

Township Focus

SEPTEMBER 2021

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

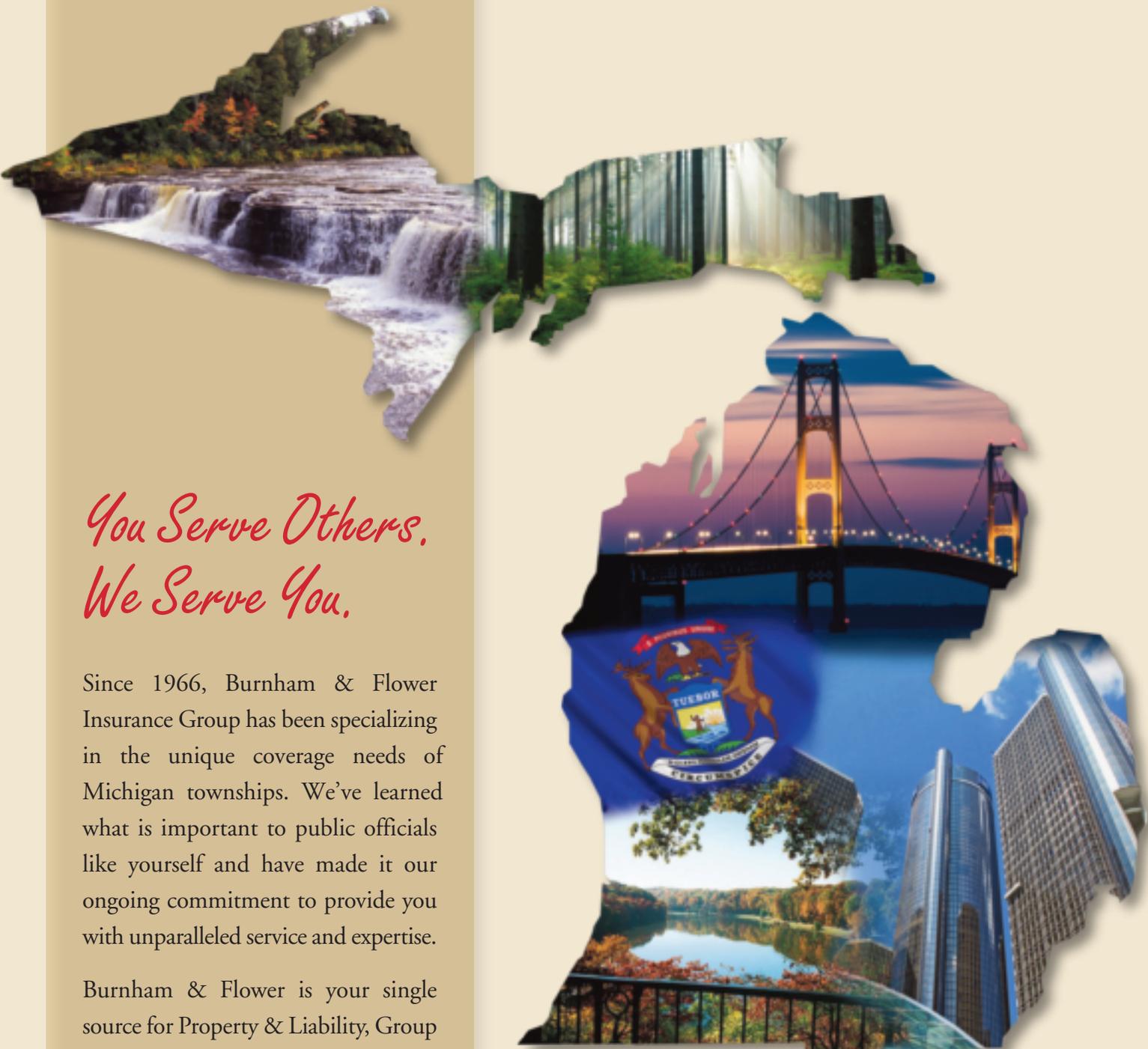
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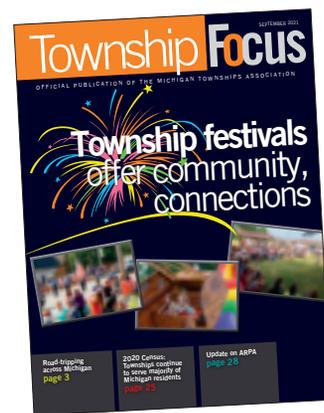


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The numbers are in: 2020 Census shows townships continue to serve majority of Michigan residents

Community-level 2020 Census population figures have been released, and the numbers are no surprise: Michigan residents prefer living in townships.

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Updates on ARPA

We provide updated information on the American Rescue Plan Act (ARPA) payments from the state to non-entitlement unit (NEU) townships, reporting requirements for NEUs and guidance on premium pay in townships.

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mission statement

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

special insert
professional development
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brochure



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Road-tripping across Michigan

That's an old picture of my first motorcycle parked waiting for a river ferry. My buddy Paul and I had set out for a two-week trip together and had packed gear, food and tools for every possibility. No more than 50 miles into the trip, Paul's rear wheel got sliced up by a box cutter blade on the roadway. Thankfully, there was no harm done to Paul, but the tire was a total loss. After thinking it over on the road shoulder, we decided that I'd go on solo and he'd take his trip after getting a new tire, or better, a newer bike. We loaded nearly all of that stuff onto my bike and I set off. You can see that my bike was one pretty sad-looking pack mule with 40 bungee cords hooked onto each other and any other available latch point.

Fast forward to this month, I'm setting out on what amounts to six weeks of travel around our beautiful state. For the first leg of the journey, my young family is coming along to MTA's *UP North Summit* with me. My wife shares my commitment to being over-prepared, and my daughters have separation issues with all manner of stuffed animals, books, snack dispensers, gadgets and toys. No motorcycles this time—there wouldn't be enough bungee cords in Michigan.

What I'm bringing myself on this trip though is easier to pack, ready for sharing, and you'll definitely use it. For the *Summit*, we have our MTA experts ready to brief you on the latest regarding American Rescue Plan Act (ARPA), solar facilities, elections, effective meetings, assessing, township finances, fraud prevention, outdoor recreation, and the township's role in marijuana matters. MTA Government Relations Director Judy Allen has invited the U.P. legislative delegation in for a panel discussion on local and statewide issues. We'll have a full range of vendors at the Northern Market expo, and we're grateful to our sponsors for the Monday night dinner party and entertainment and all event

sponsors. Our optional post-*Summit* session—with MTA's Member Information Liaison Cindy Dodge—will dig into cemetery management issues.

MTA is thrilled to be together again for in-person learning, and this month's magazine also explores gathering as a community, with local events and festivals. We get an insider's view of what goes into planning a local event—including considerations for doing so safely. We are also thrilled to note that, with the release of 2020 Census population figures, townships remain the voice of and home to more than half of Michigan's population. We also delve into what we know now about ARPA reporting, as the first "projects and expenditures" report deadline nears.

I look forward to seeing many of our members at the *UP North Summit*, beginning Sept. 13. It's clear that township officials are just as excited as we are to gather face to face again, as the event sold out very quickly! The *Summit* isn't limited to in person only, however; you can watch and learn at your convenience by registering for the virtual version. (See the inside back cover for details.) Either way, we look forward to "seeing" you and providing insights, information and education on a wide variety of topics impacting townships.

MTA President **Pete Kleiman** and I head out after the *Summit* to do our county chapter tour. I'm hoping that he's a light packer.

Neil



news¬es

a compendium of noteworthy items

ATTORNEY GENERAL OPINIONS

Attorney general issues three opinions impacting townships



Michigan Attorney General Dana Nessel recently issued three opinions on matters impacting townships—involving county regulation of livestock, state agency roles in the tax exemption process, and the state auditor general elections audit.

County cannot regulate keeping of livestock, poultry in residential area

Attorney General Opinion No. 7314, issued July 22, 2021, in response to an inquiry from Rep. Sarah Anthony (D-Lansing).

Summation: The Dog Law of 1919, 1919 PA 339, MCL 287.261 *et seq.*, does not authorize a county to adopt an animal control ordinance regulating the keeping of livestock and poultry.

The county's general ordinance-making power of MCL 46.11(j) does not authorize a county board of commissioners to adopt a countywide ordinance regulating the keeping of livestock and poultry on residential land.

Role of STC and EGLE in NREPA tax exemption process

Attorney General Opinion No. 7315, issued July 22, 2021, in response to an inquiry from Michigan Department of Environmental, Great Lakes, and Energy Director Liesl Eichler Clark.

Summation: The State Tax Commission [STC], taking into consideration the Department of Environment, Great Lakes, and Energy's [EGLE] findings whether machinery, equipment, or structures are a "facility" under Part 59 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.5901 *et seq.*, determines both the amount a tax exemption "shall be reduced to the extent of any commercial or productive value derived from any materials captured or recovered by any air pollution control facility" under MCL 324.5902(2), and "the total acquisition cost of the facility entitled to exemption" under MCL 324.5904(3).

Whether a cost is an "acquisition cost of the facility entitled to exemption" under MCL 324.5904(3) is a fact-specific inquiry that should be addressed through the administrative application and hearing process established in Part 59 of [NREPA], with the burden of proof on the

claimant seeking the exemption, and because the [EGLE's] guidance document is inconsistent with this principle and is otherwise inaccurate, it should be revised or withdrawn.

[EGLE's] responsibility to make a finding under MCL 324.5903 and its responsibility to respond to a request for approval from the [STC] under MCL 324.5902(2), refer to different stages of the statutory process created by Part 59 of [NREPA], and the Department's finding is a necessary precursor to its approval.

The [STC] is responsible under Part 59 of [NREPA], for initially determining whether an application is complete and, based on its preliminary review, for communicating with the applicant if more information is needed. [EGLE] is obligated to inform the Commission when an application the Commission preliminarily found complete is, in fact, incomplete because technical information needed by the Department is missing. The Commission is responsible for informing an applicant that they need to submit the additional information identified by the Department to submit a complete application. The Department may also communicate directly with the applicant.

Auditor general cannot audit county, local clerks for Bureau of Elections audit

Attorney General Opinion No. 7316, issued Aug. 6, 2021, in response to an inquiry from Michigan Secretary of State Jocelyn Benson.

Summation: While the Auditor General may subject the Michigan Bureau of Elections to a performance audit concerning the Bureau's procedures for conducting post-election audits under MCL 168.31a, Article 4, §53 of Michigan's Constitution does not authorize the Auditor General to audit county clerks or other local units of government to facilitate his audit of the Bureau of Elections. The Secretary of State, in her role as the Chief Elections Officer, may exercise supervisory authority over local elections officials responding to a request for election records by the Auditor General by issuing directions for the review of such records in order to protect the physical integrity and security of the records consistent with state and federal law. The Secretary of State, in her role as the Chief Elections Officer, may exercise supervisory authority over local elections officials responding to a request for access to voting equipment by the Auditor General by issuing directions that access to voting equipment should not be permitted, given the need to protect the physical integrity and security of the equipment consistent with state and federal law.



EDUCATING YOUTH

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

Schools across the state are returning to in-person learning for the school year, with some allowing for an online option as well. 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 value of township government—and the role it plays in residents' lives every day.

After the past year and a half, the importance of local leadership, and programs and services has become more apparent than ever. You can help continue to spread the message of what township government is—and how it impacts parents, students 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 Zoom or GoToMeetings—teachers and officials are pros now!). 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 52% 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.michigantownships.org (click on “Tools for Teachers” under the “About Townships” tab).

