



Township Top 10: Responsibilities and duties all officials must know

There are two different kinds of Michigan townships—1,105 general law townships and 137 charter townships. As defined by the Michigan Constitution, each township has a governing board consisting of an elected supervisor, clerk, treasurer, and two or four trustees. Some have full-time staffs and provide a broad range of services, while others have no staff and are served by part-time officials.

All townships, regardless of how many people they serve or the amount of money in their budgets, share certain characteristics. This is because townships are statutory governmental entities. Townships have only those powers expressly provided or fairly implied by state law. (The “Hello, MTA ... ?” column on pages 10-11 provides an overview of key laws that authorize or control some of the most important township functions and services.)

The following list details MTA’s Top 10 township responsibilities and duties common to all townships and with which all township officials should be familiar.

1. Meetings.

Attending and voting at meetings is a function that all township board members share, with all township actions and decisions made within the framework of a meeting. It is imperative that all township board members be knowledgeable of the procedural and statutory requirements for scheduling, noticing, conducting

and recording meetings. (Turn to page 15 for tips for effectiveness at township board meetings.)

Several statutes govern township meetings, including, but not limited to, the Michigan Township Laws Recodified, The Charter Township Act and the Open Meetings Act. Many other acts mandate noticing, publishing and recording requirements for specific types of meetings, such as meetings that contain a budget public hearing, hearings to adopt or amend ordinances, and hearings to establish special assessment districts, and different statutory boards and commissions. The authorizing statute should always be consulted for specific meeting requirements.

2. Motions and resolutions.

Matters pertaining to day-to-day township functions and internal affairs are generally handled by motions or resolutions at board meetings. A “motion” is a simple action taken by the township board, usually by voice vote and recorded in the meeting minutes. A board member can request a roll call vote for a motion, but it is not required.

“Resolution” means the official action of the township board in the form of a motion. A resolution is accomplished with a roll call vote and normally is recorded in a more formal manner than a motion. Resolutions are usually recorded with a number and title, and may include “Whereas” clauses that explain the reason(s) for the resolution and state the action taken or recommended by the board in the form of “Now, therefore, be it resolved that”

Several statutes require that specific actions of the township board be accomplished by resolution. For example, MCL 41.95(1) requires that township officials’ salaries be set by resolution. Other actions that require a resolution and roll call vote include, *but are not limited to*, ordinance adoption, setting the annual meeting and regular township meeting dates, selling public improvement bonds, establishing a special assessment district, ballot questions and incorporating as a charter township.

3. Budgeting.

Public Act 621 of 1978 requires each township to annually adopt a general appropriations act, which is defined as the township budget adoption document. The general appropriation resolution must set forth the total number of mills of ad valorem property taxes and the purposes for which those taxes are levied. It requires a balanced budget and formal amendments to the budget, if necessary, as soon as the township board is aware that a deviation from the original appropriations act is necessary. The statute specifies the information required to be submitted to the township board for budget consideration and adoption. It further requires consistency with the uniform chart of accounts published by the Michigan Department of Treasury.

PA 621 states that, unless some other official has been so designated, the supervisor or superintendent is considered the chief administrative officer for the development of the township budget. However, all township board members play a role in adopting, monitoring and amending the budget.

4. Fiduciary role.

Board members, individually and collectively, have responsibility for the township's finances, which the laws call a fiduciary responsibility. Officials are responsible for protecting the township's assets. A strong accounting and financial reporting system must be in place. Expenditures must serve a valid public purpose and be authorized—either expressly or fairly implied—by law. All claims for financial payment to the township must be approved by the board.

Townships typically expend funds in areas such as salaries, fringe benefits, goods and services, and insurance, for programs and services provided as part of the township's legislative, assessing, tax collecting, elections, board of review, building inspection, ordinance enforcement, planning and zoning, public safety, and public utility functions.

Determining if an expenditure is lawful can be tricky. Essentially, a township may expend funds only for a public purpose and only if the constitution or a statute provides specific authorization or necessarily implies authorization for the township to make the expenditure.

5. Services and programs.

State laws authorize townships to perform a wide variety of functions. Townships are *required* to perform assessment administration, tax collection and elections administration. Townships may *choose* to perform numerous governmental functions, including enacting and enforcing ordinances (see #6), planning and zoning (see #8), fire and police protection, cemeteries, parks and recreation facilities and programs, and many more.

Townships also have the authority to enter into intergovernmental agreements or to contract with the private sector to provide township services and programs authorized by law.

