

Preface

The effort to develop, produce and implement a local government curriculum in Michigan high schools has been a long and winding road. The lack of knowledge regarding structure, process and services of local government became increasingly evident over the eighteen years that I have worked in local government management and administration. When a person holds a position such as city manager of a small city as I did in South Haven for nearly nine years, it is evident that we are not educating our young to become fully knowledgeable, participating members of counties, cities, townships, villages, school districts and special districts. Another event that shaped opinion regarding the need for increased local government education was when a friend gave me a 1928 edition of American McGruder's American Government. I was astounded to find that a good portion of the book dealt with the mechanics of local government. In 1936, the East Grand Rapids Superintendent authored a supplement to McGruder's American Government on Michigan local government. Finally, I once heard a speaker say that he had seen a government text that contained more about Marilyn Monroe than municipal government.

In January 1997, the Michigan Local Government Management Association (then Michigan City Management Association) created a new committee and named it the Community Education Committee. Michael Young, City Manager of Rockford has ably chaired this committee since that time. The new committee settled on several agenda items to improve knowledge of the citizenry regarding local government education but developing a high school curriculum topped the list.

In late 1998, the Michigan Municipal League (MML) created the Centennial Youth Committee in honor of the 100th Anniversary of the founding of the Michigan Municipal League. The major goal in creating this committee was to create something positive and lasting for the youth of Michigan. This committee also created a list of objectives and also ranked creation of a high school local government as a top priority. Committee membership included representation of cities, the Michigan Township Association, the Michigan Association of Counties, Michigan School Superintendents Association, Michigan Education Association, Michigan Department of Education (during the committee deliberation process the MEAP staff was transferred to the Michigan Department of Treasury), and other applicable groups. Michael Young, Jeff Meuller, Assistant Administrator of the City of Lathrup Village and Al Vanderberg, then City Manager of South Haven (now Assistant County Administrator in Kent County) were invited to be liaison members between the Michigan Local Government Management Association Community Education Committee and the MML Centennial Youth Committee. Al Vanderberg agreed to serve as chair and continues in that capacity as of this writing. The committee started down the path of planning, writing, producing, distributing and funding the local government curriculum.

In late 2000, early 2001, MML Centennial Youth Committee became aware of the proposed Michigan Civics Institute, an exciting initiative created by State Representative

Douglas Hart of Rockford. After reviewing the goals and plans of the Michigan Civics Institute, it became clear that it would make sense to combine the MML Centennial Youth Committee and MLGMA Community Education Committee efforts to develop a local government curriculum with the Michigan Civics Institute effort to develop a state government curriculum. Discussions with Brian Berce, Executive Director of the Michigan Civics Institute and Representative Hart ensued, and this course of action was decided upon.

A group of 16 curriculum writers gathered in Lansing during the third week of July to conduct interviews prior to drafting the state government curriculum last fall. Michael Young; Scott Shraeger, Director of Legislative Activities for the Michigan Municipal League; Mayor David Hollister of Lansing; Larry Morrow, Executive Director of the Michigan Townships Association; and Al Vanderberg were interviewed by the panel from the perspective of state relationships with local government. Jeff Mueller, Michael Young and Al Vanderberg developed an outline for a local government curriculum that was presented to the panel writing the state curriculum. This "White Paper" substantially follows that format. A similar panel for development of the local government curriculum is planned for the third week of July 2002. Cost of the panel and subsequent curriculum development is estimated at \$75,000 to \$80,000. Development of this "White Paper" is intended to give the curriculum writers a base of information to work from while conducting interviews and then writing the curriculum.

I have consulted a number of references in putting together the "White Paper" and these are listed in the Bibliography at the end of the paper. I am not claiming this as an original work, it is a tool for curriculum development. In many cases, I lifted entire paragraphs out of the source material unchanged. While I am the one compiling the "White Paper", the main purpose of this preface is to give credit where credit is due to the many individuals that have spent countless hours to make the local government curriculum a reality. I will list these individuals and the organization that they represent below:

Michigan Municipal League (George Goodman, Mary Charles, Joan Hutchinson,
Roxanne Turner)
Michigan Local Government Management Association (Michael Young, Jeff Mueller)
Carol Sheets, Council Member, City of Wyoming
Barbara Holt, Council Member, City of Walker
Erika Rosebrook, Kent County
Clara Shepard, Council Member, City of Muskegon
Claudia Brown, Council Member, City of Eaton Rapids
Newnan Brown, (title?)
Gail Kunding, City of Muskegon
Ken Babich, Sault Ste. Marie Public Schools
Karen Todorov, Michigan Department of Treasury
Michigan Townships Association (Cathy Gilliland, Debra McGuire, Karen Hildebrandt,
Marda Larson)
Todd Lipa, City of Farmington Hills
Dawn Wichmann, City Council Member, City of Wyoming

