

Michigan Township Focus

SEPTEMBER 2015

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

Making friends with the media



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should ask their
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Inspiring
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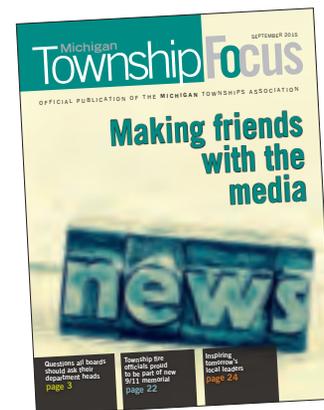
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September 2015 | Volume 3, Number 8



MTA Official Publication of
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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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Michigan Township Focus, Issue 8 September 2015 (ISSN 2330-9652), is published monthly, except for a combined January/February issue. MTA membership provides a subscription to township board members, the manager/superintendent, planning commission chairperson and township attorney. Member counties also receive subscriptions for elected officials, the equalization director and road commission chairperson. Annual membership dues include \$30 for a one-year subscription to *Michigan Township Focus*. Additional member subscriptions are available for \$30 per year. Subscription rate for residents and firms in member townships is \$40 per year (schools and libraries may subscribe for \$30 a year).

Michigan Township Focus is a publication of the Michigan Townships Association, 512 Westshire Dr., Lansing, MI 48917-9757. Phone: (517) 321-6467; fax: (517) 321-8908; Web: www.michigantownships.org. Periodicals postage paid at Lansing, MI. POSTMASTER: Send address changes to: *Michigan Township Focus*, P.O. Box 80078, Lansing, MI 48908-0078.

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allied service provider index



president's round table

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www.millercanfield.com
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Six questions you may be afraid to ask your department heads—but need to regardless

Township boards are expected to adopt and monitor policies that ensure that all is well with the programs and services under their purview. Just what is meant by “all is well” is shaped by state and federal mandates, available resources, and stakeholder concerns and expectations. It is also tempered and augmented by the insights, knowledge and expertise that elected township officials gain in office through education and research.



Monitoring township programs and services should be a regular board activity. The following are six questions that township boards should regularly ask of those whom they have entrusted to lead and manage the township’s public services:

1. What do you understand are the township board’s expectations for your department?

This question is intended to ensure that the township board has effectively articulated, through adopted policies, its expectations for accomplishments and how the township’s mission is to be carried out, and also that the department head has accurately interpreted the board’s intent.

2. How can the board be assured that the department is meeting its expectations?

Organizational experts agree that not everything that is important is measurable, such as relationships and teamwork. Still, the importance of a particular outcome or condition cannot be conveyed more effectively than devising, with the department head’s concurrence, fair and accurate means to assure that desired outcomes are being appropriately achieved.

3. What have you done to reduce the township’s exposure to lawsuits and other financial losses, provide a safe work environment for employees, and assure compliance with state and federal laws and regulations?

There is a certain level of risk inherent in any activity or service, but persons entrusted to run township departments should be familiar with potential adverse outcomes and best practices to avoid them. Boards should also ask their department heads for the laws and regulations applicable to their departments and the extent to which they are in compliance. The comprehensiveness of the department head’s

awareness of these issues should be an important element of the board’s evaluation.

4. What do you look for in the people you hire?

Public service requires more than technical skills—interaction with the public requires tact, diplomacy and emotional maturity. These attributes are particularly important in employees who perform public safety, regulatory or assessing functions, who will likely encounter agitated persons and where self-restraint is needed to avoid unnecessarily escalating confrontational situations.

5. How does your department interact with persons marginalized through poverty, physical or mental challenges, or other characteristics that can affect one’s perceptions?

The easy answer would be, “we don’t discriminate against anyone,” but that answer misses the reality that treating everyone the same doesn’t always produce the best outcomes. Some people need extra attention, tolerance, patience and acceptance. Public servants shouldn’t have the luxury of acting out on their own prejudices.

6. Does the township budget provide your department with sufficient resources to deliver services in a manner consistent with the board’s stated expectations?

It is unfair to assert expectations for a program or service yet fail to provide adequate resources to meet those expectations. The board and department head need to agree as to whether the board’s expectations are realistic or, given the board’s priorities, that additional resources need to be allocated, including employee compensation sufficient to attract persons with the essential competencies and the availability of professional development opportunities.

Some elected officials avoid asking questions like these because the board lacks the will to address deficiencies. Eventually, serious problems will emerge that could have been better dealt with before a crisis strikes. Then the board will face even more public criticism for both failing to make efforts to be aware of unacceptable risks and conditions present in township programs and services, as well as failing to develop realistic strategies and priorities that would better serve the public’s interests.

BY THE NUMBERS

Local leaders give high marks to road commissions

Most local government leaders have good things to say about their road commissions that maintain township local and county primary roads.

The Michigan Public Policy Survey at the University of Michigan found that road agencies received the highest praise for good relationships, timely communications, fairness

and quality of work. Just over half of local leaders gave positive ratings on the fairness of the road agencies' financial matching requirements and transparent decision-making.

Opinions among survey participants varied by government type and geographical location. Officials from township and county governments gave more positive ratings, compared to officials from cities and villages. In addition, local leaders from southwest and

southeast Michigan and the Upper Peninsula were less likely to give positive ratings, compared to their counterparts from the northern and central Lower Peninsula.

In 78 of Michigan's 83 counties, road governance for county primary and township local roads is currently vested in "special purpose" road commissions. In the other five counties, these duties have been transferred to the relevant general purpose county government.

Nearly three-quarters of local leaders (73 percent) prefer a special purpose road commission that focuses only on roads, instead of a general purpose county government. Overall, 49 percent prefer elected road commissioners while 24 percent prefer an appointed board.

The study, on which MTA is a partner, involved surveys sent via mail and email to top elected and appointed officials in all counties, cities, villages and townships in Michigan. Township supervisors, clerks and managers are among those surveyed.



EDUCATING YOUTH

Township officials can head back to school this fall, too!

It's back-to-school time—not just for kids but for township officials, as well! Township officials can make great strides in educating students about local government, simply by visiting a classroom, and discussing their role as an elected official and the role of townships in Michigan.

Local officials can help spread the message of what township government is—and how it impacts life each day in local communities. September provides the perfect time to send a note, or call or email your local school superintendent or government teacher to let them know you are available as a resource. Offer to make a presentation about township government. **Remember:** Even if you have been invited to make a presentation in the past, it may take persistence to remind a teacher that you are available to visit the class year after year.

By initiating this contact, students will have an important opportunity to engage in a dialogue with you about your various roles and responsibilities as a township official and the day-to-day operations of the form of government that represents more than 50 percent of Michigan's residents.

While in the classroom, discuss topics that students can relate to. Talk about the fire and police protection, library services and even local roads. No one likes potholes—especially teenagers who are driving in their first car. The goal is to leave the students with a greater understanding of the local government that impacts their daily lives.

Whatever the method, the important part is that you actively share your love for local government with the next generation. As an elected township official, you are the expert on township government. So use that expertise and go back to school this fall—and throughout the year as well. Your efforts can have an impact on the life of a student.

Need some more ideas? For tools to take into the classroom, visit www.michigantownships.org/curricula.asp.

WE'RE NUMBER 1!

Best state in the nation? National website says the Great Lakes State tops that list

A national website known best for its lists of the best food, drinks and more declared Michigan the “best state in the nation.” The site, www.thrillist.com, released its “Definitive and Final Ranking of All 50 States” earlier this summer, just in time for the warm weather tourism kick-off.

The site, which offers a humorous take on travel and dining rankings, said, “We thought it was time to ‘go big or go home’ and rank the states based on everything. More specifically, their contributions to America, so think inventions, food/drink, somewhat productive famous people, unique physical beauty, etc.”

In declaring the Mitten State tops, the list noted, “The Motor City’s become a scrappily rising underdog you can’t help but root for, but Michigan’s greatest strengths lie in the state as a whole. Did you know Michigan has more coastline than any state other than Alaska? Did you know the U.P. is so remote and uniquely beautiful that it almost feels like a secret 51st state ... ?

“If you answered yes ... then you already understand Michigan’s charms. If you answered no to these questions, you should listen to the dulcet tones of Michigan tourism pitchman Tim Allen and get yourself there immediately.”

Maine came in at number two on the list, while Florida was ranked last.

LOCAL UPDATES FROM ACROSS MICHIGAN

Township happenings

Egelston Township (Muskegon Co.) was among the locations for full-scale, Michigan National Guard disaster response exercises held recently throughout the state, involving federal, state and local fire and police departments. The township exercise simulated a nuclear explosion to practice coordinating and communicating during incidents.