6. Ordinances.

An ordinance is an expression of the board's legislative authority on more permanent matters; it is a township law. PA 246 of 1945, the Township Ordinances Act (MCL 41.181-41.187), authorizes "township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by the county sheriff; to provide for the publication of ordinances; to prescribe powers and duties of township boards, and to provide sanctions."

A township's ability to enact a specific ordinance on any given subject depends on whether the Legislature has enacted a

TOWNSHIP SUPERVISOR'S STATUTORY DUTIES

- Moderates board and annual meetings
- Chief assessing officer (if certified)
- Secretary to board of review
- Township's legal agent
- Maintains records of supervisor's office
- Responsible for tax allocation board budget (if applicable)
- Develops township budget
- Appoints some commission members
- May call special meetings
- May appoint a deputy

TOWNSHIP CLERK'S STATUTORY DUTIES

- Maintains custody of all township records
- Maintains general ledger
- Prepares warrants for township checks
- Records and maintains township meeting minutes
- Keeps the township book of oaths
- Responsible for special meeting notices
- Publishes board meeting minutes (if taxable value is \$74 million or more, or a charter township)
- Keeps voter registration file and conducts elections
- Keeps township ordinances book

- Prepares financial statements
- Delivers tax certificates to supervisor and county clerk by Sept. 30
- Shall appoint a deputy
- Shall post a surety bond

TOWNSHIP TREASURER'S STATUTORY DUTIES

- Collects real and personal property taxes
- Receives receipts for township expenditures
- Issues township checks
- Deposits township revenues in approved depositories
- Invests township funds in approved investment vehicles
- Collects delinquent personal property tax
- Responsible for jeopardy assessments in collecting property tax
- Collects mobile home specific tax
- Issues and collects fees for dog licenses
- Shall appoint a deputy
- Shall post a surety bond

TOWNSHIP TRUSTEE'S STATUTORY DUTIES

- Township legislator, required to vote on all issues
- Responsible for township's fiduciary health
- Other duties as assigned by board

statute conferring the authority upon townships. Fortunately, various statutes authorize township ordinances on a wide variety of subjects covering most facets of municipal government.

An ordinance is required to put in place land use or building requirements, local traffic laws and many types of more permanent rules for the community to follow. Ordinances can be adopted on such topics as dismantled cars, adult entertainment, fences, junkyards, littering, mobile homes, nuisance abatement, outdoor gatherings and recycling, to mention just a few.

7. Appointments.

The procedures for making appointments to township boards and commissions are outlined by their authorizing statutes, and they fall into two categories. In the first category are boards and commissions whose authorizing statutes give the township board the authority to appoint the members. Boards of review (MCL 211.28) and zoning boards of appeals (MCL 125.288) are in this category.

The authorizing statutes for boards and commissions in the second category give the township supervisor the exclusive right to select the members who will serve. The full township board then confirms the selection. Planning commissions (MCL 125.3815(1)) and downtown development authorities (MCL 125.1654) fall into this category, among other positions.

Statutes also authorize the township board to appoint numerous positions within the township, including assessor (MCL 41.61), attorney (MCL 41.187) and auditor (MCL 141.425).

In some cases, appointed officials have a definite term of office, defined by a specific statute. For other positions, the term is at the discretion of the township board, which can either specify a definite term or have the position continue for an indefinite term.

8. Planning and zoning.

Townships have statutory authority to plan and zone growth and development within their boundaries. Through the planning and zoning functions, townships can promote a desired community character, guide growth and development decisions, ensure that growth and development decisions are fiscally sound, protect property values and natural resources, ensure compatibility of land uses, and prevent the creation of nuisances, overcrowding and inappropriate uses of property.

A township's legal authority to plan and zone is derived from the Michigan Planning Enabling Act, Public Act 33 of 2008 (MCL 125.3801-125.3885), and the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101-125.3702).

The MPEA authorizes townships to plan, create a planning commission, and regulate and subdivide land. The MZEA enables townships to adopt a **zoning ordinance**, which regulates land use based on the division of the township into zones. For example, a township zoning ordinance may limit the placement of multiple-unit residences to certain zones, and agricultural activity may be assigned to other zones, according to a master plan.

9. Ethics.

As elected public officials, township board members must faithfully perform their official duties as authorized and limited by state law. MCL 41.96 authorizes township boards to assign additional non-statutory duties to township officers and to compensate them for those duties. However, there are state statutes, court cases and attorney general opinions that affect an individual's ability to hold a township office and another position within the township or another political entity. "Incompatible public offices" occurs when a public official simultaneously holds two offices that result in: 1) the subordination of one public office to another, 2) the supervision of one public office by another or 3) a breach of duty of public office. The determination of whether the two offices are incompatible is made on a case-by-case basis.