HISTORY OF LOCAL GOVERNMENT DEVELOPMENT

On March 20, 1680, Robert Cavalier de la Salle set foot across the southern part of Michigan and became the first known white man to move across the interior of the Lower Peninsula. The Northwest Ordinance of 1785, adopted by Congress, authorized the survey and sale of all government owned lands ceded to the national government by various states and Indian tribes. Execution of this legislation required removal of Indians from the Ohio country where the surveys were to commence and resulted in the division of this territory into six-mile squares. This land, consisting of five future states, was surveyed, dividing the territory into six-mile by six-mile squares. The Northwest Ordinance of 1787 provided for the governance of the land. The wisdom of this Northwest Ordinance is that it created the framework for the new territory to become settled and governed. Even more important, the new territories were not held hostage by the original thirteen colonies, but were able to organize as states equal in standing. The Michigan Territory was created in 1805.

Townships

In a detailed letter to Samuel Kercheval written July 12, 1816, Jefferson set forth the plan of organization by which he believed most certain to establish and to maintain republican government.

The organization of our county administrations may be thought more difficult. But follow principle, and the knot unties itself. Divide the counties into wards (townships) of such size as that every citizen can attend, when called on, and act in person. Ascribe to them the government of their wards in all things relating to themselves exclusively. A justice, chosen by themselves, in each, a constable, a military company, a patrol, a school, the care of their own poor, their own portion of the public roads, the choice of one or more jurors to serve in some court, and the delivery, within their own wards, of their own votes for all elective officers of higher sphere, will relieve the county administration of nearly all its business, will have it better done, and by making every citizen an acting member of the government, and in the offices nearest and most interesting to him will attach him by his strongest feelings to the independence of his country, and its republican constitution... We should thus marshal our government into 1, the general federal republic, for all concerns foreign and federal; 2, that of the State, for what relates to our own citizens exclusively; 3, the county republics for the duties and concerns of the County; 4, the ward republics, for the small, and yet numerous and interesting concerns of the neighborhood; and in government, as well as in every other business of life, it is by division and subdivision of duties alone, that all matters great and small, can be managed to perfection. And the whole is cemented by giving to every citizen personally, a part in the administration of the public affairs.....

Congress authorized the organization of townships in 1825. On March 11, 1836, Governor Stevens T. Mason signed the Township Act, under which the six mile square sections of land, that had been delineated by the United States surveyors, were organized into political units. This same sort of "cooperative county-township" system was adopted by other states, but Michigan has generally been considered the defining example. The New England model of town government as politically altered in New York became the basis for the form of local government that was transplanted in Michigan. New York began with independent towns and later tried to establish counties to perform judicial and

other duties. The resulting form of government featured town governments and county governments wherein each township supervisor sat on the legislative body of the county called a county board of supervisors. This structure was implemented in Michigan per the Township Act of 1836.

The 1835 Michigan Constitution did not specifically establish township government even though a number of townships had already been organized under the Northwest Ordinance. The 1835 Constitution focused on forming a state government and its basic structures. Existence of townships appears to have been assumed as several had been created by the territorial legislature in 1827.

The 1850 Michigan Constitution added much more structure to township government consisting of four main provisions:

- A) established a list of several township offices including supervisor; clerk (also ex-officio school inspector; highway commissioner; school inspector; four constables; a highway overseer; and up to four justices of the peace.
- B) designated each organized township as a corporate body with the right to sue and be sued.
- C) confirmed the practice of having each township supervisor be a member of the county board of supervisors.
- D) Assigned the responsibility for organizing townships to the county board of supervisors and prescribed rules to be followed.

The Progressive Reform Movement had a significant impact on the 1908 Michigan Constitution that was amended many times through the power of citizen initiative. The 15-mill tax limit and sharing of state sales tax collections with townships are examples of two of these changes.

Members of the Michigan Constitutional Convention of 1962 voted to retain the township form of government by one vote, a State Senator from Montcalm County, who changed his vote late in the deliberation gave pro-township forces victory by the slimmest of margins. The 1963 Michigan Constitution did not grant major new powers to townships but they continued as an essential part of the state's governing system.

General Law Townships, those organized by the territorial legislature, state legislature and county governments, were designed to provide basic government services at the grass roots level including elections, tax assessment and collections, road construction and maintenance, and surveying. As population shifted from central urban "core" cities to rural areas, demand for enhanced public services increased dramatically.

In 1947, the state legislature passed the Charter Township Act. The Charter Township Act affords a township added local discretion and general taxing power. A township organized under the General Law Township Act can become a charter township if its board desires to do so or an election can be held per citizen initiative. Charter townships

for the most part are more immune from “annexation” or the removal of property from its corporate limits by a neighboring city or by action of the State Boundary Commission.