A groundbreaking ceremony was held to kick off construction at the Toyota facility expansion in **York Charter Township** (Washtenaw Co.). Coupled with an expansion at Toyota’s **Ann Arbor Charter Township** (Washtenaw Co.) facility, the company’s new \$126 million investment will bring approximately 300 jobs to the area.

Merritt Township (Bay Co.) residents are enjoying a brand-new playground, following the installation and dedication of new equipment at the township’s Community Park. The updated playground and park features create a safer environment for community members, and have helped to revive this township asset. A resident left part of her estate to the township for park improvements, and the township also sought and received a \$45,000 Michigan Department of Natural Resources Recreation Passport Grant to make the playground universally accessible, as well.

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



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Letter to the editor

‘Put a face with a name—with that recognition, we will be more up-front, and honest with each other’

I am writing in response to the July *Local View* column, “Michigan scores low in local government autonomy,” written by MTA Executive Director Larry Merrill.

My name is **Jim Pitsch**, supervisor of **Salem Township** (Allegan Co.). While some readers may say, yes, I know you, the larger majority have never met me. Those of you who know me know how I think and what will key me in to a conversation—pulling me down that inevitable “rabbit hole.” I think that Larry Merrill and almost all of the MTA staff know who I am, as do all of my county, state and federal representatives.

You see, when I call someone on the phone about an issue that is dear to me and to the residents of Salem Township, I want them to put a face with my name. I want that exchange of sentences to be a little more personal. When I respond to an MTA legislative alert, I want my legislator to picture my face when they read my name on the email. I stay in contact with my legislators often.

This spring, I attended MTA’s Legislative Advocacy Day, and I believe that all township officials should make an effort to attend that event. On that one day of the year, you have the opportunity to greet your state legislators in Lansing, and share your ideas and opinions on pending legislation that will have an effect on your township residents, and mine. We need to have more representation in Lansing. Nothing can replace this one day of representation by YOU in Lansing.

And it goes farther than that. When you go to your county meetings and MTA meetings or conferences, it is the perfect time to talk to and share ideas with other township officials. When officials are asked, “What was the best part of the MTA Conference,” one of the top answers is always, “the collaboration with other officials.”

As supervisor, I was elected by the majority of the Salem Township residents to share my vision—and theirs—in representing them, all 4,446 of them. I want to put a face with the name, and I want to know that person. With that recognition, we will be more up-front and honest with each other.

Hello, my name is Jim Pitsch and I am Salem Township supervisor. Do you know me? I look forward to knowing you.

Thank you, Mr. Merrill, for a very good article.



Jim Pitsch, Supervisor
Salem Township
(Allegan Co.)

profile



Advertisorial

ITC Holdings Corp.

ITC Holdings Corp. (ITC), the nation’s largest independent electricity transmission company, has two operating subsidiaries in Michigan: ITCTransmission and METC (collectively, ITC Michigan). In addition to 8,400 miles of high-voltage transmission lines, ITC owns and operates 269 electrical substations throughout Michigan’s Lower Peninsula.



Transmission substations tend to be larger than distribution (local utility) substations and are identified with the ITC logo and the name of the substation. Because of the high voltages inside, substations can present serious potential hazards.

ITC conducts regular preventive maintenance on its substations, but mechanical problems or equipment failure can happen. Indicators of substation equipment problems include fire, smoking equipment, unusually loud buzzing, visible arcing or flashing, burn marks on fencing or equipment, or oil running down or around equipment.

Substation safety hazards could include open gates, openings in fencing, unauthorized personnel near or inside the substation, or downed wire in, on or near the substation.

Anyone witnessing any of these hazards should contact ITC at one of the phone numbers listed below. Emergency responders must gain authorization from ITC to enter any substation or fenced areas containing ITC equipment—even during emergency situations—in order to be provided safe escorted access. It’s difficult to recognize the difference between energized and de-energized equipment, so everything inside a substation should be considered dangerous.

EMERGENCIES (866) 482-3637

- Fire in or near substations
- Downed transmission lines
- Injured person in a substation requiring immediate medical attention

NON-EMERGENCIES (877) 482-4829

- Resident concerns
- Vegetation questions

SECURITY COMMAND CENTER (248) 380-2920

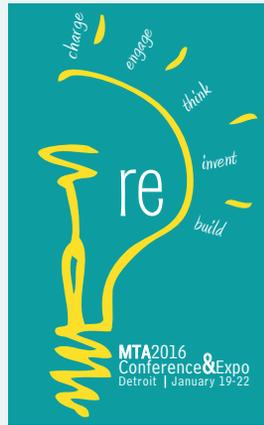
- Theft or damage to ITC property
- Trespassing issues

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Volunteers needed for 2016 MTA Conference

Each year, more than 60 township officials volunteer at the MTA Annual Conference & Expo, working alongside staff in essential roles, such as sergeant-at-arms, registration helper, ambassador and Ticket Xchange assistant. These volunteers are a key component in the success of the Conference.

Want to join the ranks? All MTA members attending the Conference are eligible to volunteer, and with our new online volunteer website, signing up is easier than ever!



Step 1: Contact Kristin Kratky at (517) 321-6467, ext. 230 or kristin@michigantownships.org to be added to the notification list.

Step 2: Watch your inbox! In late September, we'll send a link to our new volunteer sign-up website, where you can easily select your preferred roles, dates, times and sessions. No more waiting until December for your assignments—now you can choose your own!

Step 3: Show up! A reminder email will be sent closer to the Conference with your personal schedule and other helpful information.

Want to learn more? Visit <http://bit.ly/2016GenInfo> for additional details, or contact the MTA office. (*Note: A paper form will also be available, however specific session choices will only be available online.*) See you in January!



Community Connection Tip #1

Keep in the loop! Community Connection sends a "Digest" directly to your email, notifying you of conversations happening in your groups, new group members and contact requests. Customize your notifications to receive as often—or as little—as you'd like. Click "Edit my settings," then "Notifications."

Access MTA's social networking site, *Community Connection*, from members-only section of www.michigantownships.org. Join the conversation today, and share insights, experiences and resources with your fellow officials!

mta events | september

10-11 Supervisors' Professional Development Retreat, Harbor Springs

12-13 Trustees' Professional Development Retreat, Harbor Springs

23-24 Clerks' Professional Development Retreat, Harbor Springs

29-30 Treasurers' Professional Development Retreat, Harbor Springs

MTA county chapters: Reserve your Annual Conference hospitality suite by Sept. 15

Is your MTA county chapter interested in hosting a hospitality suite during the MTA Annual Educational Conference & Expo, held Jan. 19–22, 2016, at the Detroit Marriott Renaissance Center? Hospitality suites can provide an ideal spot to network with fellow township officials after a long day of classes. A limited number of hospitality suites are available to rent during the Conference.



Reservations for MTA county chapter suites should be made by Sept. 15 as unused suites will be made available to sponsors and exhibitors after this date, and availability is not guaranteed. Several different types of suites are available at the host hotel, the Marriott Renaissance Center, at discounted rates.

To make a reservation or for more information, call (517) 321-6467 or email kristin@michigantownships.org.

NOTE: All suite reservations must be made through MTA. Do not contact the Marriott directly, as the hotel staff will be unable to assist you.

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Detroit

313.961.9500

Traverse City

231.929.7330



SEPTEMBER

3 Post-election campaign statements due. Books closed Aug. 24.

14 Summer taxes due. (MCLs 211.905b(10), 380.1613 and 211.107)

Last day for qualified taxpayer to apply to local unit treasurer for deferral of payment of summer property tax. (MCL 211.51(7))

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

By 19 Clerks shall electronically transmit or mail an absentee voter ballot to each absent uniformed services or overseas voter who applied for an absentee voter ballot 45 days or more before Nov. 3 election (MOVE deadline). (MCL 168.759a)

Absentee voter ballots for Nov. 3 election must be available for issuance to voters. (MCL 168.714)

24 through Oct. 13. Precinct inspectors for Nov. 3 election appointed by township election commissions. (MCL 168.674)

By 28 Notice of close of registration for Nov. 3 election published. (MCL 168.498)

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

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

OCTOBER

5 Last day to register for Nov. 3 election. (MCL 168.497)

15 Assessor reports status of real and personal Industrial Facilities Tax property to STC. (MCL 207.567(2))

Governmental units report to STC on the status of each exemption granted under the Commercial Redevelopment Act. (MCL 207.666)

Qualified local governmental units report to STC on the status of each exemption granted under the Commercial Rehabilitation Act. (MCL 207.854)

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))

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

By 23 Pre-election campaign statements filed. Books closed Oct. 18.

