

# Legislative Analysis

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## POSTING OF TOWNSHIP NOTICES

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**Senate Bill 928 as passed by the Senate**

**Sponsor: Sen. Tom George**

**House Committee: Local Government and Urban Policy**

**Senate Committee: Local, Urban and State Affairs**

### **First Analysis (11-4-04)**

**BRIEF SUMMARY:** The bill would amend the Charter Township Act so that a township board could decide to publish its notices, ordinances, and proceedings in one or both of the following ways: 1) in a newspaper; or 2) either by posting in the township clerk's office and on the township's website or by posting in the township clerk's office and five other places in the township.

**FISCAL IMPACT:** The bill would have no effect on local government revenue but could reduce local government expenditures by an unknown amount. The bill would have no fiscal impact on state government. It is not known how many, or which, townships would choose to change their publication methods under the bill, but to the extent that changes were made, the bill would provide for lower-cost options for the publication of notices, ordinances, and proceedings.

### **THE APPARENT PROBLEM:**

Under the Charter Township Act, a township board must publish all notices, ordinances, and proceedings either 1) through publication in a newspaper or 2) by posting the notices in the clerk's office and five public places throughout the township and then placing a notice in a newspaper about the postings. The proceedings of township boards must be published at least once per month. Given tight local budgets, many townships are finding the costs too expensive. Reportedly, some Michigan townships spent nearly \$30,000 last year fulfilling these requirements, not including the time employees spent driving around the townships to do postings. Some people believe the act should provide townships with a less expensive means of notifying the public of their activities.

### **THE CONTENT OF THE BILL:**

The bill would amend the Charter Township Act so that a township board could decide to publish its notices, ordinances, and proceedings in one or both of the following ways: 1) in a newspaper; or 2) either by posting in the township clerk's office and on the township's website or by posting in the township clerk's office and five other places in the township. (The underlined method would be the new method added by the bill.)

If publication were made by posting on the website or in the township, a notice of the posting would have to be published at least once in a newspaper circulated in the township or county, within seven days of the posting.

[Currently, the publication of all notices, ordinances, and proceedings for which a mode of publication is not prescribed by the act or by ordinance must be made in a newspaper published and circulated in the township. If a newspaper is not published and circulated in the township, then the publication must be in a newspaper published in the county in which the township is located. Alternatively, publication may be made by a posting in the office of the township clerk and at least five other public places in the township. If publication is made by posting, a notice of the posting, setting forth the purpose or nature of the notice, ordinance, or proceeding posted, and the location of the places where posted, must be published at least once in a newspaper, as required above, within seven days after the posting. The bill would revise these provisions as described above.]

MCL 42.8

#### ***HOUSE COMMITTEE ACTION:***

The members of the House Committee on Local Government and Urban Policy reported out the Senate-passed version of the bill without amendments. Some of the information in this analysis is derived from the Senate Fiscal Agency's analysis of that version.

#### ***ARGUMENTS:***

##### ***For:***

By allowing townships to post their notices on a website and run only a short notice in the local newspaper informing readers of the content of the posting and directing them to the website, the bill would enable townships to keep their residents informed of township business yet save some of the money currently spent publishing longer notices. The bill would free up the time of township employees who now must travel around the township posting notices, if the information is not published in a newspaper. Additionally, because so many of Michigan's townships have small populations with few public places, it can be difficult for clerks to find five appropriate public places for posting. Often, the notices are placed in such sites as convenience stores and gas stations where they attract little, if any, attention from residents. Under the bill, townships still could post notices in five places outside the clerk's office or publish the notices, but they also would have the option of posting on their website.

##### ***Against:***

The bill still would require townships to purchase space in local newspapers if they posted notices electronically. The state should do away with the antiquated requirement of newspaper publication and permit townships simply to post their notices on their websites and in the office of the clerk. The newspaper publication requirement appears to subsidize local newspapers, some of which might rely on such advertising to remain in business.

***Response:***

Many Michigan residents currently lack Internet access or are uncomfortable using their computers for this purpose. The publication requirement is designed to put township business before as many residents as possible, and newspaper publication remains the best way to reach a broad local audience.

***Against:***

This is a good bill for charter townships, but the idea should be expanded to include general law townships.

***Response:***

This bill cannot be amended to accomplish that purpose because it amends the Charter Township Act. In order for these posting alternatives to be available to officials in general law townships, a different act would have to be amended.

***POSITIONS:***

The Michigan Townships Association supports the bill. (9-29-04)

Oshtemo Township (Kalamazoo County) supports the bill. (9-29-04)

Legislative Analyst: J. Hunault

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.