

## TOWNSHIP MANAGERS

### House Bill 4950 (Substitute H-3) First Analysis (9-30-03)

**Sponsor: Rep. Chris Ward**  
**Committee: Local Government and  
Urban Policy**

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

According to a spokesman from the Michigan Townships Association, there are 1,242 townships in Michigan, serving as home to 45 percent of the state's population. About 120 of the townships are charter townships while the others—roughly 90 percent of all townships—are general law townships.

In the general law townships, the members of the township board appoint a manager to oversee the daily operations of the township. The manager's duties are set by the township board and delegated according to the board's customs and policies. The duties of the manager are not mentioned in statute.

In contrast, under Michigan law, a charter township board appoints a superintendent instead of a manager, and that superintendent coordinates the daily operations of the township. All charter township superintendents' duties are uniform because they are explicitly delineated in statute. See *BACKGROUND INFORMATION* below. A charter township board cannot appoint a manager.

When the board of a general law township decides to reorganize as a charter law township and retain its manager, it must change his or her title to superintendent. Further, the board often must also reassign functions and duties to its former manager (now superintendent), in order to comply with the Charter Township Act.

Legislation has been introduced in order to give charter township board members the option of retaining the title manager, and also more flexibility when delegating the duties and functions of that manager.

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

House Bill 4950 would amend the Charter Township Act to specify that if a township board had not appointed a township superintendent, then the board could employ a township manager who would serve

at the pleasure of the board, and who would perform the duties that were lawfully delegated to the manager by the board. The bill further specifies that the manager's duties could include those that had been delegated by law to another township official, if written consent had been granted by that official.

MCL 42.10a

#### ***BACKGROUND INFORMATION:***

The powers, functions, and duties of a charter township superintendent are delineated under the Charter Township Act at MCL 42.10. They include the following:

- to see that all laws and township ordinances are enforced;
- to manage and supervise all public improvements, works, and undertakings of the township;
- to have charge of the construction, repair, maintenance, lighting and cleaning of streets, sidewalks, bridges, pavements, sewers, and of all the public buildings or other property belong to the township;
- to manage and supervise the operation of all township utilities;
- to be responsible for the preservation of property, tools, and appliances of the township;
- to see that all terms and conditions imposed in favor of the township or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- to attend all meetings of the township board, with the right to take part in discussion, but without the right to vote;

- to be a member, ex officio, of all committees of the township board
- to prepare and administer the annual budget under policies formulated by the township board and keep the board fully advised at all times as to the financial condition and needs of the township;
- to recommend to the township board for adoption such measures as he may deem necessary or expedient;
- to be responsible to the township board for the efficient administration of all departments of the township government;
- to act as the purchasing agent for the township or, under his responsibility, delegate such duties to some other officer or employee;
- to conduct all sales of personal property which the township board may authorize to be sold;
- to assume all the duties and responsibilities as personnel director of all township employees, or delegate such duties to some other officer or employee; and
- to perform other duties, as may be prescribed by the act, or required of him by ordinance, or by direction of the township board, or which are not assigned to some other official in conformity with the provisions of the act.

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

The House Fiscal Agency notes that the bill would have no fiscal impact to either state or local units of government, if it were enacted. (9-26-03)

### ***ARGUMENTS:***

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

Under Michigan law, general law townships can appoint managers; charter township boards cannot. Occasionally, a general law township becomes a charter township, and its board must change the title of its appointed manager, to superintendent. Often the board must also alter the manager's heretofore delegated duties, so that they comply with the duties of superintendents that are explicitly delineated in the Charter Township Act. The township boards in charter townships should have the option of continuing to call their leader a manager, and also assign duties of other key personnel to the manager,

if the people holding those key positions agree, in writing.

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

Like city managers who implement the policies and programs of city councils, the superintendents of townships are responsible for the implementation of the public services funded by the township boards. Under the law, charter township boards cannot appoint managers. Instead, they appoint "superintendents," and the superintendents' duties are explicitly delineated in statute. It makes sense to change the title from "superintendent" to "manager" in order to acknowledge the nature of the work and describe its character more accurately, as well as to make the leader's title similar to that of his or her counterparts in city government. However, the change should be voluntary, and left to the discretion of the township board.

### ***POSITIONS:***

The Michigan Townships Association supports the bill. (9-30-03)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.