

Michigan Township Focus

NOVEMBER 2013

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

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MTA Official Publication of the Michigan Townships Association
MICHIGAN TOWNSHIPS ASSOCIATION

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mission statement

The Michigan Townships Association promotes the interests of township government by fostering strong, vibrant communities; advocating legislation to meet 21st century challenges; developing knowledgeable township officials and enthusiastic supporters of township government; and encouraging ethical practices of elected officials who uphold the traditions and unique characteristics of township government and the values of the people of Michigan.



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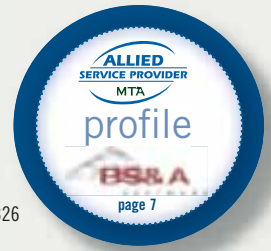


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Traverse City Conference a laboratory for building a great place, strong economy

It must be fall when “Are you going to MTA?” is the question township officials ask each other—shorthand for the Michigan Townships Association’s Annual Educational Conference, which is rapidly approaching the last week in January. And the buzz among MTA members is particularly loud this year, with a combination of excitement, enthusiasm and curiosity at the prospect of converging on a brand-new venue: Traverse City.



The MTA Board of Directors and staff share those feelings as well. Not only will the MTA Conference be held in a township for the first time in 61 years—the Grand Traverse Resort is in **Acme Township**—but nearby Traverse City has both a small-town feel and offers an array of restaurants, brew pubs, wineries and other entertainment amenities that has

generated national attention.

Members will find in the Grand Traverse area a different vibe that epitomizes townships leading Michigan back to prosperity. With a small central city providing the regional identity and urban amenities, the surrounding townships provide a great quality of life for families. Townships have also implemented effective job-creation strategies that protect a regional vision that places high value on the region’s rural and suburban community character and treasured natural vistas. And for the budget conscious—overnight rooms are very inexpensive, and parking is free!

The Grand Traverse region provides attendees with a teaching laboratory where one can experience first-hand how the city and surrounding townships have collaborated in ways that have helped insulate the region from the “feast or famine” economic cycle that plagues much of Michigan. Conference learning opportunities will not be confined to conference workshop rooms, as we are also trying to include visits to area projects that could be models for other communities to emulate.

For the thousands of MTA members who have attended prior conferences, it likely comes as no surprise that the planning for this conference began years ago when the MTA Conference Committee decided to shake things up and try a northern Michigan venue. For years, MTA members in the north have asked, “What about us? How about holding the Conference in our neck of the woods?” Traverse City

responded to our overture to hold a northern conference with a “can do” attitude made possible by the city hosting a number of prominent national conferences. Admittedly, the depth of winter poses different challenges, but our MTA staff has had ample experience with winter conferences using multiple hotel properties and keeping shuttles on schedule during potentially inclement weather. With 60 winter conferences under our belt, we’ve seen it all—and made it work.

One challenge we have every year is members who found a particular conference workshop’s content so compelling, they want it repeated so that other board members can experience it as well. This year, however, our priority is creating new learning experiences with fewer repeats. We developed a menu of workshops for every member constituency—northern and southern townships; big townships and small townships; rural and urban; townships with natural resource economies and townships driven by manufacturing. Then we layered over these topics a handful of classes for everyone addressing statutory duties and new statutes.

The buzz about MTA’s 2014 Conference is loud this year, with a combination of excitement, enthusiasm and curiosity at the prospect of converging on a brand-new venue: Traverse City.

There’s no “same old, same old,” which in truth we always work hard to avoid, even as members say, “that was great, bring that back next year!”

As MTA President Denny Olson reminds us, township officials have choices on how they spend their time—and they also have choices as to the type of elected official they aspire to be. Our staff enthusiastically accepts the challenge to deliver a conference that honors every member choosing to be an extraordinary elected official, a conference that delivers the skills, knowledge and networking contacts to be the exemplary public official that every township deserves.

news¬es

a compendium of noteworthy items

LOCAL GOVERNMENT FINANCES

More local leaders say finances on upswing, but struggles remain

The fiscal health of Michigan's local government units has improved, but many—particularly small jurisdictions—still struggle to meet their financial needs, according to the Michigan Public Policy Survey (MPPS) from the University of Michigan.

Overall, 29 percent of jurisdictions say they are better off this year, while 29 percent say the opposite, according to the poll by U-M's Ford School of Public Policy.

That's a significant improvement from the low point in 2010 when just 9 percent were better off and 61 percent were worse off.

Survey findings show bigger municipalities are recovering faster than smaller areas. In jurisdictions with more than 30,000 residents, the percentage saying they are better able to meet their needs

rose to 44 percent, compared to 36 percent in 2012. Struggles remain as 48 percent of all jurisdictions say their property tax revenues continue to decline, and 30 percent expect their fiscal health to be worse a year from now.

MTA is among the partners on the MPPS. Township supervisors, clerks and managers are among those surveyed.

THE SCENIC ROUTE

Old Mission among top coastal drives

The 18-mile stretch of M-37 that runs up Old Mission Peninsula—including through **Peninsula Township** (Grand Traverse Co.)—offers picturesque views of blue water, rolling hills and beautiful vineyards. That scenic drive was recently named by *USA Today* as the only inland option among “10 beautiful coastal drives across North America.”

“Take a break (or two) from the [Grand] Traverse Bay views with stops at one of the eight area wineries,” the article said. “Find a place to pull over in the early evening to watch the sun set over the bay on Lake Michigan.”

Enjoy the view for yourself, by heading up to the Grand Traverse region for MTA's 2014 Annual Conference & Expo, Jan. 28-31, at the Grand Traverse Resort in **Acme Township** (Grand Traverse Co.). Turn to pages 20-21 to learn more about the Conference.



ATTENTION TREASURERS

Reminder for tax collection office hours

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

In addition, the treasurer must be in his or her office from 9 a.m. to 5 p.m. one day between Dec. 25 and Jan. 1. However, the requirement to hold hours in December is waived if the township has an agreement with a local financial institution to collect taxes on behalf of the township, and the township provides timely notification to the taxpayers of their ability to pay their taxes at this financial institution.

In 2013, the available days for required December office hours are Wednesday, Dec. 25 through Tuesday, Dec. 31. Treasurers must choose one day (unless a bank assists in collection). (MCL 211.44(2))

In 2014, the last day to pay 2013 property taxes without incurring any interest or penalty is Friday, Feb. 14, 2013. (MCL 211.44) Treasurers may choose to hold office hours. In 2014, the last day to pay 2013 property taxes before they are returned as delinquent is Friday, Feb. 28. (MCL 211.45) Treasurers must hold office hours.

Learn more on MTA's Tax Collecting Web page, on the members-only section of www.michigantownships.org. After logging in, search for “tax collecting” or access the page via the “Index of Topics” under the “Answer Center” tab.

LOCAL UPDATES FROM ACROSS MICHIGAN

Township happenings

The baseball diamond in Glenna Droscha Park, located adjacent to the Aurelius Township (Ingham Co.) hall, received a facelift this summer—including new fencing, dugouts and players' benches—thanks to a \$25,000 donation from the Mason Baseball and Softball Club.

A Crime Fighter Award from a Michigan anti-crime organization was bestowed upon Saginaw Charter Township (Saginaw Co.) Police Chief Don Pussehi this past summer for his dedication to crime prevention.

Green Oak Charter Township (Livingston Co.) recently approved a special-use permit allowing a resident to turn the old Hamburg Veterans of Foreign Wars hall into a private museum for the resident's collection of more than 100 pinball machines, some dating back to the 1930s.

Thomas Township (Saginaw Co.) has paved a new 2.3-mile trail. The trail, which connects with the Saginaw Valley Rail Trail, is situated within a short distance for a majority of the township's residents, and local officials hope students will use it to get to and from school, and residents will use the trail to visit the nearby business district.

HELP WANTED

Property Appraiser—Superior Charter Township (Washtenaw Co.) is accepting applications for a full-time appraiser with a Michigan Certified Assessing Officer (MCAO) certification. The position will perform appraisals, reappraisals and assessments of mostly residential properties. A job description is available at www.superior-twp.org. Submit resumé in person or by mail to: Superior Township, 3040 N. Prospect, Ypsilanti, MI 48198; fax: (734) 482-3842; or email to: pcalopis@superior-twp.org.

Want to place a classified in Township Focus or on www.michigantownships.org? Email MTA Advertising Manager Ashley Maher at ashley@michigantownships.org or call (517) 321-6467.

IN MEMORIAM

Jerry Davis, Courtland Township (Kent Co.) treasurer for 10 years, trustee for 12 years, and former planning commissioner.

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The MTA Board of Directors got a sneak-peek of the 2014 MTA Annual Conference & Expo, during a recent site visit to Acme Township (Grand Traverse Co.) and the surrounding area. To enable them to respond to member inquiries and promote the Conference, the Board received a tour of the Conference site, the Grand Traverse Resort, and hotels with MTA room blocks. They also toured the Traverse City area, seeing first-hand the innovative developments in the region—several of which may be integrated into Conference programs and offerings.

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Ensure that your township's important MTA resources and information are coming to the correct person and address by helping MTA keep its database up-to-date with your current contact information. MTA-member officials can directly update their profile information via MTA's website, www.michigantownships.org. To update your profile, log in to the members-only portion of the website using your email address on file with MTA and password. Select "My Profile" under the "My MTA" tab to get started. *(Not sure of your password? Select the "Forgot Your Password?" link on the log-in page to have a link sent to you to re-set your password. Contact website@michigantownships.org for further assistance.)*

Got a new township board member? The township clerk can make adjustments to the profile information—including adding a new official whenever a new township official joins the board, or marking a former official for removal from the database. *(When adding a new official, be sure **not** to overwrite the former official's information with the new official's name and information. Contact MTA with questions.)*

Changes may also be submitted to database@michigantownships.org, by calling (517) 321-6467 or faxing to (517) 321-8908.

