

Township Focus

OFFICIAL PUBLICATION OF THE MICHIGAN TOWNSHIPS ASSOCIATION

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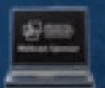
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Another slip of paper

The journey onto this planet is remarkably complex and dangerous. When you arrive, they hand your mother a slip of paper to record that you made it. For most of us, the following journey through to high school graduation is even more challenging, when they hand you another slip of paper. Then, we make our way through life along many different paths, with different opportunities, different successes, some failures, and varying impact we can make on others. Often, they'll hand you associated slips of paper to mark your progress, your accomplishments—or for going 11 miles per hour over the speed limit.

Last month, I looked at **Ron Cischke** sitting next to me as I held in my hand yet another slip of paper. This paper was recognizing his 55 years as supervisor of **Goodland Township** (Lapeer Co.), upon the occasion of his retirement party. I stood before 150 of Ron's colleagues, friends and family with the growing feeling that my simple slip of paper was an inadequate representation to recognize and celebrate a life completely lived in the service of Goodland Township's residents.

Many Michigan township officials will also finish their elected service this month. Whether, like Ron, you have served decades or if you've been in office for a few terms, your time in public service was likely selfless—and perhaps even at times thankless—work bettering your community. True, there are many ways people can give to their communities, but I look upon elected local government service as being distinct from other commitments. Most obvious is that you put yourself out there for election—literally selection from among other choices to receive the trust of the electors and the responsibility for upholding effective and honest township government. While some may not face opposition during each re-election, make no mistake—in my opinion, that simply means you've broadly earned the continuing trust of your voters. Potential challengers likely recognize that that is true and that perhaps their efforts and energy could be put to use in some other way.

Ron's daughter Jan and his friends created a celebratory roast, with his minister kicking things off by pointing out that Ron had just had his 55th birthday and wondering how can it possibly be that Ron served that long in office. Ron's

fight to get a well-equipped, independent fire department established, his following in his father's township service, his initiatives for the township, his wife Ruth's support for the long and unpredictable hours were all shared by many speakers. Quite a few friends stood up for the roast portion of the storytelling. Then came Ron, who turned up the roast heat right back on some of them. I'm sure many other township officials departing this year had an event like Ron's, celebrating with family, friends and colleagues—perhaps being recognized at an MTA county chapter gathering or at a township board meeting. Still others will look back at their years more quietly and without publicly airing stories such as what did or did not happen on the group road trips to Myrtle Beach.

Some of you have also received certificates of appreciation from MTA for your years of township service. But as I stood at the podium holding Ron's certificate, I realized that a slip of paper alone is not fully sufficient to recognize the moment or the transition from public office. While honoring Ron, I asked everyone who served with him, was recruited by him or was helped by him to stand up—and everyone in the room rose to their feet. Together, we toasted this long-time public servant in thanks and in praise of his lifetime of dedication to helping his neighbors.

In this issue, we share reflections from just a few retiring local officials. To each of them, and those of you whom are also leaving township government this month, MTA President **Connie Cargill** and I also toast each of you on behalf of our Board of Directors and our staff. Thank you for your performance of the role's daily duties, for your passionate advocacy for the township movement and local authority, and for working through the constant changes and challenges expected of you as a Michigan leader and hometown champion. You inspire us and make us proud—and we have been honored to serve you!



Neil

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mission statement

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



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The Michigan Public Service Commission (MPSC) has approved a final order implementing Public Act 233 of 2023 for large-scale renewable energy facility siting. As we continue to review the order and its implications, MTA will provide guidance to help our members navigate the siting process for these projects.

18 Building an effective township website

Your township's website is a powerful tool to share information, provide convenient services and engage with residents. By strategically using its website, a township can strengthen its connection with the community while enhancing the accessibility and transparency of local government operations.

25 Retiring officials reflect on their time in township government

As we prepare to welcome newly elected officials this fall, we also honor those retiring from township office and share their remembrances and reflections on their time in office, their MTA memories, and advice for new officials. To all retiring officials, we simply say, "Thank you."

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APPOINTMENT REMINDER

Board of review appointments due Jan. 1



The General Property Tax Act (MCL 211.28(1)) requires township boards to appoint members to the township's three-, six- or nine-member board of review. Board of review members serve for two years, beginning at noon on Jan. 1 of each odd-numbered year. Both new and reappointed board of review members must take the oath of office within 10 days after his or her appointment. The oath is kept on file by the township clerk.

Under MCL 211.28, a member of the township board may not serve on the board of review or fill any vacancy. A spouse, mother, father, sister, brother, son or daughter, including an adopted child, of the assessor is not eligible to serve on the board or fill any vacancy. MTA Legal Counsel recommends that a township board take a prudent approach and use a similar prohibition on appointing the same relatives of the supervisor. At least two-thirds of the board of review members must be property taxpayers of the township. (Michigan Election Law, MCL 168.342, requires all members to be taxpayers, however, the State Tax Commission (STC) has stated that is not necessary. MTA Legal Counsel suggests taking a prudent approach.)

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

BOR required training—Under MCL 211.10g, the township board is responsible for seeing that all board of review members receive STC-approved training at least once every two-year term. All board of review members, including those who are reappointed, *must* receive the training in either 2024 or 2025 to meet the requirements for the term. This requirement is a subject of the state audit of the assessment roll. The *PA 660-Required* session at MTA's *Board of Review Training*, held in February across the state and online, qualifies for this requirement. Please note that the *Advanced* session does **NOT** meet the PA 660 requirement, and supervisors are not required to complete the PA 660 training. Watch upcoming MTA publications and communications for details on our 2025 *Board of Review Training*.

EMPLOYEE UPDATES

State releases new info on minimum wage increases, earned sick time

Additional information is available for townships as they navigate upcoming minimum wage and sick time changes following the recent Michigan Supreme Court ruling reenacting Public Acts 337 and 338 of 2018, which increase the minimum wage and require employers to provide paid sick time to employees, effective Feb. 21, 2025.

Minimum wage increase schedule. Michigan's minimum wage will increase twice in 2025—first on Jan. 1, following the usual rate increase schedule, and again on Feb. 21, 2025

The state Department of Labor and Economic Opportunity (LEO) has released a minimum wage schedule, outlining the increases and their effective dates. On Jan. 1, 2025, the minimum hourly wage will increase from \$10.33 an hour to \$10.56 an hour. The hourly rate is effective until Feb. 20, after which it will increase to \$12.48 an hour. According to LEO, the rate will increase each year on Feb. 21, to \$13.29 in 2026 and \$14.16 in 2027, until it reaches \$14.97 on Feb. 21, 2028. Each October beginning in 2028, the state treasurer will calculate an adjusted minimum wage rate, increasing the minimum wage by the rate of inflation. The adjusted minimum wage rate will be published by Nov. 1 of the year it is calculated and becomes effective beginning Feb. 21 of the succeeding year.

For more information, including FAQs and the required employer poster, visit www.michigan.gov/MinimumWage.

FAQs on earned sick time. LEO has also issued answers (available on www.michigan.gov/leo) to frequently asked questions on the Earned Sick Time Act, which is applicable to all employers and all employees—regardless of the number of employees or types of employees (and includes temporary and part-time employees). Employers must grant employees one hour of paid sick time for every 30 hours worked, subject to annual maximums. Small employers (those with less than 10 employees) must offer 40 hours of paid sick leave and 32 hours of unpaid leave annually. Large employers (more than 10 employees) must provide 72 hours of paid sick leave. According to the FAQs, accrual begins on Feb. 21, 2025, or upon commencement of the employee's employment, whichever is later.

Townships are urged to review their policies and consult their legal counsel to ensure full compliance with the laws prior to the effective date. Watch MTA publications and information for updates as new information becomes available or if any legislative changes occur to the new minimum wage schedule or earned sick leave requirements.

ATTENTION TREASURERS

Reminder for tax collection office hours



The township treasurer, or their designee, 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 (or designee) must be in his or her office from 9 a.m. to 5 p.m. one business day between Dec. 25 and Dec. 31. However, the requirement to hold hours in December is waived if the township has an agreement with a local financial institution to collect taxes on behalf of the township, and the township provides timely notification to the taxpayers of their ability to pay their taxes at this financial institution.

For 2024, the available days for required December office hours are **Tuesday, Dec. 26 through Friday, Dec. 29**. Treasurers **must** choose one day (unless a bank assists in collection). (MCL 211.44(2))

The last day to pay 2024 property taxes without incurring any interest or penalty is **Friday, Feb. 14, 2025**. Treasurers **may** choose to hold office hours.

The last day to pay 2024 property taxes before they are returned as delinquent is **Friday, Feb. 28, 2025** (the last day of February). (MCL 211.45) Treasurers **must** hold office hours.

The treasurer also **must** be in his or her office from 9 a.m. to 5 p.m. to receive tax payments for the collection of a summer tax levy, on **Monday, Sept. 15, 2025** (the last day taxes are due and payable before interest is added under MCL 211.44a(5)); Sept. 14 is a Sunday).

Under Public Act 129 of 2019, a designee for the township treasurer can act on his or her behalf for tax collection purposes. The law allows the treasurer to appoint a designee, approved by the township board, to take the treasurer's place and accept tax payment during these designated times. A designee can be the deputy treasurer, an elected official or another individual acting on behalf of the treasurer.

Need more tax collection resources? Our Treasurers' Guide to Tax Collection full-day workshop is coming to four locations in November (turn to page 34 for details). MTA Consultant Cindy Dodge will present an overview of the tax collection process, from getting started to accounting for collections, disbursements to settlement—and more. MTA's Treasurer's Guide to Township Government offers valuable insights on the treasurer's role in the township. Workshop attendees can purchase the guidebook at a discounted rate when registering or on-site. It is also available on the Store at <https://michigantownships.org>, by calling (517) 321-6467, ext. 231 or emailing tonia@michigantownships.org. Members can find more resources on the "Tax Collecting" webpages on our website (in the "Answer Center" under the "Member" tab; login is required).



DATE TO OBLIGATE

Time is running out for townships to obligate ARPA funds

Townships only have two more months—**until Dec. 31, 2024**—to obligate their allocation of federal American Rescue Plan Act (ARPA) funds. If your township has not fully obligated the money, you should do so as soon as possible in order to meet the deadline. ARPA funds must be fully spent by Dec. 31, 2026.

MTA has been told that the federal government may "claw back" the funds from townships that do not obligate the funds or continue to file their annual reporting each April. Townships may still choose the standard allocation option, which allows up to \$10 million to be used for general government services.

If your township has questions about allocation or continued ARPA reporting requirements, you can **watch a FREE MTA Q&A, *Obligating ARPA Funds***, to learn more. Led by MTA Member Information Services Director Michael Selden and Rod Taylor, senior governmental consultant with Maner Costerisan, the one-hour recorded webinar reviews acceptable uses for the funds and offers tips to ensure your township meets the annual reporting requirements. To watch the free webinar or for additional information, visit MTA's "ARPA Resources and Updates" webpage on <https://michigantownships.org> (under the "Advocacy" tab).

AG OPINION

AG: MOVE ballot 'timely received' deadline extended when date falls on holiday

Attorney General Opinion No. 7327, released Oct. 10, 2024, in response to an inquiry from Secretary of State Jocelyn Benson
Summation: Extending the post-election, six-day time period for the timely receipt of absent voter ballots from individuals in the military or living overseas when the sixth day of the time period falls on a holiday.

Under Article 2, Section 4 of 1963 Michigan Constitution, a ballot submitted by a military or overseas voter (MOVE) and postmarked on or before Election Day is deemed timely received and counted if received by six days following an election. However, the sixth day following the Nov. 5, 2024, election is Nov. 11—Veterans Day, a federal holiday. Opinion No. 7327 concludes that "the post-election, six-day time period . . . will be extended as provided in the Michigan Election Law when that sixth day falls on a holiday." Therefore, any MOVE ballots received by Nov. 12 and postmarked on or before Nov. 5 shall be forwarded to the county canvass for tabulation.

Note: The deadline for local clerks to deliver MOVE ballots to the county clerk is the seventh day following the election—Nov. 12. As of *Township Focus* press time, MTA has not received indication that the delivery deadline has changed, following AG Opinion No. 7327. We recommend township clerks take a prudent approach and deliver MOVE ballots received on Nov. 12 to the county the same day.

MTA needs your help to ensure our database is up to date for new, returning officials

Attention all townships: We need your help! Just after the Nov. 5 general election, MTA will mail a paper roster to *every* township, seeking **updated information on all officials** in your township—including newly elected officials—to update our database. Please review the roster—which will include every person from your township listed in our database, along with their contact information—as quickly as possible and return updates to MTA. **It is critical to review the information, and make any updates as quickly as possible to allow us to reach your township’s newly elected officials**—helping them get started on the right foot and receive access to helpful MTA benefits and resources as they begin serving their community. **We need to hear from every township** to ensure that the right information goes to the right person.



The township’s clerk or treasurer can manage the township’s complete profile—including adding a new official or ending the relationship of a former official to the township—via MTA’s website. Visit “My Profile” under the “Member” tab on <https://michigantownships.org> to log in and review the township’s complete officials and employee listing, and contact information. Detailed instructions on how to make changes online will be included in the roster mailing. Updates—or an “OK as is” if no changes are needed—can also be submitted to MTA via email to database@michigantownships.org, or by mail or fax.

Current officials can also update their contact information online at any time by logging in to “My Profile” under the “Member” tab. Newly elected officials may also submit their information via a simple contact form on MTA’s website (available on the “Welcome New Officials” page under the “About” tab).

Keeping up-to-date information—including email addresses for each individual official—on file with MTA is essential to ensure all officials and personnel in your township are getting the most out of their Association membership. If we do not have the correct email address, officials are missing out on valuable legislative updates and information in our e-newsletters, as well as notices about educational seminars and other opportunities for today’s township officials. An email address must also be on file to access the members-only information on MTA’s website, which includes hundreds of pages of resources, samples and information for our members, or to participate in our social networking site, *Community Connection*.

Questions? Contact MTA at (517) 321-6467 (press 4) or database@michigantownships.org. **Thank you in advance for your assistance. We appreciate your help!**

profile



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¹ Source: MERS 2023 Voice of the Customer Survey

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Advertisorial

MTA welcomes two new members to its Board of Directors

Please join MTA in welcoming two district directors, who were recently appointed to serve on our Board of Directors!

