

SFA

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

Senate Bill 537 (as passed by the Senate)
 Sponsor: Senator Joe Conroy
 Committee: Local Government and Veterans

Date Completed: 7-23-90

RECEIVED

OCT 08 1990

Mich. State Law Library

RATIONALE

The charter township law provides for the selection and appointment by the township board of a township superintendent. Under the law, a township superintendent does not have to be a resident of the township at the time of his or her appointment, but must become a resident within 90 days of the appointment and remain a resident during his or her tenure in office. Apparently, there is a situation in which a township board has selected a person to serve as a township superintendent, but the appointee lives one mile outside of the township. Members of the township board do not believe it is necessary that this person be required to move into the township, but under current law they are unable to waive this requirement. Some people feel that in this case, and in similar instances that may occur in the future, a township board should have the discretion to waive the residency requirement.

CONTENT

The bill would amend the charter township law to allow a township board by a two-thirds vote to waive the law's residency requirements for a township superintendent. In addition, the bill would require that an individual who was a resident at the time of appointment remain a resident through his or her tenure. This requirement also could be waived by a two-thirds vote of the township board.

MCL 42.11

BACKGROUND

Under the charter township law, a township board may delegate to the township

superintendent any or all of the following functions and duties, which, unless they are delegated, must be exercised by the township supervisor. Those duties include:

- Seeing that all laws and township ordinances are enforced.
- Managing and supervising all public improvements, works, and undertakings of the township.
- Having charge of the construction, repair, maintenance, lighting and cleaning of streets, sidewalks, bridges, pavements, sewers, and of all public buildings or other property belonging to the township.
- Managing and supervising the operation of all township utilities.
- Being responsible for the preservation of property, tools, and appliances of the township.
- Seeing that all terms and conditions imposed in favor of the township or its residents in any public utility franchise, or in any contract, are faithfully kept and performed.
- Attending all meetings of the township board, with the right to participate in discussions, but without the right to vote.
- Being an ex officio member of all committees of the township board.
- Preparing and administering the annual budget under township board policies and keeping the board fully advised as to the township's financial condition and needs.
- Recommending to the township board for adoption measures that may be necessary or expedient.
- Being responsible to the township board

S.B. 537 (7-23-90)

for the efficient administration of all departments of the township government.

- Acting as the purchasing agent for the township, or delegating these duties to another officer or employee.
- Conducting all sales of personal property that the township board may authorize to be sold.
- Assuming all duties and responsibilities as personnel director of all township employees, or delegating such duties to another officer or employee.
- Performing other duties prescribed by the law, required by ordinance or direction of the township board, or not assigned to another official.

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS

Supporting Argument

Some township boards have found the current law to be too restrictive and burdensome, especially in requiring an appointee to move into the township within 90 days of receiving the appointment as superintendent. Allowing a township board to waive a residency requirement would help many boards that face the dilemma of wanting to hire a person who resides not in the township but near the township border or in an area contiguous to the township. Some boards reportedly have not felt comfortable requiring that person to move his or her residence inside the township borders. Furthermore, such a waiver would not conflict with employment requirements for other township employees. According to the Michigan Townships Association, township boards may establish residency requirements for other employees, but are not required to do so. This is left up to the discretion of each township board.

Legislative Analyst: L. Arasim
Fiscal Analyst: A. Allie

A8990\S537A

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.