



**House
Legislative
Analysis
Section**

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PROVIDE FOR TOWNSHIP CONSOLIDATION

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House Bill 5285

FEB 22 1988

Sponsor: Rep. Tom Alley

Committee: Towns and Counties

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**A SUMMARY OF HOUSE BILL 5285 AS
INTRODUCED 1-13-88**

The bill would amend Public Act 191 of 1968 to grant two or more townships within the same county the authority to consolidate into one general law or charter township. The bill would define a "consolidated township" to be a "general law or charter township formed by the consolidation of 2 or more townships" as provided in the bill.

The bill would require that two or more townships within the same county wishing to consolidate into one township file a petition with the state boundary commission. The petition would have to include signatures from at least five percent of the total population of the affected townships and would be required to name the townships to be consolidated, state the name of the resulting consolidated township, designate the maximum initial authorized millage levy if the proposed consolidated township is to be incorporated as a charter township, and request that the commission initiate proceedings necessary for consolidation as outlined in the bill. If a proposal to consolidate the townships has been voted on within two years prior to filing a petition, the commission would be required to reject a petition for consolidation. But in the event that a previous petition to consolidate included more than two townships, two or more townships could still consolidate if the prior proposal included one or more townships not included in the most recent proposal. The commission would return the petition—with a certified copy of its reasons for rejecting the proposal—if the petition failed to conform to the bill or rules promulgated by the commission; or, if it was satisfied with the petition, the commission would submit the proposal to a vote at a specific date by the electors of the affected townships.

Once the commission was satisfied with the petition, the bill would require the executive secretary of the commission to notify the clerk of each township involved in the consolidation of the date for the election and the question to be considered. The vote on consolidation could only take place on a date prior to May 1 in the year of a general November election. The ballot would have to include the new authorized millage rate for the consolidated township, and whether the new township would be a charter or general law township.

Each township would be responsible to bear its own election expenses, and the county board of canvassers would be required to return the results to the commission. If a majority of electors from each township voted to consolidate, the commission would then enter its order approving the consolidation; if there was not a majority vote to consolidate then the consolidation proceedings would terminate. In the order approving the consolidation, the commission would be required to set an election of the township board for the consolidated township at the next August primary and November general elections. The consolidated township board would include a supervisor, clerk, treasurer, and four trustees. In the event that a

consolidated township was formed as a charter township, the election process in the bill would take the place of the process found in section 2 of the charter township act; the language of the charter township act would become the resulting consolidated township's charter. An incorporated village located within the boundaries of the newly-formed township also would continue to be an incorporated village within that township's boundaries.

The bill would stipulate that a coordinating committee would be required to assist in the planning and implementation of a township consolidation. This committee would be composed of the supervisor, clerk, and treasurer of each affected township, as well as a specified number of residents from each affected township. If two townships were consolidating, the one with the larger population could elect two of its residents to the coordinating committee, and the smaller township could elect one of its residents to the coordinating committee. However, in the event that more than two townships consolidated, each township with a larger population could elect two of its residents to the coordinating committee, and the smallest township could elect one resident to it. When an order was submitted for a proposed consolidation to residents of the affected townships, the commission would be required to order an election at the same time for the resident members of the coordinating committee. If a proposed consolidation was not approved, however, the election of members to the coordinating committee would be void. A resident member of a coordinating committee would have to be a registered elector of the township that he or she represented. An elected or appointed township officer would not be eligible to be a resident member of a coordinating committee.

If a proposed consolidation was approved, the coordinating committee would:

- prepare and adopt an interim budget for the consolidated township for the period commencing at the time the consolidation became effective, and ending December 31 of the following calendar year for a chartered township, or March 31 of the following calendar year for a general law township);
- before July 1 of the year of the election, establish salaries for the elected officers of the consolidated township for the period running from the time the consolidation became effective until the beginning of the first fiscal year at least 12 months after the effective date;
- recommend individuals for appointment by the consolidated township board to positions on the boards and commissions of the consolidated township; and
- study and make recommendations concerning the coordination, consolidation, repeal, and reenactment of the ordinances, resolutions, rules, and regulations of the former townships for the consolidated township.

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The bill would stipulate that an ordinance, resolution, rule, or regulation of an affected township in effect at the time the consolidation is effective, would continue "in full force" as the law of the territory that comprised the former township to which it applied until the consolidated township board repealed or amended law.

A consolidated township formed under the bill would succeed to the real and personal property, money, rights, credits, records, files, books, and papers which belonged to each affected township as it formerly existed. The bill would require that an existing right or liability, or a suit or prosecution, of a former township that commenced and continued at the time the consolidation was effective would not be affected by the consolidation, but would continue as though the consolidation had not taken place. Taxes or levies which had not been collected at the time the consolidation took effect would stand until discharged or collected. Bonded indebtedness or pledges of full faith and credit or limited full faith and credit by a former township consolidated under the bill would continue as obligations of that township and the taxable territory of the former township that contracted the indebtedness or made the pledge. Further, a special assessment district of a former township would continue in full force as a special assessment district of the consolidated township. The millage levy for a township consolidated under the bill could be billed and would become a lien on December 1 following the effective date of the consolidation.

The bill would repeal sections 14, 15, and 16 of Public Act 156 of 1851, which governs the organization and alteration of a township government by its respective county board of supervisors.

MCL 123.1001 et al.