As another added feature of MTA's database, MTA members also have access to an online directory of township officials, which can be searched by last name, township or even title! After logging in to the members-only section, click on "My MTA," then "Directories."

A print version of the *Michigan Township Officials Directory* is also available for purchase. Order online on MTA's website, www.michigantownships.org, call (517) 321-6467 or email shellylynn@michigantownships.org. Price is \$45 (plus shipping & handling).

Township Focus goes digital

MTA is always looking for ways to enhance the member experience and the value of the Association for our 6,500-plus member township officials. Our revamped *Township Focus* magazine is the perfect example of those efforts. We're further expanding our members' readership experience by offering *Focus* in a digital format!

MTA-member township officials can check out the digital issue of *Focus* by logging in to the members-only section of www.michigantownships.org, and clicking on "Township Focus" under the "Publications" tab. You'll be able to page through a PDF of the entire magazine, from your computer, tablet or smartphone!



Volunteers needed for 2014 MTA Annual Conference



Would you like to get more involved in the 2014 MTA Annual Educational Conference, while also providing a service to your colleagues? If so, consider serving as a sergeant-at-arms (SAA) volunteer or ambassador during the Conference, held Jan. 28-31, in **Acme Township** (Grand Traverse Co.), just outside Traverse City. All MTA members attending the Conference are eligible to volunteer.


SAA duties include distributing handouts and evaluations for a workshop, monitoring workshop rooms, and collecting evaluations at the conclusion of workshops. Conference ambassadors may sign up to assist with welcoming and directing attendees to registration upon arrival.

For more information or to volunteer, call Kristin Kratky at (517) 321-6467, ext. 230, or email kristin@michigantownships.org. A volunteer sign-up form is also available at www.michigantownships.org/ConfVolunteer.asp. Please let us know of your interest as soon as possible, or no later than Nov. 15, 2013. Assignments will be sent out in early December.

Visit www.michigantownships.org/conference.asp to learn more about MTA's 2014 Conference & Expo.

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The Courseware videos can now be found in the Help menus of all of BS&A's FM programs, and on its website, www.bsasoftware.com/Learning-Center/Courseware.

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NOVEMBER

1 Deadline for filing Principal Residence Exemption (PRE) Affidavits (Form 2368) for exemption from the 18-mill school operating tax to qualify for a PRE for the winter tax levy. (MCL 211.7cc(2))

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

Deadline for filing the initial request of a Conditional Rescission of Principal Residence Exemption (Form 4640) for the winter tax levy. (MCL 211.37)

2 Electors who wish to receive an absentee voter ballot for the Nov. 5 election by mail submit absentee voter ballot applications by 2 p.m. (MCL 168.759)

4 Electors qualified to obtain an absentee voter ballot for Nov. 5 election may vote in person in the clerk's office until 4 p.m. (MCL 168.761)

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

5 Emergency absentee voting for Nov. 5 election until 4 p.m. (MCL 168.759)

Election.

11 Boards of county canvassers meet to canvass Nov. 5 election. (MCL 168.821)

By 28 Treasurer gives county treasurer a bond* running to the county in the actual amount of county, state and school taxes. (MCL 211.43(2))

**May be handled by the county treasurer*

DECEMBER

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

2013 taxes due and payable to local unit treasurer are a lien on real property. (MCL 211.40)

Deadline for foreclosing governmental units to transfer list of unsold 2013 tax foreclosure parcels to the clerk of the municipality in which the parcels are located. (MCL 211.78m(6))

A winter tax bill must include information on summer taxes that were deferred. (MCL 211.51(6))

By 3 Petitions to place proposals on Feb. 25 ballot filed with county and local clerks. (If governing law sets an earlier petition filing deadline, earlier deadline must be observed.) (MCL 168.646a)

By 5 Post-election campaign statements filed. (Books closed Nov. 25.)

10 Special board of review meeting may be convened by assessing officer to correct qualified errors. (MCL 211.53b) The township

board may authorize, by adoption of ordinance or resolution, an alternative meeting date during the week of the second Monday of December. (MCL 211.53b(7))

An owner of property that is a "principal residence" on May 1 may appeal to the December board of review in the year for which an exemption was claimed or in the immediate succeeding three years if the exemption was not on the tax roll. An owner cannot appeal to the December board of review if property was owned and occupied as a principal residence some time from May 2 to Nov. 1 but Form 2368 was not timely filed. (MCL 211.7cc(20))

An owner of property that is qualified agricultural property on May 1 may appeal to the December board of review for the current year and the immediately preceding year if the exemption was not on the tax roll. (MCL 211.7ee(6))

December board of review to hear appeals for current year poverty exemptions only, but not poverty exemptions denied by the March board of review. (MCL 211.7u)

16 Form 600/L-4016 Supplemental Special Assessment Report due to the State Tax Commission (STC).

By 17 Ballot wording of proposals qualified to appear on Feb. 25 ballot certified to county or local clerks. (MCL 168.646a)

31 Tax day for 2014 property taxes. (MCL 211.2(2))

Deadline for an owner who had claimed a conditional rescission of a principal residence exemption to verify to the assessor that the property still meets the requirements for the conditional rescission through a second and third year annual verification of a conditional rescission of principal residence exemption (Form 4640). (MCL 211.7cc(5))

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

All taxes due and liens are canceled for otherwise unsold 2013 tax foreclosure parcels purchased by the state or transferred to the local unit or the Michigan Land Bank Fast Track Authority. (MCLs 211.78m(12) and 211.78m(13))

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I'm told that our township may be responsible for fees under federal law called "PCORI." Can you explain?

Unless your township pays for health insurance for its employees, these fees will not apply. For townships that provide "fully insured benefits"—those plans that rely solely on the insurance company to provide health-related benefits—these fees will be collected and paid by the insurance company. For townships that have a self-insured portion of health care, dental or optical benefits, these fees may apply to the non-insured portion of the benefit, and it is the plan sponsor's (township) responsibility to calculate and pay the benefits.

Background:

The Patient Center Outcomes Research Institute (PCORI), created by the Patient Protection and Affordable Care Act (ACA), was created to promote research to evaluate and compare the effectiveness and outcomes of various medical treatments, services, procedures and drugs. PCORI is funded, in part, by fees assessed on health insurers and plan sponsors of self-insured group health plans.

For example:

- A. Township employees are covered by an insured plan, with a deductible. The plan has a \$5,000 deductible that is first applied prior to the insurance company paying a benefit. The township makes contributions to a *health reimbursement account* (HRA) to provided funding for the deductible. The IRS has ruled that these "integrated HRAs"—in which the HRA is intended to work along with the health insurance to provide a fully insured plan—**are subject** to the PCORI fee. This is true even though the insurance company is also paying the fee.
- B. Township employees are covered by an insured plan with no deductible. The insurance company alone would be required to pay the fee.
- C. Township employees are covered by an insured plan, with a deductible. The plan has a \$5,000 deductible that is first applied prior to the insurance company paying a benefit. Township employees pay the deductible through a *flexible spending account* (FSA) under IRC Section 125, with no employer funding. In this case, the insurance company would be required to pay the fee; **no PCORI fees** would be assessed against employee contributions to the FSA (flexible spending account).

How and when are the fees due:

If your township has a plan subject to these fees, the initial fee is \$1 times the average number of "covered lives" for that first plan year, and \$2 per covered life for the plan year ending after Sept. 30, 2013. Fees for subsequent years are subject to indexing. The PCORI fee will not be assessed for plan years


ending after Sept. 30, 2019, which means that for a calendar-year plan, the last year for assessment is the 2018 calendar year. These fees are to be reported on Form 720, available on www.irs.gov, and can be paid with the form or through the Electronic Federal Tax Payment System (EFTPS).

Townships should seek the advice of a qualified professional, such as labor counsel or plan administrator, to determine if it is subject to these fees, how to calculate them, and how and when to pay.

Additional comments:

- State and local governments, including townships, are subject to these fees, providing they maintained non-fully insured plans, as described above. This includes Voluntary Employee Benefit Associations (VEBAs) established by the township.
- The ACA has very specific methods of calculating the average number of "covered lives" to determine the amount due. Visit www.irs.gov (search for "PCORI") for specifics. Townships should discuss the specifics with their plan advisor or a qualified plan actuary.
- Plan sponsors that maintain one self-insured arrangement providing major medical benefits and a separate self-insured arrangement providing prescription drug benefits with the same plan years may treat the two as one applicable self-insured health plan. The same rule applies to plan sponsors that provide a self-insured major medical plan and a health reimbursement arrangement (HRA) with the same plan year—the two arrangements are treated as one self-insured health plan for purposes of assessing the PCORI fee.
- If a plan is partially self-insured and partially insured, the employer must treat the non-insured portion as a self-insured plan for purposes of the fee. Affected plans include major medical plans, prescription drug plans, retiree plans and dental vision HRAs, and employer contributions to FSAs.

Information provided in *Financial Forum* should not be considered legal advice, and readers are encouraged to contact their township auditor and/or attorney for advice specific to their situation.



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Our supervisor resigned Nov. 1. What do we do now?

First, you need to confirm that the resignation has actually taken effect. The resigning official must submit a written resignation to the township board, stating the date on which his or her resignation will take effect—the last day they intend to hold office. At a regular or special meeting of the township board, the board must vote to accept the resignation before it can become effective. Once the board accepts the resignation, it takes effect either on the date stated in the letter or the date the board voted to accept it, whichever comes later.

