



## Q&A on Township Operations for COVID-19 Planning per Gov. Whitmer's [Executive Order 2020-59](#)

Visit the [MTA Coronavirus Information webpage](#) for additional information and resources.

For questions, contact MTA Member Information Services staff at (517) 321-6467 or:

Cindy Dodge: [cindy@michigantownships.org](mailto:cindy@michigantownships.org)

Catherine Mullhaupt: [catherine@michigantownships.org](mailto:catherine@michigantownships.org)

Michael Selden: [michael@michigantownships.org](mailto:michael@michigantownships.org)

### Township Board Public Meetings:

1. The public still has limited ability to perform activities that are not necessary to sustain or protect life unless subject to an exception in EO 2020-59, and there is still no exception to attend meetings of a public body.

2. Township boards are strongly advised to conduct necessary board business electronically, in compliance with EO 2020-48, which temporarily suspended the requirement to have a quorum physically present in a meeting of a public body and allows electronic participating by both board members and the public. ***This can be done via teleconference or video conference options—note that teleconferences (phone conference calls) do not require any special equipment and may be done entirely on the board members' and public attendees' phones.*** The public must be provided with an option to participate in an electronic meeting of a public body, including via phone conference.

3. Township board members are "Workers who are necessary to sustain or protect life" defined as "critical infrastructure workers" in EO 2020-59, and MTA Legal Counsel have advised that township board members performing statutory duties of their board offices fall into this category and provide necessary government activities, which could include minimum basic operations and critical infrastructure work, including conducting necessary township board meetings (electronically or in-person—if necessary), paying bills and payroll, and overseeing critical services (i.e. building department, utilities, police and fire). 4. If a township board cannot meet entirely electronically, MTA Legal Counsel have advised that township board members may still meet in person in a township board meeting if strictly necessary to sustain or protect life or to support those businesses and operations necessary to sustain or protect life. The township board meeting that includes conducting the budget public hearing and approving the budget is a necessary function of a township preparing to enter its new fiscal year. ***But a board may still conduct an in-person township board meeting if necessary, as provided above. Further, EO 2020-59 provides that "Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority." A township board functions as part of the legislative branch of government.***

5. Other meetings of various township public bodies may or may not be necessary:

- **March Board of Review:** Necessary because required by statute.
- **Election Commission:** May be necessary depending on Election Law deadlines to appoint election workers or other determinations
- **Planning Commission:** Probably not necessary because decisions likely do not have a statutory deadline to complete. May be held remotely.
- **Zoning Board of Appeals:** Probably not necessary because no statutory requirements for time frame to hear appeals or other actions or to decide. Maybe held remotely.
- Other township public bodies: Determine case by case, but likely not necessary

**Doing Township Business:**

MTA Legal Counsel suggest that the township board, or officials or staff designated by the township board with authority to direct some or all township employees, may issue notices similar to the sample below:

\_\_\_\_\_Township Residents,

Until further notice, \_\_\_\_\_Township Hall will not be open to the public due to Governor Whitmer’s “Stay Home Order”, EO 2020-59 in reference to COVID-19 . Our elected officials will continue working in order to perform necessary government activities. Other Township employees will only work in–person if critically necessary, to help with these necessary government activities.

**Definitions in EO 2020-59:** The definitions of “critical infrastructure workers” has been expanded. [See EO 2020-59 for those lists.](#)

In addition to the specific lists in EO 2020-59, “Workers who are necessary to sustain or protect life,” defined as “critical infrastructure workers,” include:

- Persons performing other community-based government operations and essential functions. ***MTA Legal Counsel have advised that township board members and their deputies performing statutory duties of their board offices fall into this category and are “critical infrastructure workers.”***

***All in-person government activities at whatever level (state, county or local) that are not necessary to sustain or protect life, or to support those businesses and operations that are necessary to sustain or protect life, are suspended.***

- **Necessary government activities include** activities performed by “critical infrastructure workers,” including workers in law enforcement, public safety, and first responders.
- **Necessary government activities also include**, but are not limited to, public transit, trash pickup and disposal (including recycling and composting), activities necessary to manage and oversee elections, operations necessary to enable transactions that support the work of a business’s or operation’s critical infrastructure workers, and the maintenance of safe and sanitary public parks so as to allow for outdoor activity under EO 2020-59.

- **Necessary government activities include** minimum basic operations, defined as allowing the business or operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely. (Government workers performing such duties need not be designated.)
  - ***MTA Legal Counsel have advised that conducting the budget public hearing at a board meeting and adopting the budget for the new fiscal year at a board meeting are necessary government activities because a budget must be approved before entering into a new fiscal year or the government will have no authority to operate or incur or pay bills or payroll.***
  - ***FOIA requests must be responded to due to statutory deadlines, subject to temporary additional days per Executive Order 2020-38.***
- Any in-person government activities must be performed consistently with the social distancing practices and other mitigation measures to protect workers and patrons. Those practices and measures include, but are not limited to:
  - Developing a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration and available [here](#). Such plan must be available at company headquarters or the worksite.
  - Restricting the number of workers present on premises to no more than is strictly necessary to perform the business's or operation's critical infrastructure functions.
  - Promoting remote work to the fullest extent possible.
  - Keeping workers and patrons who are on premises at least six feet from one another to the maximum extent possible, including for customers who are standing in line.
  - Increasing standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.
  - Adopting policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person who is known or suspected to have COVID-19.
  - Any other social distancing practices and mitigation measures recommended by the Centers for Disease Control.

**Other Tips for Operations:**

***A board meeting should preferably be held electronically.*** In a regular or special township board meeting, the township board can change its schedule of meetings to add, remove or reschedule meetings.

The supervisor may call a special township board meeting on his or her own, as needed. And a board may, in a meeting, amend its agenda, including tabling items to future meetings, to limit business to essential business, like approving bills and payroll.

**Expenditure approval:**

The board is required at each regular meeting to audit all claims against the township presented for payment and authorize the payment of all allowed claims. Every payment of any kind (including payroll) leaving the township—with the sole exception of the current-year tax collection disbursement account—must be voted on by the board **before** being disbursed, unless the township has a written board-adopted “post-audit” policy to authorize certain specific payments to be made by the clerk and treasurer between board meetings.

A post-audit policy states that the board will allow certain limited, specific, routine payments to be made prior to the board voting on them to avoid the township having late penalties—like the hall utilities and payroll. The township board must still vote to approve all those payments at the next meeting.

Without such a policy, no claims should be paid prior to board authorization at a board meeting:

**Sample post-audit policy language**

All claims shall be approved by the township board prior to payment, except the following:

- 1) Payroll (election workers, sexton wages, etc.)
- 2) Utility bills (phone, electric, fuel, etc.)
- 3) Invoices with penalties or discounts that would be incurred if payment is not received prior to the board meeting where claims will be approved (identify specifically)

These claims shall be post-audited at the next board meeting following their issuance. (For example, your payment schedule would indicate Vouchers 101 to 104 were preauthorized by policy and approval by the board that evening.)

The (supervisor/other official) may authorize emergency expenditures when deemed essential due to the imminent threat to the health, safety and welfare of the township. (Set limits as desired.)