Mary Sears, MTA District 1 director

Mary Sears, Franklin Township (Houghton Co.) supervisor, has been appointed to serve as MTA District 1 director, which encompasses Gogebic, Houghton, Keweenaw and Ontonagon Counties. Sears has been supervisor for seven years, and previously served Franklin Township as trustee for four years.



Sears

Her service on the MTA Board will benefit the Upper Peninsula communities that she represents as a district director—as well as all of Michigan’s townships. “My role as District 1 director will allow me to help guide changes needed to compete in the ever-changing landscape that is township government,” Sears said. “It will allow me to listen to the problems and concerns of townships across Michigan, and lobby for their solutions from our state lawmakers—or in some cases, relay ideas from one township to another for solutions.”

In addition to her roles on the township board, Sears was a member of the township planning commission for two years. She is president of the Houghton County MTA Chapter and has been involved in many local, county and state organizations, including the Keweenaw National Park Advisory Commission, Houghton County Recreation Authority, Keweenaw Chamber of Commerce and Hancock Rotary, to name just a few. She is a founder and chair of the Upper Peninsula Conservative Political Action Committee (CPAC) and a board member of the Michigan CPAC.

“I have served on many committees and boards in Houghton County, and from each, I learn how to be an effective leader,” she said. “You must have patience, kindness of heart and a willingness to meet people where they are in order to move forward as a team.”

She brings that eagerness to learn to her role in public service. “Township government is my passion,” Sears said. “I am always learning in my role, and strive to make things better for my township board, our employees and our residents.”

Phil Deschaine, MTA District 20 director

Phil Deschaine, who has served as **Meridian Charter Township** (Ingham Co.) treasurer since 2018, will serve as director of MTA District 20, which encompasses Eaton, Clinton and Ingham Counties.



Deschaine

“I truly have a passion for township governance,” Deschaine said. “I am very committed to serving my fellow MTA members and working together

to be effective township leaders. I am a proud member of MTA and would like to help it continue to thrive in the decades ahead.”

Deschaine is an advanced certified public funds investment manager, through the Association of Public Treasurers of the U.S. and Canada, and a Michigan certified professional treasurer, through the Michigan Municipal Treasurers Association. A graduate of MTA’s Township Governance Academy, he served two years as township trustee before being appointed treasurer. He has also served on the Meridian Charter Township Park Commission, Zoning Board of Appeals, Election Commission and Transportation Commission.

In addition, he is secretary of the Ingham County MTA Chapter, secretary-treasurer of the Capital Area Transportation Authority, and past president of Kiwanis Club of Haslett & Okemos and Rotary Club of Haslett & Okemos.



Two members of the MTA Board of Directors were recently honored for their service to the Association and Michigan townships. Warren Suchovsky (pictured above left with 2024 MTA President Connie Cargill) and Diana Lowe (above right with Cargill and MTA Executive Director Neil Sheridan) received MTA Service Awards—and a standing ovation from their fellow MTA Board members—at the September meeting of the Association’s leadership. The September meeting was the final meeting for Suchovsky, who has served as MTA District 3 director since 2021, and Lowe, who has been MTA District 25 director since 2019. Suchovsky, who has been Lake Township (Menominee Co.) trustee for 14 years, told the Board, “It’s been a pleasure and honor to serve on this board with such a fine staff and colleagues.” Lowe—who has served as Genoa Charter Township (Livingston Co.) trustee for eight years, echoed the sentiments. “It has been a pleasure and a privilege to serve on this board, to get to know my fellow MTA Board members, and to serve the various MTA committees,” said Lowe, adding that she has best wishes for the future and prosperity of MTA. Thank you for your leadership, Warren and Diana!

mta events | november

- | | |
|----|--|
| 13 | “Onboarding New Officials: Getting Started Right” Now You Know lunchtime webinar |
| 19 | Treasurers’ Guide to Tax Collection workshop, Marquette |
| 20 | Treasurers’ Guide to Tax Collection workshop, Gaylord |
| 21 | Treasurers’ Guide to Tax Collection workshop, Kalamazoo |
| 25 | Treasurers’ Guide to Tax Collection workshop, Frankenmuth |

MTA county chapters: Reserve your 2025 Conference hospitality suite now



The 2025 MTA Annual Conference & Expo returns to DeVos Place in Grand Rapids March 31-April 3. Is your MTA county chapter interested in hosting a hospitality suite during the event? Hospitality suites can provide an ideal spot to network with fellow township officials after a long day of classes. A limited number of hospitality suites are available to rent at the Amway Grand Plaza, which serves as our host hotel.

Don't wait to make your reservation! Suites will also be made available to sponsors and exhibitors, and availability is not guaranteed. The Amway Grand offers several different types of suites, each with different amenities and rates. Visit <https://michigantownships.org/conference> and click on "Housing" under the "General Information" tab to learn more or to download the reservation form. For more details, call Kristin Kratky at (517) 321-6467, ext. 230 or email kristin@michigantownships.org.

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

MTA's lunchtime learning series, *Now You Know*, offers timely updates, insights from our experts and a chance to get your questions answered—all in just one hour! Catch our next live webinar on **Wednesday, Nov. 13 at noon**.

Onboarding New Officials: Getting Started Right

When new officials join your township team following the November election, it's essential to welcome them as a colleague and an equal on the board. This timely webinar, led by our Member Information Services team, shares what can be done, what should be done and what must be done when onboarding your newly elected officials, from the oath of office to outlining policies, and bank cards to bonding. We'll also delve into how new officials can prepare for their new role leading the township. Join us for a one-hour overview of information essential for both current and new officials as we head into the new township term of office.



Register at <https://bit.ly/NYKmta> for just \$25 per session! MTA Online subscribers at the Premium level get FREE access to EVERY session! For details, and a listing of past episodes available on demand, visit <https://learn.michigantownships.org/nyk>.

Volunteers needed for 2025 Conference

Would you like to get more involved in MTA's 2025 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. We truly could not conduct an event of this magnitude without our volunteers, and thank you in advance for considering serving your fellow attendees during the April event.

All MTA members attending the conference may volunteer. SAA duties include distributing handouts and evaluation forms for educational sessions, monitoring session rooms, and collecting evaluation forms. The role of an ambassador is to provide a warm welcome, help with basic questions, and direct attendees to registration and other key locations.

For more information or to volunteer, visit the MTA Conference website, <https://michigantownships.org/conference>, and click on the "Volunteer" link. Please let us know of your interest as soon as possible; additional details will be sent to interested parties in early 2025.

Retirements

Kevin Krupp, supervisor for 20 years, and **Greg Wendling**, trustee for 16 years, **Maple Grove Township** (Saginaw Co).

Turn to page 25 for additional reflections, memories and advice from retiring township officials from across the state. To all our township leaders who are retiring following the November election, thank you!



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NOVEMBER

1 *Until 4 p.m.* Deadline for an applicant to cure a signature deficiency on the application to receive an absent voter (AV) ballot for Nov. 5 election by first-class mail. (MCL 168.761)

Until 5 p.m. Deadline for electors who have lost their AV ballot for Nov. 5 election or not yet received their ballot in the mail to submit a written request to spoil their AV ballot and receive a new AV ballot by mail. (MCL 168.765b(5))

Until 5 p.m. Deadline to send an AV ballot for Nov. 5 election to an applicant by first-class mail. (MCL 168.759)

Clerk must post on website the location where precinct canvass of early votes for the township will take place and time precinct canvass will begin for Nov. 5 election. (Canvass cannot begin before 8 p.m. on Election Day.) (MCL 168.720j)

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

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

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

2 Township that establishes Election Day vote center for Nov. 5 election must post notice

of establishment and location of vote center on website and in clerk's office. (MCL 168.523b)

3 Last day of early voting for Nov. 5 election. (Mich. Const., Art. 2, Sec. 4)

4 Township may begin processing and tabulating AV ballots for Nov. 5 election. (MCL 168.765a)

Until 4 p.m. Deadline for electors who have lost their AV ballot or not yet received their ballot in the mail to submit a written request to spoil their AV ballot and receive a new AV ballot for Nov. 5 election in the clerk's office. (MCL 168.765b(7))

Registered voter may apply for AV ballot for Nov. 5 election in person at the clerk's office until 4 p.m. (MCL 168.759)

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

Election Day registrants may obtain and vote an AV ballot for Nov. 5 election in person in clerk's office or vote in person in the proper precinct until 8 p.m. (MCL 168.761)

Election. (MCL 168.641)

By 5 Supervisor shall notify 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))

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

8 *Until 5 p.m.* Deadline for voter to cure the signature on AV ballot return envelope, allowing an otherwise valid ballot to be accepted for tabulation for Nov. 5 election. (MCL 168.766)

12* Deadline for a ballot submitted by a military or overseas voter (MOVE) and postmarked on or before Election Day to be deemed timely received and counted. (Mich. Const. Art. 2, Sec. 4) **Adjusted deadline, per Attorney General Opinion No. 7327; six days following the election is Nov. 11, Veterans Day, which is a holiday.*

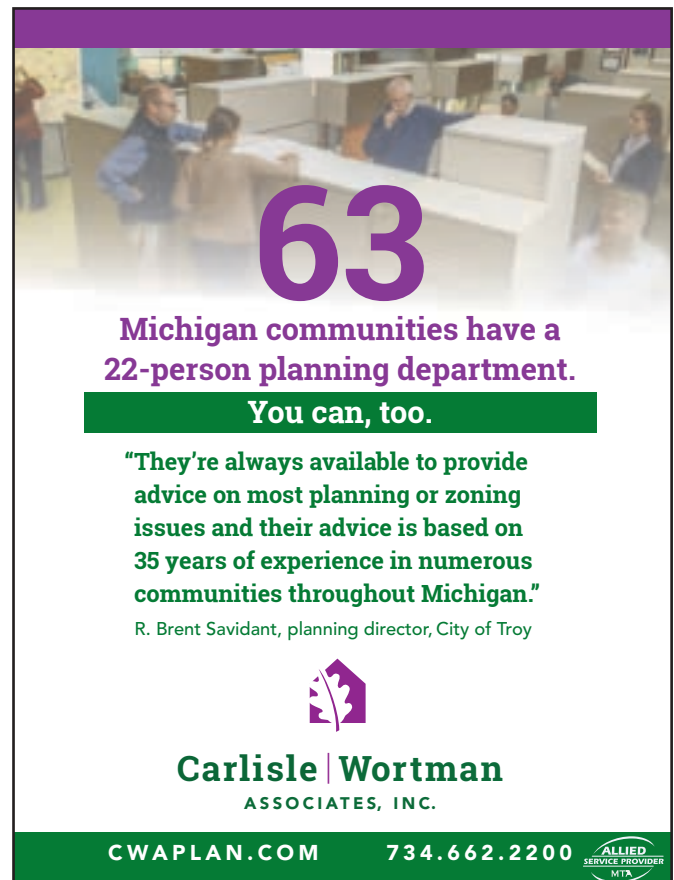
Deadline for local clerk to deliver MOVE ballots received within six days of Election Day to county clerk. (MCL 168.759a) **As of Township Focus press time, MTA has not received any indication that the deadline to deliver MOVE*

ballots to the county clerk has changed, following AG Opinion No. 7327; we recommend township clerks take a prudent approach and deliver MOVE ballots received on Nov. 12 to the county the same day.

15 Form 600 (L-4016) *Supplemental Special Assessment Report*, due to the State Tax Commission.

19 Deadline for boards of county canvassers to complete canvass of Nov. 5 election; county clerks forward results to the Secretary of State within 24 hours. (MCLs 168.828 and 168.822)

25 Deadline for Board of State Canvassers to meet to canvass Nov. 5 election. (MCL 168.842)




63

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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))

By 30 Deadline for payments to municipalities from the Local Community Stabilization Authority: Local Community Stabilization Share revenue to municipalities with state facilities under 1977 PA 289, MCL 141.951 to 141.956 and to municipalities that incur certain costs of required and allowable health services under 1978 PA 368, MCL 333.2475. (MCL 123.1357(8)(e))

*May be handled by the county treasurer. See MCL 211.43(2) or call MTA Member Information Services at (517) 321-6467 (press 1) for further guidance.

DECEMBER

1 Results of equalization studies must be reported to assessors of each township.

County treasurer delivers to supervisor a signed statement of approval of the bond and the supervisor delivers the tax roll to the township treasurer. (MCL 211.43)

2024 winter taxes due and payable to local unit treasurer are a lien on real property. (MCL 211.40)

2 On or before Dec. 1. Dec. 1 is a Sunday. Deadline for foreclosing governmental units to transfer list of unsold 2024 tax foreclosure parcels to the clerk of the municipality in which the parcels are located. (MCL 211.78m(6))

5 Deadline for candidates or ballot questions seeking nomination or election at the Nov. 5 election to submit the post-election campaign statement. (MCL 168.233)

10 Tuesday after the second Monday in December. December board of review may be convened. (MCL 211.53b) The township board may authorize, by adoption of an ordinance or resolution an alternative meeting date during the week of the second Monday in December. (MCL 211.53b(7))

31 Deadline for an owner that 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 principal residence exemption to verify to the assessor that the property still meets the requirements for the conditional rescission through the filing of an annual verification of a foreclosure entity. (MCL 211.7cc(5))

An eligible claimant may appeal an assessment levied, penalty or rescission under the Essential Service Assessment Act to the Michigan Tax Tribunal by filing a petition no later than Dec. 31 in that same tax year. (MCL 211.1057(7))

Tax day for 2025 property taxes. (MCL 211.2(2))



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The township has covered all elected officials under an “employee dishonesty coverage form” from our insurer, in the amounts of \$99,000 for treasurer and deputy treasurer, and \$10,000 for all others. Is this sufficient compliance with the statutes?

The complete answer will depend on what that insurance coverage actually includes, so be sure to check with your insurance provider for an explanation of what your policy covers. And this subject can be confusing, so a little explanation is in order.

When we talk about bonds required for township officials, we are really talking about two different bonds: 1) the bond required when certain officers take the oath of office and 2) the bond required of the treasurer when collecting taxes. To comply with the statutory requirements, both types of bonds must meet the definition of a “surety bond.” A surety bond is a performance bond that guarantees that the bonded officials will act in compliance with certain laws. If an official fails to do so, the bond covers resulting damages or losses.

