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BILL ANALYSIS



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Senate Bill 1440 (as introduced 7-28-10)
Sponsor: Senator John J. Gleason
Committee: Local, Urban and State Affairs

Date Completed: 9-13-10

CONTENT

The bill would amend the Metropolitan District Act to allow the Governor to remove an officer of a metropolitan district for various reasons; establish a process for removal; and provide that a removed officer could not be elected or appointed to public office for three years.

The Act allows two or more cities, villages, and/or townships to incorporate a metropolitan district for the purpose of acquiring, owning, and operating parks or public utilities for supplying sewage disposal, drainage, water, or transportation. The local units are represented on a charter commission. In its charter, the district must provide for the election or appointment of officers and provide for their qualifications.

The bill would allow the Governor to remove an officer of a metropolitan district from office for gross neglect of duty, corrupt conduct in office, or any other misfeasance or malfeasance in office.

An individual seeking the removal of an officer would have to submit to the Governor written charges against the officer with a verified affidavit stating that the individual believed the charges to be true. He or she also would have to serve on the officer a copy of the charges and any affidavits or exhibits submitted to the Governor. Service would have to be made personally if the officer could be found; if not, service would have to be made by certified mail to the officer's last known address. The individual would have to submit proof of service to the Governor.

If the Governor received these documents and determined that the charges, if established, provided sufficient grounds for removal, he or she would have to give the officer an opportunity to be heard in his or her defense.

After a hearing, if the Governor were satisfied from sufficient evidence that the officer had committed the charged gross neglect of duty, corrupt conduct in office, or other misfeasance or malfeasance in office, the Governor would have to issue an order removing the officer and detailing the grounds for removal.

The officer would not be eligible for election or appointment to any public office in Michigan for three years after the removal date.

Proposed MCL 119.5a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State government.

The bill could have a negative fiscal impact on local governments. Although the proposed legislation is silent on the issue of special elections, if the removal of an officer by the Governor resulted in a special election to replace that officer, the local unit would incur the cost of the special election. The average cost for an election is \$2,000 per voting precinct. The cost of a special election would depend on the number of precincts in the affected metropolitan area.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.