

Michigan
Township Focus

SEPTEMBER 2020

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

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mission statement

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It's the pits

Here comes a warning: There will be a persistent attack on your township's local authority over planning and zoning this fall. Legislation is pending in the state Senate—Senate Bill 431—that would virtually eliminate local zoning and oversight authority on sand and gravel mining operations across the state and establish industry standards in place of current local control. The bill will likely be considered by the Senate before or just after the November elections. The House could then consider the legislation during the Legislature's "lame duck" session—the time between the November general election and the end of the legislative session. A similar bill—House Bill 5979—could also be considered.

To counter this attack, we need you to reach out **now** to your state senator and representative, *especially those leaving office*, to ask them to stay true to their residents over the corporate special interests seeking to push through these extreme sand and gravel mining bills. MTA and our coalition partners have offered fair, realistic and effective alternatives to the legislation proposed by the aggregate industry. In contrast, the industry bills' measures are unnecessary, unfair to communities and inflict unacceptable damage on local control:

- **Unnecessary** because there is no evidence of need. Their report was discredited by the Michigan auditor general, and the State Transportation Commission chair said the aggregates association should refund the state for it.¹
- **Unfair** because the rights of homeowners, businesses, schools, medical facilities, farms, tourism attractions and others will be erased.
- **Unacceptable** because their supporters see this as the first step toward statewide "one-size-fits-all" planning and zoning.

Why the lame-duck session? Because the aggregate industry seeks to push the legislation after an election and during this time period, which historically has hundreds of bills passed in November and December. It is nearly impossible for anyone to carefully study and fully comprehend the actual consequences of these misleading bills in a limited timeframe along with a myriad of other bills. Finally, outgoing legislators are targeted by special interests trying to pass legislation before the new legislative session begins, when they'd have to start all over again.

Even if you don't have any current sand and gravel operations in your township, it is critical for you to respond to MTA's call to action to ensure that legislation protects reasonable local control over planning and zoning. The industry's current bills effectively allow would-be sand and gravel operators to dig and load wherever they want in a

community with no local authority over the operational times, intensity, noise, dust and truck traffic they could inflict in your neighborhoods, farm areas, tourism spots and other locations, all set at industry-standard levels. If the bills pass in their current form, other industries could also seek to weaken or eliminate your planning and zoning relevant to their activities.

As I wrote this, MTA and our governmental associations coalition were working with the aggregate industry at the request of the Senate Transportation Committee chair. The goal is to find areas of common ground and to work toward compromise legislation. MTA has shared with legislators—and the aggregates representatives—that overall, our townships report good working relationships with local operators and mutually agreeable solutions are reached when necessary. Although very rare, it does happen that "bad actor" mining operators generate nuisance, pollution and other complaints from residents. Interestingly, the industry also continually uses the phrase "bad actors"—about you, township officials. The industry presented information falsely claiming that nearly 28 townships have denied permits caused by "NIMBY" issues over the past few decades. A closer examination reveals townships approved the permit only to have citizens file lawsuits, the operators themselves sued townships, cities or villages were misidentified as townships, or the claims simply are not true.

Please begin an ongoing discussion now with your representative and senator on the critical way they can positively impact all their communities: ask that they demand an acceptable compromise bill be presented versus a one-size-fits-all approach statewide. For talking points, additional information on SB 431 and HB 5979, and legislator contact details, visit MTA's Legislative Action Center (after logging in to www.michigantownships.org, access on the members-only side of the website, under "Advocacy").

MTA and our coalition partners have presented a fair and reasonable set of alternative provisions and will continue to work for a resolution—but we need your help to protect your local authority!

We will continue to keep you updated on our efforts to reach a compromise that protects local control while supporting those responsible sand and gravel operators in their efforts to run their businesses as good neighbors and community partners.

Neil Sheridan



¹ Audit: Michigan taxpayers ripped off with questionable \$100K MDOT Study, *Detroit Free Press*, Oct. 22, 2019.

COVID-19 updates and information for townships

The COVID-19 pandemic is persisting, throughout the state and across the country. As of *Township Focus* press time, case numbers in Michigan may be starting to plateau, though the resumption of schools and universities across the state could also result in an uptick. The following updates and information are critical to keep township officials—and their residents—informed during these continuously changing times.

Executive order, directive protect workers, ensure enforcement

Executive Order 2020-172 reinstates prohibitions on employers from discharging, disciplining or retaliating against employees who stay home when they or their close contacts are sick.

Under the order, employers must treat employees who stay home when they are sick as if he or she were taking medical leave. All Michiganders who test positive for COVID-19 or who display one or more of the principal symptoms are encouraged to stay home. Individuals must remain home until 24 hours have passed since the resolution of fever without medication or 10 days have passed since their symptoms first appeared or were tested positive.

Executive Directive 2020-08 directs state departments and autonomous agency heads to review allocation of their resources to ensure that enforcement of COVID-19-related laws is a priority, such as limitations on capacity and the requirement to wear a mask when entering a Michigan business. The directive also requires departments to consider violations of law when determining eligibility for licensing, including of relevant COVID-19 executive orders or epidemic orders. If a state department or agency becomes aware of non-compliance under the law, they must consider it to be presumptive evidence of a “public health hazard” or “imminent and substantial hazard to the public health” and take appropriate steps to mitigate any risk to public health and safety. This includes, but is not limited to, suspension of a license or cessation of operation of a food establishment.

The Michigan State Police will enforce violations of these COVID-19-related laws, such as executive orders and Michigan Department of Health and Human Services epidemic orders, in the same manner as any other violation of law, applying their discretion as appropriate. Departments and agencies that become aware of a violation must share that information with relevant licensing authorities, and collaborate on enforcement to ensure efficiency and effectiveness.

Census field work slated to end Sept. 30

The U.S. Census Bureau will end all 2020 Census field work—including door-to-door, phone, mail and online response collections—on Sept. 30. This means that time is running out for townships to remind residents of the critical importance that a complete census count means for our communities and state. Michigan was the first state in the nation to surpass its response rate from 2010, and as of press time, has the fifth highest response rate in the country—69.6%, compared to the overall U.S. response rate of 64.5%.

As reported in the April/May issue of *Township Focus*, the Census Bureau suspended field work for a nearly three-month period, until June 1, due to safety concerns for its Census workers and the American public. In April, Congress and the White House agreed to extend Census count operations through Oct. 31; however, in August, the Census Bureau announced it was shortening the deadline to Sept. 30. Congress could act to extend the statutory deadline for delivering the population count beyond Dec. 31, 2020.

In August, Gov. Whitmer joined eight governors from around the nation in a joint letter to the U.S. Census Bureau and U.S. Department of Commerce, urging them to reinstate the collection and response period to Oct. 31 to ensure sufficient time to attain an complete, accurate census count, which will be used for the next decade to determine congressional representation and federal funding.

New Census tool shows how vulnerable communities are to disasters, including COVID-19

A new tool from the U.S. Census Bureau can help measure the degree of a community’s resilience in the face of disasters and other emergencies, such as COVID-19. The Community Resilience Estimates (CRE) is a resilience measure that identifies a community’s ability to endure, respond to and recover from the impact of disasters. Local officials, emergency responders and other stakeholders can use CRE, in addition to other tools, to help combat the current crisis and plan for future health and weather-related disasters. Improved readiness can help mitigate the impact of disasters on at-risk populations, as well as the economic burden on individuals, households and governments.

The CRE estimates combine 2018 American Community Survey and Population Estimates data with publicly available data from the 2018 National Center for Health Statistics National Health Interview Survey to identify the population

most at risk of not being able to endure the impact of the coronavirus pandemic.

Risk factors include aged 65 and above; low-income household; single or no caregiver household; household communication barrier; employment status; disability status; physical crowding; lack of health insurance; respiratory disease; heart disease; and diabetes. Individuals with three or more risk factors—from health and income to age and living conditions—are considered high risk. Likewise, communities are high risk if at least 30% of their population has three or more risk factors. Rural counties, for example, are far more likely to have greater proportions of high-risk populations—with 30% of all rural counties considered high-risk compared to 14% of all urban counties.

In Michigan, 25 counties had three or more risk factors, 46 had one or two, and 29 had no risk factors. Access the new tool at www.census.gov (search for Community Resilience Estimates).

LARA asks locals to not circumvent state permitting

After learning that some local units of government were considering allowing barber and/or cosmetology services to be provided outside of state-licensed establishments through a local permit process, the state Department of Licensing and Regulatory Affairs (LARA) offered information on statutory provisions—contained in MCLs 339.1117 and 339.1217(b)—that prohibit these services from being provided outside of a licensed establishment and provide penalties for violations. The provisions ensure public safety, allow the public to verify they are entering a duly licensed establishment and that they are receiving services from duly licensed individuals who have been properly trained in safety precautions; and allow LARA to know the locations that should be periodically inspected to ensure health and safety requirements are continuing to be met.

EO 2020-161 outlines the standards that all businesses must follow and implement when safely restarting, including specific requirements for the cosmetology and barber industry. Local units and licensees are encouraged to review and follow the law and rules promulgated thereunder when making decisions about how to reopen safely. Email LARA-COVID-19-Questions@michigan.gov with questions.

Assistance to Firefighters Grant supplemental could offset COVID-19 purchases

Township volunteer or combination fire departments could receive federal grant funding to offset pandemic response purchases, including personal protective equipment (PPE), under an additional application opportunity for the Assistance to Firefighters (AFG-S) grant program. The COVID-19 supplemental program, through the Federal Emergency Management Agency, will fund applications for PPE and other supplies to support COVID-19 response. This includes reimbursement for expenditures made since Jan. 1, 2020. Grants will be awarded to applicants whose requests best address the priorities of AFG-S. Volunteer and combination fire departments can apply in this round even if they had a successful application in the first round.

Watch MTA publications for details on the new application period as they become available. Learn more at www.fema.gov/grants/preparedness/firefighters.

Updates, information on CARES Act reimbursement programs for locals

Townships and other local entities eligible can still apply for the CARES Act reimbursement through the First Responder Hazard Pay Premiums Program (FRHPPP). Townships, along with local governmental authorities, intergovernmental agencies, or organizations that employ local public safety or local public health personnel, can apply through Sept. 30, with funds being awarded on a first-come, first-served basis.

Townships that wish to receive advance payment prior to issuing hazard pay premiums to qualified first responders are required to complete the FRHPPP Advance Request Form (Form 5725). The form must be submitted by those townships that previously applied or intend to apply for the program and wish to receive advance payment from the state before issuing payments to qualified first responders.

Townships that submitted applications by Aug. 10 for the FRHPPP advance payments should receive the advance payments in early September, rather than the original estimated Aug. 24 date. Due to the number of requests and processing time required, the state Department of Treasury indicated additional time was needed. Regardless of when applications and request for advance payments were submitted, payments will be made in early September, allowing your township time to issue the hazard pay premium payments to employees by the Sept. 30 deadline. You can check award amounts on the FRHPPP website once reviews are completed.

Numbered Letter 2020-4, from the Department of Treasury, helps local units of government with the receipting of revenues related to the Public Safety and Public Health Payroll Reimbursement Program, First Responder Hazard Pay Premiums Program and Coronavirus Relief Local Government Grants. This guidance advises entities on how to record and accrue funds granted under Public Act 144 of 2020.

Find more information at www.michigan.gov/treasury (click on “Local Government,” then “COVID-19 Updates for Local Governments and School Districts”).

MTA officers remain in place until in-person Annual Meeting can be held

Following the cancellation of MTA’s 2020 Annual Educational Conference & Expo in April, the MTA Board of Directors adopted by unanimous written consent a motion holding over current Association officers to remain in their positions until an in-person Annual Meeting can be held.

Current MTA Bylaws did not anticipate the remarkable circumstances facing our organization and, as presently written, do not allow for telephone or digital-only (i.e., online or virtual) Annual Meetings. Because large gatherings are not permissible in much of the state and out of an abundance of caution for our members, the decision has been made to forego an Annual Meeting until we can do so safely. It is our hope to hold an in-person Annual Meeting with our 2021 Annual Conference in Grand Rapids next April.