For example, let's say that the supervisor stated his resignation was effective Nov. 1, but the board doesn't meet and vote to accept it until Nov. 15. The resignation is not effective until Nov. 15, and the supervisor actually held office and should be paid through that date. If the supervisor stated his resignation date as Nov. 30, and the board voted to accept it at the Nov. 15 board meeting, then the supervisor holds office until Nov. 30, and is paid through that date.

When do we appoint someone to fill the vacancy?

The township board must appoint someone to fill a vacancy on the township board within 45 calendar days after the vacancy is created. The appointee must take the oath of office before assuming the office.

How do we choose the appointee?

The township board can appoint anyone who is eligible to hold elective township office—basically any person who is registered to vote and has been a resident of the township for at least 30 days. The board is not required to advertise the vacancy or solicit resumé's, but doing so may attract a larger or more capable pool of candidates. The township board does not consider a slate of candidates—instead, the first person nominated who receives a second and a majority vote of the board members present and voting is the appointee. All interviews conducted by the township board, and any actions taken by the board to “shorten the list” of candidates, must be done in open session at a public board meeting. As always, the vote to appoint must be a voice vote, not a paper or secret ballot.

How long will the appointee serve?

If the vacancy occurs more than 182 days prior to the mid-term general November election (Nov. 4, 2014), then the position must be on the 2014 August primary and November general election ballot. The person appointed to fill the vacancy serves only until the election is certified and the winner takes the oath of office (it can be the person appointed to fill the vacancy). The winner serves out the remainder of the term.

Our board is divided, and with the vacancy, we have four members voting on the appointment. What if we can't agree on a candidate?

If the township board does not appoint someone to fill the vacancy, the county clerk must call a special election at the township's expense to fill the vacancy. Whoever is elected will fill out the remainder of the term; the position is not also on the mid-term election ballot. It is, however, usually in the best interest of the township for the board to work together, possibly making compromises or concessions, to do their duty as elected officials and fill the vacancy within the 45 days.

If the clerk resigns, is her deputy automatically the new clerk?

No, when an elected official resigns, the appointment of his or her deputy also ends.

Our treasurer is thinking about retiring, but she wants to be available to help train her successor. Is that possible?

Yes. The resigning official can give any date in the future as the effective date of his or her resignation. The township board may appoint the successor up to 30 days prior to that effective date, although the resigning official cannot vote

to appoint his or her successor. It is important to note that this can only be done within 30 days prior to the date of resignation and no earlier than that.

The outgoing treasurer is paid through the date of his or her resignation. The new treasurer is not paid the treasurer's salary until the outgoing treasurer's resignation takes effect and the new treasurer takes the oath.

Must an assessor take the oath of office?

To the extent that a position is determined to be a public officer, Article XI, Section 1 of the Michigan Constitution requires that the officer take an oath of office. The certified assessor who signs the assessment roll must be classified as a public officer, so that position is required to take the oath of office. A supervisor who is the assessor has already taken the oath and is a public officer. An assistant assessor who does not supervise the preparation of or sign the roll is not required to take the oath—but could.

Who can administer oaths to township officials?

The positions that are authorized by law to administer the oath of office are the township clerk/deputy clerk, supervisor/deputy supervisor, county clerk/deputy county clerk, notary public, judge/justice (of any court of record), and state senator or representative.

Who is required to take the oath of office?

The most common township positions that are required to take the oath of office include the township board members and their deputies, board of review members, elective library board members, elective park commission members, constables, election inspectors, the assessor who certifies the assessment roll, commissioner of noxious weeds, and downtown development authority board members. Ordinance enforcement officers and construction code inspectors must take the oath if they will be issuing or serving municipal civil infractions or misdemeanor appearance tickets. (This is not an exhaustive list; other officials or bodies may be required to take the oath.)

Can the oath be given to other positions?

Yes. MTA recommends giving the oath to the following:

- Planning commission
- Zoning board of appeals
- Ordinance enforcement officer
- Construction code inspectors

- Personnel who work on the assessment roll, such as assistant assessors or appraisers, but who do not certify the assessment roll
- Fire chief and police chief
- Fire administrative board
- Officers compensation commission
- Superintendent or manager
- Historical commission
- Recreation commission
- Fence viewer
- Economic development commission
- Others, as township board policy indicates

Why give the oath of office if it is not required?

Taking the oath tends to lend credibility to the position to which a person has just been appointed or assigned. It also provides an opportunity to create a “paper trail” for the township board to the date of appointment and, therefore, to the expiration date of that person's appointment so the board knows when to make future appointments.

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



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PPT implementation bills near final approval

The first implementation bills of last year's personal property tax (PPT) are moving closer to becoming law.

Senate Bills 489 and 490, sponsored by Sen. Jack Brandenburg (R-Harrison Chtr. Twp.), were in the final legislative stages as of *Township Focus* press time. The legislation was expected to be signed into law by late October, in time for the state to develop and provide for the distribution of affidavits.

The bills were introduced to help implement legislation enacted late last year that phases out the PPT on eligible manufacturing personal property, including industrial property and certain commercial personal property, by 2023.

SBs 489 and 490 specifically address this first portion of the reform package—the small-parcel exemption, which will take effect starting Dec. 31, 2013. The legislation provides procedures, clarity and due process for taxpayers applying for the small-parcel exemption (under \$80,000 true cash value), and for qualified new and previously existing personal property. Small parcels of industrial and commercial properties that qualify will be exempt from PPT, and local units of government will not be reimbursed for the lost revenue.

The legislation tightens the definition of property that is eligible for small-parcel exemption in an effort to prevent fraud and prohibit anyone from claiming an exemption when property was leased to or used by the person who previously owned it. They also move the small-parcel exemption filing deadline to Feb. 10, allowing more time for local officials to process exemptions before the March board of review. Assessors are authorized to deny exemptions for the current year and the three previous years if they believe the property was not eligible.

Statements must still be filed by Feb. 20, and assessing officers are required to notify taxpayers that small-parcel exemptions are available as well as keep affidavits claiming the exemptions for four years.

The bills outline strict guidelines required for anyone filing for small-parcel exemptions, including maintaining

adequate records and providing access to those records. If an exemption is filed fraudulently, the taxpayer could be charged with a misdemeanor.

One change made that has no fiscal impact is the exemption level. Under the law enacted last year, the combined taxable value of property owned or controlled by a person had to be less than \$40,000. The revised changes state exemptions may be claimed if the combined true cash value of all industrial and commercial personal property in a local unit owned by, leased by, or in possession of an owner or related entity was less than \$80,000. The taxable value of \$40,000 is equal to the true cash value of \$80,000.

While the small-parcel exemption takes effect with the upcoming tax year, it is still tied to an August 2014 voter question. Next year, Michigan citizens will be asked whether the state should be allowed to set aside a portion of the use tax for local government reimbursement. If this measure is not approved by voters, the entire PPT reform law would be repealed, including the small-parcel exemption.

MTA took a neutral position on these bills after a number of concerns were addressed through workgroups and the legislative process. MTA will continue to update members as other implementation bills move forward.

Principal residence bill becomes law

A newly signed bill eliminates the three-year limit for appealing principal residence exemptions (PREs) when they are mistakenly left off the tax roll.

Senate Bill 25, sponsored by Sen. David Hildenbrand (R-Lowell Chtr. Twp.), has been approved by both chambers of the Legislature and signed by Gov. Rick Snyder. Public Act 140 of 2013 amends Michigan's property tax law, in which a Michigan citizen's principal residence that is occupied by the owner is exempt from the school district-levied tax for operating purposes up to 18 mills. Previously, an owner whose PRE was mistakenly left off the tax roll or contained a mathematical computation or clerical error by the local taxing unit had just three years to file an affidavit to claim the exemption.

Now, property owners are able to file an affidavit for any year in which a local tax-collecting unit made a "qualified error," with the overpaid amount to be repaid within 30 days.

MTA opposed the legislation and raised concerns about the creation of an unprecedented look-back period, creating potential budget uncertainty for townships and other local units of government with the elimination of a specified appeal period.



Roadside farm stands permitted without plumbing, electricity

Gov. Rick Snyder has signed legislation exempting roadside farm stands from certain construction code standards.



Public Act 125 of 2013, sponsored by Rep. Greg MacMaster (R-Milton Twp.), allows roadside stands to operate without the plumbing fixtures and electrical power required for other structures. Any stand with electrical power, however, must comply with the Michigan electrical code.

Structures must meet a number of standards to qualify as roadside stands, including a size of no more

than 400 square feet and being anchored securely to the ground. The stands can only be used seasonally and at least 50 percent of the agricultural products for sale must be produced on the stand owner's farm. This new law has immediate effect.