There are 1,242 townships in Michigan today, as of 2000, 125 had opted for the charter township form of government. Many charter townships offer the full range of municipal services such as water treatment and/or distribution; wastewater treatment and/or collection, parks, police, fire, and emergency medical service, to name just a few.

Counties

The county is considered to be the basic unit of government. Virginia was divided into eight counties in 1634. Massachusetts adopted a county system 9 years later with most colonies creating counties shortly thereafter. Each county’s official center is known as the county seat. It was important to locate the county seat within a days travel by horse or foot from any point within the county. Development of county government in Michigan can also be traced to the Northwest Ordinances of 1785 and 1787. Wayne County was established in 1796 by the acting governor of the territory, and included almost all of what eventually became Michigan and portions of Ohio, Indiana, Illinois, and Wisconsin. Additional counties were established as lands were settled.

In 1805 the Michigan Territory was created and the governor organized counties for judicial purposes. In 1825, the Michigan Legislative Council passed a law requiring the election of county commissioners, treasurers, coroners, and constables. The administration of Governor Cass (1813-1831) was important because it was during this period that many new counties were formed and that the officers of sheriff, coroner, treasurer and judge of probate were created.

The Michigan Constitution of 1835 continued many of the county offices previously created under the territorial government. The 1835 constitution required the election of a county clerk, treasurer, sheriff, register of deeds, surveyor, and at least one coroner. Prosecuting attorneys were appointed by the governor.

The Constitution of 1850 reaffirmed most of the elective offices developed to that point and made the county prosecutor an elective position. This constitution also set in motion some legislative decisions that outlined and assigned the powers and duties of the elected officials and the county boards. Many of these statutes remain to this day.

The Constitution of 1908 afforded counties limited home rule by allowing county boards of supervisors to set their own salaries. This constitution gave counties the responsibility for health and welfare activities including charitable hospitals, sanatoria and other institutions, and an infirmary for the care and support of their indigent and unfortunate. Amendments to this constitution were very important and included giving larger counties a general debt limit of 3 percent of assessed valuation and smaller counties 5 percent. In 1914, an amendment gave the people the right of initiative, referendum, and recall. In 1932, in the depths of the Great Depression, voters approved a 15-mill tax limit to be divided and shared by counties, townships and school districts.

Michigan counties gained the right to be considered as home rule by adopting charters in the Constitution of 1963. Of the 83 counties in Michigan, only Wayne has adopted home rule status.

Cities

The Michigan Constitution of 1835 makes no mention of cities. During this period no cities and only five villages were incorporated. Detroit had been incorporated in 1815 by a special act of the territorial legislature. The Constitution of 1850 directed the state legislature to provide for the incorporation of cities and villages and to restrict their powers of taxation and creation of debt. The state legislature passed the first general legislation applicable to the organization of cities in 1873. Under this law, a village with a population of 3,000 or more was authorized to incorporate as a city. It was optional for a city to adopt the entire act by vote of the electorate or to obtain a charter by special act of the legislature. Most cities preferred to obtain a charter direct from the legislature. In 1895, the Fourth-Class City Act supplanted the General Act of 1873. From 1850 – 1895, eighty-nine cities and 297 villages were incorporated mainly by local acts of the state legislature.

The Fourth-Class City Act provided for what is commonly known as a weak-mayor and council type of government. This type is characterized by the election of a number of administrative officials as well as a large and sometimes partisan legislative body. Administrative duties were divided between committees formed from the membership of the legislative body, elected officers, and/or elected or appointed boards and commissions.

The Michigan Constitution of 1908 made it mandatory upon the legislature to pass general laws for the incorporation of cities and villages. In addition, to give the electorate of each power to frame a new charter, to revise or amend an existing charter, and to authorize the local legislative body to pass ordinances relating to affairs of municipal concern subject to the constitution and general laws of the state. Two classes

LOCAL GOVERNMENT STRUCTURE

COUNTIES

There are three possible configurations of county government in Michigan.

All counties have boards of commissioners elected from districts that are apportioned to make the population as equal as possible after each United States Census. County boards must have at least five members and can have as many as twenty-five members.

Counties over 600,000 in population are mandated to have twenty-five member boards by Michigan law. Each county also has five or six countywide elected officials including the offices of Clerk, Treasurer, Drain Commissioner, Sheriff, Prosecutor, and Register of Deeds. Michigan law allows the combination of Clerk and Register of Deeds into a Clerk-Register position and twenty-eight counties have combined these positions.

