

Michigan Township Focus

OCTOBER/NOVEMBER 2020

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

Gone virtual Township meetings during COVID-19



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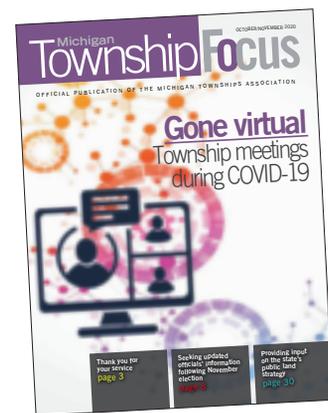
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The state Department of Natural Resources is in the process of updating its strategy—and seeking township officials' input—to provide a framework for conserving and managing public lands to ensure their best use for the benefit of Michigan residents and visitors and the state's natural resources.

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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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Thank you for your service

We have grown accustomed to rightfully and sincerely thanking our veterans for risking their lives and their health for the defense of our nation and of the values for which we stand.

There is another corps of dedicated Americans who sacrifice to serve us and provide for safe communities, who ensure the integrity of our elections, who protect our environment, who fairly gather and responsibly steward our local financial resources, and help us have peaceful enjoyment of our homes and property. Most come with insights and motivation from other careers and experiences. Many have served for years or decades.

Perhaps you have guessed that I am speaking of our Michigan township leaders and your deputies, appointees, employees and volunteers. You'd be right. Public service is indeed a sacrifice in many different ways. While we are drawn to serve for different reasons, the common purpose of building and protecting strong communities brings us together.

If the past holds true in this chaotic year, nearly 25% of our elected officials will retire or move on to new activities. Over the last four-year term, or multiples of them, each of these true community leaders has taken on the responsibilities and burdens few of their residents could ever accurately appreciate. Such service should deliver joy and satisfaction in equal measure to the usually abundant stress and workload. I hope that is true for you.

Without an MTA Annual Conference this year, there is no platform stage. There is no large gathering of your peers to applaud. There are no (legal) firm handshakes and hugs.

Instead, would you please join me in thanking those of our colleagues who are leaving township office or employment this year? On behalf of the 100,000 or so Michigan township officials, employees and volunteers, take a moment to call, write or tell them in person, "Thank you for your service!"

Our magazine this month continues to help prepare our townships for dealing with the direct and indirect impacts of the pandemic. The University of Michigan and our MTA

experts have produced our cover story on virtual meetings, which look to be a part of our township management and communications well into next year. As you may know, MTA has a scholarship fund for encouraging young people who aspire to leadership roles in their community. I'm pleased to share that we have raised over \$5,000 for the scholarship fund in just the last year from the sales of MTA's new *Authorities & Responsibilities of Michigan Townships* book. In next month's magazine, we'll profile this year's scholarship recipient.

MTA is supporting Proposal 1, one of the two statewide ballot proposals on the November ballot, which will help to protect Michigan's natural assets—our water and public recreation resources. The proposal seeks to expand the Michigan Natural Resources Trust Fund, which funds land conservation and public recreation across our state, including adding "renovation" and "redevelopment" of public recreation facilities as an allowable use of trust fund dollars. The proposal would also allow the trust fund to receive revenues from royalties on oil, gas and mining on state-owned land, and require that the amount of trust fund dollars for development and renovation of public recreation facilities match the amount disbursed for land acquisition. We urge our members to support this proposal, which will benefit many townships across our state.

Finally, this month brings historic challenges for our township clerks, their deputies and election workers as they deal both with record absentee ballot volumes and in keeping our polling places safe for all. We urge you to support their work now and recognize the ongoing changes' implications for future budgets.

Neil Sheridan



feature

State department emergency orders, rules reinstate numerous COVID-19 protections after EOs declared invalid

After a Michigan Supreme Court ruling essentially rendered Gov. Whitmer's COVID-19-related executive orders (EOs) unlawful in early October, the state Department of Health and Human Services (MDHHS) quickly released orders reinstating numerous aspects of the governor's previous orders. The following is accurate as of *Township Focus* press time.

MDHHS Emergency Order "Gathering Prohibition and Mask Order," issued under MCL 333.2253, was revised and expanded just days after it was initially issued in early October. The order, which has the force of law, largely reinstated major aspects of previous EOs, including:

- **Requirements to wear face coverings at indoor and outdoor gatherings:** The order requires individuals to wear face coverings/masks at indoor and outdoor non-residential gatherings, and requires businesses and government offices to enforce mask-wearing requirements on their premises. Unless individuals—including employees—are required to wear a face covering, indoor gatherings of any kind are prohibited, including at a government office as well as businesses and schools. The wearing of face coverings is required at schools, except in Region 6, encompassing 17 northern Michigan counties, where face coverings in schools are encouraged but not required.

It cannot be assumed that someone who enters a government office, or other establishment, without a face covering falls in one of the exceptions for not wearing a covering, including those who cannot medically tolerate a face covering. Asking someone and receiving a verbal response may be accepted. In

addition, signage must be posted that face coverings are required, and that individuals cannot enter if they are, or have recently been, sick.

- **Limitations on the size of gatherings:** *Indoor*, non-residential gatherings of more than 10 and up to 500 people are allowed, within the following limits:
 - Attendance is limited to 20 people per 1,000 square feet (25 people per 1,000 square feet in Region 6), in venues without fixed seating.
 - In venues with fixed seating, limit attendance to 20% of normal capacity. In Region 6, gatherings up to 25% of normal capacity are permitted.

Non-residential *outdoor* gatherings of between 100 and 1,000 persons at venues with fixed seating are permitted at up to 30% of normal capacity, and at 30 persons per 1,000 square feet at venues without fixed seating.

- **Capacity restrictions.** Libraries, museums and retail stores cannot exceed 50% of total occupancy limit (except in Region 6). Recreational sports and exercise facilities cannot exceed 25% capacity, and workout stations must be six feet apart. The order also includes capacity limits for outdoor (50%) and indoor (25%) pools.

The order includes worker protections, as well as record-keeping requirements for certain facilities—including recreation centers—to enable contact tracing. It requires athletes training or practicing for or competing in an “organized sport” (except swimming) to wear a facial covering except when consistently maintaining six feet of social distance. Under the order, bars must close indoor common areas where people can congregate, dance or otherwise mingle. Indoor gatherings are prohibited anywhere alcoholic beverages are sold except for table service separated by at least six feet.

Under MCL 333.2253, if the MDHHS director determines that control of an epidemic is necessary to protect the public health, the director by emergency order may prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic to ensure continuation of essential public health services and enforcement of health laws.

The revised MDHHS order is in effect through Oct. 30, though will likely be extended. Violations are a misdemeanor punishable by imprisonment for not more than six months or a fine of not more than \$200, or both, and violations of the order are also punishable by a civil fine of up to \$1,000. The order can be enforced by state and/or local law enforcement.

The Michigan Occupational Safety and Health Administration (MIOSHA) and the Workers’ Disability Compensation Agency, both within the Michigan Department of Labor and Economic Opportunity, have also promulgated emergency rules to clarify the safety requirements employers—including townships—must follow to protect their employees from COVID-19. Again, these are similar requirements to those previously required in EOs. Under the MIOSHA rules, employers that resume in-person work must, among other things, have a written COVID-19 preparedness and response plan and provide thorough training to employees that covers, at a minimum, workplace infection-control practices, proper use of personal protection equipment, steps workers must take to notify the township of any COVID-19 symptoms or a suspected or confirmed diagnosis of COVID-19, and how to report unsafe working conditions. Under the workers’ compensation rules, first responders—including emergency medical services workers, law enforcement and fire safety personnel, among others—are presumed eligible for compensable personal injuries under the Workers’ Disability Compensation Act if they are diagnosed with COVID-19, by a physician or a presumed positive test result. The rules are in effect for six months.

An MTA fact sheet covering these changes is available at www.michigantownships.org/coronavirus.asp. A free MTA Q&A webinar “Clearing up the Confusion Surrounding COVID-19 Executive Orders” is available on-demand, in both audio and video formats, via MTA’s “Coronavirus Resources for Townships” webpage. We will continue to provide members with the latest on the evolving changes.

Turn to pages 14 and 18 for updates on legislation that has been enacted to codify numerous actions and programs contained in the previous executive orders, including allowing townships to continue to meet virtually through the end of the year, and in limited situations thereafter.

MTA joins ‘Spread Hope, Not COVID’ coalition

MTA has joined a coalition of organizations supporting a new statewide public education campaign from the Michigan Department of Health and Human Services and Whitmer Administration called “Spread Hope, Not COVID.” The goal of the campaign is to unite all Michiganders to take action to contain the spread of the virus at levels that will enable the state to fully reopen—and stay open.

To reduce community spread, the campaign urges all Michiganders to 1) Wear a mask or face covering over your mouth and nose; 2) Practice physical distancing by staying at least six feet from people outside of your household; and 3) Wash and sanitize your hands frequently.

Watch MTA’s newsletters, website and social media for “Spread Hope, Not COVID” messages to share with your own residents, or learn more at www.michigan.gov/coronavirus.



Futures for Frontliners offers free education for essential workers—including township personnel

The state has launched the nation’s first program offering tuition-free college to an estimated 625,000 Michiganders who provided frontline services during COVID-19 “Stay Home, Stay Safe” orders between April and June 2020. Futures for Frontliners—funded by the Coronavirus Aid, Relief and Economic Security (CARES) Act—is a scholarship program offering Michigan adults without college degrees or high school diplomas who provided essential services during the pandemic tuition-free access to a local community college to pursue an associate degree or a skills certificate, either full time or part time.

According to eligibility information on www.michigan.gov/frontliners, numerous township positions can apply for the program, including:

- **Workers critical to the continued provision and support of prevention, preparedness, response and recovery services.** Sample employers: police or fire stations.
- **Workers critical to the continued function of local and state government operations, including maintenance and safety inspection personnel.** Sample employers: local government.
- **Workers critical to the continued operation and maintenance of drinking water, wastewater and drainage infrastructure.** Sample employers: wastewater treatment or collection facilities, and community water system companies/facilities.

To be eligible for the program, applicants must be a Michigan resident who worked in an essential industry at least part-time for 11 of the 13 weeks between April 1 and June 30, 2020, and were required by their job to work outside the home during that timeframe. Eligible applicants must not have previously earned an associate or bachelor’s degree, nor be in default on a federal student loan. All applications must be received by 11:59 p.m., Dec. 31, 2020.

news¬es

a compendium of noteworthy items



RECORD-SETTING

November general election on pace to break several participation records

The Nov. 3 general election is expected to be record-breaking—in terms of both total votes cast and absentee voting (AV) ballots requests.

Just prior to *Township Focus* press time, the Office of Secretary of State reported that more than 2.8 million voters have requested absentee ballots, in the weeks ahead of the November general election. The 2.8 million requests surpass the total number of absentee ballots requested in the August primary—two million—that set a new record for absentee voting in Michigan and ultimately resulted in 1.5 million absentee ballots being cast.

