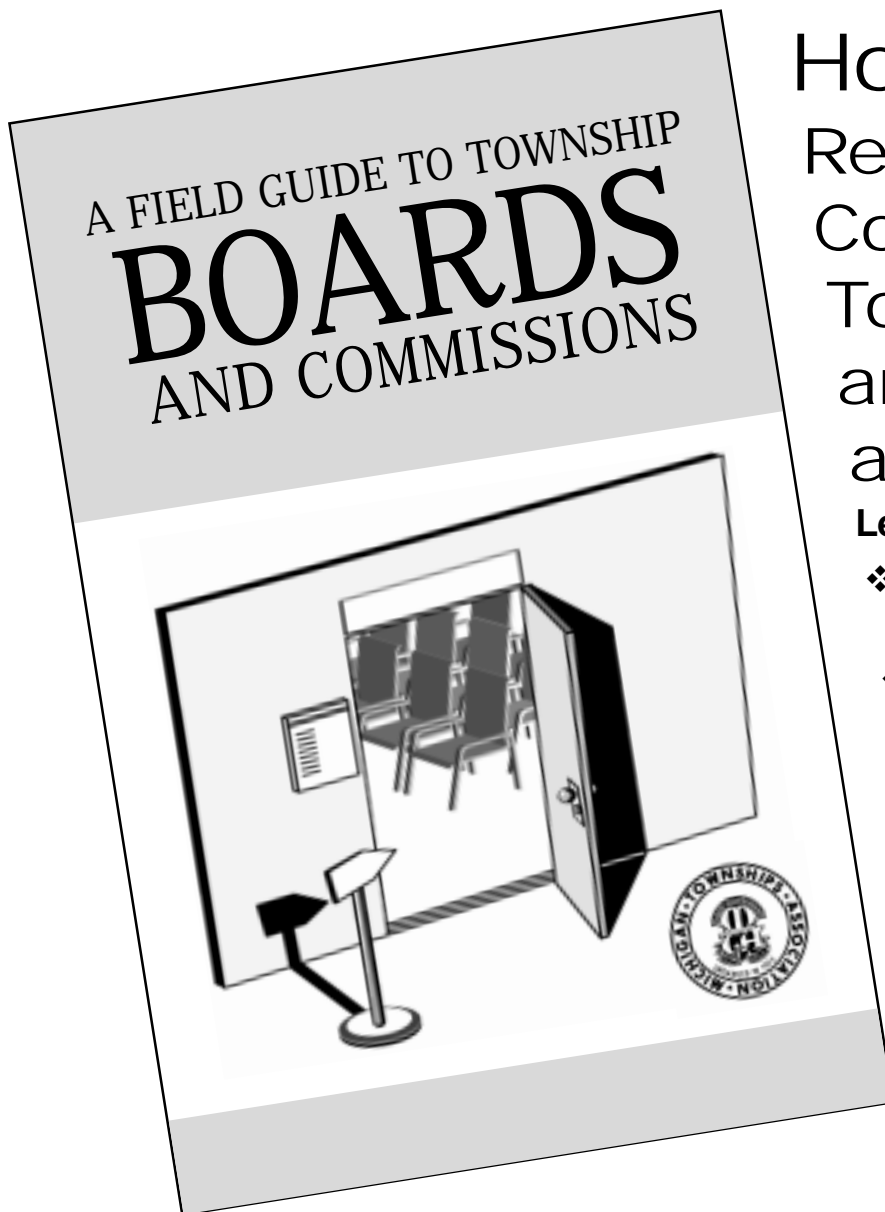


Appointing Township Boards and Commissions

Presented by Catherine Mullhaupt
Member Information Liaison
Michigan Townships Association



**Not an actual publication*

Including:

How to
Recognize
Common
Township Boards
and Commissions
at a Distance!*



Learn how to:

- ❖ *Recognize key identifying characteristics*
- ❖ *Distinguish similar species*
- ❖ *Identify habitat and area of authority*



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This handout is not meant to be a comprehensive description of the township bodies mentioned. For further information or clarification, consult the appropriate statute. Before taking any action on any of the township bodies described here, consult the statutes and the township's attorney.

This handout was compiled in March 2002 by MTA Member Information Liaison Catherine Mullhaupt with information from the Michigan Compiled Laws; charts and articles by MTA Member Information Services Director Evelyn David and other MTA staff; excerpts from *Authorities & Responsibilities of Michigan Township Officials, Boards and Commissions*, 2000 revised edition, by John H. Bauckham, Michigan Townships Association, © 2000; and excerpts from Michigan Department of Treasury publications. (Handout updated October 2004)

Township Board & Commission Appointment Checklist

1. Who?

Who makes the appointments?

Supervisor or township board?

(Deputies appointed by official only)

Should you even be appointing—is it an elected body?

2. What?

What are you appointing?

Statutory board or commission?

Advisory committee?

Do you have the proper number of members? How can you tell?

3. When?

When are appointments made?

What are the terms of office?

Are you filling a vacancy? When must it be filled?

Are you reappointing?

4. Where?

Where is the appointment made?

Vote by a public body or official to appoint or hire is always taken at a public meeting (regular or special) in open session.

(Deputies do not have to be appointed at a public meeting.)

5. How?

How is the appointment made?

Always by voice vote. Never by secret/paper ballot.

What procedures can you follow?

Advertise? Resumes? Interviews?

Appointments

August 2000 Hello, MTA...?

by Evelyn David, MTA Member Information Services Director

Q *What are the procedures for appointing a board of review, downtown development authority board, planning commission, zoning board or zoning board of appeals?*

MTA The procedures for appointing township boards and commissions are outlined by their authorizing statutes, and they fall into two categories. In the first category are boards and commissions whose authorizing statutes give the township board the authority to appoint the members. Boards of review (MCL 211.28), zoning boards (MCL 125.274) and zoning boards of appeals (MCL 125.288) are in this category.

The authorizing statutes for boards and commissions in the second category give the township supervisor the exclusive right to select the members who will serve. The full township board then confirms the selection. Planning commissions (MCL 125.321) and downtown development authorities (MCL 125.1654) are in this category.

The full texts of Michigan statutes are compiled by category and numbered by sections in the Michigan Compiled Laws (MCL) and the Michigan Statutes Annotated (MSA). The MCLs and MSAs are available at public libraries, and the MCLs are available online at www.michiganlegislature.org/law/.

Q *Does the supervisor have appointment authority for any other boards or commissions?*

MTA Yes, along with those mentioned above, the supervisor has the authority to appoint, with board approval, an economic development director (MCL 125.1604), a civil service police and fire commission (MCL 38.502), a housing commission (MCL 125.653c), an historic site district commission (MCL 399.204), a neighborhood council of citizens (MCL 125.74c), an officers compensation commission (MCL 41.95), and a tenants affairs board (MCL 125.700).

Q *Can we vote to appoint all the members of a board or commission with one motion?*

MTA The township board can vote on several or all appointments to a board or commission with one motion. However, voting on a slate of names, such as all three names for the board of review, with one motion requires the township board members to vote yes or no on the entire motion. If they are not comfortable with one or more of the names presented, this can create a problem. MTA recommends that each appointment be considered in a separate motion. This motion receives a second, discussion follows and a vote is taken on each appointment.

Q *What is the correct procedure to appoint the board of review?*

MTA Board of review appointments should be an order of business on the agenda of every township board in December 2000. MCL 211.28 states: "Those electors of the township appointed by the township board shall constitute a board of review for the township. At least two-thirds of the members shall be property taxpayers of the township. Members appointed to the board of review shall serve for terms of two years beginning at noon on January 1 of each odd-numbered year. Each member of the board of review shall qualify by taking the constitutional oath of office within 10 days after appointment."

