

CHARTER TOWNSHIP OF GARFIELD
TOWN BOARD MEETING
July 28, 2020

Chuck Korn called the Town Board Meeting to order on July 28, 2020 at 6:00 p.m.

Pledge of Allegiance

Roll call of Board Members

Present: Jeane Blood Law, Steve Duell, Dan Walters, Lanie McManus, Denise Schmuckal, Molly Agostinelli, and Chuck Korn

Staff Present: Planning Director John Sych

1. Public Comment (6:01)

None

2. Review and Approval of the Agenda - Conflict of Interest (6:02)

Item 6i - Law Enforcement Report was added to the agenda.

Agostinelli moved and Schmuckal seconded to approve the agenda as amended adding item 6i.

Yeas: Agostinelli, Schmuckal, Walters, Duell, Blood Law, McManus, Korn

Nays: None

3. Consent Calendar (6:03)

a. Minutes

July 14, 2020 Regular Meeting
(Recommend Approval)

b. Bills

(i) General Fund \$82,285.17
(Recommend Approval)

(ii) Gourdie-Fraser
Developers' Escrow Fund – Storm Water Reviews, Utility Plan
Reviews, Oversight and Closeout \$35,087.50
Utility Receiving Fund 540.00
Park Funds/DNR Trust Fund 4,480.00

Total \$40,107.50
(Recommend Approval)

- c. **Contractor's Application for Payment No. 3 and Change Order No. 3 to North Country Contracting LLC for Silver Lake Park Recreation Improvements (Recommend Approval)**
- d. **MTT Update (Receive and File)**

Board members asked to remove consent item C for further discussion.

Duell moved and Schmuckal seconded to adopt the consent calendar as amended.

*Yeas: Duell, Schmuckal, Agostinelli, Walters, McManus, Blood Law, Korn
Nays: None.*

4. **Items Removed from the Consent Calendar (6:06)**

- c. **Contractor's Application for Payment No. 3 and Change Order No. 3 to North Country Contracting LLC for Silver Lake Park Recreation Improvements**

Board members asked for clarification of the expenses incurred in the Silver Lake Parking project. Parks Steward Derek Morton explained the issue with irrigation and a problem that occurred with a sprinkler head. Board members still had issues with the bill and change order not being correct.

Walters moved and Schmuckal seconded to table the payment until further clarification could be brought forth in the matter of Payment No. 3 and Change Order No. 3 to North Country Contracting for Silver Lake Park Recreation improvements.

*Yeas: Walters, Schmuckal, Duell, Blood Law, Agostinelli, McManus, Korn
Nays: None*

5. **Correspondence (6:12)**

- a. Memo from Pablo Majano, MEDC Senior Redevelopment Ready Communities Planner

6. **Reports**

- a. **Construction Report**

A written report was included in packets.

- b. **GT Metro Fire Report (6:13)**

Chief Pat Parker said the EMS totals are back to pre-COVID rates and the average runs per day are 18. He reviewed mutual aid numbers and said that there have been 442 incidents for June of 2020. Parker said that Assistant Chief Steve Apostol resigned and his duties have been split among three Captains. He also received notice that 30% of GT Metro

employees want to unionize which triggers a vote. GT Metro has hired counsel and will proceed if employees have a successful vote. He explained the 911 surcharge which will expire in June 2021 and said that \$2.50 will be the new rate per phone line. Those funds will be used to improve portable to portable transmissions. The 2021 budget is being reviewed and the Metro board discussed a cost recovery ordinance as it specifically pertained to charging those people for any rescues on the rogue trails in the Commons area. Those specific charges will be in place in August. GT Metro has applied for CARES Act money as well as a grant for hazard pay and hopes to be reimbursed.

c. North Flight EMS Report (6:34)

Dave Grattopp, North Flight EMS Operations Manager, said that they have seen an increase in COVID positive patients and are taking extra precautions. Two North Flight employees tested positive for COVID 19 and had mild cases. The July call volume is 12-13% above last year. Grattopp added that some part time positions are open for on-call people. He would like to have a more detailed report of calls in the township for the next report.

d. County Commissioners Report (6:45)

No report

e. Parks and Rec Report (6:45)

Derek Morton said that the Silver Lake project is wrapping up and some dead trees were cleared from the dog park. A playground safety inspection was completed and he is looking at option for heating the bathrooms. The Kid's Creek Mill Demo is completed.