The state also estimates that overall turnout for the November election will likely exceed five million, and that requests are on track to have more than three million people cast absentee ballots—or roughly 60 to 70% of the overall turnout. Legislation to assist some jurisdictions with processing AV ballots has been signed by the governor in time for the November general election (*see page 14*). The state also assisted in the setup of 1,000 ballot drop boxes throughout the state.

More than 12,000 volunteer poll workers have been recruited for the November election. The September *Township Focus* cover story explored election administration during these changing times, including tips for recruiting poll workers. MTA's five-part elections webinar series—available on demand—also shares tips, resources and fundamentals for elections prep, including insights from the state Bureau of Elections, fellow clerks and MTA Member Information Services staff. Visit <http://learn.michigantownships.org> for details. You can also get an “Election Wrap-up” with MTA's Catherine Mullhaupt and Cindy Dodge, during our November “Now You Know” lunchtime webinar. Turn to page 27 for details!

ATTENTION TREASURERS

Reminder for tax collection office hours

The township treasurer must be in his or her office from 9 a.m. to 5 p.m. to receive tax payments on the last day taxes are due and payable before being returned as delinquent under MCL 211.55. (MCL 211.44(2)(b)) MCL 211.55 refers to the last day of February as the last day that taxes are due and payable before being returned as delinquent to the county treasurer, and provides for the unpaid taxes to be returned as delinquent to the county treasurer the next day.

In addition, the treasurer must be in his or her office from 9 a.m. to 5 p.m. one business day between Dec. 25 and Dec. 31.

However, the requirement to hold hours in December is waived if the township has an agreement with a local financial institution to collect taxes on behalf of the township, and the township provides timely notification to the taxpayers of their ability to pay their taxes at this financial institution.

For 2020, the available days for required December office hours are **Monday, Dec. 28, Tuesday, Dec. 29 or Wednesday, Dec. 30**. Treasurers **must** choose at least one day (unless a bank assists in collection). (MCL 211.44(2))

The last day to pay 2020 property taxes without incurring any interest or penalty is **Tuesday, Feb. 16, 2021**. (Feb. 14 is a Sunday; Feb. 15 is a holiday.) Treasurers **may** choose to hold office hours.

The last day to pay 2020 property taxes before they are returned as delinquent is **Monday, March 1, 2020** (Feb. 28 is a Sunday). (MCL 211.45) Treasurers **must** hold office hours.

The treasurer also must be in his or her office from 9 a.m. to 5 p.m. to receive tax payments for the collection of a summer tax levy, on **Tuesday, Sept. 14, 2021** (the last day taxes are due and payable before interest is added under MCL 211.44a(5)).



Looking for additional resources? Purchase MTA's Treasurer's Guide to Township Government (order via the online store at www.michigantownships.org or by calling 517-321-6467), or take part in our “Treasurers' Guide to Tax Collection” webinar coming in November and December (learn more under the “Training” tab on MTA's website). Members can also visit the “Tax Collection” web pages on the members-only portion of www.michigantownships.org (access via the “Index of Topics” under the “Answer Center” tab after logging in).

BALLOT DEADLINE

AV ballots must be received by Nov. 3 to be counted in November general election

The state Court of Appeals ruled that mailed absentee voter (AV) ballots must be in the hands of local clerks by 8 p.m. on Nov. 3 to be counted in the general election. The ruling, issued just prior to *Township Focus* press time, overturns a state Court of Claims opinion in *Michigan Alliance for Retired Americans v. Benson*, that said AV ballots postmarked by Nov. 2 and received by the deadline to certify election results (14 days after the election) could be counted for the November 2020 election only.

In its ruling, the Court of Appeals said that Court of Claims was too hasty in claiming the hard deadline was unconstitutional due to COVID-19 and slow mail delivery service concerns. “Although those factors may complicate plaintiffs’ voting process, they do not automatically amount to a loss of the right to vote absentee,” the court said.

It also ruled that the legislative restrictions on who can return an AV ballot are “reasonable and nondiscriminatory” and must not be overturned, as the Court of Claims had done when its ruling overturned the law that only a mail carrier, clerk, family member or person residing in an absentee voter’s household could return an AV ballot.

“The constitution is not suspended or transformed even in times of a pandemic,” said Court of Appeals Judge Mark Boonstra said in a separate, 10-page concurring opinion.

ASSESSING REFORM

STC releases sample designated assessor interlocal agreement

Public Act 660 of 2018, the assessing reform law, introduced a new concept: the designated assessor. Townships and cities must contract with their county’s designated assessor if they fail to comply with the Audit of Minimum Assessing Requirements audit, to provide a corrective action plan and fail subsequent reviews based on the corrective action plan.

Under PA 660, the county must enter into an interlocal agreement with all townships and cities within their county to designate the individual who will serve as the county’s designated assessor. The majority of the “assessing districts” in the county, along with the county board, must approve the agreement, submit it to the State Tax Commission (STC), and receive STC confirmation that the designated assessor and agreement will be accepted by Dec. 31, 2020. A sample interlocal agreement is available on the STC’s Property Tax Reform webpage (visit www.michigan.gov/statetaxcommission; click on “Property Assessing Reform” under “What’s New”).

More information, including an assessing reform overview, resources and key dates, are also available on the STC’s webpage. Submit questions to assessingreformquestions@michigan.gov.



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ATTN. CLERKS: Help keep MTA's database up-to-date for new, returning officials

Just after the Nov. 3 general election, MTA will be seeking **updated information on all new and veteran officials** in your township to update our database. An email will be sent following the election, asking clerks to confirm via MTA's website the names, addresses, telephone numbers and email addresses of all current officials, and to provide this information for any new officials elected in November. *Please note that a hard copy township roster will NOT be mailed to townships.*

It is critical to review the information, and make corrections and updates as quickly as possible so that all newly elected officials in your township receive correspondence from MTA following the election—including information on workshops, publications and other resources to acquaint them with their new roles and responsibilities. **We need to hear from every clerk** to ensure that the right information goes to the right person.



Following the November election, clerks are asked manage each official's information—including adding a new official or ending the relationship of a former official to the township. *(When adding a new official, be sure not to overwrite the former official's information with the new official's name and information.)* Clerks can log in to the members-only section of www.michigantownships.org to review their township's complete officials and employee listing, and contact information, through the "My Profile" tab under "About MTA." Full step-by-step instructions on how to make changes will be included in the November email to clerks. If you have no changes, please email an "OK as is" to database@michigantownships.org.

Current officials can also update their contact information online at any time. Simply log in to the members-only portion of www.michigantownships.org using your email address on file with MTA and password. After logging in, select "My Profile" under the "About MTA" tab to get started. *(Not sure of your password? Select the "Forgot Your Password?" link on the log-in page. Enter your email address on file with MTA, and you will be sent a link to create a new password. Contact elsa@michigantownships.org for assistance.)*

Keeping up-to-date information—including email addresses—on file with MTA is critical to ensure all officials are getting the most out of their Association membership. If we have the incorrect email address, officials are missing out on valuable legislative updates and information in our e-newsletters, as well as notices about educational seminars and other opportunities for today's township officials. An email address must also be on file to access the members-only portion of MTA's website, featuring hundreds of pages of resources, samples and information for MTA member officials.

Questions? Contact MTA at (517) 321-6467.

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Located in Grand Rapids for more than 60 years, the firm represents numerous Michigan townships and other municipal entities. Mika Meyers has 20 attorneys who practice in the municipal law area. Of the 20 attorneys, 15 have 20-plus years of experience servicing municipal law clients. During the last 60 years, Mika Meyers has been engaged as general or special legal counsel to represent the interests of more than 100 townships located throughout the state on a wide range of challenging legal matters.

Some of the services provided to municipal clients include:

- Governance, including Open Meetings, FOIA, elections
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- Bond counsel and municipal finance
- Labor and employment
- Condemnation
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In addition, Mika Meyers provides its municipal clients, without charge, a printed or electronic newsletter every other month on current matters involving local government law and cases. The articles contained in the newsletters are available at www.mikameyers.com. To sign up to receive these newsletters, visit www.mikameyers.com/news/signup.

Mika Meyers' main office is in Grand Rapids, and the firm has three satellite offices in Caledonia, Rockford and Manistee. The Manistee office is fully staffed each day to serve clients in northern Michigan. The Caledonia and Rockford offices are used when clients in those areas prefer to meet where they live and/or work.

For more information regarding Mika Meyers, visit www.mikameyers.com, or turn to the Allied Service Provider Index on page 2.

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

Advertorial

MTA policy platform input due Nov. 10

MTA's legislative policy platform guides the Association's government relations, and is reviewed and updated annually to reflect emerging issues and goals. MTA members are encouraged to review and share any proposed revisions by **Nov. 10**. The proposed policies will be presented at the 2021 MTA Annual Meeting, held in conjunction with our Annual Educational Conference & Expo. View the Board-approved 2020 Policy Platform at www.michigantownships.org (under the "Advocacy" tab). Email legislation@michigantownships.org with questions or suggestions.

classifieds

FOR SALE

Submersible pumps—Webber Township (Lake Co.) is selling three refurbished solids-handling wastewater submersible pumps for use in municipal lift stations. One pump is model LAF 388100 with 7.5 horsepower, 460 volts, three phase, and a seven-inch impeller. Two pumps are model E 68118 with 10 horsepower, 460 volts and nine-inch impeller. Contact Webber Township, PO Box 939, Baldwin, MI 49304, (231)745-3471 or visit www.webbertownship.org.



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.

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PS Form 3526, July 2014 (Page 2 of 4)

OCTOBER

By 5 Notice of voter registration for the Nov. 3 general election published. One notice required. (MCL 168.498)

Clerk shall post and enter into the Qualified Voter File the hours the clerk's office will be open on Saturday or Sunday or both immediately before the Nov. 3 general election to issue and receive absentee voter ballots. (MCL 168.761b)

Clerk shall post and enter into the Qualified Voter File any additional locations and hours the clerk's office will be open before the Nov. 3 general election to issue and receive absentee voter ballots, if applicable. (MCL 168.761b)

15 The assessor reports the status of real and personal industrial facility tax property to the State Tax Commission (STC). (MCL 207.567(2))

Qualified local governmental units report to the STC on the status of each exemption granted under the Commercial Redevelopment Act (MCL 207.666), the Commercial Rehabilitation Act (MCL 207.854) and the Obsolete Property Rehabilitation Act (MCL 125.2794).