With certain very limited exceptions, the law prohibits township board members from contracting with the township. In addition, township officials may not engage in a business transaction in which they may profit from their official position or authority, or confidential information. It is prudent to avoid situations where there is even the appearance of conflict of interest. To a great extent, Michigan law requires public officials to take the initiative in disclosing a potential conflict of interest before participating in decisions that could serve their own self-interests. Under most circumstances, public officials can avoid potential conflicts of interest by disclosing their conflicts, refraining from participating in any deliberations and abstaining from voting on the issue.

10. Human resources.

Township are not only public entities, they are also public employers. MCLs 41.75a and 42.9 authorize a township board to employ employees and create additional officers as needed, as long as those actions do not diminish the duties or responsibilities of the elected officials. All townships are required to appoint a deputy clerk (MCL 41.69) and deputy treasurer (MCL 41.77).

Depending on its size and the services offered, a township may employ many individuals in addition to the township board, including, but not limited to, deputy supervisor; assessor; charter township superintendent; manager; planner; clerical and maintenance staff; police, fire and emergency medical personnel; cemetery sexton(s); election inspectors; constable; building, plumbing, electrical and mechanical inspectors; zoning administrator; librarian; public works staff; parks and recreation staff, and board of review, planning commission, zoning commission and zoning board of appeals members.

All township board members must be aware of both state and federal employment law, including the Americans with Disabilities Act, Veterans' Preference Act and Fair Labor Standards Act.

—Compiled by MTA Staff

From workshops to publications to online information, MTA has the resources you need! Visit www.michigantownships.org or call (517) 321-6467 to learn more.



Township Top 10: Tips to be effective at board meetings

The most important township business is transacted at board meetings, and the ability of an elected township official to influence the actions of the township for the betterment of the community depends on that official's skill to influence his or her fellow township board members.

It does not matter to which township office a person has been elected; every board member's vote is counted the same. Every township board member has an equal right to initiate a proposal for the board's consideration, an equal right to be heard, an equal right to dissent, and an equal right to have his or her views prevail on matters before the board.

So why do some board members always seem to get their way, while others seem stuck in a perpetual inconsequential minority? Influential board members master these basics:

1. Build trust.

Newly elected officials often complain that their points of view are quickly dismissed, but even veteran board members can find that their positions seem to automatically trigger opposition, leading to personal conflicts and board divisiveness. Long-term success in any group, but particularly when serving on a public body, is contingent on others believing you mean what you say, that you stand for principles that mirror those of others, that you are true to your word, and that you will not attempt to succeed by setting others up for embarrassment or failure. Building trust takes time, but can be destroyed in an instant. Do not leave effective communications with your fellow board members to chance.

2. Be prepared.

The time that board members set aside to meet as a group is a precious commodity, not to be wasted by members who expect others to do all the preliminary research and then demand that those who took the time to become knowledgeable must take board meeting time to tutor the uninformed. Knowledge is

power, and not bothering to read your meeting packet ahead of time, or relying on "gut instinct" to respond to the thoughtful positions of others is a recipe for irrelevance. Asking questions is okay to expose gaps in the group's critical knowledge, but not to make up for your lack of preparedness.

3. Have goals.

Not to suggest that it is good to make up your mind on an important issue prior to hearing the views of others, but effective board members should have some preliminary view of what they want to do with an issue before the discussion begins. Board members should identify which stakeholders need to be heard from, anticipate what solutions seem to be implied or recommended, consider whether recommended actions are consistent with one's own sense of values and ethics, gauge public acceptance of various outcomes, consider the long-term implications, etc.

4. Know the rules of engagement.

Every township has its own traditions and meeting styles that may or may not suit the tastes and preferences of new board members, but veteran officials may not be wildly receptive to a brand-new board member setting them straight about everything that individual thinks is wrong. Wait awhile and build credibility before attacking everything that seems different from your prior organization or leadership experiences. You may very well be right, but build credibility first through demonstrating your commitment to serving the township's best interests. Do nothing that appears to be self-serving.

5. Know the rules of procedure.

Very few public bodies use *Robert's Rules of Order* exactly as General Robert intended. Nonetheless, board members should know how to introduce a motion and the proper way to adopt, table, defeat or reconsider a motion. Supervisors especially need to know how *Rules of Order* ensure that the majority prevail while ensuring the members holding a minority view have a right to be heard. When speaking, be brief. There is only one meeting going on at any time. Do not engage in side conver- ►

sations. Seek permission from the chair prior to speaking, and address comments to the chair. No personal attacks.

