area District Library Board. She is the township ex-officio member of the county Board of Public Works and a former member of the Muskegon Charter Township Parks and Recreation Committee.

Hodges hopes that her position on the MTA Board will also allow her to grow as a leader, helping to serve her own township residents—and those throughout the state.

“Being a servant of the people is a never-ending role that is constantly changing and requires continued growth and adaptation,” she said. “Establishing these connections [on the MTA Board] and, more importantly, learning from those with applicable experience and guidance will enhance my ability to lead and connect with those I represent and work alongside. Being a member of such a diverse group of elected officials will help me create, advocate for, or push back on policies and decisions that affect a broader range of people.”

Welcome to the MTA Board, Supervisor Hodges!

profile



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ITC would like to thank you for supporting the delivery of safe and reliable power in your communities!

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- Downed transmission lines
- Injured person in a substation requiring immediate medical attention

NON-EMERGENCIES—(877) 482-4829

- Resident concerns
- Vegetation questions

SECURITY CONCERNS—(248) 380-2920

- Theft or damage to ITC property
- Trespassing issues

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Advertorial

MTA bids farewell to two retiring employees

MTA says goodbye—and thank you—to two employees who retired from the Association in February.

Elsa Munős, who first came to MTA in a temporary administrative role, became our full-time receptionist six years ago, helping direct thousands of member calls and inquiries. Three years ago, Munős moved to the Knowledge Center. In her role as Knowledge Center assistant, Munős oversaw preparations and materials for MTA events and our Annual Conference, distribution for MTA publication and product orders, assisted with digital messaging and marketing, and offered member support for our events.



Munős

A resident of **Delhi Charter Township** (Ingham Co.), Munős—an avid traveler—looks forward to additional time to see the world, whether visiting friends in Texas or during an upcoming trip to London, England.

Sue Bechler joined the Association 17 years ago as our part-time Knowledge Center aide. In that role, she assisted with MTA event and conference preparations and provided support for Knowledge Center administrative functions. She also played a key role in championing Township Governance Academy (TGA) candidates in their efforts toward graduation from the program.



Bechler

Bechler, who also lives in Delhi Charter Township, will enjoy time with family, including husband Dave and their five grandchildren.

“We thank Elsa and Sue for their dedication and years of service to the Association and to Michigan townships,” said MTA Executive Director Neil Sheridan. “During their time with MTA, they helped to elevate our service to members, and have been an important part of the MTA family. We wish them all the very best in their retirements.”

Help us spread awareness of MTA’s Robinson Scholarship to future local leaders

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 **Friday, May 31**. Help us spread the word in your township’s newsletters, social media or website.



The scholarship is a way for MTA to support college students who are pursuing a career in local government—and can further inspire their dedication to serving Michigan’s communities. 2023 recipient **Melissa Raikes**, a **Northville Charter Township** (Wayne Co.) employee who is pursuing her master’s in business administration from Wayne State University, said the scholarship will help her achieve her personal goals of continually improving her service to her community. “I have worked in many different departments [in the township], but the goal has been the same: to serve the community to the best of my ability, and to provide safety and quality services through programs and policies to residents who live and work within its borders,” she said. “I began taking classes in accounting to further my knowledge and grow in assisting my community, which led to a goal of becoming a certified public accountant within the governmental setting.”

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. The following is 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: Michigan Townships Association, PO Box 80078, Lansing, MI 48908-0078 or email angie@michigantownships.org. For more information, visit <https://michigantownships.org> (under the “About” tab), or contact jenn@michigantownships.org or (517) 321-6467, ext. 229.

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Online *Board of Review Training—PA 660 Required Training AND Beyond the Basics: Management of the Board of Review*

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Early-bird registration deadline for MTA’s 2024 Annual Educational Conference & Expo, April 22-25 at the Grand Traverse Resort. *Regular rates apply March 26-April 8, with late rates in effect after April 8. Turn to the center of this issue of Township Focus or visit <https://michigantownships.org/conference> to learn more.*

Weaving plans, projects, and details
together to see farther and brighter.

Prein & Newhof

Two caucus elections to be held at 2024 Conference to elect new district directors to MTA Board

Two caucus elections will be held April 23 during the 2024 MTA Annual Conference at the Grand Traverse Resort, to elect new directors to the MTA Board of Directors. Caucuses will be held for **District 11**, which encompasses

Lake, Mason and Oceana Counties; and **District 20**, which encompasses Clinton, Eaton and Ingham Counties. Elected officials from MTA-member townships in Districts 11 and 20 are eligible to run for the MTA Board.

Officials who wish to run for district director can campaign for the position before the caucus, though there are no requirements for prior announcement of candidacy. Per MTA Bylaws, candidates must have completed at least one full elected term as a township official to qualify. The time and location for the caucus election will be published in the Conference program received on-site.



MTA's lunchtime learning series, *Now You Know*, offers timely updates, insights from our experts and a chance to get your questions answered—all in just one hour!

Don't miss our next episode coming:

March 22 from noon to 1 p.m.

Legislative Insights

Get the latest on today's political landscape and its impact on township authority. We'll share the inside scoop on the current measures being debated and how you can make a difference, as well as what's on the horizon for local governments. MTA's Government Relations team will also outline key measures in the governor's executive budget proposal, MTA's legislative priorities, the impact of an election year and so much more!

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Join the Parade!



The Township Parade of Flags will kick off MTA's 2024 Annual Conference's Opening Session on Tuesday, April 23.

Register today to take part in the Parade—what some attendees call “the most inspirational part of the Conference!” To register, email your interest to jenn@michigantownships.org or fax this form to (517) 321-8908 by April 8, 2024. Information and instructions will be emailed to all Parade participants prior to Conference.

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MARCH

1 *Until 5 p.m.* Deadline for voter to cure signature on absent voter (AV) ballot return envelope for Feb. 27 presidential primary. (MCL 168.766)

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

Local units turn over 2023 delinquent taxes to county treasurer. (MCL 211.78a(2))

4 Deadline for ballot submitted by a military or overseas voter and postmarked on or before Feb. 27 election to be deemed timely received and counted. (Mich. Const, Art II, Sec 4) Clerk must deliver ballots received to county clerk by March 5. (MCL 168.759a)

On or before first Monday in March. 2024 assessment roll shall be completed and certified by the assessor. (MCL 211.24)

5 *Tuesday after first Monday in March.* Assessor/supervisor shall submit 2024 certified assessment roll to the board of review. (MCL 211.29(1))

Organizational meeting of board of review. (MCL 211.29)

8 Deadline to establish, move or abolish polling place for May 7 election, unless one becomes damaged, destroyed or rendered inaccessible or unusable. (MCL 168.662)

Local clerk must inform county clerk that AV counting board for May 7 election has been authorized by local board of election commissioners. (MCL 168.764d)

11 *Second Monday in March.* Board of review must meet. Meeting must start not earlier than 9 a.m. and not later than 3 p.m. Board of review must meet one additional day this week and hold at least three hours of its required sessions after 6 p.m. (MCL 211.30) *Note:* The township board may authorize either the Tuesday or Wednesday following the second Monday in March as an alternative starting date. (MCL 211.30(2))

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

23 Beginning of period for May 7 election during which clerk must make reasonable effort to verify or reject AV ballot application or return envelope by end of business day after application or envelope is received. (MCL 168.766b)

Deadline for clerks to electronically transmit or mail AV ballot to each absent uniformed services or overseas voter who applied for AV ballot 45 days or more before May 7 election. (MCL 168.759a; Mich. Const, Art II, Sec 4)

Deadline for county clerks to deliver AV ballots for May 7 election to local clerks. (MCL 168.714)

Notice of polling place must be provided for sites newly established or changed by 60 days before May 7 election. (MCL 168.662)

28 AV ballots for May 7 election must be available for issuance to voters. (Mich. Const, Art II, Sec 4)

Beginning of period secure drop boxes must be accessible 24 hours each day (until 8 p.m. on Election Day). (Mich. Const, Art II, Sec 4)

By 31

Deadline for municipalities to report any errors identified in 2023 personal property tax reimbursements on Form 5654 *Correction of School Millage Rates or Other Errors for the 2023 Personal Property Tax Reimbursement Calculations* to state Department of Treasury. (MCL 123.1358(4))

Deadline for municipalities to report any modifications to the 2013, 2014 or 2015 commercial personal property and industrial personal property taxable values on Form 5658 *Modification of the 2013, 2014, and 2015 Personal Property Taxable Values Used for the 2023 Personal Property Tax Reimbursement Calculations* to state Department of Treasury. (MCL 123.1345(e), (o) and (z))

APRIL

1 Treasurers make final adjustment and delivery of the total amount of tax collections on hand no later than April 1. (MCL 211.43(3)(c))

Assessors are required to annually provide parcel information from any Form 5819 *Qualified Heavy Equipment Rental Personal Property Exemption Claim*, and any Form 5076 *Small Business Property Tax Exemption Claim under MCL 211.9o* for any taxpayer with more than \$80,000 but less than \$180,000 in true cash value, and other parcel information required by the state Department of Treasury in a form and manner required by the department no later

than April 1 of each year. (MCL 211.9o and 211.9p)

Assessors are required to annually provide information from any Form 5277 *Affidavit to Rescind Exemption of Eligible Manufacturing Personal Property Defined in MCL 211.9(m) and 211.9(n)* and any Form 5278 *Eligible Manufacturing Personal Property Tax Exemption Claim, Personal Property Statement, and Report of Fair Market Value of Qualified New and Previously Existing Personal Property* (Combined Document) and other parcel information required by the state Department of Treasury in a form and manner required by the department no later than April 1 of each year. (MCL 211.9m and 9n)

On or before the first Monday in April, the board of review must complete their review of protests of assessed value, taxable value, property classification or denial by assessor of continuation of qualified agricultural property exemption. (MCL 211.30a)

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

2 Beginning of period of required daily collection of election materials from AV drop boxes on each day clerk's office is open. (MCL 168.761d)

3 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 shall file Form 606 (L-4021) *Assessment Roll Changes Worksheet* with the county equalization department, and Form 607 (L-4022) *Report of Assessment Roll Changes and Classification* (signed by the assessor) with the county equalization department and State Tax Commission (STC) immediately following adjournment of the board of review. (STC Rule 209.26(6a), (6b))

8 Deadline for days and hours for voter registration at clerk's office for May 7 election to be published in the newspaper. If considered advisable by township clerk, notice may also be posted in at least two conspicuous places in each precinct. Notice must also include offices and proposals that will be on the ballot. (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 May 7 election to issue and receive AV ballots. (MCL 168.761b)

Clerk shall post and enter into QVF any additional locations and hours that clerk will be available to issue and receive AV ballots, if applicable. (MCL 168.761b)

9 Clerks intending to process or tabulate AV ballots before May 7 election must submit written notice to the Secretary of State. (MCL 168.765a)

15 Deadline for eligible claimants to submit a certified statement and electronically submit the essential services assessment liability and late payment penalty in full for the 2023 assessment year. (MCL 211.1057(4))

On or before the third Monday in April. Allocation board meets and receives budgets. (MCL 211.210)

A township that conducted early voting as a single municipality for the Feb. 27 presidential primary may enter into a municipal agreement or county agreement for the remaining statewide and federal elections in the election cycle. (MCL 168.720d)

16 Deadline for precinct inspectors for May 7 election to be appointed by the local election commission. (MCL 168.674)

17 Deadline to post notice on website (if available) and in clerk's office of the location, dates, hours and number of election inspectors for AV counting place if processing and tabulating AV ballots before May 7 election. (MCL 168.765a)

22 Deadline to register by mail or online and be eligible to vote for May 7 election. (MCL 168.497)

23 *through May 7.* In-person registration for May 7 election with clerk with proof of residency. (MCL 168.497)

Nominating petitions and Affidavits of Identity for partisan and nonpartisan candidates on the Aug. 6 ballot due. Withdrawal deadline elapses at 4 p.m. on April 26.