The assessor's annual report of the determination made under MCL 207.783(1) to each taxing unit that levies taxes upon property in the local governmental unit in which a new facility or rehabilitated facility is located and to each holder of the Neighborhood Enterprise Zone certificate. (MCL 207.783(2))

19 Last day to register in any manner other than in-person with the local clerk for

the Nov. 3 general election. (MCL 168.497)

20 through 8 p.m. Nov. 3. In-person registration for the Nov. 3 general election with local clerk with proof of residency. (MCL 168.497)

Deadline for payments to municipalities from the Local Community Stabilization Authority (LCSA). Local Community Stabilization Share revenue for county allocated millage and other millages not levied 100% in December. (MCL 123.1357(8)(a) and (c))

23 Write-in candidates file Declaration of Intent forms for the Nov. 3 general election by 4 p.m. (MCL 168.737a)

By 24 County clerks deliver remainder of ballots and election supplies for the Nov. 3 general election ballot to local clerks. (MCL 168.714)

By 27 Notice of the Nov. 3 general election published. One notice required. (MCL 168.653a)

By 29 Public accuracy test for the Nov. 3 general election must be conducted by local election commission. (R 168.778) Notice of test must be published at least 48 hours before the test. (MCL 168.798)

30 (Not later than Oct. 31; Oct. 31 is a Saturday.) October apportionment session of the county board of commissioners to examine certificates, direct spread of taxes in terms of millage rates to be spread on taxable valuations. (MCL 211.37)

On or before Nov. 1. Oct. 31 is a Saturday and Nov. 1 is a Sunday. Deadline for filing *Principal Residence Exemption Affidavit* (Form 2368) for exemption from the 18-mill school operating tax to qualify for a principal residence exemption (PRE) for the winter tax levy. (MCL 211.7cc(2))

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

Deadline for filing for *Foreclosure Entity Conditional Rescission of a Principal Residence Exemption* (Form 4983) to qualify for the winter tax levy. (MCL 211.7cc(5))

Electors may obtain an absentee voter ballot for the Nov. 3 general election via first-class mail until 5 p.m. (MCL 168.759)

31 Voters may submit written request to spoil their absentee voter ballot for the Nov. 3 general election and receive a new ballot by mail until 2 p.m. (MCL 168.765b)

NOVEMBER

By 2 Voters may submit written request in person to spoil their absentee

voter ballot and receive new ballot for the Nov. 3 election in the clerk's office until 4 p.m. (MCL 168.765b)

2 Electors may obtain an absentee voter ballot for the Nov. 3 election in person in the clerk's office until 4 p.m. (MCL 168.761)

Deadline for submission of new personal property (PA 328 of 1998), obsolete property (PA 146 of 2000), commercial rehabilitation (PA 210 of 2005), neighborhood enterprise zone (PA 147 of 1992), charitable nonprofit housing (PA 612 of 2006), commercial facilities (PA 255 of 1978) and industrial facilities (PA 198 of 1974) tax exemption applications to the STC. *Note:* Applications for received after Nov. 2 shall be considered by the commission contingent upon staff availability.

3 Emergency absentee voting for the Nov. 3 general election until 4 p.m. (MCL 168.759b)

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

State general election.



4 Clerk delivers results of Nov. 3 general election to county clerk by 11 a.m. (MCL 168.809)

By 5 The supervisor shall notify the treasurer of the amount of county, state and school taxes apportioned in township to enable treasurer to obtain necessary bond* for collection of taxes. (MCL 211.43(1))

5 Boards of county canvassers meet to canvass the Nov. 3 general election by 9 a.m. (MCL 168.821)

16 Form 600 (L-4016) *Supplemental Special Assessment Report* due to the STC.

By 17 Boards of county canvassers complete canvass of Nov. 3 general election; county clerks forward results to secretary of state within 24 hours. (MCLs 168.822, 828)

By 23 Board of State Canvassers meet to canvass Nov. 3 general election. (MCL 168.842)

25 *On or before Nov. 28. Nov. 26 and 27 are state holidays, Nov. 28 is a Saturday.* The treasurer gives county treasurer a bond* running to the county in the actual amount of county, state and school taxes. (MCL 211.43(2))

30 Deadline for LCSA payments to municipalities. Local Community Stabilization Share revenue to municipalities with state facilities under PA 289 of 1977, and municipalities that incur certain costs of required and allowable health services under PA 369 of 1978, MCL 333.2475. (MCL 123.1357(8)(e))

**May be handled by the county treasurer. See MCL 211.43(2) or call MTA at (517) 321-6467 for further guidance.*

DECEMBER

1 County equalization director submits apportionment millage report to the STC. (MCL 207.12)

County treasurer delivers to the township supervisor a signed statement of approval of the bond and the township supervisor delivers the tax roll to the township treasurer.

Deadline for foreclosing governmental units to transfer list of unsold 2020 tax foreclosure parcels to the clerk in the municipality in which the parcels are located. (MCL 211.78m(6))

2020 taxes are due and payable to the treasurer are a lien on the real property. (MCL 211.40)

Results of the equalization studies should be reported to assessors of each township.

15 *Tuesday after the second Monday in December.* Special board of review (BOR) meeting may be convened by assessing officer to correct qualified errors. (MCL 211.53b) The township may authorize, by adoption of an ordinance or resolution, an alternative meeting date during the week of the second Monday in December. (MCL 211.53b(7))

For taxes levied after Dec. 31, 2011, an owner who owned and occupied a principal residence on June 1 or Nov. 1 for which the exemption was not on the tax roll may file an appeal with the December BOR in the year for which the exemption was claimed or the immediately succeeding three years. (MCL 211.7cc(19))

An owner of a property that is qualified agricultural property on May 1 may appeal to the December BOR for the current year and the immediately

preceding year if the exemption was not on the tax roll. (MCL 211.7ee(6))

December BOR to hear appeals for current year poverty exemptions only, but not poverty exemptions denied by the March BOR. (MCL 211.7u, STC Bulletin 6 of 2017)

31 Tax day for 2021 property taxes. (MCL 211.2(2))

All taxes due and liens are cancelled for otherwise unsold 2020 foreclosure parcels purchased by the state or transferred to the local unit or the Michigan Land Bank Fast Track Authority. (MCL 211.78m(11) and (12))

Deadline for an owner that had claimed a conditional rescission of a PRE to verify to the assessor that the property still meets the requirements for the conditional rescission through a second and third year annual verification of

a *Conditional Rescission of PRE* (Form 4640). (MCL 211.7cc(5))

Deadline for a land contract vendor, bank, credit union or other lending institution that had claimed a foreclosure entity conditional rescission of a PRE to verify to the assessor that the property still meets the requirements for the conditional rescission through the filing of an annual verification of a foreclosure entity. (MCL 211.7cc(5))

An *Affidavit to Rescind Exemption of Eligible Manufacturing Personal Property Defined in MCL 211.9(m) and 211.9(n)* (Form 5277) shall be filed with the assessor of the township in which the personal property is located, no later than Dec. 31 of the year in which the exempted property is no longer eligible for the eligible manufacturing personal property tax exemption.



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When should a person elected to a township office at the 2020 November election take the oath of office?

Every person elected in November to a township office must take the oath of office before assuming the office in the new term, including persons re-elected to office, regardless of how many terms they may have previously served.

The earliest that an official may assume office is with the beginning of the new township term of office at noon on Nov. 20, 2020. An official may take the oath before that time, but he or she cannot assume office until that time.

If a person who is elected or re-elected to the township board does not qualify for office by taking the oath **on or before Jan. 1, 2021**, then that position is **vacant on Jan. 2**, and the township board has 45 calendar days to appoint to fill the vacancy. The person appointed will serve until the midterm November 2022 election fills the position for the remainder of the term. The board may choose to appoint the person who was elected but failed to take the oath in time to fill their own vacancy. A person appointed to fill a vacancy created by their failure to take the oath serves the remainder of the term, without having to run in the midterm election.



Who performs the duties of the office if a person elected to a position on the township board does not take the oath of office right away?

Between the certification of the election and through Jan. 1, 2021, the person who held the office going into the election “holds over” in the office until the person elected takes the oath and assumes the office. The person “holding over” is still holding office and has the same statutory authorities until the person elected qualifies for office by taking the oath, or through Jan. 1, 2021, if the person elected fails to take the oath.

A person “holding over” is still entitled to the salary of the office (as established in the salary resolution), prorated to the day the new person takes the oath or through Jan. 1, 2021. If the person elected does not qualify for office, the position is vacant on Jan. 2, 2021.



Who has authority to administer oaths to township officials?

The positions that are authorized by law to administer the oath of office are the township

clerk/deputy clerk, supervisor/deputy supervisor, county clerk/deputy county clerk, notary public, judge/justice (of any court of record), and state senator or representative. A board member is not required to take the oath from a township official or wait until a board meeting or an official ceremony, if one is held.



What can a township do to ensure a smooth transition if any new board members are elected in November?

Depending on which official is new, the following steps should be taken:

- An outgoing official must, by law, turn over to his or her successor all of the paper records, digital files (including email), computer passwords, keys, equipment and other materials related to the office he or she held (including township records on private computers or devices). This should be done after the county board of canvassers certifies the election and notifies the candidates, and certainly once the successor has taken the oath of office. *Note:* All documents, records or files created while in office are township property, and the willful withholding or destruction of township books, papers or records is a misdemeanor, punishable by up to two years in prison or a fine of up to \$1,000. (MCL 750.491)
- New treasurers should notify each banking institution that does business with the township that the previous treasurer’s signature is no longer valid. Establish the new official’s signature as the one of record. The same applies to a new deputy treasurer. (If the bank also requires the clerk/deputy clerk’s signature on the bank cards, update those as well, although the clerk or deputy clerk’s signature should never be honored by the bank.)
- The clerk and treasurer are each required by law to appoint a deputy as soon as possible after taking the oath of office. The supervisor has the option to appoint a deputy. A deputy must also take the oath of office.
- A treasurer, deputy treasurer, clerk or constable must be bonded before taking the oath of office. Contact the township’s bond insurance representative immediately after the election is certified to add new names to the bond. Some companies offer a “blanket” bond that covers all township employees who handle funds.
- The treasurer must also be covered by a tax collection surety bond to collect taxes.
- An “exit” audit of township finances is not required simply because township offices have changed hands.

A township board may choose at any time to contract to have an audit done if there are concerns about financial irregularities, but it will be in addition to any regularly scheduled audit and will have an additional cost.

- If township mail is received at an official's home, fill out a change of address card for the post office to ensure that mail will be forwarded to the appropriate new official. If township email addresses were personalized, be sure to change the account names or access.
- Give new officials copies of any policy manuals or documents explaining township procedures.
- Notify MTA so we can ensure that new officials receive *Township Focus*, *Township Insights* and *Township Voice* newsletters, workshop brochures and other appropriate information. *Clerks:* MTA will email all clerks in November with instructions on how to update contact information via www.michigantownships.org for all new and returning officials for MTA's database and online directory. (See page 8 for additional information.)
- Most importantly, welcome a new board member to the township "team" as a colleague and an equal on the board, regardless of political differences or experience. The new person may look at the job with an entirely new perspective. Sitting board members may be comfortable with each other and may have developed an understanding of how they work together, but adding a new member can be a positive opportunity to explore why you do what you do.



Must current board of review members be reappointed by the township board if we want them to continue in the new board of review term?

Yes. All current appointments to every township board of review will expire on Dec. 31, 2020.

Every township board must appoint a new board of review for the new two-year term that begins Jan. 1, 2021. ***Both new and previously appointed board of review members must be appointed and take the oath of office within 10 days after appointment.***

Under MCL 211.28, a member of the township board may not serve on the board of review or fill any vacancy.

A spouse, mother, father, sister, brother, son or daughter, including an adopted child, of the assessor is not eligible to serve on the board or fill any vacancy. MTA Legal Counsel recommends that a board take a prudent approach and use a similar prohibition on appointing the same relatives of the supervisor.