County Commission Form

Counties utilizing the County Commission form of organization either have elected officials perform both legislative and administrative duties or hire a professional administrator to perform administrative duties per a contract approved by the Board of Commissioners. This administrative professional is most commonly referred to as a County Administrator and in some counties is titled County Coordinator.

The County Clerk is responsible for Accounts Payable functions in this scenario and the Treasurer is responsible for Accounts Receivable.

The County Board oversees all administrative functions including administration, finance, human resources, facilities, and information technology and the health department. Perhaps most importantly, the county board is responsible for adoption and oversight of the county budget for all county agencies, included those with a countywide elected department head.

County Controller Form

Michigan statute gives counties the option of adopting the County Controller form of organization and thereby appointing a professional administrator to manage the administrative affairs to the County. The relationship of the County Controller and Board of Commissioners is also typically encapsulated in a contract approved the Board of Commissioners. The main difference between the County Commission form and the County Controller form is that State statute specifies some of the duties of the County Controller under the Controller form. Accounts Payable and Accounts Receivable are removed from the County Clerk and County Treasurer and assigned to the County Controller. Per this form of organization the Board of Commissioners needs a majority vote to appoint the Controller and a super-majority vote (two-thirds) to remove the Controller.

Several counties that have adopted the County Controller form refer to this position as County Administrator/Controller or as County Administrator.

County Executive

The third option for county organization is a County Executive elected countywide. The question of whether to adopt this form of government can either be placed on the ballot by the County Board of Commissioners or placed on the ballot per initiative of the electorate. Responsibility for management of administrative functions of government is centralized in the County Executive position.

Currently, only Wayne, Oakland, and Bay Counties have the County Executive form in Michigan.

TOWNSHIPS

There are two methods of organizing townships per Michigan law: 1) Townships may be organized under the general law or 2) townships which meet certain population and geographical requirements may be organized under the Charter Township Act of 1947.

General Law Township

Both legislative and administrative powers have been conferred upon the township board. The principal powers include: 1) raise taxes; 2) create debt; 3) issue bylaws and orders regulating township affairs; 4) provide a building for a community center, and 5) acquire and hold real and personal property for public use. The principal powers exercised by the township board include the following:

- 1) regulate the minimum construction requirements of building outside of cities and incorporated villages
- 2) divide the township into primary school districts and make alterations in their boundaries
- 3) pass ordinances regulating fire protection
- 4) appropriate funds for special township purposes
- 5) establish zoning districts outside of cities and incorporated villages and regulate the use of land for various purposes
- 6) formulate rules and regulations for the operation of used car lots
- 7) license public places of recreation in certain trades and businesses carried on outside of cities and incorporated villages
- 8) authorize the creation of indebtedness secured by special assessments for the financing of certain projects
- 9) authorize the creation of indebtedness secured by special assessments for the financing of certain projects

10) regulate by ordinance the following services in townships having a population of over 10,000; a) health; b) fire protection; c) parking of vehicles; d) maintenance of sidewalks

The general law township has an elected Supervisor, Clerk and Treasurer who also serve as three of the seven member township board. The other four members are trustees. All township officers and trustees are elected for four-year terms. The Supervisor is also officially named Assessor, but this function is typically contracted out.

Charter Township

The Charter Township Act of 1947 as amended permits general law townships with a population of at least 2,000 to become charter townships. The township board can make the decision to become a charter township without a vote of the electorate. However, the electorate can require a vote per its referendum right under state law.

The charter township board has five or seven members at the option of the township board when it is created. Three officers are specifically elected to the offices of Supervisor, Clerk and Treasurer and the other two or four positions are Trustees. All five or seven positions are elected for four terms that are not staggered.

CITIES

Cities were formed predominantly when the residents of a densely developed area of a township desired municipal type services. Typically, a small area in relationship to the entire area of the township desired municipal services (water, sewer, police, fire, etc.). Prior to the Constitution of 1909 and the ensuing adoption of the Home Rule Cities Act, petitioners would submit a geographic district to the State and seek approval of a city. Per the provisions of the Home Rule Cities Act, a geographic district is submitted to eligible voters within that district and if a majority vote is realized for approval, the new city comes into being after official certification of the State Boundary Commission.

Three different forms of city government have existed in Michigan, and there are five common forms in the United States. In Michigan, mayor-council and council-manager predominate and the commission plan is dormant at this time. Though similar in some ways, these plans are designed to make city government operate according to different principles and objectives.

Mayor-Council Form

This plan is also referred to as the “strong mayor” plan. This plan consists of a mayor and a city council, both of which are independently elected predominantly in partisan elections. Both share in making policy, though the mayor has near complete authority over the executive branch of city government. Officers of the executive branch – the city

attorney, assessor, treasurer-comptroller, and heads of departments – are appointed by the mayor and serve at his/her pleasure, though these appointees generally must be confirmed by the council. The city council is the legislative branch of city government, and its approval is required before appointments and ordinances can go into effect.

