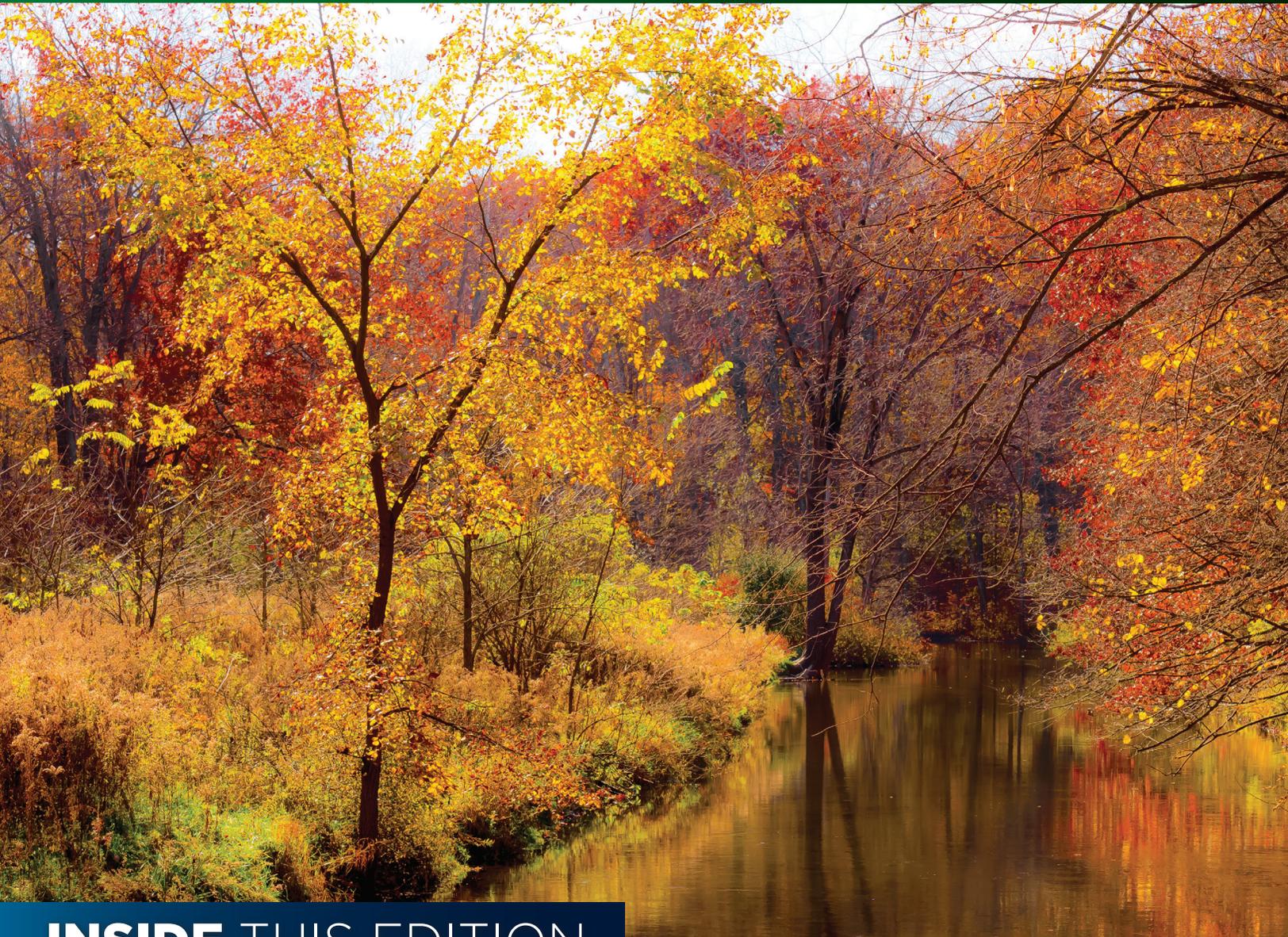


MICHIGAN COUNTIES

Official Voice of the Michigan Association of Counties | October 2020



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MAC

MICHIGAN ASSOCIATION OF COUNTIES

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LETTER FROM THE EXECUTIVE DIRECTOR

Coming off the success of enacting a state law to ensure county boards can continue to meet remotely so members can protect themselves and their families from COVID-19, I am again reminded of our office mantra: "MAC is a member-driven organization."

To be clear, I think we have a top-notch advocacy team here at MAC, led by Deena Bosworth. And the many long hours the team puts in on the multitude of bills we follow each year regularly yields success here in Lansing at the State Capitol. As members, you should expect no less from us, and we expect no less from ourselves.



But the "secret ingredient," if you will, to that success isn't found in Lansing, but in White Cloud and Manistee; in Escanaba and Munising; in Midland and Coldwater. That's where our members' voices come from — and those voices are the secret to our success.

Our job here in Lansing is to harness those voices, harness that experience and energy, for the betterment of county government here in Michigan. And our work to communicate with you, both in providing information from Lansing and collecting it from the county courthouses is central to that effort.

We at MAC know how many plates each county commissioner has spinning at any moment: family, community, career, county public service, local public service. It can leave a person downright distracted — which is one of the reasons it may seem like we pepper you with alerts and requests. We do this because we know that message no. 1 might get lost in a flurry of emails and message no. 2 might get set aside when a courthouse dispute brews up. We repeat our messages across multiple methods and on many days because it's our job to put the right information in the right hands at the right time.

In a few weeks, a "lame duck" session of the Legislature will begin, traditionally a time of great activity in Lansing and great opportunity and danger. The bills will be flying, the deal-making will be furious, the votes will be fast. Here at MAC HQ, we are preparing our strategies, all of which are built on the voices and commitments of our members, ready and willing to let legislators know what works "back home" and what doesn't.

So, please, try each week to spend a few moments with our Legislative Update emails, our special messages and alerts, our website and social media to stay abreast of what is happening here in Lansing and, most importantly, when you will be needed to speak up, to close the deal.

Working together, I'm confident we will see more success in the weeks and months ahead.

