

THE PAR PLAN NEWS

ISSUE 123
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PAR PLAN SUPPORTS MTA'S 63RD EDUCATIONAL CONFERENCE



The Michigan Township Participating Plan rounded up township officials to provide an evening of non-stop fun, food and beverage. Everyone took a break from classes to enjoy themselves!



MTTP BOARD OF DIRECTORS

Michigan Township Participating Plan
UPCOMING BOARD OF DIRECTORS ELECTION

Zone 1

Paul Lehto
Calumet Township
(906) 337-2410

During the next several months, member representatives will be electing Zone Representatives to serve on the Par Plan Board of Directors. This year Zones 3, 6, 9 are up for regular election with representatives serving three year terms. Zone 4 is up for special election with representative serving a two-year term. Zones up for election consist of the following counties:

Zone 2

Marvin Besteman, Jr.
Kinross Charter Township
(906) 495-5381

Zone 3: Benzie, Grand Traverse, Lake, Leelanau, Manistee, Mason, Oceana, Osceola, Wexford

Zone 6: Bay, Clare, Clinton, Gladwin, Gratiot, Isabella, Midland, Saginaw, Shiawassee

Zone 9: Eaton, Ingham, Jackson, Lenawee, Livingston, Monroe, Oakland, Washtenaw, Wayne

Zone 4 – Two-year Term: Alcona, Alpena, Antrim, Arenac, Crawford, Iosco, Kalkaska, Missaukee, Montmorency, Ogemaw, Oscoda, Otsego, Roscommon

Zone 3

Glen Lile
East Bay Charter Township
(231) 947-8719

Par Plan members of the above respective zones should designate a person to serve as their member representative. Only member representatives are eligible to serve on the Par Plan Board of Directors. A completed nomination form, conflict disclosure statement and resolution confirming membership are required to be submitted to participate in the Michigan Township Participating Plan’s Board of Directors election.

Zone 4

OPEN

According to the Par Plan Bylaws: Member shall mean a local unit of government participating in the Michigan Township Participating Plan. Member representative shall mean the member representative to the Par Plan. A member representative must be an elected official of the unit of government that is a member of the Par Plan. If the unit of government does not have elected officials, a member from the Board of that unit of government may be its member representative to the Par Plan.

Zone 5

Don Hilton, Sr., Secretary
Gaines Charter Township
(616) 698-6640

Appointed officials such as City Managers, Township Superintendents or DPW Superintendents are not eligible. Units of government that would not have elected officials might be fire authorities and library boards.

Zone 6

Earl Arnold
Monitor Charter Township
(989) 751-1551

If you are uncertain of your eligibility to run for the Zone Director or the procedure to vote, please contact Don Hilton, Sr., Chairman of the Election Committee at (616) 698-6640, or Rita Evans at the Par Plan office (800) 783-1370.

Zone 7

William Walters
City of Brown City
(810) 346-2325

The winner is selected based upon the highest number of votes received. Elected positions will be for a three-year term and will require elected Directors to attend at least (4) four board meetings per year in addition to committee meetings.

Zone 8

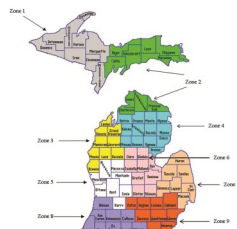
Ronald Reid, Chairman
Kalamazoo Charter Township
(269) 381-8083

By now you should have received a nomination form along with the election required documentation in the mail. If you wish your nomination form to receive consideration, please return the nomination form and all required documentation no later than May 1st to the Michigan Township Participating Plan, 1700 Opdyke Court, Auburn Hills, Michigan 48326.

Zone 9

William Bamber
Vice Chairman
Oceola Township
(517) 546-3259

The election committee has set the following election timetable:
March 18th - Nomination and election forms mailed to zone members
May 6th - Nomination and election forms must be postmarked to receive consideration
May 13th - Confirm nomination and election forms confirmed by committee
May 27th - Election ballots mailed to all zone members
June 20th - Election ballots must be postmarked to receive consideration
June 24th - Election ballots counted and winning candidates confirmed by committee
July 28th - Par Plan Annual Business Meeting



NOTICE OF QUARTERLY MEETING
Marvin Besteman, Jr., MTTP Zone 2 Director and Trustee of Kinross Charter Township is hosting the Michigan Township Participating Plans’ April 2016 quarterly board meeting on Friday, April 22nd at 9:30 a.m. Kinross Charter Township hall is located at 4884 W. Curtis Street, Kincheloe, Michigan.
All Par Plan members are welcome to attend.

THE DUTY OF A TOWNSHIP TO MAINTAIN AND REPAIR PUBLIC SIDEWALKS CANNOT BE DELEGATED TO THE PROPERTY OWNER

While governmental agencies, including Townships, enjoy broad tort immunity from personal injury claims, there is a specific statutory exception requiring governmental agencies to maintain public sidewalks in “reasonable repair”, so that they are “reasonably safe and convenient for public travel”. MCL 691.1402. There are some statutory conditions and limitations, including; whether the Township knew or should have known of the defect, whether the presumption of “reasonable repair” has been “rebutted” by a “vertical discontinuity defect of two inches or more” MCL 691.1402(a); and whether the claimant provided notice of a claim within 120 days, MCL 691.1404(a). Also, under the common law, Townships are generally immune from tort liability for the failure to remove “natural accumulations” of ice and snow.