At least two-thirds of the board of review members must be property taxpayers of the township. (*Michigan*

Election Law (MCL 168.342) requires all members to be taxpayers, however, the State Tax Commission has stated that is not necessary. MTA Legal Counsel suggests taking a prudent approach.)

Alternate members may be appointed: MCL 211.28 authorizes a township board to appoint not more than two alternate members for the same term as regular members of the board of review. An alternate member may be called to perform the duties of a regular member of the board of review in the absence of a regular member. An alternate member may also be called to perform the duties of a regular member of the board of review for the purpose of reaching a decision in issues protested in which a regular member has abstained for reasons of conflict of interest.

In a new requirement starting with this board of review term, under MCL 211.10g, the township board is responsible for seeing that the board of review members receive board of review training and updates required and approved by the State Tax Commission. This will be subject to review in the state Audit of Minimum Assessing Requirements (AMAR) done starting Dec. 31, 2021. MTA is working with the State Tax Commission to ensure that our annual *Board of Review Training*, being held in January and February as a webinar, qualifies for this new requirement.

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



If your township board is welcoming new officials this fall, MTA's "In the Transition" webinar—available on demand in our Online Learning Center now for just \$25—

is a must-watch! Recorded as the first in MTA's new "Now You Know" lunchtime webinar series, MTA's Member Information Services team shares what you need to know about the transition of incoming (and outgoing!) officials between now and the start of the new township term of office. Visit <https://learn.michigantownships.org/p/nyk1> to register for immediate viewing.



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Open Meetings Act amended to allow limited electronic meetings

Townships, along with all public bodies, can conduct virtual meetings under Public Act 228 of 2020. The new law, sponsored by Sen. Lana Theis, (R-Brighton Chtr. Twp.), amends the Open Meetings Act to allow for electronic meetings under specific circumstances and for a limited period. The law deems electronic meetings that took place since March 18, 2020, are valid if the public body complied with requirements in the law, and permits **virtual meetings to continue until Dec. 31, 2020, for any circumstance.**

Beginning Jan. 1, 2021, through Dec. 31, 2021, *only*, any member of a public body could meet electronically due to: 1) military duty (which was already in law); 2) medical condition, defined as an illness, injury, disability or other health-related condition; or 3) a statewide or local state of emergency or state of disaster declared that would risk the personal health/safety of the public or members of the public body.

Additionally, the law requires any member of the public body—other than a member participating remotely due to military duty—attending a public meeting remotely after Dec. 31, 2020, to declare, and be included in the meeting minutes, that the member is attending remotely and the physical location (county, municipality and state) from which they are participating remotely. The measure took effect on Oct. 16, 2020.

Greater flexibility for AV ballot processing

A new law now in effect will aid in processing absentee voter (AV) ballots for the November general election. Public Act 177 of 2020, sponsored by Sen. Ruth Johnson (R-Holly Twp.), allows clerks in local units of 25,000 or more in population to begin pre-processing activities of AV ballots from 10 a.m. to 8 p.m. on the Monday before the Nov. 3 election only. The measure provides authorization to open AV ballot return envelopes and place returned ballots into a secrecy envelope (if the voter failed to do so)—but no AV ballots can be counted until Election Day. To pre-process AV ballots, clerks must have provided written notice to the secretary of state 20 days or more before the November election.

Additionally, clerks in all townships can schedule election inspectors to work in AV counting board shifts on Election Day. Clerks also must notify an elector within 48 hours or up until 8 p.m. on the day before Election Day, whichever occurs first, if their signature did not agree with a signature on file or was missing from an AV ballot application.

The law also includes requirements for ballot drop boxes, requiring video monitoring of drop boxes installed after Oct. 1, 2020, with authorization only provided to clerks, deputy clerks, or a sworn member of his or her staff to collect AV ballots from any existing or future installed drop boxes.

State's FY 2021 budget finalized; hazard payment deadline extended

In late September, the Legislature and governor approved the budget for the state's 2021 fiscal year (Public Act 166 of 2020), which began Oct. 1. The measure included no cuts to revenue sharing for local governments, with \$1.34 billion appropriated for total constitutional and statutory revenue sharing. Constitutional revenue sharing, allocated based on actual sales tax revenues, is slightly above the August consensus revenue conference estimate, and Cities, Villages and Townships Revenue Sharing was restored to the full FY 2020 level.

An extension for advance payments to eligible employees, from Sept. 30 to Oct. 31, was also approved for the First Responder Hazard Pay Premiums Program. The budget also contains \$600 million earmarked for road and bridge programs, and full funding for payment in lieu of taxes, including \$640,600 to reflect the current estimate of payments based on taxable values and millage rates. MTA's October *Township Voice* includes a more detailed breakdown of the FY 2021 budget.

Qualified error allowed for disabled veterans exemption

If there is an error that was not the fault of the disabled veteran, a board of review can now grant a disabled veterans property tax exemption, under Public Act 206 of 2020. Sponsored by Rep. Michele Hoitenga (R-Manton), the new law amends the definition of "qualified error" to include issues beyond the control of a disabled veteran or his or her unmarried surviving spouse that resulted in the denial of their exemption. The measure allows the opportunity to grant the exemption if there was a timely filed affidavit that was missed or misfiled by the local unit and not granted, or if there was a determination delay by the veterans' administration. The change is consistent with other types of errors of omission for one year. The change took effect on Oct. 16, 2020.

LCSA Act amended

A package of bills has been enacted to amend the Local Community Stabilization Authority (LCSA) Act, which creates rules and procedures for collecting and distributing local community shared revenue for local governments.

In 2018, legislation was enacted to reopen the reporting window for 2013-2015 taxable value calculations at the request of local governments to remedy miscalculations. However, the one-month reporting window created did not give entities sufficient time to correct the reporting. Public Acts 194-198 of 2020, effective Oct. 15, 2020, provide an additional opportunity for calculations and adjustments, including a window for municipalities to report any error made by the state Department of Treasury when calculating the millage on industrial and commercial personal property, new calculations for intermediate school district enhancement millages, and the removal of basic school-operating mills

from the calculation of a municipality's school-operating loss that had not been reimbursed by the School Aid Fund.

Sunset extended for rehabilitation of commercial properties

Local governments can continue to utilize tax incentive programs for rehabilitating commercial properties under two new laws. The Commercial Rehabilitation Act and Commercial Redevelopment Act provide exemptions that were set to expire on Dec. 31, 2020. Public Acts 217 and 218 of 2020, sponsored by Sen. Jim Stamas (R-Midland Chtr. Twp.) and supported by MTA, extend the sunset date for both acts until Dec. 31, 2025.

Longer period for bonding of dams approved

A measure to provide greater funding flexibility and a longer period for special assessments for certain projects is in place, as of Oct. 16, 2020. Public Act 221 of 2020, sponsored by Sen. Rick Outman (R-Belvidere Twp.), replaces the 10-year limit for bonds or notes issued for the cost of lake-level orders and dam maintenance and replacement projects, and allows a final maturity date of not more than 40 years after original issuance.

Legislation creates broadband grant program

While all agree the expansion of broadband is needed, a new law prohibits townships from applying or providing input on state grants to expand broadband. Public Act 224 of 2020, sponsored by Rep. Michelle Hoitenga (R-Manton), establishes a statewide grant program to expand broadband service to unserved areas, but prohibits local governments from access to the state funds—including the ability to participate in a public/private partnership. MTA was unsuccessful in our efforts to seek changes eliminating the local prohibition and to require local government input, stronger eligibility requirements and a shortened timeframe to provide opportunities for quicker broadband buildouts.

Option for local roads

Two new laws provide more flexibility for county and municipal road agencies. Public Act 152 of 2020, sponsored by Rep. Rodney Wakeman (R-Saginaw Chtr. Twp.), allows county road agencies greater flexibility when deciding where road funds are spent if it complies with the agency's approved asset management plan. Previously, statute required local road agencies spend 75% of PA 51 funding on primary roads and 25% on local roads in their communities. Under PA 152, more money could be spent on local road systems in many instances. PA 153 of 2020, sponsored by Rep. Andrea Schroeder (R-Independence Chtr. Twp.), creates the same flexibility for cities and villages. The acts took effect Sept. 17, 2020.

Sunset extended on court costs

Trial courts can continue to impose costs reasonably related to actual costs incurred by the courts for operation under an extension from Oct. 17, 2020, to Oct. 1, 2022. Public Act 151 of 2020, sponsored by Rep. Sarah Lightner (R-Tomkins Twp.), extends the sunset provision on imposing costs on

defendants after conviction of a crime related to actual costs incurred by trial courts for court operations. The measure took effect on Sept. 17, 2020.

Electronic signatures permitted for notaries public

Notaries public can use two-way, real-time audiovisual technology to perform notarial acts electronically under legislation pending signature as of press time. House Bill 6297, sponsored by Rep. Sarah Lightner (R-Tomkins Twp.), allows for the remote signing, witnessing and notarization of certain documents from April 30, 2020, through Dec. 31, 2020. The bill is part of a package, HBs 6294-6297, that put into law provisions of Executive Order 2020-187.

Coronavirus liability protections passed

Liability protection is provided for employers—including local governments—in compliance with all federal or state laws, local rules or regulations, executive orders or public health guidance from an employee's exposure to COVID-19 under recently signed legislation. House Bills 6030-6032 and 6101 set minimum requirements and establish standards for certain liability claims alleging COVID-19 exposure and certain product liability claims. The legislation also prohibits an employee from reporting to work under certain circumstances related to COVID-19, prohibits certain employer actions against certain employees and provides remedies. The measures are retroactive to March 1, 2020.

Tell your senator to oppose local preemption

A bill that is a direct attack on local zoning will be before the full Senate in early November.

Senate Bill 431, sponsored by Sen. Adam Hollier (D-Detroit), strips away local governments' already-limited authority over sand and gravel mining operations and location—treating all communities as if they are identical and creating a one-size-fits-all statewide process regardless of the size, length or location of the mining operation. Despite MTA engagement in workgroup negotiations this summer, the committee-approved version did not address concerns about local approval, groundwater contamination, noise pollution, previous court decisions or whether the remediation plan is sufficient to restore the site after the mining company is done with it.

"SB 431 is a blatant assault on every Michigan community's right to protect the quality of life for its residents and property owners, and plan its development and land use," said MTA Executive Director Neil Sheridan. "If SB 431 is enacted, those most affected by aggregate mining operations—the local government representing its neighborhoods, residents, schools and businesses—will have no voice on issues such as truck routes, blasting hours and dust control, all of which impact their property rights and value."