Stephan W. Currie
MAC Executive Director

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Area Agencies on Aging Association of Michigan
 CCE Central Dispatch
 Community Economic Development Association of Michigan
 Community Mental Health Association of Michigan
 County Road Association of Michigan
 Health Care Association of Michigan
 Lean & Green Michigan
 Michigan Association for Local Public Health
 Michigan Association of County Administrative Officers
 Michigan Association of County Clerks
 Michigan Association of County Drain Commissioners
 Michigan Association of County Park and Recreational Officials
 Michigan Association of County Treasurers
 Michigan Association of County Veterans Counselors
 Michigan County Medical Care Facilities Council
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LETTER FROM THE PRESIDENT

These days leading up to a general election are always crazy. And now COVID-19 has supercharged the challenge, with commissioners trying to stay on top of their duties, properly execute public meetings from their homes and keep their families and themselves safe.

In less than a week, we will welcome newcomers to our ranks. According to MAC research, a typical election cycle brings about 125 new county commissioners into office, either in filling a seat of a retiring member or defeating an incumbent at the ballot box. These newcomers will have all sorts of different life experiences, pet issues and political points of view. But one thing they will share is a need to quickly learn the many responsibilities their new office carries.

To address this, MAC has partnered for more than 50 years with MSU Extension on a series of training sessions called "New Commissioner Schools."

As I hope you are all aware, via our email blasts and website, registration is under way for the 2020 edition of NCS. And this being 2020, the format will be much different than those in the past. The sessions are all virtual — and all will be available for later 24/7 viewing. What will be the same, though, is the high-quality content on the "big stuff" a commissioner does - handling a budget, overseeing the general policies of your county and holding public meetings that comply with state law and with your constituents' expectations.

You can read plenty more about this on page 10 and find a link to register — if you have not done so already. The sessions really are worthwhile for even the longest-serving commissioners.

But we can't just rely on MAC (and MSU Extension) to bring our new colleagues up to speed. As you know, each county has its own way of doing things - successes harvested from years of trial-and-error, pitfalls avoided after some bitter experiences. We all like to talk about "local control" when the state comes meddling around, but we also need to keep that local focus when new members join our boards.

So, amid the rush to Election Day, I feel compelled to ask each of you:

Do you know your opponent personally, and are you willing to offer assistance to that person should you come up short on Nov. 3?

Do you know the other candidates for board seats? Will you reach out to the winners after Nov. 3 in a spirit of cooperation and good government?

Does your board have policies or practices to make the crucial first weeks of a commissioner-elect a time of learning and goodwill, not one of confusion or even suspicion?

These are challenges, I know. But if we aren't doing this, who will? And if not now, when?



Veronica Klinefelt
 President, MAC Board of Directors





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Brian Cote Wexford County
Kenneth Borton Otsego County

Gold Level

Douglas Johnson Otsego County
Joseph Garcia Eaton County
Stan Ponstein Kent County

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Jim Storey Allegan County
Vaughn Begick Bay County
Tom Matthew Branch County
Stephen Adamini Marquette County
Nancy Morrison Luce County
Richard Godfrey Van Buren County
James Moreno Isabella County
Roger Bergman Ottawa County

John Lapham
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Gregory Dejong
Larry Emig
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Kam Washburn
Pohl David
Donald McLean
Jim Talen
Joseph Bonovetz
Howard Heidemann
Randall Peat

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Karen Alholm
Roseann Marchetti
Shelley Taub
Thomas Middleton
Doug Zylstra

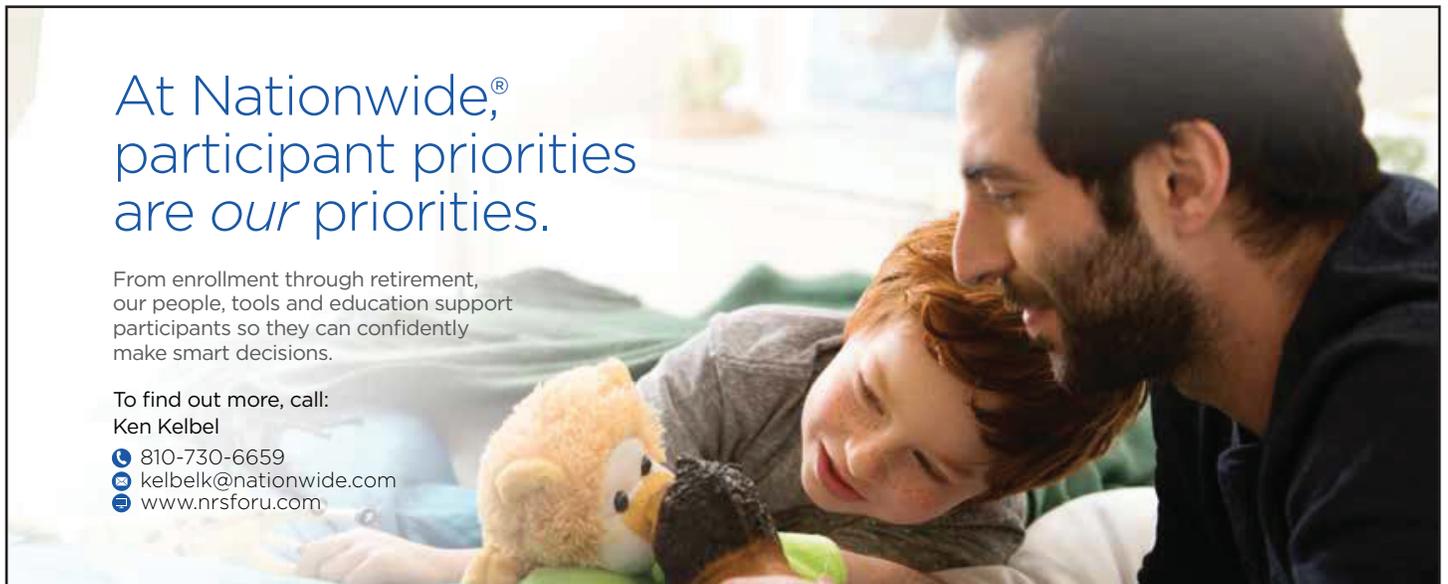
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Cass County
Oakland County
Oakland County
Ottawa County