NO SURPRISE

Census estimates show that townships continue to lead in population increases

Townships continue to comprise the fastest-growing communities in the state—both in terms of numerical gains and percentage gains—according to new population estimates from the U.S. Census Bureau.

Two townships continue to be in the top 5 of both the fastest-growing in terms of numbers and percentages. Since 2010, **Lyon Charter Township** (Oakland Co.) has grown 44%, adding 6,430 residents to 20,975. **Allendale Charter Township** (Ottawa Co.) gained 6,001 new residents, growing 29% to 26,709.

Of the top 20 communities with the biggest numerical gains from 2010 to 2019, 13 are townships, including:

- **Macomb Township** (Macomb Co.), with an increase of 11,994 residents, up 15% to 91,574
- **Georgetown Charter Township** (Ottawa Co.) gained 5,652 residents—growing by 12% to 52,637 residents
- **Byron Township** (Kent Co.) gained 4,596 residents, up 23% to 24,913

Nearly all of the top 20 communities with the biggest percentage gains—17 in all—are townships, including:

- **Hendricks Township** (Mackinac Co.), which increased by 50% to 230 residents
- **Algoma Township** (Kent Co.), up 28% to 12,752 residents
- **Jamestown Charter Township** (Ottawa Co.), with a 27% increase to 8,901 residents

Among the townships that lost population, this often resulted from closing of state correctional facilities or villages incorporating as cities.

The numbers also show that Michigan's population—which remains just shy of 10 million people—is shifting from rural to urban/suburban communities and from the east side of the state to the west side. Two West Michigan counties—Kent (up 9%) and Ottawa (with an 11% increase)—are the two fastest-growing counties in state, gaining more than 80,000 residents in the past decade. The Upper Peninsula lost 4% of its population, and all 15 U.P. counties lost population.

EDUCATING YOUTH

Township officials can head back to school this fall (even online!), too!

This year's school year may be starting off a little differently in some areas of the state—with many districts beginning the fall term online or with a hybrid remote/in-person approach. Regardless of the method, back-to-school time still provides an opportunity for township officials to reach out to area schools to offer to share information, insights and experiences about the importance and value of township government—and the role it plays in residents' lives every day.

You can help spread the message of what township government is—and how it impacts parents, students, local services and businesses. September is the perfect time to call or email your local school superintendent, principals or government teacher to let them know you are available as a resource. Offer to make a presentation about township government (you could even do so via virtual meeting software like Zoom or GoToMeetings!). Even if you have been invited to make a presentation in years past, it's always a good idea to remind a teacher that you are available to talk with the class year after year.

By putting a “face” on local government, you are helping give students an accessible opportunity to talk 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 fire and police protection, library services, and even local roads. High school students could soon be voting in their first election this November! 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 and the future of your community.

Find tools to take into the classroom at www.michigan-townships.org (click on “Tools for Teachers” under the “About Townships” tab).



WATER USE COMMITTEES

Townships and large quantity water withdrawals

A large quantity water withdrawal is any withdrawal of surface water or groundwater capable of averaging more than 100,000 gallons per day over any 30-day period. That equates to a total pumping capacity of 70 gallons per minute or more.

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) regulates large quantity water withdrawals under Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended). A primary function of Part 327 is to prevent adverse resource impacts to fish populations and stream flow by limiting the cumulative effect of large quantity withdrawals. What is the role of a township, or other local unit of government, in regulating large quantity water withdrawals? Section 32726 of Part 327 prohibits a local unit of government from enacting or enforcing an ordinance regulating large quantity withdrawals. This prohibition doesn't apply to regulation of drinking water supplies under the public health code, and does not affect local authority to require persons to connect to municipal water supply systems as authorized by law.

Local units of government can participate in water user committees to help manage water resources at the local watershed level. A water user committee allows water users and local units in depleted watersheds to collectively manage their local water resources to avoid creating adverse resource impacts and to equitably share the available water resources among the various water users. EGLE notifies the water users and local units of government in depleted watersheds that are approaching, but are not yet at, the point where an adverse resource impact is likely that they can form a water user committee.

The water user committee consists of all registered and permitted water users and local units of government in the affected watershed(s). The local units of government can create an ad hoc subcommittee of residents to advise the local units of government on water resources, water use and trends in water use within the local unit(s) of government. EGLE staff are available to provide technical support concerning water use registrations, reporting data, stream flow and fish population data.

Getting multiple water users with competing interests to collaborate on managing water resources can be tricky. The water user committee concept was designed to provide an alternative to civil litigation that may result when a property owner tries to protect his/her property rights to pump from the surface water on or the groundwater beneath his/her property. While to date, a water user committee hasn't been formed in Michigan, it is increasingly likely to happen as more watersheds become depleted per the adverse resource impact standard in Part 327.

Additional information, including a link to Part 327, is available at www.michigan.gov/wateruse.

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NEW RULES

MRA adopts topic-based administrative rules

The Marijuana Regulatory Agency (MRA) has adopted 10 topic-based administrative rule sets to implement both the Michigan Regulation and Taxation of Marijuana Act and the Medical Marijuana Facilities Licensing Act. The rule sets implement, administer and enforce appropriate standards for marijuana businesses and associated equipment, and establish regulations ensuring the safety, security and integrity of the operation of marijuana businesses. They are intended to provide clarity and consistency to those working in both the medical and adult-use markets—as well as for townships that may have now, or in the future, such facilities in their borders.

Included in the rule changes:

- Under “Licenses,” the prequalification period has been extended from one year to two years. An applicant may be prequalified, but not fully licensed for two years before their application is “expired.” Applicants can go to the local unit for an attestation affidavit once they are prequalified, and some units do give local permits during that period.
- For “Operations,” waste rules have been changed to allow recycling and composting of marijuana plant waste that has not been treated with hazardous chemicals, and delivery drivers can have inventory in their vehicle and be dispatched from delivery to delivery.

Due to the changes, the rules should be easier to review and the overall process may be easier to understand. Applications, step-by-step instructions and other educational resources have been updated to comply with the new topic-based rule sets. Additionally, MRA advisory and technical bulletins are being updated, as applicable, and reorganized on the MRA website to be consistent with the topic-based rule sets. Find more information at www.michigan.gov/mra.

A GROWING INDUSTRY

Final report explores state’s inaugural industrial hemp ag pilot program

Many township officials may have seen, and had questions themselves or from residents about, a new crop being grown around the state—industrial hemp. With the 2020 growing season on the horizon, the Michigan Department of Agriculture and Rural Development (MDARD) unveiled its final report about the freshman year of the state’s Industrial Hemp Ag Pilot Program. Last year, hemp was grown in 58 of the state’s 83 counties.

The first hemp ag pilot program was established in April 2019 to allow farmers, processors and state colleges to grow, handle, process and research industrial hemp—cannabis with equal to or less than 0.3% 9-tetrahydrocannabinol (THC). It’s grown for fiber, grain and biomass, as well as non-intoxicating medical compounds such as cannabidiol (CBD).



A March 2020 *Township Focus* article explored the pilot program, including requirements for signage, and noting that local governments, including townships, are preempted from adopting any rule, regulation code or ordinance to restrict or limit any hemp cultivation or processing.

According to the final MDARD report, the 2019 pilot program participants planted approximately 3,678 acres of hemp outdoors and an additional 400,977 square feet of hemp indoors across the state. Based on the survey responses received from program participants, more than 1,000 acres of hemp were planted by growers in multiple counties. The counties with the highest reported hemp acreage planted were Huron, Berrien, Oceana and Tuscola.

Legislation has also been signed into law to align Michigan’s industrial hemp laws with the requirements set in place by the U.S. Department of Agriculture’s (USDA) Interim Final Rule, and to enable Michigan to submit a state plan for USDA approval for hemp cultivation.

For additional information, visit www.michigan.gov/industrialhemp.

In memoriam

Gary Johnson, Republic Township (Marquette Co.) zoning administrator, and former planning commissioner and supervisor for 19 years.

HONORING HOMETOWN HEROES

Deadline extended to Sept. 15 for Small Town America Civic Volunteer Award

To ensure ample time is given to local governments that have been focused on COVID-related issues during the nominations period, the deadline for the Small Town America Civic Volunteer Award program has been extended one month to Sept. 15. The award seeks to shine a spotlight on the dedication and hard work being done every day across the nation by our public servants and volunteers in small communities.

Program sponsors—including the National Association of Towns and Townships—want to ensure leaders in these localities have additional time to make award nominations. The quality of the nominations to date have been outstanding, describing compelling and heartwarming stories of civic volunteers providing incredible service in small townships and rural counties across the country. With all of the challenges being faced in these small communities, an extension will provide an opportunity for even more of these “hometown heroes” to be recognized.

The judging process will be completed by Sept. 30 and an announcement of winners will take place shortly thereafter. More information can be found at www.civic-volunteer.com.



LOCAL UPDATES FROM ACROSS MICHIGAN

Township happenings

Recently, a groundbreaking ceremony was held for a new, 2.1-mile nature trail in **Argentine Township** (Genesee Co.). The LAFF Pathway—so named for its connection of Linden, Argentine Township, **Fenton Township** (Genesee Co.) and Fenton—will be the township’s first non-motorized trail and is the first trail of a larger regional trail system planned. It also aims to provide a safe route for children to walk to and from school and looks to bring tourism to the area.

While closed for the 2020 season due to the COVID-19 pandemic, **Chassell Township** (Houghton Co.) is continuing to make improvements for residents and visitors, with barrier-free parking at its Heritage Center as part of a universal accessibility project. An additional ramp and stairway railings will be added as well. Housed in the former Chassell Elementary School building, the Heritage Center is listed on the National Register of Historic Places and is an official Heritage Site of the Keweenaw National Historical Park.

New Buffalo Township (Berrien Co.) hosted a public safety day in August at its fire station 1. Free school supplies were given away at the event. Social distancing and safety measures were taken while community members enjoyed games, food and more.

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



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MTA staff assume new roles in the Association

Please join MTA in congratulating several staff on their new roles within the Association.

Rebecca Popoff has been named MTA member services manager. In her expanded role, she will continue to assist members with event registration and financial tasks, including accounts receivables and assisting with the annual budget and audit. She led the Association's transition to a new database, and will continue to be a lead in database maintenance (so contact her with any contact information or new official changes!), answer member financial questions, and assist with the annual dues membership drive.

Popoff joined MTA in 2006, first serving as receptionist and then moving to the Knowledge Center, where she spent four years as education assistant. After several years assisting with MTA publications and workshop logistics, Popoff returned to the Administration Department as records assistant in 2012.

Emily DeRushia is MTA's new digital engagement coordinator. In addition to spearheading and creating MTA's social media campaigns and messaging, she will also serve as webmaster of the Association's website, administrator of our *Community Connection* networking site, and producer of MTA's *Township Talk* podcast. As the Association increases its virtual educational opportunities for our members, including the MTA Online subscription service, DeRushia will also serve as producer of webcasts and supplemental video content. DeRushia has served as Knowledge Center assistant since she joined MTA in 2014.

Elsa Munõs has been the familiar voice answering the main phone line at the Association's office, after joining MTA as its receptionist in 2016. With MTA utilizing a new digital receptionist, Munõs will continue serving members as the new Knowledge Center assistant. In her new capacity, members will still have an opportunity to talk with Munõs when asking questions or placing publication orders, as well as needing any assistance logging in to the MTA website or accessing MTA webinars. When in-person events resume, Munõs will facilitate packing and supplies for our workshops and Conference, and serve as an on-site events facilitator.

"MTA's most powerful asset is our professional staff who advance in their abilities and responsibilities over their years of service," said MTA Executive Director Neil Sheridan. "Our members benefit from their expert knowledge of our operations as well as their demonstrated knowledge and passion for helping townships succeed. Seeing Becky, Emily and Elsa use their new roles and tools to help MTA innovate and grow is exciting for all of us."

Congratulations to Rebecca, Emily and Elsa!

profile



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Visit at www.mersofmich.com to learn more about partnering with MERS.