Private property owners generally have no common law duty to maintain or repair public sidewalks. The township’s statutory duty to maintain public sidewalks in reasonable repair cannot be delegated or transferred to the private property owner. In *Bivens v. City of Grand Rapids*, 443 Mich 391 (1993), the defendant City filed a third-party complaint against the property owner (Kent Country Club) in a case where plaintiff was, “thrown from her bicycle while riding on a public sidewalk adjacent to [the] club”. In rejecting the City’s effort to impose liability against the property owner, the Michigan Supreme Court stated:

A local ordinance purports to impose upon the owner of property abutting a public sidewalk the obligation to indemnify the City of Grand Rapids if the owner fails to maintain the sidewalk and if the City is required to pay damages to a person injured on the defective sidewalk. Because the City lacked authority to impose such an obligation, we conclude that indemnification is not available to the City under the circumstances presented here; and we affirm the result reached by the Court of Appeals.

Simply put, ordinance provisions which require property owners to repair or maintain public sidewalks – including provisions which assess or charge the property owner with repair costs – do not shield or provide a defense to personal injury claims brought against the township. While township ordinances may require that property owners maintain and/or otherwise pay for the maintenance or repair of public sidewalks, such ordinance provisions do not provide a defense to the township in the event that an injured person brings suit. Likewise, ordinance provisions which require the property owner to indemnify the township, or otherwise assume responsibility for any personal injury claim simply will not be recognized or enforced by the courts.

As noted, in order for an injured person to present a claim against a township, that person must establish that the township knew or should have known of the defect. The applicable statute further provides, “knowledge of the defect and time to repair the same shall be conclusively presumed when the defect existed so as to be readily apparent to an ordinarily observant person for a period of 30 days or longer before the injury took place”. MCL 691.1403. Even if the defect is “open and obvious”, the injured person may bring suit against the township, although recoverable damages would be reduced by the percentage of the injured person’s comparative fault.

Given the presumption of notice of conditions existing for more than 30 days, it is advisable to have a periodic inspection program in place so that any defective conditions may be addressed in a timely manner.

Craig R. Noland
McGraw Morris, P.C.
300 Ottawa Ave. N.W., Ste 820
Grand Rapids, MI 49503
(616) 288-3700
cnoland@mcgrawmorris.com





Par Plan Enhances RRGP Grants ... Our Grant Guidelines have changed

Be sure that you visit our website to download the 2016 Version. Beginning April 1, 2016 the Par Plan will begin accepting grant applications for our 10th cycle. Just remember that applications will not be accepted before April 1st, or after the cycle's close date of May 31, 2016.

Grants for qualifying members will be approved by the board at the July 28th quarterly board of director's meeting.

Risk Reduction Grant Awardees—9th Grant Cycle October 1—November 31, 2015

Alpena County	Lapeer County EMS – Lapeer County
Baltimore Township – Barry County	Leslie Township – Ingham County
Banks Township – Antrim County	Maple Ridge Township – Delta County
Baroda Lake Township – Berrien	Markey Township – Roscommon County
Barry Township – Barry County	Milford Public Library – Oakland County
Bertrand Township – Berrien County	Milton Township – Cass County
Big Rapids Township – Mecosta County	Monterey Township – Allegan County
Blue Lake Township – Muskegon Count	Onekama Township – Manistee County
Cambridge Township – Lenawee County	Port Huron Housing Commission – St. Clair County
Cherry Grove Township – Wexford County	Richfield Township – Roscommon County
City of Rose City – Ogemaw County	Sheridan Township – Calhoun County
Coloma Township – Berrien County	Skandia West Branch Joint Operations – Marquette County
Concord Township – Jackson County	Spring Arbor Township – Jackson County
Denton Township – Roscommon County	Tuscola Township – Tuscola County
Felch Township – Dickinson Count	Village of Bellevue – Eaton County
Goodar Township – Ogemaw County	Village of Dansville – Ingham County
Henrietta Township – Jackson County	Village of Ellsworth – Antrim County
Kenockee Township – St. Clair County	Village of Michiana – Berrien County
Lake Missaukee Area Fire Authority – Missaukee County	Weesaw Township – Berrien County

Par Plan News Editorial Staff:

Glen Lile - East Bay Charter Township, Grand Traverse County

Earl Arnold - Charter Township of Monitor, Bay County

Rita Evans - MTPP Program Administrator

The Par Plan News is published by the Michigan Township Participating Plan's Program Administrator:

Tokio Marine - HCC Public Risk
1700 Opdyke Court
Auburn Hills, MI 48326
(248) 371-3100
(248) 371-3069 Fax

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**Visit us on the web
www.theparplan.com**

Michigan Township Participating Plan
1700 Opdyke Court
Auburn Hills, MI 48326
800-783-1370
248-371-3069 Fax