Schmuckal moved and Agostinelli seconded to approve payment of the invoice from Molon in the amount of \$25,341.75 for the mill demolition.

*Yeas: Schmuckal, Agostinelli, Blood Law, McManus, Duell, Walters, Korn
Nays: None*

Morton went on to say that heavy rains caused many washouts in the Commons area and that the police have been more visible in that area. He is looking at purchasing surveillance cameras for the Commons area. Morton met with Engineer Jennifer Hodges regarding future projects in the River East Park and continues to work on the Parks CIP.

f. Treasurer's Report (6:57)

Blood Law reported on the movement of money into a bond fund. The Roads account increased by \$67,000 due to SAD monies collected. She also said that Deputy Treasurer Chloe Macomber has been receiving more training certificates.

g. Clerk's Report (7:00)

McManus explained a few corrections that were made to her accounting. Some will require budget amendments which she will bring forth at a later date. Thus far, 4,684 absentee ballots have been issued making her office very busy. A new counter will be installed in the township hall to accommodate election traffic. 90% of election workers are on board to work the election.

h. Supervisor's Report (7:06)

Korn said that he has received many inquiries about roads in the township and explains the SAD process to the callers. The July Board of Review was quiet and the BATA project on LaFranier Road is being discussed as is the Sheffer Farms connections. He further explained the union situation with GT Metro and talked about the Boardman Trail Loop and the fact that the Cass Road leg may not have been needed for a grant match.

i. Law Enforcement (7:20)

Schmuckal said that after meeting with the GT Sheriff, the next CPO payment to the Grand Traverse Sheriff's Department will be reduced by \$50,998 to take into account the thirteen weeks that Garfield Township did not have all four CPO officers working in Garfield Township.

7. Unfinished Business

a. Public Hearing – PD 2020-115 – Consideration of Resolution 2020-15-T, a Resolution Amending the Property Maintenance Ordinance (7:21)

The departments of Planning and Zoning recommend the Ordinance No. 55 pertaining to Property Maintenance be updated to include an updated reference to the International Property Maintenance Code, requirements for sidewalk maintenance and an amendment which would allow the Township to accept inspection reports of multi-family housing units from other governmental agencies. Zoning Administrator Mike Green discussed sidewalk maintenance and weed and grass control on properties. Verbiage has been added which would allow the township to add lawn mowing to a tax bill if a property owner was neglectful. Board members asked questions and were inquiring about a waiver for sidewalk installation if there were no neighboring sidewalks in existence. All agreed that amendments can be brought forth at another time. Korn opened the Public Hearing at 7:44pm and seeing no members of the public wishing to speak, closed the Public Hearing.

Schmuckal moved and Agostinelli seconded to adopt Resolution 2020-15-T adopting the Amendment to Ordinance No. 55,

Township Property Maintenance Ordinance, as described in the supporting attachments to Planning Department Report 2020-115.

Yeas: Schmuckal, Agostinelli, Walters, McManus, Duell, Blood Law, Korn

Nays: None

8. New Business

a. Consideration of Resolution 2020-16-T, Emergency Management Resolution (7:45)

Gregg Bird of GT Emergency Management Coordinator said this resolution allows for a five-year renewal Emergency Management Resolution for the Township.

Schmuckal moved and Duell seconded to adopt Resolution 2020-16-T, Emergency Management Resolution.

Yeas: Schmuckal, Duell, Walters, Agostinelli, Blood Law, McManus, Korn
Nays: None

b. Consideration of Joint Rec Authority Ballot Language for Millage Proposal (7:51)

Matt Cowall representing the Rec Authority Board is asking for board comments on ballot language which would bring forth a millage proposal of up to .30 mills to purchase approximately 76 acres of vacant property adjacent to Hickory Hills. He explained that the existing millage would not be collected in the case that the new millage was approved. The new millage would be collected as a match and a grant would be sought for the remainder of the funds. Board members asked questions and discussed the proposed millage. Cowall said that at another time, he would appreciate a resolution of support from the board.

c. Discussion of constructing a sidewalk connection from the Township Hall to the sidewalk at Fairlane Road (8:07)

Blood Law said a resident emailed her a request for a sidewalk connection from the township hall to the sidewalk at Fairlane Road. Board members discussed topography and funding and decided to contact the golf course to gauge their interest.

