

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
Thursday, July 22, 2021
7:30 p.m.

**THIS MEETING WILL BE HELD IN PERSON WITH
ONLINE PARTICIPATION OPTIONS**

Call to Order
Pledge of Allegiance
Members Present/Members Absent
Call to the Public

- 1) Approval of Agenda
- 2) Consent Agenda
 - a. Approval of July 8, 2021 Regular Meeting Minutes
 - b. Approval of July 8, 2021 Special Meeting Minutes
 - c. Financial Report
 - d. June 2021 Sheriff's Report
- 3) Tamarack Place PUD Agreement
- 4) Crystal Wood Trees
- 5) Attorney Review Letter
- 6) Resident Letter
- 7) Coronavirus Local Fiscal Recovery Fund (CLFRF)
- 8) ZBA Report

Correspondence and Updates

Call to the Public
Adjournment

Reminder: Next Board Packet will be ready after 3pm on Thursday, August 5, 2021

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
JULY 8, 2021

DRAFT

MEMBERS PRESENT: Scott Lloyd, Greg Durbin, Bob Hanvey, Tammy Beal, Les Andersen, Dan Lowe, and Sandy Donovan

MEMBERS ABSENT: None

OTHERS PRESENT: John Gormley, Phil Westmoreland, Dave Hamann

CALL TO ORDER

Bob Hanvey called the meeting to order at 7:52 pm. The meeting was also available to attend online.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

Peggy Woodard, 2720 Harvest Dr., was present to ask the status of the landlocked property owner on Harvest Drive who has a landscaping business. Dave Hamann said that of last week, Carlisle Wortman was sending a violation notice. John Gormley explained the show cause process and said that there is a process that needs to be followed.

Susan Schooley, 459 E. Davis Rd., said she was attending for the same reason as Ms. Woodward, and thanked the board for moving the process along. She also said she disagrees with Bob Hanvey's opinion that the township should show leniency with enforcement; she believes the leniency belongs in the ordinance, not the enforcement.

Bernie Brosnan, 2782 Harvest Dr., said he supports Ms. Woodward's comments.

Tim Ryan, 459 E. Davis Rd., played an audio tape from May 10 demonstrating the noise coming from the landscape business.

APPROVAL OF AGENDA

Items #11—Approve Banking Institutions and #12—American Rescue Plan Act were added to the agenda. Greg Durbin motioned to approve the agenda as amended. Les Andersen seconded. **Motion carried.**

CONSENT AGENDA

Les Andersen motioned to approve the consent agenda. Scott Lloyd seconded. **Motion carried.**

BALDWIN SHOW CAUSE HEARING

Anthony Baldwin, 2889 High Meadows, and his fiancé Elizabeth were present for the show cause hearing. Elizabeth said they have been trying to get rid of stuff, and they are asking for an extension and direction from the Board. Bob Hanvey asked if they were running a landscape business; Mr. Baldwin said yes, and they have 3-4 trucks. Mr. Hanvey asked if they have abandoned vehicles; Mr. Baldwin said yes,

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a couple. Tammy Beal asked about the number of dogs; Elizabeth said they currently have four pit bulls and they don't let one out at a time on a chain. Mr. Hanvey asked if they have what would be considered "junk" on the property; Mr. Baldwin said yes, if you're from the city. They stated they have no employees. Sandy Donovan asked about the shipping containers. They said they have a 40' long container with personal belongings. They also now have a pink school bus. In response to a question from Les Andersen, Dave Hamann said that any structure over 200 square feet requires a permit. Mr. Hanvey asked how far from the property line the shipping container is; Mr. Baldwin said about eight feet.

Greg Durbin said there needs to be a remediation plan for the property owner to follow. Mr. Hamann said this activity would be considered a Home-based Business which would require a Special Use Permit approved by the Planning Commission and the Board.

Tammy Beal motioned to have the property owner submit a remediation plan including applications for necessary permits by July 29 to be included in the August 12 board packet. Greg Durbin seconded. **Motion carried.**

TAMARACK PLACE FINAL SITE PLAN REVIEW

Mike West from Westview Capital was present on behalf of this project. Mr. West said preliminary approval was granted last December, the Board approved in February, and the Planning Commission recommended final site plan approval at its June 22 meeting. The engineer and planner's comments have been addressed and a revised site plan has been submitted by Desine. Les Andersen asked about the letter from the LCRC; Mr. West said their concerns have been addressed. Dan Lowe asked about the lighting; Mr. West said they will all be "down" lighting. With regard to the PUD agreement, John Gormley said there are three items of concern: Road improvements requiring a \$150,000 bond; the timing of each phase; and access controls during construction. Bob Hanvey said he would like the attorney to review and Master Deed and Bylaws as well.