The township board will often look to the supervisor and/or assessor for a recommendation of members to serve. However, the final decision requires full board action.

Q *How is the zoning board of appeals appointed?*

MTA The full township board makes zoning board of appeals appointments under procedures specified by the Township Zoning Act, Public Act 184 of 1943 (MCL 125.271, *et seq.*). Section 18 of PA 184 states that: "In each township in which the township board exercises the authority conferred by this act, it shall appoint a township board of appeals. In a township having a population of 5,000 or more persons, the board of appeals shall be composed of not less than five regular members. In a township having a population of less than 5,000 persons, the board of appeals shall be composed of not less than three regular members. The precise number of regular members comprising the board of appeals shall be specified by the township board in the zoning ordinance.

"The first regular member of the board of appeals shall be a member of the township zoning board. In a township where the powers, duties and responsibilities of the zoning board are transferred to the planning commission pursuant to Section 11 of Act No. 168 of the Public Acts of 1959, as amended, being Section 125.331 of the Michigan Compiled Laws, the first regular member of the board of appeals shall be a member of the township planning commission. The remaining regular members and any alternate members of the board of appeals shall be selected from the electors of the township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the township. One regular member may be a member of the township board. An elected officer of the township shall not serve as chairperson of the board of appeals. An employee or contractor of the township board may not serve as a member of the township board of appeals." (MCL 125.288(1))

Q *We have a board we call the planning and zoning commission. How do we determine how the membership is appointed?*

MTA The best way to identify if you have a *planning commission* authorized by the Township Planning Act, Public Act 168 of 1959 (MCL 125.321, *et seq.*), or a *zoning board* authorized by the Township Zoning Act, is to determine if a township board member serves on the commission. If a township board member serves, then most likely you have a planning commission that has been given zoning powers. Planning commission membership includes a township board member. If no township board member serves on the commission, then you have a zoning board. A township board member is not allowed to serve on a zoning board. ♦

—Evelyn David

Membership Information Services Director

Hello, MTA...? is written to provide general information on typical questions asked by township officials. Answers are based on a review of MTA legal counsel's response to similar member inquiries. The information provided should not be considered legal advice. For answers specific to a township, township officials are encouraged to contact their local township attorney.

Advisory Committees

January 1997 Hello, MTA...?

by Evelyn David

MTA Member Information Services Director

Q: Can the township board appoint advisory committees to involve residents in township government?

Yes, the township board can appoint advisory committees or panels to collect information, make recommendations and participate in township programs, to the degree that the township board has charged or instructed them. Advisory committees can offer interested and active citizens a way to support township programs and services. MTA legal counsel refers to MCLs 41.75a and 42.9 as authorizing township boards to hire employees and create additional officers as needed, as long as those actions do not diminish the duties or responsibilities of the elected officials.

Some townships have established permanent beautification, cemetery or recreation committees. Other townships use temporary committees or panels that are directed to study an issue or project and report their findings to the township board, such as a road needs committee established for one year and charged with developing a five-year road improvement plan.

Before an advisory committee is appointed, the township board should consult state laws and the township's attorney to ensure that the proposed committee does not assume powers or duties assigned to statutorily established or authorized committees or commissions, such as a salary commission or zoning board.

Q: What issues should a township board consider when creating an advisory committee or panel?

Once the township board decides to create an advisory committee or panel, it should determine the committee's name, purpose or goals statement, the number of persons to be appointed and the length of the term for which they are to serve, and a timeline to report findings or recommendations, if applicable. The board may wish to leave administrative decisions, such as who will chair the committee, to the advisory committee.

The board should then determine how it wants the committee to function by discussing the following questions:

■ *Will compensation or expense reimbursements be given?* The township board can determine a per diem payment or reimbursement for meetings and place a limit on the number of meetings held in a given period.

■ *Are committees required to adhere to the Open Meetings and Freedom of Information Acts?* Because the courts and the public may view any committee established by the township as a public

body, MTA recommends that, while not required by law, any township advisory committees comply with the Open Meetings and Freedom of Information Acts.

■ *Will committee members take an oath of office?* The township can choose to require committee members to take an oath of office. Taking an oath lends credibility to the position and provides a record of the date and expiration of the appointment. Each signed oath must be filed with the township clerk.

■ *Will a township board member serve on the committee?* Township board members can serve on advisory committees, as long as a quorum of the board is not assigned. Usually one or two board members serve on an advisory committee to maintain contact with and act as a liaison to the township board. This is an excellent way to utilize the skills of township trustees.

Q: Should the township board incorporate their decisions regarding the committee's functions into formal by-laws for the committee?

Yes, it's a good idea to incorporate the board's decisions as by-laws. This can help to ensure that the committee is actually working toward the purpose established by the board, and that it will not unintentionally violate state or federal statutes. If the advisory committee develops its own by-laws, the township board should review and approve them.

Q: What procedures must the board follow to officially create an advisory committee?

The board can create an advisory committee with a simple board motion or resolution. The board is not required to file a record of establishing an advisory committee, other than what is recorded in the township board minutes. For public information and to encourage additional citizen participation, the board may want to list committees and meeting dates in the township newsletter or newspaper. ♦

Oath of Office

The oath must be taken before performing the duties of the office. The oath of office must be taken whenever one of the following officials is originally elected or appointed, and every time the official is reelected or reappointed. This is true for both elected officials and those appointed to fill a vacancy.

At the beginning of a four-year township term of office at noon on November 20, all elected township officials, whether reelected or newly elected, must take the oath of office prior to January 1 to qualify for office, or a vacancy is created in the position. (*Constable vacancies are not required to be filled.*) MTA recommends taking the oath of office prior to noon on November 20, so officials can immediately assume the duties of their offices at the start of the term.

The signed oath document must be filed with the township clerk. If an official other than the clerk administers the oath, the original oath or a copy of the oath must be provided to the township clerk for official township records.

Who has authority to administer oaths to township officials?

Township Clerk / Deputy Clerk	(MCL 168.363)
Township Supervisor / Deputy Supervisor	(MCL 41.64b)
County Clerk / Deputy Clerk	(MCLs 45.323, 551.103)
Notary Public	(MCLs 55.285, 168.504)
Judge / Justice (of any court of record)	(MCLs 15.37, 600.1440, 600.1455, 600.8317)
State Senator	(MCL 4.121)
State Representative	(MCL 4.121)

Who is required to take the oath of office?

Supervisor (MCLs 168.363, 168.358)	Constable (MCLs 168.363, 168.358)
Clerk (MCLs 168.363, 168.358)	Library Board (MCLs 168.363, 168.358)
Treasurer (MCLs 168.363, 168.358)	Park Commission (MCLs 168.363, 168.358)
Trustee (MCLs 168.363, 168.358)	Election Inspector (MCL 168.680)
Deputy supervisor (MCL 41.61)	Commissioner of Noxious Weeds (MCL 247.61)
Deputy clerk (MCL 41.69)	Downtown Development Authority (MCL 125.1654)
Deputy treasurer (MCL 41.77)	
Board of Review (<i>must take oath within 10 days of appointment</i>) (MCL 211.28)	

(Not an exhaustive list; other officials or bodies may be required to take the oath.)

MTA recommends giving the oath to the following:

Planning Commission or Zoning Board	Economic Development Commission
Zoning Board of Appeals	Ordinance Enforcement Officer
Fire Administrative Board	Fire and/or Police Chief
Compensation Commission	Superintendent or Manager
Historical Commission	Building, Electrical and/or Plumbing Inspectors
Recreation Commission	<i>Others, as township board policy indicates</i>
Fence Viewer	

Why give the oath of office if it is not required?