9. Public Comment: (8:21)

None

10. Other Business (8:22)

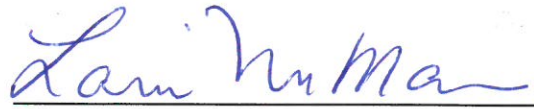
Board members inquired about Consumers and the replacing of light poles and were told that there was a supply issue with getting the poles. Duell said the Road Commission severed a phone and cable line while digging a ditch and thought that they should have contacted the utility companies. Korn will discuss the issue with the Road Commission.

11. Adjournment

Korn adjourned the meeting at 8:27pm



Chuck Korn, Supervisor
Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49686



Lanie McManus, Clerk
Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49686

**CHARTER TOWNSHIP OF GARFIELD
GRAND TRAVERSE COUNTY, MICHIGAN**

ORDINANCE NO. 55 (Property Maintenance): AMENDMENT NO. 1

RESOLUTION #2020-15-T

A RESOLUTION TO AMEND CHARTER TOWNSHIP OF GARFIELD ORDINANCE NO. 55 (Property Maintenance):

WHEREAS The Charter Township Act, Act 359 of 1947, as amended, authorizes the Charter Township of Garfield to enact ordinances that regulate maintenance and responsibility of owners, operators and occupants of existing structures and premises.

WHEREAS the Township would like to update its reference to the International Property Maintenance Code (IPMC) from the 2006 edition to the 2015 edition.

WHEREAS Section 522.A of the Zoning Ordinance contains requirements for construction of a sidewalk in the Township, but the Zoning Ordinance does not require maintenance of the sidewalks.

WHEREAS the Township would like to amend IPMC Section 302.3, entitled "Sidewalks and driveways" by applying more specific standards for sidewalks and placing responsibility for maintenance on adjacent property owners.

WHEREAS the Township would like to amend IPMC Section 302.4 entitled "weeds" by adding provisions allowing for a tax assessment to a property if the Township enters a property in violation of Section 302.3 to cut or destroy weeds, and to require mowing a 2-foot strip on either side of sidewalks on properties 2 acres or greater.

WHEREAS the Township would like to allow acceptance of inspection reports of multi-family housing units from other governmental agencies in accordance with the Michigan Public Act 14 of 2016, entitled the "Housing Law of Michigan."

NOW, THEREFORE, THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

AMENDMENT NO. 1 TO CHARTER TOWNSHIP OF GARFIELD ORDINANCE NO. 55 (Property Maintenance Ordinance):

THAT **Section 1.** International Property Maintenance Code, 2006 Edition be REPLACED with International Property Maintenance Code, 2015 Edition.

THAT **Section 2, Subsection (i) and (j)** be AMENDED as follows, with current Subsections (j), (k), and (l) be renumbered as Subsections (k), (l), and (m).

- i. Section 302.3 of the IPMC shall be amended to read as follows:

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free of hazardous conditions.

302.3.1 Responsibilities of Sidewalk Repair; Conditions Requiring Replacement.

- A. The owners of all lots and premises within the Township are required to maintain, repair, and keep safe sidewalks adjacent to or upon their lots and premises in or along the public street rights-of-way in the Township.
- B. It shall be the duty of all owners of premises within the limits of the Township to keep all cement, asphalt and concrete walks, and sidewalks that have been laid in front of, upon or adjacent to such premises in or along any of the street rights-of-way in good repair and free of dangerous ice, snow or other dangerous obstructions and/or conditions. Any owner of any such premises who shall allow any such sidewalk to remain in disrepair or in a dangerous condition shall be responsible and liable for injuries and damages arising out of the disrepair or unsafe condition of the sidewalk. Such owner shall further indemnify and reimburse the Township for all liability, costs, and expenses the Township might incur as a result of any such defective or dangerous sidewalk.
- C. The provisions of this section shall not apply to those walks, pathways or greenways designated by the Township as exempt from this section.