26 Write-in candidates for May 7 election file declaration of intent forms due to respective filing official by 4 p.m. (MCL 168.737a)

Electors may submit a written request until 5 p.m. to spoil their absent voter ballot and receive a new ballot by mail

for May 7 election. (MCL 168.765b(1))

Electors may submit a written request until 5 p.m. to spoil their absent voter ballot and receive a new ballot in person for May 7 election in the clerk's office. (MCL 168.765b(3))

By 27 County clerks deliver remainder of ballots and election supplies for May 7 election to township clerks. (MCL 168.714)

29 Townships with a population of at least 5,000 may begin processing and tabulating AV ballots. (MCL 168.765a)

Deadline for clerk to forward names and addresses of partisan and nonpartisan candidates for the Aug. 6 ballot to county clerk. (MCL 168.349, 168.321)

30 Deadline to publish notice of May 7 election. One notice required. (MCL 168.653a)

Deadline for challenges against nomination petitions filed by partisan and nonpartisan candidates on the Aug. 6 ballot submitted to filing official. (MCL 168.552)

Petitions to place local ballot question on Aug. 6 ballot must be filed with applicable local or county clerk by 5 p.m. (MCL 168.646a)

**Early voting is optional for the May 7 election. For May 7 election early voting dates, visit www.michigan.gov/elections.*



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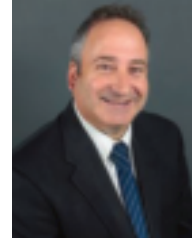
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Q Our county road commission has told our township that it will not provide any maintenance or repair to our local public roads unless we provide a 50% match of the cost to the county. Do we have to pay this match?

In short, no. Years ago, township boards had responsibility over the construction and maintenance of township public roads. The McNitt Act of 1931 and Public Act 51 of 1951 altered this responsibility. Under these acts, the county road commission is required to take over all public streets and alleys outside of the limits of incorporated cities and villages as either county primary or county local roads. (MCL 247.669) This ended any “township road system.” State law now requires that county road commissions keep roads, bridges and culverts under their jurisdiction in “reasonable repair” so that the roads are “reasonably safe and convenient for public travel.”

County road commissions receive what is referred to as Act 51 monies as the primary revenue source to perform this obligation. Importantly, townships have no statutory obligation to maintain these public roads (i.e., those roads located outside of incorporated cities or villages).

Q Even though our township does not have to provide matching funds, can our township voluntarily provide matching funds to the county?

A township board may choose to appropriate monies to the county road fund for the maintenance and/or improvement of county roads within the township pursuant to an agreement with the county road commission. Although township board financial support is not mandatory, in practice, townships often partner with county road commissions to help pay for and prioritize improvement and maintenance of township roads.

Townships have a variety of funding mechanisms available to raise or otherwise provide local matching funds. Townships may designate funds from unexpended balances in the contingent or general fund, may employ special assessment districts, may levy a road millage, or may sell bonds for road improvements (with voter approval).

Q Can a township be held liable for injuries or damages arising from a public road in the township?

No. Under the Governmental Tort Liability Act (GTLA), PA 170 of 1964, as amended, MCL 691.1402 provides that a township “has no duty to repair or maintain, and is not liable for injuries or damages arising from, a portion of a county or a state highway.” This provision makes it very clear that the township has no liability in this regard.

Instead, the GTLA provides that the county road commission shall maintain the highway in reasonable repair so that it is reasonably safe and convenient for public travel. It further provides that a person who sustains damage to their person or property due to a poorly maintained public road may recover the damages from the county road commission. The GTLA limits this liability to only the improved portion of the highway designated for vehicular travel, and does not include sidewalks, trailways, crosswalks or any other installation outside of the improved portion of a highway designed for vehicular travel. The GTLA defines a highway as a “public highway, road, or street that is open for public travel. Highway includes a bridge, sidewalk, trailway, crosswalk, or culvert on the highway. Highway does not include an alley, tree, or utility pole.” There is a separate liability provision that governs sidewalks adjacent to a highway.

Q If a county road commission is not specifically aware of a pothole in the highway, can it be held liable for damage?

Possibly. The answer to this question comes from the GTLA, which provides:

“No governmental agency is liable for injuries or damages caused by defective highways unless the governmental agency knew, or in exercise of reasonable

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diligence should have known, of the existence of the defect and had a reasonable time to repair the defect before the injury took place. *Knowledge of the defect and time to repair the same shall be conclusively presumed* when the defect existed so as to be readily apparent to an ordinary observant person for a period of 30 days or longer before the injury took place.” (MCL 691.1403, emphasis added)

It is extremely important to bring potholes to the attention of your road commission so that they can make the needed repair and avoid liability for damages.



Is our township responsible for repair and maintenance of sidewalks?

Pursuant to MCL 691.1402a of the GTLA, a city, village and township shall maintain in reasonable repair the sidewalks adjacent to highways within their local municipality. A sidewalk is defined as a “paved public sidewalk intended for pedestrian use situated outside of and adjacent to the improved portion of a highway designed for vehicular travel.” (MCL 691.1401)

In order for a township to be held liable, the plaintiff must prove that at least 30 days before the occurrence of the injury, the local municipality knew or, in the exercise of reasonable diligence, should have known of the existence of the defect in the sidewalk. The law favors the city, village and township by presuming that they maintain the sidewalks in reasonable repair. However, this presumption is rebuttable by showing that the proximate cause of the injury was “a vertical discontinuity defect of two inches or more on the sidewalk and/or a dangerous condition in the sidewalk itself of a particular character other than solely a vertical discontinuity.”

To the extent that a particular area does not fall within the definition of sidewalk, the township would not be liable.

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 (press 1) or fax (517) 321-8908.



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FY 2025 Executive Budget process underway

In February, Gov. Whitmer presented the proposed Executive Budget for the 2025 fiscal year, kicking off the budget process. The proposed \$80.7 billion recommendation is a 1.2% decrease over the current fiscal year's budget. Highlights of the Executive Budget proposal impacting townships include:

- \$1.1 billion in estimated constitutional revenue sharing, representing a \$5.4 million increase
- City, Village and Township Revenue Sharing (CVTRS) increase of \$29.4 million above the current fiscal year, with a 5% or \$14.7 million ongoing increase in the base; 3% one-time incentive for those local units that have fully obligated their federal COVID relief funds by Oct. 1, 2024; and a 2% one-time funding specifically designated for public safety initiatives such as recruitment, retention, training, public safety equipment and infrastructure improvements
- \$150 million for road and bridge projects: \$95 million used to match federal aid and \$55 million to support local bridge and culvert projects
- \$40 million to local communities to provide loans and grants to communities to support projects associated with lead service line replacement
- \$80 million for contaminated site cleanup to be funded by increase in the state's tipping fee
- \$50 million for the Housing and Community Development program to address the continuing need for affordable housing
- \$50 million for the Revitalization and Placemaking Program for grants to rehabilitate vacant, underutilized, blighted and historic structures

- \$5 million for Training, Recruitment and Retention grants to support local law enforcement agencies
- \$3.5 million for firefighters' health care program to support enhanced screening services
- \$2.5 million to support behavioral health services for first responders and public safety staff
- \$5.5 million for community violence intervention services to communities
- \$4.3 million for one-time grants related to firearm injury prevention
- \$1 million for Housing Readiness Incentive Grant Program for grants to local governments
- \$2.5 million for rural prosperity grants to enhance services and programming in rural communities
- \$18.8 million to continue existing support for early voting, ballot drop boxes and prepaid postage
- \$500,000 for a Hazard Mitigation Assistance program for local governments to implement projects that reduce the impact of future disasters on communities
- \$10 million deposit in the Disaster and Emergency Contingency Fund that supports immediate response and recovery activities in a disaster or emergency
- \$10 million for Michigan's Public Safety Communications System for ongoing lifecycle updates to support equipment, security and maintenance

The Legislature has begun its work on the budget recommendation with the goal to finalize supplemental appropriations for the current fiscal year and the budget for the 2025 fiscal year by the end of June.

Recently passed legislation impacting townships

Increased penalties and fines for unlawful dumping

Fines and penalties will be increased for the illegal dumping of trash under recently enacted legislation.

Public Act 6 of 2024 increases fines to \$2,500 for illegal dumping of more than three cubic yards—with subsequent violations increased by \$2,500—and establishes fines at \$5,000 for dumping over five cubic yards—with subsequent violations increased by \$5,000.

The new law, supported by MTA, creates a cause of action for property owners to attempt to recoup clean-up costs. It will take effect 91 days after the end of the 2024 legislative session.



Designated assessor requirements modified

For counties that have struggled to find a designated assessor under the recent assessing changes, House Bill 4979 will provide an opt-out provision. The new law will allow a county to opt out of the requirement to have a designated assessor—which they currently must have for the purpose of correcting assessing districts that have fallen out of compliance with state assessing requirements. The measure requires the State Tax Commission to appoint an individual to serve as a designated assessor when an assessing district is not in substantial compliance and its county did not have a designated assessor.

Due to the expense and fluctuation in work required, this change provides an additional option to remain in compliance with state requirements. The bill will be effective once signed by the governor.

Measure to exclude milkweed as a noxious weed

Local units of government will soon be prohibited from considering milkweed as a noxious weed under the statute that regulates the control and removal of certain noxious weeds by a city, village or township.