Taking the oath tends to lend credibility to the position to which a person has just been appointed or assigned. It also provides an opportunity to create a “paper trail” for the township board to the date of appointment and, therefore, to the expiration date of that person’s appointment so the board knows when to make future appointments.

Prepared October 2004 by Catherine Mullhaupt, MTA Member Information Liaison

Oath of Office

STATE OF MICHIGAN,

County of _____

I do solemnly swear (*or affirm*) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully perform the duties of the office of _____ in and for the Township of _____, County of _____ and the State of Michigan, according to the best of my ability, so help me God.

Signature

Subscribed and sworn to before me, this _____ day of _____, 20__

_____, (County), Michigan

Sample "Paper Trail"

History of Planning Commission (6 members, 3-year staggered terms)

Term Start	Stagger			Appt./ Reappt.	Oath Taken	Member	Vacancy	Term End	Replaced By
1/8/2000	1			12/7/1999	12/7/1999	Margaret Fair		1/8/2003	Margaret Fair
1/8/2000	1			12/7/1999	12/7/1999	Amy Wise		1/8/2003	Amy Wise
1/8/2001		2		12/3/2000	12/3/2000	Mike Smart		1/8/2004	Mike Smart
1/8/2001		2		12/3/2000	12/3/2000	Monica Quick		1/8/2004	Ida Jones
1/8/2002			3	12/4/2001	12/4/2001	Robert Roberts		1/8/2005	
1/8/2002			3	12/4/2001	12/4/2001	John Good		1/8/2005	
1/8/2003	1			12/19/2002	1/8/2003	Margaret Fair		1/8/2006	
1/8/2003	1			12/19/2002	12/19/2002	Amy Wise	9/7/2004	1/8/2006	Sue Swift
1/8/2003	1			10/5/2004	10/5/2004	Sue Swift		1/8/2006	
1/8/2004		2		12/2/2003	12/2/2003	Mike Smart		1/8/2007	
1/8/2004		2		12/2/2003	12/2/2003	Ida Jones		1/8/2007	

This chart could be adapted for any board or commission appointed by the township board, with or without staggered terms. Note that staggered terms are required for a planning commission (or zoning board), zoning board of appeals, fire or police administrative board, and fire or police civil service commission. (*Not an exhaustive list*)

Prepared October 2004 by Catherine Mullhaupt, MTA Member Information Liaison

Q Does the Open Meetings Act (OMA) prohibit voting by secret ballot?

Yes. The OMA states that "all decisions of a public body shall be made at a meeting open to the public" (MCL 15.263).

Attorney General Opinion (AG) 5262 states that the Legislature clearly intended a vote to be open to the public: "The Open Meetings Act prohibits a voting procedure at a public meeting which prevents citizens from knowing how members of the public body have voted." Township bodies cannot vote by paper ballot or other secret ballot.

Q Can a deputy vote?

No. According to MCLs 41.61, 41.69 and 41.77, a deputy supervisor, clerk or treasurer possesses the powers and performs the duties of the office, "except the deputy shall not have a vote on the township board."

Q Does the supervisor vote?

As a member of the township board, the supervisor should vote on all issues for which a vote is required unless there is a conflict of interest or a proper legal reason for abstaining.

The Charter Township Act also states that, "As a member of the township board, the supervisor shall be the presiding and executive officer of the board and shall have an equal voice and vote in the proceedings of the board" (MCL 42.5).

Some parliamentary procedures may call for a moderator to refrain from voting, vote only to break a tie or vote last, but these rules do not apply to a township supervisor (or the chairperson of any other township voting body).

Q One of our general law township board members frequently refuses to vote. He doesn't have a conflict

of interest; he just avoids voting.

Are board members required to vote?

Yes. Based on case law and Attorney General opinions, it is MTA Legal Counsel's opinion that a township board member has a general duty to vote on motions before the board when he or she is present at a meeting. A township board member who abstains from voting on an issue, unless there is a conflict of interest, is committing a breach of duty. Township board members should consider voting at a township board meeting a duty of office.

Q Can township board members abstain from voting?

Yes, under certain circumstances, such as a conflict of interest. A legal conflict of interest is a financial or contractual interest in a matter before the board. A resigning township board member may not vote to appoint his or her successor. A charter township board member may also abstain from voting on an appointment to fill a vacancy for which he or she wishes to be considered.

For charter townships, MCL 42.7 says, "A member of the township board who is recorded as present shall vote on all questions decided by the board unless excused by the unanimous consent of the other board members present."

Q How many votes are required to pass a motion at a township board meeting?

It depends on the specific issue. If no state law governs the issue you are voting on, a majority vote by a quorum of members is sufficient, according to AG Opinion 5238.

Q When must an action be approved by more than a majority vote by a quorum of members?

Various statutes require a majority vote of the township board membership. For example, a majority vote of the township board membership is required to set the date of the annual meeting (MCL 41.8); buy, sell or lease property (MCL 41.2 and other statutes authorizing purchase or sale of property/equipment); adopt or amend a non-zoning ordinance (MCL 41.181) or a zoning ordinance (MCLs 125.272, 125.281, 125.285); or approve a 425 Agreement (MCL 124.24).

A two-thirds vote of board membership is required to go into closed session for specific purposes outlined by the OMA (MCL 15.267) or to reject the recommendation of a compensation commission (MCLs 41.95 and 42.6a).

A majority of the planning commission membership is required to adopt a master plan (MCLs 125.326 and 125.328). A concurring vote of a majority of the zoning board of appeals membership is required to reverse a zoning action or to grant an approval or variance (MCL 125.290).

This is not an exhaustive list; other statutes may require majority or two-thirds votes. The township board or other voting body should consult their statutes and their township attorney when in doubt. ■

Hello, MTA...? provides general information on typical questions asked by township officials. Answers are based on a review of MTA Legal Counsel's response to similar member inquiries. Readers are encouraged to contact their township attorney for advice specific to their situation.

Who's in charge here?

Can the township board tell another board, commission or committee what to do (agenda, calling meetings, etc.)?

It depends.

1. If the body was created by statute, look at the law. Statutory authorities, boards and commissions have their own authority, independent of the township board, even if they are appointed, within any limits set by the law.

For example, the township supervisor, with board approval, appoints and removes the planning commission members. The township board must approve the planning commission's budget and expenditures and issue any payments for planning commission activities.

However, the planning commission schedules its own meetings, sets its own agenda, makes its own decisions, and has specific decision-making power not subject to township board review, per the Township Planning Act, Township Zoning Act and the township's zoning ordinance.

2. If the body is an advisory board created by the township board, yes.

In fact, the township board **should be** directing the "mission" of the committee, including:

- * Determining the number/constitution of the membership
- * Approving any and all expenditures and issuing checks/payments
- * Directing the committee to comply with the Open Meetings Act and Freedom of Information Act
- * Establishing the scope or limit of the committee's mission (what kind of recommendations can they make to the board?)
- * Reviewing the committee's recommendations and making final decisions
- * Establishing how often the committee should meet
- * Determining any compensation for committee members
- * Dissolving the committee when no longer needed

By MTA Member Information Liaison Catherine Mullhaupt

Show me the money!

Unless otherwise specified by law, all money received, raised, accepted on behalf of, authorized and expended by township bodies—including committees, the fire department, police department, ambulance/EMS department, and township employees—must be received and deposited by the township treasurer, accounted for by the township clerk, and expenditures must be authorized and approved by the township board before being issued by the clerk and treasurer (*exceptions include park commission, library board, DDA).