23 Write-in candidates for Nov. 3 election

file Declaration of Intent forms by 4 p.m. (MCL 168.737a)

By 27 Notice of Nov. 3 election published. (MCL 168.653a)

By 29 Public accuracy test must be conducted. (R 168.778) Notice of test must be published at least 48 hours before test. (MCL 168.737a)

30 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) and Industrial Facilities Tax (PA 198 of 1974) tax exemption applications to STC.

Deadline for filing Principal Residence Exemption (PRE) Affidavits (Form 2368) for exemption from the 18-mill school operating tax to qualify for a 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 PRE to qualify for the winter tax levy. (MCL 211.7cc(5))

31 Electors who wish to receive an absentee voter ballot for Nov. 3 election by mail submit applications by 2 p.m. (MCL 168.759)

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I was recently appointed clerk to fill a vacancy and am reviewing our processes.

I found that our township makes a contribution on behalf of eligible employees to their deferred compensation plan. Is this permissible?

Assuming that the deferred compensation plan was established under Internal Revenue Code Section 457, your township may be able to elect to pay or “pick up” the employees’ contribution in lieu of pension contributions provided that:

- 1) The employer formally specified (by resolution, ordinance or administrative policy) that contributions are being paid in lieu of contributions by the employee.
- 2) The employee must not be permitted to opt out of the “pick-up” or receive the amounts directly instead of being paid to the plan.

In addition, the IRS has ruled that the “pick-up” contributions are subject to Social Security and Medicare taxes (assuming the township is subject to these taxes) because the employee contributions are also subject to these taxes.

Also note township contributions reduce the maximum elective deferrals that the employee may defer. For example, if the township contributes (or “picks up”) \$2,500, the maximum the employee can defer is \$18,000 (2015 limit) minus \$2,500 = \$15,500.

To avoid these limitations as well as potential Social Security and Medicare taxes, your township should consider replacing the “pick-ups” with a defined benefit pension plan (also known as money purchase plans). Contributions to defined contribution and defined benefit pension plans are not subject to Social Security or Medicare taxes.



If we have a 457 plan, can employees defer the maximum amount if they also participate in other deferred compensation arrangements, such as 401(k) or 403(b), with outside employment?

Yes, the Economic Growth and Tax Relief Reconciliation Act of 2001 “decoupled” previous requirements that limited combined 457, 403(b) and 401(k) elective deferrals. However, if outside employment is with another governmental unit or church with a 457 plan, the maximum deferral calculation is at the employee level; thus the maximum deferral calculation is the combined amount deferral at both employers.



Do 457 deferred compensation plans have “catch-up” provisions similar to other deferred compensation plans?

Yes, unlike 401(k) and 403(b) plans, 457 deferred compensation plans provide two different “catch-up” provisions for older employees:

- 1) “Pre-retirement” catch-up provisions allow make-up for years in which employees did not contribute the maximum under the township’s plan.
- 2) Age 50 and over catch-up employees may contribute an additional \$6,000 per year.

The “pre-retirement” catch-up allows employees within three years of “normal retirement” who have not maxed out contributions to contribute the lesser of the underfunded plan contributions in addition to the basic annual limit (\$18,000), or double the normal (18,000 x 2 = \$36,000) contributions for the three years before your normal retirement age.

The age 50 and over catch-up allows the employees over 50 (even those who have deferred the maximum amounts each year) to fund \$6,000 in addition to the basic annual limit of \$18,000, or \$24,000. An employee cannot use both catch-up provisions; if they would like to take advantage of these provisions, only one option may be chosen.

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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Can a township board member be hired to work as a township employee?

Yes, Michigan law allows township boards to assign additional, non-statutory duties to township board members and to authorize payment for those services, as the township board deems reasonable. (MCL 41.96)

The Incompatible Public Offices Act, Public Act 566 of 1978 (MCL 15.181, *et seq.*), states that a public officer shall not hold two or more incompatible offices at the same time. (MCL 15.182)

“Incompatible offices” are public offices held by a public official that, when the official is performing the duties of any of the public offices held by the official, result in: 1) the subordination of one public officer to another; 2) the supervision of one public office by another; or 3) a breach of duty of public office. (MCL 15.181(b)) Since the township board is the employer, any employment position with the township would result in that position being subordinate to and under the supervision of the township board.

The Contracts of Public Servants with Public Entities Act, PA 317 of 1968 (MCL 15.321, *et seq.*), prohibits, among other things, a public servant from being a party, directly or indirectly, to any contract between himself or herself and the public entity of which he or she is an officer. (MCL 15.322(1))

But Public Act 9 of 1992 amended the Contracts of Public Servants with Public Entities Act, and PA 10 of 1992 amended the Incompatible Public Offices Act so that in a township with a population of less than 25,000, the township board may authorize a township official to perform additional services for the township that would otherwise be incompatible, or to serve in an emergency medical services position, or as a part-time or on-call firefighter who is not: 1) the fire chief (*unless the township has a population of less than 3,000; PA 196 of 2011*), 2) a full-time firefighter or 3) a person who negotiates with the township on behalf of the firefighters.

Note that townships with a population of 25,000 or more cannot assign to a township board member additional duties that would result in an incompatible office, which includes any employment position, even the positions of emergency medical services personnel or firefighter.

A township board is never required to give additional duties to a board member, and a township board may feel it is inappropriate to do so.

A township board member is not prohibited from voting to assign him- or herself additional duties or to establish the compensation for the additional duties (*Burton Township v. Speck*, 1 Mich. App. 339, 1965).

But a board member seeking additional duties may want to evaluate the appropriateness of voting on the question. Note that, in a charter township, a board member may abstain only if the other members present unanimously vote to allow him or her to abstain. (MCL 42.7)



How is a township board member compensated for these additional services?

A township supervisor, clerk or treasurer may only be compensated for the statutory duties of his or her office through the salary of that office. The trustee position may be compensated by salary, by per diem or per meeting payments, or by a combination of salary and per diem/per meeting payments.

PA 9 and 10 both state that a township official may serve as a township employee with or without compensation; no statute requires that a township official be compensated for additional services. However, because additional services must, by definition, be outside the statutory duties of an official’s office, the salary of the office does not cover those additional services. A township board may authorize a township official to be compensated for performing additional services. The additional services should be specified by the board in a job description, and the compensation should be established and authorized before the additional duties are performed.

For example, if a township board votes to authorize a trustee to perform the additional service of managing the transfer station:

1) The salary of the office of trustee must be a fixed amount, and both (or all four) trustees must be paid the same salary (in a township where the trustees are paid by salary). The trustee salary cannot differ from one trustee to another based on years of service, merit, etc. The salary cannot be



decreased during the four-year term of office. If the township board establishes the board salaries, the salary resolution is subject to petition for referendum. If the township holds an annual meeting, the trustee salary is subject to annual meeting approval. If the township has a salary compensation commission, the trustee salary is subject to the commission's determination.

2) The compensation of the transfer station manager may be a salary or an hourly wage. It may be adjusted by the township board to reflect pay increases or decreases, years of service, bonuses, merit increases, or number of hours worked. The compensation for additional duties given to a township board member is not subject to annual meeting or salary compensation commission approval. It is not subject to referendum. If the township board member leaves office, he or she loses the additional duties and is not eligible for unemployment insurance for those duties (because they are additional duties of an elective office), although the township board could subsequently hire (or rehire; see below) the individual for the job.



I am a township employee. Can I run for a township board position?

Yes, as long as you are eligible to hold office in the township, you may run for a township board position. Note that the Michigan Political Activities by Public Employees Act, Public Act 169 of 1976 (MCL 15.401, *et seq.*), governs how township employees may be involved in political activities.

Unless contrary to a collective bargaining agreement, the township board may require a candidate for township office to take a leave of absence without pay when the candidate files or 60 days before the election, whichever is closer to the election. (MCL 15.403)

Once the election is certified and before you take the oath of office, however, you must either resign (a letter of resignation is recommended) or, if the township is under 25,000 in population and that option is specifically available in your township, you may request a leave of absence from your employment with the township.

The option to request a leave of absence (if that option is provided by the township) is available only to a person who holds an employment position with a township of under 25,000 in population, because the option to hold (even as a leave of absence) or to be assigned an employment position with the township is limited to townships under 25,000. In a township of 25,000 or more in population, a township board member cannot serve in any employment position, including the position of emergency medical services personnel, firefighter (of any sort), or as an additional duty.

The board in a township under 25,000 in population may then vote to authorize you to serve in an emergency medical services position or as a firefighter (who is not the fire chief [*unless the township has a population of less than 3,000; PA 196 of 2011*]), a full-time firefighter, or one who negotiates with the township on behalf of the firefighters) or to perform the additional duty of your original job description or other job.

But the key word is “may.” The board is under no obligation to give you additional duties. Especially with the start of a new term, the composition of the township board may change, and some boards do not believe it is appropriate for board members to also work for the township.