302.3.2 Owner Caused Sidewalk Defects. Where sidewalk defects creating pedestrian hazards are caused by conditions existing upon an abutting property, such as, but not limited to, trees or other growth, surface drainage, on-site construction or vehicular traffic, or other on-site activities, the abutting property owner shall be responsible for its repair, maintenance and/or safe condition, and liable for all consequential injuries, damages, expenses or costs resulting from the condition and lack of repair or maintenance and unsafe condition. Such liability shall include full indemnification of the Township for any damages, costs or expenses resulting from such owner defaults as well as liability to others. The foregoing liability and responsibility shall apply without notice or hearing.

302.3.3 Sidewalk Snow and Ice Removal.

- A. Within 24 hours after the end of each accumulation of snow greater than one inch, the owner or occupant of every property shall remove the accumulation from the adjacent public sidewalk and walks and ramps leading to a crosswalk. The accumulation may be from any source, including precipitation and drifting. Furthermore, the removal of snow and ice shall be further defined as being free of snow and ice for the entire constructed width and length of the sidewalk, including walks and ramps leading to a crosswalk.
- B. If the owner or occupant fails to remove snow or ice within 24 hours of a notice of violation having been served by attaching to the door, mailing by first class mail, or personal service, the Township may cause such snow or ice to be removed at the expense of the property owner. The owner of record shall then be charged the actual cost of the sidewalk clearance (time and material). All charges which remain unpaid as of October 1 of the current year shall become a lien against the subject property and may be added to the tax rolls for the property. Liens shall be reported not later than November 1 to the Township Treasurer for inclusion on the December 1 property tax statements. One notice of violation per parcel per season shall be deemed adequate notice for the entire snow and ice removal season.

- j. Section 302.4 of the IPMC shall be amended to read as follows:

302.4 Weeds. All premises and exterior property, less than two (2) acres, shall be maintained free from weeds or plant growth more than 10 Inches. Weeds and plant growth shall be defined as all grasses, annual plants, and vegetation, other than trees,

shrubs, cultivated flowers and gardens. For properties two (2) acres or greater, a strip of land two (2) feet wide on either side of any sidewalk subject to the provisions in Section 302.3.1 of this Ordinance must also be maintained free from weeds or plant growth more than 10 inches.

If any property owner shall fail to comply with the provisions of this Ordinance within the time specified, the Township may, at its option, cause all violations to be cut or destroyed upon the parcel, and the cost thereof, including the cleanup of trash and/or debris necessary to prevent damage to lawn equipment, resulting damages to lawn equipment resulting in mowing debris that remains on the lot, and a \$50 administrative fee, shall be assessed against the property as a special assessment and shall be collected in the same manner as ad valorem property taxes. Liens shall be reported not later than November 1 to the Township Treasurer for inclusion on the December 1 property tax statements.

THAT **Section 8** be AMENDED by adding **Subsection (d)** as follows:

- (d) **Inspections by Other Agencies.** Multiple-family buildings that are inspected by the U.S. Department of Housing and Urban Development under the real estate assessment center inspection process, or by other government agencies, shall be exempted from inspections required by this Section, upon a copy of the written inspection report being filed with the Building Department and determination by an Authorized Township Official that the filed report confirms compliance with the inspection guidelines under this article

THAT **Section 23**. Effective date be AMENDED by changing the effective date of the ordinance from 90 days to 7 days after the date of publication.

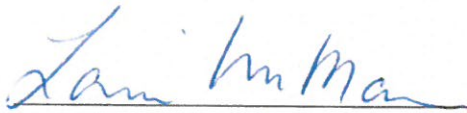
Moved: Denise Schmuckal

Supported: Molly Agostinelli

Ayes: Schmuckal, Agostinelli, Blood Law, Walters, Duell, McManus, Korn

Nays: None


Absent and Excused: None

By: 
Lanie McManus, Clerk
Charter Township of Garfield

CERTIFICATE

I, Lanie McManus, Clerk of the Charter Township of Garfield, do hereby certify that the above is a true and correct copy of Resolution 2020-15-T which was adopted by the Township Board of the Charter Township of Garfield on the 28th day of July 2020. Amendment No. 1 to Garfield Township Ordinance No. 55 (Property Maintenance) shall take effect upon the expiration of seven (7) days following publication.