COVID-19 UPDATE

Nearly every Michigan county should mask up indoors

In early August, the federal Centers for Disease Control and Prevention (CDC) updated its mask guidance recommendations to try to quell rapidly increasing community spread of COVID-19, encouraging all individuals—regardless of vaccination status—to wear masks in indoor public places in areas with “substantial” or “high” transmission virus rates. As of *Township Focus* press time, every state in the nation was considered at “high” transmission levels, and 80 of 83 Michigan counties fell into the “high” or “substantial” level. See your county's rate at <https://covid.cdc.gov/covid-data-tracker/>. Gov. Whitmer has indicated that she does not anticipate the state issuing a mask mandate in the near future, if at all.

According to the CDC, the Delta variant is much more contagious, may infect those who have been vaccinated and may also allow vaccinated individuals to spread the virus. Prior to Delta, the probability for vaccinated individuals to spread the virus was considered low.

MIOSHA issues workplace recommendations

The Michigan Occupational Safety and Health Administration (MIOSHA) is strongly encouraging Michigan employers—which includes townships—to follow the updated CDC guidelines. “As transmission rates accelerate rapidly in many Michigan counties, Michigan employers should monitor the spread of COVID-19 in their local communities and follow the CDC's guiding principles for both fully vaccinated and unvaccinated people to ensure we are all doing our part to keep workplaces safe for employees and customers,” said COVID-19 Workplace Safety Director Sean Egan.

MIOSHA also urges employers to adopt the CDC recommendations for vaccinated individuals:

- Consider masking regardless of the level of transmission, particularly if they or someone in their household is immunocompromised or at increased risk for severe disease, or if someone in their home is unvaccinated.
- Get tested if experiencing COVID-19 symptoms.
- Isolate if they have tested positive for COVID-19 in the prior 10 days or are experiencing COVID symptoms.
- Get tested three to five days after exposure to someone with suspected or confirmed COVID-19 and wear a mask in public indoor settings for 14 days after exposure or until they receive a negative test result.

Executive directive prioritizes booster shots

The CDC, U.S. surgeon general and Food and Drug Administration have announced that booster shots of the Pfizer and Moderna COVID-19 vaccines will be needed to maximize vaccine protection against the virus. Federal plans are to begin offering booster shots Sept. 20, 2021, to those whose second dose was at least eight months prior. Gov. Whitmer has issued an executive directive to state departments and agencies to begin preparing the state's vaccine response to administer booster doses to Michiganders.

MUCH-DESERVED RECOGNITION

Still time to nominate your ‘Small Town Civic Volunteers’ for national award

The country’s top 100 public service volunteers in municipalities and counties with populations of less than 25,000 will again be recognized and honored for their outstanding through the 2021 Small Town America Civic Volunteer Award (STACVA). Details of the awards program, as well as the nomination form, can be found at www.civic-volunteer.com. The nomination period runs through Oct. 15.

STACVA is designed to spotlight the alarming decline in the availability of citizens to fill critical local government roles such as township boards and commissions, volunteer firefighters, EMTs, and the many advisory committees that support other key local government functions. Nominate up to two of your township’s hometown heroes and share their positive impact on their community.

Localities represented by the top three winners will receive cash awards of \$20,000, \$10,000 and \$5,000, respectively. Municipalities represented by the top 100 nominees will qualify for a free volunteer management module that can be integrated with their website to help engage, recruit, track and retain community volunteers.

ECONOMIC ACCOLADES

State recognized for economic growth

As we focus on recovery from the pandemic and nurturing thriving communities, the state of Michigan has received national accolades for creating a strong economic environment.

Michigan was recognized as a top state in sustainable development practices by *Site Selection* magazine, affirming the state’s commitment to green energy practices and social responsibility while fostering business success. Michigan ranked 2nd in the East North Central region, ahead of peer states including Ohio (#3), Wisconsin (#4) and Indiana (#5). The list of top 10 metro areas in the region included four in Michigan—the most of any state in the region.

Michigan was also acknowledged as a top state for new manufacturing jobs and investment by *Area Development*, and was awarded the 2021 Manufacturing Gold Shovel Award that recognizes job creation built on innovative policies, infrastructure improvements, processes, and promotions that attract new employers and investments in new and expanded facilities. Projects in **Delta Charter Township** (Eaton Co.) and **Pittsfield Charter Township** (Washtenaw Co.) were among 10 projects cited that contributed to more than 2,600 jobs and \$441 million in private investment.

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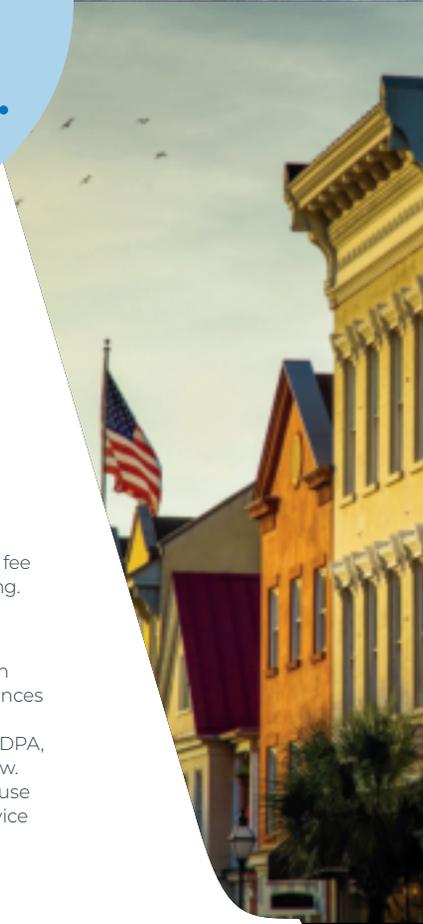


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MTA seeking input for 2022 legislative policy platform

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 efforts, and are reviewed and updated annually to reflect emerging issues and goals. MTA members are encouraged to review MTA's Board-approved 2021 Policy Platform and share any proposed revisions and suggested additions by Nov. 29. The policy platform can be found on MTA's website, www.michigantownships.org, under "Advocacy."



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 2022 MTA Annual Meeting, held in conjunction with our Annual Educational Conference & Expo in April.

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

Got township questions? MTA has answers!

MTA's experienced Member Information Services (MIS) 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.

Contact MIS with questions Monday through Friday, from 8 a.m. to 5 p.m. Call (517) 321-6467, fax to (517) 321-8908, or email:

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Mika Meyers PLC is privileged to serve the Michigan Townships Association and its member townships as an Allied Service Provider.



Located in Grand Rapids for more than 60 years, the firm represents numerous Michigan townships and other municipal entities. Mika Meyers has 18 attorneys who practice in the municipal law area. Of the 18 attorneys, 14 have 20-plus years of experience serving municipal law clients. During the last 60 years, Mika Meyers has been engaged as general or special legal counsel to represent the interests of more than 100 townships located throughout the state on a wide range of challenging legal matters. Some of the services Mika Meyers provides to its municipal clients include:

- General counsel, including Open Meetings, Freedom of Information Act and elections
- Zoning and planning
- Marijuana regulation
- Ordinance enforcement and blight elimination
- Bond counsel and municipal finance
- Labor and employment
- Condemnation
- Tax Tribunal defense for major commercial properties
- Privacy and cybersecurity policies
- Response to security incidents
- Negotiation of license agreements and other technology contracts

In addition, the firm provide its municipal clients, without charge, a printed or electronic newsletter every other month on current matters involving local government law and cases. The articles contained in the newsletters are available at www.mikameyers.com. To sign up to receive these newsletters, visit www.mikameyers.com/news/signup.

Mika Meyers PLC is proud to support the continuing education of its township clients, their elected officials and the members of the Association through its involvement as an Allied Service Provider. For more information regarding Mika Meyers, visit www.mikameyers.com, or turn to the Allied Service Provider Index on page 2.

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

classifieds

FOR SALE

Property—Bark River Township (Delta Co.) is selling two pieces of property: a five-acre parcel on U.S. 2 and 41 with 500 feet of highway frontage with heavy traffic; and a 10-acre parcel on Co. Rd. 535 bordering the township's senior center, park, hiking trail and fire department that is ideal for senior living. Contact Bark River Township at (906) 466-2331 or email barkrivertwp@barkriver.net for more information.

HELP WANTED

Assessor—London Township (Monroe Co.) is seeking a part-time assessor to oversee the operations and procedures of the assessing department. The township is seeking candidates with a minimum Michigan certified assessing officer certification. An associate's degree in a related field, plus a minimum of five years of property appraisal experience in all classes of property preferred. Salary is \$25,000 yearly. Resumes will be accepted until the position is filled. Candidates should be proficient in BS&A, Apex, Excel and GIS mapping. The township contains 1,991 total parcels and \$164,117,972 in real and personal assessed value. For full job description, contact Supervisor Penny Turner. Mail or email cover letter and resume to: London Township, Attention: Penny Turner, Supervisor, 13613 Tuttlehill Rd., Milan MI, 48160 or email supervisor@londontwp.org.

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

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

Don't miss our next episode held:

Wednesday, Oct. 1 from noon to 1 p.m.

What the Board Needs to Know about Elections

Townships may vary dramatically in size and location, but all have elections in common. Every township runs elections. With safety precautions and requirements, and recent controversy and mistrust still fresh in our minds, we look ahead to November's general election with a primer on elections geared for your entire township board. From board responsibilities to resources, we'll help you get a handle on the impact elections have on your township.

Register now at <https://bit.ly/NYKmta>

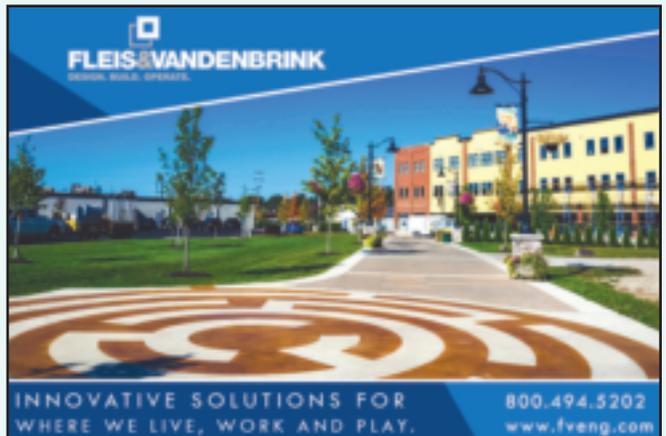
Missed the September *Now You Know: My Deputy and Me*? Each session is recorded so you can watch at your convenience. If your township subscribes to *MTA Online* at the *Premium* level, you get FREE access to EVERY session! Visit <https://learn.michigantownships.org/nyk> for details.

MTA's Online Learning Center is sponsored  in part by

Now You Know

Does your township have a print or electronic newsletter for residents?

Help MTA stay on top of what's happening in your township by adding us your mailing list! Enewsletters can be emailed to jenn@michigantownships.org; print newsletters can be mailed to: Michigan Townships Association, Attn. Jenn Fiedler, PO Box 80078, Lansing, MI 48908-0078. Thank you!



