

**Revised Statutes of 1846 (EXCERPT)**  
**R.S. of 1846**

Township Board.

**41.70 Township board; membership; quorum; adoption of section.**

Sec. 70. The supervisor, 2 trustees, the township treasurer, and the township clerk constitute the township board, and any 3 of them constitute a quorum for the transaction of business at a meeting of the township board. However, in townships having a population of 5,000 or more as determined by the last federal decennial census or having 3,000 or more registered electors, the supervisor, the township treasurer, the township clerk, and 4 trustees, to be elected by the registered electors of the township as provided in sections 358 and 362 of the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.358 and 168.362 of the Michigan Compiled Laws, constitute the township board, and any 4 of them constitute a quorum for the transaction of business. The township clerk in such a township shall be the clerk of the township board. However, this subsection does not apply unless the electors of a township having a population of 5,000 or more, or having 3,000 or more registered electors, adopt the provisions of this section by a majority vote at an annual or special township meeting of the electors or adopted the provisions of this section before December 22, 1952.

**History:** R.S. 1846, Ch. 16;—CL 1857, 562;—CL 1871, 706;—How. 744;—CL 1897, 2343;—CL 1915, 2122;—CL 1929, 1010;—Am. 1935, Act 19, Eff. Sept. 21, 1935;—Am. 1937, Act 81, Eff. Oct. 29, 1937;—Am. 1945, Act 23, Eff. Sept. 6, 1945;—CL 1948, 41.70;—Am. 1949, Act 9, Imd. Eff. Mar. 8, 1949;—Am. 1952, Ex. Sess., Act 2, Imd. Eff. Dec. 22, 1952;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

**Compiler's note:** Section 171.13, referred to in this section, was repealed by Act 116 of 1954. See now MCL 168.1 et seq.

**41.71 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.**

**Compiler's note:** The repealed section pertained to raising quorum.

**41.72 Fiscal year; commencement and termination; proportionate extension or reduction.**

Sec. 72. The fiscal year of a township may commence on July 1 of each year and end on the following June 30, or it may commence on April 1 of each year and end on the following March 31. If a budget has been adopted, an audit performed, or other actions or proceedings taken before July 1, based upon a fiscal year ending in March, the fiscal year shall be proportionately extended or reduced to coincide with the fiscal year as provided in this section without impairment of township functions, services, or activities.

**History:** R.S. 1846, Ch. 16;—CL 1857, 564;—CL 1871, 708;—How. 746;—CL 1897, 2345;—Am. 1905, Act 149, Eff. Sept. 16, 1905;—CL 1915, 2124;—CL 1929, 1012;—CL 1948, 41.72;—Am. 1971, Act 159, Eff. Mar. 30, 1972;—Am. 1978, Act 596, Imd. Eff. Jan. 4, 1979;—Am. 1980, Act 291, Eff. Mar. 31, 1981;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

**41.72a Township board; regular and special meetings; time and place; moderator; transaction of business; publication of proceedings; adjusted amount.**

Sec. 72a. (1) The township board shall provide by resolution for the time and place of its regular meetings, and shall hold not less than 1 regular meeting every 3 months. If a time set for a regular meeting of the township board is a holiday, as designated by the township board, the regular meeting shall be held at the same time and place on the next secular day that is not a holiday.

(2) A special meeting of the township board shall be held at a time fixed by the board at a meeting or when the supervisor considers it necessary. Upon call of the supervisor, the township clerk shall give notice of the time and place of the meeting to each member, either in person or by leaving a written notice at the member's address. A special meeting of the township board shall be called by the township clerk upon receiving a written request for the meeting signed by a majority of the township board members.

(3) The supervisor, if present, shall be the moderator of a regular or special meeting of the township board. If the supervisor is not present, the township board, under the direction of the township clerk, shall elect by voice vote a member of the township board as a moderator of the meeting. The township clerk has the same powers and duties as the moderator until a moderator is chosen.