6. Stay calm.

It is natural to feel some excitement and nervousness when one first joins a public body, especially at meetings where the public will attend. Projecting sincerity and confidence, and, by all means, keeping one's temper in check are fundamental to earning the respect necessary to have one's position taken seriously. It is okay to be passionate, but not "off-the-wall."

7. Be transparent.

Hidden agendas eventually are exposed, and if one's real intent is different from one's public position, your credibility will be damaged. Taking the time to honestly explain why you are taking a particular position will go far to build trust. Understand that Michigan has a strong expectation that governments will make public policy in the open. Insist that the board comply with the spirit, intent and explicit requirements of the Michigan Open Meetings Act.

8. Help the moderator.

When the discussion wanders from the agenda, anyone on the board can tactfully intervene. Simply ask, "Could we please return the discussion to the issue on the agenda?" Two main motions simultaneously before the board? Don't be afraid to point it out. Discussion getting too heated? Suggest a short recess so everyone can cool down.

9. Work for solutions with which everyone can live.

The principle of "majority rule" is ingrained in our rule of law. Generally speaking, in order for a motion to pass, it must receive one vote more than half of the votes of those board members present and eligible to vote. That said, there are some legal exceptions to that simple rule, and MTA can help boards navigate to a lawful conclusion. But for purposes of most routine business, three members of a five-member board or four members of a seven-member board are a sufficient number of votes to legally prevail on an issue.

But even when a particular proposal can garner the minimum number of votes to prevail, it may be worth the board's time to spend some additional time discussing the matter further to seek a solution that can get the support of the greatest possible number of board members. This is true even if the resulting

compromise is less than perfect in the eyes of the majority. As long as the majority doesn't give up anything that it considers to be essential, there is great value in having most, if not all, of the board supporting a decision. The board's decision will be stronger, ongoing opposition will be significantly reduced, if not eliminated, and the stigma of board winners and losers is avoided. This is the true meaning of "consensus."

10. Remember there will always be another meeting.

There are a number of ways to get a temporary advantage at a meeting. Spring a surprise proposal on the board so there is little chance for other board members to thoughtfully respond. Bring a lot of people to the meeting to speak in support of your view or to intimidate other board members who do not share your view. Run to the news media to put the views of others in the most negative light. Criticize board members in conversations to the public.

But contrary to the widely held, cynical view, public officials who play nice *do* come in first, especially at the local level where the public's sense of fair play has stronger sway. It is harder to keep poisonous words from getting back to the target too. Any strategy to intimidate or trick the board into doing what it otherwise would not be inclined to do will eventually backfire. Trust will be eroded; others will develop their own strategies to neutralize the manipulator, including painful pay-backs. Practitioners of the political "dark arts" will usually be marginalized pretty quickly.

Leave the board meeting as friends. If something was said in the heat of the debate that was hurtful, apologize. Keep a sense of humor, especially if directed at oneself rather than others. Treat others as you would want to be treated. Give credit to others for compromising, initiating or facilitating, or for tactful dissent. It won't be long until the compliments, influence and effectiveness will flow to you.

Larry Merrill

MTA Executive Director



MTA has many resources to increase your success on the township board. MTA's credentialing program, the Township Governance Academy, gives township board members and other local leaders the knowledge and skills needed to make effective decisions for the benefit of their township. Learn more about the program at www.michigantownships.org/tga.asp, or call (517) 321-6467 to have information sent to you.

MTA also offers the publication An Introduction to Township Board Meetings, which covers the basics of township meetings, including voting requirements, handling public comment and public hearings. Visit www.michigantownships.org/books.asp to order online or download a publication order form; call (517) 321-6467 to have a form sent to you.



From networking with colleagues to continuing education. From becoming familiar with (or creating!) township policies to listening to all sides before making a decision. In addition to learning statutory duties, there's no shortage of things that newly elected township officials must know. To help them get a jump on that learning curve, Michigan Township News (MTN) asked veteran township officials, "What's your advice for newly elected officials?" Their words of wisdom follow. A second installment of "advice for new officials" will appear in the March Michigan Township News.

Don't be afraid to say, "I don't know the answer to that, but I will look into it and get back with you." It is much better to give the right information to your constituents and build their trust and confidence with you from the start of your tenure. Enjoy your four years and **take one task at a time.**

Carol J. Houseman, Treasurer
Byron Township (Kent Co.)

Don't forget **you work for your residents.** Your view doesn't matter; what matters is what is good for the township.

Jack Randolph, Supervisor
East China Charter Township (St. Clair Co.)

