

Legislative Analysis



VILLAGE COUNCIL VACANCIES

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<http://www.house.mi.gov/hfa>

Senate Bill 712 (H-1) as referred to second House committee

Sponsor: Sen. Jon Bumstead

1st House Committee: Local Government and Municipal Finance

2nd House Committee: Ways and Means

Senate Committee: Finance

Complete to 3-16-20

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 81 of 2020)

SUMMARY:

Senate Bill 712 would amend rules regarding the filling of vacancies on a village council in the General Law Village Act, as well as the conduct of meetings at which a quorum did not exist.

Chapter 2: Officers

Currently, the act provides that resignations of village *officers* be made to the council (consisting of the president and either four or six trustees). Under the bill, the president's resignation would be to the village clerk and all other resignations would be to the president.

Officers means the president, clerk, or treasurer, a village trustee, or an appointed person authorized by the council.

Chapter 5: Village Council

The bill would provide that, if meeting to fill a vacancy in the office of village president or trustee, a majority of the members of council serving would constitute a quorum. In the absence of a village ordinance, if a village council lacked a quorum for more than 60 consecutive calendar days, the presiding member could compel attendance at a regular or special meeting and enforce the orderly conduct in the meeting. A member who refused to attend the meeting for a reason other than a confining illness or extenuating circumstance would be guilty of gross neglect of duty. The presiding officer could designate a police officer to enforce this provision.

MCL 62.10 and 65.5

BACKGROUND:

The bill is understood to address the current situation in the village of Hesperia, in Newaygo and Oceana counties, where reportedly there has not been an official village council meeting since May of 2019.¹ While some council members have resigned, the remaining members do not constitute a quorum, and thus have been unable to process the

¹ <https://www.mlive.com/news/grand-rapids/2020/02/complicated-mess-hits-9-months-as-village-council-members-are-no-show-again.html>

resignations. Therefore, all seven elected councilmembers are still technically serving on the council. The bill would make resignations effective upon receipt, making the processing of resignations unnecessary.

FISCAL IMPACT:

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

ARGUMENTS:

For:

Proponents argue that the Hesperia councilmembers have been unable to resolve the situation themselves and that the state legislature needs to step in to ensure that the residents have the representation and leadership that they deserve. While this is rare, it is necessary to have a mechanism in place not only to resolve the situation in Hesperia, but also to address this situation if it ever arises again.

Against:

Three former presidents of the Hesperia village council submitted written testimony indicating that the bill represents legislative overreach. In their view, the bill would remove authority from voters and put it in the hands of special business groups.

POSITIONS:

A representative of the Michigan Municipal League testified in support of the bill.
(3-4-20)

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