Local units of government can regulate growth of noxious weeds through local ordinance, and property owners have a responsibility to destroy noxious weeds before they reach the seed-bearing stage. If they do not, the local unit of government may enter the property to do so and place a lien against the property.

While milkweed is currently not considered a noxious weed, House Bill 4857, recently passed by the Legislature, ensures that a local unit of government cannot include it as such. Supporters of the bill argue that exempting milkweed from local ordinances to fight nuisance weeds will have a positive effect on butterflies and other pollinators that rely on milkweed as a food source.

The bill has been forwarded to the governor for signature; if signed, the measure would become effective 91 days after the end of the 2024 legislative session.



Are you receiving your legislators' newsletters?

In addition to staying informed of legislation impacting townships through MTA's weekly enewsletter, *Township Insights*, officials can also stay in touch with information from your state senator and representative. Many members of the Michigan House and Senate provide legislative newsletters for their constituents. These newsletters are a great way to receive the latest information on issues that legislators are sponsoring or working to change or enact, as well as events they may be holding in their district.

Staying connected with the latest information from your legislators and keeping them informed of how legislation impacts your township, services and residents is critically important. Sign up today by finding your state representative's or senator's webpage (via www.house.mi.gov and <https://senate.michigan.gov>), and follow the instructions to subscribe. (Most are e-newsletters, though you may also be able to receive a print newsletter in the mail.) Contact the lawmaker's office should you have any questions.

Reminder: Township Insights is sent each Friday to every individual from a member township or county with an email address in our database. If you are not receiving Insights, first, check your spam filter/junk mail folder and mark as "not junk" or to a safe sender list. Still not receiving Insights? Visit www.michigantownships.org and search for "whitelist" for additional guidance. Contact jenn@michigantownships.org for additional assistance if needed.

A photograph of a person's hand reaching into a white mailbox with a red flag, pulling out a flyer. The flyer is titled "Do your residents need recycling info?" and lists "FREE Design, Printing & Postage*". It also includes a URL "Signup at recyclingpartnership.org/mi-egle" and a note "*for communities with less than 30,000 population".

Do your residents need recycling info?

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EGL 

Legislative lowdown

A quick look at critical bills that MTA is following as they move through the legislative process. Watch our weekly *Township Insights* e-newsletter for updates.

SB 10 & HB 4036: Public utilities—Prohibits local units of government from imposing a ban on the use of natural gas or installation of natural gas infrastructure. *MTA opposes.*

SB 17: Fireworks—Modifies the days that fireworks use may be regulated by a local unit of government and increases penalties for certain violations. *MTA supports.*

SB 40: Unemployment—Increases maximum number of unemployment benefit weeks. *MTA monitoring.*

SB 41: Construction—Prohibits local units from enacting an ordinance prohibiting use of energy-efficient appliances in new or existing residential buildings. *MTA opposes.*

SB 47: Farmland—Allows relinquishment of portion of farmland from agreement or easement to make boundaries more regular. *MTA neutral.*

SBs 95-96, 454-455 & HBs 4894-4895: Disabled veterans' property tax reimbursement—Provides a mechanism for the state to reimburse local units of government for the property tax exemption available to veterans classified as 100% disabled and their surviving spouses. *MTA supports.*

SB 150: Michigan Tax Tribunal—Expands methods for tax tribunal to hold small claims hearings to include telephonically or by videoconferencing. *MTA supports.*

SB 155: Voting equipment—Prohibits use of electronic voting systems that contain certain parts or equipment. *MTA monitoring.*

SB 171 & HB 4231: Local government—Repeals the Fair and Open Competition in Governmental Construction Act. *MTA supports.*

SBs 182-183 & HBs 4274-4275: Revenue Sharing Trust Fund—Establishes a "Revenue Sharing Trust Fund" and dedicates portion of general sales tax revenue to the fund to distribute to townships, cities, villages and counties. *MTA supports.*

SB 244 & HB 4729: Workers' compensation—Extends presumption of causation of heart and respiratory diseases to certain members of police, fire and public safety departments. *MTA opposes.*

SB 293: Housing—Modifies and expands the housing and community development fund to make financing available to middle-income households. *MTA supports.*

SBs 401-404: Elections—Creates state voting rights act. *MTA monitoring.*

SB 473 & HB 4694: Special assessments—Amends required number of participating members from each local unit for special assessment districts for police and fire. *MTA monitoring.*

SB 480: Land division—Modifies the number of parcels resulting from land division. *MTA opposes.*

SBs 486-487 & 489: Mobile home licensing—Modifies licensure requirements for owners of mobile home parks and seasonal mobile home parks and the duties of entities involved in the regulation of parks. *MTA supports.*

SBs 549-554 & HBs 5090-5093: Water utilities—Creates water rate affordability program and shutoff protections. *MTA monitoring.*

SBs 559-562, 569 & HBs 5907, 5104-5107: Strategic fund—Revises critical industry program and Michigan strategic site readiness program, and creates Michigan 360 program. *MTA supports.*

SBs 683-684: Animals—Provides for potentially dangerous dogs and dangerous dogs in the animals act and creates sentencing guidelines for related crimes. *MTA monitoring.*

HB 4012: Speed limits—Modifies procedure for establishing speed limits. *MTA supports.*

HB 4023: Underground storage tanks—Revises placement distance of underground storage tanks from a public water supply. *MTA monitoring.*

HB 4033: Elections—Requires state to reimburse costs for certain special elections. *MTA supports.*

HBs 4207-4208: Broadband equipment—Exempts eligible broadband equipment from personal property taxes. *MTA opposes.*

HB 4210: Elections—Provides for the electronic return of absent voter ballots by military voters and their spouses. *MTA monitoring.*

HB 4360: Local government—Allows emergency services authorities to serve partial municipalities. *MTA supports.*

HBs 4382-4383: Drain Code—Revises Chapter 22 of Drain Code process through determination sufficiency of petition and proposed boundaries. *MTA monitoring.*

HB 4428: Public notices—Revises publication of legal notices and creates the Local Government Public Notice Act. *MTA supports.*

HBs 4479-4480: Statewide sanitary code—Provides for the assessment and regulations of on-site wastewater treatment systems. *MTA monitoring.*

HBs 4502-4503: Election challengers—Provides requirements and training requirements for election challengers. *MTA supports.*

HBs 4526-4528: Local preemption—Preempts local authority for regulations for sand and gravel mining operations. *MTA opposes.*

HB 4548: Notaries public—Provides fee for remote notarization. *MTA monitoring.*

HB 4566: Vehicle registration—Allocates revenue from vehicle registration fees to county where registrant resides and distributes per

lane mile to local road agency. *MTA monitoring.*

HB 4572: Property tax assessments—Exempts transfer of ownership of certain real property to certain individuals from uncapping of taxable value upon transfer. *MTA monitoring.*

HBs 4605-4606: Public safety—Creates the public safety and violence prevention fund and provides for the earmark and distribution of 1.5% of the 4% of sales tax revenue into the fund for disbursement. *MTA supports.*

HB 4675: Land bank authorities—Provides exemption for land bank authority property from all state and local taxes, fees and special assessments unless contract for services. *MTA neutral.*

HB 4688: Collective bargaining—Requires minimum staffing levels within a bargaining unit to be a mandatory subject of collective bargaining. *MTA opposes.*

HB 4693: Open Meetings Act—Allows nonelected and noncompensated public bodies to meet remotely. *MTA monitoring.*

HB 4860: Charter townships—Amends conflict of interest policy for charter township officials. *MTA supports.*

HB 4866: Annexation—Exempts certain charter townships from annexation. *MTA supports.*

HB 4965: Franchise fees—Modifies definition of video service. *MTA opposes.*

HB 5028: Homeowners association—Invalidates energy-saving home improvements prohibition by homeowners association. *MTA neutral.*

HBs 5039-5041: Local preemption—Prohibits local governments from enacting or enforcing an ordinance, policy, resolution or rule that regulates a dog based upon breed or perceived breed. *MTA opposes.*

HB 5353: Unfunded mandates—Provides for state financing of activities or services required of local units of government. *MTA supports.*

HB 5438: Short-term rental—Creates the short-term rental regulation act that **retains local zoning authority**, imposes an excise tax to be distributed to municipalities and creates a statewide registry. *MTA supports.*



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<https://michigantownships.org/conference>.

Already registered? Reserve your hotel room at www.grandconnection.com/mta2024.



Monday, April 22


Pre-Conference Classes

**Separate registration fees apply*

8:30 a.m. to 12:30 p.m.

Assessors Renewal: March Madness

8:30 a.m. to 4:30 p.m.

Defining Your Township's Land Use Future (F-102 —6 credits) 

8:30 a.m. to 5 p.m.

Understanding Assessing Basics

9 a.m. to 5 p.m.

Show Me the Money

9:30 a.m. to 4:30 p.m.

Legal Institute for Township Attorneys

Tuesday, April 23

Business Solution Sessions





11:30 a.m. to 12:30 p.m.

- Getting Your Community 'Cleaned Up'
- Hot Legal Topics for Townships—2024 Edition
- Improving Law Enforcement Transparency and Accountability with Accreditation
- Oh No, You Don't—You Can't Fire Me!
- The Benefits and Burdens of Using Special Assessments for Improvement Projects
- Township Trivia Showdown
- What's Next for Renewable Energy?

Educational Sessions

1 to 2:15 p.m.

- Blight Fight: Going Another Round 
- "Coins in the Couch": Revenue Sources
- Geez! I Wish I Hadn't Said That! 
- Insights from Inside the Capitol
- Our Facilities Need Help! Where Do We Start?
- Rebuilding Broken Trust
- Roadmap to Rural Prosperity
- Roads & Relationships
- Short-term Rental Programs: Do They *Really* Work?
- Staying Out of Trouble: Keep Your Meetings in Compliance
- Substance Use Policies for Your Township

Evening events include:


"3-D" Welcoming Reception | Monday, April 22

Enjoy Desserts, Drinks & Dancing at McGee's 72.

Sponsored by  Bendzinski & Co.
Municipal Financial Advisors

Par-Plan Fun Night Olympics | Tuesday, April 23

Will your township bring home the gold? Gather your teammates for a memorable evening of games, fun and friendly competition!

Sponsored by 

Afterglow Reception |



Wednesday, April 24

Keep the night going with music, drinks and dancing following the MTA Banquet.

Sponsored by  Bumham & Flower
INSURANCE GROUP
A CREDITORS' GROUP PARTNER





2:45 to 4 p.m.

- BS&A Best Practices and Efficiencies
- Crisis Communication & Message Management 
- Dig into Brownfield Redevelopment
- Enforcement and the Right to Farm Act: Myths and Misconceptions
- Go With the Flow: Water Resources and Your Township
- Human Trafficking: Not in My Township
- Information Overload
- Managing Public Meetings and Policies 
- Planning for a Millage Question
- Public Safety Priorities
- Teamwork Makes the Dream Work

Wednesday, April 24



Plenary Sessions

10:15 to 11:30 a.m.