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R. Brent Savidant, planning director, City of Troy



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SEPTEMBER

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 2021 essential services assessment statement. (MCL 211.2057)

By 18 Clerks shall electronically transmit or mail (as requested) an absent voter ballot to each absent uniformed services or overseas voter who applied for an absent voter ballot 45 days or more before the Nov. 2 election. (MCL 168.759a)

Absent voter ballots must be available for issuance to voters for the Nov. 2 election. (MCL 168.714)

23 through Oct. 12. Precinct inspectors appointed by local election commission for the Nov. 2 election. (MCL 168.674)

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

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 State Tax Commission (STC) Form L-4029 on or before Sept. 30.

OCTOBER

By 4 Notice of voter registration for the Nov. 2 election published. One notice required. (MCL 168.498)

Clerk shall post and enter into Qualified Voter File (QVF) the hours the clerk's office will be open on Saturday or Sunday or both immediately before the Nov. 2 election to issue and receive absent voter ballots. (MCL 168.761b)

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

15 Assessor reports the status of real and personal industrial facility tax property to the STC. (MCL 207.567(2))

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

Deadline for 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 unit in which a new facility or rehabilitated facility is located and to each holder of the Neighborhood Enterprise Zone certificate. (MCL 207.783(2))

18 Last day to register for the Nov. 2 election in any

manner other than in-person with the local clerk. (MCL 168.497)

19 through Nov. 2. In-person registration for the Nov. 2 election with local clerk with proof of residency. (MCL 168.497)

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

22 Write-in candidates for the Nov. 2 election file Declaration of Intent forms by 4 p.m. (MCL 168.737a)

By 26 Notice of the Nov. 2 election published. One notice required. (MCL 168.653a)

By 28 Public accuracy test for the Nov. 2 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)

29 Electors may obtain an absent voter ballot for the Nov. 2 election via first-class mail until 5 p.m. (MCL 168.759)

Electors may submit a written request to spoil their absent voter ballot for the Nov. 2 election and receive a new absent voter ballot by mail until 5 p.m. (MCL 168.765b)



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What is the purpose of a bank reconciliation, and what are some best practices?

Bank reconciliation involves comparison of information from the bank's statements to the books of the township, specifically the general ledger account(s) (cash in the bank). The monthly bank statement is a listing of all the deposits, checks, and other debits and credits that cleared the bank, while the township's general ledger balance shows all cash received and cash payments (checks or automated clearinghouse (ACH) disbursements) made during the month. The general ledger represents what was *supposed* to happen, and the bank balance is what *did* happen, as evidenced by a third party's (the bank's) accounting.

Typically, neither balance is "correct"—they are reconciled by examining adjustments for timing and other differences. The reconciliation starts with each balance (township books and the bank statement) and works toward the "true" balance. This procedure, performed monthly, is a key part of internal controls—ideally performed by someone NOT involved in cash receipts or disbursements. Here is a summary of the timing differences:

Bank adjustments

- **Deposits in transit.** Should be deposits within the last few days of the month; these are deposits that were recorded in the general ledger in the current month, but perhaps the bank didn't credit until the following month.
- **Outstanding checks.** Checks written and recorded in the general ledger in the current month, but not presented to the bank for payment until the following or later months.
- **Bank errors.** Rare these days, but they do happen!

Book balance adjustments are generally for items that cleared without information.

- Non-sufficient fund deposits
- Bank service charges
- Book errors

Good communication between the clerk and treasurer can minimize these reconciliation adjustments. Book adjustments generally require adjusting journal entries to "fix" the error. Checks should be reconciled to cancelled checks clearing the account, not to the listing on the statement. It is important to review the checks clearing for agreement to date, amount, payee and endorsement.

All unusual items should be followed up, e.g., a check clears for the correct amount; but payees are different. In addition, deposits in transit should not be outstanding for more than a few days.

Internal controls over electronic payments, such as Electronic Federal Tax Payment System (EFTPS) tax payments and other ACH disbursements, can present different challenges. As the controls are typically "ad hoc," the following is recommended:

- Clerk should initiate, and treasurer should review and accomplish, with board approval or review.
- Consider using separate imprest (controlled disbursements) bank account for electronic file transfers and all disbursements. Best practices for cash disbursed should separate depository from disbursing accounts.
- Ask your bank to set up ACH filters, which will only allow drafting from authorized sources.
- All depository accounts should have debit blocks.
- ACH transactions should be reconciled daily; most banks typically allow for only three business days to report ACH fraud or errors.

Ways to simplify the process include:

- Use imprest accounts for payroll, property taxes and general disbursements. Transfer only the exact amount of the check run to the checking account, so the bank balance reconciles to the "book" imprest balance (e.g., \$500)
- Use software program's bank reconciliation module. These have excellent tools to facilitate the task.

It is essential that banks be reconciled timely—ACH accounts daily and other accounts monthly. This is such an important feature of internal controls that the state treasurer requires the auditors to report in the "Audit Procedures Report" if they are not performed in a timely fashion.

Townships using ACH transactions should also consider these recommendations from the Government Finance Officers Association:

- Enhancing computer virus protections
- Passwords for initiating transactions
- Daily account reconciliation of ACH imprest accounts
- Periodic internal control reviews that address control, data confidentiality, data integrity, and other general computer security controls
- Written agreements with financial institutions covering ACH transactions
- Dollar limits for authorized personnel, and dual passwords required for dollars above a specific limit
- Dual controls to establish repetitive transactions, and non-repetitive payments
- Reconcile ACH transactions or accounts daily, by someone other than originating party

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.



Our township board has been holding its meetings in person since the COVID-19 indoor limits and social distancing requirements ended. But some of the individual members would like to still participate via Zoom. Is that allowed?

The answer will depend on the dates and who is asking. Until Jan. 1, 2022, there are three ways in which some or all of the members of a public body may participate “remotely” or “electronically” (by Zoom, Teams, FaceTime, teleconference, speaker phone, etc.).

But first, a little history may help.

Before March 2019, there was **no option** in the Open Meetings Act (OMA) for any member of a public body to attend and participate (count toward quorum, participate in discussion and vote) in a meeting of that public body unless he or she was physically present at the meeting location.

For the first 43 years of the current version of the OMA in Michigan, the statute did not discuss any form of remote participation. It did not specifically say it was or was not possible, but some of that was because when it was adopted in 1976—as a revised version of a previous law—remote meeting participation was not really an option.

Then, as technology changed, courts and other state tribunals began using video interactions, and people became more mobile in their daily lives, MTA began getting calls from townships asking if they could provide remote participation. In 2007, Attorney John Bauckham, former MTA Legal Counsel, provided a legal opinion to MTA on holding meetings by teleconferencing. Basing his opinion on some court and attorney general opinions, he outlined a number of conditions for a township public body and a member of a public body to comply with that he believed would withstand court challenge to remote participation.

MTA made that opinion available to townships. Many municipal attorneys agreed, many municipal attorneys agreed in part and disagreed in part, and many municipal attorneys rejected it outright. Over the years, there were no court challenges—so the opinion was neither confirmed nor rejected. But a number of bills were initiated over several legislative sessions to allow some version of remote participation, restrict it in use, or prohibit it outright. None actually passed ... until March 2019.

Public Act 485 of 2018, effective March 29, 2019, required:

“(2) All decisions of a public body shall be made at a meeting open to the public. For purposes of any meeting subject to this subsection, except a meeting of any state legislative body, the public body shall establish the following procedures **to accommodate the absence of any member of the public body due to military duty**:

- (a) Procedures by which the absent member may participate in, and vote on, business before the public body, including, if feasible, procedures that ensure 2-way communication.
- (b) Procedures by which the public is provided notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting of the public body to provide input on any business that will come before the public body.”

And so it was that the first provision to allow a member of a public body to participate remotely was included in the OMA, months before the emergence of COVID-19.

When Michigan went into COVID-19 shutdown in March 2020, it was imperative that local government bodies be able to act to provide critical services. Initially, executive orders provided the option. But on Oct. 16, 2020, the Legislature amended the OMA to allow electronic meetings for any reason, retroactive to March 18, 2020, and running through Dec. 31, 2020. (MCLs 15.263 and 15.263a) As the shutdowns continued, the Legislature then extended the option through March 30, 2021.

Where are we now?

Starting March 31, 2021, and ending Dec. 31, 2021, MCL 15.263a provides that individual townships may choose to have their **public bodies** meet **completely virtually** (or in “hybrid” form, with some members physically present and others participating remotely) **IF** the township board or county commission has **declared a local state of emergency**.

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If there is no declaration of local state of emergency, then an **individual member** of a public body can participate electronically in a meeting **ONLY** if that member is (a) absent due to **military duty** or (b) absent due to a **medical condition**.

This applies to the township board, planning commission, zoning board of appeals, board of review, election commission, and all other township statutory bodies governed by the OMA.

But **after Dec. 31, 2021**, no public body may have a quorum of the public body participate virtually in a meeting of that public body.

Beginning Jan. 1, 2022, MCLs 15.263 and 15.263a combine to specifically restrict the **ONLY** option for a **member** of a public body to participate electronically in a meeting to when that member is absent due to **military duty**. (MCL 15.263a) In other words, Mr. Bauckham's opinion for MTA will no longer be applicable because the statute does not allow for any other electronic participation by a member of a public body.

Providing electronic access to the public and others

However, there is no limit in the OMA on providing the **public** with **electronic access**. The OMA limits **ONLY** the ability of a member of a public body to participate electronically.

So, MTA Legal Counsel have advised that a township public body may choose to provide **electronic meeting access to the public**, currently, after Dec. 31, 2021, and going forward. This could include providing electronic public participation during a public comment period or speaking on the record during a public hearing. A public body may also provide electronic meeting access to the township attorney, planner, staff, guests, etc.

Note that all participants must be able to hear and be heard by a member of the public participating electronically, in both the in-person and the electronic meeting spaces, so some form of microphone and speaker system must be provided in the in-person meeting space. "A public body may use technology to facilitate typed public comments during the

meeting submitted by members of the public participating in the meeting that may be read to or shared with members of the public body and other participants to satisfy the requirement under this subsection that members of the public be heard by others during the electronic meeting and the requirement under [MCL 15.263(5)] that members of the public be permitted to address the electronic meeting." (MCL 15.263a)

Note that no law, including the OMA, currently *requires* a township public body to provide electronic meeting access to the public, and it is a choice to be made by individual townships. MTA believes that providing electronic meeting access to the public, including participating in public comment or on the record in a public hearing, is one way to provide increased public access, input and transparency.

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.



An advertisement for BS&A Software. The top half features a dark, high-angle photograph of a city skyline at dusk or night, with the text 'Experience the Difference' overlaid in a large, white, sans-serif font. Below this, on a black background, is a list of services: 'Local Government ERP', 'Financial Management', 'Community Development', 'Public Works', and 'Personnel Management'. To the left of this list is a small photo of a woman in a red shirt working at a computer. At the bottom, the BS&A Software logo is shown, along with the text 'Get started today at (855) BSA-SOFT | www.bsasoftware.com'. On the right side, there is a logo for 'KSTA Scholarship Sponsor'.