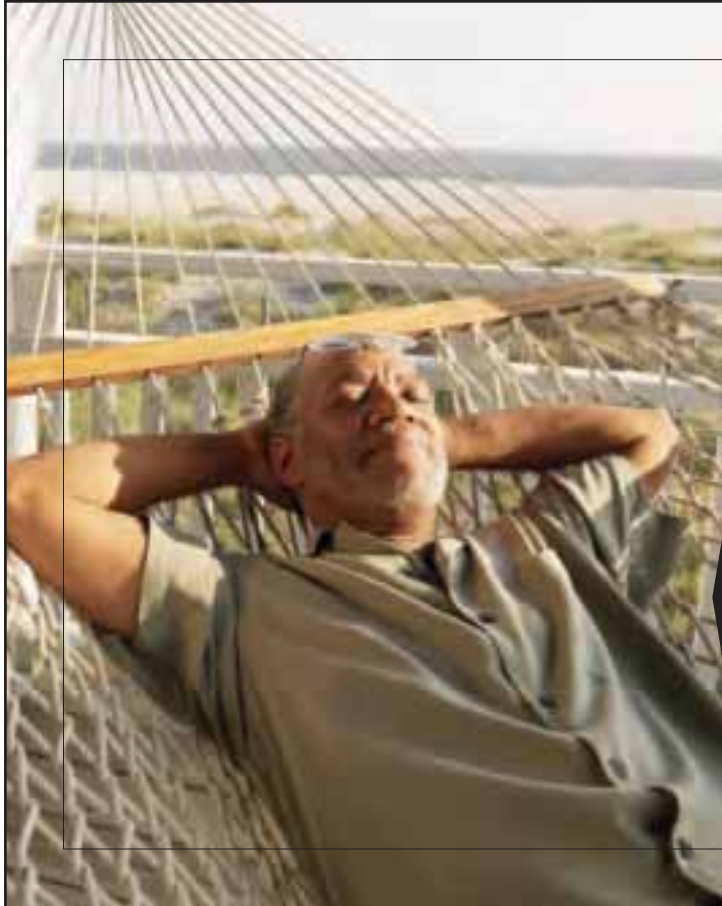
Disaster relief bills now law

Gov. Rick Snyder signed legislation referenced in the September issue of *Township Focus*. House Bill 4670 and Senate Bill 330 are now Public Acts 109 and 110 of 2013,

respectively, with immediate effect. The new laws provide quicker and increased funding for local disaster assistance by increasing the maximum (\$4.5 million) and minimum (\$1 million) dollar levels contained within the State Disaster and Emergency Contingency Fund. The acts increase the maximum grant amount to a county or local unit of government from \$30,000 to \$100,000, or 10 percent of the local unit's operating budget, whichever is less. These new laws will enable the state to respond quicker to local emergencies rather than relying on support through the appropriations process. MTA supported both measures to assist local units of government during times of emergencies.

Conservation district quorum bill signed by governor

The governor signed legislation to ensure a quorum at conservation district meetings. Under Public Act 114 of 2013, sufficient directors will be appointed by the Michigan Department of Agriculture and Rural Development (MDARD) to reach a quorum following resignations. Appointees will serve until the next annual meeting—where directors are elected. The new act also clarifies the requirement for MDARD to certify election results and eliminates the per diem tie-bar to a member of the Commission on Agriculture and Rural Development. The new act has immediate effect.



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Michigan broadband: Making the connection

Broadband technology grows local economies and creates jobs. Beyond the direct potential for economic growth, broadband also helps strengthen the workforce by giving Michiganders opportunities to improve and continue their education.

In addition, through teleworking and the use of the Internet at work, Michigan is able to keep its most talented employees and prevent the “brain drain” that occurs when highly skilled employees are forced to move out of rural areas, or out of the state, to find gainful employment.

Broadband Internet access has become essential for many community services and quality of life benefits. But what exactly *is* broadband?

Broadband commonly refers to high-speed Internet access that is always on and faster than dial-up access. The service can be delivered by coaxial cable, optical fiber, twisted pair copper phone lines, or wirelessly.

Access to broadband can—and does—have far-reaching impacts on one’s community, region and the entire state. As local government leaders, all township officials must become advocates on behalf of their communities and strive to ensure

the residents and businesses in their area have access to this important technology. Why is broadband so critical, and what can township officials do to leverage this asset in their area?

The Economic Impact of an Increase in Broadband

A 2012 Connect Michigan Residential Technology Assessment shows that 71 percent of Michigan residents subscribed to home broadband, up 10 percentage points from 61 percent in 2011. Mobile usage is also soaring in Michigan. In 2012, nearly 3.6 million adults accessed the Internet via their cell phones or through a mobile device (47 percent of residents) compared to 2.7 million mobile users (36 percent of adults) in 2011.

Continued increase in broadband adoption can have many positive effects, including job creation. Based on a 2007 study

that found that each percentage point increase in broadband penetration resulted in a 0.593 increase in employment over two years, it is estimated that just a 1 percentage point increase in broadband accessibility could create or save approximately 12,388 jobs statewide.

The booming demand for mobile technology could be another stimulus for new economic development in Michigan. A study by the Mobile Technology Association of Michigan (MTAM) and the Michigan Economic Development Corporation (MEDC) indicated “every mobile-related job that is created in Michigan creates 3.9 additional non-mobile-related positions in the state.”

A 2012 survey of Michigan households illustrates how broadband use contributes to Michigan’s economy. This Connect Michigan survey, *Consumer Broadband Adoption Trends*, highlighted some of the ways that Michigan residents are using broadband connections at home and work to help fuel Michigan’s economy. The survey findings confirmed the benefits of broadband, including e-learning and online commerce.

E-learning. From an economic perspective, e-learning can provide a boost to the state. The 2011 American Community Survey from the U.S. Census found that Michigan residents with a bachelor’s degree report annual household incomes that are \$15,959 higher than those with only some college education. Given a four-year graduation rate of 32.8 percent and an unemployment rate of 10.3 percent, those 804,000 Michigan residents with some college education who choose to participate in and further their educations through e-learning could bring a total of \$3.8 billion in additional household income to the state after earning a bachelor’s degree via online learning.

Online shopping. Broadband has also revolutionized the way we purchase goods and services by providing convenience, wider selection and, oftentimes, better prices. Indeed, nearly three out of four Michigan Internet users (74 percent, or approximately 4.7 million Michigan residents) go online to research or purchase goods or services.

An estimated 2.6 million Michigan adults went online to buy goods or services from Michigan businesses in the 12 months prior to taking the 2012 consumer broadband survey. On average, each of these online shoppers made seven online purchases from in-state vendors, at an average value of \$409.53 per buyer during the course of the year.

Altogether, this translates into more than 17.1 million transactions worth nearly \$1.1 billion in annual online sales to Michigan businesses. This does not include the \$2.2 billion that Michigan residents spent with vendors in other states across America and the \$100 million spent with international vendors.

Digital learning and literacy. Broadband can help ensure that residents have access to opportunities to expand their technological skills—and townships can help make this happen. When Houghton Lake area residents need help with a new e-reader, tablet or other communication device, assistance filling out online forms or conducting a job



The Houghton Lake Public Library—serving more than a dozen communities in Roscommon and Missaukee Counties—has been the go-to place for Internet access and technology skills training.

search, help in creating a resumé, or free wireless access, the Houghton Lake Public Library has been the go-to place for Internet access and technology skills training.

A key component for improving digital literacy is the demonstration of the value of using technology to support health, finances, educational advancement and occupational training. The library has taken the forefront in meeting these criteria.

In addition to Wi-Fi access, the Houghton Lake Public Library offers community residents a diverse program with classes that address basic computer and Internet skills enhancement and specialized skills development. The library serves residents from **Backus, Nester, Lake, Roscommon** and a small portion of **Richfield Townships** in Roscommon County, and **Aetna, Butterfield, Enterprise, Holland** and **West Branch Townships** in neighboring Missaukee County.

“[Residents] are very grateful that the sessions offered at our library are free of charge and include a booklet of all the materials that they can take home to practice what we covered in class,” said **Kim Frazho**, technology coordinator/trainer with the Houghton Lake Public Library. “At a time when someone has just lost their job, free training in any subject that teaches skills employers want is a blessing.”

Examples of the targeted technology skills training offered in the past include computer use for certified nursing assistants, re-entering the workforce, and basic computers for job seekers.

“A library is in a perfect position to do something to really make someone’s life easier at a time when just about everything else is going against them,” said Frazho. “Our students are always extremely grateful for these classes.”

The Roscommon Area District Library is a neighboring library in the county that provides similar classes and Internet access to residents within the library district, which includes **Gerrish, Higgins** and **Lyon Townships** (Roscommon Co.).

“They love how we teach them how to use their new iPad, Kindle or other device as many times as they need it,” said **Lisa Sutton**, director of the Roscommon Area District Library. “One 84-year-old man comes in every day to do his computer work and he often says, ‘I love the staff here and I tell all my friends to come to the library because they will help you.’”

Broadband in the Workplace

It is important to ensure that businesses are able to connect to broadband at speeds that are sufficient for their business functions. Approximately 1.16 million Michigan residents take advantage of the Internet to sell goods or services through home-based businesses, through individual online sales, and via auctions. This accounts for \$467 million in annual revenue statewide. In addition, according to a 2011 business technology assessment, more than three out of four Michigan businesses (76 percent, or approximately 169,000 online businesses) use the Internet for their business

functions, and 3,000 of those businesses were making plans to increase their bandwidth.

Making high-quality broadband available to these businesses is vital to making high-paying jobs available to Michigan employees. Based on a 2012 residential technology assessment, approximately two million Michigan workers (or 47 percent of employed Michigan adults) use the Internet at their jobs. The vast majority of these individuals (87 percent, nearly 1.8 million Michigan workers) are college educated, and workers who use the Internet at their jobs report that their median annual household incomes are three times higher than employed Michiganders who do not use the Internet at work. This indicates that high-paying jobs, often those that require the use of the Internet, can help keep skilled and educated residents in Michigan instead of forcing them to seek gainful employment elsewhere.

As broadband becomes an increasingly important tool for Michigan residents, a key economic opportunity for the state

What can your township do?