- Elections Update 
- One Team: Applying the Playbook Pillars
- Renewable Energy Update 

Educational Sessions


1 to 2:15 p.m.

- Asset Management: The Science of Managing Roads
- Building a Successful Township Team
- Campaign Finance Act: What Can We Say? 
- Guns on Runs
- In the Weeds
- Lawful Borrowing Options
- Navigating the Digital Minefield
- Ransomware, Phishing and Hacktivists—Your Township is at Risk!
- What Changes Are Proposed for the MTA Policy Platform
- What the Board Needs to Know about the Clerk and Treasurer Dynamic 
- What Your Township Needs to Know about MIOSHA Inspection

2:45 to 4 p.m.

- Can They FOIA That?
- Civil & Collaborative Leadership:  Creating High-Functioning Teams
- Community Connection LIVE
- Community Matters: Creative Community Engagement
- Data-driven Strategic Planning & Budget Creation
- Rising Stream of Support for Water Infrastructure
- Subpoenas, Depositions and Discovery, Oh My! 
- Tax Collection Best Practices
- They Posted What?!
- Traffic Safety and Your Township

Can't join us in Grand Traverse? Check out our Conference On-Demand

Can't make it to the Conference in person? Our Conference On-Demand is an excellent option—and an incredible value. You'll have access to recordings of the main stage events and 10 educational sessions following the event. You still get the education and inspiration—when it works best for you. Wondering what classes are included? Look for the  next to session names.

Conference On-Demand assistance provided by  STG



Thinking green

Townships' role in materials management

As Michigan begins to implement changes to its solid waste management laws, Emmet County in northwest Michigan serves as a good example of what can be accomplished in a small rural county.

In the early 1990s, Emmet County Recycling created a self-sustaining operation that now offers robust recycling and composting programs. The county's main facility in Harbor Springs provides recycling, resource recovery and solid waste transfer services.

Emmet County also contracts with two neighboring counties to process recyclables and six municipalities to provide curbside collection of recyclables for their residents. **Resort Township** participates in the curbside recycling program.

"It's just a really good program," said Supervisor **Robert Wheaton**. "People really used it right off the bat, and I don't see anybody not using it. Emmet County has been very forward-thinking."

And now, every county in the state is tasked with crafting a new, comprehensive materials management plan focused on a more sustainable approach to how we dispose of our trash and other waste. Think, more recycling and composting, less landfills. This new approach was enshrined into state law in December 2022, when—after years of effort—legislation overhauling Part 115, "Solid Waste Management," of the Natural Resources and Environmental Protection Act (NREPA, Public Act 451 of 1994) was signed by Gov. Whitmer. These new efforts aim to put less garbage under ground, and rather seek productive uses of discarded

materials—to positively impact the state's economy, expand services to residents, and improve our environment.

Andi Tolzdorf, director of Emmet County Recycling, recommends township officials get involved in the county process for developing the new materials management plan and ensuring that they have a voice at the table. "Take this as seriously as you can, and it can really set you up for success in the future," she said. "The role townships play is that they can have a very strong voice in the [county] planning committee."

An opportunity for the state

Michigan, as a state, prides itself on protecting public lands and the Great Lakes, but it lags behind many other states in recycling rates. In fact, Michigan leads the country in tons of waste in landfills per person, according to the U.S. Environmental Protection Agency (EPA) and Statista.

Buried trash has implications for both the environment and the economy. Michigan is missing out on opportunities to repurpose materials into new products, invest in jobs and recycling facilities, and create a circular economy. Michiganders spend over \$1 billion to manage waste each year. Besides increasing recycling rates, these new initiatives have the potential to employ 138,000 people and generate \$33.8 billion in economic output.



Kerrin O'Brien, executive director of Michigan Recycling Coalition, frequently gives presentations (including for MTA) on the new Part 115, future changes and why they were needed. "The new laws and changes to come offer an opportunity to level up how people think about waste disposal, the environment, and how to repurpose and recycle materials," O'Brien said.

Multiple stakeholders tackle trash

After more than seven years of work by various stakeholders, including MTA, in 2022, Michigan saw new laws regarding solid waste management that align with the state's climate action plan, in an eight-bill package that had bipartisan approval.

State regulators, recycling advocates and other environmental experts are now tasked with educating counties, local officials, waste haulers, landfill operators and the public on what the laws require. The legislation updated regulations in the state's solid waste law, better known as Part 115 (MCL 324.11501). The new law provides guidelines and tools for local governments to increase waste diversion to recycling and composting.

"The driving force was that we know we need to manage our materials better," said Christina Miller, materials management planning specialist with the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

The laws provide oversight from EGLE of new facilities such as composting and material recovery facilities, which will help remove bad actors. In addition, the new law has new reporting requirements for all facilities, which will help to track progress toward statewide and county goals, as well as to help to drive markets and infrastructure in the future.

Under the new Part 115, counties are also tasked with developing materials management plans that will evaluate local solid waste and recycling streams, document organic and inorganic diversion goals, and create goals and strategies to meet benchmark standards. Counties will receive funding to write the plan and be incentivized as they demonstrate progress toward their goals.

State regulators and recycling experts say the changes were needed to combat climate change, find better uses for landfilled materials, and boost Michigan's statewide recycling rate.

Michigan's recycling rate topped 21% in 2022 but still lags the national average of 32%, according to EGLE and the EPA. The new laws set a goal for the state to reach a 30% recycling rate by 2029 and 45% in future decades. Counties can use state funds to study their waste streams and develop plans for recycling and composting facilities.

Miller has spent the better part of her career at EGLE working on various proposals so the state can better manage



For more than 30 years, Emmet County Recycling has offered robust recycling and composting programs to county residents. All counties are now tasked, under Part 115 of the Natural Resources and Environmental Protection Act, with developing new materials management plans.

its trash. The new laws shift the focus from expanding landfills to a holistic materials management approach that includes recycling and composting.

“We can’t just focus on disposal,” Miller said. “We need to focus on recycling and organics management, and other sustainable practices to not just divert the materials from being disposed but also to limit the amount of materials being generated.”

Moving away from landfill model

The legislative process, which began under the Snyder Administration, took years to achieve and involved various stakeholders working together to update the state’s solid waste management laws. Despite other attempts, the laws had last been updated in the early 1990s.

Michigan’s previous solid waste laws favored landfill expansion because the policy required landfills to show 5½ years of disposal capacity. It also accelerated trash from out of state due to lower costs, O’Brien said.

EGLE has predicted that if the current waste rate continues, the landfills in Michigan will be full in less than 30 years. In 2022, more than 51 million cubic yards of waste ended up in Michigan landfills, according to a yearly study by EGLE.

Experts note Michigan has been missing the mark when it comes to creating a circular economy from recyclable and compostable materials. Recycling reduces the rate a landfill reaches capacity, while using less energy to create new materials.

“We want good clean materials generated in Michigan so that we can use them and keep it all within Michigan if we can,” Miller said.

Recycling reduces the energy needed to make new products from raw materials. Fewer fossil fuels are burned, which cuts carbon emissions associated with extracting or mining those materials.

The changes in Part 115 also call for better regulation of composting and anaerobic digestion facilities to reduce odor and nuisance problems and make sure they are operating as good neighbors. State officials and experts want to slash the state’s food waste levels in half by 2030. Roughly 38% of Michigan’s waste stream comes from organic material that could be reused or composted. Food waste and organic materials also cause methane emissions from landfills during decomposition.

“We all want to do better stuff with our waste,” O’Brien said. “We have \$600 million of materials that we pay to throw away. If we can recover that and get that into the marketplace, it’s good for the economy.”

State calls for materials management plans

Part 115 calls for all counties to develop, adopt and implement a new materials management plan. They can also partner with other counties to develop the plan, and there are incentives to do so. If a county or group of counties declines, the state will do it for them, O’Brien said.

“These county plans do a few things,” O’Brien said. “It’s to get a grip on what kind of waste is being generated in the county and have some idea of what kind of facilities are needed.”

Counties currently operate with solid waste management plans, which included county recycling and household hazardous waste programs. Those plans stay in effect until a new materials management plan is developed and approved. Some existing plans haven’t been updated since the 1990s, O’Brien said.

The plan, according to EGLE, must assure adequate materials management capacity for all non-hazardous solid waste generated in the county. It will also assure that managed material is collected, processed or disposed of at facilities that are consistent with the county plan and comply with state laws and rules. This can include organics, recyclables, solid waste and other materials. The material management plan will also identify and regulate local criteria for siting of all materials management facilities, such as landfills, solid waste processing and transfer facilities, materials recovery facilities, composting facilities, and anaerobic digesters.

This will be a collaborative process, with each county involving local officials, citizens, and private waste haulers and recyclers in the development of the plan. Township leaders must ensure they are part of the process, so that they are aware of initiative impacting their communities and the role that they may play in various components of the plan.

“This is the first time in decades, in probably 20 years, that EGLE will be paying for counties to facilitate conversations about this topic in every county in the state, which means we

will be really seriously looking at this issue as a state for the next three years,” O’Brien said.

In early January, EGLE Director Phil Roos notified Michigan counties to begin developing these new plans. They have 180 days to inform EGLE of their intentions. Counties have three years to draft the plan and go through the approval process. Miller said it could be 2028-29 before many county plans are approved and in place.

For the first five years, each county will receive \$60,000 annually to write the plan, plus an extra \$10,000 per year for each county participating in multi-county plans. Additionally, counties will receive an extra .50 cents per capita up to \$300,000 for the first three years. The materials management plans will be evaluated and updated every five years to ensure counties are making progress on local goals and recycling benchmarks, Miller said.

Grants, technical assistance available

Grant funding and technical assistance will be available from state to better facilitate the materials management plan process and adoption. NextCycle recycling grants (<https://nextcyclemichigan.com/>) and other programs can help counties assess their waste stream, implement new recycling programs, and increase access and education for residents.

The goal is to make it as easy for residents to recycle materials as it is to throw it away, Miller said, adding, “The new materials management planning program focuses on bringing those items into focus, to have a requirement of counties to set goals, to divert recyclables and organics from being landfilled, and to manage them differently through using recycling facilities or composting and organics management.”