The objective of the plan is to strengthen the control of the mayor over the executive agencies of city government. In this sense, it appears to have been patterned after the national government, since the president's control over the cabinet is similar to the mayor's control over the executive officers in the mayor-council plan. The initiative in this system is clearly in the hands of the mayor, and the council generally plays a secondary role in developing policy. This form is used widely in the large cities of the nation. In Michigan, both Detroit and Lansing have adopted versions of the mayor-council plan.

COUNCIL-MANAGER FORM

This form of government consists of a city council, the members of which are predominantly elected in non-partisan elections, a mayor, selected from the membership of the council in most cases and elected at large in others, and a city manager, appointed by the city council. In this system, the council determines city policy and the mayor merely presides over city council meetings. The executive branch of government is administered by the city manager, who is a professionally trained administrator. The city manager appoints executive, supervises their performance, develops the city budget, and administers programs. Theoretically, the city manager cannot make policy, but merely implements the decisions of the council, but as a practical matter, the recommendations of the manager are usually given great weight by the council.

The objective of the council-manager plan is to take “politics” out of city government by turning over its administration to a professional manager. This plan seems to have developed in response to the influence of parties and party politicians over city government under the mayor-council plan. Critics said that there is nothing political about cleaning streets, picking up garbage, building parks, and so forth. They believed that the system could be effectively run by a professional taking general directions from and elected city council. If the members of the council are elected in non-partisan elections, the influence of party politics is even further reduced. Most cities in Michigan have this form and range all over the state, from Monroe and St. Joseph, to Traverse City, East Lansing, Escanaba and Sault Ste. Marie.

The Commission Form

The commission system of municipal government fuses executive and legislative functions almost completely in the hands of a city commission. Members of the city commission (which is like a city council) are elected in non-partisan elections, and one member is designated mayor to preside over meetings. Again, as in the council-manager plan, the mayor has little power. The commission makes policy for the city and appoints some of the executive officers, such as the city attorney, assessor, treasurer, and chief of

police. However, in this case, the commissioners themselves also act as head of the various city executive commissions, such as the park commission and the public works commission. Each commissioner is ordinarily assigned as head of one commission and is charge of administering it. The commission as a whole coordinates policy and approves the city budget. Thus, the members of the commission act both as legislators and administrators.

The commission plan is not in use today, largely because it is difficult to find elected commissioners who are qualified to serve as full time administrators. This is particularly a problem in large cities where executive departments are composed of large numbers of employees. In larger cities, then, some division of labor is necessary between elected policy-makers and administrators. As a consequence, this form of government is generally found among small and medium-sized cities.

Weak Mayor – Council Form

In this form, the Mayor and council members both make policy and laws, and also directly oversee the administration. From a department head's perspective, you would literally have many bosses including the Mayor and all council members instead of one supervisor as you would have in either the council-manager or mayor-council form's.

New England Town Meeting Plan

In this form of government everyone literally works for the voters. The qualified voters in the annual town meeting choose the Town Clerk, Treasurer, Assessors, Road Commissioner, Overseer of the Poor, Constable, and School Committee. The qualified voters also select the Board of Selectmen at this meeting. The Board of Selectmen oversees appointive offices and boards.

Major decisions are made in town meetings where whoever shows up is part of the group that makes policy decisions. For example, one good sized city had its streetlights turned off for many years after the decision was made in a town meeting that operating streetlights was too costly.

VILLAGES

The basic difference between a city and a village is that whenever and wherever an area is incorporated as a village, it stays within the township. The villagers participate in township affairs and pay township taxes in addition to having their own village government. Incorporation as a city, however, removes an area from township government. City residents participate in county elections and pay county taxes as do villagers but are removed from township units.

Villages in Michigan are organized primarily to establish local regulatory ordinances and to provide local services such as fire and police protection, public works and utilities. Certain of the local duties required by the state are not demanded of the village but are

performed by the township within which the village is located including property assessment; collecting taxes for counties and school districts; and administering county, state and national elections.

There are two possible methods of organizing village government under Michigan law.

General Law Village

Most of Michigan's 261 villages are organized under the General Law Village Act of 1895 as amended. As of 1994, 48 villages had home rule charters and were governed under the Home Rule Village Act, companion legislation to the Home Rule Cities Act, and also adopted in 1909.

In the general law village the chief executive, known as a president, comes closest in formal powers to a weak mayor. The president serves as a member of the council and as its presiding officer. With the consent of the council he/she appoints a marshal (police chief), a street commissioner, a surveyor and such other officers as the village council may establish. Comprising the council itself are six trustees besides the president. Michigan law allows two possible election formats: 1) three trustees are elected annually to serve for three terms, president is elected annually; 2) three trustees are elected biennially with a term of four years or the election of all six trustees every biennial election with terms of two years each.