There are a number of ways townships can help facilitate the expansion of broadband and technology locally:

- 1 Get to know your local/county broadband providers. Michigan has more than 150 unique broadband providers offering service via various technology platforms. Find a list of broadband providers by county at <http://tinyurl.com/bbbycounty>.
- 2 Include broadband/technology-related goals and objectives in the community master plan, which can help drive improvements and new connections.
- 3 Incorporate broadband data in your local or regional Geographic Information System. Map data at www.connectmi.org is available as a geodatabase for download.
- 4 Coordinate and/or help promote technology training events with local libraries, schools, economic development entities, chambers of commerce and downtown development authorities, etc.
- 5 Review local regulations and consider amending barriers to broadband deployment. Conversations with local providers can help identify if and what barriers to infrastructure expansion exist.
- 6 Include broadband access as part of the site plan review process. Some site plan review ordinances require the listing of telecommunications providers on the site plan, but this requirement could go further to establish the broadband technology platform available at the site and possibly the connection speeds available.
- 7 Review the use of technology by the township and consider improving online access to services and information. Online access to up-to-date ordinances, plans, applications, etc. or accepting applications and fees online raises the importance of being connected throughout the community.
- 8 Utilize social media, email and Web surveys. Master plans and other planning functions that involve public participation could benefit from adding electronic means for the public to voice their opinion and contribute to local government.
- 9 Be a technological example for the community.
- 10 Think “big picture” and long term. For instance, if your township is doing infrastructure work, or you know of another entity doing some, get together to cut costs and build-out for the future. For example, St. Clair County recently completed a difficult river crossing with fiber, choosing to overbuild the conduit to make room for future needs.
- 11 Start a local broadband planning effort or participate in efforts taking place across the state. Visit www.connectmi.org/your-community for more information.



From an economic perspective, e-learning can provide a boost to the state. Michigan residents with some college education who choose to participate in and further their educations through e-learning could bring a total of \$3.8 billion in additional household income to the state after earning a bachelor's degree via online learning.

is emerging—Michiganders working from home through a broadband connection, commonly known as teleworking. Teleworking empowers Michigan workers to use their skills at businesses that can be across town or across the globe while allowing them to remain in their home community.

In addition, teleworking benefits Michigan businesses by helping employers attract and retain the best workers while reducing office occupancy and operating costs. Plus, communities benefit from teleworking as it decreases traffic congestion, reduces carbon dioxide emissions, and gives teleworkers more opportunities to remain active in their home neighborhoods.

In 2011, a “Telework in Michigan” report showed:

- Across the state, nearly one in five employees (19 percent, representing approximately 741,000 adults) work from home instead of commuting.
- Altogether, 47 percent of employed Michigan adults say that they either telework now or would be willing to do so if given the opportunity by their employers. This represents more than 1.8 million employed Michigan adults. An additional 1.1 million Michigan adults who do not currently work say they would be willing to do so if empowered to telework.
- On average, Michigan teleworkers work from home at least 1.6 days per week. This results in an average of 2,560 fewer miles driven per year for each teleworker.
- Statewide, teleworkers save a total of \$336.5 million in reduced operating costs for their automobiles.
- Teleworking also has a positive environmental impact—by reducing carbon dioxide emissions by approximately 884.5 tons per year.
- The greatest growth in teleworking between 2010 and 2011 was among adults age 55 and older. Teleworkers tend to be better educated and have higher annual incomes.

Taking a regional approach

Communities can band together with neighboring municipalities to spearhead efforts to improve broadband access for residents. Take a look at a few examples:

Clare County officials team up to improve access

Broadband access at basic speeds is 97 percent (excluding mobile access) across Michigan; that figure plunges to 75 percent for Clare County’s 31,000 residents.

Clare County’s rolling hillsides, heavy foliage and low-density housing have hampered high-speed Internet development—a factor that research has shown to also be a barrier to economic development.

“The most significant challenge facing the deployment of broadband technology in Clare County is what attracts many people in making their choice to live here—beautiful, rural communities with vast amounts of open and wooded space,” said Steven Kingsbury, director of information technology for the City of Clare.

This digital gap led local officials to begin working on fixed wireless broadband expansion plans. The Clare County Broadband Network Group’s efforts have already successfully connected several governmental buildings during the last two years. Phase I of the project saw improved access and connectivity in **Surrey Township**, the Pere Marquette District Library, the Harrison District Library and the Surrey Township Library.

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cover story

As of January 2013, 11 communication towers have been activated in **Sheridan, Arthur, Hamilton, Franklin, Hayes** and **Freeman Townships**, and other municipalities.

From the beginning of the project, the participating communities recognized that broadband availability is important in promoting their area to potential home and/or cottage owners as well as commercial and industrial developments. Officials also appreciate how important deployed availability of this technology is in leveling the educational opportunities for the school-aged children and young adults living throughout the county.

“This partnership was all in an effort to reach the underserved and unserved areas of the county,” said Surrey Township Zoning Administrator **Rod Williams**, who has been part of the efforts to expand broadband in Clare County. “By being wireless and high-speed throughout the county, we are hoping to draw both residents and businesses into this area. People could come into this county and conduct their business, sitting on their pontoon boat. It’s progress. We are also making opportunities for ourselves.”

The efforts in Clare County can also serve as a model for other local governments to work together. “We have had quite a few inquiries as to how these municipalities in Clare



Michigan residents conduct 17.1 million online transactions with Michigan businesses and spend nearly \$1.1 billion in online sales with these businesses annually.

County—16 townships, two cities and a village—came together, to provide this service through the cooperative efforts of local governments,” said Williams.

Statewide officials have also taken note of local efforts to improve their communities and regions for Michigan residents. “I commend Clare County officials for working together to help bring broadband to more rural Michigan residents,” said Sen. Darwin Booher (R-Evart). “In an ever-increasingly digital and online world, access to new technologies, like broadband, are vital to keeping Michigan workers competitive for jobs and preparing our students for success.”

Gull Lake communities band together for broadband

Gull Lake is a popular and scenic body of water in southwestern Michigan, often cited as one of the state’s “largest water playgrounds.” Surrounded by six townships spanning three counties, the Gull Lake area is also home to several championship-level golf courses, quiet residential communities and more rural areas.

Yet with all the regional amenities, several sections of the area remain unreachable by broadband.

In January 2013, 19 representatives from these six townships—**Barry** and **Prairieville Townships** (Barry Co.), **Cooper Charter, Richland** and **Ross Townships** (Kalamazoo Co.), and **Gun Plain Charter Township** (Allegan Co.)—and local Internet service providers met at the Richland Township Hall to discuss a partnership to enhance broadband access.

“A group of local township officials, schools, libraries, and Internet service providers in the Gull Lake area have gathered to address the issue of lack of affordable and reliable Internet service in the rural areas of our townships,” said **Marsha Drouin**, Richland Township treasurer.

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After convening the team and reviewing initial maps and area data, a more detailed survey of local residents was developed and is now being distributed across the townships.

Public institutions such as libraries and government offices will also provide public access to the survey for those interested in participating. Results from the survey will be used to identify specific areas where broadband access is a problem and the team will work with those residents and local service providers to seek solutions.

While the initial focus will be on local "access" issues, the Gull Lake Area Broadband Committee will also work to help increase the adoption and use of broadband through increased awareness, education and training on the value of broadband to both residents and local businesses.

"With many of our schools and many of our residents needing Internet service at their residences to work and stay informed, the Gull Lake Area Broadband Committee was formed to explore this issue," said Drouin. "We're now conducting a survey of our residents and organizations so they can help be part of the solution."

The next steps

Broadband adoption is on the rise across Michigan, and the usage of mobile devices is also growing, which represents another opportunity for new economic development in Michigan. The next step is to make sure that this growth in home and mobile broadband results in benefits to households and businesses across the state.

Online applications such as e-learning, e-commerce and teleworking enabled by broadband technology provide numerous ways to boost the Michigan economy. E-learning improves the skills and education levels of Michiganders, while online sales expand Michigan sellers' customer base. Broadband also gives entrepreneurs the opportunity to turn their ideas into reality.

For Michigan residents to take full advantage of broadband, it is essential to not only make broadband available to households and businesses, but also to make sure that residents and potential employees have the skills needed to make the most of the opportunities that broadband presents. Township officials and other local leaders can work together to make that challenge a reality.



**Wil Payton, Communications Specialist,
Connected Nation**

For more information, including details on Connect Michigan's Connected Community Engagement Program, visit www.connectmi.org or email info@connectmi.org.

Learn more about expanding access to broadband at the educational session, "Broadband Planning in Your Community," with Connect Michigan Executive Director Eric Frederick, at MTA's 2014 Annual Educational Conference, held Jan. 28-31, at the Grand Traverse Resort.

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Have a grand experience in Grand Traverse

This January, MTA heads north to hold our **61st Annual Educational Conference & Expo**, Jan. 28-31, 2014, at the **Grand Traverse Resort in Acme Township** near Traverse City.

Gain inspiration from the innovation of the region at MTA's Annual Conference. **"Harvest the Knowledge"** that can be gleaned from the foremost local government thought leaders and governance experts, as well as your fellow township officials! You don't want to miss:

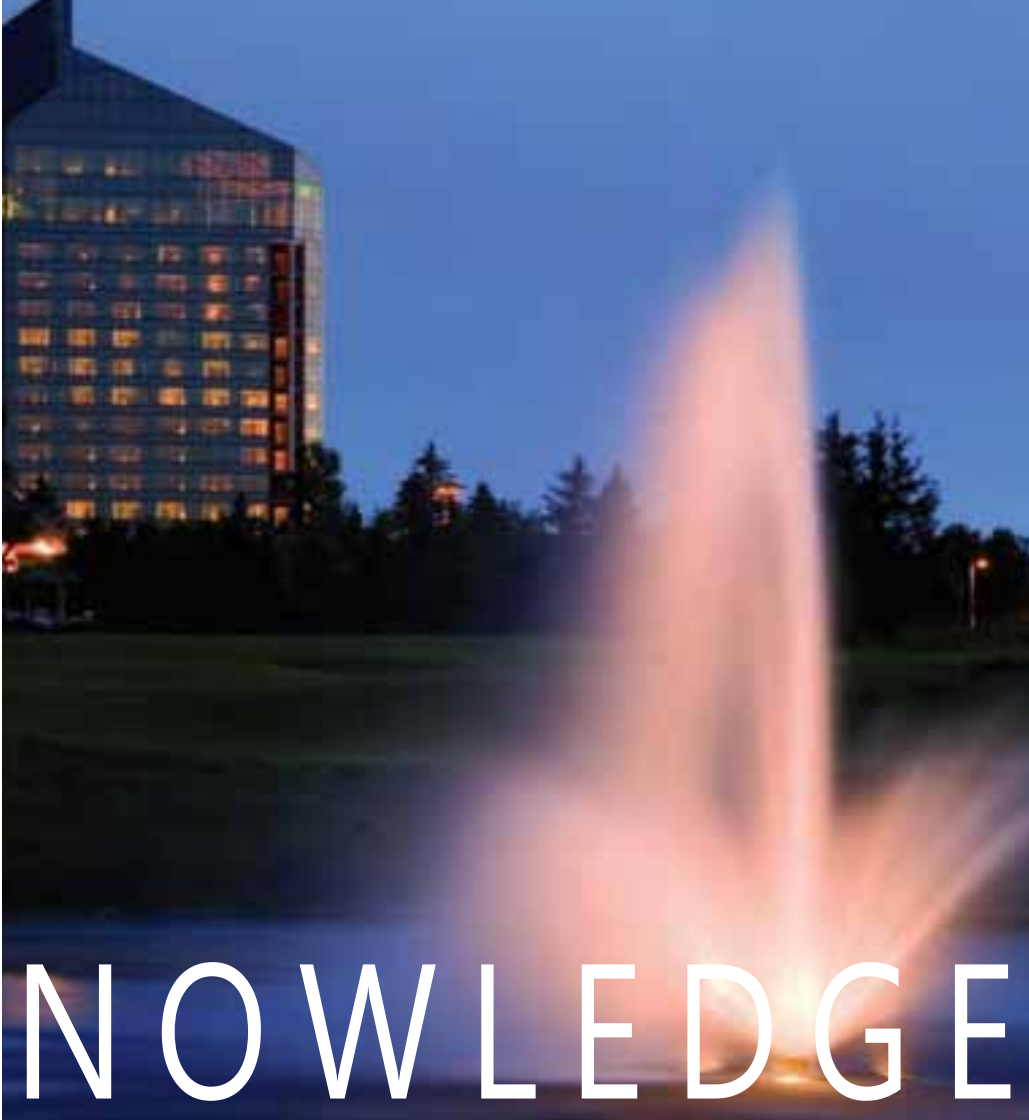
- **60-plus breakout sessions**, showing you how to successfully carry out your statutory duties and fulfill your role on the board.
- **Tuesday Track sessions**, including all-day sessions on township land use and managing meetings, and the MTA Auditor and Legal Institutes.
- **Unparalleled evening networking events**, including the 2014 MTA Annual Banquet, "3-D" Welcoming Reception (*sponsored by Bendzinski & Co.*), Par-Plan Fun Night (*sponsored by the Michigan Township Participating Plan*), and Afterglow Gala (*sponsored by Burnham & Flower Insurance Group*).

Check out the full schedule of events, including educational session descriptions, in the Conference registration brochure, which appeared in the October Township Focus.



REGISTER TODAY!

Download a registration brochure or register online at www.michigantownships.org/conference.asp. Housing reservations are accepted at www.grandconnection.com/mta2014. Early-bird rates end Dec. 18.



KNOWLEDGE



The Grand Traverse area host committee welcomes you

Township officials from Antrim and Grand Traverse Counties are gearing up to welcome you to northern Michigan for MTA's 2014 Annual Conference & Expo. Exciting plans are being made to showcase this exceptional area of the state.

Be sure to stop by the Featured MTA County Chapters exhibit in the MTA Expo, and sign up for amazing giveaways, including a "Perfect Traverse Weekend" and an "Ultimate Traverse Weekend" prize package!

2014 Conference reminders

Two caucus elections slated at MTA Conference

Two caucus elections—for MTA Districts 1 and 16—will be held on Jan. 30, during the 2014 MTA Conference, to elect new directors to the MTA Board. Those Districts encompass the following counties:

- District 1:** Gogebic, Houghton, Ontonagon and Keweenaw Counties
- District 16:** Clinton, Gratiot, Ionia and Montcalm Counties

Elected officials from MTA-member townships in Districts 1 and 16 are eligible to run for the MTA Board. Officials who wish to run for District director can campaign for the position before the caucus, though there are no requirements for prior announcement of candidacy.

Specific times and locations for the caucus elections will be published in the Conference program received on-site.

Hop on the bus to Conference!

Several MTA County Chapter groups are arranging for charter buses to bring township officials and their guests to the Conference. For more information, contact:

- **U.P. Bus:** Jean Howe of Michigamme Township (Marquette Co.), at michigammetownship@gmail.com or (906) 323-6608, or Bill Luetzow of Richmond Township (Marquette Co.) at (906) 475-4180. **IMPORTANT:** To ensure your seat, contact Jean or Bill by Nov. 27.
- **Kent County/Greater Grand Rapids Area/U.S. 131 Bus:** MTA District 15 Director Joel Hondorp at jhondorp@byrontownship.org or (616) 878-9104.
- **Berrien County/Kalamazoo/U.S. 31 Bus:** Jim Stover, Niles Charter Township (Berrien Co.), at jstover@nilestwpmi.gov or (269) 684-0870 ext. 21.

Upcoming dates and deadlines

- Dec. 18** Early-bird registration deadline.
 - Jan. 5** Last day to obtain housing at special rates in MTA room blocks.
 - Jan. 8** Last day to register for Conference to have a confirmation sent to you. Attendees registering after this date must stop by the MTA Registration Center on-site.
- Last day to obtain the regular registration rate; on-site rate applies after this date.

Pre-Conference events provide knowledge, value

Heading to MTA's 61st Annual Educational Conference & Expo in **Acme Township** this January? Why not plan to get there early and participate in one of the pre-Conference educational sessions? Get a full-day course, continental breakfast and lunch for only \$100 (when registering for a Tuesday session with a main Conference registration by the early-bird date). Choose from:



Are You in Control of Your Meetings?

Learn how to disagree agreeably and turn long, unproductive meetings into effective, efficient meetings. Review the procedures for conducting meetings, and learn strategies for preventing vocal board members from dominating the conversation and encouraging less vocal members

to participate in discussion. Get an overview of common-sense parliamentary rules to help your meetings move along without getting bogged down in strict by-the-book procedure.

Land Use: Defining Your Township's Future

Gain an understanding of a township master plan, including its purpose, process and legal requirements. Learn what must be confronted if your master planning efforts are to be successful. Examine a broad range of day-to-day issues, including nonconforming uses, preserving rural character, managing growth, and infrastructure and roads. We'll also identify emerging zoning issues.

Both events take place **Tuesday, Jan. 28** at the Grand Traverse Resort from 9 a.m. to 4 p.m. Other Tuesday options include a **FREE** introductory session on MTA's Township Governance Academy. Attorneys and auditors can take advantage of our ever-popular **Institutes**. Register online or download a registration form at www.michigantownships.org.

Giving thanks

To show our appreciation for our member township officials and their dedication to professional development, MTA is offering 50 percent off **all** webcasts in November. For details, visit www.michigantownships.org; select "MTA Online Learning Portal" under "Marketplace."

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upcoming MTA workshop

REGISTRATION INFORMATION

December workshop discusses policies and procedures your township needs to have—and why

Every township should have written administrative policies and procedures. It's essential that township board members adopt policies that are mandated by law—but also those that simply make life easier—and adapt them for your township's specific circumstances. Failing to create policies and procedures that are really workable not only makes tough decisions more difficult, it also puts your township at risk.

Join Catherine Mullhaupt, MTA's director of Member Information Services, this December at our informative workshop, *Policy Matters! Using Board & Administrative Policies to Manage Your Township*, and learn what makes administrative policies and procedures useful. This event is being held from 10 a.m. to 3:30 p.m. and includes lunch served at Noon.

Discover policies that give clear direction and avoid confusion, and learn the “do's and don'ts” for implementing new policies. You'll learn best practices and practical approaches to common administrative issues that work for any size township.

MTA's *Policy Matters!* publication is the textbook for this workshop and a discounted price for the book is included in the registration fee. We'll highlight sample policies and procedures in the book that can be used in townships big or small. If your township already owns a copy, bring it with you to the workshop and register at the discounted rate. The book includes a CD of sample policies. Purchased books will be distributed at check-in.



Cancellations & Substitutions

Written cancellation requests received at the MTA office by Nov. 19 will receive a full refund. No refunds will be issued thereafter. You may substitute another individual from your township for your registration at any time without incurring a charge; please notify MTA of the change.

Registration Form

Please check the location each individual will attend:

- Dec. 3: Treetops Resort, Gaylord
 Dec. 5: Ramada Inn, Lansing
 Dec. 4: Comfort Inn & Suites, Mt. Pleasant

Township _____ County _____

Daytime Telephone _____ Email Address _____

Name & Title _____ Need a book? Yes No

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Save \$20/person by registering early!	Discounted Rate* For paid registrations received by Nov. 19.	Registration Rate* For paid registrations received after Nov. 19.	# of People Registered	TOTAL
Per person <i>No book needed; bringing my own</i>	\$99	\$119	X	=
Per person <i>Includes Policy Matters book</i>	\$130.50	\$150.50	X	=
AMOUNT ENCLOSED				=

*Rates apply to MTA members. Non-members, call for rates.

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

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

Township history buff lauded with state honors

When **Breitung Charter Township** (Dickinson Co.) residents have questions about local history, they call **Guy Forstrom**. The Department of Public Works supervisor can tell you how the Kingsford Chemical Company came to produce charcoal briquettes, or how many Model Ts were produced each day in the mid-1920s. He can speak at length about a legendary Upper Peninsula camping trip taken by Henry Ford and other notable characters, and he's more than happy to show you his collection of antique phonographs and radios.