On a personal note, consider the fact that township board office is an elective office and a position of public trust and service—as one township clerk has remarked, after all, it's on the same ballot as the president of the United States! Being a local legislator is a significant undertaking, so take a moment to evaluate whether you can adequately represent your community as a whole while also working for the township.

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

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2015 public acts

The following are 2015 public acts enacted into law as of press time that may impact townships. The list also includes the bill's primary sponsor and effective date.

PA 1 & 2: Presidential Primary Election (*Sen. Robertson*)—Revises presidential primary election date to second Tuesday in March. *Effective 5/21/2015*

PA 3: Weapons (*Sen. Green*)—Eliminates concealed pistol licensing boards and transfers duties to county clerks and state police. *Revised process effective 12/1/2015*

PA 6: Supplemental Appropriations (*Rep. Pscholka*)—Provides supplemental appropriations for fiscal year 2014-2015, including \$10 million to local governments to fund May 5 election. *Effective 3/10/2015*

PA 7: Appropriations (*Rep. Bumstead*)—Provides \$2.4 million funding for Natural Resources Trust Fund acquisition and development projects to 19 townships. *Effective 3/17/2015*

PA 14 & 15: Garnishment (*Reps. Garcia and McCready*)—Revises procedure of garnishment of periodic payments,

including certain reimbursements for deductions from wages without written consent of employee. *Effective PA 14 4/14/2015 and PA 15 9/30/2015*

PA 16: Weapons (*Sen. Jones*)—Provides for an exemption for retired federal law enforcement officers to carry a concealed pistol in pistol-free zones. *Effective 7/13/2015*

PA 27 & 28: Weapons (*Reps. Johnson and Hughes*)—Defines brandishing firearms and exempts certain actions. *Effective 8/10/2015*

PA 29: Weapons (*Sen. Hildenbrand*)—Defines pneumatic guns and disallows local regulation; charter townships can prohibit discharge of a pneumatic gun in heavily populated areas. *Effective 8/10/2015*

PA 34 & 35: Occupations (*Reps. Nesbitt and Pscholka*)—Modifies requirements for installation and repair of elevators and creates licensing of residential lift contractors as class of elevator contractors. *Effective 8/19/2015*

PA 40: Mobile Homes (*Rep. Schor*)—Modifies and adds provisions regarding health and safety requirements for mobile home parks, including allowing local units of government to inspect and regulate mobile home parks. *Effective 9/1/2015*



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PA 88: Building Inspector Requirements (*Rep. Forlini*)—Eliminates employment requirement by a governmental unit for registration and changes renewal requirement to Sept. 17 of every third year beginning in 2015. *Effective 9/21/2015*

PA 98-103: Elections (*Reps. Lyons, Lauwers, Heise, Kesto and Jacobsen*)—Eliminates February regular election date. *Effective 9/28/2015*

PA 105: Labor (*Rep. Poleski*)—Prohibits local units of government from establishing mandatory wage, benefits or leave time requirements for employers. *Effective June 30, 2015* Pre-empts local ordinances, resolutions or policies adopted after Dec. 31, 2014, from regulating the employment relationship as to matters described in this act but allows a local government to enforce contractual provisions voluntarily entered into and in effect prior to Oct 1, 2015.

PA 107: Property Tax (*Sen. Booher*)—Allows property that contains both agricultural use property and productive forest to be considered qualified forest property to qualify for qualified forest property exemption. *Effective 6/30/2015*

PA 108: Library Districts (*Sen. Zorn*)—Allows local units of government and school districts to collaborate to establish library districts. *Effective 6/30/2015*

PA 115: Emergency Municipal Loan Act (*Rep. Jacobsen*)—Increases cap on emergency loan amounts available for local units of government through Sept. 30, 2018. *Effective 7/7/2015*

PA 119-124: Personal Property Tax (*Reps. Maturen, Yonker and Townsend*)—Makes changes relating to the August 2014 personal property tax repeal, include reporting requirements for affidavits and personal property statements, and technical, administrative and definitional changes. *Effective 7/10/2015*

PA 126 & 127: Quadricycles (*Sens. Schmidt and Casperson*)—Amends vehicle code to regulate commercial quadricycles and allows local units of government to regulate use. *Effective 6/30/2015*

Legislative lowdown

Here's a quick look at important bills that MTA is following as they move through the legislative process:

Transportation: House-passed package would direct \$700 million in projected General Fund growth to roads. Senate proposal would phase in a gas tax increase by 15 cents per gallon over three years and shift \$700 million in existing income tax revenue from the General Fund to transportation. *MTA's Policy Platform supports a gas tax increase, as well as other reforms. MTA is concerned about potential cuts and their impact on local government.*

Unfunded mandates (HBs 4753-4755, SBs 388-390): Would not require local units to provide new services required by state law unless state provides the funding. *MTA supports.*

HB 4004: Would require charter township board approval before an annexation question can be placed on the ballot. *MTA supports.*

HB 4182: Would prohibit members of public bodies from casting a vote on a decision of the public body without being physically present at the meeting. *MTA opposes.*

HB 4183: Would allow townships to post legal notices on their own websites instead of printing them in newspapers by 2025. *MTA supports.*

HB 4516: Would allow disabled veterans who missed the filing period to retroactively receive a property tax exemption for 2013 and 2014. *MTA opposes.*

HB 4522: Would allow certain Michigan legislative committees to subpoena any records or files of local units with a majority committee vote. *MTA opposes.*

HB 4563: Would permit township funds to be used to pay for domestic and sexual violence victim services. *MTA supports.*

HBs 4570-4573: Would keep wind turbines and electricity-generating property on the tax rolls, clarifying the Legislature's intent in previous personal property tax reform. *MTA supports.*

HB 4747: Would protect township land from adverse possession claims. *MTA supports.*

SB 6: Would expand current disabled veterans property tax exemption to include residential and agricultural real property. *MTA opposes.*



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Making friends with the media

You pick up the phone and hear the words “I’m a reporter from ...” Immediately, your breath catches and your stomach drops. You manage to sputter out a few answers to the reporter’s questions before finally hanging up with a sigh of relief, your heart still pounding.

For some township officials, this scenario is all too familiar. Perhaps they’ve heard horror stories, or been through one themselves, that taught them reporters are to be approached with dread and distrust. Or they don’t have much experience working with reporters and cringe at the very thought of it.

But your experience with the media doesn’t have to be this way. The relationship between your township and local media is a critical one, and many township officials enjoy relationships of mutual respect with their local reporters. They approach news stories not as a necessary evil, but as an opportunity to communicate to residents what’s happening in their township. That doesn’t mean the township board is never the subject of a negative story, or that they’re happy with every article written about them. They understand, however, that as long as the story is accurate, the reporter is just doing his or her job, and the relationship continues.

These relationships don’t happen by accident. They’re the result of reaching out, of taking the calls and answering questions honestly and transparently. The benefits go well beyond simply feeling more comfortable during a news interview. Improving your media relations can lead to better stories and more coverage for your township. Most importantly, your township residents will be better informed and more engaged in their community.

Today, your relationship with your local reporter could be tense at best, or maybe nonexistent. No matter the situation, a simple conversation over a cup of coffee can go a long way toward mending fences and setting the tone for the future.

Why does media relations matter?

Doing a newspaper interview isn’t about doing the reporter a favor. Every word written or broadcast about your township is for the benefit of the residents. “Media relations is the single most credible, effective way in which to communicate with the people that townships serve,” said Kelly Rossman-McKinney, CEO of communications firm Truscott Rossman, and past presenter on media relations and communications skills at MTA Annual Conferences.

The fact is not every resident can attend township board meetings, and they might not have firsthand knowledge of the good things your township is doing, and programs and services being offered. Newspapers, TV stations and radio programs all help distribute that information—and the best part is the news stories are free. It’s in your township’s best interest for residents to know what their government is doing for them.

A lack of information creates a breeding ground for rumors, and even suspicion.



Improving your media relations can lead to better stories and more coverage for your township. Most importantly, your township residents will be better informed and more engaged in their community.

“Ignorance is America’s enemy,” said **Frenchtown Charter Township** (Monroe Co.) Clerk **Mark Baker**, who is also a former radio morning show host. “Unless you’re willing to put the information out there and make it possible for people to see it, too many things are misunderstood or not even known.”

Avoiding the media when you think a story will be negative won’t necessarily stop the story from being written. Speaking with a reporter gives you the chance to represent the township’s side of the story. Otherwise, your voice is completely absent.

“If you’re not telling your story, two things are happening,” Rossman-McKinney said. “Either somebody else is telling it, and not always accurately or in your best interest, or nobody knows you’re doing anything for them. When you are a township official, it’s really incumbent on you to make sure that your constituents know all the work you are doing for them on their behalf.”