Private, non-profit or volunteer groups must not have access to township money, accounts or checks. They are responsible for their own bank accounts, tax I.D. numbers, legal status and financial accountability. They should not represent themselves as part of, acting on behalf of or representing the township or any of its programs or departments:

Omega Township Fire Department = Township
Omega Township Fire Fighters = Township
Greater Omega Area Fire Fighters Association = Private?

Excerpt from Michigan Department of Treasury *Uniform Accounting Procedures Manual*:

“The local unit treasurer is the legal custodian of all local unit funds and must make all deposits in the various local unit bank accounts. The local unit board designated the banks to be used. Other local unit officials receiving local unit money must deposit their collections with the local unit treasurer in the manner set forth under receipting procedures (in the manual). Such officials do not make deposits to the local unit bank accounts.

“Except where specifically provided by statute, it is not proper to operate a local unit bank account independent of the local unit treasurer. The local unit board may NOT designate other local unit officials such as a board or commission to operate a cemetery, police department, fire department, etc., and permit such board or commission to open its own bank account, deposit its own collections, and pay its own bills or charges. The treasurer must receive and deposit all local unit money and pay out the money upon proper order.”

Excerpt from Michigan Department of Treasury Bulletin *Determining Lawful Expenditures*:

“(MCL 41.75) The township board shall approve claims against the township and authorize payment of allowed claims. Paid claims are filed and preserved by the township clerk. The treasurer shall pay claims upon order of the township board, signed by the clerk.

“**NOTE:** Some volunteer fire departments, parks departments and similar governmental functions performed by a group, committee or agency of a local unit are paying their claims without the prior approval of the legislative body, which is improper. Unless the agency (fire, parks, etc.) is a statutory authority with the authority to approve its own claims for payment, its claims must be approved by the legislative body. In some circumstances, we have found that the legislative body has turned a tax levy over to a volunteer group or department to expend as the department or group deems necessary, which is also improper. In most circumstances, the taxing authority is with the unit of government and the levy is to provide specified services. The local unit must establish a fund, prepare a budget and when appropriate, should contract with the department or group to provide the service for a specified dollar amount.”

By MTA Member Information Liaison Catherine Mullhaupt

Vacancy in a Township Office

○ Resignation

- Presented in writing to clerk, effective upon acceptance by township board. MCLA 41.56
- Can be filled 30 days prior to effective date, resigning officer cannot vote on replacement. MCLA 168.370(3)
- Must be filled within 45 days of effective date of resignation. MCLA 168.370(4)
- Appointee must run in mid-term election of appointment is made more than 182 days prior to mid-term general election. MCLA 168.370a
- If board fails to fill within 45 days, county clerk notifies Governor, who schedules election at the expense of the township. MCLA 168.370(3)

○ Loss of Residency

- Board member should offer written resignation if move is considered permanent. MCLA 41.56
- If move is temporary and a resignation is not offered, SEEK LEGAL ADVICE.
- "Residency" definition in MCLA 168.11

○ Death

- Board fills vacancy within 45 days of the date of death. MCLA 168.370(4)
- Appointee must run in mid-term election if election is made more than 182 days prior to mid-term general election. MCLA 168.370a
- If board fails to fill within 45 days, county clerk notifies Governor, who schedules a primary and general election at the expense of the township. MCLA 168.370(3)

○ Failure to Qualify

- SEEK LEGAL ADVICE.
- Generally because the officer failed to give bond or to take the oath of office within the appropriate time called for by law.
- Board fills vacancy within 45 days. MCLA 168.370(4)
- Appointee must run in next general election to continue in office. MCLA 168.370a

○ Recall

- Upon certification by the Board of Canvassers, office is declared vacant.
- In the interim, the deputy continues to serve until the township board appoints temporary officer or the position is filled by an election. MCLA 168.970(1)
- Special election is scheduled by the county election scheduling committee. MCLA 168.971
- Township/county political parties select nominees; independent or write-in candidates can also qualify. MCLA 168.972/ MCLA 168.973
- Special election is held, successful candidate fills the slot for the remainder of the term. MCLA 168.975
- Recalled officer is ineligible for any township elective officer for the remainder of the term. MCLA 168.974(1)

○ Lack of Quorum

- If board membership falls below a quorum resulting from resignation or recall. MCLA 168.370(2)
- County clerk, treasurer and chief probate judge appoint temporary board members sufficient to make a quorum. MCLA 168.23
- Temporary officers hold office until permanent members are elected or appointed. MCLA 168.370(2)

Q Our supervisor resigned April 2. What do we do now?

First, confirm that the resignation has actually taken effect. The resigning official must submit a written resignation to the township board, stating the date on which his or her resignation will take effect. At a regular or special meeting of the township board, the board must vote to accept the resignation before it can become effective. Once the board accepts the resignation, it takes effect either on the date stated in the letter if that date is in the future, or the date the board voted to accept it.

For example, the supervisor stated his resignation was effective April 2, but the board doesn't meet and vote to accept it until April 9. The resignation is not effective until April 9, and the supervisor actually held office and should be paid through that date. If the supervisor had stated his resignation date as April 30, and the board voted to accept it at the April 9 board meeting, then the supervisor holds office until April 30 and is paid through that date.

Q When do we appoint someone to fill the vacancy?

The township board has 45 days from the date of the vacancy to appoint someone to fill a vacancy on the township board, or the board can fill the vacancy within 30 days prior to the effective date of the vacancy, if the resignation is submitted for a date in the future. The appointee must take the oath of office to qualify for the office.

Q How do we choose the appointee?

The township board can appoint almost anyone. The candidates must only be eligible to hold elected township office. The board is not required to advertise the vacancy or solicit resumes, but doing so may attract a larger pool of candidates. The township board does not consider a slate of candidates—instead, the first person nominated who receives a second and a majority vote is the appointee. All interviews and any actions taken to shorten the list of candidates must be done in open session at a public board meeting. As always, the vote to appoint must be a voice vote, not a paper or secret ballot.

Q Our board is divided, and with the vacancy we have four members voting on the appointment. What if we can't agree on a candidate?

If the township board does not appoint someone to fill the vacancy, the county clerk must notify the gov-

ernor, who will call a special election at the township's expense to fill the vacancy. Whoever is elected will serve the remainder of the term. It is, however, usually in the best interest of the township for the board to work together, possibly making compromises or concessions, to do their duty as elected officials and fill the vacancy within the 45 days.

Q Our treasurer is thinking about retiring, but she wants to be available to help train her successor. Is that possible?

Yes. The resigning official can give any date in the future as the effective date of his or her resignation. The township board may appoint the successor up to 30 days prior to that effective date, although the resigning official cannot vote to appoint his or her successor. This can **only** be done within 30 days prior to the date of resignation and no earlier than that.

The outgoing treasurer is paid through the date of his or her resignation. The new treasurer is not paid the treasurer's salary until the outgoing treasurer's resignation takes effect **and** the new treasurer takes the oath. If the treasurer wished to have his or her successor compensated for the training days, he or she could appoint the incoming treasurer as his or her deputy for the period between the new treasurer's appointment by the board and the date the resignation takes effect.

Q How long will the person appointed to fill the vacancy serve?

When a vacancy occurs due to resignation or death up to 182 days prior to the next general November election that is not the election for township officials, the person appointed to fill the vacancy serves only until that next general November election. Whoever wins that election to fill the vacancy then serves out the remainder of the term.

If the vacancy occurs less than 182 days prior to the next general November election that is not the election for township officials, the person appointed to fill the vacancy serves out the remainder of the term.