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Nancy Jenkins-Arno
Theresa Nelson
Robert Ricksgers
Bruce Caswell
Ernie Krygier
Gail Patterson-Gladney
Raymond Steinke
Rillastine Wilkins
Robert Hoffman
Eileen Kowall
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NRM-12870M5 (01/15)



For all the latest news and events, visit www.micounties.org

MAC EVENTS CALENDAR

NOV. 6
Finance and General Government Committee
 10 a.m. – 12 p.m.
 Virtual

NOV. 13
Environmental and Natural Resources
 10 a.m. – 12 p.m.
 Virtual

NOV. 20
Transportation and Infrastructure Committee
 10 a.m. – 12 p.m.
 Virtual

NOV. 30
Health and Human Services Committee
 10 a.m. – 12 p.m.
 Virtual

NOV. 30
Judiciary and Public Safety Committee
 2 p.m. – 4 p.m.
 Virtual

DEC. 11
Environmental and Natural Resources
 10 a.m. – 12 p.m.
 Virtual

DEC. 18
Transportation and Infrastructure Committee
 10 a.m. – 12 p.m.
 Virtual

For latest event listings, click here.



Podcast 83 is MAC's audio review of news and events in Michigan's 83 counties, from Berrien to Chippewa, Iron to Monroe.

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LEGISLATIVE UPDATE

PANDEMIC TRANSFORMS OPEN MEETINGS ACT, LOCAL GOVERNMENT FINANCES

By Deena Bosworth/Director of Governmental Affairs

“Historically, pandemics have forced humans to break with the past and imagine their world anew. This one is no different. It is a portal, a gateway between one world and the next.” (*Arundhati Roy, “The Pandemic is a Portal”*)

In just seven months, we are all aware of and incorporating things like social distancing, Zoom, contact tracing, virtual meetings and elbow bumps; we have identified essential services, essential workers, essential businesses, remote learning. Both state and local governments have had to transform how they communicate, make decisions and deliver services to our residents.



As of this writing, about 74 million Americans already have voted. In Michigan alone, as of Oct. 26, more than 3 million people had requested early ballots, with 2.3 million of them already returned.

To address this surge in early voting, the Legislature passed Senate Bill 757, by the former Secretary of State Rep. Ruth Johnson (R-Oakland), to allow for early processing of ballots to expedite election results on Election Day. Now law as Public Act 177 of 2020, this legislation allows clerks and volunteers, for the 2020 general election only, to open the outer envelopes of the mailed-in ballots to check signatures and ballot numbers on the day before the election. The new act requires notification to the Secretary of State of such pre-processing, and clerks are required to notify voters who had their ballot rejected. This notification shall be done by 8 p.m. on Nov. 2, so the voter would have the opportunity to cast their vote on Election Day.

This month, the Michigan Supreme Court issued an opinion invalidating the 1945 statute Gov. Gretchen Whitmer has relied upon to issue dozens of Executive Orders since the end of April. This opinion necessitated a swift action of the Legislature to statutorily implement many of the EOs issued after April 30, 2020. Chief among those orders for local units of government was

the ability to comply with the Open Meetings Act via remote participation.

Public Act 228 of 2020 took effect on Oct. 16, 2020, and gives counties the statutory authorization to meet remotely, regardless of the reason, until Dec. 31, 2020. Notification requirements and public participation are still required, but a physical presence is not required through the end of this year. Remote meeting authorization will be limited to circumstances related to a declaration of a state of emergency by the state or local government, for medical reasons and for military service through the end of 2021. If participating from a remote location, commissioners are required to announce, and the minutes of the meeting shall reflect, the municipality, county and state from which the commissioner is participating from. Beginning in 2022, the only reason for remote participation under the new statute will be for military service. Because the legislation is retroactively authorizing remote participation back to April 30, 2020, MAC is recommending that county boards affirm and ratify all their actions since that date. A sample resolution **can be found here.**

All levels of government have experienced a decline in tax revenue. Businesses across the state as well

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LEGISLATIVE UPDATE

PANDEMIC TRANSFORMS OPEN MEETINGS ACT, LOCAL GOVERNMENT FINANCES

from page 6

as individuals have also seen a decline in their bottom line due to the constriction of traditional economic activity. Counties have not only lost revenue derived from a variety of sources but have also seen increases in expenses due to compliance with social distancing requirements, remote meeting participation, health and safety protocols in their offices, building, medical care and detention facilities. General fund decline at the State level threatened cuts to revenue sharing as well as many other programs paid for with unrestricted funds. Fortunately, the CARES Act made funds available to the State and locals that could be used to pay for the increase in expenses related to the pandemic response. Hundreds of millions of dollars were made available to local units through the hazard pay, public health and public safety payroll reimbursement programs as well as the CARES Act dollars used as a virtual swap for county August revenue sharing programs.

In addition to federal dollars, the state was fortunate enough to receive a large increase in remote sales revenue. In 2018, Michigan enacted legislation to implement the collection of use tax dollars from remote sales. In 2020, Michigan saw an increase of \$140 million in online use tax between April and July, compared to 2019 levels. This revenue combined with the increase in unemployment benefits mitigated the impact of an anticipated \$3 billion decrease in state revenue.

Looking forward, the Legislature and the governor are going to have to work together to adopt policies that will guide counties, health departments, school districts and other local units of government in curbing the spread of the virus. MAC anticipates legislative deliberation on issues surrounding public health orders, broadband expansion, essential worker protections, mental health services, building capacity restrictions, social distancing and remote learning. Be sure to review our weekly emails on Fridays for the latest legislative news from Lansing.