1) Surety bond upon taking office: Michigan law requires a township clerk, treasurer and deputy treasurer, and constable, if the township has one, to file a bond upon taking the oath of office.

MCL 41.69 requires that, “Each township clerk, within the time limited for filing the oath of office and before entering upon the duties of the office, shall give a bond to the township in the sum and with sureties that the township board requires and approves, conditioned for the faithful discharge of the duties of the office according to law, including the safekeeping of the records, books, and papers of the township in the manner required by law, and for their delivery on demand to the township clerk’s successor in office. The bond shall be filed in the office of the supervisor.”

MCL 41.77 requires that, “A township treasurer, within the time limited for filing the oath of office and before entering upon the duties of the office, shall give a bond to the township in the sum and with the sureties as the township board shall require and approve, conditioned on the faithful discharge of the duties of the office and that the treasurer will account for and pay over according to law, all money that comes into the treasurer’s hands as treasurer, and the supervisor shall indorse approval on the bond. The treasurer shall file, within the time above mentioned, the bond with

the township clerk of the township, who shall record the bond in a book to be provided for that purpose. The township clerk, after recording the bond, shall deliver it to the supervisor, who shall file it in the supervisor’s office.”

MCL 41.77(5) also requires the deputy treasurer to “give a bond to the township as required by the township board.”

Under MCL 41.80, a constable, “before taking office and within the time prescribed by law for filing the official oath, shall execute, with sufficient sureties to be approved by the township board, an instrument in writing by which the constable and his or her sureties jointly and severally agree to pay to each person who may be entitled money that the constable becomes liable to pay on account of the neglect or default of the constable in the service or return of process that may be delivered to him or her for service or collection or on account of misfeasance of the constable in the discharge of, or failure of the constable to faithfully perform, the duties of his or her office.”

It is not required by law, but general practice is to also have the supervisor and deputy clerk bonded. This bond is to cover the township funds these officers may deal with on a day-to-day basis. The township should consult with its auditor to determine an appropriate amount for the bond for each of the offices that are required to be bonded.

Note that a “blanket bond” would not meet the requirement for a surety bond. A blanket bond is a form of fidelity bond, which, according to *Black’s Law Dictionary*, is a bond to indemnify the township for losses “due to embezzlement, larceny, or gross negligence by an employee or other person holding a position of trust.” Typically a blanket bond would cover all other employees or officers of the township and may also provide additional coverage for the above named offices.

In the case of a treasurer, the surety bond provided upon taking office is to cover the township funds the treasurer deals with on a day-to-day basis, as well as the township



portion of the taxes collected. There is not a specified amount because the coverage depends on how much money that a particular treasurer will be handling. Some property and liability insurance providers provide bonds automatically every four years (for a new term). For example, one we are aware of provides a \$25,000 bond for the treasurer. It's our understanding that the \$25,000 is an aggregate amount for the four-year term. That is probably low for many townships. The township could discuss the appropriate amount with its auditor. Additional coverage can be purchased.

However, this first type of bond does not eliminate the need for a tax collection surety bond.

2) Tax collection surety bond: The treasurer is required by MCL 211.43 to also provide a tax collection bond to the county treasurer to cover the amount of taxes the township treasurer will collect for the other tax jurisdictions (not the township), including the county, schools, intermediate school district, and a transportation authority, if there is one in the township.

MCL 211.43 provides three options for obtaining this bond:

Option 1: The treasurer provides a bond to the county treasurer for the actual amount of state, county and school taxes. The bond may be issued by anyone (not a surety bond). The township pays the cost of the bond.

Option 2: If the treasurer provides a corporate surety bond issued by a surety company authorized to do business in Michigan, and the bond is for 40% of the total of the state, county and school taxes, then the county pays the cost of the bond. The county may bill the school districts a prorated portion of the premium.

Option 3: If the county treasurer and township supervisor determine that the surety bond the treasurer filed with the township clerk upon taking office is sufficient enough to also cover the tax collections of the other jurisdictions, then no additional bond is necessary.

The second option probably makes the most sense for townships. It requires bonding up to 40% of the collections, and it also requires the county to pay the cost. The county can in turn bill each school district for its proportionate share. Whether or not to use option one or two is the choice of the township treasurer.

In many counties, the county treasurer obtains the bond on behalf of all the units in the county. Likely they do this anticipating that most treasurers would choose option two, which would require the county to pay the cost anyway. When the county treasurer obtains the bond, it ensures that all the units have a bond in place.

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 (press 1) or fax (517) 321-8908.



Got township questions? MTA has answers!

MTA's Member Information Services (MIS) staff—which includes an attorney and three former local government officials—are available to answer your questions on all facets of township governance and administration. Our MIS team is here to help you, providing information on township operations and responding to requests for information from member township officials and personnel.

Contact the MIS Department with questions Monday through Friday, from 8 a.m. to 5 p.m. Call (517) 321-6467 (press option 1), fax to (517) 321-8908 or email:

- **MTA Director of Member Information Services**
Michael Selden: michael@michigantownships.org
- **MTA Staff Attorney Catherine Mullhaupt:**
catherine@michigantownships.org
- **MTA Member Information Services Liaison**
Judy Bigney: judyb@michigantownships.org
- **MTA Member Information Services Associate**
Shelly Schneider: shellys@michigantownships.org

Find additional township resources on the "Answer Center" on <https://michigantownships.org>, where hundreds of pages of samples, information, links and more offer insights and guidance at your fingertips (member login is required).

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DNR Trust Fund project funding approved

Funding for 19 township projects, included in the 53 projects recommended by the Michigan Natural Resources Trust Fund Board, received final approval by the governor. Public Act 135 of 2024, sponsored by Sen. John Cherry (D-Flint) and supported by MTA, provides \$27.3 million in matching funds for 18 acquisition projects and 35 development projects. The funding was approved on Oct. 8 with immediate effect.

Public safety officer disabled/death benefit doubled

Families of public safety officers who lost their lives or become permanently disabled while on duty will have the one-time benefit increased. Public Act 128 of 2024, sponsored by Sen. Kevin Hertel (D-St. Clair Shores), doubled the benefit from \$25,000 to \$50,000. Enacted in 2004, the one-time benefit was created to help ease the burden when tragedy strikes these families; the benefit had not increased or been adjusted for inflation until now. The new law, effective Oct. 3, will apply to any benefit paid on or after Oct. 1, 2024.

Virtual MTT meetings for residential and small claims appeals

Hearings for residential property tax appeals before the Michigan Tax Tribunal (MTT) now have the option to be conducted remotely. Public Act 129 of 2024, sponsored by Sen. Stephanie Chang (D-Detroit), allows the Residential Property and Small Claims Division of the MTT to conduct hearings and re-hearings telephonically, by videoconferencing or in person. Prior to the change, telephone or videoconference hearings were permitted only with the consent of all parties involved and the leave of the tribunal. PA 129 eliminated that requirement and allows in-person hearings upon the request of one of the parties involved in a case. It does not alter the current requirements regarding the location of in-person hearings and rehearings. The change took effect on Oct. 8.

Law enacted to allow Grosse Ile Township to consider public service facility

Public Act 126 of 2024 provides authority for a township, based on specific population thresholds, to purchase, own or operate a public service facility (i.e., a bridge) that provides transportation to the township and its residents within or outside its corporate limits. PA 126 contains population thresholds that limit the applicability to **Grosse Ile Township** (Wayne Co.), an island with two crossings connecting the township to the mainland—one public and one private. The new law, sponsored by Rep. Jamie Churches (D-Wyandotte), is permissive only and would allow the township to charge a user fee for use of the bridge. PA 126 will take effect 91 days after the Legislature adjourns in 2024.

Legislative lowdown

A look at critical bills MTA is following as they move through the legislative process. Watch MTA's *Township Insights* e-newsletter for updates.

SB 10 & HB 4036: Public utilities—Prohibits local units of government from imposing a ban on the use of natural gas or installation of natural gas infrastructure. *MTA opposes.*

SB 17: Fireworks—Modifies the days that fireworks use may be regulated by a local unit of government and increases penalties for certain violations. *MTA supports.*

SB 40: Unemployment—Increases maximum number of unemployment benefit weeks. *MTA monitoring.*

SB 41: Construction—Prohibits local units from enacting an ordinance prohibiting use of energy-efficient appliances in new or existing residential buildings. *MTA opposes.*

SB 47: Farmland—Allows relinquishment of portion of farmland from agreement or easement to make boundaries more regular. *MTA neutral.*

SBs 95-96, 454-455 & HBs 4894-4895: Disabled veterans' property tax reimbursement—Provides a mechanism for the state to reimburse local units of government for the property tax exemption available to veterans classified as 100% disabled and their surviving spouses. *MTA supports.*

SB 155: Voting equipment—Prohibits use of electronic voting systems that contain certain parts or equipment. *MTA monitoring.*

SB 171 & HB 4231: Local government—Repeals the Fair and Open Competition in Governmental Construction Act. *MTA supports.*

SBs 182-183 & HBs 4274-4275: Revenue Sharing Trust Fund—Establishes a "Revenue Sharing Trust Fund" and dedicates portion of general sales tax revenue to the fund to distribute to townships, cities, villages and counties. *MTA supports.*

SB 244 & HB 4729: Workers' compensation—Extends presumption of causation of heart and respiratory diseases to certain members of police, fire and public safety departments. *MTA opposes.*

SB 293: Housing—Modifies and expands the Housing and Community Development Fund to make financing available to middle-income households. *MTA supports.*

SB 401: Elections—Creates a state Voting Rights Act. *MTA opposes.*

SB 402: Elections—Creates Voting and Elections Database and Institute Act, requires Secretary of State to enter into agreement with one or more universities to create database and institute by November 2025, and allows local clerks to refer certain Freedom of Information Act election requests to the institute. *MTA supports.*

SB 403: Elections—Creates Language Assistance for Elections Act to require local government to provide language assistance for elections if it meets certain conditions and requires Secretary of State to provide language assistance in each designated language. *MTA neutral.*

SB 404: Elections—Establishes new notice requirements, codifies curbside voting and allows individual to provide necessities (i.e., food, warmth) to electors at polling location, early voting site or local clerk's office. *MTA opposes.*

SB 473 & HB 4694: Special assessments—Amends required number of participating members from each local unit for special assessment districts for police and fire. *MTA monitoring.*

SB 480: Land division—Modifies the number of parcels resulting from land division. *MTA opposes.*

SBs 486-487 & 489: Mobile home licensing—Modifies licensure requirements for owners of mobile home parks and seasonal mobile home parks and the duties of entities involved in the regulation of parks. *MTA supports.*

SBs 549-554 & HBs 5090-5093: Water utilities—Creates water rate affordability program and shutoff protections. *MTA monitoring.*

SBs 605-607 and HBs 5242, 5245 & 5247: Environment—Modifies environmental cleanup standards to residential and safe drinking water standards unless technically infeasible, and excludes cleanup criteria and target detection limits in definition of rules. *MTA opposes.*

SB 660: Stormwater utilities—Creates act that provides for municipal stormwater utilities. *MTA supports.*

SB 669-670: Freedom of Information Act—Amends Freedom of Information Act to add and modify definitions to include the Legislature and Executive Office of the governor or lieutenant governor. *MTA neutral.*

SBs 683-684: Animals—Provides for potentially dangerous dogs and dangerous dogs in the animals act, and creates sentencing guidelines for related crimes. *MTA monitoring.*

SB 700: Tax increment financing—Modifies the definition of downtown district to include separate and distinct geographic areas in a business district if the municipality is located on the mainland and one or more islands and a body of water is between the two separate and distinct geographic areas. *MTA supports.*

SB 870: Open Meetings Act—Allows remote meeting participation for public body members with disabilities. *MTA monitoring.*

SB 897 & HB 5779: Public services—Permits certain townships to purchase, own or operate a public service facility. *MTA supports.*

SBs 898-899: Renewable energy—Repeals PA 233 of 2023 zoning exemption provisions for large-scale solar, wind and energy storage facilities and deletes the provision subjecting zoning authority to Part 8 of the Clean and Renewable Energy and Energy Waste Reduction Act (PA 234 of 2023). *MTA supports.*

SB 920: Water supply—Regulates mobile home park water delivery systems. *MTA monitoring.*

SB 941: Property tax—Provides for property tax exemption for certain nonprofit charitable institutions. *MTA opposes.*

SB 958: Civil rights—Establishes standards for public bodies collecting and reporting data related to race and ethnicity. *MTA monitoring.*

SB 1004: Electric vehicles—Provides electric vehicle charging station parking restrictions. *MTA monitoring.*

SB 1023: Open meetings—Modifies grounds for going into closed session when a public body consults with its attorney. *MTA monitoring.*

HB 4023: Underground storage tanks—Revises placement distance of underground storage tanks from a public water supply. *MTA monitoring.*

HB 4033: Elections—Requires state to reimburse costs for certain special elections. *MTA supports.*

HBs 4207-4208: Broadband equipment—Exempts eligible broadband equipment from personal property taxes. *MTA opposes.*

HB 4210: Elections—Provides for the electronic return of absent voter ballots by military voters and their spouses. *MTA monitoring.*

HBs 4382-4383: Drain Code—Revises Chapter 22 of Drain Code process through determination sufficiency of petition and proposed boundaries. *MTA monitoring.*

HB 4428: Public notices—Revises publication of legal notices and creates the Local Government Public Notice Act. *MTA supports.*

HBs 4479-4480: Statewide sanitary code—Provides for the assessment and regulations of on-site wastewater treatment systems. *MTA monitoring.*

HBs 4502-4503: Election challengers—Provides requirements and training requirements for election challengers. *MTA supports.*

HBs 4526-4528: Local preemption—Preempts local authority for regulations for sand and gravel mining operations. *MTA opposes.*

HB 4548: Notaries public—Provides fee for remote notarization. *MTA monitoring.*

HB 4566: Vehicle registration—Allocates revenue from vehicle registration fees to county where registrant resides and distributes per lane mile to local road agency. *MTA monitoring.*

HB 4572: Property tax assessments—Exempts transfer of ownership of certain real property to certain individuals from uncapping of taxable value upon transfer. *MTA neutral.*

HBs 4605-4606: Public safety—Creates the public safety and violence prevention fund and provides for the earmark and distribution of 1.5% of the 4% of sales tax revenue into the fund for disbursement. *MTA supports.*