Sweeping infrastructure proposal passes U.S. Senate

The U.S. Senate approved the Infrastructure Investment and Jobs Act on Aug. 10 that includes \$550 billion in new revenues for investments in roads and bridges, broadband, water, rail, public transit and electric vehicle infrastructure, and water infrastructure. The bipartisan deal includes the five-year surface transportation reauthorization bill and the new \$550 billion in funding, and focuses mainly on physical infrastructure projects. The measure would provide millions of dollars for Michigan to invest in fixing roads, increasing forms of public transportation and making broadband networks more accessible. Areas that would see major new spending include:

Transportation projects: \$110 billion in new funds for roads, bridges and related projects, \$39 billion for public transit, \$66 billion for rail, and \$42 billion on ports, airports and related projects. New funding for bridge repair, replacement and rehabilitation of \$40 billion would be the single largest dedicated bridge investment since the construction of the Interstate Highway System. Michigan would see approximately a 30% increase in federal aid to roads over the five-year period with an estimated \$7.3 billion for federal-aid highway programs and \$563 million for bridge replacement and repairs.

Transit and rail: \$39 billion of new investment to modernize public transit and improve accessibility and \$66 billion investment in rail. Michigan would receive \$1 billion over five years to modify public transportation like rail lines and buses.

High-speed internet: \$65 billion to ensure broadband internet to all Americans and reduce the cost of high-speed internet to make it more affordable. Michigan would receive at least \$100 million to expand broadband internet coverage to the estimated 1.2 million homes that currently lack a permanent fixed broadband access.

Clean drinking water: \$55 billion for clean water infrastructure, including dedicated funding of \$15 billion to replace lead service lines and \$10 billion to address PFAS (per- and polyfluoroalkyl) and other dangerous chemicals in today's service lines.

Environmental cleanup: \$21 billion for environmental remediation, specifically to clean up Superfund (\$3.5 billion) and brownfield (\$1.5 billion) sites, abandoned mines, and orphaned gas wells, \$275 million to support local materials management (including recycling programs) and \$75 million in state and local grants focused on improving material recycling, recovery, management and reduction.

Cybersecurity: \$1 billion over four years to the State and Local Cybersecurity Grant Program, \$250 million for Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program and \$120 million for the Cyber Response and Recovery Act.

Electric vehicles: \$7.5 billion for a national network of electric vehicle chargers and \$7.5 billion toward electrifying buses and ferries. An estimated \$110 million would be available over five years in Michigan to utilize the development of electric vehicle charging networks.

The bill will next be considered by the U.S. House, which is expected to act before the end of September. The proposal is the largest modernization of American infrastructure since President Eisenhower built the Interstate System and is intended to address a decades-long pattern of underinvestment. Watch MTA updates for additional details on the infrastructure measure.

EPA, Army Corps to revise WOTUS definition

The U.S. Environmental Protection Agency (EPA) and Army Corps of Engineers has announced their intent to redefine the scope of waters federally regulated under the Clean Water Act, which gives the federal government jurisdiction over “navigable waters”—defined as “waters of the United States” (WOTUS). This announcement means the agencies are also reversing the Navigable Waters Protection Rule (NWPR), the most recent regulatory definition of WOTUS, which was adopted in 2020.

In 2015, the WOTUS definition expanded federal influence over the landscape including categorical jurisdiction over ephemeral tributaries and potential jurisdiction over isolated wetlands and ponds three-quarters of a mile from a remote tributary. This expanded federal authority from truly navigable waters and their major tributaries to eventually capture isolated ponds and channels that flow only when it rains, and allowed federal authority over private property and the states' traditional authority to regulate their land and water resources. MTA and other organizations opposed the expansion, and the rules was challenged in the federal courts.

In 2019, the EPA and Department of the Army finalized a rule to repeal the previous administration's expanded authority in the federal regulation of waters and wetlands. That change provided much-needed regulatory certainty for local governments, farmers, home builders and property owners nationwide.

The new WOTUS definition revisions would occur following a process that includes two rulemakings. A forthcoming foundational rule would restore the regulations defining WOTUS that were in place for decades until 2015, and a separate, second rulemaking process would refine this regulatory foundation and establish an updated and durable definition of “waters of the United States.”

MTA does not support the WOTUS definition expansion to extend to non-navigable waters such as roadside ditches, field drainage systems, and culvert installation and maintenance. MTA will continue to work, through the National Association of Towns and Townships, to ensure federal laws and regulations are not intended to impede the growth and development policies and objectives of local governments.



2021 Professional Development Retreats

Connect with MTA and your fellow officials face to face this fall for two days of exclusive learning, networking and fun!

Clerks' Retreat
October 13-14

Treasurers' Retreat
October 26-27

Supervisors' Retreat
October 28-29

Trustees' Retreat
October 24-25

Planning & Zoning Team Retreat
October 27-28

Join us at the Bavarian Inn Lodge in Frankenmuth and walk away with insights tailored to your role in the township and connections that will last a lifetime!



No one understands townships or your roles and responsibilities like the Michigan Townships Association. That's why we created our unique *Professional Development Retreats* with education and information designed specifically for YOU! As a leader in your community, you are expected to have solutions for a wide variety of challenges. How do you ensure you're equipped to anticipate, and develop strategies to overcome, virtually any situation that arises? Join MTA, your colleagues and other municipal experts from across the state at the **Bavarian Inn Lodge in Frankenmuth this October**. You'll walk away with insights tailored to your role in the township and connections that will last a lifetime!

Content, connections and camaraderie

Each retreat offers a learning experience geared to your role on concepts, trends and pressing issues for townships. These informative educational sessions are designed for officials at every level, and will help you develop new skills while providing you with knowledge of the statutory duties and responsibilities required of you. Sessions are being designed now, and detailed descriptions will appear in registration brochures being mailed this month. Can't wait? Here's a preview:

Clerks' Retreat—October 13 & 14

- Elections Update
- FOIA: What You Need to Know Now
- Managing Adversity & Hostility
- Your Role with the Open Meetings Act
- Legislative Lowdown
- American Rescue Plan Funding: Reporting & Requirements
- Understanding Unemployment
- What Every Clerk Needs to Know about Personnel Management
- Why Websites Matter

Trustees' Retreat—October 24 & 25

- Anatomy of a Township
- Providing Township Services
- American Rescue Plan Act Update
- Legislative Lowdown
- Your Role with the Open Meetings Act
- The Township Board is an Employer: Why it Matters
- Managing Adversity & Hostility
- Meetings, Motions and My Contributions
- Ethical Considerations

Treasurers' Retreat—October 26 & 27

- Investment IQ
- Delinquent Personal Property Tax Review
- What Every Treasurer Needs to Know About Personnel Management
- American Rescue Plan Funding: Reporting & Requirements

Planning & Zoning Team Retreat—October 27 & 28

- Meeting Guidelines and Ground Rules
- Dealing with Difficult Issues (and People!)
- Managing Township Development
- Master Plan Must-Haves (and Have Nots!)
- Adopting and Amending Ordinances
- Renewable Energy Ordinances
- Understanding and Reviewing Site Plans and Variances
- Working With Your Township Board and Zoning Administrator

Supervisors' Retreat—October 28 & 29

- American Rescue Plan Funding: Reporting & Uses
- What Every Supervisor Should Know About the Land Division Act
- Back to the Budget
- Legislative Lowdown
- Your Role in Assessing
- HR Strategies for Supervisors
- Meeting Management
- Managing Adversity & Hostility
- OMA, Commissions and Committees ... Oh My!

- Managing Adversity & Hostility
- Understanding Special Assessments
- Accounting Software: Why it Matters
- Legislative Lowdown
- Tax Collection Insights from the County

Agenda

Day one

9 a.m.
Registration check-in

9:30 a.m.
Welcome

10 a.m.
Class

11:15 a.m.
Break

11:30 a.m.
Class

12:45 p.m.
Lunch

1:45 p.m.
Class

3 p.m.
Break

3:30 p.m.
Class

4:45 p.m.
Break

5 p.m.
Dinner

6:30 p.m.
Evening activity

Day two

7:30 a.m.
Breakfast

8 a.m.
Class

9:15 a.m.
Break

9:30 a.m.
Class

10:45 a.m.
Break

11:15 a.m.
Class

12:30 p.m.
Lunch

1:30 p.m.
Class

2:45 p.m.
Break

3 p.m.
Class

4:15 p.m.
Adjourn

Valuable networking

These events go beyond education tailored to your role at the township hall, providing a unique opportunity to gather for peer-to-peer learning.

Exceptional value

Officials are encouraged to register for the full retreat to get the most out of this educational experience. Registration rates include all meals and handout materials. Save \$60 off full-treat rates by registering your deputy, a fellow trustee, or member of your township planning and zoning team. Discount applies to second registrant who is attending the same retreat. Townships subscribed to MTA Online at the Premium level save 20% off registration rates. Single-day rates are also available.

Cancellations & substitutions

Written cancellation requests received at the MTA office four weeks prior to the event will receive a full refund; two weeks prior will receive a half-refund. No refunds will be issued thereafter. Registered attendees who are unable to attend in person will be given access to the virtual version in MTA's Online Learning Center. Or you may substitute another individual from your township for your registration without incurring a charge. Please notify MTA of the change.



Are you enrolled in MTA's *Township Governance Academy*? You'll earn four elective credits just for attending. No project required!



Have you started your *Red Book Ready* learning journey? Candidates earn two elective credits for *Retreat* participation.



Are you "ready" to learn more about these exciting educational opportunities? Email education@michigantownships.org for all the details.

Evening activity

After a full day of intensive education, we know you'll be ready for some fresh air! Put your notes away, leave the meeting room behind and join the fun. These evening festivities are designed to allow you to catch up with old friends, and connect with new ones. Your peers know the challenges you face better than anyone—after all, they walk in your shoes, just in another part of the state!



Registration Information

Register early to take advantage of discounted registration fees and don't forget to book your hotel room! Lodging is not included in the registration fee, make your reservation with the Bavarian Inn Lodge directly.

Retreat Lodging

You must first register for a retreat before booking your hotel room. Upon registration, you'll receive a confirmation email that includes a special group code for MTA's room block and discounted room rates.

The Bavarian Inn Lodge offers comfortable, well-appointed rooms with mini-fridges and coffeemakers. Guests enjoy complimentary WiFi, fitness center, gift shop and multiple on-site restaurants. The Lodge also features a family fun center with four indoor pools, three whirlpools, 160+ video and redemption game tables, and an 18-hole of miniature golf course. The lounge offers free live nightly entertainment.

Check-in: 3 p.m. Check-out: 11 a.m.

MTA Discounted Room Rates

\$99/standard, \$109/premium and \$174/suite
(rate does not include 7% local occupancy tax)

Discounted rates end two weeks prior to each retreat's start date. A limited number of handicap accessible rooms are available; be sure to indicate any accessibility needs when you make your reservation.

Registration Form

Township _____ County _____

Name _____ Title _____

Email Address _____

Name _____ Title _____

Email Address _____



Save \$60 off full-retreat rates by registering your deputy, a fellow trustee, or member of your township planning and zoning team. Discount applies to second registrant who is attending the same retreat.

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

Which retreat do you wish to attend?

- Clerks Trustees Treasurers
- Supervisors P&Z Team

Retreat rates: Includes all sessions, meals and activities. Housing is not included; lodging details will appear in your registration confirmation. **MTA Online Premium** subscribers receive 20% off regular rates.

- Regular rate \$362/person
\$412/person within two weeks of event
- Premium subscribers \$290/person
\$330/person within two weeks of event

BONUS: I saved \$60 on a second full-retreat registration!

Virtual rates: Includes a blend of live and recorded sessions. Must register at least one week prior to retreat to participate live. **MTA Online Premium** subscribers receive 20% off regular rates.

- Regular rate \$290/person
- Premium subscribers \$232/person

BONUS: I saved \$60 on a second full-retreat registration!