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CRC ANALYSIS

HEALTH DEPARTMENTS ARE VESTED WITH BROAD POWERS TO COMBAT PANDEMICS

By Eric Lupher/President, Citizens Research Council

The decision by the Michigan Supreme Court to rule unconstitutional a 1945 law that Gov. Gretchen Whitmer had used to issue Executive Orders during the pandemic has thrust new entities to the forefront of combatting COVID-19.



Lupher

County health departments and the Michigan Department of Health and Human Services (MDHHS) are issuing public health emergency orders to mandate face coverings and limit the size of gatherings, among other actions.

State and local health departments are empowered to issue public health orders that are enforceable both civilly and criminally. The Michigan Public Health Code states that:

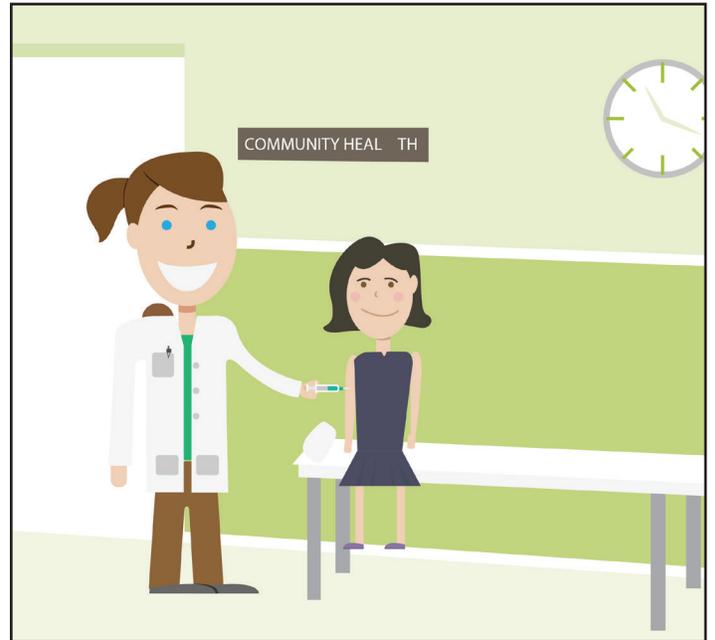
If the director determines that control of an epidemic is necessary to protect the public health, the director by emergency order may prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic to ensure continuation of essential public health services and enforcement of health laws.

Essential public health services include the responsibility of health departments to “create, champion, and implement policies, plans, and laws that impact health” and to “utilize legal and regulatory actions designed to improve and protect the public’s health.”

Despite politicization of the issue, masks and social distancing are time-tested, evidence-based and effective ways to reduce transmission of the coronavirus. Nonetheless, some may still contend that mandating masks through either statutory law or administrative regulations inappropriately discounts personal responsibility, or even that such mandates represent a violation to individual liberties.

Arguments such as these, while important to consider, are problematic for a couple of key reasons.

Firstly, state governments, supported by centuries of legal precedent, have the authority (and responsibility) to address public health threats (e.g., the spread of infectious diseases) through a variety of policies, including restrictions on individual and business activities. The “police power” of government that



MAC strongly supports the work of the **Citizens Research Council of Michigan**, a nonpartisan, independent public policy research organization. MAC Executive Director Stephan Currie currently sits on the CRC Board.

was adopted early in Colonial America was derived from English common law principles that mandated the limitation of private rights when necessary for preservation of the common good.

Police power, in this context, relates to the authority of communities to enforce civil self-protection rules (including everything from speed limits and impaired driving laws to bans on indoor tobacco use or indecent exposure). Public health police powers allow state and local governments to isolate and/or quarantine people, carry out health/safety inspections, and engage in numerous other activities necessary to prevent illness, injury, or various potentially harmful exposures.

Secondly, the view that health is solely an individual concern (confined to individual relationships between

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CRC ANALYSIS

HEALTH DEPARTMENTS ARE VESTED WITH BROAD POWERS TO COMBAT PANDEMICS from page 8

health care providers and patients) conflicts with decades of evidence. The field of medicine focuses on the treatment of illness and/or injury in individuals, but the field of public health focuses on health at the community level. While individuals play a role in their own health, many of the strongest influences on health (such as physical and social environments, legal, political, and economic structures, and, the behaviors of others) fall outside an individual's ability to control. Public health, which considers health at the macro level, is essential for the health of both communities and individuals.

The cultural fixation on individuals/medicine over communities/public health is one of the primary reasons that the U.S. spends substantially more on health care than other nations, and yet often still achieves worse health outcomes.

The conversation at the outset of the pandemic focused on the question of healthcare capacity — do we have enough hospital beds — and never stopped to

consider the importance of public health capacity. Do we have adequate public health personnel to perform surveillance, contact tracing, and other activities to stop or slow the spread of the pathogen? Do we have public capacity to quickly screen and test individuals? Do we have people ready to provide accurate information about how to stay safe and help others do the same?

In other words: Do we have the public health infrastructure to prevent people from becoming sick and needing a hospital bed?

As we enter flu season and await a coronavirus vaccine, ongoing vigilance and adherence to evidence-based public health guidelines are as important as ever. While constitutional questions determining the balance and separation of powers within state government are undoubtedly important, especially in the context of ambiguous or conflicting laws, there is little ambiguity regarding the need to address the ongoing threat of COVID-19 to prevent further physical, social, and economic damage to people and communities.

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MAC NEWS

REGISTRATION UNDER WAY FOR 2020 NEW COMMISSIONER SCHOOLS

To aid newly elected commissioners, and promote continuing education among veteran ones, MAC again is partnering with MSU Extension (MSUE) for the biennial New Commissioner Schools.

Registration is now open for this year's series, which will be the first all-digital series in the event's history.

"The value of these sessions for commissioners, new or not, is tremendous," said Stephan Currie, MAC executive director. "We work closely with MSUE on content to ensure its direct application to the challenges and opportunities that commissioners encounter every day."

With the digital format, sessions will open Nov. 12 and not conclude until mid-December, allowing attendees a great deal of flexibility on dates and times. In addition, registrants will have 24/7 access to previously released sessions – what MSUE calls "self-paced, asynchronous learning."