HB 4675: Land bank authorities—Provides exemption for land bank authority property from all state and local taxes, fees and special assessments unless contracting for services. *MTA neutral.*

HB 4688: Collective bargaining—Requires minimum staffing levels within a bargaining unit to be a mandatory subject of collective bargaining. *MTA opposes.*

HB 4693: Open Meetings Act—Allows nonelected and noncompensated public bodies to meet remotely. *MTA monitoring.*

HB 4708: Property taxes—Exempts qualified electric vehicle charging stations from property taxes levied after Dec. 31, 2023. *MTA opposes.*

HB 4860: Charter townships—Amends conflict of interest policy for charter township officials. *MTA supports.*

HB 4866: Annexation—Exempts certain charter townships from annexation. *MTA supports.*

HB 4965: Franchise fees—Modifies definition of video service. *MTA opposes.*

HBs 5039-5041: Local preemption—Prohibits local governments from enacting or enforcing an ordinance, policy, resolution or rule that regulates a dog based upon breed or perceived breed. *MTA opposes.*

HBs 5133-5134: Property taxes—Provides property tax exemption for certain senior citizens and replaces with a specific tax. *MTA opposes.*

HB 5188: Drains—Increases the amount that a drain commissioner or drainage board can spend on necessary maintenance and repairs from \$5,000 per mile to \$10,000 per mile without being subject to the Drain Code's petition requirements. *MTA opposes.*

HB 5189: Drains—Modifies the procedures to revise the boundaries of a drainage district to add land from one or more counties not originally a part of the district. *MTA opposes.*

HB 5190: Drains—Modifies compensation and expense reimbursement of various public offices serving on drainage boards. *MTA opposes.*

HB 5353: Unfunded mandates—Provides for state financing of activities or services required of local units of government. *MTA supports.*

HB 5380: Property taxes—Provides for property tax exemption for certain nonprofit charitable institutions operating under the Continuing Care Community Act. *MTA opposes.*

HB 5438: Short-term rental—Creates the short-term rental regulation act that **retains local zoning authority**, imposes an excise tax to be distributed to municipalities and creates a statewide registry. *MTA supports.*

HB 5550: Elections—Extends the period by which an elections board must determine a recall petition to be factual and of sufficient clarity from 20 days to 40 days. *MTA monitoring.*

HB 5551: Elections—Modifies eligibility requirements for members of board of state canvassers and boards of county canvassers. *MTA monitoring.*

HB 5557: Housing—Requires local government master plans to forecast and consider housing needs. *MTA supports.*

HB 5695: Emergency medical services—Requires participation in the Ground Emergency Medical Transport disbursement program. *MTA supports.*

HB 5699: Township term of office—Modifies the term of office start date for township officers to Dec. 1, beginning after Dec. 31, 2024. *MTA neutral.*

HB 5724 & SB 871: Public records—Creates act to allow judges to request that a public body not publicly post or release certain information concerning the judge or the judge's family members. *MTA monitoring.*

HB 5797: Property taxes—Clarifies and permits the postmark date to be used when determining date property taxes are paid. *MTA opposes.*

HB 5855-5858: Alternative energy sources—Eliminates zoning exemptions for large-scale solar, wind and energy storage facilities. *MTA supports.*

HBs 5865-5868: Property taxes—Addresses the "dark store" tax loophole by prohibiting the use of comparable sales for assessment purposes in certain circumstances and requires certain tribunal determinations in assessment disputes as to the valuation of property. *MTA supports.*

HBs 5884-5885: Marijuana—Modifies certain licenses for medical and recreational marijuana and repeals medical marijuana act. *MTA monitoring.*

HB 5886: Brownfield redevelopment—Modifies Obsolete Property Rehabilitation Act, removes population thresholds and adds requirements. *MTA monitoring.*

HBs 5898-5900: Notaries public—Provides education and licensing requirements for notaries public and revised eligibility requirements, and requires record keeping. *MTA monitoring.*

HB 5902: Recycling—Creates packaging reduction and recycling requirements. *MTA monitoring.*

HB 5905: Labor—Provides protection for emergency responders for absence from work to respond to an emergency as an emergency responder. *MTA monitoring.*

HB 5923: Hazardous waste—Prohibits the disposal of radioactive waste in the state. *MTA supports.*

HB 5982: Collective bargaining—Requires certain employers to display poster of collective bargaining rights at work sites and provide to employees. *MTA monitoring.*

HB 5983: Working conditions—Requires employers to provide to employees suitable seat under certain circumstances. *MTA monitoring.*

MPSC releases final order on large-scale renewable energy facilities under PA 233

In October, the Michigan Public Service Commission (MPSC) approved an order for the implementation of Public Act 233 of 2023 for the siting of large-scale renewable energy facilities. The order provides application filing instructions and procedures for projects (with subsequent corrections released) seeking a certificate from the commission under PA 233, which takes effect Nov. 29, 2024.

MTA continues to review the 168-page order and application filing instructions and procedures, along with its implications and impacts on members, with our legal counsel. Our December *Township Focus* will include a cover story—authored by our attorneys—outlining the order in detail. In addition, MTA members can watch a free recording of an *MTA Q&A* webinar to hear MTA Legal Counsel Robert Thall and Catherine Kaufman discuss the order, provide their initial insights and answer questions. Register to view the webinar, for free, on our Online Learning Center, <https://learn.michigantownships.org> (member login required to access the recording). The order and corrections are available on our “Renewable Energy” webpage (under the “Advocacy” tab on <https://michigantownships.org>).

Throughout the Public Act 233 of 2023 implementation process, MTA and our legal counsel participated in each MPSC stakeholder meeting, provided detailed input and feedback on all draft guidance, and shared with the commission background on local land use considerations such as site plan review and decommissioning.

The MPSC order confirms MTA’s interpretation of the law that local ordinances cannot be more restrictive than provisions prescribed in the new statute, and thus cannot be tailored to meet the needs of individual communities. Along with our legal counsel, we will continue to provide guidance to our members as you navigate the upcoming siting requirements for these large-scale renewable energy facilities that impact your communities and residents.

The order clarifies that “affected local unit” (ALU) is restricted to only those local units of government that exercise zoning jurisdiction. Unzoned areas are not considered to be an ALU under PA 233 and are not subject to the “same obligations and benefits as ALUs.”

The order also confirms local siting authority is only retained if the impacted community, or communities if a project crosses jurisdictional boundaries, each adopt a compatible renewable energy ordinance (CREO) with requirements no stricter than those prescribed in PA 233. The MPSC order states that workable ordinances—allowing a developer to choose to work with a local government for siting and requirements that



fit best with the community—are outside the commission’s authority under PA 233. Workable ordinances are allowed, but the MPSC clarified they are outside of their authority. MTA worked with its legal counsel to update our sample CREO and application documents, as well as on a sample workable ordinance. All documents are posted on MTA’s “Sample CREO and Documents” webpage (access via the “Answer Center” under the “Member” tab; login is required).

Additional key items outlined in the order that impact townships include:

- Meeting and notification requirements with chief elected official/ALU, as well as notice of public meetings
- Authority for project applications when located in multiple jurisdictions
- Hybrid facilities are permitted—meaning “solar facilities, including hybrid or co-located facilities comprised of solar and storage facilities, having a nameplate capacity of 50 megawatts (MW) or more and wind facilities, including hybrid or co-located facilities comprised of wind with solar and/or storage having a nameplate capacity of 100 MW or more”
- Allocation of one-time grant funds
- Decommissioning requirements—including what is required to restore soil conditions as well as removal of infrastructure—are limited to only above-surface facilities/infrastructure

MTA will continue to provide information and updates to our members. Additional information regarding the process, comments and filings can be found on www.michigan.gov/mpsc (click on “Commission Activities,” then “Workgroups” and “2023 Energy Legislation to find PA 233 information.)

From necessity to excellence

Building an effective township website

In today's digital age, your township's website is more than just an online presence—it's a powerful tool to share information, provide convenient services, and engage with residents in time-saving ways that are unmatched by any other medium. By strategically using its website, a township can significantly strengthen its connection with the community while greatly enhancing the accessibility and transparency of local government operations.

A website offers every township **the extraordinary ability to communicate—24/7—with their residents**, as well as visitors, current (and prospective!) businesses and others. Townships can further enhance their website with features that foster even greater engagement and accessibility within the community with “beyond the basics” options, such as:

- Submittable forms for additional information
- Streaming township board and commission meetings
- Online reservations for the township hall or facilities
- Interactive maps and GIS
- Online payment for tax payments, fees, etc.
- Allowing residents and others to subscribe to receive newsletters or township announcements via email or text

Preference for online interaction is large in many facets of life—and interacting with one's township government is no different. Consulting and auditing firm Deloitte published a 2023 Digital Citizen Survey noting that 50% of U.S. survey respondents prefer website interaction with their local

government—versus just over one quarter (28%) who prefer face-to-face. Township websites have been—and continue to grow as—an integral part of that interaction and information. Consider, for example, how townships can take an active role in helping to educate voters—sharing on their website information and answering questions on voter registration, early voting, polling places, precincts, sample ballots, and more—in an accessible, local manner.

An effective website is another tool that **can help build trust and pride in the township and its leaders** through transparency of government process. Communication of township business and decision-making goes a long way to fostering trust in the township board. Simply making meeting minutes and other township documents readily available is a great first step (and can even help cut down on certain Freedom of Information Act requests).

This modern method of outreach also allows the township to **promote its area and foster economic growth**, sharing information on local events, area businesses, and tourism interests in or near your community. Making it easy to find



information on events, opportunities and businesses within the township helps build community for residents—and keeps their time, energy and dollars in the township. What’s more, this outreach can also help to draw new and potential people and businesses to your township, growing your tax base and fueling your economic growth goals.

Enhancing the online experience

Township websites run the gamut from just a few simple webpages sharing board meeting schedules, township services and officials’ contact information to broader offerings, with a library of township ordinances, rules, policies and other documents available with one click, access to tax and assessing information, event calendars and more. It varies between townships who is responsible for maintaining, monitoring and updating the information—and how and when. For some townships, individual township officials or a designated staff person may be responsible, while some may even work with a resident with web experience. Still others may contract with their website developer to make necessary updates and changes.

Today’s website platforms—how your website is built—can make the process incredibly user-friendly, with standard templates for the homepage and additional page designs, and document and image libraries that help make uploading and sharing information online quick and easy. Regardless of your role (if any) in maintaining the township’s website, it is helpful for all township leaders to consider what information and services are available on its website—and what improvements can be made to further enhance the online experience for your users. We share some practical suggestions for officials to consider—from minimum aspects on your site to “above and beyond” steps to create a helpful, smooth user experience.

Website ‘best practices’

While the term “website best practices” has different meanings depending on your perspective, the good news is that by focusing on best practices for website management, you end up offering an optimal experience for your township residents, businesses and visitors. Whether your township has 15 people or 100,000, the same basic best practices apply.

Design and user experience

The following are suggestions and ideas to consider that can help improve the look and usability of your township’s website.

- **Ensure accessibility**—The federal Americans with Disabilities Act prohibits discrimination against people with disabilities in all services, programs and activities of state and local governments; this includes ensuring that all users can access the programs and services on your township website. Soon, all townships must comply with specific requirements to ensure website accessibility. A U.S. Department of Justice (DOJ) final rule on “Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities” (28 Code of Federal Regulations Part 35) was released in April, establishing specific requirements—including technical standards—to ensure accessibility on all state and local government websites and mobile apps. *(Turn to page 20 for more on the DOJ accessibility rule.)*
- **Keep it simple**—Your website’s design and layout should offer easy, logical access to your information.
 - **Content:** Use plain language, and make sure your site includes key content like township contact information, documents, and community services and resources.

Prepare now for upcoming local government website accessibility requirements



New accessibility standards, set by the U.S. Department of Justice under the 28 Code of Federal Regulations Part 35, will affect all municipal websites. These requirements come into effect in April 2026 for municipalities with populations over 50,000, and in April 2027 for all others. The rule requires key federal Americans with Disabilities Act (ADA) accessibility features to be implemented to ensure all who use your township's website, including those with disabilities, can access the township information and services without issue.

Your website may already be compliant, or only need minor modifications. Many web design firms monitor their clients' websites for accessibility issues. They can also show you how to scan your website to assess accessibility compliance—or areas for improvement. Software advances over the next two to three years could also help to simplify compliance.

The key is to be proactive—and know that you don't have to do this alone. If your township works with a website service firm, check in with them now to ensure they are aware of the DOJ rule, have a plan for compliance, and what actions they—or those in the township who update the township's site—may need to take.

Key rule requirements:

- **Ensure a minimum color contrast** between the text and backgrounds to enhance readability
- **Screen reader compatibility** with content presented in correct reading order for screen readers
- **Logical page structure**, making navigation intuitive
- **Interactive elements**, such as forms and links, follow a logical order
- **Meaningful link text** using descriptive wording (avoid things like, "click here")
- **Content resizing**, allowing users to resize screens without losing content or functionality
- **Alternative text for images**, with tags for image descriptions
- **Document accessibility**, ensuring all documents are readable by screen readers and follow standards, such as correct reading order, searchable text, and alternative text for images, tables and charts
- **Audio/visual content** includes captions for videos and transcripts for audio content, and audio descriptions for important visual details. Allow users to pause or stop videos that autoplay for more than three seconds.
- **Online forms** include descriptive labels for form fields
- **Accessibility policy** published on the website, including a way for users to report issues or concerns

Documents created before these regulations take effect are exempt from the new requirements, provided they are archived separately from compliant documents. Townships must still make archived documents on the website accessible upon request.

- **Navigation:** Keep the webpage layout simple, and make sure that the menus are clear and easy to follow. Ensure navigation elements are fully visible on all screen sizes.
- **Function over form:** Prioritize delivering valuable content over using elaborate design elements. While important, aesthetics should never compromise accessibility or functionality.
- **Home page priorities:** The homepage is the "face" of your township website and should provide easy access to key information and services, such as public notices, important announcements, bill payments (if available), etc. Remember, the home page acts as a guide for your users, directing them to other pages with the township information they seek.
- **Search functionality:** A search function is helpful to allow users to find information quickly.
- **Social media:** If your township uses social media, including links to your township's accounts can help you further connect with residents—and even allow them to spread the word about township events or announcements by sharing on their own social media feeds.
- **Legal compliance and user experience balance:** Notify users about cookie usage as soon as they land on the site. Though this may require an extra click, it ensures transparency. *(Turn to page 21 for more on cookies and user privacy.)*

Responsive design—now a necessity

In recent years, it has become imperative that your township website be mobile-friendly, automatically adjusting text, tables and images for different screen sizes, such as smartphones and tablets. A simplified menu navigation ensures a positive experience on any device.