In 2002, if a vacancy occurs on or before May 6, the appointee must win in the November election to fill out the remainder of the term. If the vacancy occurs after May 6, the appointee will serve until November 2004.

If a vacancy occurs due to recall, the vacancy is filled by election and the winner of the election fills out the remainder of the term of office.

Common Statutory Township Boards and Commissions

(Established by law)

■ Planning Commission

Law: Township Planning Act
Public Act 168 of 1959
MCL 125.321, *et seq*

Established: By township board resolution.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. MTA recommends taking oath of office.

Members: 5 to 9 members appointed by the supervisor with the approval of the township board.

Members must be qualified electors of the township. (Property ownership requirement ruled unconstitutional by Attorney General.)

Members shall be representative of major interests as they exist in the township, such as agriculture, recreation, education, public health, government, commerce, transportation, and industry.

Must have one (only one) township board member; not supervisor.

Quorum: Majority of membership.

Terms: 3 years. First terms after establishment are staggered 1-year, 2-years, 3-years.

Officers: Chairperson, vice chairperson and secretary. Others as deemed appropriate. All for 1-year terms.

Meetings: At least 4 regular meetings each year.

Removal: Members may be removed by the supervisor, after a hearing, with the approval of the township board.

Vacancy: Successors must be appointed within 1 month after term expires. No deadline for other vacancies.

Financial: Members may be compensated.

Submits own budget to township board for approval/disapproval.

Expenditures and payments approved by township board, prepared by township clerk, and signed by township treasurer.

Authority: Shall make and adopt a basic plan as a guide for the development of the unincorporated portions of the township.

Shall approve/deny construction, location and character of streets, squares, parks or other public ways, grounds or open space, or public buildings or structures.

Township board may designate the powers of a zoning board to planning commission, including recommendations as to zoning plan, districts and ordinance, and, per the township's ordinance, approving special land uses, planned unit developments and site plans.



**Supervisor
appoints**



**Sometimes confused
with:**

- Zoning board
- Zoning board of appeals
- Planning commission established under the City, Village and Municipal Planning Act, P.A. 285 of 1931, MCL 125.31, *et seq* (Has 9 members, with no board member. Very few townships use this.)



Sometimes confused with:

- Planning commission
- Zoning board of appeals

■ Zoning Board

Law: Township Zoning Act
Public Act 184 of 1943
MCL 125.271, *et seq*

Established: By township board resolution. Required in any township that has a zoning ordinance.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. MTA recommends taking oath of office.

Members: 4 to 7 members appointed by the township board.

Members shall be selected upon the basis of their respective qualifications and fitness to serve as members of a zoning board and without consideration of their political activities.



No township board member may serve. An elected officer of the township or an employee of the township board shall not serve as a member or an employee of the zoning board.

Quorum: Majority of membership.

Terms: 4 years. First terms after establishment are staggered 2-years, 4-years.

Officers: Chairperson and secretary. Others as deemed appropriate. All for no longer than 2-year terms.

Meetings: At least 2 regular meetings each year.

Removal: Members shall be removable for misfeasance, malfeasance, or nonfeasance in office by the township board upon written charges and after public hearing.

Vacancy: A vacancy shall be filled for the remainder of the unexpired term.

Financial: Members may receive such compensation as fixed by the township board.

Expenditures and payments approved by township board, prepared by township clerk, and signed by township treasurer.

Authority: Shall adopt and file with the township board recommendations as to zoning plan, districts and ordinance, and, per the township's ordinance, approving special land uses, planned unit developments and site plans.

■ Zoning Board of Appeals

Law: Township Zoning Act
Public Act 184 of 1943
MCL 125.271, *et seq*

Established: Required in any township that has a zoning ordinance.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. MTA recommends taking oath of office.

Members: *Township with 5,000 or more population:* At least 5 regular members appointed by the township board.

Township under 5,000 population: At least 3 regular members appointed by the township board.

Up to 2 alternate members. May be called per zoning ordinance to serve as regular member in absence of regular member for 2 or more consecutive meetings or a period of more than 30 consecutive days. May also be called when regular member has abstained for conflict of interest. Alternate serves in case until final decision made, with same voting rights as regular member.



Sometimes confused with:

- Zoning board
- Board of review
- Construction board of appeals

Number of members must be specified in zoning ordinance.

First regular member shall be a member of the township zoning board—or planning commission where powers of zoning board have been transferred to planning commission.

Remaining members shall be selected from the electors of the township residing outside incorporated cities and villages. Members shall be representative of population distribution and of the various interests present in the township.

One regular member may be a member of the township board.

An employee or contractor of the township board may *not* serve as a member.

Quorum: Majority of regular membership must be present to conduct business.

Terms: 3 years. First terms after establishment may be for less than 3 years to provide for staggered terms.

Members serving because of their membership on the zoning board/planning commission or township board shall have terms limited to the time they are members of the zoning board/planning commission or township board, and the period stated in the resolution appointing them.

Officers: Chairperson. An elected officer of the township shall not serve as chairperson.

Meetings: Held at call of chair and at such times as the board in its rules of procedure may specify.

Removal: Member may be removed by the township board for nonperformance of duty or misconduct in office upon written charge and after public hearing. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes misconduct in office.

Vacancy: A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

Financial: Members may be compensated by per diem or for expenses actually incurred in discharge of duties, not to exceed a reasonable sum approved by the township board.

Expenditures and payments approved by township board, prepared by township clerk, and signed by township treasurer

Authority: Shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps. Shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance. Shall hear and decide matters referred to it by the zoning ordinance or that it is required to pass under the zoning ordinance. Hears special land use and planned unit development appeals only if provided for by zoning ordinance. Decides variance requests.





Sometimes confused with:

■ Zoning board of appeals

■ Board of Review

Law: General Property Tax Act
Public Act 206 of 1893
MCL 211.28-211.33 (Section describing board of review)

Established: Required in all townships.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. Must take oath of office.

Members: 3, 6 or 9 members appointed by the township board. At least 2/3 of the members shall be property taxpayers of township. (*Michigan Election Law (MCL 168.342) requires all members to be taxpayers. State Tax Commission says not necessary; MTA Legal Counsel caution prudent approach.)

A member of the township board may *not* serve of the board of review or fill any vacancy.

A spouse, mother, father, sister, brother, son or daughter, including an adopted child, of the *assessor* is *not* eligible to serve on the board or fill any vacancy.

Quorum: A majority of the board of review constitutes a quorum for the transaction of business, but a lesser number may adjourn and a majority vote of those present shall decide all questions. At least 2 members of a 3-member board of review shall be present to conduct any business or hearings of the board of review.

If 6 or 9 members are appointed, the membership of the board of review shall be divided into board of review committees consisting of 3 members each for the purpose of hearing and deciding issues protested under 211.30. Two of the 3 members of a board of review committee constitute a quorum for the transaction of the business of the committee.

For organizational meeting, the entire membership of the board of review meets and a majority of the membership constitutes a quorum for that purpose.

If a quorum shall not be present at any meeting of the board of review, it shall be the duty of the supervisor, or, in his absence, any other member of the board present, to notify each absent member to attend at once, and it shall be the duty of the member so notified to attend without delay.

Terms: 2 years, beginning at noon on January 1 of each odd-numbered year. Must take oath of office within 10 days of appointment.

Officers: The township supervisor shall be the secretary of the board of review. In absence of supervisor, the board shall appoint 1 of its members to serve as secretary. Typically a chairperson is selected by board of review members.

Meetings: Held as required by General Property Tax Act.

Removal: No removal procedure specified by law.

