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House Approves Annexation Reform for Charter Townships Over 20,000 Population

The House of Representatives approved House Bill 5779, an annexation reform bill, on a vote of 101-8 on March 19. This legislation would prohibit annexations in certain charter townships that have populations over 20,000 and provide specific services to their township residents.



There are 33 charter townships with populations greater than 20,000 in Michigan. HB 5779, sponsored by Rep. Marc Corriveau (D-Northville), passed along with House Bill 5859, sponsored by Rep. Mark Meadows (D-East Lansing). HB 5859 prohibits the same townships from detaching territory from a neighboring city. Combined, the two bills essentially create a boundary freeze for larger charter townships.

The bills received a floor vote roughly one week after an annexation petition was filed in Northville Charter Township. The annexation attempt of a 414-acre site in the township to the City of Livonia is being pursued by a handful of people who were moved onto the site of a former state psychiatric hospital by the property developer under claims that they are providing security.

HB 5779 states that any charter township over 20,000 population that meets the original annexation protection criteria outlined in the Charter Township Act would be exempt from any detachment or annexation once the bill is signed into law. A substitute for the bill was approved on the floor that also included the words "or recycling" in the solid waste provision criteria. The following is the criteria that townships must comply with to receive protection:

- Has a state equalized valuation of not less than \$25 million.
- Has a minimum population density of 150 persons per square mile.

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- Provides fire protection service by contract or otherwise.
- Is governed by a comprehensive zoning ordinance or master plan.
- Provides solid waste disposal services or recycling services to township residents, within or without the township, by contract license, or municipal ownership.
- Provides water or sewer services, or both, by contract or otherwise.
- Provides police protection through contract with the sheriff in addition to normal sheriff patrol, through an intergovernmental contract, or through its own police department.

MTA appreciates the efforts of Reps. Corriveau, Meadows, Barb Byrum (D-Onondaga Twp.) and Phil LaJoy (R-Canton Twp.) for their efforts on this legislation in the House. MTA was pleased by the bipartisan support given to HB 5779, but procedural games were attempted when the bill was addressed on the House floor. Rep. John Pastor (R-Livonia) tried to attach an amendment to the annexation bill that would require passage of the House Bill 5647, a bill that would create numerous changes to the property tax law. The bills were tie-barred momentarily and then the attempt was defeated in a procedural move.

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House Committee Holds Off On Eight Day Early Voting Legislation

On Tuesday, March 18, the House Ethics and Elections Committee held off on approving House Bill 4090 (substitute H-1), sponsored by Rep. Aldo Vagnozzi (D-Farmington Hills). While the legislation is still in play, enough concerns have been raised that changes will likely occur before further action is taken.



A special thank you goes to those township officials who responded

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to our *Legislative Alert* on this legislation which played a key role in slowing committee action on the bill. However, despite the chairman's decision not to take a vote on the bill, discussions will continue over how to proceed with the concept of early voting.

The current substitute for HB 4090 would require one polling location in each jurisdiction, whether at the township hall or another location, be open to allow individuals to vote early during the eight days preceding the scheduled election. This would clearly be an unfunded mandate on local units of government if election workers were hired to perform this function. In addition, it would place an undue burden on clerks in those local units of government that don't hold full-time business hours.

MTA expressed several additional concerns over the legislation in its testimony before the committee on March 18. One concern was that early voting, as called for in this legislation, would cause a logistical problem for many township clerks as they are either part-time or work out of their homes.

In addition, many township clerks have other full-time jobs and this legislation would either require those clerks to take vacation time from their other job (a minimum of 20 days per year for four elections) or hire election inspectors to handle being open eight days before each election. Even if clerks could handle the Saturday, Sunday and Monday before each election, smaller townships would likely have to hire election inspectors for the other five days that the polls would be open. MTA testified that this would cost an average township a minimum of \$800 per election (two election inspectors for eight hours per day at \$10 per hour for five days).

Another concern is that the clerk may not be assessable to the election inspectors to address problems that come up at the polling location if he or she is at their other job. All these issues combined cause this bill to be an unfunded mandate during a time when many communities in our state are already in survival mode due to the current economic situation and continued decreases in revenue sharing. This would only increase the financial pressure on many of these communities.

MTA also testified that the bill would put a strain on getting qualified election workers, as that is already hard enough to do for the four

scheduled elections, during the year. Finding polling locations eight days before an election could also prove to be problematic, especially in rural areas, as suitable buildings are usually utilized for other purposes.