Rethinking how you manage the content on your site

Many websites use what's called a content management system (CMS)—software that creates unified templates, formatting and design in a simplified platform, making it much easier for a lay person to create, edit and manage your township website's content, without needing a great deal of technical know-how. MTA has long used a CMS system for its website, for example, allowing individuals within various departments to update their own information and resources—while maintaining a cohesive appearance throughout the site.

Here's what you should expect from your CMS—from the minimum considerations to enhanced elements that can make website updating even easier and more seamless:

- **Content editor**
 - **Good:** The website editor—the individual(s) responsible for website updates—makes content, images and documents updates and changes.
 - **Best:** The website editor can see changes on the webpage as they are made, thus saving time in saving page updates, then visiting the site to view updates.

- **Posting township announcements**
 - **Good:** Have a designated area on the homepage to add and remove timely township news and public notices.
 - **Better:** Set up township announcements with categories so that the news can display on multiple pages, and then move to an archived page when they rotate off the home page. (MTA's "News" webpage on <https://michigantownships.org> is set up in this manner.)
 - **Best:** Take it one step further, and add the ability for residents and others to subscribe to receive email and text news announcements. This allows townships to keep subscribers up to date, even if they don't visit the website. Texting is also extremely helpful during emergencies.
- **Additional pages for specific information, community features or services**
 - **Best:** Consider separate pages for specific high-interest content for residents and other site visitors. This can also help save officials and staff time by automating processes and answering common questions.
 - ✓ FAQs
 - ✓ Employment opportunities
 - ✓ Requests for proposal
 - ✓ Officials' and staff contact information
- **Calendar**—Listing the dates of upcoming township meetings and events helps your residents take part in the government process and feel connected.
 - **Good:** List upcoming events and township board and commission meetings with dates, times and locations.
 - **Better:** Meetings and events are displayed in a monthly grid calendar, along with meeting documents, such as the meeting agenda, board packet, etc.
 - **Best:** Take it one step further by adding the ability to set up recurring events, saving time when adding meeting dates and information to the site.
- **Document management**—From the budget, to meeting notices and minutes, proposed ordinances, the zoning ordinance and master plan, and more, township have many documents to share with the public. A website storage process is necessary to manage these documents.
 - **Good:** The website has a consistent presentation of documents, and users can open linked documents in an accessible format.
 - **Better:** A resource webpage lists all of the linked documents, organized by page or subject.
 - **Best:** The website has an easy upload process that allows documents to be listed in multiple folders on a resource page, and able to be displayed on multiple pages.

Website service vendors and document management providers can offer document management solutions. With the upcoming DOJ rule, every township should be aware if their website's documents will be considered ADA compliant.
- **Image management**—Every website has at least some images, showcasing your township hall and facilities, parks, cemeteries, local scenery, and more. It doesn't matter if your website has five images or 5,000, your township's website includes a system to organize these images.

Cookies & user privacy: A guide for municipal websites

What are cookies?

Cookies are small files stored on your device when you visit websites. They help websites remember your preferences, login details, and other information to enhance your browsing experience.

The legal landscape

While Michigan townships aren't governed by specific state or federal laws regarding cookies, using tools like Facebook Pixels, YouTube videos or Google Analytics on your website can be considered as "tracking" visitors. This may require you to comply with broader privacy regulations, such as those from states like California or even the European Union's General Data Protection Regulation (GDPR).

Why it matters

Adhering to cookie consent and privacy policy rules not only help in building trust with your users but also for mitigating legal risks. In 2024, there has been an uptick in privacy lawsuits, some of which were based on outdated laws related to electronic surveillance and recording without consent.

Privacy best practices

Even if you're not currently tracking visitors to your township website, considering or adopting best practices now can prepare your website for potential future changes, such as adding videos or the need to adapt to stricter privacy laws.

- **Create a clear privacy policy:** Inform users about any data collection practices, particularly if the township uses third-party services that track behavior.
- **Implement a cookie consent notice:** Give users the option to refuse cookies when they first land on the township's site.
- **Remind users of the township's privacy notice:** Ensure this notice is visible on every page where online forms are used.
- **Make privacy policy links accessible:** A link to the township's privacy policy should be available on every page of your website—for example, included in the footer along the bottom of each page.
- **Clarify third-party site redirects:** Clearly inform users when they are being redirected to third-party sites, especially for payments, and include a disclaimer that the township is not responsible for the third-party site's security or data practices.
- **Configure Google Analytics for compliance:** Set up Google Analytics to ensure proper data retention and provide user rights to access, correct or delete their data. Alternatively, consider using other analytics tools that are GDPR-compliant by default.

cover story

- **Good:** Images are uploaded to one media folder.
 - **Better:** An image library includes folders to organize images and allows the ability to search the entire library.
 - **Best:** Go one step further, and assign uploaded images to multiple folders within the image library, cutting down on the number of images uploaded.
- **Online forms**—Simple online forms allow residents and others to submit questions to an appropriate township official or staff person, convey interest in a township program or service, or even take part in a township survey.
 - **Good:** The website just includes links or email address to submit a request, concern, application or question.
 - **Better:** Online forms are created and embedded on appropriate pages throughout your website—for example, on a “Contact Us” page.
 - **Best:** For forms that require follow up, a project tracking enhancement app can allow your township website editor, or the individual who received the form inquiry, to review follow up and resolution dates to inquiries.
 - **Video streaming**—More and more, especially since COVID-19, townships offer live-streaming of their public meetings and some even maintain a video archive of past meetings. This can help to increase community engagement by allowing residents and other interested stakeholders who may not attend meetings in person to learn more about township decisions, efforts and actions. While not all townships record or live-stream their meetings, those that choose to do so may consider the following:
 - **Good:** Record your meetings, upload them to a streaming service like YouTube or Vimeo, and embed link or videos on website.
 - **Best:** Work with your township website service provider or a third-party vendor to implement a complete streaming solution.
 - **Reservation process**—If your township rents township-owned facilities to the public, such as the township hall or a park pavilion, an online system can save your staff time managing requests.
 - **Good:** The website includes information about facilities for rent, and contact information to reach the appropriate official or staff person by email or phone.
 - **Better:** Add a calendar to your rental/reservation page(s) that shows availability status.
 - **Best:** Automate aspects of your reservation process with a customized solution based on your township’s needs.
 - **Maps and Geographic Information Systems (GIS)**
 - **Good:** Provide contact information for township staff who can help the public in obtaining zoning maps, property maps, etc.
 - **Better:** Post maps in PDF format on the website, such as zoning, future land use and voting precincts.
 - **Best:** Offer links to third-party online interactive maps and GIS tools for property information, zoning and services.

Got a township website? What does state law require to be posted?

While townships are not required by law to have a website, there are some laws that do make some requirements under certain circumstances if the township has a website. Here are examples of the most common requirements:

Special meeting notice: Under MCL 15.265 of the Open Meetings Act, if the township directly or indirectly maintains an official internet presence (including a page on the county’s website) and posts meeting agendas or minutes to it at least monthly, then special meeting notices for any township public body must be posted on the homepage, or a separate page for special notices with specific notification on the homepage, at least 18 hours before the meeting—in addition to being physically posted on the township’s notice board, wall or window. A special meeting of the township election commission must also be posted to the township website, with the same requirements.

FOIA summary: Under the MCL 15.234 of the Michigan Freedom of Information Act (FOIA), if the township has an official internet presence, it must post the township’s FOIA procedures and guidelines, along with a public summary of those procedures and guidelines, which must explain in an easily understood way how the public can submit written requests for public records to the township, how to understand the township’s written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. (*Find FOIA samples, including a sample public summary, in the “Answer Center” on <https://michigantownships.org>; access under the “Member” tab; login is required.*)

Election Law: The Michigan Election Law requires every township to post on a township website (if available): no later than 18 days before an election, notice of date, hours, location and number of election inspectors for an absent voter (AV) counting place, if the township is processing and tabulating AV ballots before Election Day (MCL 168.765a(12)); location and time for precinct canvass of early votes (MCL 168.720j(10)); and if eligible, post notice of the establishment and location of an Election Day vote center, no later than the fourth day before Election Day (MCL 168.523b).

Assessing information: If a township building in the township is in an area with broadband access, MCL 211.10g requires that the township provide taxpayers online access to information on its assessment services, including—but not limited to—parcel information, land value and economic condition factor analysis. Broadband access is defined as “an area determined by the Connect Michigan broadband service industry survey to be served by fixed terrestrial service with advertised speeds of at least 25 megabits per second downstream and 3 megabits per second upstream in the most recent survey available.”

MCL 211.10a also requires that all property assessment rolls and property appraisal cards must be available for inspection and copying during the township’s customary business hours. If the township posts it on the township’s website or the township or assessor provides a computer terminal for public viewing of the assessment roll, that is considered as having the assessment roll available for public inspection for the purposes of MCL 211.10a. (MCL 211.24) Note that while this addresses part of what MCL 211.10g requires, it is not everything. But if the township meets the MCL 211.10g requirements, that would cover MCL 211.10a.

- **Bill payment system access**—Due to the time-saving nature of online payment for both township staff and residents, many townships offer, or are considering, online payment options on their website. Because having a user’s personal bank or credit card information touch your website adds new security and PCI compliance requirements, very few website service vendors offer payment on their platforms, and instead partner with a third-party vendor to securely process payments for taxes, utilities and other fees. If your township uses a third-party payment platform, best practices suggest that you remind the user in writing, close to the “Pay Online” link, that:
 - The user will be opening a new website when they click on the “Pay Online” link.
 - That this third-party website will have different security and privacy policies.
- **Broken link audit**—Links to documents, pages on external websites and even to pages on the township’s site can become broken as files are moved and updates are made. Many website platforms include an option to scan for broken links—or if your website does not include many pages or links, this can also be completed manually.
 - **Good:** Review your website pages on a regular basis and fix any links that are broken.
 - **Best:** Save staff time by using a broken link checker to report the location of any broken links.

A vital link

Your website creates a vital link between your township and your constituencies. Beyond its appearance and functionality, it is also essential to ensure your website is properly functioning, configured, secure and well-maintained. Ask your website service provider questions, such as:

- Who is providing maintenance and how often?
- How often is your website server backed up? Where are the backups located?
- How is your website and server protected from security breaches?
- What is your website service’s plan for security, new features and productivity enhancements?

Whether you’re taking the first steps to publish a website, or planning improvements on your current site, ensure that your digital presence meets the highest standards of accessibility, transparency and user engagement. By doing so, you’ll not only comply with best practices, but also foster a stronger, more connected community.



Julie Braun, Co-owner, Project Manager, Civic Clarity Website Service, a division of AccuNet Inc.

For more information, contact Braun via email at julie@accunet.us, call (248) 684-8715 or visit www.civicclarity.com/township. Officials can also contact Civic Clarity, an MTA Allied Service Provider, for a “Website Best Practices—Who Does What?”

checklist or a guide on how to check your website’s accessibility.



Municipal law comes with a unique set of challenges. We’ve been solving them for well over 50 years.

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The federal Office of Management and Budget has released revisions to the *Uniform Guidance*, impacting how townships manage federal awards. What are key changes, what can townships expect—and how can they prepare?

What is the *Uniform Guidance*, and why should townships care about the recent revisions?

The *Uniform Guidance* is a set of federal regulations designed to standardize administrative requirements, cost principles and audit requirements for federal grant awards. Townships that receive federal funding, whether directly or indirectly, must follow these rules to ensure compliance and prevent penalties. The latest revisions seek to streamline processes, incorporate new guidance on cost allowability, and clarify prior areas of confusion.

What are the key revisions to the *Uniform Guidance*?

Several changes have been made that apply to fiscal years beginning on or after Oct. 1, 2024. The most significant include:

Increased audit thresholds: The threshold for requiring a single audit has been raised from \$750,000 to \$1 million in federal expenditures, reducing the administrative burden for smaller municipalities.

Equipment and cost rate adjustments: The capitalization threshold for equipment has increased from \$5,000 to \$10,000. The *de minimis* indirect cost rate has increased from 10% to 15% over modified total direct costs, providing more flexibility in financial planning.

Enhanced cybersecurity measures: New requirements for cybersecurity internal controls have been introduced, allowing townships to tailor their security strategies without mandating a specific framework.

Mandatory disclosures: Recipients must promptly disclose any credible evidence of violations related to federal criminal law or the False Claims Act, aligning with existing federal acquisition standards.

How will these changes affect townships?

Due to the raised thresholds, municipalities will experience more flexibility in their purchasing decisions, reducing administrative burdens when acquiring goods and services. However, they must also increase attention to cybersecurity and reporting, as failure to meet the new standards could result in penalties. With a greater focus on performance, township officials and administrators must closely track and report the outcomes of their federally funded programs.

How should townships prepare for these changes?

Townships can take several steps to ensure they are ready:

Update procurement policies: Review and revise current procurement policies to reflect the new thresholds, to help ensure compliance and take full advantage of the new flexibility.

Enhance cybersecurity measures: Townships should evaluate their current cybersecurity protocols and make upgrades where necessary to meet federal standards. This may involve conducting a security audit or seeking IT support for enhanced data protection.

Train staff: Educate staff on the changes in cost allowability, procurement and performance requirements. This will help avoid reporting errors and ensure proper use of federal funds.

Improve performance tracking: Establish systems to track the performance outcomes of federally funded projects. Townships should be prepared to show how funds are making a measurable difference.

Are there penalties for non-compliance?

As with the previous version of the *Uniform Guidance*, non-compliance can result in consequences such as disallowed costs, repayment of funds, or even suspension of future funding. By preparing in advance and adhering to the updated regulations, townships can avoid these risks.

What should townships do if they need assistance with compliance?

Townships should consult with legal, financial or auditing professionals familiar with federal grant management if they require help. External assistance can ensure that policies, procedures and reporting are fully aligned with the revised *Uniform Guidance*.