Les Andersen motioned to grant final site plan approval for Tamarack Place contingent on the attorney's approval of the Master Deed and Bylaws, and the PUD agreement amendments. Tammy Beal seconded. **Motion carried.**

VINTAGE MARKET SPECIAL EVENT

Jada and Jordan Wester, who own property at 2948 Cedar Lake Road, and own Like Mother, Like Daughter shop at 120 N. State St. in Howell, were present to ask for the board's approval of a Special Event Permit for a Vintage Market on September 24-25. Bob Hanvey said this is a non-conforming parcel. Andy Herald, 1881 Cedar Lake Road, said he owns property that borders this parcel, and he would rather have a vintage market than another house. The board members discussed having more than 50% of the goods being sold as agriculture and not using the existing buildings could allow the owner to hold the farmer's market. She will contact the zoning administrator to discuss her options.

GRAVEL/PAVED PARKING LOTS

Phil Westmoreland said it is really up the Board what conditions/criteria is used. He said that storms sewers, retention ponds, and shifting are issues that need to be managed, although gravel does allow some filtration.

Andy Herald, 1881 Cedar Lake Road, said the township put in a gravel parking lot, so others should be allowed. Bob Hanvey explained that was the first phase of the project. The board members discussed the situation at Howell Storage; he would like to expand the business, but doesn't want to pave the entire lot.

Les Andersen motioned to extend the meeting beyond 9:30 pm. Scott Lloyd seconded. **Motion carried.**

The board members discussed Section 18 of the zoning ordinance vs. the engineering standards.

Greg Durbin motioned to postpone action on this item. Sandy Donovan seconded. **Motion carried.**

CRYSTAL WOOD TREES

Dan Lowe said he had some prices but would like to get more. He will provide the information by Thursday, July 15 at noon for the next meeting packet.

LIVINGSTON COUNTY CATHOLIC CHARITIES

Greg Durbin motioned to approve the request from Livingston County Catholic Charities to use the township hall basement from November 29 through December 15, 2021. Les Andersen seconded. **Motion carried.**

ATTORNEY MEETING REVIEW

Bob Hanvey provided a review of the recent meeting with the attorney. Dan Lowe asked about the Motor Vehicle Code and Motor Carrier Safety Act. More information will be provided for a future meeting.

GENERAL FUND FY 2021-22 BUDGET AMENDMENT

Les Andersen motioned to adopt a resolution to amend the 2021-22 budget for the Sexton, as presented. Tammy Beal seconded. Roll call vote: Hanvey, Lowe, Donovan, Andersen, Durbin, Beal, Lloyd—all yes. **Resolution passed 7-0.**

APPROVE BANKING INSTITUTIONS

Les Andersen motioned to approve the list of approved banking institutions to include MSUFCU and Mercantile Bank, as presented. Tammy Beal seconded. **Motion carried.**

AMERICAN RESCUE PLAN ACT

Greg Durbin motioned to adopt a resolution to authorize the supervisor to submit the necessary paperwork. Les Andersen seconded. Roll call vote: Donovan, Andersen, Durbin, Beal, Lloyd, Lowe, Hanvey—all yes. **Resolution passed 7-0.**

CORRESPONDENCE & UPDATES

Les Andersen passed out a paragraph for the board members to review regarding operating a business in Marion Township.

Two invoices were received from the LCRC for Burkhart Road and Triangle Lake Road and they were less than expected.

CALL TO THE PUBLIC

Lisa Kirk, 2935 High Meadows, thanked the board and said she doesn't believe the Baldwin's are being truthful about the activity on their property.

ADJOURNMENT

Sandy Donovan motioned to adjourn at 9:51 pm. Les Andersen seconded. **Motion carried.**

Submitted by: S. Longstreet

Tammy L. Beal, Township Clerk Date

Robert W. Hanvey, Township Supervisor Date

MARION TOWNSHIP
BOARD OF TRUSTEES
SPECIAL MEETING
July 8, 2021

DRAFT

MEMBERS PRESENT: Sandy Donovan, Bob Hanvey, Tammy Beal, Greg Durbin, Les Andersen, Dan Lowe, Scott Lloyd

MEMBERS ABSENT: None

OTHERS PRESENT: Attorney John Gormley, Attorney Thomas Meagher (Virtually)

CALL TO ORDER

Bob Hanvey called the meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

None heard

APPROVAL OF AGENDA

Tammy Beal motioned to approve the agenda. Greg Durbin seconded. **Motion carried.**