Single-day rates: Includes that day's sessions, meals and activities. Housing is not included; lodging details will appear in your registration confirmation. **MTA Online Premium** subscribers receive 20% off regular rates.

Check the day you wish to attend: Day 1 OR Day 2

- Regular rate \$229/person
\$249 within two weeks of event
- Premium subscribers \$183/person
\$199 within two weeks of event

TOTAL ENCLOSED: \$ _____

Above rates are for MTA members; non-members, call MTA for rates.



Send your completed registration form with payment to MTA, P.O. Box 80078, Lansing, MI 48908-0078; fax: (517) 321-8908. Or register online at <https://bit.ly/MTAretreats> Questions? Call (517) 321-6467.

Legislative lowdown

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

HB 4014: Speed limits—Modifies procedure for establishing speed limits. *MTA supports.*

HB 4084: Unlawful dumping—Revises criminal penalties and civil fines for unlawful dumping of garbage. *MTA supports.*

HB 4115: Liquor license—Allows a local unit to adopt a resolution for on-premises liquor licensees to sell alcoholic liquor between 2 a.m. and 4 a.m. *MTA monitoring.*

HB 4129: Elections—Requires secretary of state to post on Department of State website a list of local clerks who are not current with continuing education training. *MTA monitoring.*

HBs 4132-4133: Elections—Creates felony penalties for knowingly submitting an absentee voter (AV) ballot application using another person's name and personal information and for submitting an AV ballot application with the intent of obtaining multiple AV ballots for a person. *MTA monitoring.*

HB 4134: Elections—Allows increase in allowable precinct size and requires permanent absent voter list. *MTA supports.*

HB 4135: Elections—Requires absent voter counting boards in cities and townships with more than one election precinct. *MTA monitoring.*

HB 4172: Firefighter cancer presumption—Extends presumption of causation to part-time, paid on-call and volunteer firefighters. *MTA monitoring.*

HB 4192: Elections/replacement candidates—Modifies the process for appointing a replacement candidate. *MTA opposes.*

HB 4197: Local preemption—Prohibits local laws that prevent local officials from cooperating with federal

authorities regarding an individual's immigration status. *MTA opposes.*

HBs 4211-4212: Law enforcement—Increases penalties for disarming a law enforcement officer of a firearm. *MTA monitoring.*

HB 4285: Candidate filing fees—Makes filing fees for candidates seeking township office nonrefundable and designates use of funds for election equipment. *MTA monitoring.*

HBs 4454-4461: Solid waste—Revises current Part 115 solid waste law to create materials management plans, and places more emphasis on recycling and composting of materials. *MTA supports.*

HB 4491: Elections—Provides authority for county clerks to remove deceased individuals from the Qualified Voter File. *MTA monitoring.*

HB 4492: Elections/polling places—Expands places that can be used as polling locations. *MTA supports.*

HBs 4523-4524: Local rail grant separation program—Creates a local grade separation grant program for the separation of motor vehicle traffic and railroad traffic. *MTA supports.*

HB 4528: Elections—Provides training requirements for election challengers. *MTA supports.*

HB 4530: Elections—Eliminates May and August election dates, and creates June primary. *MTA monitoring.*

HB 4637: Township name change—Provides statutory process for approval of township name change. *MTA supports.*

HB 4722 & SB 446: Land use/local zoning preemption—Amends Michigan Zoning Enabling Act to preempt local units of government from zoning short-term rentals. *MTA opposes.*

HBs 4766-4771: Asbestos abatement—Revises laws that govern asbestos abatement in Michigan. *MTA supports.*

HB 4822: Workers' compensation—Provides for workers' compensation for COVID-19 presumption for police, firefighters and emergency medical personnel without positive test result. *MTA opposes.*

HBs 4833-4834: Property tax—Exempts certain heavy equipment rental personal property from taxation and replaces with a specific tax of 2% on the rental of that equipment. *MTA supports.*

HB 4839: Elections—Allows a township clerk to offer an annual absentee ballot application that could be used for any or all elections held during a calendar year. *MTA supports.*

HB 4845: Elections—Requires the secretary of state to conduct signature verification training for county, city and township clerks. *MTA supports.*

SBs 22-23: Elections—Limits millage elections to November elections. *MTA opposes.*

SB 61: Shoreline permits—Provides for expedited permit processing during high water. *MTA supports.*

SBs 319-320: Septic system loan program—Modifies strategic water quality initiative loan program and fund to create a municipality loan program and a resident loan program. *MTA supports.*

SBs 429-431: Land use/local preemption—Preempts local units of government on zoning and all regulation of sand and gravel mining operations, and places jurisdiction under the state Department of Environment, Great Lakes, and Energy. *MTA opposes.*

SB 442 & HB 4875: Land use—Modifies conditions under which zoning ordinance may prohibit aggregate mining. *MTA supports.*

SB 449: Unfunded mandates—Creates the Headlee Unfunded Mandates Prohibition Act specifying a local unit of government would not be obligated to provide a new activity or service or increased level of activity or service required by state law unless the state appropriates the necessary funds to the local unit of government. *MTA supports.*



Township festivals offer community, connections

Nothing brings people together like festivals do. This has certainly been true in **Byron Township** (Kent Co.) for more than eight decades.

The west Michigan township's Byron Days Festival is one of the longest-running family festivals in the state. Held annually each July, the four-day local event has been a township mainstay for 85 years. Its parade, fireworks, activities and evening praisefest help to anchor the connection that residents, and visitors, have with the community.

"It's a part of who we are: our past and present, and hopefully, our future," said Clerk **Peggy Sattler**. "Byron Township is a fast-growing municipality because people want what we have to offer. It's on the urban edge with a small-town feel. The Byron Days Festival is our opportunity to bring the residents together and celebrate our community."

The pandemic has certainly changed all of us, as individuals, businesses and communities. To the disappointment of residents, officials and visitors alike, many communities likely had to cancel or postpone their events over the past year, as did Byron Days. But now, there is no better time to connect with each other as community members. Local, county and even state festivals are known for bringing people together for connection, purpose, fun and to build memories. Townships have a unique opportunity to hold festivals and watch them grow as community involvement expands throughout the years.

The following offers an insider's view of festival planning and preparation, with insights from local officials, festival organizers and community members who work to create—and celebrate—the spirit and fun of Byron Days.

Steps for a successful community festival

Festivals are a great approach to cultivating community connection. To launch a successful community festival, there are a number of steps a community needs to take.

Acquire the broad support of the township

Once you have the collective support of the township, a community needs to decide if the festival will be a program of the township or if a formal nonprofit can be established. The nonprofit status can provide the festival with long-term sustainability, but also needs a committed board. In your planning process, be sure to discuss where and when the festival will be held. Will the festival be at a local community park or in the downtown area? A festival can extend two days or two weekends. Planning the location and duration of the festival are key to taking next steps.

While volunteers and a separate planning committee often take the lead, township officials and staff are typically

involved in some manner. In Byron Township, Sattler serves as a liaison between the township and the festival board. “Most of the festival events are held in our park, so the township assists in preparation and we support it monetarily through the public safety, electric upgrades and any incidental expenses that might come along,” she said. “Most residents assume that the township hosts the festival, so we get the bulk of the calls and questions, but we feel it’s important that there is a separate committee to bring in a wider range of ideas and creativity.”

Understand if there is community support

For the festival to be successful, you must have inclusive support from all groups in the community. Create a list of community groups such as churches, businesses, nonprofits and other local organizations. Reach out to the 10 biggest (or most influential) entities on the list. Have conversations with them to engage them as supporters, volunteers and sponsors. Throughout this process, establish a committed volunteer committee.

“Without a solid core of volunteers, a festival will never happen,” said Byron Days Festival Board President **Steve Couzens**. “The key word of festival volunteers is not ‘quantity,’ but ‘dedication.’ If the festival leadership does a good job at matching the right volunteers to the right assignments, you will have a very successful event.”

Define the mission

Identify what success looks like for the festival. Determine the scope of the festival, including how large or small the first festival will be. In the discussions, be sure to make a plan to grow the festival over the course of three to five years. You can establish a mission for the festival to ensure all individuals are aligned for the festival’s purpose. For example, the mission of a festival could be to “strengthen community connections between organization, business and residents.”

The Byron Days website (<https://byrondaysfestival.org>) shares its vision for the community, and the event: “When we think of Byron [Township,] we think of community, family, relationships, support, and love. The people that live in the Byron Center area are not just residents, rather we are a family united in belonging to a community, taking pride in our schools, and caring for others. All of which has a spiritual web that keeps us focused and united on gratitude for each other and our community.”

Include all community groups

One very important note as a community takes steps to launch a festival: inclusion must be intentional and discussed at every step of the process. Have an understanding of all the community groups, businesses and individuals within the community; this is inclusion. The festival committee needs to represent all individuals within your community. Through the lens of inclusion, be sure to have a broad outreach and awareness campaign about the festival and how the community can be engaged.

“A community festival provides a way for the members of the community to gather around a common purpose and



So you’re going to have a festival ... a planning checklist

- Dates**—Commit publicly up to three years in advance or establish annual dates and hours of operation
- Theme**—Select your theme (This may also reflect upon your selection of date(s).)
- Budget**—Obtain written quotes from all suppliers (i.e. printers, entertainment, advertising, supplies, etc.)
- Activities**—Select activities that your budget can substantiate (Examples: parade, showcase, dance, honors night, hometown night, press night, special events—tug-of-war, pie eating contest, etc.)
- Administrative structure**—Job descriptions and requirements; volunteer bank; established workers list
- Obtaining contracts and permits**—Talent; facilities; insurance; liquor license; sign permits; parking permits; security
- Sponsors**—Request sponsors to provide a written proposal or submit a written proposal to them
- Marketing**—Advertising; public relations; group sales; sales promotion
- On-site logistics**—Develop check-off list of requirements; set-up week schedule and emergency plan
- Presenting your festival/event**—Daily administrative meetings; daily check-off list; banking; inventory control; concessions; continuous public relations
- Event wrap-up**—Review demographics; review ticket sales; critique workers’ performances; analyze spending; future planning
- Say thanks!**—Don’t forget to show your appreciation to sponsors and volunteers

cover story

Bringing together the community for 85 years ...

BYRON Days FESTIVAL



get to know some of their neighbors,” said **Leon DeLange**, a Byron Township business owner who also serves as treasurer of the festival board.

A township festival can also provide a boost to local businesses and the economy. Ensure that this key group is well aware of event details, so they can not only promote but also take part, either directly or simply by keeping their doors open or creating their own promotions around the festival.

“Festivals are a great way to welcome new people and showcase your community and small-town hospitality,” noted Zach Morris, executive director of Market Van Buren, who recently took part in local festival planning in Van Buren County. “Businesses can leave their shops and homes, set up booths and showcase their products to people who may never have experienced their craft before. From the local restaurants to art vendors, businesses add to the experience of the festival by showcasing things we may never get to see or experience in the monotony of life.”

Festival activities to consider

Sweet cotton candy, exciting kids rides, delicious food, lively entertainment and, of course, the colorful parade are all activities that make a community festival memorable. The activities selected for a festival will vary by community. As a township considers which activities are best, the inclusive lens will help identify a wider variety of activities for all community members. There are a handful of critical activities of a festival that brings people together and establishes lasting memories.