Ensure a smooth transition

The revisions to the *Uniform Guidance* offer townships both opportunities and challenges. By updating internal policies, focusing on cybersecurity, and enhancing performance tracking, townships can ensure they are fully compliant while continuing to make the most of their federal awards.

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.



Thank you

Retiring officials reflect on their time in township government

As we prepare to welcome legions of new township officials following this month's general election, MTA also wanted to honor those who are retiring from township office this fall. We asked retiring officials to share with us their remembrances and reflections on their time in office, their MTA memories, and any advice for new officials, and we share their responses here. We know that the following is but a sampling of dedicated officials who are passing the reins to a new roster of local leaders—to them, and to all retiring officials, we simply say, "Thank you."

'Time to pass the torch'

I started my career as township treasurer 1988 and left township government to become a county commissioner for 10 years. I returned to township government as an appointed trustee for 10 years and deputy clerk, was then elected clerk and now supervisor. MTA was very helpful answering all of my questions. But now it sure is time to pass the torch to younger candidates.

—*Douglas De Leo, Arlington Township (Van Buren Co.) supervisor*

'I come from a family of long-time public servants'

When I ran for office in 1984, I expected to serve just one or two terms. My predecessor had served for 32 years! I was 31 years old and could not imagine how he could serve that long! I come from a family of long-time public servants—my parents both served in city and county government, and my great grandfather was a judge.



Heeres

Some of my township memories include renovations to our beautiful township hall, constructed in the Works

Progress Administration days (1930s); construction of two fire halls; acquisition of two cemeteries (including one from the Catholic Diocese with a re-dedication given by the bishop); partnership with Antrim County to acquire and develop the Antrim Creek Natural Area, with over a mile of beachfront on Lake Michigan in the township; improvements to **Banks Township** (Antrim Co.) Park on Lake Michigan; and our partnership with the Village of Ellsworth for a summer recreation program and development of several of their village public areas.

My MTA memories include attending 38 annual conferences, many workshops and regional meetings. The networking opportunities have allowed me to identify resources throughout the state and develop friendships with many of these township officials. The availability of vendors at the events provided an opportunity to see what is available for township services and products. Many of these vendors are now regular resources for us.

I strongly encourage newly elected officials to connect with MTA for resources, including reading the monthly

magazine, weekly newsletters, daily *Community Connection* emails, and attending training sessions to learn to be the best official you can be! If you don't understand or know something, check with MTA! The "Little Red Book" has more than doubled in size in the past 40 years, but it is still my "go to" to find answers to township procedural questions!

—Donna Heeres, *Banks Township (Antrim Co.) clerk*

'Be a good listener, be considerate and be kind'

After 60 years as **Burt Township** (Cheboygan Co.) treasurer, **Shirley Reimann** is retiring from her role. Serving in township government has been a family tradition—Reimann took over as treasurer from her mother-in-law, and her daughter-in-law will assume the role following the November election. Shirley's husband, Ed, is a long-time township board of review member, and her son Carl also serves on the township zoning board of appeals. The Cheboygan native earned a teaching degree, and taught in one-room schoolhouses before teaching at Inland Lake Schools in Indian River. She and Ed raised four children while working on the family centennial dairy farm, and Reimann also served on the Burt-Mullett Cemetery Board during her time as township treasurer. When reflecting on her time as a public servant, Reimann said, "I learned to be a good listener. You have to be a good listener, be considerate and be kind." As for what has kept her dedicated to serving the township for so long, she said, "I have met so many wonderful people, and have so many memories. This is a beautiful township, with so many good people."

—Remembrances shared by Shirley Reimann, *Burt Township (Cheboygan Co.) treasurer*

'Each day brings a new adventure'

I am a retired high school teacher, having taught at Stevenson High School for over 25 years, starting in 1975. I was elected to the position of trustee in 1984 and served in that capacity until 2000 when I decided to run for the supervisor position. I decided not to run this year as I will be 76 at election time and plan to spend even more time with my grandchildren and wife, who has already started to plan some of our soon-to-be many trips. My wife and family have been very supportive of my 40 years as an elected official in Michigan's most populated township—I think that is the number one reason for my, and my township's, success!

The second thing for any elected official to do is to hire staff who have a similar vision to your own—I have a staff of department heads who are fabulous, and I had a hand in hiring each and every one of them. Education and training of your staff is very important to fostering innovation and customer service.



Cannon

Getting involved in organizations like MTA and the Southeast Michigan Council of Governments provides guidance, information and a pool of talent to draw upon, especially as issues and events constantly change your environment. It is certainly a plus to trust, and hopefully like, those you surround yourself with on a daily basis.

Anyone who has served as supervisor for the past 24 years has many outside influences that we had to deal with. You cannot preplan for all that we faced, such as SARS, West Nile Virus, 9-11, COVID-19 and so forth, nor can you anticipate disasters. Anyone who chooses to run a community will face unforeseen issues—both positive and negative.

As a conclusion: don't expect all your ideas to be implemented, hire good people, keep a smile on your face as each day brings a new adventure, take care of your and your family's health, and enjoy each day and each activity, as it passes far too quickly.

—Robert Cannon, *Clinton Charter Township (Macomb Co.) supervisor*

'Get involved'

I live in the beautiful **Fife Lake Township** (Grand Traverse Co.) and will be retiring following 30 years as deputy clerk and the last four years as clerk. Since 1989, I have volunteered in many other areas at the township level as well. If you want to know what is happening in your township, I advise people to get involved.

—Leigh Gifford, *Fife Lake Township (Grand Traverse Co.) clerk*

'My experience has been great'

I chose not to run for supervisor this time around, and will be taking up the position of trustee. My experience with MTA over the last seven years has been great. I have interacted mainly with Michael Selden, who has always gotten back to me quickly and with an answer—he is great resource for information. I have attended several MTA events, and have always learned something and thought I got my money's worth. Keep up the good work, MTA.

—Basil Greenleaf, *Clinton Township (Lenawee Co.) supervisor*

'Thoroughly enjoyed my time as supervisor'

I am retiring as supervisor of **Gilmore Township**, a rural township in Isabella County, after 6 1/2 years as supervisor. Prior to being appointed, and then elected, to the supervisor position, I was a partner at the Foster Swift law firm specializing in municipal matters, and then chair of the Michigan Tax Tribunal. As a result, I began my supervisor role with years of experience in municipal matters, which greatly benefited me and, I hope, the residents of the township.

My advice to any newly elected township official is twofold: 1) learn as much as you can about township governance. Fortunately, we have an excellent resource in

MTA—every township official should take advantage of the people, materials and programs offered by MTA; and 2) listen carefully to their constituents and be ready and willing to respond to their concerns; especially if you are an official in a small township with no employees and no office hours.

I thoroughly enjoyed my time as a township supervisor. Of course, the job can be very frustrating at times, but it was well worth it in the end.

—Steve Lasher, *Gilmore Township (Isabella Co.) supervisor*

'Integral part of the community'

Maye Tessner-Rood has been a dedicated resident of **Hayes Township** (Clare Co.) and an integral part of the Harrison area community for many years. Maye began her public service career in township government in the 1990s, serving as deputy treasurer and interim treasurer. In 2011, she was elected as township treasurer, a role she has held with distinction ever since. With a deep passion for veterans and local economic development, more recently the Harrison Area Economic Development Corp., Maye has always strived to support what is best for everyone. She was deeply honored to serve as a board member for Hayes Township and unwavering in her dedication to its residents.



Rood

Her commitment to community service extended to her involvement on the school board and in the school administration office, as well as her experience in real estate. She also served as a board member for the Mid-Michigan Alliance for Community Development (now known as Mid-Michigan Community Action Agency) in the late 1980s.

Beyond her official duties, Maye has always been at the heart of community service, generously giving her time and energy to causes close to her heart. For over 20 years, she was a 4-H leader, mentoring and shaping the lives of local youth. She also spent countless hours as the Home Arts superintendent for the Clare County Fair, where her warmth and enthusiasm were felt by everyone involved. Maye's commitment to helping others shone through her years of volunteering with Walk for Warmth, where she worked hard to raise emergency utility funds for families in need. A true advocate for veterans, she was also a proud supporter of Veterans Freedom Park in Harrison, ensuring those who served were honored in the community. Maye's tireless volunteer efforts reflect her genuine kindness and her passion for making life better for those around her.

Her contributions and dedication to the township and surrounding areas have left a lasting impact, and her leadership will be greatly missed. But we look forward to seeing what she continues to do now that she can spend more time on her other passions.

—Submitted by *Savannah Cavanaugh, Hayes Township (Clare Co.) deputy treasurer*

'I will miss everything'

Russell Crawford is retiring from township government after serving as supervisor of **Koehler Township** (Cheboygan Co.) for 50 years. Serving the township of just over 1,100 has been "a passion" for Crawford for five decades, and he takes enormous pride in the improvements that he and his fellow officials have made throughout the years—from renovations and additions to the township hall, helping to pave roads, establishing a transfer station, and improving the township financial situation. When asked what he would miss when he steps away from serving his township, Crawford said, "I have dedicated so much of my life to this. I will miss everything."

—Remembrances shared by *Russell Crawford, Koehler Township (Cheboygan Co.) supervisor*

'It has been my pleasure'

Dorothy Hart served as Locke Township (Ingham Co.) clerk from 1986 to 2016, supervisor from 2016–2024, as well as zoning administrator from 2005–2022, and was a planning commissioner. The 2009 graduate of MTA's Township Governance Academy shared the following:

The role demands accuracy, efficiency, dependability and a healthy dose of patience.

Participate in educational workshops, webinars and any opportunities to further your understanding of township governance and how to best represent and lead your community.

MTA is a lifeline, a wealth of knowledge. It has been my pleasure to work for **Locke Township**, and offer friendship and guidance for 39 years.

'Be honest and try to be patient'

My 51-year service to **Manistee Township** (Manistee Co.) started in 1973, when a group of residents established the fire department. I served on the department for 30 years, working my way up to position of fire chief. I was appointed trustee in 1983 and served until 2013 when I was appointed deputy supervisor. In early 2014, I was appointed supervisor, and also served as liquor inspector for 30 years. Many changes have come about that affect township government. Highlights would be the establishing township fire department, the development of the many recreational opportunities, and the creation of the Local Revenue Sharing Board, which was the first non-tribal revenue sharing board in Michigan. Our township boards have work well together over the years. My advice for incoming board members would be to be honest and try to be patient with your constituents. Sometimes the wheels of local government move slowly.

—*Dennis Bjorkquist, Manistee Township (Manistee Co.) supervisor*

'No stranger to serving his community'

Michael Bohn is no stranger to serving his community, serving in the Army from 1969 until 1972. For over 15 years, he has been active in his township government—first as a member of the board of review and now serving as **McKinley Township** (Emmet Co.) trustee. Mike works maintenance at the Pellston Regional Airport, and along with his wife, June, volunteers every week at the Pellston Food Pantry. Mike never misses the opportunity to serve his most important community—his family; he and June attend as many sporting events for their grandchildren as possible and are their forever cheerleaders. Mike “Just Right” Bohn, thank you for your continued service to your community. Your sunny disposition and clever quips will be sorely missed each month. Enjoy your much-earned retirement!!

—Submitted by *Alicia Morrow, McKinley Township (Emmet Co.) clerk*



Bohn, with wife, June

'Change comes fast—so should one's desire to grow and learn'

As I look back on nearly three decades of public service, it is amazing to see the impact that change has had in a small jurisdiction such as mine. We went from typewriters to computers, fax machine to email, ledger books to accounting software, and lever voting machines to high-speed tabulators, and the Qualified Voter File was still a dream. Change comes fast, but with that, so should one's desire to grow and learn. I wish all clerks the best. Attend as many workshops and conferences, such as MTA's, as possible. Reach out to other elected officials—they are a wealth of knowledge.

—*Laura Hoffman, Nelson Township (Kent Co.) clerk for 29 years*

'The importance of working for the betterment of the whole community'

I have decided to retire after serving 36 years in township government: 16 years as trustee and 20 years as supervisor. I was a certified assessor for a while, and while I didn't remain in that capacity for very long, it gave me a lot of knowledge regarding the assessing and tax structure. It has been a privilege serving the people of **Ogemaw Township** (Ogemaw Co.) and the community. I have served on the Ogemaw Fire Department Board for 20 years, and as chair for the past four years. Our fire department is made up of six municipalities.

I want to express the importance of working for the betterment of the whole community, not just yourself or even your own township. We are elected to do what we believe is in the best interest of the township and our community



Stephens

where we live. Ogemaw Township has entered into three PA 425 agreements with the City of West Branch, which will benefit the community as a whole.

Our township has great intergovernmental cooperation with our surrounding townships and the City of West Branch. In 2008, **West Branch Township** (Ogemaw Co.) the City of West Branch and Ogemaw Township partnered to form a West Branch Area Wastewater Treatment Plant Authority, on which I have been on the board and served as chair for 16 years.

Sewer infrastructure in the township was built in 1978, with three expansion projects since that time. We implemented our own municipal water system in 2005, with the idea that this infrastructure would draw commercial development. Since then, a Consumers Energy West Branch Service Center and Meijer Supercenter opened in the township, and part of their decisions to build was due to the infrastructure that was in place in Ogemaw Township.

In 2002, voters passed a road improvement millage; we were able to sell bonds for the road project and within six years, had all roads in the township paved. Our township board has been blessed by having constituents support projects such as this and others, such as Spongy Moth spraying and another 2 mills for keeping our road infrastructure in good shape.

During the pandemic, our Ogemaw County MTA Chapter dissolved. In March 2023, our first reorganized chapter meeting was held, and I was elected president. It has been a very successful endeavor, with an average of 50 officials in attendance at each quarterly meeting since.

Through all of my 36 years as a township official, MTA has been a very valuable resource for me. I have attended many MTA Annual Conferences and trainings and always came away with a feeling of accomplishment and eager to try to do a better job. *Township Focus* is another valuable tool filled with insight, advice and instruction, and the knowledge I gained was very beneficial. I urge everyone to read this magazine cover to cover. Thank you, MTA!