MAC's Currie will offer taped remarks to registrants, and MAC is sponsoring the segment on the Open Meetings Act, a particularly salient issue right now, led by Matt Nordfjord of the firm of Cohl, Stoker and Toskey.

Full details on the schedule of sessions can be found [here](#).



Registration for the event, which carries a \$95 fee, starts [here](#).

Also, commissioners and commissioners-elect earn credits in MAC's County Commissioner Academy for their participation in the New Commissioner Schools.

CCA operates on a two-year sequence, starting after an election. Participants earn continuing education "hours" by attending designated events and workshops. "Certification" is offered at two different levels: "Certified" is reached at 10 hours over a two-year cycle, while "Advanced" is reached with 20 hours over a four-year period. "Hours" will not be limited to

MAC events. Commissioners can earn credits via attendance at MSUE-sponsored events or even sessions hosted by the Treasury Department or elsewhere.

A New Commissioner School equates to 5 credit hours, for example.

<https://micounties.org/county-commissioners-academy>

"We strongly encourage all members to consider these sessions," Currie said, "and we look forward to seeing everyone online."



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MAC NEWS

MAC JOINS 'SPREAD HOPE' CAMPAIGN TO SAFELY REOPEN MICHIGAN

At the request of Gov. Gretchen Whitmer, the Michigan Association of Counties (MAC) is supporting a new statewide public education campaign called "Spread Hope, Not COVID." The goal of the campaign is to unite all in Michigan to take three simple actions that will contain the spread of the virus at levels that will enable the state to fully reopen — and stay open.

Michigan residents must:

1. **Wear a mask or face covering over your mouth and nose to reduce the spread.**
 - o While masks alone may not always prevent the spread of the disease, scientists, doctors and health experts agree that cloth masks and face coverings can help to reduce the spread of COVID-19 by about 70 percent.
 - o Masks do not have to be worn all the time. Michiganders are required to wear a face covering whenever you are in indoor public spaces and crowded outdoor spaces where you may be in close contact with people outside of your household, or people you do know but have not been with or near recently.
2. **Practice physical distancing by staying at least 6 feet from people outside of your household.**
 - o COVID-19 spreads mainly among people who are in close contact.
 - o A mild illness for one person, could be life-threatening for someone else.
3. **Wash and sanitize your hands frequently.**
 - o Don't touch your face, nose, mouth and eyes with unwashed hands.
 - o This routine practice also prevents the spread of many other viruses and illnesses.

In addition, testing and contact tracing continue to be vitally important towards reopening Michigan. To get tested, call the COVID Hotline at 888-535-6136 from 8 a.m. to 5 p.m., Monday to Friday, or visit [Michigan.gov/CoronavirusTest](https://www.michigan.gov/CoronavirusTest), to find testing locations near you and schedule an appointment. If you test positive,



help prevent further spread by participating in case investigations and contact tracing with local or state health officials.

"Michigan counties have been on the forefront of the response to COVID-19," said MAC Executive Director Stephan Currie. "Heroic efforts have been made by countless public servants. All of us in Michigan need to honor and amplify that work by practicing these basic public health measures so the state can beat back the virus and resume the daily activities we need to support our families and communities."

The "Spread Hope, Not COVID" campaign is aimed at communicating with all Michigan residents through TV, radio, outdoor, digital, social, earned media, and direct communications. The campaign also includes content customized for specific audiences of Michiganders. The campaign's content is based on extensive research with 2,047 Michigan residents. The campaign is made possible by funding approved by Republicans and Democrats in the U.S. Congress.

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MACAO ARTICLE

COVID-19 TEST REVEALS RESILIENCE OF COUNTY OPERATIONS

By Robert J. Sarro/Allegan County Administrator

While there may be many different views regarding COVID-19, we can all agree the pandemic has presented our organizations and communities with “difficulties.” Beyond polymerase chain reaction (PCR), antigen and antibody testing, COVID-19 forces each of us to pass another test – a test of resilience. This test is administered often and with immediate results by asking ourselves and our organizations: How will I/we overcome the difficulties we have been handed on a daily, hourly, and even up-to-the minute basis? I believe we can beat COVID-19 at this test each and every day.

Like so many of our county partners across the state, Allegan County has worked hard not only to keep the pandemic from deterring us from our mission but also to accept it as part of our mission. It is exactly why local government prepares for the worst and hopes for the best. COVID-19 has offered the opportunity to test everything we prepare for and find out where we can improve. Over the past months we have exercised our Public Health Emergency Plans, Emergency Operation Plans, Continuity of Operations Plans, etc. We continue to learn that this pandemic has granted us the opportunity to test our capabilities in ways we could not have achieved through a one-day tabletop exercise or drill. COVID-19 is testing us far beyond a weather event or isolated incident. It is testing us in ways that are physically and emotionally draining, tiresome and even frustrating, yet we are showing COVID-19 we can pass the test! As a continuous improvement organization, Allegan County is up to the challenge and we know our county partners are too.

Over the past seven months, Allegan County has implemented measures that many of our county partners have as well. We are finding that the benefits will survive past the pandemic and are actually improving service. Just a few items are:

- Secured dropboxes have reduced the need for full building entry during public hours or to enable after-hours drop-off.
- Telework — while also being an optimal social distancing tool—has demonstrated the potential to actually increase service availability, productivity and even better space utilization opportunities in many service areas. It has also stressed the importance of broadband access.
- New remote court proceedings and on-site jury trial procedures protect all individuals involved in the judicial process.



- Periodic, organization-wide virtual meetings keep the organization informed and interacting.
- Ongoing Public Health outreach, guidance and virtual meetings keep the community informed with the most recent data.
- Support and collaboration throughout the organization unites everyone around a common cause.
- Renewed demonstration of information-sharing increases collaboration throughout nearby regions and statewide and creates a renewed core of support through MAC.

I am certain if we brainstormed with our statewide county partners, we would fill many pages of successes. Sometimes, we just need to step away from the daily “difficulties” to remember we are resilient, and we are passing the test.