While MTA has a policy platform of supporting early voting if modified to accommodate communities with clerks that do not maintain full-time business hours, it strongly opposes HB 4090 (substitute H-1). What MTA and other individual clerks from cities and townships alike have suggested is that the early voting requirement only be placed on the Monday and Saturday before each election as clerks are already required to be available to voters those days to handle last minute absentee voters. While the sponsor of the bill seems to feel the early voting period needs to be longer, the Saturday and Monday before would provide a good pilot to see if early voting could be successful in our state.

MTA will continue to monitor this issue very carefully. In the meantime, your continued efforts to educate your representative and members of the House Ethics and Elections Committee are still needed.

You can find your own representative and members of the House Ethics and Elections Committee, by clicking on this link: <http://house.michigan.gov/replist.asp>. ■

Lack of Support Kills Michigan Presidential Primary Re-do

After a great deal of discussion, efforts to have a re-do presidential primary on June 3, appear to be dead as the Michigan House of Representatives began its Easter spring break with the Senate soon to follow. Most felt that action on the issue needed to occur before the beginning of Easter break if any chance of holding another presidential primary were to occur.

In the end, both the Obama campaign and many state legislators were concerned about holding another presidential primary. A number of logistical and legal issues were also raised regarding how this might impact the regularly scheduled elections this spring and summer.

Lawmakers and party leaders will continue their efforts to give Michigan a voice at the Democratic national convention, focusing on other options rather than holding another primary. ■

Annexation continued from page 1

MTA will continue working with Sens. Bruce Patterson (R-Canton Twp.) and Patty Birkholz (R-Saugatuck Twp.) to pursue annexation reform in the Senate. The Senate Natural Resources & Environment Committee approved a six-bill comprehensive annexation-detachment reform package in mid-February that is also being supported by MTA.

The legislation, Senate Bills 1078-1083, is a reintroduction of a compromise package of bills that reflected an agreement between the Michigan Municipal League (MML) and MTA. In 2003, that package gained Senate approval by a 37-1 vote but was never addressed in the House. This legislative package is critical in order to address Michigan's outdated annexation and detachment laws that undermine land use planning and zoning by townships and to support cooperative economic development projects. SBs 1078-1083 are on the Senate floor waiting action. ■



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MTA Capitol Conference A Great Success



The MTA Capitol Conference held on March 11, at the Lansing Radisson Hotel, was a great success according to township officials and other participants. Roughly 170 township officials joined almost 60 legislators at the

MTA legislative event. Participants were given the opportunity to learn about and discuss key issues with leaders in Lansing as well as interact with them and each other. (Rep. John Moolenaar (R-Midland), pictured above, talks with Joanne Boehler, treasurer, James Township (Saginaw Co.) about local issues during breakfast.)

House Speaker Andy Dillon (D-Redford Charter Twp.) kicked off the event with an overview of expected activity in the Michigan House of Representatives for this year. Many of his comments were directly relevant to townships (see related story on Speaker Dillon at right).

Economy

Attendees learned about projections related to Michigan's economy from Mitch Bean, director of the House Fiscal Agency and Dave Hieber, equalization director in Oakland County, discussed how some of those projections impact local government revenues.

Recalls

In another general session, a panel addressed the timely issue of recalls at the state and local level. With some panel members either facing recalls, actively working to reform the legislation, or supporting the law as written, Reps. Steve Bieda (D-Warren), Brian Palmer (R-Bruce Twp.) and Charlie Keenan, chief of staff for Rep. Richard Ball (R-Bennington Twp.), along with Bob LaBrant, senior vice president and legal counsel, Michigan Chamber of Commerce took part in dissecting the issue.

Michigan's Future

MTA Executive Director Larry Merrill provided insight into how townships can play a role in redefining Michigan in this new economy.

State Police

A lively afternoon session addressing the role and services provided by the Michigan State Police (MSP) and the pressures of recently proposed budget cuts to the MSP department had townships officials out of their seats when the perspective of county sheriff's taking over all road patrols currently performed by the state troopers was shared. Jack McHugh, Senior Legislative Analyst of the Mackinac Center gave details of an article



he had written several years ago about the ability of county sheriff's departments performing road patrols in place of state troopers. Lt. Col. Anthony Gomez, deputy commander, Field Services Bureau for MSP (pictured above), gave a presentation about current services performed by MSP and its interaction with townships.



