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Senate Bills 485 through 492 (as enrolled)
Sponsor: Senator John Pappageorge (S.B. 485)
Senator Arlan Meekhof (S.B. 486)
Senator Jack Brandenburg (S.B. 487)
Senator Dave Robertson (S.B. 488)
Senator Dave Hildenbrand (S.B. 489 & 491)
Senator Bruce Caswell (S.B. 490)
Senator Darwin L. Booher (S.B. 492)

Senate Committee: Local Government and Elections
House Committee: Local, Intergovernmental, and Regional Affairs

Date Completed: 8-29-11

RATIONALE

In some local units of government, the charters or ordinances governing those local units establish minimum staffing levels. In March 2011, Governor Rick Snyder outlined a series of local government reforms aimed at community development, increased efficiency, and reduced costs. The proposed reforms include a prohibition against minimum staffing levels prescribed in a local unit's governing documents. It has been suggested that this reform be adopted and applied to any local charter or ordinance enacted in the future.

CONTENT

The bills would amend various statutes to prohibit a local unit of government from adopting a charter, if applicable, or an ordinance, that included a minimum staffing requirement for employees of that local unit.

The prohibition would apply beginning on the bills' effective date. Any provision in a charter or ordinance adopted on or after that date that contained a minimum staffing requirement would be void and unenforceable.

Senate Bill 485 would amend the Home Rule City Act. Senate Bill 486 would amend Public Act 156 of 1851 (which governs county boards of commissioners). Senate

Bill 487 would amend Public Act 293 of 1966 (which governs charter counties). Senate Bill 488 would amend Public Act 139 of 1973 (which provides for an optional unified form of county government). Senate Bill 490 would amend Chapter 16 of the Revised Statutes of 1846 (which governs townships). Senate Bill 491 would amend the Home Rule Village Act. Senate Bill 492 would amend the General Law Village Act.

MCL 117.5 (S.B. 485)
Proposed MCL 46.11d (S.B. 486)
Proposed MCL 45.515b (S.B. 487)
Proposed MCL 45.556b (S.B. 488)
Proposed MCL 42.1b (S.B. 489)
Proposed MCL 41.3a (S.B. 490)
MCL 78.26 (S.B. 491)
Proposed MCL 61.1d (S.B. 492)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Local units of government should strive to improve the efficiency and cost-effectiveness of providing services to their residents, particularly when the economy is struggling. Minimum staffing requirements prescribed in local charters and ordinances can hinder this goal. In fact, some communities with such

requirements evidently do not always have the money to comply with them, and are in violation of their own charters at times. The prescription of staffing levels in a charter or ordinance hampers the ability of a local unit's elected governing body to manage its workforce. Decisions about staffing levels should be made by local managers through the collective bargaining process and approved by elected officials. Furthermore, compared with amending a charter or ordinance, the negotiation process allows more flexibility to address changing needs. By prohibiting the adoption of minimum staffing levels in governing documents, the bills would ensure that such levels were determined through the appropriate mechanism and encourage local units to consider innovative ways to provide services.

Response: The bills also should address minimum staffing levels in the contracts negotiated through the collective bargaining process. Regardless of how they are implemented, staffing requirements can result in unreasonable expenses for taxpayers. For example, if a firefighter must miss work due to illness, a local unit might have to pay another person overtime to meet the minimum staffing requirement established in the contract.

Opposing Argument

The bills are contrary to the concept of home rule, and would infringe upon the right of the people to make decisions in their communities. The residents of a particular local unit should have the ability to establish minimum staffing levels in their governing documents if they deem it appropriate. When local resources are strained, residents should be able to decide directly whether to pay more to maintain services or amend the charter to decrease staffing levels.

In the case of police officers and firefighters, minimum staffing levels can be essential to safety. By eliminating the option to prescribe staffing requirements in a charter or ordinance, the bills could increase the risk to public safety personnel and the residents they have sworn to protect.

While a local unit may establish minimum staffing levels through the collective bargaining process, public access to the bargaining table is limited. In addition, local managers involved in the bargaining process are not always open to discussion on this

particular issue. While many communities currently choose to include staffing levels in the bargaining process, the authority to set these levels in a local unit's charter or ordinance should be maintained.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bills would have no impact on current local revenue or expenditures. The bills would not eliminate any existing minimum staffing provision, but only would affect the imposition of such provisions in the future. Furthermore, the bills would not prohibit a local unit from maintaining the number of staff who might otherwise be employed under such a provision.

The bills could reduce future expenditures to the extent that, at some point, there would be local units that would have been bound by a minimum staffing requirement that was above the employment level the local unit wished to maintain. It is impossible to know how many such units would adopt such provisions in the future, or the costs of those provisions.

The bills would have no fiscal impact on State government.

Fiscal Analyst: David Zin

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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.