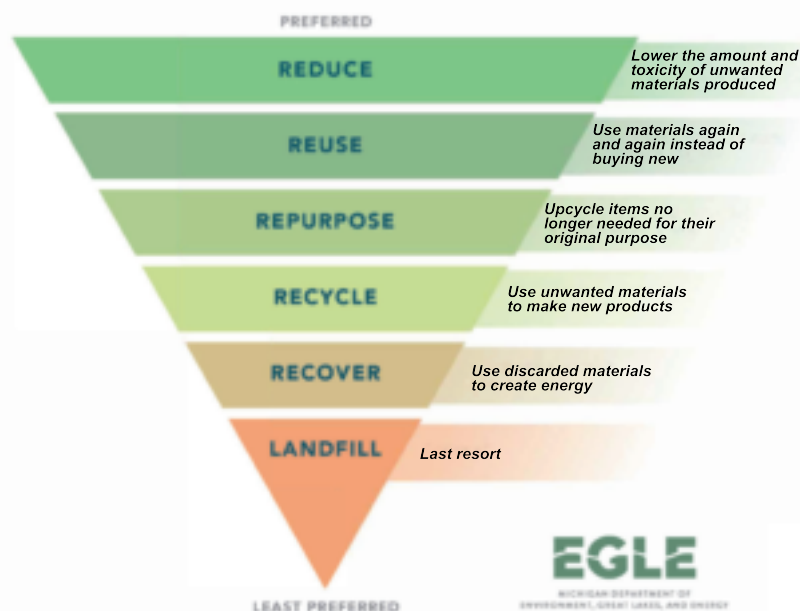
Other goals include helping counties and communities realize the value of recycling programs and recycling and composting facilities as economic drivers. Some programs may include curbside services, drop-off sites, or community events for recycling and hazardous materials collection. “It’s really about ensuring that recycling services are provided and available to residents across the state,” O’Brien said.

The laws encourage regional collaboration and innovation to develop recycling and composting facilities, as well as coordinate collection efforts and improve the quality of recycled materials.

“The legislation provides a more level playing field,” said Jeff Krcmarik, a recycling specialist for EGLE’s Materials Management Division in the Kalamazoo and Grand Rapids District Office. “There are going to be regulations and permitting requirements that weren’t in place to improve oversight, reduce odors and traffic issues on local levels.”

The new plans must address recycling benchmark standards that include: curbside recycling in communities over 5,000 by 2026; convenient drop-offs for all counties by 2032; at least one drop-off site for every 10,000 residents in counties under 100,000; and in counties over 100,000, at least one drop-off for every 50,000 residents. Part of reaching the standards includes better data collection and reporting of what is being recycled, Krcmarik said.

SUSTAINABLE MATERIALS MANAGEMENT



“There are some myths and some opportunities they may not be aware of to address hard-to-recycle items,” he said.

Experts like O’Brien and Krcmarik are available to help local officials with technical assistance or find other resources. Krcmarik, who served as supervisor of public works in Washtenaw County and worked on solid waste planning, recommends getting feedback from residents on what issues they see, whether it is a lack of recycling options, illegal dumping, or odors and traffic from nearby landfills. It’s also a chance to be more inclusive and get schools, businesses and downtown development authorities on board with recycling.

“That is how the locals feed into it,” Krcmarik said. “I always encourage surveys to citizens to do some data gathering, just to get voices heard and find out what they want.”

Townships help move the needle forward

Although the materials management plan will be developed at the county level, township officials need to be aware that change is coming—and the role that they can (and should) play. The planning process includes public meetings and input with an 11-member planning committee that includes elected representatives from a township, city or village. In addition, once the materials management plan has been drafted and approved by the planning committee, it will go out for approval from all municipalities in the county before EGLE gives the final stamp of approval.

“That’s where townships, cities and villages have to vote on the plan as written for approval or not,” Miller said. “Each county has to identify goals and set goals in their plan to divert materials and to feed into that recycling goal and that overall statewide goal of 45%. We understand that this doesn’t happen at the county level all the time.”

Meeting these benchmark goals will take coordination at the local level, when a township or other municipality contracts with waste haulers to collect and manage their materials. “It has

cover story



The new county materials management plan will encompass recycling and composting, and prioritize productive uses of discarded materials. It's about creating a more circular economy—one where those materials are repurposed into new products.

to come from a collaborative effort from all entities in a county to feed up and through for us to meet these goals," Miller said.

O'Brien agrees that townships have a vested interest in the process, especially if they have a landfill in their area or receive planning proposals for recycling or composting facilities. These facilities employ people and provide services to local businesses.

"While counties have the responsibility to develop these plans, the services that are needed, sites that are needed and infrastructure needed to handle this stuff really end up being in townships and other municipalities," O'Brien said. "There is a very prescribed three-and-a-half-year process that is going to require township as well as resident, service provider and environmental engagement."

Municipalities will have to look at how to offer recycling services to residents and create funding mechanisms to pay for those services, O'Brien said, noting, "These kinds of services add value to the community. Composting, yard waste and recycling are an expected service. We hope these changes allow for community discussions that help move the needle because it's really good for the environment and the community."

Emmet County creates successful model

Although Emmet County will have to develop a new materials management plan like other counties, officials have a good model to work from and strong buy-in among county residents. In 2021, upwards of 40% of Emmet County's waste stream was recovered and 11,127 tons of materials were processed through

the Emmet County Recycling Center. Participation is high among residents, with more than 80% of households recycling in areas of the county that don't have curbside recycling.

"The leaders in Emmet County knew that recycling was an important task to take on to be responsible and be leaders in that area," Tolzdorf said of their early support in 1990.

"One of the messages to other counties is do as much as you can this time," she added. "If you can't get to all of your goals, every five years, the plans will be revisited."

The county has a drop-off center in Harbor Springs and offers curbside recycling services, drop-off recycling at 12 locations, school recycling, business services, yard waste drop-off area, and composting services. The center also takes harder-to-recycle items, including electronics, mattresses, paints, plastics and furniture. The public can also drop off garbage at the transfer station for transfer to the landfill.

The center offers dual-stream recycling, which separates recyclables by paper, boxes, bags and mixed containers. This improves the quality of the materials and their value so Emmet County can market recyclables for higher and better uses. "Single-stream is more efficient on the collection end and it's easier for residents, but it lowers the value of the materials," Tolzdorf said.

Most manufacturers cannot use recyclables that are contaminated with liquids, glass, pests or garbage. Emmet County produces clean recyclables that are sold to Michigan companies, which helps them employ more people and helps businesses be more competitive. "That's another part of our model," Tolzdorf said. "We feel strongly that we want to stick with dual-stream recycling; we get a higher value."

Emmet County launched a local composting program in 2015 that collects food and flower scraps. It's become popular with local businesses, plus residents can drop off scraps at farmers markets and the recycling center. The scraps are combined with yard waste to make homegrown compost and sold to landscapers and gardeners. The new Part 115 law regarding composting includes new regulations for these facilities, including new labeling and testing requirements, in an effort to weed out bad actors and improve composting programs.

Organic waste, yard debris, food scraps and other organics can be used to create compost. Composting is an extension of recycling, diverting materials from landfills and reusing organic waste to make nutrient-rich soil. Food scraps make up 21% of material that ends up in landfills in the U.S. and off-gas pollutants like methane.

Emmet County Recycling gives tours of the facility and fields questions from public officials in other communities. Tolzdorf doesn't mind sharing how Emmet County's program works and how to find markets for recyclables. "We do have a lot of counties reaching out to us and a big part of it is figuring out the funding mechanism," Tolzdorf said. "We are an enterprise fund and don't take any tax dollars for operations."

Many counties, townships already recycle

In addition to its participation on the county recycling program, Resort Township also hosts a spring cleanup event for larger household items and offers vouchers to residents who want to take larger loads to Emmet County's collection site. The township has a drop site spring through fall for residents to drop off grass, leaves and yard waste.

Another northwest Michigan county, Benzie County, is also already addressing recycling as part of its current solid waste plan. The county offers single-stream recycling services, hazardous waste collections, electronics and scrap tire collections, community educational programs, and illegal dumpsite cleanups.

Residents can recycle 24/7 at seven public drop-off sites throughout the county, and townships host special clean-up events throughout the year. A county recycling coordinator manages the recycling program, which sees double the usage during the summer. Benzie County funds the program through a law that allows the county to collect up to \$25 per household on the winter tax bill for recycling efforts.

Developing sustainable funding models is one of the biggest challenges, Krcmarik said. Some counties already have sustainable programs in place, while others have good ideas but aren't sure how to make it work. Krcmarik can help local officials figure out ways to support recycling programs.

"There is a myriad of ways they can fund their recycling programs," he said. "I try to connect the people wanting to learn about funding with the people who already have funding mechanisms in place."

Gerrish Township (Roscommon Co.) offers numerous sustainable disposal options for residents, including a compost site for leaves and yard waste, though not for food waste. Some residents take the compost for their own yards, while the rest is ground up and hauled away by a company that makes mulch and resells it, said Supervisor **David Udy**.

The township also contracts with a waste hauler to provide curbside trash pick-up and recycling to residents through property taxes. Curbside yard waste pick-up is included during the spring and summer months. Roscommon County also has hazardous waste collection days for tires, furniture and other household items. Townships in the county contract with waste haulers for services. Each township does it differently and decides what it wants to offer in the way of trash, recycling and yard waste. Some neighboring townships also have a transfer site where residents can take bags of trash for disposal.

Recycling does take resources from communities and while "there's definitely politics involved," Tolzdorf said, she believes the laws needed updating to encourage landfill diversion rather than landfill expansion. "The changes were necessary," she said. "Landfilling was really prioritized. The goal was to make sure there was enough landfill capacity."

Creating a closed-loop system

The state is encouraging multi-county planning to promote economies of scale. There will likely be growing pains and some smaller counties may need extra resources and more support.

"This process is going to be a lot of work and a lot of counties don't have the resources to dedicate the time and resources to this process," Tolzdorf said. "A lot of counties are running pretty thin and using resources for mandated activities, and up until now, recycling really hasn't been a mandated activity."

The Michigan Recycling Coalition, which advocates for recycling and organics management and collective resource use and recovery initiatives in Michigan, received a \$1.8 million grant from the EPA to use for recycling education, outreach and professional training. "It feels hard because it is still new," O'Brien said. "But my organization is really committed to supporting local governments in doing the work, having the conversations, and creating a vision that is good for both our economy and the environment."

The new initiatives are not simply about increasing recycling rates or providing more services to residents. Advocates say more education is needed around the importance of composting and being able to resell recycled materials. Composting is a critical part of sustainable recycling efforts, O'Brien said. Reusing organic waste to make high-quality soil improves soil health and reduces greenhouse gases.

The materials management plan will encompass recycling, composting and prioritizing productive uses of discarded materials. It's about creating a more circular economy—one where those materials are repurposed into new products.

