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## REVISE COMMUNITY CENTER REQUIREMENTS

### House Bill 5706 (Substitute H-1) First Analysis (5-16-00)

**Sponsor: Rep. Cameron Brown**  
**Committee: Local Government and Urban  
Policy**

#### ***THE APPARENT PROBLEM:***

A community center in Marcellus, Michigan which is located in the southeastern corner of Cass County, has been in operation since the 1920s and offers services to the citizens of the town from a stately historic site. This community center and others like it throughout the state have offered services to the citizens of the towns where they are located since 1929 when the law that enables the community centers was passed by the Michigan legislature.

The act that creates community centers allows local units of government in villages or townships that have fewer than 10,000 people to levy up to two mills, in order to build and operate a community center's building and program of services. The act also requires an annual local election to elect one-third of the six directors of the community center board. It has been the experience of some centers that the voter turn-out is low during the special election to elect directors, and the cost of the election is high. What's more, the enabling act seems to require that all services offered in a community center be provided free of charge, although the language of the law is ambiguous since it reads "every community center established . . . shall be free to the use of inhabitants where located, always subject to such reasonable rules and regulations as the community board may adopt."

Some have argued that changes are needed in the 71-year-old law that enables the creation of community centers. They propose legislation to amend the law to provide a more convenient election cycle for the boards' directors; eliminate the costs of special elections; clarify the ambiguity about fees that can be charged for services when those services are open to all residents in the jurisdiction the center serves; and provide for a board of seven members instead of six, in order to prevent tie votes.

#### ***THE CONTENT OF THE BILL:***

House Bill 5706 would amend Public Act 199 of 1929, which authorizes villages and townships with a population of less than 10,000 people to levy a tax for community centers if the question is submitted to the voters. The bill would provide an alternate way to establish a board of directors for the community center, and allow the board to charge service fees.

Currently under the law, after a village or township votes to establish a community center, the governing body of the jurisdiction appoints six directors to staggered terms (two for one year, two for two years, and two for three years), and then annually two directors are elected to three-year terms (or until their successors are elected and qualified).

House Bill 5706 specifies that if a village or township votes to establish a community center, the governing body would appoint six directors for boards established before the effective date of the bill, but seven directors for boards established thereafter. These directors would hold office until their successors were elected and qualified. The bill also specifies that for boards established before the effective date of the bill, the governing body would appoint one additional director who would hold office until his or her successor was elected. Subsequently and under the bill, at the next regular election there would be elected a community center board of seven directors, two for one-year terms, two for two-year terms, and three for three-year terms. Then annually there would be elected the number of directors whose terms had expired, and they would hold office for three years.

In the alternative, the governing body of a village or township could by resolution provide that at the next regular election, and then every two years, there be elected a community board of seven directors who would hold office for two years or until their successors were elected and qualified.

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Further, if a village or township initially elected directors for three-year terms, its governing body could subsequently adopt a resolution providing for the election of directors every two years for two-year terms. The bill specifies that the resolution would have to provide for the transition of the elective terms from three to two years, as follows.

(a) The offices of those directors whose terms first expired after the adoption of the resolution would be filled at the next scheduled local, state, or federal election by the election of that number of directors who would hold office for two years, and then every two years for two years or until their successors were elected and qualified.

(b) The offices of those directors whose terms next expired after the adoption of the resolution would be filled in the year following the election in subdivision (a), by the election of that number of directors who would hold office for one year, and then every two years for two-year terms or until their successors were elected and qualified.

(c) The offices of those directors whose terms last expired after the adoption of the resolution would be filled as described in subdivision (a).

Finally, the law currently provides that every community center established under the act “shall be free to the use of the inhabitants where located, always subject to reasonable rules and regulations as the community board may adopt”. House Bill 5706 would remove the phrase “free to the use of the inhabitants where located, always”.

MCL 123.43 and 123.45

### ***FISCAL IMPLICATIONS:***

No fiscal information is available.

### ***ARGUMENTS:***

#### ***For:***

The public act that allows villages and townships with less than 10,000 people to organize community centers is now 71 years old, and the provisions of the law need to be updated. For example, one community center has reported that the annual special election required under

the act cost the center \$780 last year, contributing to a budget deficit of nearly \$1,500. Costs at the center could be cut if the law were changed, and the center was allowed to operate more efficiently. To that end, this legislation would provide a more convenient election cycle for the boards’ directors; eliminate the costs of special elections; and clarify the ambiguity about fees that can be charged for services when those services are open to all residents in the jurisdiction the center serves. These changes in the law would enable community centers to provide services more effectively.

#### ***For:***

This bill was amended in committee to increase, from six to seven, the number of directors on community center boards. The odd number of directors will prevent tie votes of 3-3, and help the board of directors to avoid deadlock while voting on matters of policy.

### ***POSITIONS:***

There are no positions on the bill.

Analyst: J. Hunault

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