MTA testified again in opposition to the elimination of fair and sensible oversight from local governments over major mining operations that could have significant and lasting impacts for decades to come in their communities. **MTA urges all members to contact their state senator to vote against this bill.**

Legislative lowdown

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

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

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

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

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

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

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

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

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

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

SB 104 & HB 4179: Open Meetings Act—Allows additional remedies for OMA noncompliance to include attorney fees and allows a one-year window during which civil actions may be brought. *MTA opposes.*

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

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

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

SBs 725-726: Delinquent property taxes—Revises and expands delinquent property tax notification information required to be sent and allows a foreclosing governmental unit to withhold or cancel property for which a payment was made

for taxes levied after the levy of taxes on property subject to foreclosure under specific conditions. *MTA supports.*

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

SBs 946-947 & HBs 5779-5780: Qualified heavy equipment tax—Replaces the personal property tax on qualified heavy equipment rentals with a 2% excise fee for each rental. *MTA monitoring.*

SB 1145: Land use/zoning preemption—Limits local zoning regulation of vacation rentals and short-term rentals. *MTA opposes.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB 5762: Flooding and erosion—Creates a new task force for flooding and erosion issues. *MTA supports.*

HBs 5812-5817: Solid waste management—Revises, rewrites and reorganizes the laws regulating solid waste, including recyclables. *MTA supports.*

HB 6022: Medical marijuana—Prohibits operation of medical marijuana caregivers in residential neighborhoods unless allowed by ordinance. *MTA supports.*



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Gone virtual

Township meetings during COVID-19

One of the biggest shifts for many townships due to the COVID-19 pandemic is how township boards and commissions are able to hold public meetings—to continue township operations and services, in a manner compliant with federal, state and local guidelines and that protects the health and safety of officials and their residents. For township boards, their meetings are the only place that township business can be conducted—bills paid, payroll approved, and decisions made on how to continue to best serve the public during this trying, complicated time.



This spring, the Michigan Townships Association partnered

with the University of Michigan's Ford School for Public Policy on its COVID Consulting Corps project, to explore key issues involving the pandemic and its impact on townships and their operations.

This article includes excerpts from the UM CCC report exploring virtual meetings and how townships have adapted to continue conducting public business. Visit www.michigan-townships.org/coronavirus.asp to read the full report, and look for future *Township Focus* articles on additional reports.

As COVID-19 and its myriad restrictions and adjustments on all aspects of life have impacted—and continue to impact—township operations, our local governments have adapted to the new rules and requirements. Early in the pandemic, one of the first executive orders signed by Gov. Gretchen Whitmer was Executive Order 2020-15, allowing for “alternative means to conduct government business”—virtual or teleconference meetings, as long as public participation was possible. After the Michigan Supreme Court issued a ruling in early October effectively invalidating the governor’s executive orders, the state Legislature quickly reconvened to codify into law various actions or programs to be continued during the pandemic—including amending the Open Meetings Act (OMA) to allow virtual meetings, with certain timeframes and restrictions.

Inside the new law

Public Act 228 of 2020 allows townships to, under specific circumstances and for a limited period, conduct virtual meetings. The bill was signed into law just prior to *Township Focus* press time (in fact, the magazine production was held to allow us to provide the most up-to-date information for our readers). The new law, sponsored by Sen. Lana Theis (R-Brighton Chtr. Twp.), allows for electronic meetings without an executive order suspending current OMA requirements. MTA supported the new law, which deems electronic meetings that have taken place since March 18, 2020, valid if the public body complied with the requirements contained in the law. Additionally, PA 228 allows virtual meetings to continue until the end of the year for any circumstance. For 2021 *only*, any member of a public body can participate electronically due to the following:



included in the meeting minutes, that the participant is attending remotely, and specify the county, municipality and state from where they are attending. If the meeting is held electronically to accommodate members absent due to military duty or a medical condition, only those members can participate remotely. In the case of a state of emergency or disaster, a meeting could only be held electronically to allow the virtual attendance of one or more members who lives in the affected area or to allow the electronic meeting of a public body that regularly holds its meetings in the affected area.

Under the law, two-way communication allowing all members of the public body as well as the public to hear all participants is required, as well as the ability for the public to participate in the meeting. Typed comments during the public meeting satisfy the public participation requirement. The public body cannot require a person to register or provide his or her name or other information as a condition of participating in an electronic meeting, or require a person to otherwise fulfill a condition for attendance. Members of the public must be excluded from any closed sessions held electronically.

In addition to other notice requirements, if the township maintains a website, advance notice that the public meeting is being held electronically must be posted on the site at least 18 hours before the meeting, in a location “fully accessible to the public” either on the homepage or a page—linked from the homepage—dedicated to public meeting notices. The notice must explain why the public body is meeting electronically, how the public may participate (including phone number or web address), how the public may contact members of the public body to provide input or ask questions on business that will come before the body at the meeting, and how people with disabilities can participate. A meeting agenda, if it exists, must be posted on the site at least two hours before the virtual meeting begins, but may still be amended during the meeting.

Benefits—and obstacles—of virtual meetings

Townships began hosting purely virtual meetings almost immediately after the first executive order allowing it was issued on March 18. Many have continued to do so, in accordance with subsequent executive orders and now PA 228, while others host hybrid meetings with both in-person and virtual components. Still others have held public meetings in person while social distancing and wearing masks.

Some officials have been pleased with the option to continue their township’s operations in a more-virtual fashion, while others prefer the face-to-face manner of meeting. In mid-June 2020 (somewhat early in the pandemic), the University of Michigan COVID Consulting Corps (UM CCC) asked township officials for their opinions on virtual meetings. Through surveys and interviews, hundreds of townships shared their virtual meeting success stories and struggles. The survey revealed that:

- Nearly 72% of survey respondents said that their township had held, or tried to hold, a virtual meeting (including meetings held by conference call).

- Military duty (which was already allowed by law)
- Medical condition, defined as an illness, injury, disability or other health-related condition
- Statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of the members of the public or public body if the meeting were held in person

After Dec. 31, 2021, only those absent due to military duty can participate in a public meeting by virtual means, and the meeting for all other members must be in a physical meeting place.

Under PA 228, when a virtual meeting is permitted, a physical place is not required for a virtual meeting, and all members of the public body participating in the meeting are considered “present and in attendance” for all purposes, including purposes of a quorum and voting. For each member participating remotely for a reason other than military duty, it must be announced at the beginning of the meeting, and



Nearly 72% of townships responding to a recent MTA and University of Michigan survey said that their township has held, or tried to hold, a virtual meeting.

- More than half of respondents—59%—who are holding virtual meetings are using the platform Zoom, which allows for both call-in and video participants, and is reasonably priced for unlimited meeting times. Additional platforms being used are GoToMeetings.com, Webex and AnyMeeting. Another 16% use the audio-only service FreeConferenceCall.com.

Holding virtual public meetings while complying with the executive orders and now the newly amended OMA is a complex challenge with benefits and obstacles. Feedback from survey respondents on their overall virtual meeting experience was mixed—with some saying their experience was negative and downright exasperating, other townships that gave it one try before returning to in-person meetings, and still others taking time to work out the kinks. Some said their experience went well from the get-go. “It worked like a charm,” noted one respondent, with another saying that, “Just about everything worked well. I think it provided even greater access to the public who could attend and provide public comment by phone or Zoom app. It was truly accessible.”

Others cited issues and frustrations, from meeting decorum, technology hiccups, video buffering, difficulty navigating the platforms, background noise and more. One respondent said of their virtual experience during their April meeting, “It did not go well, in my opinion. When I tried to talk, others talked over me. The audience was not muted, so their comments were heard throughout, making it difficult to know what board members were saying.”

Noted another respondent, “The platform itself worked well, but our rural internet is poor so some members were cutting in and out during meetings. My overall impression was that it was adequate for getting work done, but made actual discussions more cumbersome and less free-flowing.”

After an adjustment period, and getting used to the new manner of meeting, some townships felt like the switch was beneficial to the community. “It worked very well and public participation increased by streaming the Zoom feed on Facebook Live,” noted one township official. “Aside from a brief learning curve, I wouldn’t categorize anything as ‘not working well.’ Prior to COVID, our township did not stream videos of meetings at all.”

A divide over preference on a permanent option

In its survey early in the pandemic (and thus prior to the passage of PA 228), the UM CCC team asked MTA members their thoughts on whether virtual meetings should be allowed as a permanent option following the social distancing and pandemic restrictions. MTA’s membership was divided over virtual meetings.

- 48% of respondents opposed making virtual meetings a permanent option, while 52% supported it.
- Of those who supported virtual meetings, 37% believed they should only be a near-term option, while 57% believed virtual meetings should be a permanent option. The rest were undecided.

MTA members said that hosting public meetings virtually offered a host of benefits as well as some drawbacks. The 52% of surveyed township leaders who favor virtual meetings cited four main benefits:

- **Public health and safety.** Townships can continue necessary business without putting the health and safety of the public and members of public bodies at risk, both during the current pandemic and in other emergency situations.
- **Convenience.** Virtual meetings allow participants—both officials and the public—to join remotely, saving travel time and allowing the township to conduct business, even if there is not an in-person quorum.
- **Accessibility.** Constituents who may have been unable to attend in-person meetings for a variety of reasons (health, childcare, work, etc.) may find it easier to participate in virtual meetings. Online meetings can offer more accessibility options to the hearing impaired, who can take advantage of closed captioning or an American Sign Language interpreter. Additionally, participants without internet/computer access can still call in to an online meeting. Virtual meetings can also provide technical options, like screen sharing, that can enhance meetings.

- **Public body recruiting.** Potential members of public bodies who could not commit to attending every meeting in person may be able to commit to attending virtually.

Survey respondents also noted that allowing residents and township officials to participate in meetings virtually offers greater access to township residents who may lack transportation.

Not all township officials preferred virtual meetings or felt the need for a permanent option. Among the concerns cited by those township respondents in the UM CCC survey:

- **Broadband access.** Some townships, particularly small, rural ones, do not have the internet access required for all residents to reliably access online meetings.
- **Potential exclusion.** Residents and members of public bodies who are not tech-savvy and/or do not have the necessary devices or internet service to access virtual meetings may not feel comfortable or be able to participate in the meetings via video conferencing (though participating via phone is an option for those with insufficient internet access).
- **Residency concerns.** Virtual meetings allow residents and interested parties who are not geographically close to the township to attend meetings—allowing those who may not be a part of the community to participate.
- **Cybersecurity concerns.** Virtual meetings, including closed sessions, are at risk of being hacked (e.g., “Zoom-bombed”).

You've got options

Although there may be some obstacles or even resistance to holding virtual public meetings, they have been necessary for many townships while the COVID-19 state of emergency was in effect. Those townships that make use of virtual conferencing tools must be equipped to host such a meeting and know what tools are right for their region. Virtual meetings can be held via phone, video conferencing, or in a hybrid situation (a mix of in-person and virtual):

Audio/phone-only meetings

Audio-only conference meetings are ideal for townships in which a significant portion of residents have limited broadband internet access. They allow townships to hold public meetings that meet the two-way communication requirements of the OMA (including PA 228 requirements), with the fewest technical barriers.

Requirements and equipment

- Each participant needs a mobile or landline phone
- Additional useful hardware: headsets with microphones, earpieces and conference phones

Video/online meetings

Video/online meetings are ideal for townships with adequate broadband internet access. They allow participants to share video and provide visual feedback, and therefore, offer

CASE STUDY: Chikaming Township

From the start of the pandemic, **Chikaming Township** (Berrien Co.) conducted hybrid in-person and video-conference public meetings. The township purchased the Pro version of Zoom, and used features such as muting participants, screen sharing, participants using the phone-only option, and hand-raising for public comment.