Understanding reporters

Reporters are constantly up against a deadline. Before the Internet age, reporters only had to file their stories before their newspaper went to print. Now, with the 24-7 news cycle, they’re under pressure to get the information on their website and on social media as quickly as possible.

Most are overworked, putting in long hours without a big salary to show for it. They consider their work to be a labor of love, and even a calling.

Reporters view their job as one of providing information to the public. Many strongly believe taxpayers have a right to know what their elected officials and public employees are doing, Michigan Press Association (MPA) Executive Director Michael MacLaren said.

While some reporters out there are pursuing their own agendas or coming to interviews with a certain bias, most are just looking for information that they believe their readers are interested in. Officials who view reporters with suspicion often have a “gotcha” view of journalism based on portrayals of the national media. However, this isn’t true for most local reporters.



Not every resident can attend township board meetings, and they might not have firsthand knowledge of the good things your township is doing, and programs and services being offered. Newspapers, TV stations and radio programs all help distribute that information—and the best part is the news stories are free.

“They’re afraid that reporters are all out there to get them, and that’s not the case,” MPA Public Affairs Manager Lisa McGraw said. “I know lots of reporters who have great relationships with their local government officials.”

It all starts with relationships

When officials have a negative interaction with a reporter, it’s often because they don’t have any kind of relationship beforehand. Most people are naturally apprehensive about talking to people they don’t know. If you’ve never worked with the reporter before, neither of you have a basis for trust.

Without a relationship with your area reporters, your township is most likely to show up in the news only when a negative story arises. It’s hard to pitch positive stories when a reporter knows nothing about you, **Byron Township** (Kent Co.) Clerk **Joel Hondorp** said.

“If the only relationship you have with them is when they show up with a microphone in your face, that doesn’t build a lot of trust,” Hondorp said.

The single best way to improve your media relations is to build relationships with your local reporters. This means getting to know them and establishing a base level of trust—if possible, before you’re ever the subject of a story.

Experts suggest having a level-setting meeting with a reporter. Pick up the phone, reach out and invite him or her for a cup of coffee to just talk. Officials could do this when they’re new to their office, or when a local media outlet hires a new reporter covering local government. Even if you don’t

have a relationship with a veteran reporter, it’s not too late. Call the reporter and say you’re long overdue for sitting down to meet and get to know one another better.

This meeting is also a chance for you to find out how you can help each other. Talk about how both of you do your jobs and what they can expect from you. Ask what they need and want from you as well as how you can serve them. And exchange cellphone numbers so that you’re both easily accessible—remember, media deadlines don’t always happen within business hours.

Though you can have mutually beneficial relationships with reporters, this doesn’t mean you won’t ever be the subject of a negative story, or that you’re on the same team. Reporters and township officials have very different jobs, and the media reports stories independently of the government, MacLaren said. When stories arise, editors expect their reporters to pursue them. However, your baseline relationship can help to ensure that these encounters aren’t adversarial in nature.

Be a good source

Your work doesn’t end when the meeting is over. You could have a great level-setting meeting, but if you don’t follow through on what you promised, the reporter won’t have any reason to trust you.

“You want to be the source that they rely on,” Rossman-McKinney said. “That happens because you are reliable, responsible and responsive.”

One of the best ways to continue building that relationship is by being available. Be willing to take a reporter’s call, day or night, MacLaren said. As inconvenient as this may sound, being available to help someone when they need it goes a long way to build trust. When he was a reporter, he knew he could call the local police chief 24 hours a day. That relationship helped him to write better stories, while also helping the police department spread the facts.

Consistently keeping a reporter waiting or missing deadlines can damage your relationship. Do everything you can to get the reporter what he or she needs as soon as possible. In a time crunch, email can be a great tool. This also helps to ensure that you’re being quoted accurately.

“If you want to make sure it’s correct, put it in writing,” MacLaren said.

Baker establishes up front whether he’s the right person to answer the reporter’s questions. As a clerk, he’s happy to discuss elections, the Freedom of Information Act (FOIA) and other areas of expertise. But if the questions are about a topic such as roads, he refers the reporter to the person who handles that issue.

When you take the call, be honest and transparent. Dodging questions or refusing to provide information will raise the reporter’s suspicion that you’re hiding something,

even if you're not. Say what you can, providing context and background when appropriate. Don't assume that the reporter knows what you're talking about when you use lingo or acronyms such as TIF (tax increment finance). Thoroughly explain every issue as much as you can. The extra effort on your part can help result in more comprehensive stories that are easy for township residents to understand.

Sometimes you might not know the answer immediately when a reporter calls. Don't try to fake your way through a phone interview. Baker responds by first finding out when the reporter needs the information. Then, he tells the reporter he will find out and call back within a certain time period—and follows through with what he says. If the information can't be gathered by the deadline, he tells the reporter and explains why he can't meet it.

"Bluffing is the worst thing you can do," Baker said. "Don't be afraid to say I don't have the answer right now, but I'll call you back in a certain time period."

There are times when you simply aren't permitted to provide the details a reporter is looking for at that time, and reporters should understand this, McGraw said. Having a relationship as a foundation helps in these circumstances. Simply explain that you can't give them the information and explain why that's the case. However, don't use this as an excuse if what the reporter's looking for is in fact public information.

Officials also shouldn't look at the FOIA as if it is the only way information can be shared. While it can be a useful tool, many times, officials can simply share the information with a reporter they trust.

"Really, I think the relationship is the more effective way to look at that, first and foremost," MacLaren said.

Getting media coverage for your township

Years ago, reporters might have been assigned a single unit of government for their beat. Today, as budgets grow tighter and staffs grow smaller, that's no longer the case. Reporters are covering a multitude of topics and may not have time to attend every township board meeting in their coverage area. If they're not attending meetings, and you aren't reaching out to them, chances are they don't know about the positive stories happening in your township.

Having a relationship with a reporter is the best way to get your township in the news. If you already know the reporter, you're comfortable picking up the phone or shooting them an email to let them know about a potential story. For Hondorp, it's just part of his natural relationship with his local reporters. He has no problem calling them to let them know about the latest township news.

"If your township is having a program, this is earned media," Hondorp said. "It's getting the information out there without having to pay for it."

Another option to consider is regularly briefing your local reporter on what's happening within the township. If you know a big issue will be discussed at a meeting, let the reporter know in case he or she wants to attend. Make sure you explain what the issue is and state in real-world terms how it will affect township residents. Otherwise, the reporter might not understand what you're talking about and decide not to cover it.

Sometimes, officials who have recently formed relationships with reporters make the mistake of inundating them with story ideas. While the story may be exciting to you, keep in mind reporters may be too busy, or they might not think their readers would be interested.

Rossman-McKinney is a big believer in press releases when the issue is appropriate.

"It tells the story the very best way you want it told," she said. "Depending on the market and the publication, that news story may be picked up in its entirety and published in the local paper if it's a well-done news release. But if you don't do a news release, it doesn't get picked up."

Writing a press release shouldn't be a cause of stress. They can be short and to the point, with a name and contact information so that reporters can follow up if desired. Don't lose heart if your press release doesn't get picked up right away. If it isn't breaking news, the media staff could always put it away and use it during a slow news period.

Larger townships with multiple media outlets could consider holding a press conference if officials believe the story will attract enough interest. This would also work in

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Having a relationship with a reporter is the best way to get your township in the news. Pick up the phone or shoot them an email to let them know about a potential story.

townships of any size during a major news story or crisis event that attracts more media attention than usual.

“You’ve got to be mindful of the market you’re in and what that market can become,” Rossman-McKinney said. “Even in a tiny little market that has no media coverage, if there’s a major, catastrophic event, media will come in from all over to cover it.”

The interview: Pro tips for doing it well

The first time you’re interviewed can be nerve-wracking for some. Even seasoned interview veterans might still feel that they don’t generate the sound bites and quotable quotes they wish they did.

Hondorp solves this problem by taking a breath and thinking for a moment after he’s asked a question. He doesn’t feel pressured to answer immediately, even if it’s a TV interview.

“Remember that 10 minutes of recording can amount to five seconds on TV,” Hondorp said. “You have to think about what that one thing is that they’re going to pull out.”

Sometimes there may be silence after you answer a question. The temptation is to fill the silence by talking, but Hondorp says resist that urge, especially if the interview is on a serious topic. Don’t say more than you should have simply to end an awkward situation.

If you’re worried you might sound angry or adversarial, try smiling. MacLaren said if you have a smile on your face, it will come across in your voice.