Vacancy: The township board may fill any vacancy that occurs in the membership.

Financial: Members may be compensated.

Expenditures and payments approved by township board, prepared by township clerk, and signed by township treasurer

Authority: **Examine and review the assessment roll for the current year, as prepared by the supervisor. Add property omitted from the assessment roll. Correct errors in names, descriptions of property and the assessment and valuation of property. Hear protests. Indorse the completed assessment roll.**



■ Park Commission

Law: Township Parks and Places of Recreation Act
Public Act 157 of 1905
MCL 41.421, *et seq*

Established: By vote of the electors at a regular election following the submission of a written petition of not less than 8% of the registered voters of the township to the township board.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. As elected officials, must take oath of office.

Members: **5 to 9 members (odd numbers only) elected at general township election.** (After April 27, 1999, all park commissions must have odd-numbered memberships between 5 and 9 members. Boards with different numbers must increase or decrease membership according to MCLs 168.370 and 168.370a.)



First members appointed by township board to serve until next township election. (If no park commission is established, the township board serves as the park commission. Once park commission is established, the township board is no longer the park commission.)

Quorum: A majority of the membership.

Terms: **4-year elected terms, beginning at noon on November 20, concurrent with other township offices.**



Officers: 1-year term. President, secretary and treasurer, and other officers or employees as deemed necessary.

Meetings: Held as needed.

Removal: Subject to recall.

Vacancy: Filled by appointment of the township board in same manner as township board vacancies, according to MCLs 168.370 and 168.370a.

Financial: Members shall receive compensation as fixed by the township board. Compensation and expenses shall be paid from the park maintenance fund.

Must submit detailed budget covering the maintenance cost of parks and places of recreation for the ensuing year to the township board for approval, following budget public hearing. Budget may not exceed 1.5 mills on the assessed valuation of the township, which shall be deposited in a park maintenance fund.

Expenditures and payments approved by **park commission**, prepared by township clerk, and signed by township treasurer

Authority: May acquire, maintain, manage and control township parks and places of recreation, including bathing beaches. Has authority to condemn land for such purposes. May accept in the name of the township gifts and grants of land suitable for parks and places of recreation and money for the acquisition and improvement of land for those purposes. May sell and convey any portions of land acquired that are not needed for park purposes on whatever terms the park commission may deem proper, subject to the approval of the township board. May adopt rules and regulations for the use and maintenance of public places of recreation. Shall make detailed annual report concerning township parks and places of recreation to the township board and the state treasurer.

Township board may authorize park commission to also act as recreation board.



Elected



Sometimes confused with:

■ Park board—"Park board" refers to the board of the park commission or the township board, if there is no elected park commission.

■ Recreation board—This can be a separate commission, or the township board may act as recreation board, or the township board may delegate these duties to its elected park board.

■ Park committee or parks and recreation committee—Typically an advisory committee of resident volunteers that plans activities for township parks and recreation programs/facilities.



Sometimes confused with:

■ Recreation board—This can be a separate commission, or the township board may act as recreation board, or the township board may delegate these duties to its elected park board.

■ Park committee or parks and recreation committee—Typically an advisory committee of resident volunteers that plans activities for township parks and recreation programs/facilities.

■ Park Board (Board of park commissioners)

Law: Township Parks and Places of Recreation Act
Public Act 157 of 1905
MCL 41.421, *et seq*

Established: If a township does not have an elected park commission, the township board acts as the board of park commissioners with authority to acquire real estate for a free public park, resort, bathing beach or other place of recreation, to make improvements for such purposes and to adopt rules and regulations. Townships may jointly for a park commission, and the supervisors of each township form the board of park commissioners.

■ Recreation Board

Law: Recreation and Playgrounds Act
Public Act 156 of 1917
MCL 123.51, *et seq*

Established: The township board may appoint a recreation board or the township board may act as recreation board, or the township board may delegate the duties to its elected park board.

Authority: To operate a system of public recreation and playgrounds.

■ Building Authority

Law: Building Authorities Act
Public Act 31 of 1948
MCL 123.951, *et seq*

Established: Articles of incorporation to create the authority must be adopted by a majority vote of the township board and must be executed by the supervisor and clerk and then certified by the clerk.

Status: Public body subject to Open Meetings and Freedom of Information Acts.

Members: **The articles of incorporation must determine the purpose of the authority;** the number, terms and manner of selection of the officers of the authority, including its governing body, which is known as the “commission;” the powers and duties of the authority and its officers; the date the authority becomes effective; the officer required to publish the articles of incorporation and the name of the newspaper in which the articles must be published; the county clerk’s office where the articles will be filed; and any other matters considered expedient.



Members of the township board are not eligible for membership on the authority board.

Financial: Members of the building authority commission may be paid compensation, and per diem and mileage for attending meetings, as provided by the commission with the approval of the incorporating unit or units.

Authority: To acquire, furnish, equip, own, improve, enlarge, operate and maintain a building or buildings, automobile parking lots or structures, recreational facilities, stadiums and any other properties and facilities used for any legitimate public purpose.

The authority is a corporate body with power to sue and be sued and possesses all powers necessary to carry out its purposes. It can enter into contracts to acquire property, improve it with buildings and structures and lease it to the incorporating unit for a period of up to 50 years. It may issue revenue bonds funded by rental monies. After all bonds have been retired, the authority must convey the property to the township that incorporated the authority.

■ Construction Board of Appeals

Law: The Stille-DeRossett-Hale Single State Construction Code Act
Public Act 230 of 1972
MCL 125.1514 (Excerpt)

Established: Where the township board has elected to enforce the State Construction Code, the township supervisor must appoint a construction board of appeals.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. MTA recommends taking oath of office. Records open to the public.

Members: **3 to 7 members (number determined by township board) appointed by supervisor (unless otherwise determined by ordinance).**



A member of the board of appeals shall be qualified by experience or training to perform the duties of members of the board of appeals.

A person may serve on the board of appeals of more than 1 governmental subdivision.

Quorum: A majority of the membership.

Terms: 2-year appointed terms, unless otherwise determined by ordinance.

Authority: If an enforcing agency refuses to grant an application for a building permit, or makes any other decision pursuant or related to the Construction Code Act or the Construction Code, an interested person or the person's authorized agent may appeal in writing to the board of appeals.

The board of appeals shall hear the appeal and render and files its decision with a statement of reasons for the decision with the enforcing agency from whom the appeal was taken not more than 30 days after submission of the appeal. The board of appeals may also grant variances from the code.

Additional powers or duties or procedures may be granted to board of appeals by township board. Board of appeals may establish own rules of procedures.

■ Housing Commission

Law: Housing Facilities Act
Public Act 18 of 1933
MCL 125.651, *et seq*

Established: Any township with a population over 100 may create by ordinance a commission, subject to petition for referendum.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. MTA recommends taking oath of office.

Members: **5 members appointed by the supervisor for 5-year staggered terms.**

Quorum: 3 members form a quorum.

Officers: Commission elects a president and vice president, and may appoint a director who also serves as secretary, plus other employees or officers. The township board determines the compensation paid to other employees.

Financial: Members may not be compensated.

Authority: May purchase, acquire, construct, maintain, operate, improve, extend or repair housing facilities and eliminate housing conditions which are detrimental to the public peace, health, safety, morals or welfare. May issue revenue bonds for any project, subject to Municipal Finance Commission approval.



Supervisor
appoints



Supervisor
appoints





■ Salary Compensation Commission

Law: Compensation to Township Officers (General Township Law)
(R.S. of 1846)
MCL 41.95 (Excerpt)

Established: The township board may by ordinance establish a salary compensation commission.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. MTA recommends giving oath of office.