CLOSED SESSION

At 7:04 pm, Sandy Donovan made a motion regarding the AJR Group, Inc. and Cornerstone Land, LLC v Marion Township, now pending in the Livingston County Circuit Court, Case No. 19-30387-CZ, to go into a closed session to consult with the attorney regarding trial or settlement strategy in connection with specific pending litigation because an open meeting would have a detrimental financial effect on the litigation or settlement position of the Township. Roll Call Vote: Lloyd, Durbin, Donovan, Hanvey, Lowe, Andersen, Beal-all yes. Nays-none. **Motion carried 7-0.**

At 7:32 pm Bob Hanvey made a motion to come out of closed session, Tammy Beal supported. Roll Call Vote: Lowe, Andersen, Beal, Lloyd, Durbin, Donovan, Hanvey-all yes. Nays-none. **Motion carried 7-0.**

CLOSED SESSION

At 7:33 pm, Sandy Donovan made a motion regarding the Hometown Village of Marion Association v

Marion Township, et al., now pending in the United States District Court for the Eastern District of Michigan, Case No. 20-cv-11458-MAG-APP, to go into a closed session to consult with the attorney regarding trial or settlement strategy in connection with specific pending litigation because an open meeting would have a detrimental financial effect on the litigation or settlement position of the Township. Roll Call Vote: Lowe, Andersen, Beal, Lloyd, Durbin, Donovan, Hanvey -all yes. Nays-none. **Motion carried 7-0.**

At 7:40 pm Bob Hanvey made a motion to come out of closed session, Sandy Donovan supported. Roll Call Vote: Donovan, Hanvey, Lowe, Andersen, Beal, Lloyd, Durbin -all yes. Nays-none. **Motion carried 7-0.**

Tammy Beal made a motion to proceed with what the attorney suggested during the closed session in regards to the AJR Group, Inc. and Cornerstone Land, LLC, Sandy Donovan supported. Roll Call Vote: Donovan=yes, Andersen=no, Lowe=no, Beal=yes, Lloyd=no, Durbin=yes, Hanvey=yes. **Motion carried 4-3.**

At 7:49 pm, Sandy Donovan made a motion to close the first meeting and proceed with the regular meeting, supported by Les Andersen. Motion carried.

Submitted by: Tammy L. Beal

Tammy L. Beal, Township Clerk Date

Robert W. Hanvey, Township Supervisor Date

Marion Township Investments 7-1-2020 TO 6-30-2021

Bank Name	Account Name-Type	Account Number	APY	Balance as of June 30, 2021	Interest earned FY 2020-2021
GENERAL FUND					
First National Bank Howell	GF Invest	xxx599		\$ 320,628.50	\$ 799.38
First National Bank Howell	Land HYMM	xxx342		\$ 226,055.57	\$ 444.17
First National Bank Howell	Checking	xxx566		\$ 1,928,017.12	\$ 4,657.31
State Bank Brighton	Jumbo CD	33737		\$ 249,492.77	\$ 1,977.41
Flagstar Bank	CD	427853054		\$ 128,111.02	\$ 1,507.32
PNC Bank	CD	22042294148		NA	NA
Flagstar Bank	CD	xxx8365		\$ 113,351.85	\$ 381.28
Key Bank	PubMIM	229683001700			
CLOSED					
				SUBTOTAL \$	2,965,656.83
					\$ 9,766.87

WATER FUND					
CIBC	CD	XXX321		\$ 207,689.29	\$ 3,519.10
First National Bank Howell	Checking	xxx856		\$ 477,594.87	\$ 1,246.88
				SUBTOTAL \$	685,284.16
					\$ 4,765.98

SEWER FUND					
TCF Bank	Jumbo CD	1443842072		\$ 202,186.77	\$ 2,186.77
Chemical Bank	CD	xxx707		NA	NA
Mercantile Bank	CD			\$ 203,859.37	\$ 2,736.45
CIBC	CDARS	XXX4405		\$ 2,008,995.59	\$ 6,347.30
First National Bank Howell	Checking	xxx029		\$ 1,212,854.49	\$ 3,166.45
				SUBTOTAL \$	3,627,896.22
					\$ 14,436.97
				GRAND TOTAL \$	7,278,837.21
					\$ 28,969.82

CLOSED

GENERAL FUND CHECKING

Previous Balance	\$	1,974,522.82
Receipts	\$	72,599.05
Interest	\$	354.74
	\$	<u>2,047,476.61</u>
Expenditures	\$	119,459.49
Balance	\$	<u>1,928,017.12</u>

