

Legislative Analysis



ALLOW CITY DEPARTMENT HEAD TO SERVE AS CITY MANAGER

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House Bill 4939

Sponsor: Rep. David Knezek

Committee: Local Government

Complete to 10-16-13

A SUMMARY OF HOUSE BILL 4939 AS INTRODUCED 9-3-13

House Bill 4939 would amend Public Act 566 of 1978 (MCL 15.183) to allow a department head in a city having a population of less than 50,000 people to also serve as the city manager. PA 566 prescribes standards of conduct for public officials and includes a prohibition on the holding of incompatible public offices. A more detailed description of the bill follows.

Now under the law, Michigan public employees are prohibited from holding two or more offices that are incompatible with each other because they would create conflicts of interest. For example, a public employee cannot be a member of a university's governing board and an employee of that university simultaneously. The general prohibition is found in Section 2 of Public Act 566, and reads:

Sec. 2. Except as provided in section 3, a public officer or public employee shall not hold 2 or more incompatible offices at the same time.

However, under Section 3 of the law, a dozen exceptions to this statutory prohibition are described in detail. House Bill 4939 would retain all of these exceptions, and add another to read:

Sec. 3(13) Section 2 does not prohibit a department head in a city having a population of less than 50,000 from also serving as the city manager.

FISCAL IMPACT:

As written, the bill could decrease expenditures for smaller municipal governments, should they choose to consolidate the city manager position. The bill would apply to 253 cities across the state. There would be no impact on state revenues or expenses.

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