Mandates Committee

A session explaining the mission of the newly created state legislative mandates committee wrapped up the conference. Amanda VanDusen (pictured left), co-chair for the Local Government Mandates Committee, gave a presentation about why the committee was established and how it will function. MTA also took feedback from township officials about current functions they believe are mandates from the state.

MTA greatly appreciates the participation of our guest speakers and the attendance of legislators and their staff. We also thank John Hancock and the Burnham Flower Group for their sponsorship of the 2008 MTA Capitol Conference. ■

Speaker Dillon on Some Key Township Issues



House Speaker Andy Dillon was asked numerous questions from township officials after his prepared remarks at the MTA Capitol Conference. Here is a summary of his comments on a variety of issues.

House Bill 4780

When asked about House Bill 4780, legislation that proposes to transfer the duties of tax collections, elections and assessing from townships to counties, that appeared to have some steam last year, Speaker Dillon announced that attempts to shift township duties to counties "isn't going anywhere" in the Michigan House. The Speaker explained, "We've learned that townships operate pretty efficiently."

Annexation

On the subject of supporting annexation reform, Speaker Dillon stated that he was relying on Reps. Marc Corriveau (D-Northville) and Mark Meadows (D-East Lansing) to come up with the solution but could support the concept behind House Bill 5779. Less than two weeks following the MTA event, the House approved HB 5779 on a 101-8 vote. (See Annexation story on page 1 for more information.)

Revenue Sharing

Speaker Dillon was also asked about where he stands on the governor's proposed revenue sharing budget for fiscal year 2008-09. The plan provides for a four percent increase on statutory portions of revenue sharing payments only and attempts to appropriate just enough revenue to cover an expected one percent cut on the constitutional portion (due to lower sales tax collections). There are roughly 850 townships (a growing number each year) that now receive no statutory revenue sharing. Speaker Dillon said many of those communities have only relied on constitutional revenue sharing payments for years and that they are surviving. ■



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New Planning Act and Amendments to Zoning Law Signed Into Law



Two bills have been signed into law by the governor dealing with zoning and planning.

House Bill 5032, now Public Act 12 of 2008, was sponsored by Rep. Barb Byrum (D-Onondaga Twp.) and makes changes to the Zoning Enabling Act, which was created two years ago.

The legislation makes numerous technical changes to the act in order to create a smoother transition into the new zoning laws. The Zoning Enabling Act was created to combine the three old zoning laws into a single act. Many of the amendments found in PA 12 reflect the struggle to create greater uniformity between how cities and townships handle zoning laws.

The governor also signed Senate Bill 206 into law creating Public Act 33 of 2008, which was sponsored by Sen. Patty Birkholz (R-Saugatuck Twp.). PA 33 creates the Planning Enabling Act (PEA). Much like the Zoning Enabling Act, PEA was the culmination of several years of work to combine the three planning acts into a single law. The new law does contain many changes to the old Township Planning Act and will require some review by township boards and planning commissions. It should be noted that PEA does not go into effect until Sept. 1, 2008. Additional details on the changes found in the two new laws can be found in the March 2008 *Capitol Currents*. ■

Billboard Zoning Legislation Soon to be Law

Legislation that would allow counties to zone for billboards has gained approval from the Michigan Legislature and will soon be on its way to the governor for her signature. Senate Bill 351, sponsored by Sen. Jud Gilbert (R-Clay Twp.), moved another step closer to becoming law on March 20, when the House approved it with an 82-25 vote. The bill amends the Highway Advertising Act to add counties to the list of local governments allowed to adopt billboard ordinances. Today, the law provides cities, villages and townships such authority. The legislation, however, clarifies that a county ordinance that regulates billboards "shall only apply in a township within the county if the township has not enacted an ordinance to regulate and control the size, lighting and spacing of signs and sign structures." MTA requested this specific language.

Under SB 351, county authority is only granted in the absence of a township ordinance. Prospectively, new township billboard ordinances would supersede a county billboard ordinance if one was in place. ■

Townships Work Through Issues at Board of Review

Townships were prepared for the worst this year when it came time for the board of review to meet. Early planning averted a lot of problems at this year's boards. A record number of people attended the MTA Board of Review training classes this year. This added knowledge smoothed many normally bumpy roads. Most observers would describe this as the year of explanation, with many citizens trying to understand the world of state equalized value and taxable value. ■