

TOWNSHIP BOARD MEETING ATTENDANCE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5950 as reported from committee w/o amendment
Sponsor: Rep. Steve Marino
Committee: Local Government
Complete to 5-28-18

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

BRIEF SUMMARY: House Bill 5950 would amend chapter 16 of the Revised Statutes of 1860, relating to the election and duty of township officers, to allow a township board to vote to compel the attendance of a board member or other township officer at a board meeting.

THE APPARENT PROBLEM: Under the various state laws that allow for the creation of local governments, many of the elected governing bodies of those governments have the ability to compel attendance of a member. This is not the case, however, in the law that governs the creation and operation of charter law townships. Legislation has been introduced to bring this provision into the charter law township statute.

THE CONTENT OF THE BILL:

The bill would add a new section (proposed MCL 41.72c) to the statutes. It would allow a township board, by a vote of at least two members, to compel the attendance of board members and other officers of the township at a regular or special meeting and enforce orderly conduct in that meeting. A board member or other officer who refused to attend a meeting or conduct himself or herself in an orderly manner would be guilty of misconduct in office.

FISCAL INFORMATION:

House Bill 5950 would have an indeterminate fiscal impact on the state's correctional system and on local court systems. Under the bill, a member of the board or any other officer of the township who refuses to attend a meeting or conduct himself or herself in an orderly manner would be guilty of misconduct in office. Misconduct in office by a public officer is considered a common law offense and is subject to provisions of MCL 750.505. Information is not available on the number of individuals that might be convicted under provisions of the bill, but new felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. Any increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

ARGUMENTS:

For:

The bill simply brings parity to the various forms of local government. Nearly identical language exists in the Charter Township Act, the act that governs the creation of charter townships.¹ The bill gives board members of a general law township the same power to compel attendance that is given to many other local government board members.

Response:

No such parity needs to exist: the laws governing the various forms of local government are written intentionally as they are. It could set a dangerous precedent that only two members (a minority) of a township board could take a vote that could eventually lead to a charge of misconduct in office against another member.

Rebuttal:

The bill is clearly written to state that the member, after being compelled, has to “refuse” to attend the meeting to be guilty of misconduct in office. The procedure would only be used in extenuating circumstances, not for a general disagreement or attendance issue.

For:

The need for the bill has emerged because of an ongoing situation in a Macomb County general law township. Having a board member who does not attend meetings is not a functional situation for the township: it potentially hinders the board’s ability to conduct business, for instance, if it cannot maintain a quorum. Proponents argue that the bill simply gives the elected members of the township board the option to vote to compel attendance of another member. After all, showing up is the first job of an elected official.

Against:

Opponents of the bill argue that there are other remedies for the situation at hand. Must state law be changed so that two members of a township board can hold this vote? Voters can organize a recall election; the governor can remove elected officials for gross neglect of duty or corrupt conduct in office; and courts can find guilt. The situation should be left to resolve itself by existing means.

POSITIONS:

The Michigan Townships Association indicated a neutral position regarding the bill. (5-16-18)

Legislative Analyst: Patrick Morris
Fiscal Analyst: Robin Risko

■ 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.

¹ See MCL 42.7(8).