The village council can appoint the following appointed and *ex officio* boards, boards of registration; election commissioners; election inspectors and cemetery trustees.

HOME RULE VILLAGE

The Home Rule Village Act requires that every village so incorporated provide for the election of a president, clerk and legislative body, and for the election or appointment of such other officers and boards as may be essential. However, the president need not be directly elected by the people, but may be elected by the village council.

The home rule village form of government offers flexibility that is not found in the 1895 statewide General Law Village Act provisions. Home rule village charters are as diverse as the communities that adopt them. Village councils typically have memberships of 5 to 7 in size.

As of 1994, 13 of the 48 home rule villages had opted to contract for the services of a Village Manager, who is professionally trained in government administration and who serves as chief administrative officer for the village.

SPECIAL DISTRICTS

Special districts and special authorities are limited purpose units that exist as separate corporate entities and have substantial fiscal and administrative independence from general purpose units and other special-purpose units. These districts are created when the need exists to serve several units of government or portions of several units of

government with services, basically when natural service areas exist outside of rigid governmental boundaries.

Special districts and authorities authorized by Michigan statute include the following the following examples:

Metropolitan Councils
Convention Arena Authority
District Library Boards
Emergency Service Authorities
 Fire
 Dispatch
 Police
Joint Hospital Authorities
Parks Authorities
Water & Sewer Authorities
Airport Authorities
Joint Agencies for Electric Power
Transportation Authorities
Irrigation/Drainage Districts
Garbage Disposal Authorities
Community Swimming Pool Authorities

PUBLIC SCHOOLS

Local School Districts

On April 3, 1869, the Legislature established a free statewide school system supported by local taxes and state aid. Prior to the act, local government had issued rate bills (tuition charges) to the parents of children who attended primary schools that had opened in most settled parts of the state. Primary schools had been established in each township and city.

Under the free statewide school system, the various townships of the state were divided into school districts, by school inspectors. The district officers were a moderator, a director and an assessor. School districts containing more than one hundred children, between the ages of five and twenty years, could elect a District Board to consist of six trustees. The trustees had the power to classify and grade the scholars (students) in their district and cause them to be taught in such schools or departments as they deemed expedient; to establish a high school, when ordered by a vote of the district, and to perform such other duties as are usually performed by the district board aforementioned.

The law made it a requirement of parents to send each child between eight and fourteen years to a public school for a period of at least 12 weeks per year or be subject to fines increasing in severity for repeat initial and repeat offenses.

The primary responsibility of school districts is educating pupils in the kindergarten through 12th (K-12) grades. There are currently 663 local school districts in Michigan: 519 are K-12 districts, 58 are K – 6 or K – 8, and the 108 remaining are charter schools. This function may include operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons. School districts may own and utilize property, facilities, equipment, technology, or furnishings, extending to operation of a public library, public museum, or community recreational facility.

Each school district is governed by a board of education. General power boards consist of between three and nine members elected at large, depending on the size of the board before 1995. First class districts, only Detroit, are governed by an 11-member board of education, with four members elected at large and seven members elected from districts.

While the board is responsible for determining policies, the superintendent is responsible for executing the board's policies. The superintendent is responsible to the board for all phases of the operation of the schools, primarily for administering instructional programs.

Intermediate School Districts

Like local school districts, intermediate school districts are governed by school boards. The standard means of selecting intermediate school board members is election by representatives of each constituent school board. Constituent local school districts may also opt to have members of the intermediate school board popularly elected. Single county intermediate school boards are composed of seven members and multiple-county intermediate school boards are composed of seven members. The intermediate school board elects a president, vice-president, secretary and treasurer.

Community Colleges

Community colleges were established as a step toward having the freshman and sophomore years of college turned over to the secondary (local) schools. Instead of extending high school years to include grades 13 and 14, community colleges evolved as an alternative means of obtaining two years of collegiate and non-collegiate (technical) education.

Community college districts and community college departments are limited to courses that embrace no more than two years of collegiate work. Community college districts have the power to own and operate a community college and an area vocational – technical education program. They may provide facilities necessary provide college programming; they may establish and carry on schools and departments or courses of study and other educational programs; and they may establish, equip, and maintain agricultural, trade and other vocational – technical departments.

LOCAL GOVERNMENT SERVICES

Public Safety

Police

The County Prosecutor upholds the laws of the State of Michigan and prosecutes both individuals and organizations that violate these laws. The County Sheriff is responsible for enforcing state law at the county level, investigating law violations and for bringing those suspected of law violations to justice.