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

Provide input on MTA's 2021 legislative policy platform

MTA is committed to speaking on behalf of its members. This is evident in the development of our policy platform. The legislative policy objectives guide MTA's government relations, and are reviewed and updated annually to reflect emerging issues and goals.

MTA's Board-approved 2020 Policy Platform was included in the July/August issue of *Township Focus* and can also be viewed at www.michigantownships.org (under the "Advocacy" tab). MTA members are encouraged to review and share any proposed revisions and suggested additions by **Nov. 10**. Member proposed policy changes will be reviewed by MTA committees for word selection and legality, and to ensure they conform with the Association's overall goals and objectives. The proposed policies will be presented at the 2021 MTA Annual Meeting, to be held in conjunction with our Annual Educational Conference & Expo.

Contact the MTA Government Relations Department at (517) 321-6467 or legislation@michigantownships.org with questions, comments or suggestions.

Don't miss out on our online resources! Update your MTA password TODAY!

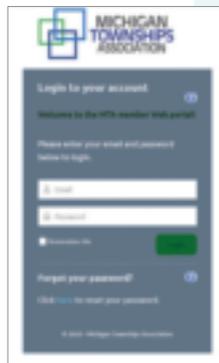
Due to an upgrade to MTA's database, all members MUST update your MTA password to access MTA's online resources.

It's easy! Simply visit MTA's website, www.michigantownships.org, and click on "Member Login." On the login page, click on the link to have a "reset password" email sent to you. You must enter your email address on file with MTA (the email address where you receive emails from MTA). Check your spam/junk mail filter if you don't receive the email in your inbox.

Remember, you MUST reset your password and log in to:

- Access the members-only side of www.michigantownships.org, which includes hundreds of pages of township topics, as well as samples, resource toolkits, ordinances, legislative updates and more
- Receive deeply discounted member pricing when purchasing MTA books or registering for an Association event on the online MTA Store
- Access MTA's Online Learning Center, featuring dozens of webcasts created specifically for Michigan townships
- Network with your fellow township officials on the Association's members-only social networking site, *Community Connection*
- Ensure your contact information is up to date in your personal profile (under the "My MTA" tab)

Don't have an email address on file with MTA yet? No problem! Call (517) 321-6467 or email database@michigantownships.org to get connected today.



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SEPTEMBER

By 4 Last day townships can establish, move or abolish a polling place for the Nov. 3 general election. (MCL 168.662)

14 Summer taxes due. (MCL 211.107)

Interest of 1% 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))

Last day of deferral period for summer property tax levies, if the deferral is for qualified taxpayers. (MCL 211.51(7))

15 Deadline to amend a previously certified 2020 essential services assessment statement. (MCL 211.2057)

By 19 Delivery of military and overseas absentee voter ballots for the Nov. 3 general election must begin by this date. All requests received since Nov. 5, 2019, from a military or overseas voter must be honored for all 2020 elections. (MCL 168.759a)

County clerks deliver absentee voter ballots for the Nov. 3 general election to local clerks. (MCL 168.714)

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

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

Financial officer of each township computes tax rates in accordance with MCLs 211.34d and 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 STC Form L-4029 on or before Sept. 30.

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 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 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)

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

Qualified local governmental units report to the STC on the status of each exemption granted under 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



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governmental unit in which a new facility of 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 Nov. 3 at 8 p.m. 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. Local Community Stabilization Share revenue for county allocated millage and other millages not levied 100 percent 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)

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 PRE for the winter tax levy (on or before Nov. 1). (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 211.07cc(5))

Deadline for filing for *Foreclosure Entity Conditional*

Rescission of a Principal Residence Exemption (Form 4398) 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)

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What is the ‘ex officio’ position on the planning commission?

Under the Michigan Planning Enabling Act (MPEA), Public Act 33 of 2008, MCL 125.3801, *et seq.*, every township planning commission must have an ex officio member. The ex officio member is the one—and only one—township board member that serves on the planning commission. (MCL 125.3815)

Note that only five or six townships in the state previously fell under an exception that would allow the board to appoint two ex officio members to the planning commission because on Sept. 1, 2008, the township had a planning commission established under the Municipal Planning Act, PA 285 of 1931, which was repealed by the MPEA, along with the Township Planning Act and the County Planning Act. Those very few townships were able to choose whether to continue with two ex officio member or establish a new planning commission under the MPEA with the single ex officio. If your township is currently acting under the MPEA or considering creating a new planning commission, you are limited to the single ex officio member.



Right, and the ex officio member doesn’t vote ... ?

No, that’s a common misunderstanding. “Ex officio” does **not** mean “non-voting.” It means “by office.” The ex officio is the one member of the planning commission who is appointed because of their office—the township board office they hold. On a township planning commission, the ex officio member has the **same duty to participate and to vote in all matters** in which he/she does not have a conflict of interest as the other planning commissioners.

There are two differences, however:

- The ex officio member cannot be chosen by the planning commissioners to serve as chair. (MCL 125.3817)
- The ex officio member does not serve one of the three-year staggered planning commissioner terms. (MCL 125.3815)



What term does the ex officio member serve?

The ex officio member does not serve one of the three-year staggered planning commission terms. The ex officio member serves a term that “shall expire with his or her term” on the township board. (MCL 125.3815) In other words, when a township board member is appointed to a new term as ex officio member on the

planning commission—or to fill a vacancy in the ex officio position during a term—he or she serves until the end of that four-year township board term.

So, the ex officio position’s current term on all township planning commissions will end at noon on Nov. 20, 2020 (with the start of the new township board term). That position must then be filled for the new township term. The supervisor, with board approval, must appoint a board member to be the ex officio member for the new township term.

If the current ex officio member is reelected to the township board, they may be reappointed to the ex officio position, but it is not automatic—or required. The supervisor, with board approval, would have to reappoint them for them to be the ex officio for the new township term. This applies regardless of how many terms the current ex officio may have served. But the supervisor is free to nominate another board member to serve as ex officio in the new term.



What does it mean to say that “the supervisor, with board approval,” appoints the ex officio member?

Under the MPEA, township planning commission members, including the ex officio member, are appointed by the supervisor, subject to approval by a majority vote of the members of the township board “elected and serving.” (MCL 125.3815) That means that the supervisor is the only person on the township board who can nominate (make the motion) to appoint or reappoint a person to the planning commission. Then a majority of the board members elected and serving (not counting any vacant positions or abstaining members—although no one would have to abstain on this vote) must approve the supervisor’s motion. For example, on a five-member board that has no vacancies on the township board, at least three board members would have to approve the motion to appoint a person to the planning commission. If the board does not approve the supervisor’s motion, then there is still a vacancy on the planning commission, until the supervisor and the board can come to agreement on an appointee.



What happens if the supervisor and the board cannot agree on appointing the ex officio member?

The answer is the same as when the supervisor and the board cannot agree on appointing any planning commission

member—the member whose term has expired “holds over” and continues to serve in that position until their successor is appointed or they are reappointed. (MCL 125.3815)

 I heard that the township board member on the planning commission cannot vote on anything that will go to the township board for a vote.

That is not correct. There is no statutory prohibition on the ex officio member of the planning commission voting on a matter before the planning commission or township board, unless the ex officio member has a conflict of interest.

There is, however, the “same matter” limitation on a **zoning board of appeals (ZBA)** member hearing an appeal to the ZBA of a decision they made previously on the planning commission or the township board. If the ex officio planning commission member is also on the ZBA, there is a chance that he or she would have to recuse themselves from a matter before the ZBA.

MCL 125.3601(13) states that: “(13) A member of the zoning board of appeals who is also a member of the zoning commission, the planning commission, or the legislative body shall not participate in a public hearing on or vote on the **same matter** that the member voted on as a member of the zoning commission, the planning commission, or the legislative body. However, the member may consider and vote on other unrelated matters involving the same property.”

This is actually very limited in practice. It is a general legal principal of due process that a person cannot objectively **review the correctness of his or her own decisions**. It does not mean that a person on the ZBA must abstain from **any** decision regarding a property once that person has ruled on anything involving that property. There is no presumption of bias. The due process concern is limited to a ZBA member **reviewing his or her decision**. Also note that zoning ordinance adoption, amendment and rezoning decisions are not subject to ZBA appeal. They are legislative, not administrative, decisions.

This provision **does** mean that if you are being asked, as a ZBA member, to **hear an appeal of a decision you made** on the planning commission or township board, then yes, you must recuse yourself and abstain. You cannot “check your own work.”

Depending on your township’s ordinance, such a situation will occur only rarely, if ever. And in that case, the Michigan Zoning Enabling Act authorizes a township to appoint alternate ZBA members for just this reason.

Here are the two areas where the “same matter” issue may actually come up:

- **Appeals from and review of any administrative order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this act.**

This could potentially involve a review of a decision in which a ZBA member has previously participated on the planning commission or township board. But note that it would not likely include an appeal of an administrative decision made by the zoning administrator or other administrative official, because a ZBA member cannot be a township employee (unless the person was previously the zoning administrator and then was appointed to the ZBA, for example). Also, administrative decisions made by a township are generally very limited. They usually include the day-to-day determinations made by the zoning administrator, and site plan approvals made by the official or body authorized by the zoning ordinance. So, although this goes to the heart of the MZEA’s prohibition, it is a very narrow type of circumstance.

- **If your zoning ordinance specifies that the ZBA will hear appeals of special use permit or planned unit development denials.**

Then there is a potential for a ZBA member reviewing of a decision in which the ZBA member previously participated on the planning commission or township board. A township board could choose to amend its ordinance to remove such a provision.

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.

Got township questions? MTA has answers!

MTA’s experienced Member Information Services staff—which includes an attorney and two former local government officials—are available to answer your questions on all facets of township governance and administration.

Member township officials and employees may contact Member Information Services with questions Monday through Friday, from 8 a.m. to 5 p.m. Call (517) 321-6467, fax to (517) 321-8908, or email:

- MTA Director of Member Information Services
Michael Selden: michael@michigantownships.org
- MTA Staff Attorney Catherine Mullhaupt:
catherine@michigantownships.org
- MTA Member Information Services Liaison
Cindy Dodge: cindy@michigantownships.org



Legislative lowdown

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

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

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

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

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

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

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

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

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

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

SBs 79, 117 & 297: Elections—Revises procedure for returning absentee voter ballots for military personnel. *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 756: Elections—Allows election inspectors appointed to absentee voter counting boards to work in shifts for tabulating ballots. *MTA supports.*

SB 757: Elections—Allows for the pre-processing of absentee voter ballots the day prior to election in townships with a population of 10,000 or more active registered voters and sets requirements for absentee voter ballot secrecy containers. *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 the automated delivery devices. *MTA opposes.*

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

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 a fee for municipal stormwater utilities. *MTA supports.*

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

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

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

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

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

HB 4965: Transportation funding—Modifies allocations for certain expenditures by county road agency for primary and local roads to provide more flexibility. *MTA neutral.*

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 format and dispose of original documents as long as specific conditions are met. *MTA supports.*

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

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

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

HB 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.*

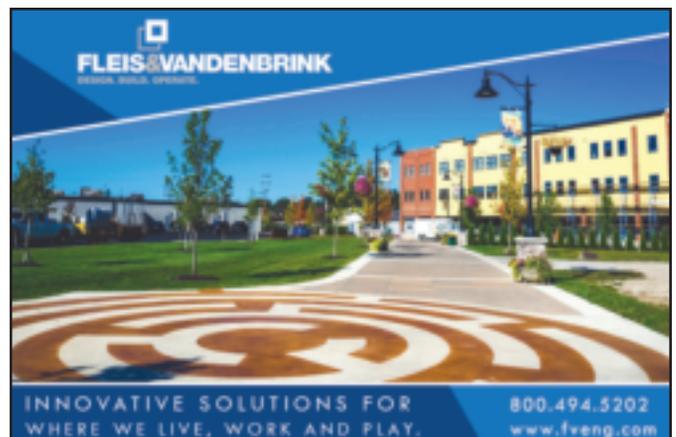
HB 6022: Medical marijuana—Prohibits operation of medical marijuana caregivers in residential neighborhoods unless allowed by ordinance. *MTA supports.*



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Changing elections in changing times

Kathy Funk has a philosophy about municipal clerks. She knows that these elected officials can tackle whatever changes and challenges come their way—and succeed. Running township elections, during the COVID-19 pandemic and following the approval of Proposal 18-3, which enshrined numerous voter rights in law, was no different.