When being interviewed by a TV station, don’t be afraid to make suggestions for setting a scene. Hondorp wasn’t happy when he watched an interview of himself sitting at his desk. So the next time a TV station called, he suggested they go outside, and he stood through the interview.

For most people, mastering the interview will take practice. Try role-playing with other officials, and attend training opportunities offered by MTA. Hondorp credits a leadership program editorial board training with helping him to feel more comfortable with interviews.

“For some people, talking to a stranger, especially someone writing down what you’re saying, is completely unfamiliar,” Hondorp said. “That’s why training is so important. I think everyone should practice.”

Negative stories

It’s inevitable that at one point or another, your township will be the subject of a negative or controversial story. When this happens, don’t hide from the media. Get in front of the story if you know it’s coming, and explain the issue from the township’s perspective. Take the media’s calls, or even contact them yourself. The story will be written with or without your input. Your township is better off if the board’s perspective is represented.

Hondorp always tries to prepare when he knows he’ll face questions about a contentious vote. He makes sure he doesn’t waffle but sticks to the same reasoning he provided at board meetings.

“Speak with confidence and don’t change your position,” Hondorp said. “Reporters will call you on it.”

Avoid refusing to comment if at all possible. Media outlets will include this in their story, and it gives the appearance that the township has something to hide. Think of something you are allowed to say, even if it’s just one sentence, but don’t say more than what you’re permitted to do.

When you read the story, keep in mind that if it’s balanced, you’re not going to like all of it. Reporters are responsible for representing multiple sides, not just your township’s side. Remember that the reporter is just doing his or her job, and call only if the article includes a factual error.

When the reporter makes a mistake

No one is immune from errors, and mistakes do happen in news stories. Start by calling the reporter, especially if it’s someone you have a relationship with. Explain what the mistake was and ask for a correction. Media outlets want to be accurate, and if there’s a mistake, they really do want to correct it, MacLaren said.

However, if they refuse to correct the mistake after being asked multiple times, it’s fair to take the issue to the editor or producer. You don’t have to keep working with a reporter

who continually makes the same mistake over and over again, Baker said.

When you feel that you've been treated unfairly, don't start by making accusations. Talk to the reporter and find out why they wrote the story the way they did, while also explaining the township's point of view. It's possible to address these situations without damaging the relationship you've worked so hard to build.

Don't be afraid

Media stories about your township should be embraced, not feared. Making an effort to form relationships with reporters isn't just about being nice to the media. It's about informing the residents who elected you about what's happening in your township.

Good media relations can only be built on trust and respect. Take that first step, reach out to a reporter, and make an effort to improve your township's media relations. Your township will receive its fair share of good ink as a result.



Bethany Mauger, MTA Staff Writer

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October workshop examines *Emerging Issues in Emergency Services*

Providing emergency and fire protection services may be one of the more complicated—and most important—services your township provides. Residents demand comprehensive protection, and state and federal mandates set high standards for training and safety requirements.

MTA can help you gain a better understanding of the myriad of hot issues facing your fire department and emergency services personnel. Join us **Oct. 14** at the **Bavarian Inn Lodge in Frankenmuth** for a full-day

event that examines *Emerging Issues in Emergency Services*.

Registration, along with continental breakfast, begins at 8:30 a.m. Class is held from 9 a.m. to 4 p.m. and includes lunch served at noon.

Download the registration form or register online now at www.michigantownships.org.



New housing procedure for MTA's 2016 Annual Conference

Are you planning to attend MTA's 63rd Annual Educational Conference & Expo, Jan. 19-22, 2016, at the Detroit Marriott Renaissance Center? **This year's Conference includes a new housing reservation procedure about which all attendees need to be aware.**

To reserve housing at a hotel with an MTA Conference room block, you must **first** register as a Conference attendee. This eliminates room reservations being held by officials "just in case," who then later decide not to attend Conference and cancel the rooms as the event approaches—which penalizes those attendees who are planning to come to Conference all along, and are not able to reserve a room at their hotel of choice. In addition, these late cancellations reward late-comers (when rooms suddenly open up at the host property) and is potentially harmful to the Association, as we could face huge attrition penalties.

This year, when you register for the Conference, you will receive a confirmation email that contains your personalized housing registration code, which is necessary to book your hotel room with MTA's housing bureau.

Conference and hotel reservations will open at 9 a.m. on Tuesday, Oct. 27. While online reservations (at www.michigantownships.org) are the fastest way to register, faxed and mailed forms are accepted. If MTA receives your Conference registration form before Oct. 27, your personalized housing code will be emailed to you at 10 a.m. on Oct. 27. This ensures that no one will get a housing code early or try to circumvent the new procedure.

There's no need to rush—or panic! While the housing process might be new, there's room for everyone at the host hotel, the Marriott Renaissance Center. You'll be receiving more tips on booking your Conference hotel room as we approach Oct. 27. You won't want to miss the impressive array of education, networking and fun we have in store for you in 2016! Look for the registration brochure in your October issue of *Township Focus*.

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upcoming MTA event

REGISTRATION INFORMATION



2015 Professional Development Retreats

As a township leader, you are expected to have solutions for a wide variety of challenges. How do you ensure you're equipped to anticipate, and develop strategies to overcome, virtually any situation that arises in your community?

Join fellow officials from across the state this September for MTA's *Professional Development Retreats*. Held at Boyne Highlands in Harbor Springs, these two-day events offer excellent networking opportunities and premier educational programming.

Effective strategies and practical techniques

The program is packed with informative sessions featuring topics tailored to the duties specific to your township board position. Take advantage of this learning opportunity and connect with others who can help make your role as a township official more fulfilling. It's an investment worth making.

Each retreat offers a learning experience geared to your office on concepts, trends and pressing issues in township government. These informative educational sessions are designed for elected officials at every level, and will help you develop new skills while providing you with knowledge of the statutory duties and responsibilities required of elected officials. Detailed session descriptions appear in registration materials mailed to each elected office, and are available at www.michigantownships.org.

Evening Activity

After a full day of education, we know you'll be ready for some fresh air! Leave the meeting room behind and ride the chair lift to the top of the ski hill, enjoying spectacular views of northern Michigan fall colors. Relax by the bonfire and enjoy the sounds of a local band. Gather around the fire and get your s'more on with your fellow officials!



Supervisors:
September 10 & 11

Clerks:
September 23 & 24

Trustees:
September 12 & 13

Treasurers:
September 29 & 30

Need lodging? Housing is not included in retreat registration rates. To reserve a room, call (800) 462-6963 and reference which retreat you wish to attend. For online reservations, visit www.michigantownships.org/members/retreats.asp.

Cancellations & Substitutions:

Written cancellation requests received at the MTA office four weeks prior to the retreat will receive a full refund; those received two weeks prior will receive half of the registration fee; no refunds will be issued thereafter. You may substitute another individual from your township for your registration without incurring a charge. Please notify MTA of the change. Changes to hotel reservations must be made directly with Boyne Highlands; see hotel confirmation for cancellation policies.



Attendance at an MTA Professional Development Retreat is worth four (4) elective credits in the Township Governance Academy.

Registration Form

Township _____ County _____

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Name _____ Title _____

Name _____ Title _____



2nd registrant saves \$50!

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

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\$299/person \$349/person after Sept. 1

Single-Day Session: Check the day you wish to attend. Includes that day's meals, refreshments, classes and materials. Day one includes evening activity.

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Day Two ONLY \$149/person (\$169 after Sept. 1)

BONUS: I saved \$50 on a second full-program registration!

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



Township fire officials proud to be part of new 9/11 memorial

Mike Davidson doesn't want anyone to forget the day the planes crashed into the World Trade Center, forever changing the country—and the world—in an instant.

The **Chikaming Township** (Berrien Co.) Fire Department chief believes it's crucial to continue respecting Sept. 11, 2001. Americans must reflect on how our lives were altered, the freedoms we have and the cost of that freedom, he said. Today, he's helping an organization to install a Sept. 11 monument to help residents in southwest Michigan do just that.

"It's a part of history," Davidson said. "We create these things so we don't forget."

This summer, workers broke ground on the new 9/11 Resiliency Plaza in Benton Harbor, across the street from

the Benton Harbor fire and police departments. The memorial will feature a 500-pound section of steel beam recovered from the wreckage of the New York City World Trade Center—which was driven to Michigan by two **Niles Charter Township** (Berrien Co.) Fire Department firefighters. Davidson, who is also president of the Berrien County Fire Chiefs Association, was a featured speaker at the groundbreaking event in July.

The project is already expected to be completed this month, with a dedication ceremony scheduled for Sept. 11.



Two Niles Charter Township (Berrien Co.) firefighters drove this 500-pound section of steel beam recovered from the wreckage of the World Trade Center from New York City to southwest Michigan. The beam will be part of a new 9/11 memorial in Berrien County.