Members: 5 members who are registered electors of the township, appointed to 5-year terms by the supervisor, subject to confirmation by a majority of the members elected and serving on the township board. Staggered terms.

An officer or employee of a government agency or unit or member of the immediate family of an officer or employee shall not be appointed to the commission.

Officers: The commission shall elect a chairperson from among its members.


Quorum: Majority of the members constitutes a quorum.

Voting: The commission shall not take action or make a determination without a concurrence of a majority of the members appointed and serving.

Vacancy: Members shall be appointed within 30 days after a term expires or a vacancy occurs. Vacancies shall be filled for the remainder of an unexpired term.

Meetings: The commission shall meet for not more than 15 session days in each odd-numbered year and shall make its determination within 45 calendar days of its first meeting.

Financial: Members of the commission shall not receive compensation, but shall be entitled to actual and necessary expenses incurred in the performance of official duties.

Authority:  **The salary compensation commission shall determine the salary of each township elected official. The commission shall determine the salary of each member of the township board, which shall be effective at the beginning of the next fiscal year. The determination of the commission shall be the salary, effective 30 days following the filing of determination with the township clerk, unless the township board by resolution adopted by 2/3 of the members elected to and serving on the board rejects the determination. If the determination is rejected, the existing salary shall prevail.**

■ Civil Service Commission

Law: Township Civil Service System Act
Public Act 246 of 1965
MCL 38.451, *et seq*

Established: Townships with a population of 60,000 or more may establish a civil service commission by board resolution and subsequent approval by the township electors at a regular or special election.

■ Election Commission

Law: Michigan Election Law
Public Act 116 of 1954
MCL 168.26 (establishes)

Established: The Michigan Election Law requires each township to have a board of township election commissioners.

Status: Public body subject to Open Meetings Act and Freedom of Information Act.

Members: *General law township:* **The supervisor, clerk and treasurer constitute the board of township election commissioners for each township.**

Charter township: **The clerk and two trustees appointed by the township board constitute the board of township election commissioners.**

Quorum: 2 members shall be a quorum for the transaction of business. If only 1 member is in attendance on the day appointed for a meeting of the board, the officer in attendance shall appoint a qualified and registered elector of the township to act in the absentee's stead during the period of nonattendance.

Officers: The clerk shall act as chairman of the board of election commissioners in both general law and charter townships.

Meetings: Must meet at least once for each election to appoint election inspectors. Meeting to appoint election inspectors must be held at least 21 days but no more than 40 days before each election, but in no case less than 5 days prior to the date set for holding schools of instruction.

Financial: Michigan Election Law (MCL 168.28) authorizes the township board to determine the compensation to be paid election commissioners.

Authority: Responsibilities include, but are not limited to:

Establishing the boundaries and determining the size of township precincts, depending on the voting equipment used (MCLs 168.658 and 168.661);

Assessing the township's voting equipment needs and recommending voting equipment to the township board (MCL 168.670);

Printing and proofing ballots and furnishing election supplies for elections not held in conjunction with state or county elections (MCL 168.670);

Supplying programming information for township punch card or electronic voting machines (MCL 168.795b);

Testing township punch card or electronic voting machine programs in preliminary and public accuracy tests (MCL 168.798);

Appointing three or more election inspectors per precinct for every election, which can now include a qualified 17-year-old person (MCL 168.674);

Designating the chairperson of the election inspectors (MCL 168.674); and

Establishing precinct absent voter counting boards in townships with more than two precincts using voting machines or in townships using paper and punch card machines that choose to establish an absent voter counting board (MCL 168.792a).

■ Emergency Services Authority

Law: Emergency Services to Municipalities Act
Public Act 57 of 1988
MCL 124.601, *et seq*

Established: **Two or more municipalities may incorporate certain authorities for the purpose of providing emergency services to the incorporating municipalities (including fire protection, emergency medical, police protection and any other emergency health or safety services designated in the articles of incorporation).**



Articles of incorporation must be published at least once in a newspaper designated in the articles and circulating within the authority's territory. A printed copy of the articles, certified as a true copy by the person or persons designated in the articles, containing the date and place of publication, must be filed with the Secretary of State. The incorporation by a municipality or the amendment to the articles of an existing authority to include a municipality are subject to referendum upon petition by not less than 5% of the registered electors residing in the municipality.

Status: Public body subject to Open Meetings Act and Freedom of Information Act.

Authority: An incorporating municipality may transfer to the authority any municipal emergency service. The authority's jurisdiction is comprised of the total territory within the incorporating municipalities. **With voter approval, an authority may levy a tax at a rate not to exceed 20 mills on all of the taxable property within the limits of the authority for purposes of this act.** Any incorporating municipality may levy a tax on all taxable property within its limits and appropriate, grant or contribute the proceeds to an emergency services authority.



An authority is a body corporate, with power to sue or be sued in any court of the state. It possesses all the powers necessary to carry out the purposes of its incorporation. An authority may acquire private property by purchase, lease, gift, devise or condemnation, either within or without its corporate limits, and may hold, manage, control, sell, exchange, or lease property it has acquired. An authority may enter into a contract with any incorporating municipality or non-incorporating municipality to provide emergency services in that municipality for a period not to exceed 30 years. The emergency services may be established or funded in conjunction with any municipal emergency services, and any municipal emergency service may be delegated by contract to the authority. The authority may charge more for contracted services to a nonincorporating municipality. An authority may apply for and accept grants, loans, or contributions, enter into contracts, investigate emergency services requirements, contract with emergency services consultants, and hire employees, attorneys, accountants and consultants. May bargain collectively and enter into labor agreements.

With some exceptions, employees of a municipal emergency service who are transferred to an authority shall be given comparable positions and maintain all seniority status and benefit rights held prior to transfer.

■ Fire or Police Administrative Board

Law: Police and Fire Protection Act
Public Act 33 of 1951
MCL 41.801, *et seq*

Established: A township board with an organized police or fire department, or both, may create a fire or police or fire and police administrative board. Joint boards may also be created; see the statute for different rules.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. MTA recommends giving oath of office.

Members: 5 members, appointed to 6-year staggered terms by township board.
Members of the police and fire department may not be members.
Liquor license holders are prohibited from serving on any police administrative board.

Financial: Members may receive a per diem as determined by the township board, along with actual and necessary expenses approved by the township board.

Authority: **The board submits an annual police or fire budget for review, modification and approval by the township board. Powers and functions are delegated by the township board.**



■ Police or Fire Civil Service Commission

Law: Fireman and Policemen Civil Service System Act
Public Act 78 of 1935
MCL 38.501, *et seq*

Established: If a township has a fully paid fire or police department, a civil service commission may be established by voter approval at a regular or special election. The township board may submit the question, and is required to do so if a petition is filed signed by 10% of the registered voters. The civil service system may be rescinded by a vote of the electors.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. MTA recommends giving oath of office.

Members: 3 members. First member appointed by township supervisor, with approval of the township board, serving a 6-year term. The second member is selected by the paid members of the fire or police department to serve a 6-year term. The third member is selected by the first two members for a 6-year term. Staggered terms.

Members must be U.S. citizens and residents of the township for one year and an elector of the county for at least three years.

A commissioner may not hold any other elective office, place or position in the U.S., Michigan, any city, county or other political subdivision or be in the management of any political campaign.

No more than two commissioners can belong to the same political party.

Officers: The commission elects one of its members as president for a 1-year term.
The township clerk is the ex-officio clerk of the civil service commission and is required to supply clerical services to the commission without extra compensation.