“I like to say that clerks always rise to a challenge no matter the circumstance, and that’s exactly what happened in terms of running an election during a pandemic,” said Funk, who has been **Flint Charter Township** (Genesee Co.) clerk for four years. “I think it went amazingly well. It was stressful at times—the preparation and Election Day itself—but I would call it a very positive experience on all fronts.”

Starting with the May 5 election, ramping up with the August primary and culminating in the upcoming November presidential general election, township clerks have been facing an unprecedented set of challenges: record absentee ballot requests, new health and safety precautions for in-person voting, and a pressing need to recruit new election inspectors. Clerks in every township across the state stepped up to adapt to new requirements and unknown impacts, while ensuring the health and safety of their poll workers and voters—and safeguarding the very heart of our nation’s democracy.

Welcome to the new normal

The COVID-19 pandemic has changed our world in countless ways. As township officials continue to lead their communities, they must stay on top of the constant changes,

challenges and considerations impacting every aspect of serving the public. The same holds true for administering elections—one of the three primary statutory duties required of townships and the essential component of residents helping to guide and shape their communities.

As the coronavirus has spread throughout the state and country, executive orders signed by Gov. Gretchen Whitmer, recommendations from the Centers for Disease Control and Prevention (*see sidebar on page 21*), and actions and procedures from the secretary of state and state Bureau of Elections have had clerks and election workers scrambling to ensure that local democracy remains strong—and also safe—on every Election Day.

In addition, Proposal 18-3, which was passed overwhelmingly by voters in November 2018, enshrined numerous voting rights into state law, including no-reason absentee voting (AV), straight ticket voting, and automatic voter registration when updating or renewing a driver’s license or state-issued identification card. Voters are also able to register to vote in person with their township clerk during the two-week period before an election, including on



“We had a very successful election. Our election workers were prepared and confident they knew what to tell our voters. All in all, it was a very busy day ... Our voters expressed gratitude for the changes that we made and our election workers felt safe.”

—Kim Thompson, Clerk
Lawrence Township (Van Buren Co.)

Election Day. Absentee voter ballots must be available 40 days before an election, and clerks must be in their office to receive AV ballots for at least eight hours on the Saturday, Sunday, or both, before an election.

Jonathan Brater, director of the state Bureau of Elections, explained that Michigan’s decentralized elections system—where clerks in 1,520 election jurisdictions run local elections—means that the many changes resulting from Proposal 18-3 and the pandemic fall squarely on the shoulders of clerks. The decentralized system “has a lot of major benefits, in terms of election officials knowing their communities better and having more customer service and on-the-ground interaction,” Brater said during an MTA webinar on election changes. “Of course, that also means that all of the challenges and changes that have come about mostly fall on local clerks to administer. There’s no way around it; it’s just a lot more work to do. We need to find a way to provide more support to that.”

The expanded voter registration timeframe is beneficial—more people are able to vote, it allows for a more streamlined registration process, and it cuts down on Election Day issues when voters who are not yet registered come to their precinct to vote and have to cast provisional ballots. It also means that while clerks shift into election preparation mode, they are continuing to receive voter registrations. This change “helps voters a lot,” Brater said. “It’s a real benefit to participation for voters, especially younger people, based on the numbers we’ve seen. It has also added an increased burden and responsibility on clerks, which means they may need more staff, technology and assistance.”

Photo courtesy of Buchanan Township (Berrien Co.)



Keeping in mind the fear or apprehension that some voters might have felt with in-person voting, Buchanan Township (Berrien Co.) Deputy Clerk Jodi Mattner sought to make primary day as welcoming as possible.

While adjusting to the new requirements put in place by Proposal 18-3, a worldwide pandemic hit. As Brater said, simply, “COVID-19 changed everything.”

This spring, MTA partnered with the University of Michigan COVID-19 Consulting Corps (CCC), a partnership among the research centers of the Gerald R. Ford School of Public Policy and led by the Youth Policy Lab, to explore several issues involving townships and the impact of the pandemic, including elections administration, and offer best practices and insights into how townships are reacting and planning. For the project, CCC interns interviewed clerks around the state—in both the Upper and Lower Peninsulas, in townships urban, suburban and rural, with populations large and small, and with one voter precinct to 40. The U of M CCC project—which took place prior to the Aug. 4 primary election—showed that, leading up to the primary, many clerks found it challenging to meet the needs of voters amid the COVID-19 pandemic. However, the statewide success of the August election, and feedback from clerks following Election Day, showed that—as Funk says—clerks were able to rise to the occasion.

That did not happen by accident—township clerks, election commissions and election workers spent countless hours planning and preparing for the unprecedented changes for the August election. **Lawrence Township** (Van Buren Co.), for example, held a “test” election to ensure election workers were prepared and accustomed to the new procedures and requirements.

“We had a mock election and ran through the entire voting process, from opening polls to closing polls, the week prior to the election to allow us to fine-tune our COVID preparations,” Clerk **Kim Thompson** said. “This helped immensely. Our election workers were prepared and confident they knew what to tell our voters.”

“We had a very successful election,” she continued. “All in all, it was a very busy day, but with the much higher percentage of AV ballots, it was much easier than anticipated to maintain a constant flow of voters and we had very few lines throughout the day. Our voters expressed gratitude for the changes that we made and our election workers felt safe.”

According to **Buchanan Township** (Berrien Co.) Clerk **Sheila Reitz**, MiPMC, CMC, the primary was also a huge success for the township and its voters—who were casting their votes in a brand-new township hall for the first time. Keeping in mind the fear or apprehension that some voters might have felt with in-person voting, the township sought to make the day as welcoming as possible.

Reitz said, “My deputy, **Jodi Mattner**, decorated our precinct in an attempt to take residents’ minds off the pandemic, even for a brief moment, in order to celebrate the freedom we have to cast our vote in our democracy.”

A dramatic increase, and some mistrust, in absentee voting

While the pandemic certainly caused a lot of uncertainty about Election Day itself, perhaps the biggest change to Michigan’s 2020 elections—and likely beyond—is the massive increase in people requesting ballots and voting absentee.

Coupled with Proposal 18-3’s no-reason absentee voting, state and federal officials are also encouraging voters to cast their ballots via mail or drop box, or early in the clerk’s office, to limit crowds and lines on Election Day and help prevent community spread of COVID-19. In fact, Secretary of State Jocelyn Benson sent absentee ballot applications to millions of registered voters who had not already requested an AV ballot application and were not already on a permanent AV list. These factors all culminated in a dramatic increase in AV ballots.

According to the U of M CCC report, in 2016, 35 days before the primary election, about 284,000 absentee ballots were issued to voters. In 2020, one million absentee ballots had been issued before that 35-day mark. Following the August election, Benson announced that the primary saw more than 2.5 million voters cast ballots, breaking the previous August 2018 primary record of 2.2 million. The 2020 primary total included more than 1.6 million absentee voter ballots—a record for any Michigan election.

This vast number of AV ballots resulted in delayed reporting on complete election results by a day in some counties, and roughly 10,600 AV ballots were rejected.

More than 8,600 (over 80%) were rejected due to signature verification issues or because they were mailed and arrived following the election.

In U of M CCC's interviews, clerks reported between double and triple the rate of absentee ballot requests compared to the 2016 election.

"We had more residents opt for casting their vote by absentee ballot than ever before," Reitz said. "Our permanent absentee ballot application list has grown from 100 voters to 824 over the last several months, and I believe there will be an increase in voter turnout for the November 2020 general election in our township."

Flint Charter Township saw a "record-breaking" increase in AV ballots since the 2016 August primary, according to Funk, who said, "this year, we issued 6,680 ballots and, of that, 5,480 were returned. In 2016, 1,788 absentee ballots were issued and 1,631 were returned."

Funk and her deputy **Angie Thygesen** used the time when township offices were closed to the public due to COVID-19 to keep on top of election-related responsibilities like processing AV applications. "We stayed ahead of the game," she said. "Between myself and my deputy, we were able to keep ahead of the amount of applications that were flooding in. Then, it was just a matter once we reopened on June 15 to stay ahead. I really have to hand it to my staff. Deputy Thygesen and our full-time temporary staff person **Jacqueline Forrest** worked together like a well-oiled machine issuing and processing ballots."

Many township election commissions established an absent voter counting board (AVCB) to process and tabulate absent voter ballots. A new law, Public Act 95 of 2020, allows townships to work with other municipalities, or with the county, on combined AVCBs. The combined boards can purchase shared equipment, including tabulators.

Reitz credits implementation of an AVCB with allowing the transition to increased absentee voting to "go smoothly, with election returns being completed when the polls closed rather than hours later into the night," she said.

Again, practice and experience helped the AV process go smoothly in Lawrence Township. When asked if her township had seen a dramatic increase, Thompson responded with an emphatic, "Yes! Our highest percentage previously was 19%. We had a 59% AV for the August primary and expect the November percentage to be higher."

The township formed its AVCB for the presidential primary in March, which "was a much smaller election," Thompson explained. "The AV poll workers were familiar with the process and were much more efficient at the August election. They are confident they can handle the November increase without an issue."

Most clerks interviewed for the U of M CCC project expressed confidence that they had adequate tabulators and high-speed envelope openers to process additional absentee ballots in August, though some jurisdictions have purchased additional equipment in preparation. While some relatively larger townships experienced no financial difficulty

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

Actions for elections officials in advance of Election Day

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

Preventive actions polling workers can take

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

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

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

Recommendations for processing mail-in ballots

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

cover story

Photo courtesy of Lawrence Township (Van Buren Co.)



Clerks rapidly adapted polling locations to changing safety guidelines to minimize the potential spread of COVID-19, and ensure a safe environment for both voters and election workers alike.

purchasing extra equipment, smaller townships are taking a wait-and-see approach to evaluate the adequacy of their equipment. (See chart on page 25 for estimates of additional elections costs for townships.)

In **Ira Township** (St. Clair Co.), Clerk **Jean Corbat** said AV ballot applications increased by 44%. “We did not have a problem handling the additional ballots, but the additional costs related to envelope and secrecy sleeve expenses as well as postage could affect our budget,” she said. “Generally, however, everything went well in issuing the AV ballots.”

Clerks told U of M CCC interviewers that the increase in absentee voting has some voters voicing distrust in the system. Specific concerns included confidence in mail carriers and the mail system at large, and possible fraud. The report noted that, in response to worries about fraud, there is no evidence that mail-in ballots increase electoral fraud given the protections built into the process. It is very difficult to engage in fraud on a widespread basis because every ballot is checked against the signatures on the envelope and the voter registration file. However, it is up to the clerk’s office to communicate with voters and help them understand how ballots are processed.

To help with outreach and concerns about the mail system, the U of M CCC report included the following recommendations:

- Townships place a clearly labeled drop box outside the township or clerk’s office as an alternative to the mail-in option. Townships can advertise the drop box on social

media, through local news, or on their township’s webpage. The state elections web page, found at www.michigan.gov/elections, also has a listing of every ballot drop box in the state.

- Townships can mail educational materials on absentee voting to clarify questions on fraud and help voters fill out their ballots.
- Incorporating #TrustedInfo2020 into outreach campaigns. In Washington state, for example, Secretary of State Kim Wyman plans to include the #TrustedInfo2020 hashtag in all election-related materials, social media posts and graphics. West Virginia uses the hashtag to introduce clerks on social media so that they can serve as trusted sources for election information for voters.

According to Secretary of State Benson, some 2.4 million Michiganders are on a permanent absentee voter list or have requested to have their November ballot mailed to them. Starting in late August, through Sept. 20, the state Bureau of Elections is mailing postcards—paid with federal Help America Vote Act (HAVA) funds—to 4.4 million voters who are not on a permanent AV list and have not applied for a November AV ballot, reminding them that they can apply for an AV ballot online or at their local election clerk’s office.