A long journey

The plaza will be the end of a long journey for the steel beam already housed in Berrien County. In 2010, the American Red Cross of Southwest Michigan learned that artifacts from the World Trade Center wreckage were available to applicants. The Red Cross sent an application to the New York/New Jersey Port Authority and was granted a steel beam, on the condition that they had to pick it up. So Niles Charter Township firefighters **Aaron Floor** and **Eddie Alcalá** took a road trip to New York City to bring the beam to Berrien County.

Since then, a problem has plagued the county—there wasn't a good place to display the beam. After endless discussions, a nonprofit organization called World Trade Firmitas was formed in 2014. 9/11 Resiliency Plaza was created entirely through donations of money, time, labor and materials. The group took on designing and constructing a place where the artifact would be displayed, as well as the long-term maintenance.

The plaza is meant to remember the lives lost that terrible day and pay tribute to the first responders who courageously put themselves in harm's way, many sacrificing their lives. The location by the police and fire station was strategically chosen for that purpose.

Never forget

Davidson believes Sept. 11 deserves the special respect it's receiving. The day is etched in his mind, just as he remembers the day President John F. Kennedy was assassinated. He was working that day as a chimney sweep for his side business when the homeowners told him someone had just crashed into the World Trade Center.

"I quit what I was doing, and I watched TV with them for two-and-a-half hours," Davidson said. "I couldn't do anything else. I was dumbfounded."

Sept. 11 is especially meaningful for first responders. The men and women who perform those jobs, both in New York City and in Michigan townships, run into dangerous situations without thinking about their own lives, simply because that's what they're trained to do. Everyone in Davidson's department takes the job understanding the risk involved.

"They do come in with the understanding that things can go badly for them," Davidson said. "They're willing to take that chance."

To Davidson, Sept. 11 also reiterates just how important training is, no matter how redundant it may seem. They're drilled with the basics time after time so that when they walk into a dangerous situation, they don't have to think about the basics but do them automatically. Davidson has been trained so many times he can easily rattle off a list of fire scene essentials without thinking. That's what he wants his firefighters to do.

The new monument hasn't been unveiled yet. Davidson is anxiously awaiting the dedication ceremony, where he will catch his first glimpse. He's proud to be part of a project that honors those he holds in such high regard.

Learn more about the project, including a gallery of photos and how to donate, at www.proj-resiliency.org. Photos courtesy of David Knight Photography, St. Joseph

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Inspiring tomorrow's local leaders

MTA awards Robinson Scholarship

A township deputy supervisor seeking a career as a municipal manager is this year's recipient of the MTA Robert R. Robinson Memorial Scholarship. The one-time scholarship is awarded to a junior, senior or graduate student enrolled at a Michigan college or university who is pursuing a career in local government.

A high level of service

Andrew Dymczyk has been deputy supervisor of **Harrison Charter Township** (Macomb Co.) for three years. He is currently pursuing a Master's of Public Administration, with a local government focus, from Oakland University. The Macomb native has future aspirations of securing a position as a municipal manager within the next five years.

As he noted on his scholarship application, Dymczyk also plans to continue serving the residents of Harrison Township with a high level of service. He intends to "gain more knowledge about Harrison Township, and the relationship between local, county and state government," he said.

An avid volunteer in the township where he works, Dymczyk has assisted the township's beautification committee, and has volunteered his time at numerous township parks and recreation events, including community runs, the annual fishing derby and the township's holiday tree lighting event.

In its resolution of support that accompanied Dymczyk's scholarship application, the Harrison Charter Township Board said that, "Deputy Dymczyk works full time at the township, striving for efficient local government, and is constantly trying to professionally improve himself

by attending training through the Michigan Townships Association and [Southeast Michigan Council of Governments], as well as working toward his master's degree."

The board also noted that, among his duties at the township, Dymczyk coordinates human resource issues, manages the assessing, building, fire, maintenance, and water and sewer departments, and "has gained an intimate understanding of how these departments run." Dymczyk's experiences at the township have given him a first-hand look at the challenges facing local government. The increasing demands on municipalities—and dwindling resources—as they strive to continue to provide quality services and programs was the topic of Dymczyk's scholarship essay.

"The current environment of public management is ever-changing," he wrote. "Traditional revenue sources are shrinking, with expenditures increasing, and greater expectations and requirements are being placed on municipalities by residents and the state. ... Rethinking the traditional model is paramount to the success of local municipalities. With limited funding, prudent local governments have adapted hours, consolidated services, shared services, and made tough decisions for their community. These difficult times emphasize the importance of qualified representatives and municipal staff."

His essay further explored the non-traditional model of services, including a feasibility study in Harrison Township, to explore establishing a regional fire authority to serve the area. "The study will look at the feasibility of establishing one authority to oversee the entire region, an overall assessment of each department, and rethink traditional hours and layout of the departments," he said.

Exploring all options when providing services is key to continued success, Dymczyk concluded. "Public management continues to adapt to changing expectations and limited funding," he said. "Privatization and changing operation techniques are all tools used by qualified representatives and management to ensure the financial future of municipalities."

Inspiring future leaders

As MTA's second executive director, Robert R. Robinson was dedicated to townships and to furthering the form of government closest to the people. Awarding the endowment each year in his name helps to ensure that Michigan's future local leaders continue to value and protect township government and the Michigan residents it serves.

Learn more about the scholarship on MTA's website, at www.michigantownships.org/scholarship.asp.

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Sign regulations may need to change after SCOTUS finds town's code is content-based

Reed v. Town of Gilbert, 576 U. S. ____ (2015), U.S. Supreme Court, Docket No. 13-502, Decided June 18, 2015—The Town of Gilbert in Arizona has a sign code regulating outdoor signs. The code breaks sign types into different categories based on the information the signs convey, with different regulations for different categories.

One of the categories is “Temporary Directional Signs Relating to a Qualifying Event.” A qualifying event is defined as any “assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational or other similar non-profit organization.” Temporary directional signs were limited to no more than four signs on a single property, could be no larger than six feet, and could be placed on private property or a public right of way only up to 12 hours before and one hour after the qualifying event. The regulations regarding temporary directional signs were stricter than for other categories such as “political signs” or “ideological signs.”

Pastor Clyde Reed of the Good News Community Church placed 15 to 20 temporary directional signs in the public right-of-way each week to inform the public about the church's services, which were held in elementary schools or other locations around town. The signs, displaying the church's name and the time and location of the service, were posted early on Saturday and removed around midday Sunday. The town cited the church for violating the sign code by exceeding the time limits and not including the date of the event. Negotiation with town's code compliance manager failed, and the church sued in U.S. District Court, claiming that the sign code abridged their freedom of speech in violation of the First and Fourteenth Amendments.

The District Court denied the church's request for a preliminary injunction, and the Court of Appeals for the Ninth Circuit affirmed and remanded, holding that “the sign

code's provision regulating temporary directional signs did not regulate speech on the basis of content.”

The Ninth Circuit held that, “even though an enforcement officer would have to read the sign to determine what provisions of the sign code applied to it, the ‘kind of cursory examination’ that would be necessary for an officer to classify it as a temporary directional sign was ‘not akin to an officer synthesizing the expressive content of the sign.’”

The District Court granted summary judgment for the town, and the Ninth Circuit affirmed, holding that the code's sign categories were content neutral. Relying on the U.S. Supreme Court decision in *Hill v. Colorado*, 530 U.S. 703 (2000), the Ninth Circuit concluded that “Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed” and its “interests in regulating temporary signs are unrelated to the content of the sign.” The Ninth Circuit did not apply strict scrutiny to the code and held that “the distinctions between temporary directional signs, ideological signs and political signs ... are based on objective factors relevant to Gilbert's creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign.”

The church appealed and, in an opinion that has significance for local government sign ordinances across the country, the U.S. Supreme Court reversed.

The majority opinion, written by Justice Thomas, held that a regulation is content-based if it prohibits a topic or category of speech, not just a particular viewpoint:

“[I]t is well established that ‘the First Amendment's hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic.’ Thus, a speech regulation targeted at specific subject matter is content-based even if it does not discriminate among viewpoints within that subject matter. For example, a law banning the use of sound trucks for political speech—and only political speech—would

be a content-based regulation, even if it imposed no limits on the political viewpoints that could be expressed. The town's sign code likewise singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter. Ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages announcing an assembly of likeminded individuals. That is a paradigmatic example of content-based discrimination.