"We can make real progress," O'Brien said. "We can divert more materials from landfills into productive uses. Part of the reason for all of these changes is if we want to get the economic value out of the materials we pay to throw away, we need to have comprehensive infrastructure."

To make this successful, public-private partnerships will be needed to expand collection programs and build capacity to handle more recycled materials, according to O'Brien.

"If we can generate a larger supply and get more people to recycle, there will be more investment by service providers and the state to separate all of that stuff out," she said. "We know brands want this material to meet their own sustainability goals. These resources are not infinite. Capturing that plastic is going to be important if they really want to continue to use plastic bottles."

Miller said the changes will not happen overnight. It will be a process that involves planning, coordination and education at every level. As recycling increases, so will the need for recycling and composting facilities.

"We're going to be creating systems in the state to manage our materials better, in more of a closed-loop system," Miller said. "This will create more jobs. We'll be able provide more material for businesses. I really do feel like it's a huge benefit to not only Michigan, but to our Great Lakes region and beyond."



Marla Miller, Freelance writer and journalist
Visit her website at marlarmiller.com.

For more materials management plan resources, visit www.michigan.gov/egle (click on "About Us," then "Divisions and Offices" and "Materials Management").

Campaign Finance Act compliance: What townships and officials can—and cannot—do

As shared by MTA Executive Director Neil Sheridan in his “Daily Democracy” column on page 1, MTA’s Board of Directors voted at their Feb. 9 meeting to support the efforts of an initiative petition that would return local control over utility-scale renewable energy facilities to Michigan’s communities.

The initiative, led by the group Citizens for Local Choice, seeks to repeal Public Act 233 of 2023—which was strongly opposed by MTA and its members as it quickly moved through the legislative process. The measure strips true local siting authority over these facilities, shifting it to the Michigan Public Service Commission (MPSC). If successful on the November ballot, the initiative would restore this critical zoning authority to Michigan’s communities for how they choose to plan and zone for clean energy.

“The Board’s support of this initiative effort aligns with the Association’s unwavering commitment to local control and the ability of communities and residents to have the final say over local decisions—especially those that have far-reaching, long-lasting and dramatic effects in a community,” said MTA President **Pauline Bennett, Addison Township** (Oakland Co.) clerk. “Local officials and their residents simply should not—and cannot—be silenced over local issues impacting them, their community, their quality of life—and their future.”

Signatures are currently being collected for this proposed ballot initiative, with the hopes of being on the November 2024 ballot.

Another initiative also gathering signatures—a proposed constitutional amendment from the group AxMiTax—would completely eliminate all real and personal property taxes in the state. In addition, the proposal would prohibit state or local alternatives, provide only some additional replacement revenue, and require that tax revenue distributed to municipalities be used only for narrowly defined “essential government” and infrastructure services.

Both of these proposals would have dramatic impacts for our member townships, and we know that officials may be seeking to learn more or get involved in the efforts. The Michigan Campaign Finance Act impacts what townships and township officials may—and may not—do in their official capacity and as individuals to support or oppose ballot initiatives. The following is an overview; consult your township attorney for additional guidance or advice.

Here’s what a township board or township board members may do in their official capacity

- A township board may advocate (lobby) for or against legislation to state and federal legislators or officials. (*Hays v. City of Kalamazoo*, 316 Mich. 443, 1947)
- A board member may express his or her views in their policy-making capacity.
- A township board may produce and distribute factual information concerning issues relevant to township functions. This includes informing the “electors in a fair and objective manner of the facts surrounding an upcoming ballot proposal.” (Attorney General Opinion 6531 of 1988)
- A township board may adopt a resolution to support or oppose a ballot question, as long as the ballot question relates to township concerns, property or government. The township cannot use township funds, property or resources to distribute such a resolution.
- A township board may allow any candidate or campaign committee to use a township facility that is already open for public use by policy, as long as any candidate or campaign committee may use the public facility.

Here’s what individual board members may do as private individuals

- Elected or appointed public officials or employees of a township may express their own personal views when they are not acting for the township, on their own personal time, expending their own personal funds, or providing their own personal volunteer services.

What a township board or board members must avoid doing

- It is not lawful to use township funds, township-owned office space or other property to **expressly advocate** a vote for or against a candidate or ballot question. “Expressly advocate” means to state support for the passage or defeat of a ballot question or the election or defeat of a candidate. In other words, to say “Vote yes for” (or no) or “Support” (or defeat) a candidate or ballot question.



- A township cannot put links on its website only to sites that expressly advocate only for or against one candidate, one slate of candidates or one side of a ballot question.

There are also restrictions on **what campaign materials can be allowed on township property.**

1) On any day **except** Election Day or early voting days

No campaign materials, for candidates or proposals, are allowed anywhere on township property, regardless of who is holding or leaving; possible violation of Section 57 of the Campaign Finance Act, with some possible exceptions decided by the township board (*a township board considering these exceptions must consult its legal counsel for specific guidance*).

- Members of the public do not have an absolute and unfettered right to enter and make use of a municipally owned facility.
- The township board decides what property or facilities the township will have and how they will be used. This includes determining what property or facilities will be available to the public and when and how they will be open for use—or not.
- The fact that township facilities and property are publicly owned does not mean that they are automatically open to the public. Unless the township board has authorized public access or use, access to township facilities and property is prohibited or limited as the township board directs. The only exceptions are: 1) under the Open

Meetings Act, during the open session of a meeting of a public body, when anyone may attend, and 2) on Election Day or early voting days, when under the Election Law, anyone may park and/or enter the polling place for the time it takes them to vote and then leave.

- It is not lawful for township-owned office space or other property to be used to expressly advocate a vote for or against a candidate or ballot question. See Campaign Finance webpage on <https://mertsplus.com>, *Appendix I—Use of Public Facilities, Funds, Etc. Prohibited*
- *Exception:* Per MTA Legal Counsel, if the township board has previously authorized the public to make private use of township meeting rooms or other facilities through a written board-adopted policy of scheduling or renting space on a first-come, first-served basis, with no special treatment in providing use of the facility, then a candidate committee or petition group could schedule use of the hall, still subject to any of the prohibitions under the Election Law.
- *Exception:* Per MTA Legal Counsel, private individuals may circulate petitions freely in public parks or on public sidewalks, as these are traditional public forums protected by the First Amendment. Private individuals may also circulate petitions inside of municipal buildings (like the township hall), but **only** if the township permits such conduct by policy or practice. A township that has a policy permitting circulation indoors must allow any and all members of the public to do so, regardless of the subject matter of the petition. If a township has not adopted a policy permitting petition circulation OR has adopted a policy or ordinance expressly banning petition circulation within municipal buildings, then such conduct is generally prohibited, and private individuals can be asked to cease petition circulation or take their petition outdoors.

2) During **40-day AV** ballot period

No campaign materials, for candidates or proposals, including petitions or circulating petitions, regardless of who is holding or leaving, are allowed:

- In a clerk's office (including satellite offices) where voters may receive, complete and return absent voter ballots during the 40 days prior to an election: *Department of State Campaigning in Clerks' Offices During Absent Voter Ballot Issuance* (includes sample notice language, Oct. 16, 2020)

3) On Election Day or early voting days at polling places **inside** the 100-foot line

No campaign materials, for candidates or proposals, including petitions or circulating petitions, regardless of who is holding or leaving, are allowed **inside** the 100-foot line from the entrances to the polling place building. Campaigning and campaign materials cannot be closer than 100 feet and exit pollsters cannot be closer than 20 feet to the building.

The Michigan Election Law prohibits any person from doing the following on Election Day in the polling room or a room/compartiment 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, candidate or ballot question (other than official material required by law to be posted, displayed or distributed in a polling place on Election Day). (MCLs 168.744 and 168.744a)
- Under PA 156 of 2012, 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, including name plates, name tags or honorary plaques. (MCL 168.744a) A person who violates MCL 168.744 or 168.744a is guilty of a misdemeanor.
- Note that these prohibitions include election officials and workers themselves. They also include 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.

4) On Election Day or early voting days at polling places outside 100-foot line on township property

A township may regulate campaign materials and activities on township property outside the 100-foot limit. *(If the 100-foot line crosses into private property, a private property owner can allow campaign materials on their private property as political free speech outside the 100-foot line, but NOT within the 100-foot line)*

- The Campaign Finance Act prohibits the use of public funds, property or personnel to campaign for a candidate or ballot question, even on Election Day. The 100-foot limit is a statutory compromise balancing a voter's right to enter a polling place and vote "unaccosted" and the right to political free speech; it is **not** statutory permission to use public property to campaign outside that 100-foot line. A township board does have authority to regulate campaign materials and activities on Election Day. As long as the policy is equally and consistently applied, regardless of the candidate or ballot question, 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. (If a person is handing out materials or holding the sign, it may be a protected exercise of political free speech.) Per MTA Legal Counsel and the Bureau of Elections, a written board-adopted policy or ordinance could be used.
- A township may also regulate the use of its parking lots. A voter has a right to park his or her vehicle in a township parking lot for the period of time it takes for that person to vote, even if the vehicle has campaign signs on it. But no one has a right to park a vehicle with campaign signs on it for any longer than the person needs to be on the property to vote.

Survey: Local officials believe control over renewable energy facilities should stay local

The vast majority of local officials believe that zoning for renewable energy facilities should be completely under local authority, according to the latest findings from the Michigan Public Policy Survey (MPPS).

The survey, part of the Fall 2023 MPPS—in which MTA is a partner—showed that 78% of respondents support complete local control for where renewable energy belongs in a community, with another 13% saying "mostly local, and some state" authority was preferable. Just 1% advocated for complete state authority.

The survey, conducted by the Ford School for Public Policy at the University of Michigan, asked local leaders who they feel should have authority over decisions related to six specific areas of renewable energy planning and zoning, including the types of renewable energy that belong in a community, where renewable energy belongs in a community, the parameters for renewable energy projects, and conducting public hearings on proposed renewable energy projects for a community.

In addition, regardless of political party, large majorities of officials say that local governments should have complete authority for renewable energy facility siting (85% among Republicans, 81% of Independents, and 62% among Democrats), and other surveyed areas.



MPSC opens PA 233 implementation proceedings

With the enactment of Public Act 233 of 2023—which provides siting authority to the Michigan Public Service Commission (MPSC) for utility-scale wind, solar and battery storage facilities under specified conditions and is effective on Nov. 29, 2024—the MPSC has initiated the process to begin implementing the new law.