The Bureau of Elections also announced that it will allocate an additional \$5.5 million in HAVA and Coronavirus Aid, Relief and Economic Security (CARES) Act funding, in expectation that the number of people voting from home will increase significantly for the November general election, including:

- \$2 million to reimburse jurisdictions that pay postage on ballot return envelopes.
- \$1.5 million to jurisdictions that order ballot envelopes redesigned to U.S. Postal Service standards to be most effectively and efficiently processed through the mail.
- \$1 million more for jurisdictions to buy ballot drop boxes, automatic letter openers and other equipment; jurisdictions will be reimbursed up to \$200 per precinct (including AVCB precincts).
- \$1 million more in matching funds for jurisdictions to buy ballot tabulators, including high-speed scanners; jurisdictions that previously purchased tabulators under the prior cost share program are eligible to apply.

MTA-supported legislation is pending that would allow pre-processing steps to help expedite the counting of AV ballots, which will surely continue to rise, with voters’ awareness of their ability to request and cast their ballots from home, continued fears over COVID-19 and other health concerns, and advocacy on the part of local, state and federal officials to encourage voters to use this option.

The search for election workers

According to the U of M CCC research, across jurisdictions, recruitment of election inspectors and additional AVCB inspectors has been top of mind for township clerks and election commissions.

According to the Center for Public Integrity, in 2016, over half of poll workers were 61 or older—placing them in the high-risk category for contracting COVID-19. As a result, many longtime poll workers are opting not to work in 2020, and township clerks must find a workforce that is able to safely work the polls in their place. Many clerks explained that, even in a normal year, recruiting poll workers is a major challenge.

Brater also acknowledged the struggle to find election workers during this time, because of the average age of these workers or even those who are simply struggling with the challenges of modern daily life. “Just getting people in there to work in the first place is something of a challenge,” he said. “Even when staff are working, there are a lot of other challenges, in terms of being able to do their job. Township officials certainly understand this—trying to provide public service and do your job, while you have responsibilities at home or that you otherwise may not normally have because of the pandemic, is extremely difficult. Election workers are dealing with this, too. They’re trying to adjust to these new situations in very difficult circumstances.”

Though several of long-time Flint Charter Township election inspectors “retired” because of their high-risk status, “we had several newbies who stepped up to the plate,” Funk said, noting that she did have to assure some workers that their safety was of utmost concern. “Some inspectors were wary of working until I explained the measures that we were taking.”

A secondary challenge for some communities is the overlap between regular poll workers and individuals running for election, because candidates on the ballot and their relatives are not able to work at polling locations. For example, one clerk explained that, in a typical election year, the township’s treasurer, treasurer’s wife, a trustee and the trustee’s wife all serve as poll workers. However, this year, township officials are up for reelection, creating a shortage of four poll workers.

The culmination of these issues impacted Lawrence Township. “We lost a number of poll workers concerned that they were high risk for COVID or had surgery/medical issues,” Thompson said. “I had to scramble to obtain enough workers and get them trained, and also lost four workers who were either on the ballot or an immediate family member was on the ballot.”

While Corbat did not have troubles recruiting election workers for the primary in Ira Township, she also made the decision to add one additional worker per precinct, due to the additional safety measures in place. She’s taking that even further come November, when she plans to add two additional workers per precinct.

To address recruiting election workers, the U of M CCC report noted some creative and collaborative solutions that townships and clerks are undertaking:

Survey shows local leaders generally back expanded absentee voting, other ballot reforms

Amid the national debate over the safety and efficacy of absentee voting, Michigan can offer an example of how election reforms will play out in the 2020 election. And the battleground state’s local officials have an overall positive outlook about it and other election reforms that were included in the Proposal 18-3 constitutional amendment, according to a new University of Michigan survey.

In the Spring 2020 Michigan Public Policy Survey (MPPS), local leaders said they see benefits from increased ease of voting and voter turnout expected with the reforms in Michigan. These reforms are also expected to bring new benefits and challenges related to the COVID-19 pandemic.

The Center for Local, State, and Urban Policy at U of M’s Ford School for Public Policy conducts the MPPS every spring. Among the survey’s key findings:

- 60% of township and city officials say no-reason absentee voting has had positive impacts on their administration of elections so far, while 14% report negative impacts.
- 45% report positive impacts from allowing mail-in and online voter registration up to just 15 days before an election (moved up from a 30-day cut-off, previously), compared to 19% who say this has been a negative reform overall.
- 40% say that same-day voter registration up to and including Election Day at local clerks’ offices has had negative impacts overall, compared with 33% who report positive impacts.
- Local leaders’ greatest concerns for November are with the impact of in-person same-day voter registration, for which a majority (55%) expect problems. In the largest jurisdictions, this rises to 75%, yet even in the smallest jurisdictions, almost half (47%) of local officials predict problems with same-day registration in November.
- Township clerks are more likely than city clerks to expect problems from no-reason absentee voting, whereas city clerks are more concerned about the changes to voter registration deadlines compared to their township counterparts.

As one local official put it, “The positive impact is the number of individuals registering and voting on Election Day. The negative is the number of individuals registering and voting on Election Day—and the extra staff that it takes.”

Launched in the wake of the Great Recession in 2009, the MPPS is conducted in partnership with MTA and other local government associations. The latest survey was conducted between March 30 and June 1.



In 2016, over half of poll workers were 61 or older—placing them in the high-risk category for contracting COVID-19. As a result, many longtime poll workers are opting not to work in 2020, and township clerks must find a workforce that is able to safely work the polls in their place.

- 1. Creating new promotional materials and developing an effective follow-up strategy.** Some jurisdictions are creating new promotional materials, including web pages and advertisements, to explain the responsibility of being a poll worker. These communications share testimonials, remind potential poll workers of their civic duty and emphasize the health precautions being undertaken to protect poll workers' health. Additionally, proactive follow-up can help some clerks secure commitments from individuals to work as poll workers.
- 2. Recruiting students.** Local high school, community college and university students over 16 years of age are a viable pool of poll workers. Many clerks are reaching out directly to school administrators for recommendations of student workers, as well as working with administrators to provide excused absences for students who work the polls. Clerks could even make videos to send to civics and history teachers to show to their 17- and 18-year-old students to encourage their participation.
- 3. Recruiting a team of poll workers for a single polling location.** Michigan clerks could take a cue from a Nevada county that launched an "Adopt a Polling Place Program" program, seeking to partner with local businesses, civic groups, nonprofits and other local organizations to recruit a team of poll workers for a single polling location.

- 4. Accessing state-recruited workers.** Secretary of State Benson created a program—Democracy MVP—to encourage individuals to sign up as poll workers (though the state cannot directly sign them up, because election inspectors are hired at the local level). Clerks can reach out to the program administrators to request the contact information of people who have signed up through Democracy MVP. Clerks can then directly contact those individuals to ask them to sign up as poll workers. Learn more at www.michigan.gov/elections (click on the "Democracy MVP" graphic).
- 5. Trading poll workers.** To address the issue of candidates' inability to work the polls in their own community, some clerks have swapped poll workers with neighboring jurisdictions. For example, if Township A's treasurer and Township B's supervisor typically work as election inspectors in their own townships but are unable to this year because they are on the ballot, they could switch and work as a poll worker in each other's jurisdictions.
- 6. Socially distanced training.** To train election inspectors, clerks have opted to offer socially distanced, in-person training or online training via a video conferencing platform like Zoom. Clerks who have conducted virtual training have found the training to be effective and meet the training requirements set forth by the state.

Townships may also have election workers who do not show up for duty or who say at the last minute that they are no longer available. The Bureau of Elections encourages townships to train extra "back-up" workers, if possible, and to recruit workers as early as possible. Townships that have troubles finding sufficient numbers of election workers can also reach out to the bureau for assistance.

Township board members and staff can also pitch in to help ensure enough workers to staff elections. "One of the best ways you can help your local election officials is to help them have the people on the staff that they need, whether it's business leaders in your community, people on your township staff, teachers and students at your local school, or civic organizations or any group that is community-minded and wants to make a difference on Election Day," said Sally Marsh, director of special projects with the Michigan Department of State. "They can make a difference, and your help in recruiting those people for your local clerk will be incredibly important."

Safeguarding workers' and voters' health and safety

While absentee voting set record levels in August, in-person voting for all elections must still be allowed for those who cannot or prefer not to vote AV. This required unprecedented changes to adapt polling places to provide safeguards to prevent transmission of COVID-19 on Election

Day—starting with the May election and continuing for the foreseeable future. The U of M CCC project noted that clerks rapidly adapted polling locations to changing safety guidelines to minimize the potential spread of COVID-19. According to the project, clerks “are universally committed to ensuring that their election inspectors and voters feel comfortable with the precautions in place and are as safe as possible on Election Day.” Some clerks described financial and space constraints that have added to the challenge of spacing booths, tables and designated spots in line six feet apart.

Through the CARES Act, which provides federal grant money for COVID-19 relief, Michigan has \$11.2 million to spend on absentee voting encouragement and supplies for safe in-person elections. The state allocated clerks a prorated allocation up to a certain dollar amount (based on the number of voters in each township) to request supplies and equipment for the August primary election. The state provided each jurisdiction with one can of disinfectant spray or canister of disinfecting wipes, a gallon of hand sanitizer, 20 masks, a box of gloves and five face shields.

The August primary PPE supplies were distributed by the state to each county, which then allocated them to the local level. Locals could also order additional PPE from the state, or receive additional funding from the state to purchase supplies on their own. The process, while certainly appreciated by clerks, was not without frustration, as numerous clerks noted that they were waiting on shipments of PPE from the state prior to the primary (with some not arriving in time), or had to purchase items on their own to ensure proper safety equipment in their precincts. The Bureau of Elections has announced that for the November election, supplies will be sent directly to locals.

“Pre-primary preparation was much more extensive and frustrating,” Thompson said. “When state-ordered supplies didn’t arrive, we scrambled to get what we needed from other sources, working with local suppliers and Amazon to obtain all we needed prior to the election.”

Ira Township supplemented the state PPE supplies with township-purchased items, like easily sanitized mini-clipboards for voters to complete the application to vote. “We placed an inspector in the hallway,” Corbat explained. “Each voter was provided with a clipboard, application and pen, and their precinct was also verified to help the voter get in the correct line. We found this procedure worked very well to provide safety for our voters as well as minimize cleaning for our inspectors.

“We also cleaned voter booths after each use; this was very time-consuming, but we felt necessary in light of COVID-19,” she noted, adding that the state supplies and order form for additional supplies were helpful, though the township did not receive all of its supplies from the supplemental order.

In addition to receiving supplies, transforming precincts to optimize space and safety was also a challenging task. “A lot of preparation time, strategizing and hard work went into the preparation for the election,” Reitz said. “We strategized about the best way to offer both protection to the election inspectors and the residents who chose to vote in-person at

Needed election equipment—and costs

In-person/ AV ballots	Equipment needs
Processing AV ballots	<ol style="list-style-type: none"> 1) Tabulator (\$5,000) 2) High-speed scanner (starting at \$5,000) 3) Letter openers or high-speed automatic letter opener (\$449) 4) Adjudication software, if feasible (\$2,500)
In-person voting	<ol style="list-style-type: none"> 1) Masks for workers (\$20-\$30 for 50 masks) 2) Plastic shields (\$15 for 10 shields) 3) Hand sanitizer containing 60% alcohol (\$5) 4) Gloves (around \$22 for 100 pair) 5) Styluses for touch-screen tabulators (\$8-25 for 10 styluses) 6) Individual pens (\$8 for 60 pens) 7) Ballot sleeves (\$8) 8) Paper towels, tissues and disinfecting wipes (\$10-30 for 200 wipes) 9) Physical barriers, such as plexiglass shields (\$100-170) or plastic shower curtains (\$3-10) 10) Exit or entry signs (\$9) 11) No-touch trash cans (\$25-40) 12) Floor decals (\$16/5-pack) or painter’s tape (\$4/roll)

the precinct. We were proactive in sourcing our own PPE, which included hand sanitizer, face shields and cleaning supplies.” Reitz and her husband even lent their own elbow grease to preparations, building plexiglass sneeze guards to protect voters and election inspectors both in the precinct and absentee voter counting board.