Dated: 7/29/2020


Lanie McManus, Clerk
Charter Township of Garfield

**The Charter Township of Garfield
Emergency Management Resolution**

Resolution 2020-16-T

A resolution to provide for the mitigation, preparedness, response and recovery from natural and human-made disasters within the Charter Township of Garfield by being part of the Grand Traverse County emergency management program; to appoint the county emergency management coordinator as the Charter Township of Garfield emergency management coordinator; to provide for a means for coordinating the resources of the municipality with those of the county; and to provide a means through which the Charter Township of Garfield may exercise the authority and discharge the responsibilities vested in them by this resolution and Act No. 390 of the Public Acts of 1976, as amended.

Article 1 - Short Title

Section 101. This resolution shall be known as the "Emergency Management Resolution".

Article 2 – Definitions

Section 201. For the purpose of this resolution, certain words used herein are defined as follows:

- (a) "Act" means the Michigan Emergency Management Act, Act No. 390 of the Public Acts of 1976, as amended.(b)"Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from a natural or human-made cause, including but not limited to, fire, flood, snowstorm, ices storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders.
- (b) "Disaster relief force" means all agencies of county and municipal government, private and volunteer personnel, public officers and employees, and all other persons or groups of persons identified in the Grand Traverse County Emergency Operations Plan as having duties to perform or those called into duty or working at the direction of a party identified in the plan to perform a specific disaster or emergency related task during a local state of emergency.
- (c) "District Coordinator" means the Michigan Department of State Police District Emergency Management Coordinator. The District Coordinator serves as liaison between local emergency management programs and the Michigan State Police, Emergency Management Division in all matters pertaining to the mitigation, preparedness, response and recovery of emergency and disaster situations.
- (d) "Emergency management coordinator" means the person appointed to coordinate all matters pertaining to emergency management within the municipality. The emergency management coordinator for Charter Township of Garfield is the Grand Traverse County emergency management coordinator.
- (e) "Emergency management program" means a program established to coordinate mitigation, preparedness, response and recovery activities for all emergency or disaster situations within a given geographic area made up of one or several

political subdivisions. Such a program has an appointed emergency management coordinator and meets the program standards and requirements established by the Department of State Police, Emergency Management Division. The Charter Township of Garfield has elected to be part of the Grand Traverse County emergency management program.

- (f) "Emergency operations plan" means the plan developed and maintained by county and political subdivisions included in the emergency management program area for the purpose of responding to all emergency or disaster situations by identifying and organizing the disaster relief force.
- (g) "Governor's state of disaster" means an executive order or proclamation by the Governor that implements the disaster response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.
- (h) "Governor's state of emergency" means an executive order or proclamation by the Governor that implements the emergency response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.
- (i) "Local state of emergency" means a declaration by the Township Supervisor or Township Clerk¹ pursuant to the act and this resolution which implements the response and recovery aspects of the Grand Traverse County Emergency Operations Plan and authorizes certain actions as described in this resolution.
- (j) "Vital records" means those records that contain information needed to continue the effective functioning of a government entity and for the protection of the rights and interests of persons under emergency conditions in the event of an emergency or disaster situation.

Article 3 - Emergency Management Coordinator; Appointment

Section 301. By the authority of this resolution the Charter Township of Garfield Supervisor hereby appoints the Grand Traverse County Emergency Management Coordinator as the emergency management coordinator for the Charter Township of Garfield². In addition to acting for, and at the direction of, the Grand Traverse County Board of Commissioners Chair, the Emergency Management Coordinator will also act for, and at the direction of, the Charter Township of Garfield Supervisor.³

Section 302. A line of succession for the Grand Traverse County Emergency Management Coordinator has been established and is listed in the Grand Traverse County Emergency Operations Plan.

¹ According to Act 390, as amended, sec. 10 (1) (b) any county or municipality that has an appointed emergency management coordinator can declare a local state of emergency. This power is given to the "chief executive official" (see definitions in the act) or the official designated by charter.

² Act 390, as amended, sec. 9 (2-3) states that the coordinator shall be appointed by the "chief executive official" (see definitions in the act) in a manner provided in the municipal charter.