In fact, when COVID-19 eventually becomes just another disease with a vaccine for prevention, counties will likely be able to keep the improvements in place. Some processes may go back to their previous status. Other changes—tested by the pandemic—can be tools for future use. Some processes may change the way we work for years to come.

Either way, we will be better prepared and better tested for the next big challenge, because that is what counties do. That is what we train for. Keep up the great work, county partners! The pandemic has led many to say, “we are in this together.” County government has long known this to be true for everything we do.

AFFILIATE CORNER

PANDEMIC CHALLENGED REGISTERS OF DEEDS TO KEEP REAL ESTATE OPERATIONS GOING

By Stewart Sanders/Newaygo County Register of Deeds

While the number “2020” is generally known for marking perfect eyesight, the year 2020 has left us all squinting to find a path forward through these difficult times.

Because of COVID-19, all elected officials are learning to navigate the new normal and Register of Deeds offices have had to come up with creative ways to keep offices functioning.

Today, I'll focus on a variety of issues that the Register community faced, and continues to face, as well as several interesting outcomes.

When Gov. Gretchen Whitmer issued the first shutdown notice in mid-March, Register of Deeds offices were deemed essential in the financial sector, as determined by state and federal officials. What this means is if the Register's office is not processing necessary real estate documents, then the title and mortgage industry cannot complete its work and, thus, no money is released. Because of this fact, a joint statement informing the public that all facets of the real estate and mortgage business are open was issued.

Another Executive Order (2020-41) impacted the recording world in a significant way. Issued in early April, it allowed for the use of all E-notary technologies available so that no one had to appear in person to facilitate transactions requiring a notary. Concurrent to this action, the Michigan Electronic Recording Commission was able to approve standards, on April 23, 2020, for electronic recording of documents and for E-notary Standards. These standards handle all manner of electronic recordings and established guidelines for notaries wishing to use an E-notary vendor through the Secretary of State. (Currently, there are 10 approved vendors.)

With the Michigan Supreme Court's decision to invalidate the state law the governor had used to undergird her Executive Orders, new legislation has come forth to cover the time period April 30-Dec. 31, 2020. These bills will cover any document in which the broad use of electronic notary technology was used on any document



to facilitate transactions. These bills are moving swiftly through the Legislature.

Registers across the state worked diligently to come up with creative ways to facilitate the necessary ongoing work for the recording of documents. In trying to establish safe work environments

some counties were able to work remotely while others used a hybrid approach. Certainly, in other areas of the state, the capability of working remotely at all proved to be a challenge. Because many counties lacked high-quality internet services, many reported to their office on a limited basis to make sure work was being processed. Because each county had different needs and information regarding the various work arounds needed to be shared with a vast array of financial partners a collaboration between the Michigan Land Title Association and the Michigan Association of Registers of Deeds (MARD) was formed to keep track of the capabilities of each County so that this information could be shared in a timely fashion. This information is on MARD's website: www.mardmi.org.

Early in the response, one question arose: “What if the ROD was closed?” That question was posed to me several times over the past few months: What would be the financial loss to the local community? Being a retired math teacher, I couldn't resist the urge to come up with a number. After a quick calculation, I determined that Newaygo County had more than \$200 million of conveyance documents with mortgages put on public notice. What that translates to is that those are real dollars going directly into the local economy!

Fortunately, because our ROD offices are still open, Michigan's vital real estate/mortgage sector has continued to operate.

Stewart Sanders is the president of the Michigan Association of Registers of Deeds and was named by his peers as the Register of Deeds of the Year in 2020.

EXPERT CORNER**TACKLING BROWNFIELD REDEVELOPMENT IN THE COVID-19 ERA**

By Jeff Hawkins/Envirologic

As public officials, you need all the tools available to help your county navigate the COVID-19 pandemic. Michigan's brownfield toolbox is a powerful resource that municipalities and economic developers have come to rely on. Brownfield tax increment financing, being one of the most used tools, continues to help close financial gaps on redevelopment projects.

Brownfield sites — which can be contaminated, blighted, functionally obsolete or a historic resource — typically need the added financial support to offset brownfield conditions. These conditions include, but are not limited to, site contamination, lead and asbestos abatement, demolition, due care obligations, site preparation and infrastructure improvements. Although deal flow regarding new projects may be affected in the near future due to the pandemic and the resulting recovering economy, the use of tax increment financing through a Brownfield Plan remains a powerful, locally controlled incentive that can encourage redevelopment projects in your community.

Tax increment financing through a Brownfield Plan is unique in that it relies solely on the investment and performance of the individual project. Unlike other "TIF Districts," brownfields don't pull tax revenues from other properties within the district, which may be sorely needed due to a reduction in tax revenues resulting from the pandemic. If the project fails to perform (i.e., the project is delayed or there is limited investment with no improved taxable value), the community/Brownfield Plan has no obligation to reimburse the developer for their eligible brownfield costs unless the project produces the new tax revenue.

Due to the current reduced tax revenues at the state level, budgets have been cut or adjusted, which is impacting/delaying available economic development incentives through the Michigan Economic Development Corp and grants and loans through the Department of Environment, Great Lakes and Energy. Thus, using brownfield tools remains an effective option for keeping your economic development strategy alive on projects.

As with the economic downturn in 2008-10, we are likely only seeing the beginning of projects that are delayed or unable to move forward due to the effects of COVID-19. The fortunate thing about Public Act 381, the Brownfield Redevelopment Financing Act, which authorizes the ability to adopt Brownfield Plans, is that the terms and conditions of the plans can be adjusted in several ways to accommodate economic challenges.

For instance, due to current economic conditions, a redevelopment project included in a Brownfield Plan can delay tax capture for up to five years. This would allow



MICHIGAN
BROWNFIELD
REDEVELOPMENT
PROGRAM

for a project to be phased in, providing more time for a developer to complete the development, which would allow for a greater bump in capturable tax revenue at the time capture begins. Additionally, if assessed values decline for three consecutive years and the Brownfield Plan fails to generate tax increment due to economic conditions, then through an amendment to the plan, the initial taxable value can be lowered once during the term of the plan.