CEMETERY FUND

Previous Balance	\$	36,554.40
Receipts	\$	2,000.00
Interest		
	\$	<u>38,554.40</u>
Expenditures	\$	945.00
Balance	\$	<u>37,609.40</u>

PARKS & RECREATION FUND

Previous Balance	\$	21,172.55
Receipts	\$	-
Interest		
	\$	<u>21,172.55</u>
Expenditures	\$	1,013.89
Balance	\$	<u>20,158.66</u>

WATER - NEW USER

Previous Balance	\$	468,819.94
Receipts	\$	8,774.93
Interest	\$	-
	\$	<u>477,594.87</u>
Expenditures		
Balance	\$	<u>477,594.87</u>

SEWER OPERATING & MANAGEMT

Previous Balance	\$	182,469.73
Receipts	\$	60,478.21
Interest		
	\$	<u>242,947.94</u>
Expenditures	\$	49,561.09
Balance	\$	<u>193,386.85</u>

SEWER - NEW USER

Previous Balance	\$	651,560.89
Receipts	\$	19,150.00
Interest		
	\$	<u>670,710.89</u>
Expenditures	\$	150.00
Balance	\$	<u>670,560.89</u>

SPEC ASSESS. FUND

Previous Balance	\$	202,173.55
Receipts	\$	3,980.58
	\$	<u>206,154.13</u>
Expenditures	\$	15,681.00
Balance	\$	<u>190,473.13</u>

ESCROW FUND

Previous Balance	\$	99,706.28
Receipts	\$	-
	\$	<u>99,706.28</u>
Expenditures	\$	9,013.25
Balance	\$	<u>90,693.03</u>

SUMMARY TOTALS

General Fund	\$	1,928,017.12
Cemetery Fund	\$	37,609.40

Parks & Rec Capital Chk	\$	20,158.66
Water - New User	\$	477,594.87
Sewer Operating & Mana	\$	193,386.85
Sewer - New User	\$	670,560.89
Special Assess. Fund	\$	190,473.13
Escrow Fund	\$	90,693.03
		<hr/>
TOTAL	\$	3,608,493.95

Ref: Financial Report JULY 2020

#101 General Fund
 Transactions by Account

	Date	Num	As of June 30, 2021 Name	Amount
001 - CASH - GENERAL - FNB				
	06/01/2021	11464	Renee Hocking	-255.00
	06/01/2021	11465	Spicer Group Inc	-914.50
	06/01/2021	11466	PNC Bank	-933.96
	06/01/2021	11467	ALLSTAR ALARM	-300.00
	06/01/2021	11468	AT&T -General	-386.96
	06/01/2021	11469	Demuse Topsoil	-149.48
	06/02/2021	11470	LIV CO TREASURER'S ASSOCIA	0.00
	06/08/2021	11476	QUADIANT FINANCE USA, INC.	-300.00
	06/08/2021	11477	Culligan of Ann Arbor	-35.40
	06/08/2021	11478	MARION TOWNSHIP SEWER NE	-500.00
	06/08/2021	11479	FOWLerville NEWS & VIEWS	-165.00
	06/08/2021	11480	DTE ENERGY	-72.67
	06/09/2021	11482	BEAR WATER TREATMENT	0.00
	06/10/2021	11471	VOYA Institutional Trust	-300.00
	08/10/2021	11472	Marion Township Flex Fund	-1,593.33
	06/10/2021	11475	ALERUS PAYMENT SOLUTIONS	-3,648.43
	06/10/2021	11474	VOID	0.00
	06/10/2021	11473	VOID	0.00
	06/10/2021	0009397	LESLIE D. ANDERSEN	-322.24
	06/10/2021	0009398	JAMES L. ANDERSON JR.	-88.10
	06/10/2021	0009399	SCOTT R. LLOYD	-150.30
	06/10/2021	0009400	DANIEL F. LOWE	-482.86
	06/10/2021	0009401	BRUCE V. POWELSON	-92.35
	06/10/2021	0009402	CHERYL A. RANGE	-92.35
	06/10/2021	E67300	TAMMY L. BEAL	-2,551.81
	06/10/2021	E67301	GAIL A. BURLINGAME	-2,785.40
	06/10/2021	E67302	SANDY DONOVAN	-3,279.70
	06/10/2021	E67303	GREGORY L. DURBIN	-1,077.86
	06/10/2021	E67304	LAWRENCE W. GRUNN	-132.14
	06/10/2021	E67305	DAVE HAMANN	-2,602.15
	06/10/2021	E67306	ROBERT W. HANVEY	-3,677.48
	06/10/2021	E67307	ROBERT JABER JR.	-2,039.88
	06/10/2021	E67309	LOREEN B. JUDSON	-3,079.49
	06/10/2021	E67310	THOMAS A. LLOYD	-501.37
	06/10/2021	E67311	SANDRA J. LONGSTREET	-2,200.96
	06/10/2021	E67313	KITSEY A. RENNELLS	-2,376.54
	06/10/2021	E67314	JESSICA S. TIMBERLAKE	-2,029.33
	06/10/2021	11481	DTE ENERGY	-387.05
	06/10/2021	11483	BEAR WATER TREATMENT	-89.07
	06/10/2021	11484	CARLISLE/WORTMAN, Inc.	-525.00
	06/10/2021	11485	GORMLEY AND JOHNSON LAW	-946.95
	06/10/2021	11486	MARION TOWNSHIP RELIEF FU	-100.00
	06/14/2021	11487	MICHIGAN TOWNSHIPS ASSOCI	-6,229.65
	06/14/2021	11488	Charter Communications	-429.59
	06/15/2021	11489	ECONO-PRINT INC.	-2,464.28