Since moving to the township in 1978, Forstrom has taken it upon himself to learn everything he could about the home of his grandparents. He's written articles and even a book about the township's history and how it was impacted by Ford Motor Company. And, in what little spare time he had, he restored Breitung Charter Township's antique Model AA fire truck to its original state.

History is more than just a hobby to the longtime township employee. It's a way to preserve the heritage of his family and hometown.

"I see the history of my family in the history of the township," Forstrom said. "I have always been interested in my grandparents' lineage, and I wanted to know where they came from."

Forstrom's efforts to keep this history alive were recently recognized by the Michigan Department of Natural Resources (MDNR). In August, he received the distinguished 2013 Gov. John B. Swainson Award for his writing and his work in restoring the historic fire truck.

Since 1996, the prestigious award has been given by the Michigan Historical Commission, which advises the MDNR, to state, county or municipal employees who go above and beyond their official job duties to preserve

Michigan's history. The award is given in honor of Swainson, the former governor, legislator and Supreme Court justice who led the commission for years.

In August, Forstrom received his award during a ceremony in the Capitol building, where he was honored by representatives of Gov. Rick Snyder and Sen. Tom Casperson (R-Wells Twp.).

Township Clerk **Samantha Coron** nominated Forstrom for the award, calling him both a history aficionado and a "remarkable person."

"He not only loves history and has an amazing ability and talent to restore what others may see as junk into a treasure, but he is also a dedicated employee, a loving husband, father and son," Coron said.

"When Guy starts to talk about history, whether it be local history or Henry Ford history, he lights up the room and draws an interest from everyone listening. I am honored to work with him and to be able to call him friend."

Childhood memories spark a lifelong interest

Growing up, Forstrom remembers being intrigued by Breitung Charter Township when he visited his grandparents. He spent his childhood in Illinois, where his

parents had moved in the 1950s, but traveled to the Upper Peninsula each year. Both sides of his family had come to the township from Europe at the turn of the century, and they kept extensive records of their lineage. Forstrom was fascinated by their old pictures and the stories they told of early life in the township.

His grandfather was a Ford man who worked for the Iron Mountain plant his entire career, and he made sure that his grandson fell in love with the brand too. Forstrom's exposure was not limited to the modern cars of the day. By the time he was 15, his grandfather helped him find a Model A Ford that he drove off of a farm for \$200. From then on, Forstrom was hooked. He collected as many antiques as he could get his hands on. Given a choice, he always preferred something old over something new.

Forstrom never forgot about his wish to move up north. Shortly after high school, he packed up his belongings and moved to Breitung Charter Township, where he found a job with the public works department.

He quickly discovered that his love of history extended beyond his family heritage. He learned all about the Iron Mountain Ford plant and the way it forever changed the township and its residents. He also heard the local lore of famous visitors, including Henry Ford himself.

The stories were too fascinating for Forstrom not to dig deeper. He dove into research and eventually wrote a book called *Camping in Cloverland with Henry Ford*, which describes a camping trip to the Upper Peninsula taken by Ford, Thomas Edison, Harvey Firestone, Edward Kingsford and their wives.

"All that history that goes along with a small community really interested me," he said.

Forstrom's other major project came to his attention when he signed up to become a volunteer firefighter. He noticed an antique 1930 Model AA fire truck in the public works garage that had been repaired, but was starting to show its



Guy Forstrom, Breitung Charter Township (Dickinson Co.) Department of Public Works supervisor, restored the township's 1930 Model AA fire truck (above left) to its former glory.

age. For about two decades, Forstrom fixed the truck enough to drive it to the annual Fourth of July parade, but it became more difficult each year.

Finally, Forstrom decided to approach the Breitung Charter Township Board. He told them about the truck's desperate state, and he asked the board for money to restore it to its original condition. With their financial assistance, Forstrom spent the next two years renovating the truck with his public works crew. They stripped the truck down to its frame, sandblasted the iron, installed a rebuilt engine, replaced the oak bed, and painted and buffed every surface of the truck until it looked shiny and new. Forstrom even found a 1930s municipal license plate buried in his backyard that he restored and placed on the truck.

Denny Olson, Breitung Charter Township supervisor and 2013 MTA president, is amazed at Forstrom's innate ability to preserve history, whether through fixing antiques or writing it down. He's thankful that Forstrom has chosen to use his talents to benefit the township, and he called Forstrom an asset to the entire community.

"It's an honor for me to be able to say that I know Guy Forstrom," Olson said.

Forstrom never expected an award for his efforts. He's never needed recognition for the work he loves. Even now, he continues to restore graduation photos from a township graduating class in the 1940s that otherwise would have been thrown away.

He's happy just living in the place of his dreams, and serving as the township's go-to guy for history.



Guy Forstrom, Breitung Charter Township (Dickinson Co.) Department of Public Works supervisor (above center), recently received the 2013 Swainson Award, honoring his efforts to preserve his township's history. Forstrom is pictured with Michigan Historical Commissioners Larry Wagenaar (far left) and Tom Truscott (far right).



Bethany Mauger, MTA Staff Writer

Business as usual is business at risk

A close-up photograph of a roulette wheel with a white ball in motion, set against a dark background. The numbers on the wheel are visible, and the ball is positioned near the center.

Every day public entities face risks from large and small occurrences that expose them to risks ranging from catastrophic weather events to slip-and-fall injuries. The current difficult economy limits the willingness of industry and municipal governments to properly address these risks due to their efforts to control costs wherever possible.

Unfortunately, short-term decisions do not always produce the best outcomes. The economic downturn we face has forced cutbacks to personnel and services, but one area that any organization cannot afford to cut back in is their risk protection. Chances are good that these losses will cost a lot more than the cost of the insurance. Statistics show that during an economic downturn, theft in the workplace, liability claims and lawsuits can increase substantially. Consequently, now is the most important time to make sure your township is properly covered, and consider reviewing and even increasing your township's current coverage limits or purchasing additional coverage. The reasonable cost of the more appropriate coverage limits or additional coverage to fill a gap in existing coverage can prove to be a wise investment compared to the costs experienced when these losses occur and no provision for covering them has been made.

Attacking the risk

Today, it is exceedingly important to attack risk before it attacks you. Elected officials have the responsibility to protect their township, its personnel and the public it serves. To do so, officials must identify and address the risks that the township faces on a daily basis while operating within the township's budgets and continuing to provide essential services to your constituents. A solid risk control plan is one of the best ways to make sure your township is able to meet these challenges if the worst happens. Avoiding and proactively addressing potential risk is an important key. Simply treating your township's insurance coverage as a risk control plan can be a serious mistake.

On Jan. 5, 2011, the White House National Commission convened to review the BP oil spill in the Gulf of Mexico and released a final report detailing faults by the companies

that led to the BP spill. The report noted three things that could have prevented the spill and/or mitigated its effects: better management of the decision-making process, better communication and effective training. The White House National Commission is referring to the decision-making process in the risk management process in their final report.

Risk management involves assessing your exposures, taking steps to control them, and financing losses with internal and external funds (insurance) by implementing and monitoring the risk management process. The risk management process is a two-step process—a managerial process and a decision-making process. The managerial process allows officials to use their managerial skills of planning, leading, organizing and controlling to accomplish risk management objectives through their staff. The decision-making process consists of five steps: 1) identifying and 2) analyzing liability exposures; 3) developing procedures to control the exposures; 4) implementing the procedures; and 5) continually monitoring the effectiveness of the chosen plan.

Valuable lessons can be learned from catastrophic disasters like the BP spill. According to the White House National Commission, had BP better managed the decision-making process by successfully identifying their exposures, developed procedures to control all possible exposures, communicated the procedures to control all exposures and trained personnel on the procedures to be implemented in the event of a spill, the loss would not have been as severe. Simply put, knowing your risks provides opportunity to effectively manage them.

Controlling the loss

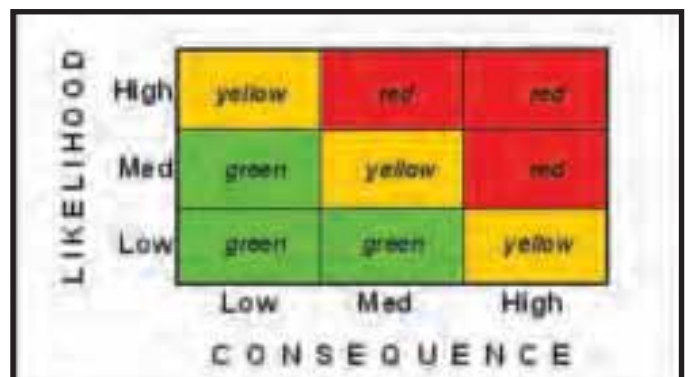
Risk or loss control is a conscious action—or inaction—to reduce the probability, frequency and the severity of loss. This is a risk management technique used after you have identified your exposures. Frequency is the likelihood of a loss occurring, and severity is the financial impact a loss may have. Before a loss occurs, there are techniques a township can implement to control the losses:

- **Exposure avoidance:** Do not engage in the activity, thereby avoiding the possibility of loss.
- **Prevention:** Measures to reduce the frequency of a loss, such as alarming a building.
- **Reduction:** Presumes a loss will occur but reduces its severity—for example, fire-resistant vaults.
- **Segregation:** Designating an area within a building for a high-risk exposure, like computer networking system.
- **Contractual transfer:** Transferring physical, legal and/or financial responsibility to an outside source. This is also a risk financing technique.

Risk financing is having measures in place to pay for losses after they have occurred. An entity can actively retain losses by using its own money to pay for the losses or can contractually transfer to finance losses to another organization like purchasing insurance.