The Brownfield Redevelopment Financing Act has been modified over the years to allow for greater flexibility and applicability, which has allowed greater opportunity to take on those brownfield projects that may otherwise not be considered by developers. Tax increment financing through a Brownfield Plan can also be layered with many other incentives or authorities including tax abatements, OPRAs, Commercial Rehabilitation and/or Redevelopment Districts, DDAs, etc.

Although early on many communities created Brownfield Redevelopment Authorities (over 200 state-wide), many have become inactive either due to the lack of incoming projects or failure to educate the developer world of this economic development tool. Having this tool in-place and ready can be a great resource when attracting or encouraging opportunities on sites within your community. If you have to start an authority up again, it creates delays and may send a message that economic development is not a priority in your community. In this day and age, we need to have many tools available to sustain and promote economic development, especially when things like pandemics challenge our "normal" way of life.

Jeff Hawkins is co-owner and CEO of Envirologic, a full-service environmental services firm celebrating 31 years of business. If you have questions about available brownfield redevelopment tools, contact him at 269-342-1100 or hawkins@envirologic.com.

BEST PRACTICES

MUSKEGON COUNTY APPLIES PRACTICAL ACTION TO GROUNDBREAKING WORK THROUGH LIVABILITY LAB

By Kerry VanderHoff/Muskegon County Livability Lab

The natural resources and landscape of Muskegon County are vast, with deep inland lakes that are adjacent to Lake Michigan, coastal dunes, rich soil for farming and dense forested land. The human and cultural landscape is rich in diversity too, as people from around the country and abroad were attracted to the promise and potential of a place whose name derives from the indigenous word for “marshy river.” Over the years, this produced a population of forward-thinking entrepreneurs, investors, and working-class folks looking for better opportunities for themselves and their families.

It seems a deep appreciation for quality of life permeated the community and became embedded in the DNA, remaining through the years of boom and bust and rebirth. Muskegon County is known for its entrepreneurial grit, commitment to community investment, and down-to-earth, blue-collar roots. This determination helped create a genuine combination of unpretentious sophistication that fuels an ongoing spirit of pushing boundaries from within.

That bold mind-set helped launch a recent county-wide endeavor that grew from the initial efforts of a Community Health Innovation Region (CHIR) and State Innovation Model (SIM), with involvement from Michigan State University. A fundamental goal of a CHIR is the engagement of all sectors of a community to identify ways to improve local health and well-being. A unique highlight of this effort in Muskegon County is the *Livability Lab: Muskegon’s 100-Day Challenge*, and the follow-up effort, the *45-Day Challenge*.

Planning and implementing the *Livability Lab* required many months of work. Using community-based information gathered through local surveys, focus groups, presentations, and community feedback, a vision evolved: *Creating a system that ensures livability for all Muskegon County residents*.

This was an audacious goal. While the 100-day Challenge model has been used in other cities and regions across the nation, such a broad and inclusive vision has never been attempted. Muskegon County residents wanted to acknowledge that systemic change means taking on the big, interconnected picture - all things needed for optimum livability.

Inclusivity, an essential ingredient, requires the engagement of many diverse partners and voices from throughout the community. This led to the creation of a cross-sector advisory group for the *Lab* known as the Core Leadership Team. Representing key leaders from throughout the

LIVABILITY LAB

MUSKEGON COUNTY, MICHIGAN

county, the Core Team not only provided advisory support but also mobilized endorsement from Muskegon County businesses, government, neighborhoods and numerous health, education, and human service organizations.

Muskegon County Administer Mark Eisenbarth was one of the first to see the value in the *Livability Lab* initiative and joined United Way of the Lakeshore, Mercy Health, the Lakeshore Chamber of Commerce, Neighborhood Associations, and others in establishing the Core Team.

“We recognized the depth of research that had been done to reflect the voice of the community in identifying root causes that get in the way of advancement and well-being,” said Eisenbarth. “That, and the fact that the Challenge is all about action steps from day one, working together to address those barriers so that all residents and families will have the opportunity to individually prosper and reach their full potential, convinced us to join this effort.”

On Aug. 19, 2019, the Muskegon County Board of Commissioners issued an official resolution.

The work paid off when Sept. 10, 2019 arrived. The *Livability Lab* launch was at maximum capacity for the venue, with 340 people in attendance. Over 150 of these individuals subsequently stepped forward to volunteer and participate in 19 Challenge Teams. The celebration was held on January 23, 2020. Watch the 100-Day Challenge documentary created by Public Sector Consultants [here](#).

The follow up effort, *Livability Lab 2.0* was interrupted by major public health crises, but the lessons and skills learned in the first iteration proved useful when facing these difficult times, and provided navigation tools to help carry the work through.

Watch the Livability Lab Core Team comments about the transition from the first challenge cycle to the next in [this brief video](#), which played at the *Livability Lab 2.0* launch on Aug. 10, 2020; the closing celebration, on Sept. 29, 2020, featured [this video excerpt](#) describing the timeline of events.

View the full team reports, along with the process and framework details, at [LivabilityLab.com](#).

MEET YOUR MAC BOARD

STAN PONSTEIN AND BRYAN CRENSHAW



Name: Stan Ponstein

County/MAC Region: Kent County/
At-large

Position: 2nd Vice President

County Service: Member, Kent County Board of Commissioners, 2008-present; member, Kent County Pension Board

Profession: Member services, Costco Wholesale

Previous Public Service: Grandville Board of Education; Grandville Parks and Recreation Board; Grandville City Council; Grandville Zoning Board of Appeals; Kent County Land Bank Board

Describe a recent event that illustrated the importance of county government in your community:

What we often forget is each of our individual counties are equally diverse within its boundaries. Counties have townships, villages, cities that may include public lands, forests and national parks. All bring opportunities for recreation, agriculture, economic development as well as mining and forestry. All of those can and are essential for our residents. Counties have to take into account these assets when planning for the future. Taking note of challenges and opportunities will bring about positive outcomes.