Flint Charter Township was one of many townships that got creative creating barriers between workers and voters, while still ensuring a smooth process. “Our election inspectors were all pleased with the measures taken, especially our ‘homemade’ sneeze guards that our maintenance worker made out of wood and vinyl shower curtains from the dollar store,” Funk said.

The U of M CCC project also showed that some township clerks moved polling locations to larger spaces, such as gyms or event halls to allow safe spacing. If polling places are relocated, this can present an issue, and clerks should ensure they adequately communicate the change to voters in a timely manner. Relocating polling sites can depress voter turnout, so the report recommended that clerks prioritize changes to existing polling locations before considering moving them elsewhere.

cover story

In Flint Charter Township, in addition to distancing voting booths and marking floors and sidewalks—in case lines formed—at six-foot intervals, Funk opted to also reduce the number of personnel as much as she could, and changed the township's three AVCB locations to a nearby elementary school gymnasium to allow for greater spacing.

"Luckily, the school was close enough to our Administration Building, making it easier for me to go back and forth as needed," she said, noting that the new site might not be a solution for the November election, when schools may be back in in-person session. "I will need to find a space that will accommodate use for the day because the AVCBs have to work elbow-to-elbow in our building; that is not feasible for social distancing and will create exposure risks to the other township employees."

Following the election, the township hired a company to disinfect each polling location, with the exception of one that utilized its own on-site disinfecting team. "We were guests and invaded their space for three days—set-up, the day of, and take-down—and I felt it was only right to leave the spaces better than we had found them," Funk said.

Election workers and voters alike in Buchanan Township were notably appreciative of the extensive measures taken to protect everyone's health and safety. "The feedback from my election inspectors and voters were all very positive," Reitz said. "I was thanked for all the precautions we had put in place. Comments were made regarding how nice it was that we had someone dedicated to disinfecting each booth, pen, secrecy sleeve, door handle, etc. after each use. The election inspectors really appreciated their 'PPE gift bags.'"

While the governor's mask mandate—issued on July 17 with Executive Order 2020-153 and requiring masks or face coverings be worn in all indoor public places and crowded outdoor spaces—did not extend to voters, masks were encouraged when voting. The mask mandate does, however, apply to election workers—unless exempt due to a medical reason. Election workers are township employees and are subject to any township employment restrictions for wearing masks, even in the polling place during an election.

The U of M CCC study found that many clerks are concerned over how the mask mandate applies to elections, and were notably concerned about handling voters who refuse to wear masks. In response, one clerk indicated that they plan to create a drive-up service to bring ballots to maskless voters' vehicles and have inspectors assist such voters outside of the polling location. Another clerk plans to physically distance one or two polling places away from the regular stations.

Buchanan Township also undertook extra efforts to ensure safe voting no matter the situation. "In addition to the PPE, a plan to allow social distancing and provide alternative ways to vote in-person were implemented," Reitz said. "Voting booths were spaced a minimum of six feet apart in the precinct, and



In-person voting for all elections must still be allowed for those who cannot or prefer not to vote AV, requiring unprecedented changes to adapt polling places to provide safeguards to prevent transmission of COVID-19 on Election Day.

we also placed one voting booth station outside to allow for curbside voting as an alternate solution for our residents."

Lawrence Township also took additional steps to ensure a safe Election Day. All election workers—who were provided with face shields, masks and gloves—had their temperatures taken upon arrival. Social distancing markers mapped both outside and inside the building, creating a safe environment every step of the way—from entry to lining up to casting ballots in the tabulator. A "greeter" poll worker asked incoming voters to use hand sanitizer, and to wear a township-provided mask if they weren't already wearing one, and—although not required—temperatures were also taken.

Voters were instructed to take their pens with them throughout the voting process, and ballots were provided in plastic sleeves, so each could be sanitized following every use. A table-top scanner allowed a touchless check-in process, where voters could simply scan their driver's licenses to pull up their electronic poll book record, and allow workers to verify the address and photo.

Voters were directed to a specific voting booth, which were delineated in each row with booths numbered—allowing workers to easily identify which row of booths needed to be sanitized between voters. "We had red or green signage at the top of the row that easily identified which booths were sanitized and available," Thompson explained. "We received a lot of positive feedback from voters, who loved the new set up and appreciated all the work we did to keep them safe. They liked that they knew exactly where they needed to go and didn't have to wonder which booth to use. Everyone cooperated and was thankful we were being vigilant."

Looking back—and planning ahead

As the presence of COVID-19 persists in the state, townships will likely need to continue to take such safety measures to protect both voters and township personnel during elections. Clerks say feedback from voters and workers during the successful August election has given them the confidence and recognition that they are on the right track in safeguarding this critical township function.

Communication, feedback and a positive atmosphere help to set the tone.

“We had no complaints in August, so that is a plus,” Corbat said. “Seeing a friendly face as soon as they walk in the door always helps.”

The March presidential primary was the first time Lawrence Township voters cast their ballots in the new township hall. Thompson communicated extensively, through social media and the township’s website, to ensure voters had access to election information and details. And she plans to continue—and expand on—her efforts. “For the November election, I printed 11x17 posters stating that our voting location has changed, even including an aerial view of our prior location and the new location,” she said. “These posters will be placed in every business in the township, our village office, fire station, library, post office and anywhere else we can think of!”

Thompson is also communicating how AV ballots can be returned, including the township’s drop box and during township office hours, and the importance of allowing ample time if ballots are being returned via mail.

Corbat hopes that the November election runs as smoothly as the August primary—and that substantial additional changes are not still to come. “I understand that the Bureau of Elections wanted to implement new procedures to help make voting more accessible, but as a clerk with a part-time deputy, it was sometimes difficult to manage and make sure we were implementing all of the new procedures to meet bureau guidelines,” she said.

Reitz said that her township will continue to use their experience—and new PPE—to ensure safe elections for all. “We will continue to strategize and plan to accommodate any issues that may arise between now and Election Day,” she said. “Of course, we will continue to use the plexiglass sneeze guards well into the future, even if there is not a pandemic, as elections always seem to take place during flu season. We might as well use the assets that we have acquired!”

Of course, funding for the additional responsibilities and expenses is also top of mind for many clerks and their townships. Brater noted that the CARES Act, HAVA and other federal funding can help local governments offset the increased costs of administering elections—but also acknowledged that it’s not enough. He urged townships to plan and budget for the changes.

“We’ve been able to provide some federal funding that’s helped, but there’s certainly not enough to completely transform the way we run our elections in the pandemic, and

for the long term,” he said. “I’m hopeful that we’ll get some additional federal support, but we need consistent, ongoing investment and election infrastructure at the local level.”

Brater also emphasized that smooth and successful elections don’t rest solely on the clerk’s shoulders—they are a *township* responsibility. “Make sure that you are doing everything you can at a township level to make your full infrastructure and resources available for elections,” he said. “There’s not a one-size-fits-all solution to this. We’re seeing very different experiences, depending on the extent of COVID and what part of the state you’re in, if you’re in a larger township or a very small township, with very different resources. But there’s something you can do at the township level to support your clerks. They need as much support as they as they can get right now.”

A key to continuing success is remembering that elections require a cohesive, clear plan to ensure a positive experience for voters. “Stay ahead, stay calm, stay the course and surround yourself with very good staff and workers,” said Funk, who sends a handwritten thank you note to all her township’s election workers to show her appreciation. “Election Days are true team efforts on all fronts.”



Jenn Fiedler, MTA Communications Director

Portions of this article were excerpted from the report, “Safe and Efficient Elections Administration,” authored by Emily Fletcher, Nora Sullivan and Lingling Peng, as part of the University of Michigan Youth Policy Lab, COVID-19 Consulting Corps. Read the full report at www.michigantownships.org/coronavirus.asp.

Get Elections Tips and Fundamentals with MTA’s on-demand webcast series!

Learn more about elections challenges, and get tips designed to help you organize and prioritize your elections with MTA’s five-part, recorded webcast series, available on demand in our Online Learning Center.

Session 1, *Tips and Tricks*, offers checklists and time management tips, and will even help you troubleshoot those nagging Election Day issues, while Session 2, *Election Workers*, explores everything from recruiting to requirements, including tips on alternates to ensure you’ve got appropriate backup. Sessions 3, 4 and 5 cover *The Impact of Proposal 18-3 and COVID-19 on Elections, Lessons Learned from the August Primary and Elections Security*.

Learn from the experts, including the state Bureau of Elections director and staff, your fellow township clerks, and MTA Member Information Services Liaison (and a former township clerk!) Cindy Dodge.

Price is just \$94 per person. Get more information or register online at <http://bit.ly/eLearningMTA>. The series is also included with MTA Online subscriptions at the Premium Pass level (see the inside back cover for details).



Q Our supervisor is leaving office this November. How should payroll be split between the current supervisor and the incoming supervisor?

It depends on how the township pays its employees and officials. Townships can have a variety of pay periods, ranging from quarterly to weekly payroll. The official's pay for the year should be divided by the number of days in the year and prorated accordingly. The allocation should occur on the date the new official takes his or her oath of office. For example, if the supervisor's annual salary was \$12,000, he was paid quarterly and is leaving office on Nov. 20, the following payment should be made on the fourth quarter (calendar quarter) payroll:

	Retiring supervisor	New supervisor	Total
Annual salary/ number of days in a year=daily pay rate			\$12,000/ 365 days= \$32.88
Days in office between Oct. 1 and Nov. 20	51		
Days in office between Nov. 21 and Dec. 31		41	
Salary allocation	\$1,676.71	\$1,347.95	\$3,024.66

Q Some of our township employees are subject to Social Security and Medicare taxes and some are not. Why?

Prior to March 31, 1986, townships' participation in the Social Security system was voluntary; only those townships that elected to cover all or specific classes of employees were subject to Social Security taxes. This voluntary participation was governed by agreements between the State of Michigan and the township, known as "218 agreements."

After March 31, 1986, two federal tax law changes significantly altered townships' participation in Social Security. First, the Consolidated Omnibus Budget Reconciliation Act of 1985 required that all employees hired after March 31, 1986, be subject to the Medicare portion of Social Security (1.45% of employee pay with a township match of 1.45%). Then, the Budget Reconciliation Act of

1990 mandated coverage for the Social Security portion (6.2% of employee pay, with a township match of 6.2%), effective July 1, 1991.

Q Are there any exceptions to these rules that would allow the township to exclude employees from these taxes?

Employees not covered by 218 agreements can be excluded from the Social Security portion if they are covered by a "public pension plan." This plan must contain the following:

Defined benefit plans:

- Basic benefits accrued under the plan must be comparable to basic benefits the employee would have accrued under Social Security. According to IRS Revenue Procedure 91-40, the benefits must be at least 1.5% of average compensation received in the last three years of employment multiplied by the number of years of service.

Defined contribution plans:

- Allocation of at least 7.5% of the employee's compensation is made to their accounts.
- Contributions from employee and employer taken into account for above test.
- All contributions for part-time and seasonal employees must be non-forfeitable.

While these coverage requirements are "absolute" for most employees, Congress has carved out some exceptions, to both Medicare and Social Security taxes:

- Services performed by an employee hired on a temporary basis in case of fire, storm, earthquake, flood or similar emergencies. Note: Police and paid on-call firefighters are not eligible for this exclusion.
- Elective workers who earn less than the statutorily establish ceiling (currently \$1,900) per year.

Find more information on pension plans and Social Security taxes on MTA's "Employment Issues" page on the members-only side of www.michigantownships.org (access via the "Index of Topics" under the "Answer Center" tab after logging in).

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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MTA's Online Learning Center



Emerging Issues in Planning & Zoning

Have you heard? MTA took the summer's hottest evening workshop series virtual! This webinar series identifies hot topics and emerging issues in planning and zoning, and is a **MUST** for planning commissioners, zoning board of appeals members, township board members and zoning administrators.