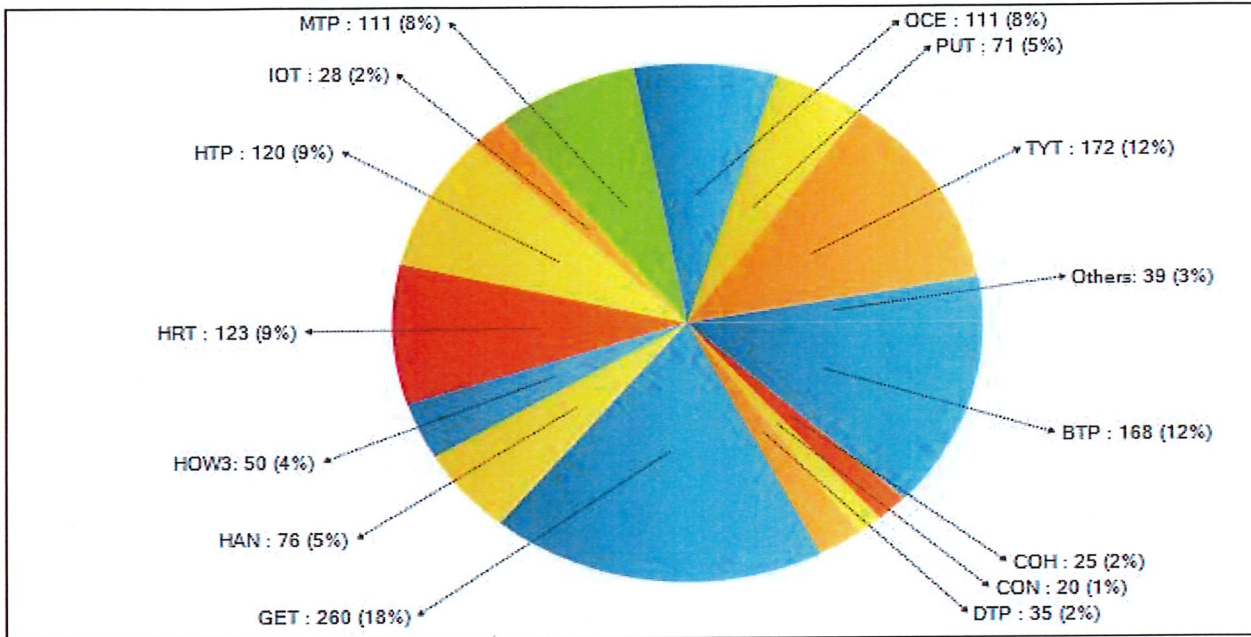
Date Num Name Amount
~~#101 General Fund~~