2020 is a great example. We have dealt with rising lake levels, quality affordable housing, PFAS, flooding and COVID-19, to name a few. Preparation and advocacy are the keys to successful results when events occur. I'm sure there will be new issues in 2021 and forward. A well-thought-out, forward-looking strategic plan will serve counties well for any event. Counties need to look at and discuss these things on a regular basis. Staff will need to have multi-disciplinary talents and county departments must no longer act in silos. They'll need to work equally with all departments, so they can pivot to new challenges that arise. This will serve the constituents very well.



Name: Bryan L. Crenshaw

County/MAC Region: Ingham/Region IV

Position: Director

County Service: Member, Ingham County Board of Commissioners, 2013-present; Board chair 2018-present

Profession: Attendance/Truancy Specialist, Lansing School District

Previous Public Service: Member, Lansing Board of Education

Describe a recent event that illustrated the importance of county government in your community:

COVID-19 has shown the need to have and support a County Health Department and Health Officer to help the efforts of battling this pandemic. Our Health Officer was talking about how COVID-19 could impact our County well before we had our first case, and she has worked tirelessly since it has made its presence felt. From issuing emergency health orders to addressing issues with packing of bars in East Lansing and adopting mandatory quarantine orders of several properties and proposing allowing municipalities to issue fines for violating emergency health orders, she has been extremely active. She has hired contact tracers and is working to help slow the spread of the virus. Our Board of Commissioners has been kept abreast of what the trends are and have fully supported the efforts of our Health Officer to address concerns related to the pandemic. Without a dedicated County Health Department and Health Officer, COVID-19 positive case numbers in Ingham County would be through the roof, with no end in sight of controlling the spread and death associated with this virus.

SHARE YOUR 'BEST PRACTICES' WITH MAC

From challenges come creativity, and boy have Michigan's counties been challenged in the 21st century.

MAC continues to highlight how counties have found ways to continue or expand services in the most hostile of fiscal environments. Our "Best Practices" initiative isn't a competition, but a celebration — of Great Lakes ingenuity, passion and plain ol' grit.

Big or small, technical or simple, we want to hear how you have found a new way to serve your constituents.

Please send a brief description and contact information for the point person of your "Best Practice" to Derek Melot, melot@micounties.org.

For questions, call Melot at 517-372-5374.



HOW COUNTIES ARE TURNING
CHALLENGES INTO OPPORTUNITIES

MEET THE STAFF

DEENA BOSWORTH



Bosworth

Staffer: Deena Bosworth, Director of Governmental Affairs

Joined MAC: February 2011

Briefly describe your daily duties at MAC:

There is no such thing as a typical day, so I find it best to describe my duties based on job functions.

Policy advocacy

The primary task of the Director of Governmental Affairs and the legislative staff is to monitor legislative activity and lobby members of the Legislature and Administration on proposals that impact county government. Advocacy positions on legislation are derived from our policy platforms which are developed annually through input from members during our internal committee meetings with subsequent input from and approval by the MAC Board of Directors and general membership. MAC staff utilizes our Policy Platforms for primary guidance when developing positions on pending legislation. But legislative proposals are not static, they are typically fluid and constantly changing based on negotiations through the legislative process. It is in this capacity that the legislative team strives to accomplish our goals by offering reasonable and thoughtful policy solutions and amendments.

In any given legislative session, the MAC legislative team will monitor thousands of pieces of legislation and actively engage in and work closely on well over 1,000 of them.

Relationship-building

The ability to effectively lobby on an issue will many times hinge on the relationships that the legislative team has cultivated with policy makers, staff and members of the administration. This relationship building takes time, but it is through these relationships that we are included in drafting of legislation, negotiations on key issues and garnering information that help us advocate on behalf of our members. At the beginning of each legislative session, we spend time meeting each new legislator and go over who MAC is and what our priorities are. These relationships continue to be built upon during the tenure of each legislator in the House and Senate.

Regulatory/departmental interaction

MAC interacts regularly with the multitude of Michigan departments: Treasury, Natural Resources, Energy, Great Lakes and Environment, Licensing and Regulatory Affairs, Veterans Affairs, State Court Administrative Office, Health and Human Services, and Transportation so that we may act as a conduit of information and to keep abreast of issues affecting county operations.

Member engagement

Primary interaction with our membership happens through the six internal policy committees scheduled through the year. It is through those committees that our policy platforms are developed. We present legislative updates, facilitate discussions on pending legislation of interest and provide for educational opportunities by securing speakers to present timely and relevant information on topics of interest to our members.

Daily operations would not be complete without the consistent interaction and input from our commissioners and administrators across the State. We are often confronted with legislation and questions from legislators on county operations that are best responded to with the input of our membership.

In addition to outreach to our members, we routinely respond to members regarding their particular questions on legislation, grants, reporting requirements and budgetary concerns. It is again, through our relationships, that we are able to expedite answers to member questions.

Outside organizations and association engagement

The legislative team attends as many regional county meetings as time allows. This two-way communication is vital to our ability to properly advocate on behalf of our membership. In addition to county meetings, we participate in affiliate member meetings and conferences to accomplish the same goals as regional county meetings. These affiliate member organizations include, but are not limited to, government finance officers, clerks, drain commissioners, treasurers, assessors, medical care facilities and more. We also coordinate with other local government associations and interest groups.

What do you find most interesting/rewarding about working at MAC?:

The best part of my job is the personal fulfillment I get from advocating for things I believe in on behalf of our membership. I have tremendous respect for the public service our members provide, and it gives me great satisfaction to do my part to make their service to Michigan the best it can be. I get to learn something new about a variety of issues every day and no day is the same as the last.

As far as the organization itself, I have never worked in such a collaborative environment. The culture that has been created at MAC is inclusive of each other in virtually all ways possible and is a true team environment. I would also be remiss if I didn't mention the way Kristina Garner goes out of her way to make sure I have peanut butter and apples in the office for those days that I just don't have time to eat. Thank you, Kristina!