The township found both benefits and drawbacks to the video-conferencing format. Benefits included convenience and reduced health risks due to the de facto social distancing, and increased attendance. In addition, residents who live out of town for some months of the year were able to participate. The township posted the information so that residents could easily join the meeting. “We showed the Zoom join info and password,” said Supervisor **David Bunte**. “We posted in front of our township hall, and on our website—our same procedures, and posted on social media.”

Drawbacks included poor sound quality and delays, and spotty connectivity for some participants; these issues were not easily solved. In addition, participants found that it became more difficult to understand other participants’ emotion and body language as a result of meeting virtually.

“Be clear and honest with the public,” Bunte said of navigating the world of virtual meetings. “Ask for participants’ patience, acknowledge that township functions will not be the same as in-person. The increased public participation is a positive.”

Chikaming Township continues to offer hybrid virtual/in-person open meetings to accommodate the state Department of Health and Human Services in-person gathering limits. The township may revert back to socially distanced, all in-person meetings while reserving the option to add a virtual component upon resident request, but officials also will want clarification from the state on those rules.

Bunte believes that the change brought on by the pandemic was a long time coming. “Virtual meetings and the Open Meetings Act were a topic before pandemic,” he said. “This has forced the issue.”



CASE STUDY: Oxford Charter Township

Once the governor issued the first executive order temporarily suspending the Open Meetings Act requirement for a quorum to be physically present, **Oxford Charter Township** (Oakland Co.) began hosting public meetings using an all-virtual, video-conferencing format, using the Zoom platform—and purchased Zoom Pro, so that meetings could last any length of time.

There have been several benefits, as well as some minor challenges associated with adjusting to the new video-conferencing format. Township officials have appreciated the increased convenience and reduced health risks as a result of the format's de facto social distancing. They have also avoided any difficulty of hearing fellow meeting participants that may arise at an in-person meeting from social distancing and muffled speaking while wearing a mask.

Health and safety concerns about transmission of the virus played a role in the decision to go to virtual video meetings. "It was too uncertain to have in-person meetings, especially when virtual meetings are a great substitute with necessary functionality," said Treasurer **Joe Ferrari**. "The flexibility of virtual meetings is very helpful.

"The main benefit is safety during coronavirus, especially for the immunocompromised and those with immunocompromised or elderly loved ones," he continued. "The virus took virtual meetings from 'nice to have' to essential for safety."

Converting to this format has required that participants make slight adjustments. One common issue is that participants' video will freeze and they have to exit the application and log back on. These delays usually last no more than a minute or two. In addition, participants physically raise their hands to request to speak, which feels odd compared to an in-person meeting. (They do not use Zoom's "raise hand" feature.) For security purposes, the township uses Zoom's "Waiting Room" feature so that the meeting monitor can speak with an incoming guest to confirm the guest is present for the right reasons, to prevent "Zoom bombing," which happened once at their meeting prior to implementing this protocol.

Officials are careful to prepare for online meetings as they would for in-person meetings. This often means having documents printed so that their laptop screen can be reserved for screen sharing in the Zoom meeting. Ferrari recommended, "Have everything in front of you; printing at least some of the shorter documents helps, so you don't have to switch between a lot of digital documents on a computer screen. People can see when you're not paying attention."

While some township officials were initially nervous about the transition to video-conferencing, they adjusted to the new technology and protocols after the first or second online meeting. "Elected officials have to evolve to serve their communities," Ferrari said.

higher-quality interaction than voice-only meetings. Also, video/online meetings offer more accessibility options to the hearing impaired, who can take advantage of closed captioning or an American Sign Language interpreter. Additionally, participants without internet/computer access can still call in to an online meeting.

Requirements and equipment

- Each participant needs a computer or mobile device with reliable internet access (800kbps/1.0Mbps)
- Microphones, speakers and cameras, either built-in or attached, are necessary for participants to be seen and heard in the meeting
- Additional useful hardware: headphones, headsets with microphones

Hybrid meetings

In-person meeting attendance may not be advisable under social distancing guidelines and Michigan Department of Health and Human Services (MDHHS) emergency orders limiting gatherings, and are not required for a quorum through the end of the year under PA 228. But some township board members do prefer to have a physical meeting place, often because board members are not comfortable using virtual meeting software—or may have a conviction that they should act in person, in front of the public. However, the OMA does not allow people to be turned away from the open session of an open meeting. If an in-person meeting will exceed the meeting room capacity, MTA Legal Counsel advise that the meeting must be adjourned, or moved to a larger (or outdoor) location, which may be done immediately, or by recessing for up to 36 hours (without having to renounce the meeting).

Holding an in-person meeting may still require the township to provide at least a "hybrid" option—a combination in-person and virtual meeting—because it may be one way to encourage people to attend, but emphasize their ability to attend and participate virtually without putting the township in violation of the MDHHS orders for its in-person presence.

Requirements and equipment

In the physical meeting place

- Each attendee must be able to hear everyone participating remotely (by phone or online) and see any written comments, if allowed to be provided via a chat function, for example
- At a minimum, speakers or a conference phone with speakers in the physical meeting place must allow in-person participants to hear all virtual participants
- Screens/monitors in the physical meeting place may be used to allow all in-person participants to hear and see all virtual participants

Providing virtual access through a teleconference for mobile or landline phones

- A conference phone in the physical meeting place designed to pick up multiple voices could help virtual participants hear in-person participants
- Additional useful hardware for persons participating by phone: headsets with microphones, earpieces

Providing virtual access through an online service, like Zoom, so participants may join by computer, or mobile or landline phones

- Microphones in the physical meeting place can help make sure all in-person participants can be heard
- Cameras, either motion-sensing or static, in the physical meeting place can help display the in-person participants to the virtual participants
- Additional useful hardware for persons participating by computer or phone: headsets with microphones, earpieces

Best practices for virtual meetings

Virtual meetings are uncharted territory for many township officials—as well as for the public listening in or watching—but under PA 228, they remain, in limited situations for a limited time. Here are some best practice tips and suggestions, based on feedback from township officials and research into this new realm.

Participation by members of the public body

The UM CCC report notes that roll call votes are the clearest way to make decisions during a virtual or hybrid meeting. Like all public meetings—virtual or not—members of the public body should be careful not to deliberate or make decisions via private electronic communications, including text, email and chat, outside of or during public meetings.

Closed sessions are allowed in virtual meetings. Members of a public body, and other required attendees, can leave the public meeting and join a separate meeting/conference call to conduct a closed session. After the closed session, members of the public body must return to the public meeting to make decisions or conduct further business—even if it is only to adjourn the meeting.

Facilitation

It is helpful, the UM CCC report notes, for a designated facilitator, such as another board member or administrative staff, to assist the meeting moderator. The facilitator can act as conference call/meeting “host,” to assist in providing technical support and managing procedures.

Security

Regardless of which method of virtual meeting your township may choose, it is important to check that the service terms of the meeting platform you have chosen do not automatically record calls or meetings, or use them for any purpose, without your permission. For teleconference or hybrid meetings, board members can use a “call count” feature to determine how

CASE STUDY: DeWitt Charter Township

At the beginning of the pandemic, **DeWitt Charter Township** (Clinton Co.) used a hybrid socially distanced, in-person public meeting format combined with a virtual attendance option. However, an agenda topic that generated a lot of interest made the in-person option too risky by potentially violating either the then-executive order with high attendance or the Open Meetings Act by turning away the public. Consequently, the township shifted to all-virtual public meetings. They were deterred from using video-conferencing because they had heard stories of Zoom-bombing and their board members have differing technical ability levels. So, they decided on phone-only meetings.

DeWitt Charter Township uses FreeConferenceCall.com to host meetings, requiring just a landline or cellular phone. The meeting “host”—the township clerk—uses a laptop to manage the meeting online. As the host, the clerk can monitor who is on the conference call, and mute and unmute participants to reduce background noise. Participants are instructed to join the call between five and 15 minutes before the official start time. The clerk calls roll and announces membership and guests.

During the meeting, the chairperson facilitates the agenda. All votes are by roll call vote. Guests may only speak during designated comment periods, and only one person may speak at a time. Just like in-person meetings, the teleconference meetings are “completely structured,” said Supervisor **Rick Galardi**, adding that the board uses consensus-building decision-making, with broad, round-table discussion among officials, along with public comment, to come to decisions.

While contentious topics have still come before the board, the virtual meetings continue to run smoothly. With as many as 50 to 70 call-in public participants in recent meetings, Galardi noted that each person who wanted to chance to speak had that opportunity—all within a shorter meeting time than typical in-person meetings. This way of meeting can only help to foster future public service, Galardi and his fellow board members believe.

“We are convinced that this type of meeting is necessary to help prepare future generations for public service on local government boards, commissions and councils—COVID just brought it to the forefront,” he said. “We’re all in on this.”

many participants are on the call. Some services, including FreeConferenceCall.com, provide an online dashboard for managing participants as well as reports on who joined the call.

We’ve all heard the horror stories about meetings getting Zoom-bombed. To ensure that this does not happen during a virtual township meeting, it is critical to download updates regularly—they often include security updates. Use of waiting rooms and passwords can also provide additional security. Townships must follow OMA requirements, including 1) not requiring participants to identify themselves by name, and 2) posting the password along with the meeting link.

cover story

Recordings

Most audio and video services can record teleconference (phone) and video meetings, which can be helpful in writing meeting minutes. Some services, including Zoom, send the chat transcript to the host after the meeting. However, a board may wish to consider disabling the chat function in video meetings, since it carries some risk for violating OMA requirements, if a quorum of the public body uses it to interact and the public cannot see the chat.

Also, these recordings are subject to the Freedom of Information Act (FOIA) while they exist. Notes or recordings of the open session of a public meeting may be destroyed the day after the minutes are approved, unless a FOIA request has been received before they are destroyed.

Public participation

As provided in the OMA, public participation must be included in any virtual meeting. Considerations to keep in mind:

- If you know an agenda item is going to be controversial, consider holding the meeting only virtually to minimize the risk of violating public gathering rules
- The OMA does not allow public bodies to require the participants identify themselves in open meetings
- Public bodies can make reasonable rules and procedures for those wishing to take part in public comment periods, or making statements during a public hearing
- Most services, including FreeConferenceCall.com and Zoom, have features that allow participants to mute/unmute themselves and allow hosts to mute/unmute participants, which can minimize disruptions
- Written public comments received during the meeting should be read out loud during the meeting to satisfy OMA requirements

By now, most of us have been involved in a virtual meeting where the screen glitches, the video drops or the speaker freezes mid-sentences. Technology is so often our friend—until it isn't. When tech problems arise, the best approach is to be honest and open, acknowledge that a virtual or hybrid meeting may offer different challenges than an in-person meeting, but everyone is doing their best to be transparent while conducting necessary business. Similarly, when other “work-from-home” distractions arise, briefly acknowledge the disruption, address the issue as quickly as possible, and then return to the meeting agenda.