Transactions by Account

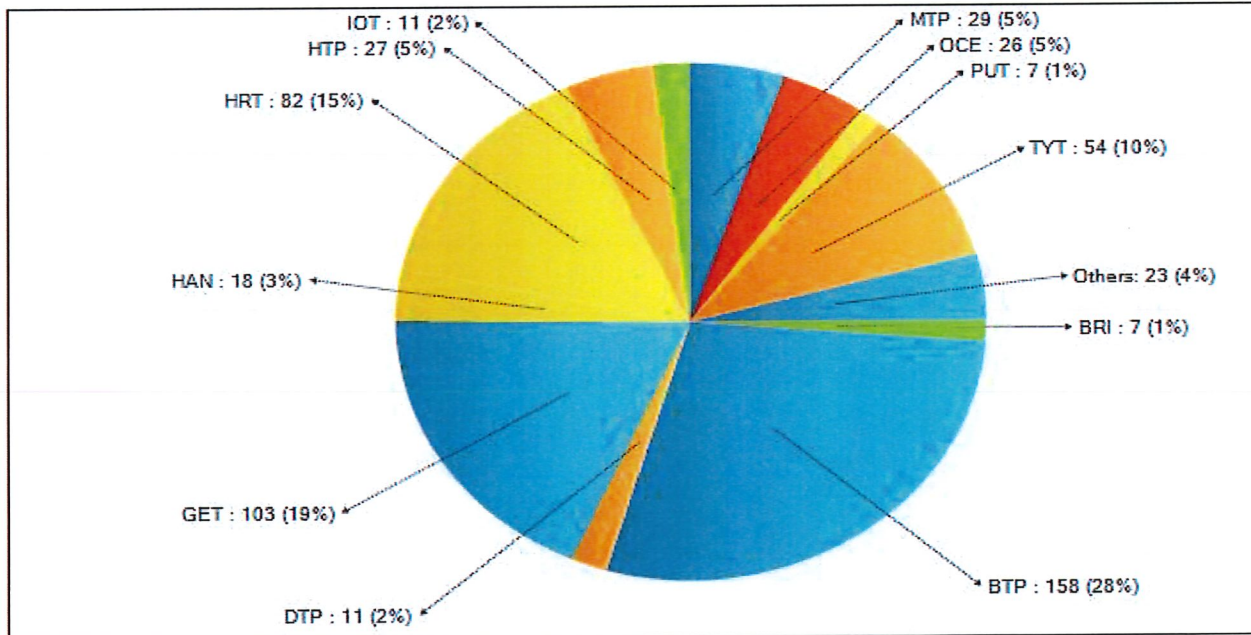
As of June 30, 2021

06/16/2021	11490	B&L Services	-925.00
06/18/2021	11491	Tom Browne's Well Drilling	-325.00
06/21/2021	11492	LIV CO TREASURER	-94.87
06/21/2021	11493	Chloride Solutions	-23,775.12
06/22/2021	11494	NUQ Networks LLC	-200.00
06/22/2021	11495	Blue Cross Blue Shield of Michigan	-12,249.50
06/28/2021	11496	Renee Hocking	-385.00
06/28/2021	11497	Applied Imaging Systems Inc.	-457.53
06/28/2021	11498	STAPLES	-190.83
06/28/2021	11499	LIV CO CLERKS ASSOC	-20.00
06/28/2021	11500	PNC Bank	-1,442.25
06/28/2021	11501	Spicer Group Inc	-820.00
06/28/2021	11502	SANDRA DONOVAN	-66.43
06/28/2021			0.00
06/28/2021	11504	AT&T -General	-364.52
06/28/2021	11503	LIV CO ROAD COMMISSION	-111,058.72
06/29/2021	11505	Colonial Life	-452.74
06/29/2021	11506	SANDRA LONGSTREET	-61.60
06/29/2021	11507	CONSUMERS ENERGY	-55.33
06/29/2021	11508	DAVID HAMANN	-108.08
06/29/2021	11509	Loreen Judson	-179.76
06/30/2021	11510	ABRA CA DABRA LOCK SERVICE	-481.46
06/30/2021	11511	ECONO-PRINT INC.	-2,372.62

LIVINGSTON COUNTY SHERIFF'S OFFICE
 JUNE 2021 CALLS FOR SERVICE



MICHIGAN STATE POLICE
 JUNE 2021 CALLS FOR SERVICE



LIVINGSTON COUNTY SHERIFF'S OFFICE

MARION TOWNSHIP JUNE 2021

Nature	# Events
911 HANG UP	2
ABANDONED VEHICLE	4
ALARM	10
ANIMAL COMPLAINT	7
ASSAULT IN PROGRESS	2
ASSAULT REPORT ONLY	1
CARDIAC/RESPIRATORY ARREST	1
CITIZEN ASSIST	11
CIVIL COMPLAINT	3
CRIMINAL SEXUAL CONDUCT REPORT	2
DISTURBANCE/TROUBLE	1
DOMESTIC PHYSICAL IN PROGRESS	1
DOMESTIC VERBAL	2
EXPLOSION	1
FRAUD	3
GENERAL NON CRIMINAL	1
HAZARD	2
HIT AND RUN ACCIDENT	1
INTIMIDATION THREATS HARASSMEN	5
LARCENY	3
LOST/FOUND PROPERTY	2
MENTAL/CMH/PSYCH	1
MESSAGE DELIVERY	1
MISSING PERSON/RUN-A-WAY	2
MOTORIST ASSIST	3
NOISE COMPLAINTS	1
OVERDOSE/INGESTION	1
PDA	9
PERSONAL INJURY ACCIDENT	3
PHYSICAL DOMES REPORT ONLY	1
PPO VIOLATION	1
PUBLIC SERVICE	1
SOLICITOR COMPLAINT	1
SUICIDAL SUBJECT	2
SUSPICIOUS SITUATION	1
SUSPICIOUS VEHICLE	4
TRESSPASSING, LOITERING	1
UNKNOWN ACCIDENT	1
VIN INSPECTION	1
WEAPONS OFFENSE	1
WELFARE CHECK	9
TOTAL:	110