City governments adopt municipal ordinances known as the municipal code. Ordinances are “laws” adopted at the city level. City police departments are formed under a Police Chief who answers to a City Manager in the council-manager form of city government and to the Mayor in the mayor-council form. Police departments enforce the municipal code and also violations of state law that occur within the border of the city or areas external to the city where they are deputized by the county sheriff to act or have external service agreements with townships, villages or other cities.

General law and home rule villages typically provide police services within their corporate limits. General law townships typically rely on the services of the county sheriff for law enforcement service. Charter townships typically contract for additional, specific law enforcement service within their corporate limits, from the county sheriff. Some urban charter townships provide their own police service.

Fire

Most cities, villages and townships provide fire suppression service, either through the local units own department or through a contractual arrangement with another department. Many small cities and most townships have a “volunteer” fire department. Employees are “part-paid” meaning they are paid for their time spent responding to calls for service and for time spent in training and meetings. Larger cities and urban charter townships provide full-time fire service or a blend of full-time and part-paid service.

Numbers of fire calls, fatalities from fires and property damage resulting from fires has reduced dramatically over the years due to stricter fire, electrical and building codes, improved fire prevention education, and improved municipal water systems.

Increasing numbers of fire departments that are located near large bodies of water have trained firefighters in emergency rescue and body recovery diving techniques.

EMS (Emergency Medical Service)

Several local governments offer EMS as a service, typically in conjunction with a fire department and sometimes in conjunction with a police department. There are several

levels of EMS provision: Medical First Responder, gets to scene of accident/injury first and stabilizes scene until EMS personnel arrive; Emergency Medical Technician (EMT) – Basic, able to transport and minimally treat person needing care; Emergency Medical Technician – Specialist (EMT-S), able to intubate patient and use defibrillator to attempt resuscitation; Paramedic-ALS (Advanced Life Support), able to use full range of narcotic drugs while in radio contact with emergency room doctors.

Lifeguard Program

Some municipalities offer lifeguard services on beach areas along lakes, rivers and Lake Michigan.

Public Safety Departments

Some communities, such as the City of Greenville have created public safety departments and have completely cross-trained employees previously classified as police officers or fire officers into the new classification of public safety officer. Results have shown that this has reduced property damage due to fire and allowed the city to operate more efficiently.

Other communities have combined fire and emergency medical service (ambulance). The City of South Haven had full-time employees that were fully trained to perform both fire and EMS functions for many years and this department eventually became a four government authority.

Public Works

Water

All cities provide water service to their residents, either through their own system or by contract with another municipality. Water is gathered, treated and distributed to residents. Some cities have deep well systems and pull the water from the ground. Another method is to have water intake pipes draw water from rivers, inland lakes or from Lake Michigan. The cities of Grand Rapids and Wyoming each have large intake pipes that traverse the distance from Lake Michigan to their respective cities. A third method is the “Ranney well”, wells sunk along the shoreline of Lake Michigan and where the sand provides a natural filter prior to water entering the plant for treatment.

Water is treated for removal of harmful elements and is treated with chlorine and fluoride for better teeth! The Michigan Department of Environmental Quality and county health departments strictly regulate the water quality and treatment.

Water is then distributed through a distribution system that begins at the water treatment facility and travels through transmission main lines (pipes) that are placed in the public street right of way. Individual homes are connected to the transmission mains by service lines that connect to the home.

Sanitary Sewer

Another typical municipal service is sewage collection and treatment. Sewage is collected from homes through a series of pipes that connect the home to the larger mains in the street that run to the wastewater treatment facility. Wastewater is treated in wastewater treatment plants prior to being released into rivers, lakes or groundwater. There are three basic types of wastewater treatment facilities, activated sludge, trickling filter, and lagoon systems.

Storm Sewer

Most cities provide for the collection of storm water through a storm water collection system that exists in the street right of way. Storm water systems are experiencing increasing regulation. The....

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In the past, storm water and sanitary sewer systems were combined which led to the overflow of sanitary waste into basements and rivers during major rainstorms. The state legislature subsequently adopted a law requiring the separation of combined storm and sanitary sewers.

Electric

Many Michigan communities provide electricity to their residents (42?, get #). Municipal electric systems do not fall under the purview of the Michigan Public Service Commission as do privately owned systems. There are examples of both wholesale and retail power facilities in Michigan. The City of Lansing Board of Power and the City of Grand Haven Board of Light and Power oversee the generation of electricity through water intakes in the Grand River and also the distribution of electricity to residents. The City of South Haven purchases power from American Electric Power – Indiana Michigan and redistributes it to residents on its own power grid.

