

HOUSE BILL NO. 4860

June 28, 2023, Introduced by Reps. Mentzer, BeGole, MacDonell, Fitzgerald, McKinney, Shannon and Andrews and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1947 PA 359, entitled
"The charter township act,"
by amending section 7 (MCL 42.7), as amended by 1992 PA 15.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) The township board shall provide by resolution for
2 the time, date, and place of the board's regular meetings, and
3 shall hold at least 1 regular meeting each month. If a time set for
4 the holding of a regular meeting of the township board is a
5 holiday, then the regular meeting ~~shall~~**must** be held at the same

1 time and place on the next day that is not a Saturday, Sunday, or
2 holiday.

3 (2) A special meeting of the township board ~~shall~~**must** be
4 called by the township clerk pursuant to subsection (3) on the
5 written request of the supervisor or of 2 members of the township
6 board and on at least 24 hours' written notice to each member of
7 the township board. The notice ~~shall~~**must** designate the time,
8 place, and purpose of the meeting and ~~shall~~**must** be served
9 personally or left at the member's usual place of residence by the
10 township clerk or someone designated by the township clerk.

11 (3) The business that the board may perform ~~shall~~**must** be
12 conducted at a public meeting of the board held in compliance with
13 the open meetings act, ~~Act No. 267 of the Public Acts of 1976,~~
14 ~~being sections 15.261 to 15.275 of the Michigan Compiled Laws. 1976~~
15 **PA 267, MCL 15.261 to 15.275.** Public notice of the time, date, and
16 place of the meeting ~~shall~~**must** be given in the manner required by
17 ~~Act No. 267 of the Public Acts of 1976.~~**the open meetings act, 1976**
18 **PA 267, MCL 15.261 to 15.275.**

19 (4) ~~Business shall~~**Except as otherwise provided in this**
20 **subsection, business must** not be transacted at a special meeting of
21 the township board unless the business ~~has been~~**was** stated in the
22 notice of the meeting. ~~However, if~~**If** all the members of the board
23 are present at a special meeting, then business that might lawfully
24 come before a regular meeting of the board may be transacted at the
25 special meeting.

26 (5) Four members of the township board are a quorum for the
27 transaction of business at a meeting, but, in the absence of a
28 quorum, 2 members may adjourn a regular or special meeting to a
29 later date.

1 (6) The township board shall determine its own rules and order
 2 of business and shall keep a ~~journal~~**minutes** of its proceedings in
 3 the English language. The ~~journal shall~~**minutes must** be signed by
 4 the supervisor and the township clerk. The vote upon the passage of
 5 an ordinance ~~,~~ and upon the adoption of a resolution and ordinance
 6 ~~shall~~**must** be taken by yes and no votes and ~~shall~~**must** be entered
 7 upon the record, except that if the vote is unanimous, it ~~shall~~
 8 **must** only be necessary to record that fact. Except as otherwise
 9 provided in this subsection, a member of the township board who is
 10 recorded as present shall vote on all questions decided by the
 11 board unless ~~excused by the unanimous consent of the other members~~
 12 ~~present.~~**the board member has a legal conflict. If a board member**
 13 **has a legal conflict, the board member shall announce the member's**
 14 **intent to abstain from voting and disclose on the official record**
 15 **the factual basis for the abstention.** If, at a meeting of the
 16 township board, a member of the township board states that ~~he or~~
 17 ~~she~~**the member** desires to be appointed by the township board to
 18 fill a vacancy in a township office, that member may abstain from
 19 voting on the appointment to fill the vacancy. **A board member must**
 20 **be recognized immediately for the purpose of an abstention. As used**
 21 **in this subsection, "legal conflict" means a situation in which the**
 22 **private interest of a board member may influence the board member**
 23 **in the performance of the board member's duties or responsibilities**
 24 **under this act. A legal conflict includes, but is not limited to,**
 25 **either of the following:**

26 (a) An action that could have a substantial impact on the
 27 financial interests of the board member, the immediate family of
 28 the board member, or an organization with which the board member is
 29 associated.

1 (b) A question that involves the conduct of a board member,
2 including, but not limited to, an allegation the board member
3 violated a township ordinance, rule, or policy.

4 (7) A writing prepared, owned, used, in the possession of, or
5 retained by the board in the performance of an official function
6 ~~shall~~**must** be made available to the public in compliance with the
7 freedom of information act, ~~Act No. 442 of the Public Acts of 1976,~~
8 ~~being sections 15.231 to 15.246 of the Michigan Compiled Laws.~~**1976**
9 **PA 442, MCL 15.231 to 15.246.**

10 (8) The township board, by vote of not less than 2 members,
11 may compel the attendance of board members and other officers of
12 the township at a regular or special meeting and enforce orderly
13 conduct in the meeting. A member of the board or any other officer
14 of the township who refuses to attend a meeting or ~~conduct himself~~
15 ~~or herself~~**act** in an orderly manner is guilty of misconduct in
16 office. The township marshal ~~shall serve~~**serves** as the sergeant-at-
17 arms of the township board in the enforcement of this section.