My wife, Gerry, and I just celebrated our 50th wedding anniversary in July. Gerry has been a huge support to me throughout all of my meeting responsibilities and away time from many family obligations. Over the past 20 years as supervisor, Gerry has baked homemade cookies for every single township board meeting. I'm sure she is super excited that I'm retiring. Blessings to you all, and farewell

—*Denis Stephens, Ogemaw Township (Ogemaw Co.) supervisor*

'Truly enjoyed the job—and the residents'

I have served as treasurer for 12 years, and for the most part, have truly enjoyed the job and especially the residents. As a board member, you need to have thick skin as residents will come after you when they do not like your decisions or vote. I remember walking into my new office on Nov. 20, 2012, and asking myself, 'What have I done?' Thankfully, a neighboring

township treasurer who did not run took pity on me and came to help me, as there were not even tax bills printed and I had no clue! She stayed with me, refusing pay, for the next 18 months. She was truly an angel.

Overall, I truly enjoyed my time on the **Sylvan Township** (Washtenaw Co.) board. I met some wonderful folks, became known to the residents and had some very enjoyable times.

Another thing I really enjoyed were the MTA conferences. I went to 10 of the 12 conferences, learned a great deal while there, and also met some wonderful folks from other townships and even a couple of old friends whom I had not seen in years who were board members at other townships! I also had the pleasure to serve on our local fire authority board. I have since accepted a position as an alternate “at large” member so I can stay involved with the authority after I am off the township board.

I will miss the resident interactions when they would come to pay their tax bill and we would catch up on things. But it is time to step away.

—Rod Branham, *Sylvan Township (Washtenaw Co.) treasurer*


‘Never be afraid to ask questions or request help’

I was appointed in 2022 to fill the clerk vacancy. While I only agreed to doing it temporarily, I was determined to stay in the position until our township could find a candidate that could do the job and stay committed. We have a candidate on the ballot in November—she has been shadowing me and even trained to be an election inspector, working in a neighboring precinct to gain perspective and experience with elections from the ground up.

I advised her as I would advise anyone coming into any township official position: utilize all the MTA training you can and network with other nearby officials in your position. Do not rely on your fellow board members to know your job, but share information and work as a team. Never be afraid to ask questions or request help when needed. If your township does not already have a good policies and procedures manual, get one done and make sure it is kept current.

If your position requires a deputy, choose wisely. Make sure you have someone you can depend on to fill in for you when necessary. It is up to you to keep them trained and informed of everything you do. I believe a wise choice would be someone who could eventually fill your position.

—Barbara Hoffer, *Washington Township (Gratiot Co.) clerk*



When newly elected officials join your township, there is so much to learn—from participating on an elected board to all those statutory duties, and just getting acclimated to township government.

MTA is here to help.

Help your new officials thrive in public office.

Once new officials join your township this November, let them know where to turn for guidance, training and information: the Michigan Townships Association.

Our unparalleled, in-depth training and publications will help those new to township government get up to speed quickly.

Visit <https://michigantownships.org> to learn more, register or make a purchase.

Treasurers’ Guide to Tax Collection—An overview of the tax collection process from start to finish, from preparation of the tax bill through summer and winter taxes, all the way to accounting for (and disbursement of) collections. We’ll review duties, deadlines, important dates—and more! *Turn to page 34 for details and a registration form.*

New Officials Training—Our in-depth training helps those new to township government get started on the right foot, offering accessible information and insights into “hows and whys” of township government. Breakout sessions are targeted to each office. *Turn to page 35 for details and a registration form.*

MTA book packages—MTA offers book packages at discounted rates, with the information new officials need to serve their community—right at their fingertips. Choose from the “Township Basics” three-book bundle or expand your township library even further with the “Township Essentials” package. *Perfect for those new to township government!*



Law enforcement ‘staff manual’ defined for FOIA purposes

Hjerstedt v City of Sault Ste. Marie, ___ Mich. App. ___, Aug. 22, 2024, Docket No. 358803—This most recent opinion in a series was remanded by the Michigan Supreme Court to the state Court of Appeals to determine whether the City of Sault Ste. Marie Police Department’s use-of-force policy is subject to disclosure under the Michigan Freedom of Information Act (FOIA), MCL 15.231, *et seq.*, or whether the policy reveals the contents of law enforcement staff manuals and thus is exempt from disclosure under MCL 15.243(1)(s)(vi). MCL 15.243(1)(s) states:

“(s) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a law enforcement agency, the release of which would do any of the following:

- (i) Identify or provide a means of identifying an informant.
- (ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent.
- (iii) Disclose the personal address or telephone number of active or retired law enforcement officers or agents or a special skill that they may have.
- (iv) Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of active or retired law enforcement officers or agents.
- (v) Disclose operational instructions for law enforcement officers or agents.
- (vi) Reveal the contents of staff manuals provided for law enforcement officers or agents.
- (vii) Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies.

(viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informant.

(ix) Disclose personnel records of law enforcement agencies.

(x) Identify or provide a means of identifying residences that law enforcement agencies are requested to check in the absence of their owners or tenants.”

Per the court opinion, “Previously, this Court held that the unredacted policy was not exempt from disclosure under MCL 15.243(1)(n) (because the policy did not contain a record of law enforcement communication codes or plans for deployment), MCL 15.243(1)(s)(v) (because the policy did not disclose law enforcement operational instructions), and MCL 15.243(1)(s)(vii) (because disclosure would not endanger the safety of law enforcement officers). However, because the trial court did not analyze MCL 15.243(1)(s)(vi) or rely on it in reaching its decision, this Court did not analyze whether the staff manual exemption applied to the city’s use-of-force policy.”

Hjerstedt argued that the trial court erred in holding that the staff manual exemption under MCL 15.243(1)(s)(vi) applies and prevents disclosure of the unredacted use-of-force policy, and the court agreed.

In this case, the court noted, “FOIA does not define ‘staff manuals,’ and there is no caselaw interpreting this subparagraph. Thus, resolution of this issue requires us to interpret this statutory exemption.”

The court determined, “We do not quibble with the trial court’s definition of a staff manual. Indeed, the common understanding of a staff manual can be described as a book or compendium of policies given to staff (e.g., law enforcement officers), informing them about workplace expectations and instructions on how to conduct business. The term ‘staff manual’ thus could plausibly be read as being synonymous with an employee handbook. Such handbooks routinely contain workplace policies, such as antidiscrimination

policies, sexual harassment policies, workplace leave policies, and, in the specific context of law enforcement agencies, use-of-force policies.

“However, there is no evidence in the record that the city’s use-of-force policy is contained in a staff manual or handbook that was disseminated to law enforcement officers. Rather, it is part of a standing general order that was issued on June 18, 2013. The policy is titled, ‘General Order’ and simply states ‘13-02 Use of Force’ in the upper right corner of the first page. There was no evidence that this stand-alone order was part of an employee handbook or ‘staff manual.’ In fact, no staff manual was presented to the trial court during the evidentiary hearing. The only evidence that the city presented to establish that the policy was a ‘staff manual’ was Chief Bierling’s conclusory statement that he considered it to be a staff manual without any further explanation. As the party asserting the exemption, the city has the burden of establishing its applicability.

“We conclude that the term ‘staff manual’ was intended to be used synonymously with terms such as “employee handbook” and be limited to tools provided to employees to outline terms of employment, internal employment-related procedures, and, at times, workplace policies. The city’s use-of-force policy is contained in a stand-alone general order that does not fit within this definition and thus was not exempt from disclosure under subparagraph (s)(vi). Because we find that the redacted portions of the use-of-force policy are not part of a staff manual, it is unnecessary for us to consider the balancing test set forth in MCL 15.243(1)(s)(vi).

“The trial court clearly erred by finding that the unredacted policy was exempt from disclosure under MCL 15.243(1)(s)(vi). We reverse the trial court’s grant of summary disposition in favor of the city, and we remand for entry of judgment in favor of Hjerstedt. On remand the trial court shall: (1) order disclosure of the unredacted use-of-force policy; (2) award Hjerstedt reasonable attorney fees, costs, and disbursements under MCL 15.240(6); and (3) determine whether Hjerstedt is entitled to punitive damages under MCL 15.240(7).”

Elected official may be employee for ELCRA purposes



City of Wayne v Anthony Miller, (___ Mich. App. ___), Decided June 6, 2024, Docket No. 364138—Anthony Miller formerly served as an elected member of the City of Wayne city council. After resigning his elected position, Miller was sued by the city, and he responded by filing claims against the city under the Elliott-Larsen Civil Rights Act (ELCRA), Public Act 453 of 1976, MCL 37.2101, *et seq.*

Miller argued that the trial court erred by granting the city’s motion for summary disposition on his employment discrimination claim based on its conclusion that Miller was not an employee of the city. The court agreed.

According to the court: “The city admitted in its pleadings that it is ‘a municipal corporation’ and that Miller is an ‘individual.’ As a municipal corporation, the city is therefore a ‘person’ under the ELCRA, and is an ‘employer’ if it has one or more employees. The city’s complaint stated that an investigating attorney was hired, among other things, to ‘conduct interviews of city employees and officials,’ and that the attorney in fact interviewed ‘employees.’ Therefore, although the city disputes whether it was Miller’s employer, its own pleadings establish that it is an employer. Miller is both a ‘person’ and an ‘individual,’ because one definition encompasses the other.

“With those definitions in mind, MCL 37.2202(1) is properly construed as prohibiting an employer such as the City from ‘discriminat[ing] [for specified reasons] against an individual with respect to employment, compensation, or a term, condition, or privilege of employment.’ We further note that our Supreme Court has held that ‘an employer is liable under [Article 2 of the ELCRA] when it utilizes a prohibited characteristic in order to adversely affect or control an individual’s employment or potential employment.’ *McClements v Ford Motor Co*, 473 Mich. 373, 2005, amended in part 474 Mich. 1201, 2005. Further, in order to plead a valid workplace discrimination claim under Section 2 of the ELCRA, a complainant must plead that he or she was ‘(1) a member of a protected class, (2) subject to an adverse employment action, (3) qualified for the position, and that (4) others, similarly situated and outside the protected class, were unaffected by the employer’s adverse conduct.’ Sex is a protected characteristic, as is sexual orientation.

“In this case, Miller pleaded that (1) he was a member of a protected class based on his sex and sexual orientation; (2) he had served as a ‘councilman’ for a period of five years; (3) he was subject to adverse employment actions with respect to ‘employment, promotional opportunities, compensation, or other conditions or privileges of employment’ on the basis of a protected characteristic; and (4) he was treated differently than both non-male and male employees who were similarly situated.

“Miller’s pleadings, taken as true, establish a valid claim for employment discrimination under Article 2 of the ELCRA. Although the City argued, and the trial court found, that Miller was not an ‘employee’ of the city and that no ‘employment relationship’ existed, the plain language of the statute does not limit employment discrimination claims to employees. As our Supreme Court observed in *McClements*, ‘MCL 37.2202 does not state that an employer is only forbidden from engaging in such acts against its own employees Accordingly, to limit the availability of relief under the ELCRA to those suits brought by an employee against his or her employer is not consistent with the statute.’

legal review

The Court in *McClements* therefore held that ‘a worker is entitled to bring an action against a nonemployer defendant if the worker can establish that the defendant affected or controlled a term, condition, or privilege of the worker’s employment.’

“Applying *McClements* to this case, we conclude that irrespective of whether Miller, as an elected official, was an ‘employee’ of the city, he certainly had employment and alleged that the city affected or controlled a condition of his employment. Therefore, we conclude that Miller pleaded a viable claim under section 2 of the ELCRA.

“The city points out that the ELCRA is based on Title VII of the 1964 Civil Rights Act, 42 USC 2000e, *et seq.*, and that our Supreme Court has encouraged using federal precedent interpreting Title VII as guidance in interpreting the ELCRA. Further, the city notes that Title VII explicitly exempts from its definition of ‘employee’ ‘any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer’s personal staff, or an appointee on the policy making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office.’ 42 USC § 2000e(f).

“The city is correct that the definition of ‘employee’ found in 42 USC § 2000e(f) excludes elected officials and certain other individuals. This exclusion has been held to preclude such persons from bringing certain employment discrimination claims under Title VII. However, we note not only that we are bound by our Supreme Court’s holding in *McClements*, but that Title VII, using language similar to the ELCRA, prohibits an employer from taking certain actions against ‘any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin,’ and other actions against ‘employees’ or ‘applicants’ based on those same characteristics. Therefore, it does not appear that the definition of ‘employee’ found in Title VII would necessarily bar all employment discrimination claims from elected officials. Indeed, the exclusion cited by the city contains its own carve-out for ‘employees subject to the civil service laws of a state government, governmental agency or political subdivision.’ Moreover, when analyzing Title VII discrimination claims, certain government employees may be able to pursue such claims under the Government Employee Rights Act, 42 USC 20003-16a, *et seq.*, or other similar statutes, notwithstanding their exclusion from the definition of ‘employee.’ In short, the definition of ‘employee’ under Title VII is part of a complex network of federal legislation, and should be considered in that context, rather than merely reading the text of 42 USC § 2000e(f) (defining ‘employee’) in isolation.”

“More importantly for our purposes, when Title VII exempts elected officials and other persons from the definition of ‘employee,’ it does so explicitly, not by implication. Although we have been encouraged to take ‘guidance’ from federal interpretations of Title VII, we do not believe that we are required to read extensive language from Title VII into the ELCRA, language that the Legislature did not see fit to include.”



Advisory committees subject to OMA if exercising governmental function

Pinebrook Warren, LLC v. City of Warren, ___ Mich. ___, July 31, 2024 (Docket Nos. 164869, 164870, 164871, 164872, 164873, 164874, 164875, 164876, and 164877)—A township board may appoint advisory committees to collect information, make recommendations and participate in township programs. Purely advisory committees—that do not include a quorum of the township board or other public body—are not subject to the Open Meetings Act (OMA).

But the fact that a public body calls a committee “advisory” does not automatically release the committee from OMA compliance. In practice, a township “advisory committee” may be subject to the OMA if it falls under the OMA’s definition of a quorum of a public body deliberating toward or rendering a decision at a meeting.

Although this has been a long-standing interpretation, it was soundly confirmed in *Pinebrook Warren, LLC v City of Warren*, in which a city-appointed “review committee” ranked and recommended medical marijuana dispensary licensing applicants to the city council. The city council simply accepted the review committee’s rankings without any discussion. Per the OMA definitions, “‘Public body’ means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function.” (MCL 15.262(a)) In *Pinebrook*, the court held that “the Review Committee was a public body because it was a governing body and

was empowered by the Marijuana Ordinance to exercise the governmental function of scoring medical marijuana dispensary applicants. Even though the Marijuana Ordinance said the Review Committee had only the power to make recommendations, the Review Committee was a ‘governing body’ because, in reality, the Review Committee ranked applications and effectively decided which applicants would receive licenses—the city council did not do that work. The Review Committee was therefore required to comply with the OMA.”