Join the parade

Some of the warmest memories of a festival for a child can be to watch the parade while capturing candies thrown by the parade participants. Community members of all ages appreciate and enjoy a community parade. Like most community festivals, Byron Days just would not be the same without its parade. The township festival parade is one of the longest-running parades in the state, and has grown in size and support over the years. The parade is an opportunity for residents, school groups, businesses and organizations to take part, and has become an important tradition for the event and the community.

“A parade is a big part of a celebration,” Sattler said. “Businesses and people can share something that they value. It might be a float recognizing a business or nonprofit, a local band, the public safety representatives or public officials, but they all share the love of community.”

During the Byron Days parade, community-goers look forward enjoying sweet treats provided by Houseman’s Ice Cream, seeing the local nursing home’s annual float, and the time-honored “return of the chicken” (*pictured at left*)—a parade staple.

The local ties and traditions create lasting memories that bind residents to their community and these annual events. In Byron Township, after the hour-plus long parade, festival-goers head to Bicentennial Park to enjoy many of the other planned activities—such as the pancake breakfast, beanbag toss, rides for the kids, and of course ... the food.

The way to residents' hearts

A critical component to an engaging and memorable festival is the festival food. As much as you can, identify a variety of food options for community-goers to partake in. Food trucks, elephant ears, cotton candy and different types of festival food wagons are all excellent options for festival food. You will also want to remember your local restaurants and ask them if and how they like to be engaged. Remember to support local first, then expand to a wider variety. You may also want to think about your local Rotary chapter or other community organizations, which oftentimes like to support community festivals by offering pizza, cotton candy and typical festival food.

Getting crafty

Many festivals now incorporate a crafts fair. Many people attend festivals to check out creatively made items by local artists. There is a level of excitement for adults and children to find that unique item at a festival that they would not find at retail shops or online.

A favorite feature at Byron Days is to provide an area at the craft fair for the local young entrepreneurs to sell their crafts at the festival. The festival does not charge the youth for booth space to encourage entrepreneurship within the community. Girl Scout and Boy Scout troops, for example, make items to sell at the festival to raise money.

Make room for music

Music and entertainment on a main stage or throughout the event can be a key attraction to a festival. Many times, festival planners can obtain a major sponsor to support the live entertainment. There are several options to consider. First, you can arrange for a variety of performers one of the afternoons of the festival on the main stage. The performers can be a wide range of volunteer groups. Many festivals bring in their local high school orchestra, jazz and band performers. You can also leverage your local businesses. For example, if there is a dance studio or any other activity that has high energy and movement, get them engaged.

Depending on your community, townships may decide to have one evening of local church bands. The Byron Days Festival reserves Friday night for "PraiseFest."

An added benefit of activity on a main stage/area is that it often draws a significant number of community members into the festival to watch the performances—many of whom will then stay and participate in other activities.

Let's not forget the children

Children are a key part of most festivals! A festival planning committee should carefully consider how to engage with

Keeping your festival safe

Many community members—and local officials!—are eager to gather together as a community after the past 18 months. We have all learned lessons about habits and precautions to keep us healthy, and the following considerations may continue to be prudent to promote safe events, even when the pandemic is fully in our rearview mirror.

- If needed or desired, capacity can be managed by:
 - Reducing the number of rides, games and concessions brought to the event
 - Widening walkways while laying out the event
 - Reconfiguring ride, game and concession layouts to allow for as many straight or "L" shaped lines as possible
 - Utilizing event staff to control seating positions in rides and at games by directing non-family members to sit in every other seat or station
 - Offering promotions or discounts during opening hours to draw more guests to less popular times
- If a guest or volunteer/worker does not feel well, or is sick with or recently exposed to COVID-19, they should be removed from public interaction, and receive medical attention away from the event.
- Communicate and inform guests and volunteers/employees of any new health and safety protocols and procedures prior to arrival through training, social media, traditional media, and on the website, then upon arrival through signage, flyers and announcements.
- Establish protocols for cleaning of high touch points for each ride, game or concession.
- Establish increased protocols for sanitizing public and communal areas, i.e., restrooms, ATMs, ticket purchase/exchange locations, etc. Encourage purchases be made online or in advance.
- Utilize touch-free or contactless payment options where possible. This includes transactions for rides, games and concessions.
- Provide additional handwashing and/or hand sanitizing stations throughout the event at entry and exit points, key thoroughfares, attractions, rides, games, food and beverage concessions, and outside restrooms.
- Place protective screens (plexiglass or other hygienic barriers) where there are interactions between employees/volunteers and guests.
- Establish pedestrian traffic flow plans to reduce bottlenecks.
- Increase available restroom and handwashing facilities to alleviate crowding caused by waiting guests.

As of *Township Focus* press time, the Centers for Disease Control and Prevention stated that, in general, individuals do not need to wear masks outdoors, but continue to recommend that, in areas with high numbers of COVID-19 cases, all individuals consider wearing a mask in crowded outdoor settings and for activities with close contact with others who are not fully vaccinated.

cover story

community children, in addition to the parade activity. A few options for a township to consider are festival rides for all ages, or a kids “fun zone” where they can take silly photos and win small prizes. You can also engage the library to have a kids event. A township can connect with the local kid groups for ideas, too.

A need for connection and community

Townships thrive when communities come together to support one another and engage in activities. The pandemic has elevated our need for connection and community, which is exactly what a festival does. Festivals bring the community together. There is a role for churches, businesses, nonprofits and community members—all striving to connect and build memories of a hometown festival that will be shared for decades.

Those who have planned or been engaged with a community festival likely share similar sentiments as Couzens, when asked his favorite part of the Byron Days Festival. “My favorite aspect of a festival is watching the little kids slide down the big slide, screaming all the way down, and then running up the stairs to do it again, seeing

younger families watching the parade together, eating burgers and fries from the festival food wagon, and the young teenagers walking through the park in groups of five or six, all laughing,” he said. “It’s listening to the crowd’s oohs and aahs when the fireworks start, and hearing the local talent on the concert stage, all hoping to be the next ‘American Idol.’ But, most of all, it is to have the personal touch of a lasting relationship with the leaders and volunteers of the festival.”

It takes time to build up to a successful event, but even the start of a new annual community tradition can be something to strive for. “Start small, and don’t feel that more is better,” Sattler said. “Concentrate your efforts on just a couple of activities at first, and then watch it grow every year.”



Jennifer Deamud, Vice President,
Byron Days Festival Board of Directors

Contact Deamud with questions or for advice about planning your township’s festival or event! Email jenn@mgalliance.org.

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The numbers are in

2020 Census shows townships continue to serve majority of Michigan residents

While the 2020 Census population increase in **Pickford Township** (Chippewa Co.) may have been shocking, it was not surprising to the officials and residents who call this idyllic Upper Peninsula community home.

The small, rural community exploded by an incredible 75% from the 2010 Census to the 2020 decennial count—an increase of 1,196 residents over the past 10 years to 2,791 total. The community saw the largest growth by percentage among any Michigan municipality, according to population figures released in mid-August by the U.S. Census Bureau.

The appeal of Pickford Township is easy to see, according to Supervisor **Tom Ball**.

“We are the epitome of small town living in the Upper Peninsula,” said Ball, who describes the township’s location as “in the heart of the eastern Upper Peninsula,” just 22 miles from Sault Ste. Marie, 11 miles from the picturesque Les Cheneaux Islands and 40 minutes from the Mackinac Bridge. “We do not have all the frills and excitement of other towns, but they are not far away. The township is centrally located to all jobs and recreational opportunities. We are a small, bedroom-type community that prides itself on being a tight-knit community.”

The close community ties have resulted in an enviable quality of life, Ball continued. “We have little if any crime, friendly businesses, and a great school system with a great sports history in many sports,” he said. “We have a top-notch emergency services group that dedicates itself to helping all residents of the eastern U.P. We have a beautiful township park for all to enjoy. Because of these things, I believe people want to live in Pickford.”

While the final percentage increase was a bit staggering, local officials knew the boon was coming. “The increase was not a huge surprise to many of us,” Ball said. “We have watched our school system grow every year. The percentage was a surprise, but we all knew we were growing.”

A look at individual and total township population figures shows a similar story throughout the state—Michigan residents prefer living in townships.



Over the past 10 years, Pickford Township (Chippewa Co.)—located in the heart of the eastern Upper Peninsula—has welcomed nearly 1,200 new residents, a 75% population increase over the past 10 years, according to 2020 Census figures. The township showed the largest population growth, by percentage, of any municipality in the state.

The choice of more than half of Michigan residents

Statewide, more than 131,000 additional residents are calling townships home compared to 2010 numbers, according to the recent U.S. Census Bureau data release. That brings the total township residents to just over 5.2 million—representing 52% of Michigan’s 10 million population.

All told, 44% of townships gained in population in the past decade. The township that saw the second highest leap in population, by percentage, was **Bloomer Township** (Montcalm Co.)—which increased 62.7%, by 2,448 residents, to 6,352 total. Meanwhile, two Southeast Michigan townships continued to see surges in their populations—as they have for years. **Macomb Township** (Macomb Co.) and **Lyon Charter Township** (Oakland Co.) experienced townships’ largest increases, in terms of numbers, with an increase of 12,083 people (12%), and 8,726 people (60%), respectively. Macomb Township, in fact, saw the largest influx of residents of any municipality in the state.

“Macomb Township is the best value proposition in Southeast Michigan,” Supervisor **Frank Viviano** said. “Our tax rate is half that of most neighboring municipalities, yet our crime rates are lower and overall quality of life is as good or better. People typically want to move to the safest neighborhood they can afford that has really good schools and nearby health care, shopping and recreation amenities. They end up choosing Macomb Township, which has been

the most popular place in Michigan to relocate to for two decades.”

The township is a draw for both families and economic development. “Macomb Township is the epicenter for growing both families and businesses because Macomb Township is where the American Dream is still affordable,” Viviano said. “But that isn’t just my opinion. People are voting with their moving vans and the new census numbers back it up. In an increasingly uncertain and fractured society, Macomb Township is where the American Dream is still within reach.”

The state’s fastest-growing county is Ottawa County, up 12.3%, followed by Grand Traverse County, up 9.5%. Close behind, Kent County saw a 9.2% increase, while Allegan County is up 8.2%. Washtenaw County, which increased by 8%, rounds out the fifth fastest-growing county.

In terms of regions, according to *MIRS News* research, West Michigan continues to grow—up by 6.3%. Central Michigan increased by 2%, Southwest Michigan by 1.7%, the Northern Lower Peninsula by 1.5% and Southeast Michigan by .1%. Regions that have lost population include the Thumb and Lake Huron Shore region, which dropped by roughly 4% and the Upper Peninsula, down 3%.

Echoes of national trends

Population trends and shifts in Michigan echo those seen around the country. Some 50 of Michigan’s 83 counties saw a decrease in population, which follows a national trend of population loss at the local level. Roughly 52% of all United States counties now have smaller populations, according to the U.S. Census Bureau.

Overall, as shared in our June *Township Focus*, Michigan’s population increased just 2% in the past decade, making it one of the slowest growing states in the country. In announcing the Census figures, demography officials noted that our nation, as a whole, is also growing slower than it has in the past.

The national population, overall, is also growing older—with the adult population increasing more than 10% in the past decade. In Michigan, just 21.5% of residents are under the age of 18—down from 23.7% in 2010.