The commission will address PA 233 implementation in Case No. U-21547, and has scheduled two virtual "initial engagement sessions" in March. Individuals can sign up on the case webpage (at www.michigan.gov/mpsc; click on "E-Dockets") to be notified of any filings and review any public comments received. A PA 233 implementation workgroup page hosts information on workgroup meetings (including participation information, agenda, presentations, meeting recordings, etc.), along with updates on MPSC activities and background information. Find the workgroup page on the MPSC website; click on "Commission Activities," "Workgroups," then "2023 Energy Legislation," and scroll to the PA 233 section. An email sign-up at the bottom of the page allows you to receive updates as they become available.



Unlocking efficiency through process mapping

With ever-expanding roles and responsibilities in an ever-changing environment, ensuring efficiency in processes is crucial for delivering effective township services. An effective way to create efficiency in your township is through process mapping. What is process mapping and why is it important? Simply put, process mapping is an opportunity to help ensure your township is ready for the challenges of today and the challenges that lie ahead.

Understanding process mapping

Before discussing what process mapping can do for your township, it's important to first understand what process mapping is. Process mapping is a visual representation of a series of activities or tasks within a workflow. It provides a clear, step-by-step depiction of how a process unfolds, highlighting inputs, outputs and the various stages involved.

Process mapping can take the form of flowcharts, diagrams or other visual aids that simplify complex procedures. This isn't a standard operating procedures manual, with screenshots that haven't been updated in 10 years or a policy manual from the 1980s. Process mapping is designed to be dynamic, easily understood, ensure continuity of activity and, perhaps most importantly, show where the township has opportunities for efficiency.

Why process mapping matters

What can process mapping do for your township?

Clarity and transparency: Process mapping offers a bird's-eye view of township operations. By visually representing each step, anyone can see the sequence of tasks, and how each task is dependent on another. This clarity promotes transparency, ensuring that everyone is on the same page.

Facilitating communication: Effective communication is vital for the seamless functioning of township offices. Process maps act as a common language that allow township staff and elected officials to communicate complex procedures in a simplified manner. This enhances collaboration and ensures that everyone understands their role in the overall process.

Compliance and accountability: In any municipal environment, compliance with regulations is paramount. Process mapping helps ensure that all procedures adhere to the various requirements and establishes a clear framework for accountability, enabling staff and elected officials to trace errors back to their source and implement corrective measures.

Training and onboarding: We continue to see significant turnover in municipal government, and that trend is slated to continue. Process maps serve as effective training tools, offering a structured overview of tasks and responsibilities. This accelerates the onboarding process and reduces the learning curve for new staff and elected officials.

Identifying inefficiencies: The most significant advantage of process mapping is its ability to pinpoint bottlenecks,

redundancies or unnecessary steps within a workflow. Perhaps multiple people complete a similar step. Perhaps there is a step in the process where the entire process stalls and another department is held up for weeks. Perhaps the process has never changed, not because it makes sense, but because that's the way the township has always done it. By identifying inefficiencies, township staff and elected officials can strategically streamline processes, eliminate waste and save valuable time and resources.

Continuous improvement: Process mapping is not a one-time activity; it is a dynamic tool that supports continuous improvement. Once a process is mapped, officials can analyze its performance, gather feedback and make informed decisions to enhance efficiency over time.

Getting started

Process mapping starts with simply documenting a process and determining who is involved, what steps are involved, what documents are involved, and what the end result is. This documentation is then visually represented, whether in a Microsoft Visio Flowchart or a simple hand-drawn diagram.

Working with a township financial consultant or auditor can help in creating a dynamic process map—combining that perspective and best practices with the township staff and officials' first-hand experience. This can help create process maps that clearly show inefficiency, and make the right changes to create a streamlined, modern township.

A powerful ally

For township staff and elected officials committed to enhancing efficiency and delivering quality services to their communities, process mapping is a powerful ally. By embracing this visual tool, staff and officials can gain a deeper understanding of their workflows, identify areas for improvement, and foster a culture of continuous enhancement.

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.



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upcoming MTA workshops

REGISTRATION INFORMATION

Assessing (and Improving!) Your Township's Assessing

Whether you serve as support staff for your township's assessing team or are an assessor seeking renewal credit, we've got the insights and information you need to succeed. Held in conjunction with MTA's **Annual Conference & Expo** coming to the **Grand Traverse Resort** in Acme Township (Grand Traverse Co.), these two classes are designed to meet you where you're at in your public service career:

Assessors Renewal: March Madness

Approved by the State Tax Commission (STC) for four hours of assessors elective credit

Hey assessors, you won't want to miss this motivational journey that walks you through the planning, preparation and navigation of the assessment cycle, from Tax Day all the way through the equalization process. Join us **April 22 from 8:30 a.m. to 12:30 p.m.** and discover strategies for success, from setting goals to meeting quality standards. We'll demonstrate tried-and-true tips for improving time management, team leadership and process improvement for both the municipalities you serve and your peers in the assessing industry. Find ways to enhance your professional knowledge, competence and effectiveness.

Presented by: Shila Kiander, Michigan Advanced Assessing Officer, Director, Mecosta County Equalization; and Anthony Meyaard, Michigan Master Assessing Officer, President, Assessing Solutions, Inc.

Understanding Assessing Basics

*Satisfies STC training requirement for **ALL** uncertified assessing support staff*

Get in-depth review of assessing fundamentals led by STC experts! Join us **April 22 from 8:30 a.m. to 5 p.m.** to enhance your knowledge and understanding of the functions of the assessing office and ensure your township's assessing process runs smoothly. Explore valuation concepts, taxable and assessed value, board of review, equalization, and much more. **All township uncertified assessing support staff—those who engage in assessment roll development or field work, or provide assessment roll information to the public—must receive STC-approved training once every two years.** This class satisfies the training requirement, ensuring your assessing team is covered and prepare your township to pass the state's assessment roll audit.

Presented by: David Buick, Executive Director, State Tax Commission; Will Gast, Education Coordinator, Property Services Division, Michigan Department of Treasury; and Amy DeHaan, MMAO, Assessor, Garfield Charter Township (Grand Traverse Co.)



Registration Form

		Early-Bird Rate*	Regular Rate*	Late Rate*
		Ends March 25	March 26 to April 8	After April 8
Township _____	County _____	Assessors Renewal \$100/attendee	\$125/attendee	\$150/attendee
		Assessing Basics \$125/attendee	\$150/attendee	\$175/attendee
Telephone _____	Email _____	_____ (# registered) x \$_____ (Rate*) Assessors Renewal		
		_____ (# registered) x \$_____ (Rate*) Assessing Basics		
		= \$_____ Total Amount Enclosed		
Name _____	Title _____	*Rate applies to MTA members. Non-members, call for rates.		
Name _____	Title _____	<div>NOTE: Payment must accompany form in order to be processed. <input type="checkbox"/> Check enclosed (payable to MTA) <input type="checkbox"/> Charge to: (circle one) MasterCard VISA Card # _____ Expires _____ Print Card Holder's Name _____ CSV (3-digit code) _____ Signature _____</div>		
Name _____	Title _____			
Name _____	Title _____			
Name _____	Title _____			



Send completed registration form with payment to MTA, P.O. Box 80078, Lansing, MI 48908-0078, fax to: (517) 321-8908 or register online at <https://bit.ly/MTA2024REG> (select "Pre-Conference Course only," then choose this class on the "Sessions" page). Already registered for our 2024 Conference? It's not too late to add it! Visit <https://bit.ly/MTAPreConf> for online instructions OR use this form. Having trouble? Call (517) 321-6467, ext. 226.

upcoming MTA workshop

REGISTRATION INFORMATION

MTA's Legal Institute for Township Attorneys is the premier educational event for attorneys who serve Michigan's townships. Your attendance keeps you on the cutting edge of legal news and changes that impact your municipal clients. Don't miss this opportunity to connect with fellow municipal attorneys to discuss recent changes, court opinions and other trends affecting local government.

This annual event is held **Monday, April 22** at the **Grand Traverse Resort** in conjunction with **MTA's Annual Conference & Expo**.

Topics and presenters appear at right, and your registration includes meals and refreshments.

Register today using the form below. We'll share additional tips on getting there in the "Know Before You Go" confirmation e-mailed to registrants prior to the event.

Need lodging? To take advantage of MTA's discounted rates on lodging, you must be registered for the Institute. Once registered, you'll receive a personalized housing code, along with additional information on booking your room, in the confirmation sent via email to the address MTA has on file. Direct lodging questions to Amy at (616) 785-6027, ext. 34 or email cole@grandconnection.com. After March 28, reservations are based on availability; discounted rates are not guaranteed.

Cancellations & substitutions: Written cancellation requests received by March 25 will be refunded the registration fee less a \$25 processing fee; requests made between March 26-April 8 will be refunded half of the registration fee. No refunds will be issued thereafter. Substitutions may be made for a \$10 processing fee.



Topics and Presenters

Renewable Energy Legislation and Local Options

Catherine Kaufman and Rob Thall

Attorneys & MTA Legal Counsel,

Bauckham, Thall, Seeber, Kaufman & Koches, PC

Common Election Law Questions

Scott Eldridge and Wendolyn Wrosch Richards

Attorneys, Miller Canfield

New Legislation

Judy Allen, MTA Director of Government Relations

Home or Hotel?

Regulatory Concerns for Short-Term Rentals

Christopher Patterson and Jacob Witte,

Attorneys, Fabey Schultz Burzych Rhodes PLC

Municipal Case Law Review

Mallory Reader and Keith Brown, Attorneys,

Foster Swift Collins & Smith, PC

Legal Institute Registration Form

Firm Name

Township Represented (include county)

Telephone

Email

Name

Title

Name

Title

Name

Title

of Attendees

Registration Rate

Total

EARLY-BIRD rate: \$246/attendee
For paid registrations received by March 25.

REGULAR rate: \$271/attendee
For paid registrations received between
March 26-April 8.

ON-SITE rate: \$321/attendee
For paid registrations received after April 8.

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

☐ Check enclosed (payable to MTA)

☐ Charge to: (circle one) MasterCard VISA

Card # CSV (3-digit code) Expires

Print Card Holder's Name Signature



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TOWNSHIPS
ASSOCIATION

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email to: rebecca@michigantownships.org or fax it to: (517) 321-8908.



Are you prepared?

Ensuring your township is ready for MIOSHA inspections

In December 2022, **Van Buren Charter Township** (Wayne Co.) received an unexpected visit. The Michigan Occupational Safety and Health Administration (MIOSHA) was conducting a workplace inspection.

“We were asked to stop all operations, pulling manpower out of meetings and other duties to sit with the representative from MIOSHA,” said **Nicole Sumpter**, township director of human resources. “To my knowledge, this had never happened in the history of the township’s existence.”