Although the OMA defines a meeting as “the convening of a public body at which a quorum is present,” if a public body delegates a governmental function or proprietary authority to a subcommittee that is less than a quorum of the body, that subcommittee is still conducting a governmental function, and the process must be conducted at an open meeting. Avoid using subcommittees to circumvent the OMA. *Pinebrook* would potentially also apply to a subcommittee.

Local units may prohibit sale of fireworks from tents

Samona v City of Eastpointe, (___ Mich. App. ___) Decided Aug. 29, 2024, Docket No. 366648—David Samona and Dennis Robertson, firework vendors, filed this lawsuit against the City of Eastpointe, seeking to invalidate the city’s ordinances prohibiting the sale of fireworks in temporary structures and limiting the sale of consumer fireworks to brick-and-mortar buildings with fire suppression systems.



“The trial court invalidated the challenged ordinances as conflicting with provisions of the Michigan Fireworks Safety Act (FSA), MCL 28.451 *et seq.* Eastpointe appealed, arguing that MCL 28.457(4) permits its regulation of firework sales from temporary structures, and thus, its limitation of consumer firework sales to permanent structures equipped with fire safety equipment is a permitted use regulation.”

MCL 28.457 states in part, “(4) Beginning August 1, 2019, a local unit of government with a population of 100,000 or more or a local unit of government located in a county with a population of 750,000 or more may enact or enforce an ordinance that regulates the use of a temporary structure. An ordinance established under this subsection may include, but is not limited to, a restriction on the number of permits issued for a temporary structure, regulation of the distance required between 2 or more temporary structures, or a zoning

ordinance that regulates the use of a temporary structure. An ordinance established under this subsection may not prohibit the temporary storage, transportation, or distribution of fireworks by a consumer fireworks certificate holder at a retail location that is a permanent building or structure. As used in this subsection, ‘temporary structure’ means a movable structure that is used in the sale, display, storage, transportation, or distribution of fireworks, including, but not limited to, a tent or a stand.”

Eastpointe argued that § 50-91(c)(12) of the Eastpointe ordinances, which prohibits the sale of fireworks from temporary structures like tents, does not conflict with MCL 28.457. The court held that the Eastpointe ordinance provisions do not conflict with the FSA and are valid. “Eastpointe did not prohibit the sale of fireworks; rather, § 50-91(c)(12) prohibits the sale of fireworks from temporary locations. Eastpointe also required that if consumer fireworks are sold from brick-and-mortar buildings, the structures must have fire suppression systems. Therefore, the ordinance does not conflict with MCL 28.457(4) in this regard.

“The parties also disagree about the type of regulation permitted under MCL 28.457(4). Interpreting the phrase “[a]n ordinance established under this subsection may include, but is not limited to,” plaintiffs contend that Eastpointe’s regulations must be similar to the examples provided. To the contrary, Eastpointe contends that the statute gives it full discretion to determine how to regulate the sale of fireworks from temporary structures. We agree with Eastpointe. ... this Court, as well as our Supreme Court, have interpreted the phrase ‘including but not limited to’ and the phrase ‘may include, but is not limited to’ consistently to be illustrative and not definitive, allowing discretion to inform the precise parameters.”

“As the Supreme Court explained in *In re Forfeiture of \$5,264*, 432 Mich 242, 255; 439 NW2d 246 (1989), ‘the proviso, ‘including but not limited to’ should not be viewed as a limitation but rather ‘connotes an illustrative listing, one purposefully capable of enlargement.’

“Accordingly, principles of statutory construction as well as long-standing precedent support Eastpointe’s interpretation of MCL 28.457(4) as giving local governments discretion to regulate the use of temporary structures for the sale, display, storage, transportation, or distribution of consumer fireworks. Finally, MCL 28.457(4) states that a local ordinance ‘may not prohibit the temporary storage, transportation, or distribution of fireworks by a consumer fireworks certificate holder at a retail location that is a permanent building or structure.’ And Eastpointe expressly protected this activity by permitting the sale of consumer fireworks from brick-and-mortar buildings with fire suppression systems in Eastpointe Ordinances, § 20-95.”

upcoming MTA workshop

REGISTRATION INFORMATION

Treasurers' Guide to Tax Collection

Whether you are a seasoned treasurer, newly elected or anything in between, MTA's full-day *Treasurers' Guide to Tax Collection* workshop is a must! Collecting property taxes is a highly visible function of the township treasurer's office. It comes with significant responsibility not only for the large amount of money collected but also for compliance with the General Property Tax Act.

Led by MTA Consultant Cindy Dodge, the day includes discussion on:

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

We'll discuss applicable laws, "best practices" and so much more! **This workshop is also appropriate for deputy treasurers and any member of your township team who has some responsibility in the property tax collection process.** All participants will receive the Treasurer's Record Retention Schedule #29, the *Accounting Procedures Manual for Local Units of Government in Michigan*, and examples of what the tax bill can include to reduce taxpayer misunderstandings, cut through the confusion and reduce your call volume.



DATES & LOCATIONS

- Nov. 19: Northern Center at NMU, Marquette
- Nov. 20: Treetops Resort Conference Center, Gaylord
- Nov. 21: Four Points by Sheraton, Kalamazoo
- Nov. 25: Bavarian Inn Lodge, Frankenmuth

Continue the learning: The registration fee* includes continental breakfast, lunch and all handout materials. Attendees may also purchase the 2024 edition of MTA's *Treasurer's Guide to Township Government*. This essential resource for township treasurers is available to workshop registrants for the discounted rate of \$34.50. Books will be distributed at check-in. Additional copies will be available for sale on site (while supplies last).

Cancellations and substitutions: Written cancellation requests received at the MTA office by Nov. 12 will receive a full refund. Those who cancel after Nov. 12 will be given online access to the recorded version. No refunds will be issued thereafter without extenuating circumstances. You may substitute another individual from your township without incurring a charge; please notify MTA of the change.



Tax Collection Registration Form — — — — —

Township & County

Name & Title Purchase *Treasurer's Guide*? Yes No

Name & Title Purchase *Treasurer's Guide*? Yes No

Payment Options:		
<input type="checkbox"/> Check enclosed (payable to MTA) OR <input type="checkbox"/> Invoice my township (members only)		
<input type="checkbox"/> Charge to: (circle one) MasterCard VISA		
Card #	Expires	
Print Card Holder's Name	CSV (3-digit code)	Signature

Which location will you attend?

- Nov. 19: Northern Center at NMU, Marquette
- Nov. 20: Treetops Resort Conference Center, Gaylord
- Nov. 21: Four Points by Sheraton, Kalamazoo
- Nov. 25: Bavarian Inn Lodge, Frankenmuth
- ▶ **Early-bird Rate***: \$130/person *Expires Nov. 12*
- ▶ **Regular Rate***: \$160/person *After Nov. 12*

_____ (# registered) x \$ _____ (rate*) = \$ _____

_____ (# of books) x (\$34.50/book*) = \$ _____

AMOUNT ENCLOSED = \$ _____

*Rate applies to MTA members. Non-members, call for rates.

Confirmations will be sent via email to individual registrants. To add or update an email, contact MTA at (517) 321-6467, ext. 231 or email database@michigantownships.org



Send completed registration form to MTA, P.O. Box 80078, Lansing, MI 48908-0078, fax to (517) 321-8908 or email rebecca@michigantownships.org. Need event registration assistance? Call (517) 321-6467, ext. 226. For other event-related questions, call (517) 321-6467, ext. 234.

upcoming MTA workshop

REGISTRATION INFORMATION

New Officials Training

This full-day, in-person event—held at 13 locations across the state—is essential to help newly elected officials start out on the right foot! Designed to build on your abilities and understanding of township government, MTA's *New Officials Training* will enable you to successfully represent and serve your residents while shaping your community's future. We'll review the "hows and whys" of township government, and explore the duties and responsibilities of the township board—and your role. We'll start out the day (at 9 a.m.) with discussion on:

- **What Townships Do—and Don't Do:** Every township's required government functions, plus the optional "do's and don'ts."
- **Who's in Charge (and What Did I Get Myself Into?):** How township boards work.
- **Public vs. Private:** You're the government, using public money—what are the rules? What is your "fiduciary" responsibility?
- **Township Revenues:** How does a township pay for government programs and services?

After lunch (included with your registration), join the breakout session (1 to 4 p.m.) geared for your office. Here's what we'll review:

- **Clerks:** Records, minutes, notices, financial administration and reporting, accounts payable, elections and additional duties
- **Supervisors:** Meeting management, ordinances, lawful expenditures, budgets, township administration, overseeing assessing and risk management
- **Treasurers:** Financial administration, internal controls and reporting, selecting township financial institutions and investments, and receiving and receipting money (MTA offers separate in-depth tax collection training this month! See page at left for details.)
- **Trustees:** Understanding your role (hint: all board members are "trustees" at the head table), including budgeting, decision-making and fiduciary responsibility (looking out for the township's best interests)

Can't make the date nearest you? There's an online option, too! Watch a recorded class (available Dec. 20), then join us online for a live Q&A to get your questions answered in real time. We'll begin at 10 a.m. as follows:

Clerks: January 27 **Supervisors:** January 28 **Treasurers:** January 29 **Trustees:** January 30

Continue learning with MTA publications Members save up to 20% off our township-targeted resources when purchased with registrations:

OPTION 1: Township Basics package (\$94.50 discounted rate; online registrants, add \$6 for shipping) Includes *Official's Guide to Township Government* (specific to your office), *Authorities & Responsibilities of Michigan Townships*, and *Introduction to Township Board Meetings*

OPTION 2: Township Essentials collection (\$230 discounted rate; online registrants, add \$10 for shipping) Includes resources in the Township Basics package PLUS *Building a Better Budget*, *Introduction to the Freedom of Information Act*, *The Township Guide to Planning & Zoning* and *Policy Matters!*



Confirmations, with locations, directions, lodging information and event policies, will be sent via email to individual registrants.

New Officials Training Registration Form — — — —

Township & County _____

Name & Title _____ Purchase books? Basics Essential

Email address _____

Name & Title _____ Purchase books? Basics Essential

Email address _____

Payment Options	
<input type="checkbox"/> Check enclosed (payable to MTA) OR <input type="checkbox"/> Invoice my township (members only)	
<input type="checkbox"/> Charge to: (circle one)	MasterCard VISA
Card # _____	Expires _____
Print Card Holder's Name _____	Signature _____

Which location will you attend?

- | | |
|---|---|
| <input type="checkbox"/> Dec. 10: Muskegon | <input type="checkbox"/> Jan. 6: Houghton |
| <input type="checkbox"/> Dec. 11: Lansing | <input type="checkbox"/> Jan. 7: Harris |
| <input type="checkbox"/> Dec. 12: Kalamazoo | <input type="checkbox"/> Jan. 8: Sault Ste. Marie |
| <input type="checkbox"/> Dec. 17: Frankenmuth | <input type="checkbox"/> Jan. 14: Port Huron |
| <input type="checkbox"/> Dec. 18: Hale | <input type="checkbox"/> Jan. 15: Gaylord |
| <input type="checkbox"/> Dec. 19: Thompsonville | <input type="checkbox"/> Jan. 16: Mt. Pleasant |
| <input type="checkbox"/> Online option | <input type="checkbox"/> Jan. 17: Ann Arbor |

- ▶ **Online Rate*:** \$150/person
 - ▶ **In-person Early Rate*:** \$150/person *Expires two weeks prior to event*
 - ▶ **In-person Regular Rate*:** \$180/person *Applies two weeks prior to event*
- For on-site registration, as space allows, add \$20*

_____ (# registered) x \$ _____ (rate*) = \$ _____

_____ (# of Basic kits) x (\$94.50/package*) = \$ _____

_____ (# of Essential kits) x (\$230/package*) = \$ _____

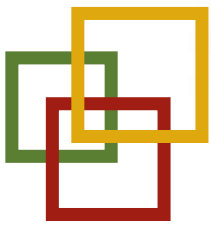
(Online attendees, add \$6 per Basics package and \$10 per Essentials package for shipping and handling)

AMOUNT ENCLOSED = \$ _____

**Rate applies to MTA members. Non-members, call for rates.*



Send completed registration form to MTA, P.O. Box 80078, Lansing, MI 48908-0078, fax to (517) 321-8908 or email rebecca@michigantownships.org. Need event registration assistance? Call (517) 321-6467, ext. 226. For other event-related questions, call (517) 321-6467, ext. 234.



Save half-off MTA webcasts
in November!

Use promo code: Thanks



Fall into savings this November

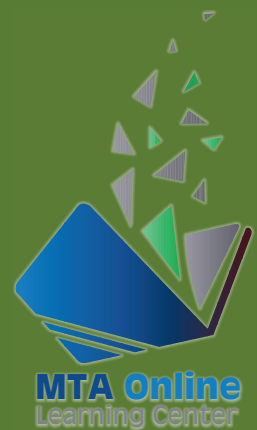
MTA's **Online Learning Center** is home to a wide variety of recorded webinars designed with township officials in mind—and new topics are being added all the time! From **assessing** to **zoning**, you're sure to find something for *every* member of your township team, at every stage in their public service career, all available for you to watch on-demand when it's most convenient for you! We recognize how valuable time is and strive to help you balance your demanding schedules with your educational needs. That's why we record our classes, so you can get the **targeted township training** you need to succeed when the timing is right for you.

Here at MTA, we're as proud of our online learning options as we are of your dedication to improving yourself. We take our role in educating—and supporting—our members very seriously. In honor of that, and to demonstrate our appreciation that you continue to turn to us for your educational needs, we are offering a **half-off webcast sale for the entire month of November!** When checking out, use promo code: **Thanks**

Choose from **nearly 100 webinars** under the following categories:

Assessment & Taxation | **Board Essentials** | **Financial** | **Planning & Zoning** | **Township Governance Academy**

Detailed descriptions of each webcast are available online; visit <https://learn.michigantownships.org> to learn more. There, you can also find out how to unlock the savings with MTA Online subscriptions, which give your entire township team access with no additional "per person" fees.



MTA Online
Learning Center