Not only has it gone virtual, our ever-popular *Hot Topics* workshop has been divided into **four separate segments**, bite-size pieces allowing you to watch and learn at your convenience.

Live segments coming soon! **Get your questions answered in real time by** our expert speakers. Join us at:

5:30 p.m. on Sept. 10: Intro to P&Z for Wind & Solar Energy
5:30 p.m. on Sept. 17: P&Z for Utility-Scale Solar Energy

Register now to get access to the links. Can't participate in the live segments? Don't worry! Recordings will be available on demand in our Online Learning Center following the conclusion of the series.

Now available on demand:

Taking Your PC & ZBA Meetings Virtual

Get tips for how your planning commission and zoning board of appeals can navigate the new virtual environment we've all been thrust into during the pandemic.

Mining Operations & Short-Term Rentals

Dig into mining operations and short-term rentals and gain insights into how townships can mitigate the legal issues while addressing the concerns of its residents.

This entire series combines a how-to guide with real-life practical experiences. Your registration includes access to all four segments!

Is your township subscribed to MTA Online at the Plus or Premium level? Then this series is FREE to you!

Registration information was sent via email. Did you miss it? Email education@michigantownships.org.

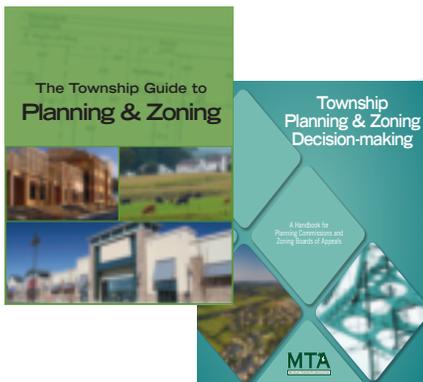
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Continue the learning with our discounted book package!

MTA has packaged two of our most popular publications, revised in 2019, and is making them available to you at discounted rates. Get both of these helpful tools for just \$72 when registering for our *Emerging Issues in Planning & Zoning* webinar.

The *Township Guide to Planning & Zoning* provides a detailed look at the planning process and outlines elements of a successful planning program. *Planning & Zoning Decision-making* aims to help planning and zoning officials reach defensible, effective decisions and build a strong community based on sound planning principles and procedures.



Coming soon to
MTA's Online Learning Center



'Hot Topics' for Township Fire Departments

Get a handle on the hot topics facing your township's fire department and emergency services team with MTA's newest live webinar series. This annual event gone virtual is designed to offer an update on emerging issues in emergency services and a chance to hear directly from the experts.

MTA has divided this year's content into **four separate hour-long LIVE webinars**, so you can **get your questions answered** by the experts in real time. Join us at:

- Sept. 16: Fire Protection for Marijuana Facilities
- Sept. 23: Hot Topics from the State Fire Marshal
- Sept. 30: Emergency Preparedness Programs
- Oct. 7: Michigan EMS Update

All sessions will be held at 4 p.m. If you can't attend the live portion, don't worry! Recordings of each segment will be available on demand in our Online Learning Center following the conclusion of the series.

Register today for only \$94 for the four-part series. Visit <https://my.michigantownships.org/upcoming-events> to register! Members can register online and may select "invoice my township" when purchasing MTA webinars to expedite the process. Questions? Call (517) 321-6467.

Gain insights into how the unique design and use of **marijuana facilities bring considerable risk for fire**.

Get the **inside scoop from the state fire marshal** on training and changes being proposed by the Michigan Fire Fighters Training Council.

Learn more about initiatives around the state and **emergency preparedness programs** that can help you identify steps you can take to prepare your community.

Get an **update on emerging issues in EMS** from the director of the state's EMS & Trauma Division.

Is your township subscribed to MTA Online Premium Pass? Your registration rate is only \$75! (Discount will be applied at checkout.)

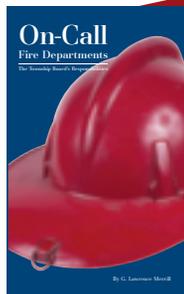
Want to learn more about unlimited access to multiple webcasts for your entire township team? Visit www.michigantownships.org/mtaonline.asp.



Continue the learning!

This helpful guide, *On-Call Fire Departments: The Township Board's Responsibilities*, reviews the township board's responsibilities for fire protection, including evaluation of your township's fire protection as well as emergency and disaster planning. Get helpful tips for motivating (and retaining!) personnel and insights into financing the department.

Available for only \$24.75 when you register for this webinar series.





Announcing MTA's newest learning initiative

It's a **new take** on the standard "lunch and learn." Remember when we'd gather during our lunch hour (lunchbox in hand) with like-minded people to discuss important issues without taking away valuable time from our typical workday?

Well, there's no such thing as a typical day anymore, and there is nothing typical about our **new way of gathering to learn**. With that in mind, MTA will be hosting **live** webinars every month, over the lunch hour, on current and key issues that matter to townships. And yes, we'll be answering your questions in real time. You provide the lunch and we'll provide the learning in our new **Now You Know** lunchtime learning sessions!



Now You
Know

The first webinar in the new live series is:

Wednesday, Sept. 9
Noon to 1 p.m.

In the Transition

Members of MTA's Member Information Services team—**Director Michael Selden, Staff Attorney Catherine Mullhaupt and Liaison Cindy Dodge**—will share what you need to know about the transition of incoming (and outgoing!) officials between now and the launch of the new township term of office. ***In the Transition*** will review the "ins and outs" of how township's handle resignations, appointments, compensation and the oath of office, as well as required meetings and dates. We'll explain what "the transition" actually is, what's happening, how you handle "elects," when those running unopposed can assume duties ... and so much more. Hope to "see" you there!

Can't participate live?

Watch it on demand in our Online Learning Center later, at your convenience. Members pay \$45/person to participate and registration is simple. Visit <http://bit.ly/MTANYK1> and choose "bill me" when you check out.

SPECIAL DISCOUNT! Pre-purchase all 10 monthly "Now You Know"s and pay just \$400! Learn more at www.michigantownships.org or call 517.321.6467 with any questions.

Delta Charter Township is a ‘Township of Excellence’



While its board and staff have long been committed to providing quality programs and services to residents, **Delta Charter Township** (Eaton Co.) officials say that the township’s pursuit of MTA’s “Township of Excellence” designation has made their already-great township even better.

The township has earned the recognition—for the second time—and was honored by MTA Executive Director Neil Sheridan and program administrator MTA Staff Attorney Catherine Mullhaupt during a virtual township board meeting earlier this summer. The award is for the township’s achievement in the 2016-2020 township board term. Board members include Supervisor **Kenneth Fletcher**, Clerk **Mary Clark**, Treasurer **Howard Pizzo**, and Trustees **Fonda Brewer**, **Andrea Cascarilla**, **Dennis Fedewa** and **Karen Mojica**. It is just the second township—in addition to **Spring Lake Township** (Ottawa Co.)—to earn the honor twice.

While the township was first recognized as a “Township of Excellence” for its 2012-2016 term of office, that didn’t mean that it was able to easily “coast” into receiving the honor for a second time. The application process forced the township to continue to closely examine their policies and practices, and strive to make improvements—for example ensuring sufficient training and orientation for appointed officials, like their planning commission and board of review.

“The process of trying to become a Township of Excellence, in and of itself, becomes a very useful for any township,” Fletcher said. “We are a much better township because we went through this process. And we will strive to maintain that, because we want to continue to deliver

excellence to all of our residents, and it takes effort to make sure you are doing the very best you possibly can.”

A path toward excellence

MTA created the Township of Excellence program as a way to recognize townships for excellence in governance and administration. To qualify, townships must go above and beyond simply meeting state statutes. They must demonstrate that they have superior processes and outcomes in governance, as well as adherence to best practices involving its statutory duties of financial stewardship, assessing, tax collection and election administration, as well as other service areas—utilities, cemeteries and emergency services—if provided.

The program is meant to encourage townships to achieve excellence and create a sense of identity and community pride. Sheridan told the board and Manager **Brian Reed** at the virtual award presentation that the award is “a testament to the work that you have done together as leaders of this fine township. I hope that your residents, stakeholders and others see that this is in fact a team effort—all of your staff, your leadership and the integration across your organization—to make this happen.”

Fletcher echoed that the award “really is a testament to the great staff that we have here in the township; they do fantastic work. If you look at all the different areas that

Inside a 'Township of Excellence'



are being evaluated, it really boils down to, we have an outstanding staff who are doing a great job on delivering for our residents, day in and day out.”

Reed agreed, adding, “Delta Charter Township, throughout the years, has had excellent leadership at the board level. They have supported progressive thinking, which has fostered efficient and effective services. We have a great team of employees who care about the community and the services we provide. This is especially true in the critical areas of municipal service, including fire and EMS, police, water and sewer, and also our quality-of-life efforts for the community, such as economic development and our parks and pathways.

The township of more 33,000 residents was at one time called the “fastest growing township in Michigan.” The township community complex houses all local government services, including the township hall, one of the township’s three fire stations, and a sheriff’s department substation. A mix of rural and suburban residential areas, the township offers housing options for all ages, and is part of four well-regarded school districts. The township is home to some of the Greater Lansing region’s major employers, including General Motors, Meijer and Auto Owners Insurance—and is also home to the MTA office. Working with regional partners, the township has helped bring in an investment of \$1.2 billion in manufacturing, by providing incentives for GM and related suppliers to build within the township—retaining and creating more than 5,300 area jobs.

The township has a district library system, and more than 800 acres of parks and a growing network of pathways. The parks and recreation department provides a variety of activities, including enrichment classes for all ages, with a separate facility and program that serves roughly 1,000 residents with the Delta/Waverly 39ers Senior Citizen Program.

Said Reed, “The township is diverse and inclusive, and is really a great place to live, work and play. We are a welcoming community who take a lot of pride in Delta Charter Township—all of this makes Delta a great place to sprout roots, raise a family, and start or grow a business!”

A team effort

The Township of Excellence designation, and the enduring commitment to exemplary programs, services and administration, are not easy to achieve—but are possible for all townships that are dedicated to collaborating as a team to best serve their community.

“The only way a township wins this award is with the commitment of every single board member, and all of the staff and personnel, working together,” said Mullhaupt. “Any township, of any size, can do this, but there’s no way to do it if you are not working as a team, with everyone pulling together toward a shared goal, over time. Because this township has done it twice, it shows that it’s an ongoing, real commitment. It shows the character of what everyone at the township is doing to support their community, provide services, provide policy- and decision-making, infrastructure—every aspect involves that kind of commitment to excellence.”

The program, and its intent, set a bar for which all Michigan townships can reach.

“Township of Excellence sets a vision for something higher—higher standards—in the common theme of good governance,” Fedewa said. “It’s lofty, but it’s doable, and it’s in the best interest of any township’s residents.”

Learn more about MTA’s Township of Excellence program, and download an application form, on www.michigantownships.org (under the “About MTA” tab).



Short-term rentals may be regulated as hotel/motel use, based on ordinance definition

Reaume v. Township of Spring Lake, Docket No. 159874—On June 5, 2020, the Michigan Supreme Court issued an order in lieu of granting leave to appeal, vacating in part and affirming in part the Michigan Court of Appeals decision in *Reaume v. Township of Spring Lake*, 328 Mich. App. 321.

The Court vacated “that part of the Court of Appeals judgment analyzing defendant’s ordinance’s definition of single-family dwelling and concluding that the definition excludes ‘temporary occupancy’ because family is defined to exclude “transitory or seasonal” relationships. To the contrary, defendant’s ordinance defines dwelling to include a “[b]uilding ... occupied ... as a home, residence, or sleeping place, either permanently or temporarily” The Court of Appeals erred by conflating the concept of a transient relationship between people with the concept of transient occupancy of the property.”

MTA Legal Counsel advise that, in the township’s ordinance a dwelling, by definition, could be used either permanently or temporarily. Accepting the concept of temporary relationship of occupants versus temporary occupancy as developed by the Court, the impact on an individual local unit’s zoning ordinance will depend on the definition in the ordinance, where some zoning ordinances would allow single-family dwelling short-term rentals, but the use would still be limited to a rental to a single family. Townships should work with their local legal counsel to determine how their ordinances define and address short-term rentals.