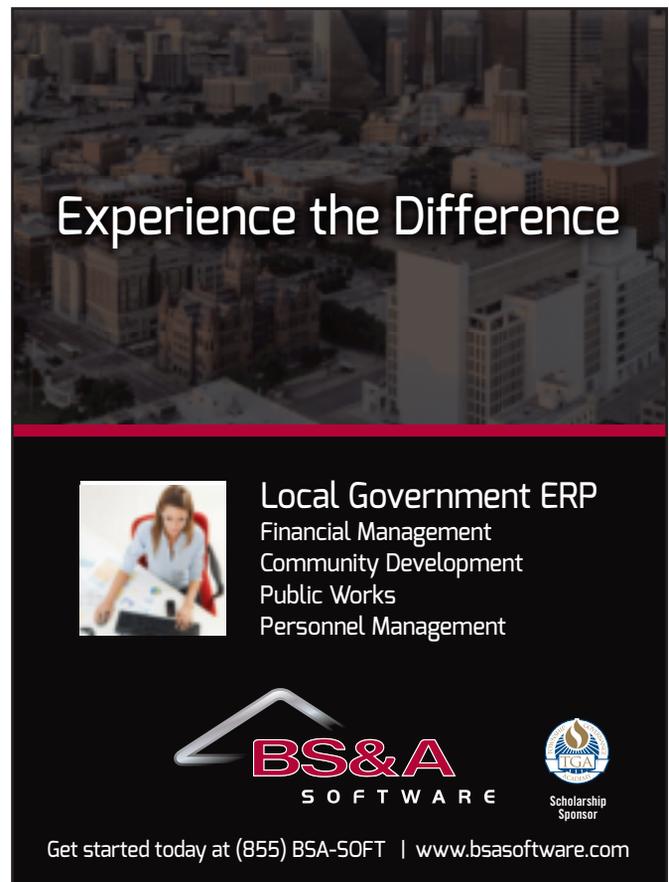
The broadband barrier

In the UM CCC survey, among those respondents whose townships had not held or attempted to hold a virtual meeting, nearly 41% said this was due to insufficient internet access. Among the 57% respondents who cited “other reason,” 36% identified “internet” as the reason. Internet access was also cited as a problem by 10% of respondents to the UM Michigan

Public Policy Survey question about virtual open meetings during the pandemic. Townships reported internet issues in every region, though they were slightly more concentrated in the northern Lower Peninsula, west central Lower Peninsula and Upper Peninsula. Almost all of the internet access issues were reported by townships with fewer than 5,000 residents.

Internet service providers have limited profit potential in rural areas and are not incentivized to build infrastructure without government funds. While efforts have been made to encourage state and federal government funding to support rural-area broadband infrastructure, significant progress is yet to be made. Allowing townships to host virtual meetings while broadband remains inaccessible to some townships has the potential to leave these townships further behind, widening the gap between suburban and rural townships. A short-term option is for limited-access areas to host virtual meetings via conference calls on platforms such as FreeConferenceCall.com.

According to the UM CCC survey, 37 townships (13% of respondents) reported that they did not hold or attempt to hold a virtual open meeting due to lack of internet access in their township. Some townships that responded they are “internet deficient” said they wanted the option to host virtual meetings, while others said they do not want the option but cited lack of internet or equipment as reasons why they don't want the option.



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Adapting while continuing to serve

Throughout the past seven-plus months, every township has weighed the considerations, evaluated the options and ultimately decided on the manner of meeting that best fits their board and their community. For the immediate future, many townships will continue to hold virtual meetings, especially as the pandemic remains unresolved. MTA will continue to provide our members with advice, information and resources so they can continue to provide quality service and township operations to their communities as we navigate through these changing times.

Alex Serwer and **Lindsey Dowswell**, Ford School of Public Policy COVID Consulting Corps, University of Michigan

Michael Payne and **Gina Spelman**, School of Information Citizen Interaction Design, University of Michigan

Read the full COVID Consulting Corps "Virtual Meetings Reference Guide for Townships" at www.michigantownships.org/coronavirus.asp.

MTA's Coronavirus Resources for Townships webpage also includes an updated fact sheet with information on holding township meetings during the pandemic, numerous virtual meeting resources for townships, including sample meeting notices, platform options and more.

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Our building official is provided with a township vehicle to perform her duties. Our vehicle policy prohibits personal use, but the board has given the building official approval to drive it home every night. Since it is a marked vehicle, are the commuting miles taxable?

The exclusion from taxable income for marked vehicles applies only to very specific vehicles. The IRS ruled in Internal Revenue Bulletin 2010-23 (available on www.irs.gov) that a qualified nonpersonal-use vehicle is any vehicle the employee is not likely to use more than minimally for personal purposes because of its design. Qualified nonpersonal-use vehicles generally include all of the following:

- Clearly marked police and fire vehicles
- Unmarked vehicles used by law enforcement officers if the use is officially authorized
- An ambulance or hearse used for its specific purpose
- Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds
- Delivery trucks with seating for the driver only, or the driver plus a folding jump seat
- A passenger bus with a capacity of at least 20 passengers used for its specific purpose
- School buses
- Tractors and other special-purpose farm vehicles



If the use of the vehicle is taxable, how do we calculate the taxable income?

“Personal use,” which generally includes commuting miles (driving back and forth to work), is a taxable benefit, and since it is not paid to the employee, the value of the use has to be calculated. The “imputed income” is reported on Form W-2, and is subject to federal taxable wages, and Social Security and Medicare taxes, if applicable. The township can make this calculation by generally selecting from four different methods:

General valuation rule

This method is determined by the cost an individual would incur to lease the same vehicle under the same terms in the same geographic area.

Automobile lease value rule

Under the “lease value rules,” the employer determines the

fair market value of the vehicle on the first day it is made available to the employee, then uses a table provided by the IRS (see Publication 5137) to determine the amount of taxable income. This is calculated by multiplying the “fair market value” from the table by the personal miles of the vehicle/total miles driven. If fuel is provided, add 5.5 cents per mile driven by the employee to the table lease value.

Vehicle cents-per-mile rule

To use the vehicle cents-per-mile method, the vehicle must have at least 50% or more of the annual mileage each year as business miles, have a fair market value below \$50,400 miles (2020 value; adjusted annually for inflation), and be driven more than 10,000 miles per year total. If these conditions are met, value the employee’s personal use by multiplying the personal miles by 57.5 cents per mile.

Commuting value rule

The value is calculated by multiplying the number of trips by either \$1.50 (one way) or \$3 (round trip). However, there are a number of conditions that must be met to use this method:

- The vehicle is owned or leased by the township and provided to the employee for use in conjunction with township business.
- The township requires the employee to commute to and/or from work.
- The township has a written policy prohibiting the employee (and their family) from using the vehicle for personal use other than commuting to and from work. Further, the township enforces this policy.
- The employee is not a “control” employee, which includes elected officials and individuals making at least \$125,000 in the preceding year.

Here are a few tips for determining which method to use to calculate the use of a personal vehicle:

- If the township uses the cents-per-mile or annual lease valuation method, it must use it for all subsequent years the township provides a vehicle to an employee.
- The same special valuation method doesn’t have to be used for all township-provided vehicles or for all employees.
- If there is one township-provided vehicle used by multiple employees, the same valuation method must be used for all employees using that vehicle.

Personal use of a township vehicle is reported on Form W-2 in boxes 1, 3, 5 and 14, and on Form 941 on lines 2, 5a and 5c.

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.

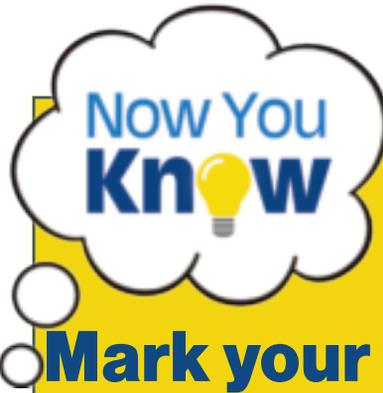
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We all need a little extra flexibility these days. That's why we created **MTA Online**, our new, township-focused online learning plans that let YOU choose when, where and even what you learn. These annual subscriptions offer deeply discounted package pricing that provides access for your entire township team. When you sign up for an **MTA Online Premium Pass** subscription, you'll get:

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Our MTA Online annual subscriptions are available in three different levels, to fit your township's needs and budget. Visit www.michigantownships.org/mtaonline.asp to see what's included in each package and pricing for each level.



Mark your calendar ... first week of every month

Don't miss MTA's lunchtime learning series, **Now You Know**. Held from noon to 1 p.m. during the first week of the month, our Member Information Services team, MTA staff and other experts will tackle timely topics, allowing you to get your questions answered—all in just one hour!

Upcoming topics include:

- Nov. 6:** Election Wrap-up
- Dec. 2:** Inside the Lame-duck Session
- Jan. 6:** Welcome New Officials!
- Feb. 3:** Looking Ahead to the New Legislative Session
- March 3:** Budgeting ... It's a Process

Cost is only \$25. MTA members can register online now and pay later. Visit <http://bit.ly/NYKSeries> **TODAY** to learn more or to register.

Can't participate live? Watch it on demand in our Online Learning Center later, at your convenience.

Our thanks to series sponsor



63

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Upcoming online education Treasurers' Guide to Tax Collection

Calling ALL treasurers, deputies: MTA webinar offers the tax-collecting tips you need

Collecting property taxes is a highly visible duty of the township treasurer's office. It comes with **significant responsibility**, not only for the large amount of money collected, but also for compliance with the General Property Tax Act. Whether you are a seasoned treasurer, newly elected, a deputy treasurer or an employee who has some responsibility in this important function, MTA's upcoming **virtual workshop on tax collecting** is a must!

Join us on **Nov. 24** (beginning at 10 a.m.) or **Dec. 3** (starting at 1 p.m.) to get an overview of the tax-collecting process, from start to finish. Your registration includes access on **both** dates—allowing you to take part whenever works best for you! (*Sessions will also be available on demand for registrants following the event.*)

Taught by Cindy Dodge, MTA's Member Information Services liaison, this virtual event offers both recorded sessions and live Q&A. Topics include:

- Getting started
- Preparation of the tax bill
- Summer taxes
- Winter taxes
- Accounting for and disbursement of collections
- Settlement
- Delinquent personal property tax

In addition to discussion on **applicable laws**, we'll also offer **practical techniques** as well as a review of **best practices**.

Special bonus!

Participants will receive the *Treasurer's Record Retention Schedule #29* and the State of Michigan's *Accounting Procedures Manual for Local Units of Government in Michigan*.

Visit www.michigantownships.org/upcoming_train.asp to register today! Members may register online now and pay later; select bill my township when checking out. Questions? Call (517) 321-6467 or email education@michigantownships.org.



Continue learning with MTA's *Treasurer's Guide to Township Government!*

Participants may also purchase MTA's *Treasurer's Guide to Township Government*—an essential resource for all township treasurers in Michigan—at the discounted rate of \$37 when registering for the class.

F A L L

into savings

At MTA, we are honored for the opportunity to educate Michigan's township officials and decision-makers year-round. We know that your busy schedule might not allow you to participate in training the day it's offered. That's why we record each session and add it to our Online Learning Center for you to watch, and learn, at your convenience.