Authority: Once a commission is created, all appointments and positions must be made and filled according to the qualifications and fitness as ascertained by competitive examinations. The commission must determine examinations for positions, passing grades and all other matters necessary to carry out the provisions of the Civil Service Act for police and fire fighters and provide an employment merit system.



**Supervisor
appoints
1 member**



Elected



■ Library Board

Law: City, Village and Township Libraries Act
Public Act 164 of 1877
MCL 397.201, *et seq*

Established: If the voters approve a tax up to two mills for a free township public library, the township must have a library board. The township board appoints a temporary library board of 6 members until the next township election, at which time a permanent library board is elected.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. Must take oath of office.

Members: **6-member board elected to 4-year terms.**

Officers: The library board elects one of its members president and elects other officers as necessary.

Vacancy: All members hold office until their successors are elected and qualified. The library board may fill any vacancy, and appointees serve until the next election. Members of the library board run on a non-partisan ballot.

Financial: Library board has exclusive control of library funds and expenditures. It may appoint and remove a librarian and assistant(s) and determine their compensation. (Per MTA Legal Counsel--No statutory authority to compensate library board members.)

Library board prepares an annual expenditure estimate on or before the first Monday of September for the ensuing year (cannot exceed two mills on taxable property in the township. This estimate must be reported to the supervisor for assessment and collection in the same manner as other township taxes.

Library fund revenues must be deposited in the township treasury and are drawn by the township treasurer on library board vouchers.

Authority: Library board has exclusive control of library funds, expenditures and of any library building construction, supervision, care and maintenance.

■ Historic Commission

Law: Municipal Historical Commissions Act
Public Act 213 of 1957
MCL 399.171-399.172

Established: The township board may create an historical commission by ordinance and prescribe its functions, individually or in combination with other municipalities.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. MTA recommends giving oath of office.

Authority: The township board may raise and appropriate money for any activity or project that advances the township's historical interests. It may also issue revenue bonds for carrying out functions.

■ Historic District Commission

Law: Local Historic Districts Act
Public Act 169 of 1970
MCL 399.201, *et seq*

Established: The township board may appoint an historic district study committee, and subsequently, may by ordinance establish an historic district commission.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. MTA recommends giving the oath of office.

Members: *Township population 5,000 or more:* 7-9 members. *Population under 5,000:* 5-7 members. Appointed by township supervisor unless the ordinance provides for a different method of appointment. 3-year staggered terms.

A majority of the members must have a clearly demonstrated interest or knowledge of historic preservation.

Township population 25,000 or more: Township board must appoint at least two members to the commission from a list of citizens submitted by one or more duly organized local historic preservation organization.

Population over 5,000 to under 25,000: Only one such person must be appointed.

If available, an architecture graduate with at least two years of architectural experience must be appointed to the commission.

Authority: **After the commission is established, a permit must be obtained before any work affecting the exterior appearance of any structures or resource within an historic district is commenced. Appellate proceedings and substantial penalties are provided for any violation up to \$5,000, plus the costs of restoration or replication of resources unlawfully tampered with.**



Supervisor
appoints

■ Water, Sewer or Solid Waste Authority

Law: Municipal Sewage and Water Supply Systems Act
Public Act 233 of 1955
MCL 124.281, *et seq*

Established: Two or more municipalities may incorporate an authority by adopting articles of incorporation that must be published at least once. The articles must state the purpose for which it is created; the powers, duties and limitations of the authority and its officers; the method of selecting its governing body, officers and employees; the person in charge of publishing the articles and filing the same; and any other matters the incorporators deem advisable.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. MTA recommends giving the oath of office.

Financial: The participating municipalities may obtain funds to fulfill their obligation to the authority through voted ad valorem taxes, special assessments, collection of rates and charges to users, connection charges, sales tax diversion money or other funds in the general fund available for these purposes.

Authority: Authority to acquire, own, improve, enlarge, extend and operate a sewage disposal system, water supply system or solid waste disposal system.

May enter into contracts with its incorporating municipalities for a water, sewage or solid waste system and the payment of costs. It may issue bonds, subject to the approval of the Municipal Finance Commission, to construct the system.



Supervisor appoints

■ Downtown Development Authority Board

Law: Downtown Development Authority Act
Public Act 197 of 1975
MCL 125.1651, *et seq*

Established: Township may establish by ordinance, following adoption of resolution of intent and a hearing on the ordinance designating the boundaries of the downtown district.

Status: Public body subject to Open Meetings Act and Freedom of Information Act. DDA Act requires members to take oath of office.

Members: Township supervisor and 8-12 members appointed by the supervisor with township board approval to 4-year terms. A township planning commission may serve as the downtown development authority.

At least a majority of the members shall have an interest in property located in the downtown district. At least 1 of the members shall be a resident of the downtown district, if the district has 100 or more persons residing in it.

A public officer or public employee may be a member.

Removal: Pursuant to notice and after having been given an opportunity to be heard, a member of the board may be removed for cause by the township board, subject to review by the circuit court.

Vacancy: A member shall hold office until the member's successor is appointed. An appointment to fill a vacancy shall be made by the supervisor for the unexpired term only.

Officers: Chairperson elected by the board.

Financial: Members may not be compensated, but shall be reimbursed for actual and necessary expenses.

All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.

DDA board may employ and fix the compensation of a director, subject to the approval of the township board. The DDA board may employ and fix the compensation of a treasurer, who shall keep the financial records of the authority and who, together with the director, shall approve all vouchers for the expenditure of funds of the authority. The treasurer must be bonded. The DDA board may employ and fix the compensation of a secretary, who shall maintain custody of the official seal, records not required to be maintained by the treasurer, and shall make and keep a record of all meetings.



May be financed by donations, taxation (when authorized by the township board and the electors), revenues from the development, tax increment financing and other sources. Tax increment financing is pledging taxes of other authorized taxing units upon the increasing value of the improvements made by the authority.

Authority: Make plans for the development of an area of the township, including the acquisition of land or its improvement, restoration, maintenance and operation, including public facilities.

■ Economic Development Corporation Board of Directors

Law: Economic Development Corporations Act
Public Act 338 of 1974
MCL 125.1601, *et seq*

Established: Township may create an economic development corporation on written application by three or more persons. The application must include proposed articles of incorporation. The township board must give public notice of application, conduct a public hearing, and may determine to approve the application. (May also be established by county to operate within a township.)

Status: Public body subject to Open Meetings Act and Freedom of Information Act. MTA recommends taking oath of office.

Members: At least 9 members, appointed by the township supervisor, with the advice and consent of the township board, to 6-year terms. No more than 3 members shall be an officer or employee of the township. The township supervisor and any member of the township board may serve on the board of directors.

2 additional directors representative of the project area residents and business interests shall be appointed promptly after notice of a project area. They shall cease to serve if the project is abandoned or completed.

Removal: A director may be removed from office for cause by a majority vote of the township board.

Vacancy: If a vacancy is created by death or resignation or removal by operation of law, a successor shall be appointed with the advice and consent of the township board within 30 days to hold office for the remainder of the term of the vacated office.

Financial: Directors shall serve without salary, and may receive a per diem of not more than \$50.

All costs may be passed on to the particular commercial or industrial enterprise interested in proceeding under the EDC Act.

Authority: **Economic development corporations encourage industrial and commercial development within the municipality through their ability to purchase, construct, improve and maintain commercial and industrial projects and to borrow money, through tax free revenue bonds financed by lease options with private enterprise, for the use and ultimate purchase of such facilities by private enterprise.**



A township may exempt an economic development project or a portion from ad valorem taxation while the project is owned by an economic development corporation.



**Supervisor
appoints**