MTA’s Legal Defense Fund *amicus* brief to the Court in the appeal emphasized the nature of the short-term rental use of the home as a hotel or motel use, which the Court agreed in the ordinance’s definitions meant it was not a “dwelling,” but a “motel”: “Nonetheless, the Court of Appeals was correct insofar as it concluded, in the alternative, that the ordinance’s definition of dwelling excludes plaintiff’s property because the property is a motel, which the ordinance defines to include a ‘[b]uilding ... containing sleeping ... [u]nits which may or may not be independently accessible from the outside with garage or [p]arking [s]pace located on the [l]ot and ... occupied by transient residents.’” The term ‘sleeping unit’ is reasonably understood to include a bedroom, of which the property contains seven. Although motel commonly is understood as ‘an establishment which provides lodging and parking and in which the rooms are usu[ally] accessible from an outdoor parking area,’ *Merriam-Webster’s Collegiate Dictionary* (11th ed.), we must follow the definition provided in the ordinance. ... So regardless of whether the property’s bedrooms are ‘accessible from an outdoor parking area,’ we conclude that the property fits the ordinance’s definition of motel since that definition expressly allows that sleeping units ‘may not be independently accessible from the outside.’”

Former property owners due surplus proceeds from tax foreclosure sale of real property

Rafaeli v. Oakland County, ___ Mich. ___, (Docket No. 156849, decided July 17, 2020)—In a challenge by former property owners to the county retaining “surplus proceeds” from the sale of their real property in the delinquent real property foreclosure process, the Michigan Supreme Court reversed the state Court of Appeals to hold that “former property owners whose properties were foreclosed and sold to satisfy delinquent real-property taxes, have a cognizable, vested property right to the surplus proceeds resulting from the tax-foreclosure sale of their properties. This right continued to exist even after fee simple title to plaintiffs’ properties vested with defendants, and therefore, defendants’ retention and subsequent transfer of those proceeds into the county general fund amounted to a taking of plaintiffs’ properties under Article 10, § 2 of our 1963 Constitution. Therefore, plaintiffs are entitled to just compensation, which in the context of a tax-foreclosure sale is commonly understood as the surplus proceeds.”

City attorney is 'public body' for FOIA purposes

Bisio v. City of the Village of Clarkston, ___ Mich. ___, (Docket No. 158240, decided July 24, 2020)—The Michigan Supreme Court reversed the state Court of Appeals and held that under the city's charter, the city attorney is an office that constitutes a "public body" for the purposes of the Freedom of Information Act (FOIA) under MCL 15.232(i).

"Under MCL 15.232(i) of FOIA, a 'public record' is 'a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created.' We reiterate that such 'public records' must be 'prepared, owned, used, in the possession of, or retained by a public body' and not by a private individual or entity. In the instant case, the office of the city attorney constitutes such a 'public body' because it is an 'other body that is created by state or local authority' pursuant to MCL 15.232(h)(iv). Furthermore, the documents at issue are 'writing[s] ... retained'

by that public body and 'in the performance of an official function' under MCL 15.232(i), and they are therefore 'public records' for the purposes of FOIA."

Most townships do not have an "in-house" attorney and instead contract for legal services. But the opinion did not distinguish between an attorney being an employee or consultant. This is a new interpretation of "public body" under the FOIA, and township boards may want to discuss the opinion with their attorneys, both from the perspective of how it impacts that relationship and possibly other township offices and positions.

Tree ordinance's mandated removal fee ruled a taking

F.P. Dev., LLC v. Charter Twp. of Canton, No. 18-CV-13690 (E.D. Mich. Apr. 23, 2020)—F.P. Development removed approximately 173 trees from its property without a permit required by **Canton Charter Township's** (Wayne Co.) zoning ordinance, which mandates replacement or payment of a set fee per tree, resulting in the township assessing \$47,898 in fees. The United States District Court, E.D. Michigan, Southern Division ruled that the ordinance was both a regulatory taking and a land-use exaction.

The Court considered the *Penn Central* factors and found that "the character of the government action is to require a

private property owner to maintain the trees on its property for the benefit of the community at large. This is a burden that should be shared by the community as a whole." The Court held that, as applied to F.P. Development, the tree ordinance went too far and is a regulatory taking.

The Court also held that "the township's failure to consider the specific impact of tree removal on the community in determining the need for tree replacement renders its ordinance as applied to F.P. invalid. ... The tree ordinance requires property owners to pay the market value of any removed tree into the tree fund or plant a pre-set number of replacement trees, without any analysis of the impact of tree removal on neighbors, on aesthetics of the site and the surrounding area, on air quality, noise abatement, or any other site specific consideration. ... The mandatory nature of the tree replacement fees set forth in ordinance, without any site specific analysis, renders the ordinance invalid under *Nollan/Dolan* as there is no method to ensure that the permit requirement is roughly proportionate to the environmental and economic impact of tree removal on the township and its residents. The 1:1 ratio does not satisfy *Nollan/Dolan* as it is possible the removal of certain trees from a landowner's property will not require a new planting in each instance in order to preserve the environment. ... In sum, the tree ordinance as applied to F.P. qualifies as a land-use exaction."





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- Connect with fellow township peers and gain knowledge on contemporary topics and industry trends

Benefits of a Virtual Event:

- Sign up your planning and zoning officials! This year's lower fee allows you to register more staff and officials.
- Sessions will be recorded and can be viewed later at your convenience, plus
- You won't have to choose between competing sessions, you can view them all.

Virtual Conference | \$185 Early Bird Member Rate
Register at planningmi.org/planning-michigan-conference

We're taking the MTA show "Off the Road"



The learning doesn't have to end while we're practicing social distancing.

MTA is still here for you and dedicated to keeping you connected and informed. Next month, instead of traveling the state for our annual MTA *On The Road* regional meetings, we'll be coming to your home or office with our "Off the Road" virtual summit!

That's right—you'll still get each amazing component of our in-person regional meetings, from the comfort and safety of your home or township hall.

- The **inside scoop on issues impacting townships**
- Breakout sessions on **important topics relevant to each and every township**
- A chance to **hear from key members of MTA leadership**—including President Jeff Sorensen, district directors, MTA Executive Director Neil Sheridan, staff from MTA's Government Relations, Member Information Services and Knowledge Center teams.
- An opportunity to **learn from MTA legal counsel**
- A **virtual vendor showcase** with municipal service providers eager to connect with you to demonstrate how their organizations can help you serve your communities
- Virtual **networking time** with MTA staff and your township peers

Six hours of education, information and connection for just \$116.

Save the date!
Oct. 14 or 20

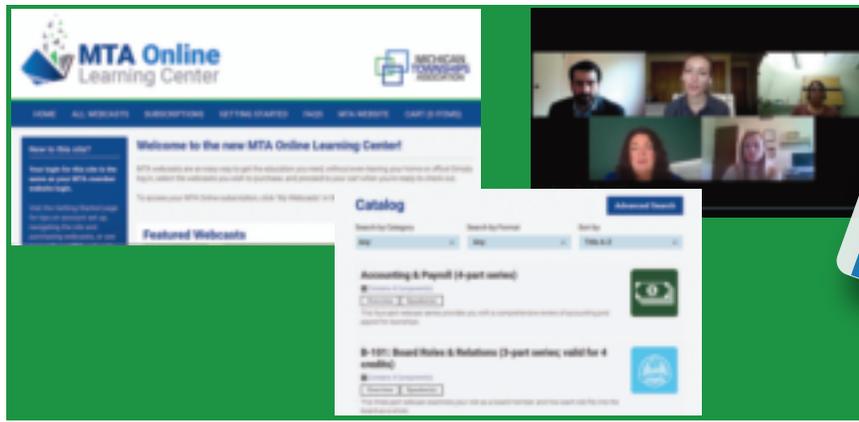
Look to MTA's website and eblasts for additional details and registration!

Already know you'd like to participate?

Visit <http://bit.ly/TwpTraining>. Members may select "invoice my township" when registering online for MTA webinars to expedite your registration.

Does your township hold a Premium MTA Online subscription?

Your registration rate is only \$104! (Discount will be applied at checkout.)



Purchase a township-wide online subscription and get access for everyone on your township team for a full year! Choose from three different MTA Online levels. Each level contains different courses, with new content being added to the **Plus** and **Premium** levels. Package level pricing provides deep discounts and is a benefit *your entire township* can take advantage of. Join now and get access to online education for all, anytime, anywhere, at your convenience.

Option 1. Premium Pass Subscribe now for \$1,900 to get this \$4,032/person value for your entire township! Includes year-round access to **every title** in our **Essentials** and **Plus** packages as well as 10 additional titles, nine of which are *Township Governance Academy* courses. Visit www.michigantownships.org/mtaonline.asp for a full list of titles.

New Featured Courses

Emerging Issues in Planning & Zoning

This webinar series includes:

- *Taking Your PC & ZBA Meetings Virtual*
- *Mining Operations & Short-Term Rentals*

And, coming this month, live webinars:

- *Intro to P&Z for Wind & Solar Energy*
- *P&Z for Utility-Scale Solar Energy*

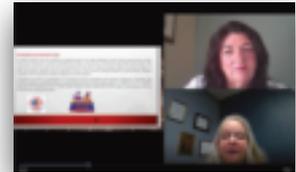
Elections Tips & Fundamentals

This webinar series includes:

- *Tips and Tricks*
- *Election Workers*
- *The Impact of Proposal 18-3 and COVID-19 on Elections*

And, coming this month:

- *Lessons Learned from the August Primary*
- *Elections Security*



Option 2. Plus Package

Get access to all 10 **Essentials** titles listed in Option 3, **plus** more specialized topics that take your township in-depth on additional services some townships provide like:

- *Cemetery Management*
- *Governing an Accountable Fire Department*

PLUS get more for your planning and zoning team!

- *Intro to Planning & Zoning*
- *Roles & Functions of the Zoning Board of Appeals*
- *Ordinance Enforcement*

BONUS: Includes access to the live webinar series *Emerging Issues in Planning & Zoning*, described above in Option 1, **Premium Pass**.

A \$1,400/per person value

Subscribe now for only \$1,000 for your entire township team

Option 3. Essentials Package

Offers access to 10 of our top online courses, featuring topics designed for all board members and required knowledge for all townships. Titles include:

- *Accounting & Payroll*
- *Building a Better Budget*
- *Effectively Exercising Board Authority*
- *Exploring Township Revenue Sources*
- *Meeting Misconceptions*
- *Secrets to Great Board Meetings*
- *Spending Public Money*
- *Special Assessment Procedures*
- *Taxation Trouble Spots*
- *Who Gets Paid What ... and How?*

An \$800/per person value

Subscribe now for only \$750 for your entire township team

Registration Form

Township _____ County _____

Telephone _____

Select one of the following options for your entire township team:

- Premium Pass \$1,900
- Plus Package \$1,000
- Essentials Package \$750

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

Check enclosed (payable to MTA)

Charge to: (circle one) MasterCard VISA

Card # _____ Expires _____

Print Card Holder's Name _____ Signature _____

Send your completed registration form with payment to MTA, P.O. Box 80078, Lansing, MI 48908-0078; fax: (517) 321-8908 or email to rebecca@michigantownships.org. Questions? Call (517) 321-6467.





MICHIGAN TOWNSHIP PARTICIPATING PLAN



Municipal Office



- Largest Public Act 138 program in Michigan Providing tailored Property/Casualty insurance coverages for public entities
- Underwritten by an A+ rated insurance carrier
- Supervised by a Michigan board of directors elected from the membership, by the membership
- Administered by Tokio Marine HCC Public Risk providing in-house underwriting, risk control and claims administration
- Servicing over 1300+ Michigan public entities
- Risk Reduction Grant Program
- Scholarship Reimbursement Program
Citizen Planner & Zoning Administrator
- Dividend Program



For more information please call 1-800-783-1370 or visit our website www.theparplan.com



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