MARION TOWNSHIP

<u>MONTH</u>	<u>CALLS FOR SERVICE</u>	<u>TICKETS WRITTEN</u>	<u>ARRESTS</u>
JANUARY	71	10	1
FEBRUARY	72	9	6
MARCH	78	18	2
APRIL	57	7	1
MAY	75	16	1
JUNE	110	12	3
JULY			
AUGUST			
SEPTEMBER			
OCTOBER			
NOVEMBER			
DECEMBER			
YTD TOTALS:	463	72	14

<u>TOWNSHIP</u>	<u>NUMBER OF CALLS 3:00PM - 11:00PM</u>	<u>RESPONSE TIME CONTRACT TIME 3:00PM - 11:00PM</u>	<u>NUMBER OF CALLS 11:00PM - 3:00PM</u>	<u>RESPONSE TIME NON CONTRACT TIME 11:00PM - 3:00PM</u>	<u>TOTAL</u>
BRIGHTON	53	30:13	115	31:01	168
COHOCTAH	13	36:48	12	31:54	25
CONWAY	9	30:21	11	40:35	20
DEERFIELD	13	30:48	22	32:04	35
GENOA	106	20:03	154	22:47	260
HANDY	37	30:26	39	36:38	76
HARTLAND	49	19:51	74	26:44	123
HOWELL	51	21:40	69	16:52	120
IOSCO	17	47:55	11	21:31	28
MARION	55	38:15	56	44:37	111
OCEOLA	46	23:08	65	30:29	111
PUTNAM	38	15:01	33	34:21	71
TYRONE	103	15:04	69	26:50	172

MEMO

To: Marion Township Board
From: Bob Hanvey
Subject: Attorney review of issues
Date: July 22, 2021

We are currently in the process of reviewing the Planned Unit Development Agreement for Tamarack and will soon have the Consent Judgment Amendment for Marion Oaks to consider.

Often, when there is a new issue to bring before the Township Board, there is a request for attorney review. For these two matters an attorney review is essential.

I would like the Board to consider a policy to define the sequence of review by the attorney and review by the Board.

If an issue is not acceptable to the Board, there is no reason for attorney review and if the issue is not legal there is no need for Board review.

Some issues may be legal but the attorney may have reservations and want to provide cautions before we take action.

Review by the attorney will usually have a cost, review by the Board does not.

My preference is to bring issues to the Board before review by the attorney.

I think there may be exceptions to this policy due to timing or other circumstances.

What are your thoughts?

ATTENTION RESIDENTS AND PROSPECTIVE RESIDENTIAL PROPERTY OWNERS

Ownership of residential property within Marion Township (with or without homes/buildings) does not afford an owner the right to start or operate a business on/from that property. Examples of such businesses are: auto/truck repair, commercial landscaping, landscaping supply sales, excavating, trucking operations, event barns, etc. Due to the township facing long-term litigation on non-permitted businesses, drawn out enforcement on non-approved businesses, numerous questions/complaints on businesses from township residents, the Township may be forced to hire a full-time enforcement officer, as other Livingston County Townships have, if necessary. The Township suggests all residents review the Township's Zoning and General Ordinances, before opening any business out of their residential, zoned property. If further questions arise, the individuals are encouraged to meet with the Township Zoning Administrator.

MEMO

To: Marion Township Board

From: Bob Hanvey

Subject: Coronavirus State and Local Fiscal Recovery Funds

Date: July 22, 2021

The attached documents describe the general obligations and requirements related to the funding. There will be much more information relating to the use of funds that will be available in the coming weeks.

Coronavirus Local Fiscal Recovery Fund (CLFRF) Non-Entitlement Unit of Local Government (NEU) Funding Election and Budget Certification

Completed and signed form must be uploaded in the [ELITE System](#).