³ Act 390, as amended, sec. 9 (1-3) states that the appointed county coordinator shall act for and at the direction of the chairperson or county executive. It also says that a coordinator appointed by a municipality shall act for and at the direction of the "chief elected official" (see definitions in the act) or the official designated by the municipal charter.

Article 4 - Emergency Management Coordinator: Duties

Section 401. The Emergency Management Coordinator shall comply with standards and requirements established by the Department of State Police, Emergency Management Division, under the authority of the act, in accomplishing the following⁴:

- (a) Direct and coordinate the development of the Grand Traverse County Emergency Operations Plan, which shall be consistent in content with the Michigan Emergency Management Plan.
- (b) Specify departments or agencies which must provide an annex to the plan or otherwise cooperate in its development.
- (c) Identify departments and agencies to be included in the Emergency Operations Plan as disaster relief force.
- (d) Develop and maintain a county Resource Manual.
- (e) Coordinate the recruitment, appointment, and utilization of volunteer personnel.
- (f) Assure the emergency management program meets eligibility requirements for state and federal aid.
- (g) Coordinate and/or conduct training and exercise programs for the disaster relief force within the county and to test the adequacy of the Emergency Operations Plan.
- (h) Through public information programs, educate the population as to actions necessary for the protection of life and property in an emergency or disaster.
- (i) Assist in the development of mutual aid agreements.
- (j) Assist the Charter Township of Garfield municipal liaison with the development of municipal standard operating procedures which are consistent with the county Emergency Operations Plan.
- (k) Oversee the implementation of all functions necessary during an emergency or disaster in accordance with the Emergency Operations Plan.
- (l) Coordinate county emergency management activities with those municipalities included in the county emergency management program, other municipalities, the state, and adjacent counties.
- (m) Coordinate all preparedness activities, including maintaining primary and alternate Emergency Operations Centers.
- (n) Identify mitigation opportunities within the county and encourage departments/agencies to implement mitigation measures.

Article 5 - Emergency Management Liaison: Duties

Section 501. By the authority of this resolution the Charter Township of Garfield Supervisor has appointed a liaison for the purpose of assisting the county Emergency Management Coordinator in coordinating the emergency management activities within the municipality. The duties of the liaison are as follows:

⁴ Act 390, as amended, sec. 7a (4) gives the Emergency Management Division the authority to promulgate several standards and requirements.

- (a) Coordinate municipal emergency management activities with those of the county jurisdictions.
- (b) Assist the county Emergency Management Coordinator with the development of the county Emergency Operations Plan and the incorporation of municipal resources into the plan.
- (c) Identify municipal departments and agencies to be included in the Emergency Operations Plan as part of the disaster relief force.
- (d) Identify municipal resources and forward information to the county Emergency Management Coordinator for inclusion in the county Resource Manual.
- (e) Coordinate the recruitment, appointment, and utilization of volunteer resources.
- (f) Assist the county Emergency Management Coordinator with administering training programs.
- (g) Coordinate municipal participation in exercises conducted by the county.
- (h) Assist in the development of mutual aid agreements.
- (i) Assist in educating the population as to actions necessary for the protection of life and property in an emergency or disaster.
- (j) Encourage departments/agencies within the municipality to identify and implement procedures to mitigate the effects of potential disasters.
- (k) Assist in the assessment of the nature and scope of the emergency or disaster and collect damage assessment information and forward to the county.
- (l) Coordinate the vital records protection program.
- (m) Develop municipal standard operating procedures for disaster response which are consistent with the county Emergency Operations Plan.

Section 502. The Charter Township of Garfield Supervisor shall appoint a minimum of two persons as successors to the position of the municipal liaison. The line of succession shall be supplied to the county Emergency Management Coordinator.

Article 6 – Charter Township of Garfield Supervisor: Power/Duties

Section 601. On an annual basis, the Charter Township of Garfield Supervisor shall review the eligibility and performance of the Emergency Management Coordinator and make recommendations to the township board⁴.