"[A] speech regulation is content-based if the law applies to particular speech because of the topic discussed or the idea or message expressed. A regulation that targets a sign because it conveys an idea about a specific event is no less content-based than a regulation that targets a sign because it conveys some other idea. Here, the code singles out signs bearing a particular message: the time and location of a specific event. This type of ordinance may seem like a perfectly rational way to regulate signs, but a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem 'entirely reasonable' will sometimes be 'struck down because of their content-based nature.'" (*Opinion, citations omitted*)

The court held that the town's sign code's provisions are content-based regulations of speech that do not survive strict scrutiny:

"The sign code's content-based restrictions do not survive strict scrutiny because the town has not demonstrated that the code's differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. Assuming that the town has a compelling interest in preserving its aesthetic appeal and traffic safety, the code's distinctions are highly underinclusive. The town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the town when other types of signs create the same problem. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs.

"This decision will not prevent governments from enacting effective sign laws. The town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—e.g., warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny." (*Court syllabus, citations omitted*)

Townships should review existing sign regulations, both in zoning and non-zoning ordinances, in consultation with their legal counsel and planning consultant to determine if any changes may be required in light of this opinion.

Compliance with applicable GAAMPs required for Right to Farm Act protection

Township of Williamstown v. Jeremiah Hudson, ___ Mich. App. ___ Docket No. 321306, Decided May 19, 2015, approved for publication July 2, 2015—In 2012, Jeremiah Hudson purchased a residentially zoned parcel that borders the local high school grounds in **Williamstown Township** (Ingham Co.). He began to raise a number of farm animals, including rabbits, pigs, chickens, goats, quail and ducks, in violation of the township zoning ordinance. Shortly after, the township received complaints and took action to enforce the ordinance in court, alleging a nuisance and requesting injunctive relief.

Both parties sued for summary disposition, with Hudson claiming that the Right to Farm Act (RTFA) pre-empted the township's ordinance. The township filed a complaint with the Michigan Department of Agriculture and Rural Development (MDARD), which prompted an investigation by MDARD staff. After a site visit and a number of written requests for Hudson to complete several measures regarding manure management and potential water contamination, MDARD sent Hudson a letter that alleged that he had not complied with the Manure Management Generally Accepted Agricultural Practice (GAAMP).

The trial court granted the township's motion for directed verdict and issued an opinion and order confirming that the farm was a commercial farming operation under the RTFA, but holding that Hudson's failure to satisfy all applicable GAAMPs precluded application of the RTFA. Hudson appealed.

The Court of Appeals defined the issue: "The protections of the RTFA constitute an affirmative defense; accordingly, the party asserting RTFA protection bears the burden of proving the following: (1) that the challenged condition or activity constitutes a 'farm' or 'farm operation' and (2) that the farm or farm operation conforms to the applicable GAAMPs. *Lima Twp v. Bateson*, 302 Mich. App. 483 (2013). Only the second element is at issue here."

In affirming the trial court, the Court of Appeals held that, while only Hudson's compliance with the Manure Management GAAMP was under investigation by MDARD, he had not complied with that GAAMP, and therefore was not protected by the RTFA:

"Regarding the farm's manure practices, [MDARD Environmental Manager Wayne] Whitman's investigation clearly outlined problems concerning direct discharge from a surface grate, as well as issues concerning a bare soil area, manure runoff, and necessary soil testing. His subsequent letters reiterated those concerns. Despite Hudson's submission of two Manure Management System Plans, Whitman indicated on August 23, 2013, that the farm was still not compliant with the Manure Manual. Even worse, as of that date, MDARD still had not received any documentation from Hudson regarding the potential pollution on his property."

aroundthestate

townships in the spotlight



Blue Lake Township

Blue Lake Township (Muskegon Co.) was established in March 1865, with its first meeting held April 3, 1865. A rural community with a population of roughly 2,400, the township is located in the southern portion of the Manistee National Forest. It is home to several exceptional campgrounds and is surrounded by lakes and forest.



The township is named after a mile-and-a-half long lake, Big Blue Lake. The whole township drains into the White River, which crosses the northwest corner.

The township board and community members celebrated the township's sesquicentennial on June 20. Rep. Holly Hughes (R-White River Twp.) presented the board with a state of Michigan flag that was flown above the Capitol and Muskegon County Commissioner Ken Mahoney was also among the attendees. Township officials and residents mingled and shared stories of the history of the township. On display at the celebration was a model of the local Brown's Pond Dam, the original minutes book containing minutes from the first township meeting, an old handwritten tax book, and historical information on the Blue Lake and Ware Cemeteries.



Former township resident William P. Hansen was also on hand to autograph *Sea Serpents & Gold*, a book he authored about Blue Lake Township's history. The tome was so popular that he sold out within days of the celebration and had to order additional copies to be printed. Hansen also presented a painted wooden flag, which was created by his family recognizing those who served in the Civil War and then settled in Blue Lake Township. This flag (*pictured below, left*) will be displayed in the township hall.



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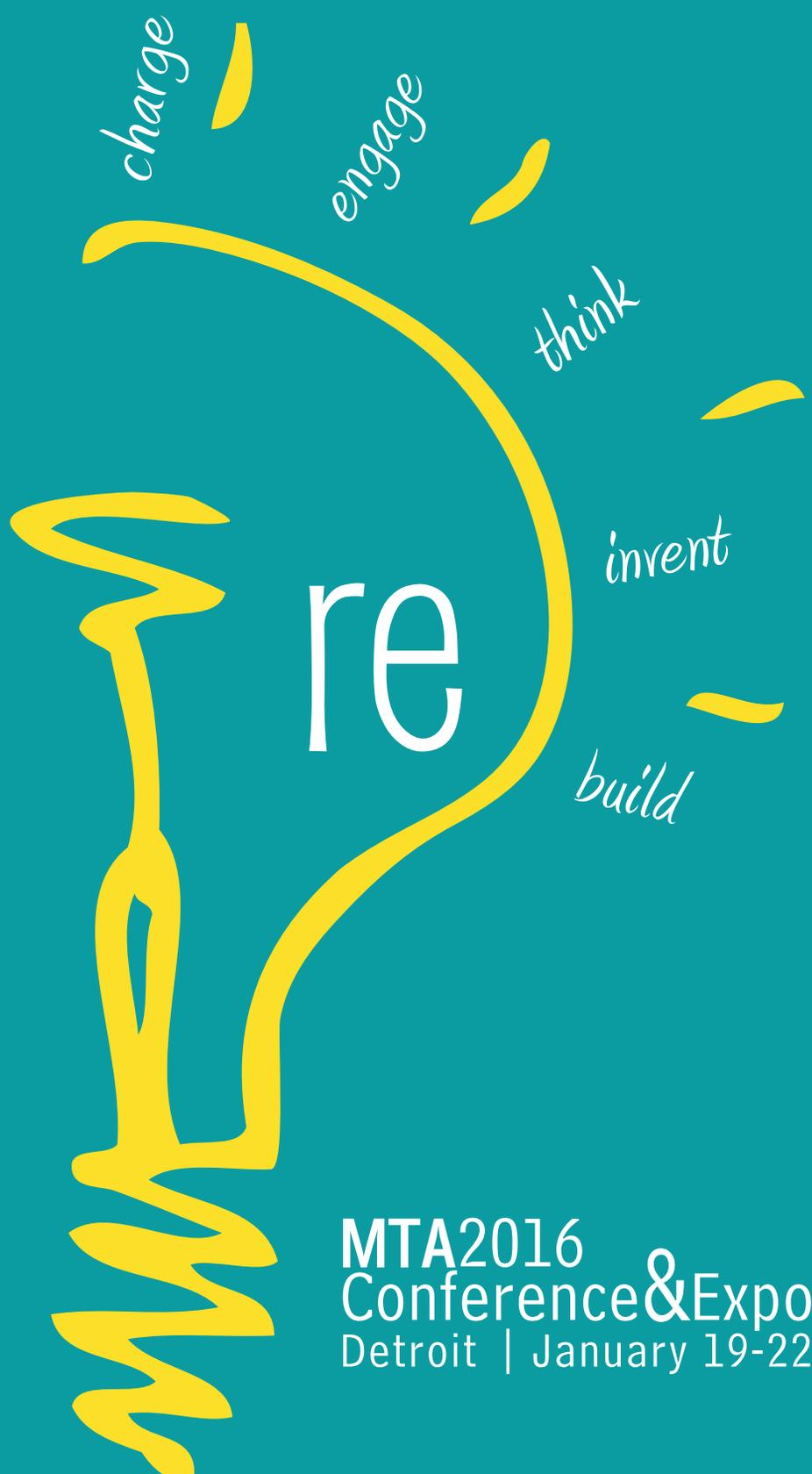
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Look for the 2016 MTA Annual Conference & Expo registration brochure in the October *Township Focus*.

Registration and housing opens Oct. 27. Attendees **must** be registered for Conference to reserve housing.



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