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New releases

Elections Tips and Fundamentals

- Tips and Tricks
- Election Workers
- The Impact of Proposal 18-3 and COVID-19
- Lessons Learned from the August Primary
- Elections Security

Emerging Issues in Planning & Zoning

- Taking Your PC & ZBA Meetings Virtual
- Mining Operations & Short-term Rentals
- Intro to P&Z for Wind and Solar Energy
- P&Z for Utility-Scale Solar Energy

Hot Topics for Township Fire Departments

- Fire Protection for Marijuana Facilities
- Hot Topics from the State Fire Marshal
- Emergency Preparedness Programs

Popular webcasts

- Cemetery Management
- Exploring Revenue Sources
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More on planning & zoning

- Introduction to Planning & Zoning
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- Writing & Adopting Ordinances

Township Governance Academy, too!

Nine of the 11 required courses are now available on-demand.

The people's land

Providing input on the state's public land strategy

Whether it's a picturesque Great Lakes shoreline where people flock for a day at the beach, a state forest that's vital to the timber industry and filled with recreation opportunities for everyone from hikers to snowmobilers, or a game area, park or trail that offers a chance to get close to nature not far from home—chances are, your township or part of the state has public lands that benefit residents and businesses.

And chances are, the Michigan Department of Natural Resources (DNR) has a hand in taking care of those public lands, either directly or in collaboration with other agencies.

"These are lands where any of us can go and enjoy a number of activities," said Scott Whitcomb, DNR senior advisor for wildlife and public lands. "And the DNR is a big part of that because we partner with locals, we partner with the federal government, and we strategically manage 4.6 million acres of it with a lot of valuable input."

The DNR is responsible for more than four million acres of public lands owned by Michigan residents. This includes 3.85 million acres of state forests, 363,000 acres of state parks and 364,000 acres of state game, wildlife and waterfowl areas. It includes places from the tip of the Keweenaw Peninsula to Detroit and everywhere in between.

"These are some of the areas that people often think about—Tahquamenon Falls or Porcupine Mountains State Park or Pigeon River Country State Forest—and also areas in southern Michigan like Belle Isle or some of our game areas," Whitcomb said. "So that's a big footprint."

Managing such a large and varied collection of public lands takes consideration, planning and input. In 2013, a strategy was created to provide a framework for conserving and managing public lands to ensure their best use for the benefit of Michigan residents and visitors and the state's natural resources.

"Nearly every acre of DNR-managed land is actively managed for multiple uses and values with consideration for timber production, oil, gas and mineral development, fish and wildlife and their habitats, resource protection, recreation, resource functions, cultural significance, and public access," the 2013 managed public land strategy explained.

Now in the process of updating this strategy, the DNR is seeking input from people and stakeholders around the state, including local government.

"While the reasons people use and value them vary, one thing remains constant—when public lands are well taken care of, they contribute significantly to the health of Michigan's residents, environment and economy, in many ways driving our quality of life," said DNR Director Dan Eichinger.

Careful, thoughtful management of these lands ensures plentiful outdoor recreation opportunities across the state, offering residents and visitors places to go off-road, put a boat in the water, hunt, camp, hike, watch wildlife and learn about history—to name just a few options.

The condition and availability of these outdoor spaces close to home are now more critical than ever, with more people out enjoying Michigan's natural resources during the COVID-19 pandemic.

"Hiking a wooded trail, fishing a trout stream, paddling a lazy river—the comfort provided by these outdoor activities underscores the value of Michigan's public lands and the need to manage them carefully," Eichinger said.

People are flocking to public lands in unprecedented numbers, with activities like turkey hunting and visiting state parks seeing significant increases. Data shows that—compared to the same time frame in 2019—in recent months, the number of spring turkey hunters increased 27%, the number of anglers increased 11%, off-road vehicle license sales were up more than 17%, trail use climbed almost 25%, and average monthly attendance at Belle Isle Park rose 18%.

"Public lands are getting used more than ever," Whitcomb said. "They offer a chance to get away, social distance, get some fresh air and exercise, and enjoy the health benefits that come with that—getting out in nature helps calm nerves, clear the head and lower blood pressure."

DNR-managed public lands play a significant role in supporting many aspects of Michigan's economy, drawing millions of visitors and helping drive Michigan's \$20 billion-plus tourism industry, offering abundant locations for activities like hunting, fishing and wildlife viewing that contribute billions to the state's economy and supplying timber for the \$21 billion-plus forest products industry. Public lands the DNR manages also strengthen the state's environmental health, serving functions like air pollution removal, water quality protection and storm water management.

These public lands do not require the same level of services as private ownership, and local governments with DNR-managed public land ownership receive payments in lieu of taxes (PILT). The state makes these payments to local units of government in lieu of property taxes for every acre of land owned by the state and administered by the DNR. Learn more at www.michigan.gov/dnrpilt.

The public land strategy seeks to strike a balance among the many ways these lands benefit Michigan and its residents. An updated strategy, which must be submitted to the Michigan Legislature for consideration and approval by July 1, 2021, will explain why a public land base is important and provide goals, strategies and measurable objectives to guide the DNR in protecting and preserving Michigan's natural and cultural resources; providing spaces for quality outdoor recreation opportunities; and promoting natural resources management.

As the 2013 strategy explains, "The North American Model of Wildlife Conservation and the Public Trust Doctrine, the foundations that drive the acquisition and management of public lands, both rests on the principle that wildlife and, more broadly, natural resources belong to everyone."



Managing a large and varied collection of public lands takes consideration, planning and input. Now in the process of updating its land management strategy, the state Department of Natural Resources is seeking input from people and stakeholders around the state, including local government.

Gathering input, seeking local involvement

Because all Michigan residents own the state's public lands and natural resources, broad participation in the update process is key to ensuring a strong, comprehensive strategy.

"We have 83 counties, 10 million people, and public lands look different depending on where you are—in Iron County versus Wayne County, for example," Eichinger said. "We're aiming to manage these lands in a way that benefits all residents and ensures healthy natural resources in all areas of the state, not just rural, not just urban. We want to make sure we're considering everyone and looking at this plan through the lens of diversity, equity and inclusion."

As part of the strategy update process, the DNR is collaborating with hundreds of stakeholders and continuously working with local government organizations to hold interactive virtual meetings to gather input and ensure local involvement. The DNR also hosted a series of virtual public meetings to ensure broad opportunities for resident participation. These meetings were recorded and are posted on the DNR website to give those who were unable to attend the chance to be involved. Additional opportunities for engagement at all levels will continue throughout the development of the strategy update.

More details about the strategy—as well as information like county maps of publicly owned lands managed by the DNR—can be found at www.michigan.gov/publiclands. Drafts and components for public review and comment will be posted to the website throughout the update process.

"We want to make sure the voice of local government is heard," Whitcomb said. "Let us know what you're thinking and whether the draft plan reflects your community's needs and goals."

With local officials' input, and that of people from around the state, we can plug into the power of public lands to help Michigan thrive. The DNR is accepting public input about the strategy update process via email at DNR-LandStrategy@michigan.gov.

aroundthe**state**

townships in the spotlight



Springfield Charter Township

Springfield Charter Township (Oakland Co.) was established on March 2, 1836.

One of the first settlements was developed along the Detroit and Saginaw Turnpike, now known as Dixie Highway. The first township meeting was held in the spring of 1837 and focused on surveying and maintaining roads, organizing and financing schools, and solving problems of a rapidly growing community. The first post office was located in the Village of Springfield on the Detroit to Saginaw Trail in 1835.

The then-Detroit and Milwaukee Railroad was built in 1856 and contributed to major growth in the township, which had two stations. Agriculture was a pillar of the economy, and train stations allowed local farmers to ship produce and livestock and to receive needed supplies.

In 1924, the Dixie Highway was paved from Pontiac to Flint. Agriculture was already declining as a major economic activity in the township and this paved road allowed many residents to travel for work in the developing automotive factories. More changes occurred in the 1960s with the construction of I-75. With the new accessibility provided by two interchanges, residential growth accelerated.



As times changed, the township did, too. Today, Springfield Charter Township boasts many recreational opportunities and scenic open spaces. The community enjoys the natural resources of the area and supports township land use policies based upon conservation and preservation of those resources. Davis Lake Overlook is a 37-acre nature park in the township that is now part of the larger 515-acre Shiawassee Basin Preserve. The Shiawassee Basin Preserve forms part of the globally rare and ecologically exceptional Long Lake Natural Area. Davis Lake Overlook is perfect for nature walks, bird watching and wildlife photography.

The township also has quality housing throughout the hills and trees, and along the lakeshores. Beautiful tree-lined gravel roads wind throughout the township countryside. Centrally located, Springfield Charter Township provides easy access to the major cultural, educational and employment centers of Southeast Michigan.



When new officials take office—or assume a new role on the township board—following the November election, we know **there is so much to learn**, from participating on an elected board, to statutory duties, and just getting acclimated to township government.

It's a lot. And it's OK. Because **MTA is here to help**.

Once new officials join your township this November, let them know where to turn for guidance, training and information: the Michigan Townships Association. In fact, you can even give them a head start by ensuring they are aware of MTA resources and how we can help. Here's a bit of what we have in store to **help your township transition** into the new term without a hitch, continuing to serve your residents and community as efficiently and positively as possible.

Visit www.michigantownships.org for details and registration information.
Discounted pricing make it a great value!

Coming up in November and December—*especially for new treasurers and their deputies*

Treasurers' Guide to Tax Collection webinar

MTA's valued *Treasurers' Guide to Tax Collection* webinar—taught by Member Information Services Liaison Cindy Dodge—offers an overview of the tax collection process from start to finish. Get your questions answered during this LIVE event, which highlights everything from preparation of the tax bill through summer and winter taxes, all the way to accounting for (and disbursement of) collections. Participants will take away tips on duties, deadlines and important dates on the tax calendar. We'll even tackle some of the more challenging aspects, including summer tax deferments, delinquent personal property tax collection methods and settlement. This is also a great educational opportunity for those seasoned treasurers looking for a refresher, or deputies getting up to speed on their duties.



Calling all new officials for December and January training

New Officials Training webinar

No one understands townships or your roles and responsibilities like MTA. Our unparalleled, in-depth *New Officials Training* helps those new to township government get up to speed on their roles and responsibilities. This intensive training, geared to ALL offices, is designed to introduce those new to the board to what they need to know as they attend their first meetings and take on administrative duties.

Our experienced, incomparable Member Information Services team—Michael Selden, Catherine Mullhaupt and Cindy Dodge—will share their municipal expertise, offering accessible information and insights into the “hows and whys” of township government. Breakout sessions are targeted to each office.

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Continue learning with MTA publications

In addition to our live webinars where new officials can ask questions and get clarifications on their new roles, MTA also offers publication packages PERFECT for those new to township government. Our *“Township Basics”* package includes township-specific books that provide a precise, targeted overview of each office: the 2020 editions of the perfect companion pieces, *Authorities & Responsibilities of Michigan Townships* and *Official's Guide to Township Government* (specify which office you wish to receive), as well our handy *Introduction to Township Board Meetings*.

Take it one step further with our *“Township Essentials”* book package, with all of the books included in the “Basics” kit, PLUS *The Township Guide to Planning & Zoning, Policy Matters! Using Board and Administrative Policies to Govern Your Township, Introduction to the Freedom of Information Act, and Building a Better Budget!*





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