As is the nation, Michigan is also growing in terms of diversity, with the fastest-growing demographic in the state being individuals who describe themselves as belonging to two or more races—a demographic that spiked by 404,996 residents, now equating to 6.3% of the population, up from 2.3% in 2010. In addition, the state’s Hispanic/Latin population increased by 29% in the past decade, the Asian population increased by 40% and Native Hawaiian/Pacific Islander population increased by 17%. Overall, 72% of Michigan’s population is white (down 5% since 2010), 14% African-American, and 6% Hispanic or Latino.

Chippewa County—home to Pickford Township—is also in the state’s top five most diverse counties, with 15% of its residents who identified as American Indian, 8% identifying as multiracial, and 7% identifying as Black.

Why census numbers matter

Census data is so much more than bragging rights or a point of interest for how many people call townships home. The once-a-decade count is used to determine state revenue sharing payments to townships, divvy up nearly \$1.5 trillion in federal spending, and determine states’ Electoral College votes and congressional seats (Michigan has lost one seat in the U.S. House as a result of our slow population growth). Population shifts could determine locations of new or expanded services, programs and systems, federal grants and loans, and more. Businesses use your community’s demographics to decide whether or not to expand in your area.

The data was released in a somewhat complex “legacy” format, and a more user-friendly data release is expected from the bureau on Sept. 30. Townships can use that data to help shape how they serve their community, analyzing demographics, including age, housing shifts and more.

The numbers were released in August to allow states to begin their redistricting process. The Michigan Independent Citizens Redistricting Commission is using the newly released date to begin drawing its maps for state legislative and congressional districts. Visit www.michigan.gov/micrc to see the commission’s mapping schedule, including district type and region. Proposed maps are expected to be available for review by Oct. 8, followed by a public hearing tour to get feedback on the draft maps.

While the commission has a Nov. 1 constitutional deadline to have its new district maps finalized, it is behind schedule, following a delay in 2020 Census population data. The release was expected earlier in the year, but due to COVID-19, census operations were delayed. Census officials noted their confidence in the accuracy of the numbers, despite the challenges to field work brought about by the pandemic.

Growing townships are up to the challenge

The trend of townships leading the pack for growing communities may not be likely to change, as more and more residents turn to townships for exceptional services and high quality of life, with lower taxes. And townships are ready.

“Macomb Township has been growing steadily for more than 20 years,” Viviano said. “There is still a demand for the value we have to offer and the township is poised to meet that demand for many years to come.”

In fact, Viviano says that the current board is focusing a lot of energy on not just the township today, but the township’s future. “We’ve formalized our five-year capital improvement plan across all departments and we are making continuous updates to it as circumstances change,” said Viviano, noting that road improvements remain an area on which to



No stranger to surging population, Macomb Township (Macomb Co.) has been steadily growing over the past two decades, and was the Michigan municipality that saw the highest increase in residents, according to the 2020 U.S. Census figures.

focus, for Macomb Township and likely other fast-growing communities. “We are trying to anticipate the community’s ever-changing needs and put things in place to address them.”

Officials are preparing for continued growth by ensuring they are efficient with both their time and resources. For example, Clerk **Kristi Pozzi** is already planning for the 2022 elections and developing a plan to accommodate a much larger voter turnout, while Treasurer **Leon Drolet** has put systems in place to modernize and improve the efficiency of his office. Viviano, too, is focusing on improving the effectiveness of all township departments, eliminating any redundancy and unnecessary steps, and making sure that the township has the internal capacity to handle its responsibilities—without sacrificing quality.

Like Viviano, Ball doesn’t see his U.P. community’s draw ending anytime soon. “I believe Pickford will continue to grow as long as we can keep our small-town appeal,” he said, noting the ripple effects throughout the township. “The major change in our community has been the sustainability of our businesses. With the growing number of people using our businesses, they have continued to grow and become staples to the community.”

The township is working hard to adapt to the growth, while protecting its rural, U.P. way of life. “We are trying to address any of the problems we see come up as quickly as possible,” he said. “We are expanding our school to fill the need for more room. We are addressing the added traffic problems it has caused, and addressing the need for a continued excellent emergency services program. I am sure we will run into some glitches along the way. We work with our neighboring townships in many ways and hope they too will continue to make the eastern Upper Peninsula the star of northern Michigan.”

Update on ARPA

More than 96% of Michigan’s “non-entitlement unit” (NEU) townships had applied to access their allocation of American Rescue Plan Act (ARPA) pandemic relief dollars, as of *Township Focus* press time, and the Michigan Department of Treasury expected payments to municipalities to begin in mid-September.

Both Treasury and MTA worked with NEUs throughout the summer to ensure that every township was aware of the Coronavirus Local Fiscal Recovery Fund (CLFRF) funding through ARPA and the application process, and to encourage communities to take advantage of the federal funding available to every community in the nation to help respond to and recover from the worst public health crisis in more than a century. As of press time, Treasury had begun its audit of the application materials, making its way through nearly 1,700 municipalities’ information.

What now?

Following its review of the application details, Treasury will send an email to an NEU if the application is accepted, or if resubmission is required due to errors or missing information. (Correspondence explaining the errors and the resubmission process will also be provided.) Payments to an NEU will occur after all application requirements have been met and after Treasury review. You can check your township’s application status at www.michigan.gov/arpa. Treasury is regularly updating its “CLFRF NEU Status” spreadsheet, which includes seven possible status updates: Application—Not Started; Application—In Progress; Application—Received Pending Audit Review; Audit Completed—Approved; Audit Completed—Resubmission Required; Payment—In Progress; and Payment—Complete.

Payments will be made through the state’s SIGMA system (the same system through which the state makes its revenue sharing payments to local governments). Townships

that receive revenue sharing payments in the mail via paper check can also receive their ARPA allocation via check.

It is important to remember that the ARPA payments will be delivered in two segments, or “tranches”: one this year, and the second no later than 12 months after the first payments are disbursed.

Michigan’s eight largest townships, considered “metropolitan cities” for ARPA purposes, applied for and received their federal funding directly from the U.S. Department of Treasury. They likely received their first half of their allocation earlier this summer.

New revenue loss calculator available

One of the four categories of uses for ARPA funds is to replace lost revenue. A new revenue loss calculator is available from the Michigan Government Finance Officers Association to calculate this amount. You can access the calculator on both Treasury’s ARPA page, and MTA’s webpage, www.michigantownships.org/covidrelief.asp.

We have heard from many townships that they do not believe they were financially impacted by the pandemic. MTA and state Treasury are urging ALL townships to run the revenue loss calculator, as the way in which the formula is structured, most municipalities will have at least some loss. By demonstrating revenue loss, townships can use ARPA funds for most current township services—**to the extent of that loss**. And the calculation is not just for losses over the past 18 months. The effects of the pandemic will continue over the next months and years. Townships can calculate the

extent of reduction in revenue as of four points in time: Dec. 31, 2020; Dec. 31, 2021; Dec. 31, 2022; and Dec. 31, 2023. The calculation assumes at least a 4.1% growth adjustment for each year. So, even if you lost no funding, you could still see a “revenue loss” due to the 4.1% assumed annual growth rate.

Update on uses

As MTA conducted its outreach to townships to ensure they were aware of their funding allocation, one response that we heard repeatedly is that they weren’t sure their township would have a use for the funds. We believe that all townships will be able to put the money to use in their community—and there is time to make those decisions. Townships do not have to have the money “obligated” until the end of 2024, and it doesn’t need to be fully spent until the end of 2026.

While we wish that we could simply provide a laundry list of allowable uses for the funds, we are not able to do so at this time. However, U.S. Treasury stated in its “interim final rule” on the local and state coronavirus relief funding that the intention is a “broadly flexible approach” on uses. As of press time, U.S. Treasury had received more than 1,100 comments on the rule, but had not yet released its final rule. We await the final rule, as well as examples and expenditures from across the state and nation, and will provide updated guidance on uses in articles, workshops and webinars, and on our website, as we all navigate this new program.

Reporting

NEUs must submit their first annual projects and expenditures report to U.S. Treasury **by Oct. 31**. (Michigan’s eight largest townships were to have submitted an interim report by Aug. 31, 2021, and must submit a project and expenditure report by Oct. 31, and 30 days after the end of each quarter thereafter.) While U.S. Treasury had not published the report form as of press time, its Compliance and Reporting Guidance (available on MTA’s ARPA page), along with information from the Government Finance Officers Association (GFOA), does shed some light on what will be required.

According to GFOA, NEUs will have to report, for each new or existing project that is funded wholly or in part by CLFRF funds: the project name and a short description; an identification number (created by the township); the project “expenditure category,” which is outlined in Appendix 1 (page 31) of Treasury’s Compliance and Reporting Guidance document; and the project’s “status of completion.” Each project must align with a single expenditure category, with the township making the determination under which category its project best fits.

For example, if a township were using some of its funding for premium pay (see article on page 30 for more on premium pay for townships), the expenditure category would be **4.1: Public Sector Employees**, under the **4. Premium Pay** category; or to fund general township services, would be **6.1 Provision of Government Services** under the **6. Revenue Replacement** category.

Once a project is entered, the township will report on its expenditures and project status (not started, completed 50%, etc.). Certain projects, including infrastructure, premium pay and revenue replacement, require reporting of additional details, which are outlined in the Reporting and Compliance Guidance.

Recipients will also be asked to identify whether the project is serving an economically disadvantaged community; townships with Qualified Census Tracts (QCT) have additional uses for the funding, to help communities and populations disproportionately impacted by the pandemic. MTA has a listing of townships with QCTs on our website.

For the first report *only*, townships must submit a copy of budget documents for how they calculated their top-line budget during the initial application process, along with copies of the signed Awards and Conditions and Title VI documents included with the application materials. We are awaiting guidance on how an NEU should complete the “projects and expenditures” portion of the form if no action has yet been taken on using the funds.

Townships must have an active SAM.gov registration before the Oct. 31 reporting deadline. This registration must be renewed annually.

Townships may wish to work with their auditors or a certified public accountant on the federal reporting (use of such consultants is an allowable use of ARPA funds). Continue to watch MTA’s website, Township Insights and other publications for updates as they become available.



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www.planningmi.org/planning-michigan-conference

Diving into topics relevant to townships of any size: recovery and resiliency strategies for rural communities; comprehensive planning for the 2020’s and best practices for corridor development. The Michigan State University Extension **Citizen Planner Program** offered via Zoom as an add-on.

Bonus! **Regional In-Person Meet Ups** throughout the state this fall to network and forge connections.

Clarifying ARPA premium pay options

The America Rescue Plan Act of 2021 (ARPA) is a federal law providing for federal funds to be used to assist in coronavirus recovery efforts. Sections 602 through 605 of Subtitle M—Coronavirus State And Local Fiscal Recovery Funds deal with payments to state and local governments.

It is important to note that ARPA is not an “authorizing statute” for Michigan local governments. In other words, even if the ARPA authorizes payments to be used for a particular purpose, that does not change Michigan law. ARPA cannot authorize townships to do things that would be unlawful for Michigan townships. Michigan law on what townships use public funds for must still be followed.

What is premium pay?

The ARPA says in Section 602(c) that funds paid to local governmental units may be used: “(B) to respond to **workers performing essential work during the COVID-19 public health emergency** by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work; . . .” [Emphasis added]

Section 602(g) states: “(3) PREMIUM PAY—The term ‘premium pay’ means an amount of up to \$13 per hour that is paid to an eligible worker, in addition to wages or remuneration the eligible worker otherwise receives, for all work performed by the eligible worker during the COVID-19 public health emergency. Such amount may not exceed \$25,000 with respect to any single eligible worker.”