(4) The township board shall not transact business at a special meeting unless the business was stated in the notice of the meeting. However, if all the members of the board are present at a special meeting, business that might lawfully come before a regular meeting of the board may be transacted at the special meeting.

(5) Subject to subsection (6), if a township has a taxable value, as calculated under section 27a of the general property tax act, 1893 PA 206, MCL 211.27A, of \$50,000,000.00 or more, the township board, not more than 21 days after a meeting of the board, shall publish the proceedings of the meeting in a newspaper of general circulation in the township. The publication of a synopsis of the proceedings, prepared by the

township clerk and approved by the supervisor, showing the substance of each separate proceeding of the board is a sufficient compliance with the requirements of this subsection.

(6) The \$50,000,000.00 amount provided for in subsection (5) shall be adjusted as of January 1 of each year, beginning January 1, 1998. The department of treasury shall determine on or before December 1 of each year, beginning December 1, 1997, an adjusted amount for the following year. The adjusted amount for each year shall be determined by comparing the consumer price index for the 12-month period ending the preceding October 31 with the corresponding consumer price index of 1 year earlier. The percentage increase or decrease shall then be multiplied by the current adjusted amount. The product shall be rounded up to the nearest multiple of \$1,000,000.00 and shall be the new adjusted amount. The department of treasury shall provide the adjusted amount upon request. As used in this section, "consumer price index" means the annual average percentage increase in the Detroit consumer price index for all items as reported by the United States department of labor.

**History:** Add. 1951, Act 46, Imd. Eff. May 14, 1951;—Am. 1971, Act 159, Eff. Mar. 30, 1972;—Am. 1973, Act 95, Imd. Eff. Aug. 8, 1973;—Am. 1980, Act 264, Imd. Eff. Sept. 16, 1980;—Am. 1989, Act 77, Imd. Eff. June 20, 1989;—Am. 1996, Act 465, Imd. Eff. Dec. 26, 1996;—Am. 1999, Act 198, Imd. Eff. Dec. 20, 1999.

#### **41.72b Conducting business at public meeting; notice of meeting.**

Sec. 72b. The business which the township board may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

**History:** Add. 1960, Act 19, Eff. Aug. 17, 1960;—Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977.

#### **41.73, 41.74 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.**

**Compiler's note:** The repealed sections pertained to auditing accounts, preservation of records, bond of township clerk, and township clerk as clerk of board.

#### **41.75 Approval and payment of claims against township; filing and preservation of accounts; authorized payments.**

Sec. 75. In addition to other business matters that may be acted upon at a regular meeting of the township board, the township board shall approve claims against the township and authorize payment of allowed claims. Accounts approved by the township board shall be filed and preserved by the township clerk. The payments authorized shall be paid by the treasurer, on the order of the township board, signed by the township clerk.

**History:** R.S. 1846, Ch. 16;—CL 1857, 567;—CL 1871, 711;—How. 749;—Am. 1887, Act 63, Imd. Eff. Apr. 9, 1887;—CL 1897, 2348;—CL 1915, 2127;—CL 1929, 1015;—CL 1948, 41.75;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

**Compiler's note:** For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at MCL 460.901 of the Michigan Compiled Laws.

#### **41.75a Township manager and other employees; employment; duties.**

Sec. 75a. The township board may employ a township manager and other employees as are necessary. They shall serve at the pleasure of the township board and shall perform duties lawfully directed by the township board, except those duties that are delegated by law to another township official, unless consent has been granted.

**History:** Add. 1972, Act 90, Imd. Eff. Mar. 20, 1972;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

#### **41.75b Energy conservation improvements; acquisition or financing; payment; acquisition by contract, lease-purchase agreement, or notes; reports; forms; terms of lease-purchase agreement.**

Sec. 75b. (1) A township board may provide for the acquisition or financing of energy conservation improvements to be made to township facilities or infrastructure and may pay for the improvements or the financing or refunding of the improvements from operating funds of the township or from the savings that result from the energy conservation improvements. Energy conservation improvements may include, but are not limited to, heating, ventilating, or air-conditioning system improvements, fenestration improvements, roof improvements, the installation of any insulation, the installation or repair of heating, ventilating, or air-conditioning controls, entrance or exit way closures, information technology improvements associated with an energy conservation improvement, and municipal utility improvements associated with an energy conservation improvement.