Section 602. The Charter Township of Garfield Supervisor shall, review the effectiveness of the Grand Traverse County Emergency Operations Plan as the plan relates to the municipality once every two years. With the assistance of the municipal liaison, he/she shall make recommendations to the county Emergency Management Coordinator of any changes which may be needed. After this review and incorporation of necessary changes, the Charter Township of Garfield Supervisor shall certify the plan to be current and adequate for Charter Township of Garfield for the ensuing two years.⁵

⁵ Rule 4 (c) (d-q) of the administrative rules promulgated for Act 390, sec. 19 states that the plan shall be considered official upon bearing the signature of the chief executive official of the municipality.

The plan must be current and adequate (see rule) within two years.

Section 603. When circumstances within the township indicate that the occurrence or threat of occurrence of widespread or severe damage, injury or loss of life or property from natural or human-made cause exists the township supervisor may declare a local state of emergency.¹ Such a declaration shall be promptly filed with the Grand Traverse County Emergency Management Office, who shall forward it to the Department of State Police, Emergency Management Division. This declaration shall not be continued or renewed for a period in excess of 7 days except with the consent of the township board.⁶

Section 604. If the Charter Township of Garfield Supervisor invokes such power and authority, he/she shall, as soon as reasonably expedient, convene the township board for one or more emergency meetings in accordance with the Open Meetings Act to perform its normal legislative and administrative duties as the situation demands, and will report to that body relative to emergency activities. Nothing in this resolution shall be construed as abridging or curtailing the powers of the township board unless specifically provided herein.

Section 605. The Charter Township of Garfield Supervisor may do one or more of the following under a local state of emergency:

- (a) Direct the Emergency Management Coordinator to implement the Emergency Operations Plan.
- (b) Issue directives as to travel restrictions on local roads within the municipality.
- (c) Relieve township employees of normal duties and temporarily reassign them to other duties.
- (d) Activate mutual aid agreements.
- (e) Direct the municipal disaster relief effort in accordance with the county Emergency Operations Plan and municipal standard operating procedures.
- (f) Notify the public and recommend in-place or evacuation or other protective measures.
- (g) Request a state of disaster or emergency declaration from the Governor as

described in Article 7.

- (h) When obtaining normal approvals would result in further injury or damage, township supervisor may, until township board convenes, waive procedures and formalities otherwise required pertaining to the following:
- (1) For a period of up to 7 days, send the disaster relief force and resources to the aid of other communities as provided by mutual aid agreements.
 - (2) For a period of up to 7 days, appropriate and expend funds from the disaster contingency fund created in Article 9 up to \$10,000
 - (3) For a period of up to 7 days, make contracts, obtain and distribute equipment, materials, and supplies for disaster purposed.
 - (4) Employ temporary workers.
 - (5) Purchase and distribute supplies, materials, and equipment.
 - (6) Make, amend, or rescind ordinances or rules necessary for emergency management purposes which supplement a rule, order, or directive issued by the

⁶ Act 390, as amended, sec. 10 (1) (b) provides for the 7 day limit and disposition of the declaration.

Governor or a state agency. Such an ordinance or rule shall be temporary and, upon the Governor's declaration that a state of disaster or state of emergency is terminated, shall no long be in effect.⁷

Section 606. If a state of disaster or emergency is declared by the Governor, assign and make available for duty the employees, property, or equipment of the township within or without the physical limits of the township as ordered by the Governor or the Director of the Department of State Police in accordance with the act.⁸

Article 7 - Governor Declaration Request

Section 701. If a disaster or emergency occurs that has not yet been declared to be a state of disaster or a state of emergency by the Governor, and the township supervisor determines that the situation is beyond control of the municipality, he/she may request the Governor to declare that a state of disaster or state of emergency exists in the municipality in accordance with the act. This shall be done by immediately contacting the Grand Traverse County Emergency Management Coordinator. The Emergency Management Coordinator shall immediately contact the District Coordinator. The District Coordinator, in conjunction with the Emergency Management Coordinator, shall assess the nature and scope of the disaster or emergency, and they shall recommend the state personnel, services, and equipment that will be required for its prevention, mitigation, or relief.⁹

Article 8- Volunteers: Appointment: Reimbursement

Section 801. Each municipal department, commission, board, or other agency of municipal government is authorized to appoint volunteers to augment its personnel in time of emergency to implement emergency functions assigned in the county Emergency Operations Plan. Such individuals are part of the disaster relief force and shall be subject to the rules and operational control set forth by the respective department, commission, board, or agency

through which the appointment was made, and shall be reimbursed for all actual and necessary travel and subsistence expenses.¹⁰

Article 9 - Disaster Contingency Fund

Section 901. A disaster contingency fund is hereby created in the budget of not less than \$10,000. Money may be expended from the fund when a local state of emergency has been declared for the purpose of paying the disaster relief force, purchase of supplies and services, repair costs, or other needs required specifically for the mitigation of the effects of, or in response to, the emergency or disaster.