One township department was inspected, and “we were fined on items that were low-hanging fruit under the MIOSHA guidelines without an opportunity to correct them,” Sumpter said, noting that the violations included the manner in which the township completed its MIOSHA Form 300A *Summary of Workplace Injuries and Illnesses*, with slight variations from MIOSHA specifications, and not having a proper hazard assessment certification. The township custodian also had to complete chemical-specific trainings, and submit the training used to MIOSHA for approval.

As allowed under the federal OSH act, there are no warnings or penalty waivers for first-time violations, though fines may be able to be mitigated. While U.S. OSHA cannot impose fines on municipalities, as in Van Buren Charter Township, MIOSHA can—and has. And violations could be as simple as where and how the township records its custodial cleaning supplies.

Employers—including townships—are subject to MIOSHA standards and requirements, and could be subject to a workplace inspection. And compliance doesn’t lie with just one staff person—it’s a team effort.

“It’s not enough to put ‘safety awareness’ in our employee intranet or keep the dusty binder on a shelf and say, ‘Everyone is aware,’” Sumpter advised. “Safety is everyone’s responsibility—keep it fresh and at the top of mind for your workforce.”

Inside MIOSHA

MIOSHA operates under the Michigan Occupational Safety and Health Act (Public Act 154 of 1974, MCL 408.1001, *et seq.*), which mandates that employers provide a safe and healthy work environment for their employees. The regulations set forth by MIOSHA encompass a wide range of safety standards tailored to various industries, outlining specific requirements for workplace conditions, equipment, training and hazard mitigation.

MIOSHA plays a crucial role in ensuring the safety and health of workers across various industries within the state. Its primary objective is to enforce workplace safety standards, conduct inspections, and investigate complaints to prevent workplace injuries, illnesses and fatalities. MIOSHA has the authority to impose fines and penalties on municipalities that fail to comply with safety regulations, thereby endangering the well-being of workers.

Townships, as employers, are obligated to adhere to these regulations. This includes maintaining safe working conditions, providing appropriate safety equipment, conducting regular safety training for employees, and ensuring compliance with specific industry standards.

Common pitfalls or violations

How can your township ensure that it is prepared for MIOSHA inspections and keep its township team safe? Townships can face fines from MIOSHA for several reasons, including:

- **Violations of safety standards:** Failure to comply with MIOSHA safety standards, such as inadequate protective equipment, unsafe working conditions or lack of proper training, can lead to fines. *(This is a common violation, as some municipalities may not have a safety manual, or conduct proper training for specific safety areas like hazard communication.)*
- **Failure to address hazards:** If MIOSHA identifies workplace hazards during inspections and the township fails to address or mitigate these hazards within the stipulated timeframe, fines can be imposed. *(Fine mitigation is possible, with proper communication and a game plan on how to fix identified problems.)*
- **Lack of training programs:** Inadequate or absent safety training programs for employees can result in fines, especially if it contributes to accidents or injuries. *(This is another large area for violations, as most sites must have an OSHA-authorized or approved trainer.)*
- **Failure to report incidents:** Municipalities are required to report workplace injuries, illnesses or fatalities to MIOSHA within a specified timeframe. Failure to report such incidents can lead to penalties. *(MIOSHA has several rules and regulations about reporting and recording incidents.)*

The fines imposed by MIOSHA vary based on the severity of the violations. Serious violations can result in fines of up to \$7,000 per violation, while willful or repeated violations can lead to fines of up to \$70,000 per violation.

During a MIOSHA visit

When MIOSHA identifies violations or hazards during inspections or in response to complaints, they typically follow a specific process before imposing fines:

- **Inspection:** MIOSHA conducts inspections either as part of a routine procedure or in response to complaints or reported incidents.
- **Citation:** If violations are found, MIOSHA issues citations outlining the specific standards that have been violated and the proposed corrective actions.
- **Notice of penalty:** After citations are issued, MIOSHA may propose penalties based on the severity of the violations and the municipality's compliance history.
- **Contesting fines:** The township has the right to contest the citations and penalties by requesting an informal conference or formal appeal process to present their case.

Ensuring compliance—and workplace safety

While MIOSHA administers a Consultation, Education and Training Division, allowing an employer to request the division to help them comply with MIOSHA standards, Van Buren Charter Township went a step further, working with a consultant to review their inspection report—and helping to put procedures in place to avoid any future concerns.

Additional efforts included mock inspections across all township departments to address—and fix—potential problems. Working with the consultant, the township's safety manual was reviewed and completely overhauled to ensure compliance. Quarterly department inspections will be conducted, as well as detailed safety manual training for all employees, and equipment training for any field staff.

Township leaders can take key steps to ensure MIOSHA compliance and a safe work environment, including:

- Understand MIOSHA regulations
- Conduct a hazard assessment look at township jobs and responsibilities, and do a basic hazard assessment
- Appoint a safety officer *(we all know that most township officials are used to wearing several hats, and safety can be neglected)*
- Encourage a safety culture
- Conduct comprehensive workplace safety training

Safeguarding workplace safety is paramount for all employers. With the proper awareness, planning and actions, all townships can comply with safety standards to protect every member of your township team.



Lawrence Kosmalski, Principal
Archangel Safety Training, LLC

For additional information, call
(740) 219-9085 or visit
www.archangelsafetyllc.com. Email
safetykoz@gmail.com to have a free
hazard assessment form sent to you.

Learn more from Kosmalski at his educational session, "What Your Township Needs to Know About MIOSHA Inspections," being held April 24, from 1 to 2:15 p.m. at MTA's 2024 Annual Educational Conference & Expo, at the Grand Traverse Resort in Acme Township (Grand Traverse Co.). Turn to the center of this issue or visit <https://michigantownships.org/conference> to learn more.

Use your voice

Township leaders convene for MTA's 2024 Capital Conference

Nearly 200 township officials from across the state convened in Lansing on Jan. 23 for MTA's 2024 Capital Conference. At the annual event, officials gathered critical insights and information on key township issues at the forefront in Lansing, including the critical need for preservation of local control, adequate funding and investments in Michigan's communities, and modernizing local governance.

"Township government is the most accessible, responsive and effective form of local government, serving more than half of Michigan's residents," said MTA Executive Director Neil Sheridan. "With the continued threat of the erosion of local authority looming over Michigan's local governments, advocacy on behalf of the government closest to the people is more important now than ever before. Our Capital Conference is an opportunity for officials to come together in their commitment to public service, to township government and to the state, and to share with lawmakers the value of townships in providing essential services and programs that best fit their unique community's needs."

MTA District 13 Director **Glenn Rowley, Bangor Charter Township** (Bay Co.) supervisor, welcomed attendees, encouraging them to maintain relationships and communications with lawmakers. "We all know that townships play a critical role as we try to grow our state," Rowley said. "People don't choose where to live for jobs anymore—they come for vibrant communities. We must retain our local control in order to create the communities where people want to live, work and play. Today is your time, your opportunity to use your voice. Today, as we learn and meet with our legislators, is our way of showing we care, showing the value of townships, and the need to retain local authority. It may start today, but keep those lines of communication with your lawmakers open after today, too."

During a morning discussion, attendees heard from Rep. John Fitzgerald (D-Wyoming), chair of the House Local Government and Municipal Finance Committee, on how best to stay engaged with state lawmakers, the 2024 priorities for the committee as well as a look back on local government issues addressed in 2023—including the Revenue Sharing Trust Fund.

Legislators and staff met with officials from their districts during a networking lunch, where local leaders were able to share their township experiences and perspectives on issues being debated in the Legislature.

The Capital Conference also allowed attendees—who traveled from as far as Luce County to attend the advocacy event—to hear firsthand from experts on critical issues that impact townships and their residents. General sessions explored topics impacting townships in all areas of the state: utility-scale renewable energy facility siting, election requirements now in effect, and mapping of and federal funding for Michigan's broadband infrastructure.

Additional session topics included the state's Address Confidentiality Program and updates on the local role in the new Part 115 solid waste management planning requirements. In addition to MTA legal counsel, expert presenters included staff from the Michigan Office of High-Speed Internet, Michigan Bureau of Elections, Office of the Attorney General and Michigan Department of Environment, Great Lakes, and Energy.



Mark your calendar for our 2025 Capital Conference, returning to the Lansing Center on March 4!

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Macomb Township

In the early 1830s, people began settling in the area now known as **Macomb Township** (Macomb Co.). On March 7, 1834, Macomb Township officially became a township. The flat land and fertile soil brought in by the Clinton River attracted many German farmers, and even now, the township retains many of its German influences.



One of the first people to settle in Macomb Township was Daniel Kniffens, who acquired land on the Clinton River. This area was commonly known as the Village of Macomb Corners and is near the corner of present day 25 Mile and Romeo Plank Roads. Located in the center of Macomb County, today the township is one of the fastest-growing communities in the state with a population of more than 91,000, offering an industrial/commercial corridor positioned for growth but carefully balanced with attractive residential neighborhoods and robust parks.

Macomb Corners Park is a multi-sport and nature park with many lighted ball diamonds, volleyball courts, soccer fields, walking trails, a playscape and picnic pavilions. Waldenburg Park has an accessible playscape, cornhole



games, horseshoe pits, walking trails and more. There is also a 38-acre nature preserve in the township with a nature trail. In 2021, more than 14 acres were donated for the township to develop into Pitchford Park, complete with two dog parks, pickleball and tennis courts, a playscape and more. The land was donated by Pamela Pitchford and her husband, Joe Kay, in honor of Pamela's mother, Joyce, father, Bill, and brother, Todd.

The original 1919 township hall is being transformed to welcome visitors later this summer or fall. The single-room wooden structure was relocated from its previous location in 2023 and placed on the current Macomb Township hall campus. Once open, the historic hall can be used for gatherings, community events and historical commission meetings. The project has been made possible by numerous donations.





Invest in yourself

MTA's **Online Learning Center** is home to a wide variety of recorded webinars designed with township officials in mind. From **assessing** to **zoning**, you're sure to find something for every member of your township team, at every stage in their public service career—all available for you to watch on-demand when it's most convenient for you! We recognize how valuable time is and strive to help you balance your demanding schedules with your educational needs. That's why we record our classes, so you can get the **targeted township training** you need to succeed when the timing is right for you.

Here at MTA, we're as proud of our online learning options as we are of your dedication to improving yourself. We take our role in educating—and supporting—our members very seriously. In honor of that, and to demonstrate our appreciation that you continue to turn to us for your educational needs, **we are offering a half-off webcasts sale throughout March!** When checking out, use promo code: **March2024**



Choose from **nearly 100 webcasts** under the following categories:

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New Officials

Financial

Township Governance Academy

Detailed descriptions of each webcast are available online; visit <https://learn.michigantownships.org> to learn more. There, you can also find out how to unlock the savings with MTA Online subscriptions, which give your entire township team access with no additional "per person" fees.

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