(2) The township board may acquire, finance, or refund 1 or more of the energy conservation

improvements described in subsection (1) by installment contract, which may include a lease-purchase agreement described in subsection (5), or may borrow money and issue notes for the purpose of securing funds for the improvements or may enter into contracts in which the cost of the energy conservation improvements is paid from a portion of the savings that result from the energy conservation improvements. These contractual agreements may provide that the cost of the energy conservation improvements are paid only if the energy savings are sufficient to cover their cost. An installment contract, a lease-purchase agreement described in subsection (5), or notes issued pursuant to this subsection shall extend for a period of time not to exceed 20 years from the date of the final completion of the energy conservation improvements or the useful life of the aggregate energy conservation improvements, whichever is less. Notes issued pursuant to this subsection shall be full faith and credit, tax limited obligations of the township, payable from tax levies and the general fund as pledged by the township board. The notes are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. A lease-purchase agreement issued pursuant to this subsection shall not be subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and shall not be a municipal security or a debt as those terms are defined in that act. This subsection does not limit in any manner the borrowing or bonding authority of a township as provided by law.

(3) Prior to entering into a contract for energy conservation improvements under this section, the township board shall determine the following information and, within 60 days of the completion of the improvements, shall report the following information to the Michigan public service commission:

(a) Name of each facility to which an improvement is made and a description of the energy conservation improvement.

(b) Actual energy consumption during the 12-month period before commencement of the improvement.

(c) Project costs and expenditures, including the total of all lease payments over the duration of the lease-purchase agreement.

(d) Estimated annual energy savings, including projected savings over the duration of the installment contract.

(4) If energy conservation improvements are made as provided in this section, the township board shall report to the Michigan public service commission, by July 1 of each of the 5 years after the improvements are completed, only the actual annual energy consumption of each facility to which improvements are made. The forms for the reports required by this section shall be furnished by the Michigan public service commission.

(5) An installment contract described in this section may include a lease-purchase agreement, which may be a multiyear contractual obligation that provides for automatic renewal unless positive action is taken by the legislative body to terminate that contract. Payments under a lease-purchase agreement shall be a current operating expense subject to annual appropriations of funds by the legislative body and shall obligate the legislative body only for those sums payable during the fiscal year of contract execution or any renewal year thereafter. The legislative body may make payments under a lease-purchase agreement from any legally available funds or from a combination of energy or operational savings, capital contributions, future replacement costs avoided, or billable revenue enhancements that result from energy conservation improvements, provided that the legislative body has determined that those funds are sufficient to cover, in aggregate over the full term of the contractual agreement, the cost of the energy conservation improvements. The lease-purchase agreement will terminate immediately and absolutely and without further obligation on the part of the legislative body at the close of the fiscal year in which it was executed or renewed or at such time as appropriated and otherwise unobligated funds are no longer available to satisfy the obligations of the legislative body under the lease-purchase agreement. During the term of the lease-purchase agreement, the legislative body shall be the vested owner of the energy conservation improvements and may grant a security interest in the energy conservation improvements to the provider of the lease-purchase agreement. Upon the termination of the lease-purchase agreement and the satisfaction of the obligations of the legislative body, the provider of the lease-purchase agreement shall release its security interest in the energy conservation improvements.

**History:** Add. 1984, Act 403, Imd. Eff. Dec. 28, 1984;—Am. 1990, Act 230, Imd. Eff. Oct. 8, 1990;—Am. 2002, Act 226, Imd. Eff. Apr. 29, 2002;—Am. 2016, Act 122, Eff. Aug. 17, 2016.

**Compiler's note:** For transfer of powers and duties of the public service commission pertaining to energy conservation improvement reports from the public service commission to the state treasurer, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.