PART 1: NON-ENTITLEMENT UNIT OF LOCAL GOVERNMENT INFORMATION			
Local Unit Name		Local Unit County Name	
<u>Local Unit Municipal Code</u>		Contact Email Address	
Contact Name	Contact Title	Contact Telephone Number	Extension
PART 2: ELECTION OF CORONAVIRUS LOCAL FISCAL RECOVERY FUND (CLFRF) FUNDING			
<p>Select one of the options below indicating the CLFRF funding option your local unit elects. The selected option will apply to both the 2021 and 2022 CLFRF funding distributions. A local unit cannot change the elected option once this form is submitted to the Michigan Department of Treasury.</p> <p><input type="checkbox"/> Option One: NEU accepts the CLFRF funding and requests payment from the State of Michigan. Complete the remainder of the form.</p> <p><input type="checkbox"/> Option Two: NEU declines the CLFRF funding allocation for the NEU and requests the funds be transferred to the State of Michigan. The NEU must complete and sign the U.S. Treasury Notice of Transferring CLFRF Funds to the State. Complete Parts 3 and 5 and skip Part 4.</p> <p><input type="checkbox"/> Option Three: NEU declines the CLFRF funding by selecting neither Option One or Option Two; and therefore, the NEU's CLFRF funds will be distributed proportionately to NEUs that elected Option One. For U.S. Treasury purposes, the NEU will be classified as "non-responsive." Skip Parts 3 and 4 and complete Part 5.</p>			
PART 3: CERTIFIED TOP-LINE BUDGET TOTAL			
An NEU that elected Option One or Option Two in Part 2 must enter the NEU's Top-Line Budget (as defined in Michigan Department of Treasury Numbered Letter 2021-5) as of January 27, 2020.		Top-Line Budget	
PART 4: REQUIRED NOTIFICATION			
<p>NEUs that elected Option One in Part 2, accepting the CLFRF funding, will be required to report and upload the documents below as part of the NEU's first reporting to the U.S. Treasury. The first report is due October 31, 2021.</p> <ul style="list-style-type: none"> Copy of signed Award Terms and Conditions Agreement Copy of signed Assurances of Compliance with Title VI of the Civil Rights Act of 1964 Copy of actual budget documents validating the Top-Line Budget (as defined in Michigan Department of Treasury Numbered Letter 2021-5) amount provided to the State of Michigan in Part 3 above 			
PART 5: CERTIFICATION			
<p><i>The undersigned Chief Administrative Officer, following approval by the governing board where applicable, of the local unit indicated in Part 1 hereby certifies to the Michigan Department of Treasury the following:</i></p> <p>1) <i>The Chief Administrative Officer elected an Option in Part 2 to either accept or decline the Coronavirus Local Fiscal Recovery Fund (CLFRF) funding. Acknowledges that this election is a one-time election and cannot be modified for future CLFRF distributions.</i></p> <p>2) <i>The Chief Administrative Officer reviewed the federal and state guidance related to the determination and calculation of the Top-Line Budget (as defined in Michigan Department of Treasury Numbered Letter 2021-5), and certifies to the Michigan Department of Treasury that the Top-Line Budget (as defined in Michigan Department of Treasury Numbered Letter 2021-5) amount as of January 27, 2020, provided in Part 3 above, is accurate.</i></p> <p>3) <i>The Chief Administrative Officer read the information provided in Part 4 above and acknowledges and understands the documents that will be required to be provided to the U.S. Treasury as part of the first federal reporting due October 31, 2021.</i></p>			
Chief Administrative Officer Signature (as defined in MCL 141.422b)		Printed Name of Chief Administrative Officer (as defined in MCL 141.422b)	
Title		Date	

OMB Approved No. 1505-0271
Expiration Date: November 30, 2021

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name and address: [Recipient to provide]	DUNS Number: [Recipient to provide] Taxpayer Identification Number: [Recipient to provide] Assistance Listing Number: 21.027
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Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

Recipient:

Authorized Representative:

Title:

Date signed:

U.S. Department of the Treasury:

Authorized Representative:

Title:

Date:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS LOCAL FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS

1. Use of Funds.
 - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
 - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
14. Debts Owed the Federal Government.
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
 - b. Any debts determined to be owed the federal government must be paid promptly by

Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the recipient named below (hereinafter referred to as the "Recipient") provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient's program(s) and activity(ies), so long as any portion of the Recipient's program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d *et seq.*), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient's programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.
8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other

agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of sub-recipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

Recipient

Date

Signature of Authorized Official

PAPERWORK REDUCTION ACT NOTICE

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