Article 10 - Rights of Disaster Relief Force

Section 1001. In accordance with the act, personnel of the disaster relief force while on duty shall have the following rights:

⁷ Act 390, as amended, sec.12 (2) provides this authority.

⁸ Act 390, as amended, sec. 10 (1) (h) provides this authority.

⁹ Act 390, as amended, sec.12 states that the "chief executive official" (see definitions in act) of a county or any municipality may make this request. However, he/she must do this utilizing the procedures set forth in sec. 14 of the act which states that the appointed emergency management coordinator and the district coordinator must jointly assess the situation and make recommendations.

¹⁰ Act 390, as amended, sec. 11 (1) (a-c) discusses disaster relief force rights and duties.

(a) If they are employees of the municipality, or other governmental agency regardless of where serving, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment.

(b) If they are not employees of the municipality, or other governmental agency be entitled to the same rights and immunities as are provided for by law.¹⁰

Article 12 - Temporary Seat of Government

Section 1201. The township board shall provide for the temporary movement and reestablishment of essential government offices in the event that existing facilities cannot be use.

Article 13 - Liability

Section 1301. As provided for in the act and this resolution, the municipality, or the agents or representatives of the municipality, shall not be liable for personal injury or property damage sustained by the disaster relief force. In addition, any member of the disaster relief force engaged in disaster relief activity shall not be liable in a civil action for damages resulting from an act of omission arising out of and in the course of the person's good faith rendering of that activity, unless the person's act or omission was the result of that person's gross negligence or willful misconduct. The right of a person to receive benefits or compensation to which he or she may otherwise be entitled to under the worker's compensation law, any pension law, or act of congress will not be effected as a result of said activity.¹¹

Section 1302. As provided for in the act, any person owning or controlling real estate or other premises who voluntarily and without compensation grants the municipality the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons or for any other disaster related function during a declared local state of emergency or during an authorized practice disaster exercise, shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.¹¹

Article 14 - Sovereignty

Section 1401. Should any section, clause, or provision of this resolution be declared by the courts invalid for any reason, such declaration shall not affect the validity of this resolution as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid.

Article 15 - Repeals

Section 1501. All resolutions or parts of resolutions inconsistent herewith are hereby repealed.

Article 16 - Annual Review

Section 1601. This resolution shall be reviewed annually by the township board and changes shall be made if necessary.

Article 17 - Effective Date

Section 1701. This resolution shall have immediate effect.

(The community may choose to adopt either an ordinance or resolution, whichever is the most appropriate procedure within the community, and promulgate it according to normal procedures.)

¹¹ Act 390, as amended, sec. 11 (2-8) discusses liability.

Moved: Denise Schmuckal

Supported: Steve Duell

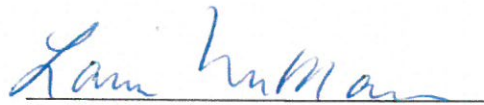
Ayes: Schmuckal, Duell, Walters, Agostinelli, Blood Law, McManus, Korn

Nays: None

Absent and Excused: None

RESOLUTION 2020-16-T DECLARED ADOPTED.

By:



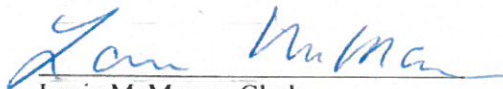
Lanie McManus, Clerk
Charter Township of Garfield

CERTIFICATE

I, Lanie McManus, Clerk of the Charter Township of Garfield, do hereby certify that the above is a true and correct copy of Resolution 2020-16-T which was adopted by the Township Board of the Charter Township of Garfield on the 28th day of July, 2020.

Dated: _____

7/29/2020



Lanie McManus, Clerk
Charter Township of Garfield