Risk mapping is a technique used to help present identified risks and determine what actions should be taken toward handling the risks.

Plotting a township's losses in the applicable areas (*see chart below*) will enable officials to determine what actions should be taken to address the loss. If the losses plotted are in the green areas, the township may wish to retain them or have a higher deductible if they are insured. If the losses plotted are in the yellow areas, the township may wish to transfer them by purchasing insurance or reduce or prevent them by implementing some risk control techniques previously described. If the losses plotted are in the red areas, the township should strongly consider engaging in the risk control technique of exposure avoidance. If exposure avoidance is not a viable option, the township should consider transferring them by financing/insuring them and implementing the risk control techniques of prevention and reduction.



Navigating the process

In today's economic, political and litigious environment, we can no longer conduct business as usual; we must actively participate in the handling of risks that we face on a daily basis. We must become better managers of the decision-making process, become better communicators, and become better trainers to our personnel and the public.

Risk varies inversely with knowledge—not knowing is bad, but not wanting to know is worse. There are numerous resources available to provide knowledge and to assist townships with navigating the risk management process to ensure effective management of liability exposures.

Remember, risk is not the circumstance; it's your reaction to the circumstance.

Authored by Michigan Township Participating Plan Risk Control Services

For more information, call (800) 783-1370 or visit www.theparplan.com



Michigan Township Participating Plan is an MTA Allied Service Provider at the President's Round Table level. See their ad on the outside back cover, or turn to page 2 for more information.



Storm water management charge fails *Bolt* test

County of Jackson v. City of Jackson, ___ Mich. App. ___, Aug. 1, 2013—The City of Jackson created a storm water utility and imposed a storm water management charge on all property owners within the city to generate revenue to pay for the services provided by the utility, including street sweeping, catch basin cleaning, and leaf pickup and mulching. The county sued on the issue of “whether the city, by shifting the method of funding certain preexisting government activities from tax revenues to a utility charge, ran afoul of § 31 of the Headlee Amendment, as construed and applied in *Bolt v Lansing*, 459 Mich. 152 (1998).” The Court of Appeals voided the fee, holding that the city’s storm water management charge is a tax that violated the Headlee Amendment because the city did not submit it to the electors for a vote.

Under the Headlee amendment to the Michigan Constitution, local units of government cannot levy taxes without a vote of the people.

The *Bolt* doctrine stems from a similar situation in the City of Lansing. In 1995, the Lansing City Council adopted an ordinance providing for the creation of a storm water enterprise fund and an annual storm water service charge to pay, among other things, 50 percent of the costs of a combined sewer overflow (CSO) separation. The charge was imposed on each parcel of real property using a formula estimating the parcel’s storm water runoff. Alexander Bolt challenged the charge imposed on his property as an unlawful tax because it had been imposed without a vote by city electors.

In holding the city’s charge void as an unlawful tax, the Michigan Supreme Court established a three-prong test for determining whether a charge was a tax or a user fee. The court held that: 1) a fee serves a regulatory purpose, 2) a fee is proportionate to the necessary costs of that service, and 3) a fee is voluntary.

The court found that the City of Lansing’s charge was intended to fund not only maintenance of the storm water system, but also to invest in infrastructure, funding capital expenditures and other costs of the CSO project over 30 years. That meant that the charge was “clearly in excess of the direct and indirect costs of actually using the storm water system over the next thirty years and, being thus disproportionate to the cost of the services provided and the benefits rendered, constitutes a tax.”

According to the court, “Under the ordinance, these property owners are charged the same amount for storm water service as the twenty-five percent of the property owners who will enjoy the full benefits of the new construction. Moreover, the charge applies to all property owners, rather than only to those who actually benefit. A true ‘fee,’ however, is not designed to confer benefits to the general public, but rather to benefit the particular person on whom it is imposed.”

The court found that Lansing planned to use the revenue from the charge to replace general fund monies funding the CSO project, and the charge was being treated like a property tax by because it was placed on the December tax bill and was a lien on the properties billed. The court also held that the charge did not serve a regulatory purpose and was not voluntary.

Although subsequent court opinions have weighted the three *Bolt* prongs differently—in particular, the “voluntariness” prong has not been as determinative as the other two prongs—the “walks like a duck” approach to determining if a charge is a fee or a tax is still very much alive, and *Bolt* must be considered when local units consider funding options.

In *City of Jackson*, the city maintained a storm water management system, funded from the city’s general and street funds. Faced with rising costs and decreasing revenues, the city adopted an ordinance providing for the creation of a storm water utility fund and an annual storm water system management charge to pay the “costs to acquire, construct, finance, operate and maintain a storm water

system.” The charge was imposed on each parcel of real property using a formula estimating the parcel’s storm water runoff. Collection of the charge could be enforced by water shutoff or civil action, as well as by placing a lien against property for the unpaid charges and enforcing the lien in the same manner as provided for the collection of taxes and the enforcement of the lien for the taxes.

Following *Bolt*, the Court of Appeals held that “by shifting the method of funding certain preexisting government activities from tax revenues to a utility charge,” the fee was primarily revenue-producing, the fee was not voluntary, and there was a “lack of correspondence” between the charge and any benefit the charge produced. The city was ordered to stop collecting the storm water charge. The court declined to order the city to reimburse property owners, limiting reimbursement of the charge to the parties to the suit who had paid the charge.

MDEQ NPDES permitting not an unfunded mandate

City of Riverview, et al v. Michigan Department of Environmental Quality, Michigan Court of Appeals, Unpublished, Sept. 19, 2013, Docket Nos. 301549; 302903—Under the federal Clean Water Act, 33 USC 1251 *et seq.*, the Michigan Department of Environmental Quality (MDEQ) implemented a storm water program. The City of Riverview and other local units

challenged the MDEQ’s issuance of National Pollution Discharge Elimination Permits (NPDES) for storm water discharges from municipal separate storm sewer systems, filing administrative challenges to those permits, and then litigation alleging arbitrary and capricious conduct, statutory and administrative rule violations, and violation of the Headlee Amendment.

The trial court granted the MDEQ’s motion for summary disposition, except for the Headlee Amendment claim.

The Court of Appeals held that “the circuit court erred by denying summary disposition of the Headlee Amendment claim because the state did not mandate that plaintiffs own and operate municipal separate storm sewer systems.”

The court stated, “Irrespective of whether the permitting requirement for operation of municipal separate storm sewer systems requires increased costs on cities, villages, townships, and counties, ... the operation of the disposal systems was optional, not a mandatory action. Therefore, the increased costs of permits that follow from the voluntary assumption of an activity do not constitute a violation of the [prohibition on unfunded mandates] provision of Headlee.”



Catherine Mullhaupt,
MTA Director of Member Information Services



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aroundthestate

townships in the spotlight



Ada Township

Ada Township lies approximately 11 miles east of Grand Rapids and has a population of more than 13,000. The area was first settled by a fur trader by the name of Rix Robinson who became the first permanent settler of Kent County when he established a trading post where the Thornapple River emptied into the Grand River, in 1821. Where Robinson's trading post existed is where the Village of Ada is today. Besides being nestled where two rivers converge, Ada is known for its covered bridge, one of only four covered bridges left in the state, and which is Ada's symbol and logo.



In 2008, a downtown development authority (DDA) was created and currently is busy "reinvisioning" the village through a planning charrette in an effort to make the community a better place to live and do business. The Ada Business Association (ABA) is very active promoting the many businesses in and around the village, which also is home to the corporate headquarters of Amway.

Ada Township has an abundance of natural features, including several hundred acres of public land, three township parks—Ada Park, Roselle Park and Leonard Field—as well as several nature preserves and miles of waterways traversing throughout the region. These natural features provide residents with year-round recreational pursuits, and contribute to the community's appeal. The township also has two cemeteries, Ada and Findley Cemeteries. There is an extensive network of non-motorized trails that lace the rural community and connect



with the village. Recently, the township agreed to become part of the federally designated North Country Trail. People are drawn from the entire region to the beautiful parks, and the activities and classes offered by the township parks and recreation department.

The township DDA runs a regionally popular township farmers market, and the ABA and township together sponsor an annual "Bridge Lighting" ceremony with Tinsel Treats & Trolleys events and a Christmas Parade to welcome the holiday season. The 4th of July is celebrated with a parade, community activities and fireworks.

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Check here if you prefer to have Parade information mailed, rather than emailed, to you.

Questions? Call Jenn Fiedler at (517) 321-6467 or email jenn@michigantownships.org.

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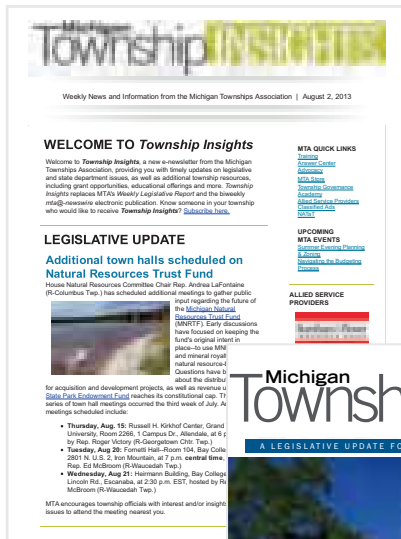
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Township Insights, MTA's quick-read weekly electronic newsletter, offers timely information and updates about legislative happenings, as well as news, programs and resources that can help you better serve your community and your residents. Look for the latest on what's happening in Lansing, updates on court opinions, grant opportunities—and so much more!

Each month, *Township Voice* provides comprehensive insights and background on the "what, when, where and why" of emerging issues at the Capitol. This monthly e-newsletter goes in-depth on pending legislation—and how it will affect townships.

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