The U.S. Treasury’s Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions (as of July 19, 2021—*still the current FAQs as of Aug. 19*) provide additional guidance from U.S. Treasury on the uses of ARPA funds:

Question 4.7 states that “Premium Pay—Recipients may provide premium pay retrospectively for work performed at any time since the start of the COVID-19 public health emergency. Such premium pay must be ‘in addition to’ wages and remuneration already received and the obligation to provide such pay must not have been incurred by the recipient prior to March 3, 2021.”

And section 5 goes into detail:

“5. Eligible Uses—Premium Pay

“5.1. What criteria should recipients use in identifying essential workers to receive premium pay?”

“Essential workers are those in critical infrastructure sectors who regularly perform in person work, interact with others at work, or physically handle items handled by others. Critical infrastructure sectors include healthcare, education and childcare, transportation, sanitation, grocery and food

production, and public health and safety, among others, as provided in the Interim Final Rule.

“Governments receiving Fiscal Recovery Funds have the discretion to add additional sectors to this list, so long as the sectors are considered critical to protect the health and well-being of residents. The Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker’s total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

“5.2. What criteria should recipients use in identifying third-party employers to receive grants for the purpose of providing premium pay to essential workers?”

“Any third-party employers of essential workers are eligible. Third-party contractors who employ essential workers in eligible sectors are also eligible for grants to provide premium pay. Selection of third-party employers and contractors who receive grants is at the discretion of recipients. To ensure any grants respond to the needs of essential workers and are made in a fair and transparent manner, the rule imposes some additional reporting requirements for grants to third-party employers, including the public disclosure of grants provided.

“5.3. May recipients provide premium pay retroactively for work already performed?”

“Yes. Treasury encourages recipients to consider providing premium pay retroactively for work performed during the pandemic, recognizing that many essential workers have not yet received additional compensation for their service during the pandemic.”

Who is eligible for premium pay?

One area of confusion about “premium pay” is that it refers to “essential workers” in “critical infrastructure sectors,” using terms similar to those used during the early State of Michigan executive orders to identify who could be allowed to continue to work for a township during the shutdowns that otherwise required people to work from home.

For example, Executive Order 2020-21 of March 24, 2020, stated that “for the purposes of this order” critical infrastructure workers included those in the following governmental areas (excerpted list): health care and public health; law enforcement, public safety, and first responders; energy; water and wastewater; transportation and logistics; public works, and other “community-based government operations and essential functions.”

At that time, MTA Legal Counsel advised that township board members and their deputies performing statutory

duties of their board offices were “critical infrastructure workers” for the purpose of performing their statutory duties.

However, both the executive order’s definitions and MTA Legal Counsel’s guidance were for the *purposes of the order*, determining who could leave home to work in those fields to keep government services functioning. They did not determine the definition of who is an essential worker for ARPA premium pay purposes. According to the U.S. Treasury FAQs, “Governments receiving Fiscal Recovery Funds have the discretion to add additional sectors to this list, *so long as the sectors are considered critical to protect the health and well-being of residents.*”

That last part is a condition that goes beyond general provision of government operations and essential functions or those functions critical to support government operations.

For the purposes of ARPA premium pay, if a township or other local government is considering which of their employee positions are eligible, and wishes to add employees not specifically listed, they may do so—as long as those positions are doing work that is critical **to protect the health and well-being of residents.**

Ultimately, U.S. Treasury will be the final judge of whether a local unit has used ARPA funds properly within the terms of the ARPA payments, based on reporting from the local unit. It is not known at this time whether U.S. Treasury will expand the definition of those eligible to receive premium pay.

How does that apply in Michigan?

Townships have until 2024 to decide how to use their ARPA funds. MTA expects more guidance will be coming from U.S. Treasury as the current process moves into the implementation phases. At this time, based on the language of the ARPA and the U.S. Treasury’s guidance, MTA recommends that township boards who may be discussing using their funds for premium pay consider the following:

- Under Michigan law, **township board members** cannot be paid any additional compensation—in addition to the salary of the office stated in the salary resolution—for performing the statutory duties of their office. (Attorney General Opinion 1431, July 30, 1951) Township board members cannot be paid premium pay for performing the **statutory duties** of their respective offices.
- And, under the Michigan Constitution, **township board members** cannot be paid retroactively (after the fact) for performing the statutory duties of their office. It is illegal to authorize retroactive payment of salary to elected officials, other public officers, agents or contractors of a township: “Neither the legislature nor any political subdivision of this state shall grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.” (Michigan Constitution of 1963, Article 11, Section 3)
- However, it is not illegal to retroactively pay **employees**. Township employees who are “essential

workers” for ARPA purposes may be paid retroactively or receive bonuses. Essential workers are those in critical infrastructure sectors who regularly perform in person work, interact with others at work, or physically handle items handled by others. Critical infrastructure sectors include healthcare, education and childcare, transportation, sanitation, grocery and food production, and public health and safety, among others, as provided in the Interim Final Rule. A township board has the discretion to add additional sectors to this list, so long as the sectors are considered *critical to protect the health and well-being of residents.*

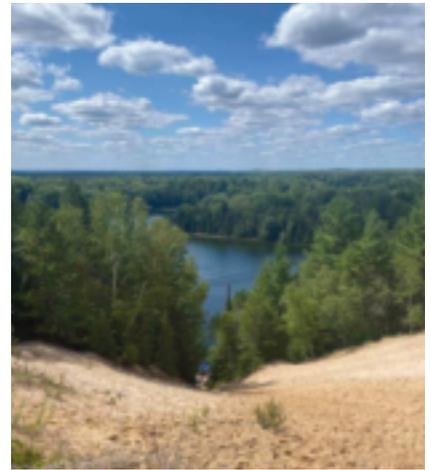
- For example, could election workers receive premium pay? We do not have specific guidance from U.S. Treasury on this currently. Even though the work election workers perform is absolutely critical to elections, the issue is whether you can make the argument (in reporting to U.S. Treasury) that their work is *critical to protect the health and well-being of residents.*
- Also, in a township under 40,000 in population, **township board members** may be authorized by the township board to perform “additional services” for the township unrelated to the statutory duties of their office. (MCL 15.183(4)(c)) And township board members may serve as township fire, EMS or law enforcement personnel for the township. (MCL 15.183(4)(a) and (b))
- So, for example, if a township board member serves as an EMT for the fire department that serves the township, then that board member could potentially receive premium pay going forward for their work as an EMT.
- The salary of **township board offices** may be increased during the term of office. The method an individual township must use to increase the salary of an office stated in the salary resolution for that office will depend on which of the three statutory procedures apply in the individual township.

Townships and other local governments in Michigan have served admirably during the COVID-19 pandemic, continuing to provide governmental functions under hazardous conditions and enormous demands. However, when considering how to use ARPA funds, boards must be mindful of Michigan law, as well as public expectations of how their tax dollars are spent.

Many township employee positions have had to deal with additional functions and stresses at work due to COVID-19. But not all of those additional functions and stresses are due to protecting the health and well-being of the residents. Even if those positions are not ultimately eligible under ARPA for premium pay, a township board could vote to increase pay rates or provide bonuses to recognize increased job functions or safety concerns, and any applicable township revenues could be used.

aroundthe**state**

townships in the spotlight



Oscoda Charter Township



Just up Michigan's sunrise coast, past the speeding interstate, is a community where vacations begin and never end.

A place where the sun is served fresh daily.

A place people came because of the land, but stayed because of the water.

A place that defended our country and protected the globe.

A place where the legend of the lumberjack was born. A place where life on these sandy beaches thrives through all four seasons.

We are Oscoda, and we are proud of this place we call home.

This place where opportunity truly exists.

We invite you to spread your wings and take flight.

Oscoda Charter Township (Iosco Co.) has something for everyone in its endless beauty and boundless outdoor opportunities. From canoeing to sunbathing, the natural destinations of the community provide activities for all water enthusiasts. If water sports and activities aren't your top choice, the township's downtown district includes an assortment of eclectic shopping and renowned restaurants.

Lovers of history and the outdoors alike know the township as the home of the famous Lumberman's Monument located in the Lake Huron National Forest. The township has a rich logging heritage, making Lumberman's Monument a must-see stop for visitors. Visitors and community members enjoy the interactive displays, historic

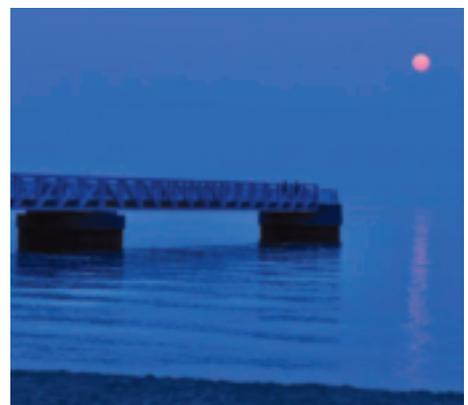
artifacts, picnic grounds and breathtaking views of Cooke Pond. The famous nine-foot bronze statue honoring three lumbermen and their lumbering tools has become as integral to the landmark as the trees and lookout themselves.

Area loggers in the 19th Century provided the white pine necessary to meet the national demand for housing and other key manufacturing needs. The township is proud of its logging history, which is evident by the local affinity for the Paul Bunyan tale. In 2006, the Michigan Legislature declared Oscoda "the official home" of the legendary logger.

Runners, hikers and nature lovers are drawn to the hundreds of steps inset into the steep bank leading to the AuSable River that enables exploration of the Wanigan, a replica of the floating cook shacks from the days of the lumbermen.

While there are numerous ways to enjoy Oscoda peacefully, adventure seekers are not left behind. The Huron-Manistee National Forest offers 60,000 acres in the township for a scenic off-road adventure. Two snowmobile heads give way to 91 miles of the Iosco County Snowmobile Trail system, 25 miles that are located in township's National Forest Service land.

With so many year-round options from campgrounds to ORV trails, snowmobiling to nature hikes, the township is an inviting community that embraces its history and natural beauty.





**Have you heard?
MTA is
recording our
*UP North
Summit*
being held in
Harris on
Sept. 13-14!**

Township officials are just as excited as we are for our return to in-person learning at the *UP North Summit*, and demand for the event quickly outnumbered available seats. But you can still catch all the action by choosing a virtual *Summit* registration. You'll get access to a recorded version (after the event) that allows you to watch every session, whenever you choose, from the convenience and safety of your own home or office!

What does the virtual *Summit* include? We're glad you asked! You'll have online access to four informative general sessions and all eight breakout sessions, for three months—that's just \$17 per session, even less if your township subscribes to *MTA Online* at the Premium level. The lineup is packed with sessions helpful to all board members, and some tailored to specific roles and offices.

You'll find an agenda, class descriptions and registration materials at <http://bit.ly/MTASummit>

Prefer to participate in person? Email education@michigantownships.org and we'll add you to the wait list.

Space is still available in our *Cemetery Management* class

Don't delay, register today! This post-*Summit* class, held Sept. 14 from 5 to 8 p.m., includes dinner. Join us in person as MTA Member Information Services Liaison Cindy Dodge reviews cemetery management roles, rules, regulations and legal obligations, digs into the elements of green burials, explores financial management and more! Visit <http://bit.ly/MTASummit> for details or to register. Prefer to watch and learn online? You can purchase a virtual version today! Visit <https://learn.michigantownships.org/p/cemeteries> for immediate access.

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