Always **read, read, read**, and ask lots of questions. You will always learn something new.

Sandi Miller, Supervisor
Foster Township (Ogemaw Co.)

Use all of the resources at your disposal. Don't be afraid to call your neighboring township's officials. Develop a relationship with them, and you will never be alone.

Crystal Osterink, Clerk
Gaines Charter Township (Kent Co.)

I was told to sit back, be quiet and watch for awhile ... I don't recommend it. Be a part of what's going on by asking questions and attending any workshops you can to gain more knowledge. It shows people you **care about the responsibilities of your job** and makes things a lot more interesting!

Katrina Shearer, Trustee
Grout Township (Gladwin Co.)

Always treat your fellow board members with respect and patience. Discussions should be held with courtesy, and decisions made with informed thought processes. **Once the decision is made, the board supports that decision.** We are voted into office to best serve our taxpayers, and we become their eyes and ears for that purpose. **Networking, learning and listening** are the primary keys.

Mary Sanders, Supervisor
Hayes Township (Otsego Co.)

- **Get to know your township's general policies and procedures.** If you do not have any (or a complete manual), then form a policy committee and get started by developing a manual. This will protect you, the employees and, most of all, the residents.
- **Spend at least one full day in each township department**, such as the supervisor's office, accounting department, planning and zoning department, etc. This will assist you in knowing what each department provides the community.
- **Develop a list of goals** that you want to accomplish—and update it continually. Stay positive and focus on the reason(s) that brought you into this fishbowl life called politics.
- **Keep your finger on the pulse of the community** by attending community events. Mostly listen. Do not complain. Go outside your comfort zone. Your friends will most always support you; it's the strangers in your community who will keep you in check.
- **Learn from the local officials who came before you.** Their successes and their mistakes can be of great value.
- **Always be respectful** to all, even if you disagree.

Linda Spangler, Trustee
Huron Charter Township (Wayne Co.)

When running for office, you may have said something about a particular issue that you now wish you hadn't said, or perhaps it was a topic that you should have had more information on. Proceed with caution. **Gather all the information you can** to be better prepared to make a statement. It is so important to listen when you are new.

Kristine Rice, Treasurer
L'Anse Township (Baraga Co.)

Be patient and attend workshops for continuing education. There is a lot to learn about local government, and sometimes we try to make things happen too fast. When we hurry, we fail to have the discussions that would have avoided the unintended consequences of our action. Also, stay in touch with your residents. Be available in and out of the office to hear their concerns and follow up on their requests. Say what you mean, mean what you say, and do what you said you were going to do.

Sharon Rohrbacher, Treasurer
Odessa Township (Ionia Co.)

The saying goes, “Rome was not built in a day.” Well, guess what, neither was your township! You cannot change the world overnight and **you cannot change your township overnight.** After you understand the reasons, the mechanics and, yes, the politics, you may find that it doesn’t need to be changed overnight or may not need to be changed at all.

March forward in your new and commendable endeavor, and remember a few key things:

- One person can make a difference, but make sure the difference is in the best interest for all.
- Your ideas may be your agenda; think how they will affect others.
- Teamwork makes for the best results.
- Patience is a virtue.

Barbara Van Gelderen, Supervisor
Manilus Township (Allegan Co.)

Newly elected officials should **attend MTA County Chapter meetings** in their area, and introduce themselves to their counterparts to network on issues or get answers to some of their questions. I also advise new officials to connect with one or two specific people in their same field who they can call during “Oh my gosh, what do I do now!” type of days.

Connie Stafford, Treasurer
Maple Ridge Township (Alpena Co.)

Go to an MTA workshop for treasurers, have a good working relationship with your county treasurer, and get to know other treasurers in your county.

Joel Noe, Treasurer
Orleans Township (Ionia Co.)

Review past meeting minutes to prepare for an upcoming meeting. For example, prior to January’s meeting, review last year’s December, January and February minutes. Perhaps go back a couple of years to see if there is something that may be an annual item on the agenda. **Don’t try to learn everything at once.** If you do this one month at a time, you will be more confident to handle the issues at hand.

Diane Randall, Supervisor
Roscommon Township (Roscommon Co.)

Don’t guess; **ask for help.**

Sharon Tischler, MMC, Clerk,
Southfield Township (Oakland Co.)

Utilize the Michigan Townships Association staff of experts. Attend the Annual Educational Conference and any other pertinent workshops that MTA offers. Do not hesitate to call their office and ask questions as simple or complex as they may seem.

Carla StremLOW, Treasurer
Warren Township (Midland Co.)