Miscellaneous Utilities & Services

There are cities that operate natural gas utilities. The City of Coldwater, Michigan provides cable and internet service to its residents (note, confirm). Some cities provide telephone service. The Home Rule Cities Act does not limit the type of service that a city can provide as long as it is permissible under the city charter. The City of South Haven even operates a Bascule draw bridge that spans the Black River and must be opened each half hour during the summer to allow tall boats passage.

Drain Commissioner

The early settlement of Michigan was hampered greatly by the swampland conditions that existed throughout much of the Lower Peninsula. The office of Drain Commissioner was created to provide for draining of the land to make it more suitable for construction and reduction of serious disease. Michigan is the only state to have such an office in its county governmental structure.

Streets and Roads

Cities and villages have street departments that are responsible for construction and maintenance of streets within their corporate limits. This includes building new streets, resurfacing streets, fixing potholes, repairing pavement cuts made due to utility service installations or repairs, snow plowing, leaf removal, street sweeping and even removal of dead animals.

Township streets are primarily cared for by the county road commission, which has jurisdiction over all public roads within a township.

Parks and Recreation

Most local units of government provide park facilities for the public to enjoy both passive and active recreation. For cities, the charter details how land is acquired and disposed of. In most cases a super-majority vote of the governing body or a vote of the citizenry is required prior to the sale of property used for parks or use of the property for something other than parks.

Parks uses cover a wide range of natural areas and nature preserves to intensely developed parks with active recreational uses such as tennis and basketball. Some local governments offer recreational programming and administer activities such as softball and volleyball leagues.

Parks departments operate golf courses, ski hills and beaches in Michigan. A parks department could operate facilities such as zoos.

SOLID WASTE

Local governments provide solid waste services in many different ways. Some communities collect garbage with their own fleet of garbage trucks and employees. Communities that do not directly collect garbage contract with a private company for this. This contract is called a franchise. Many communities provide a transfer station where the garbage is brought after collection, packed into semi-tractor trailer trucks and hauled to a landfill or incinerator. Local governments can own and operate landfills. County governments have the responsibility of permitting landfills, whether publicly or privately owned. Kent County owns an incinerator and a percentage of garbage collected in Kent County is disposed of at this facility.

General Government

One of the main purposes of local government is to provide basic governmental administrative services at a grass roots level.

Legislative Body

The local government legislative bodies include city council, city commission, township board, village board, and county board of commissioners. These elected bodies make policy, pass legislation and typically oversee management/administration except where previously noted.

Legislative bodies almost universally use Robert's Rules of Order for conducting public business.

Legislative bodies were allowed to meet virtually in secret prior to the early 1970's and the adoption of "Sunshine Laws" intended to allow public access to the deliberations of public bodies. The Michigan Open Meetings Act specifies that public meetings are to be open to the public except for certain enumerated exceptions in which it is deemed to be in the public interest for the public body to meet privately.

Similarly, the Michigan Freedom of Information Act (FOIA) requires state and local government to provide information to requesters at the cost of providing the information except when disclosure is not in the public interest. In this case, there is also an enumerated list of exceptions.

Clerk

Each local government has a clerk, i.e. county clerk, township clerk, village clerk.

The county clerk is elected and acts as clerk of the board of commissioners. In this role, he or she must maintain a record of all of the board's proceedings, make a record of the resolutions and decisions and record all votes. The clerk is also in charge of managing the application and approval process and for keeping and providing vital records for the county population including, birth records, marriage licenses, death records, visas, and concealed weapon permits. The clerk also administers the elections function. In 33 counties, the Clerk and Register of Deeds functions are combined into a Clerk/Register position per Michigan law that makes this option available. In many counties, the Chief Judge of the Circuit Court appoints the county clerk to also serve as clerk of the circuit court.

At the city, village, and township levels, the clerk is the clerk of the governing body, maintains a record of all of the governing body's proceedings, is in charge of maintenance of the voter roll and oversees elections, signs most contracts along with the chief executive officer and/or the chief administrative officer.

Register of Deeds

The office of register of deeds is the repository for the official records of real property in the county. The office also registers and records deeds for every conveyance of real estate within the state. Registers ordinarily receive and record other types of related documents as well including assignments of mortgages and securities, attachments, notices or *lis pendens* (suits pending), sheriff deeds, U.S. marshals' claims, certificates of sale, and discharges of these documents when they are filed.

Registers of deeds maintain a tract index that lists alphabetically the names of grantees and grantors of real property. These names provide access to the various documents that have been recorded. Private title companies use this index and record system to research the titles to real property.

Treasurer

Each county, city, township and village has a treasurer. At the county and township level, this is an elected position. In most cities and villages, treasurer is an appointed position though there some notable exceptions including the City of Grand Rapids which has an elected treasurer.

The laws outlining the duties of the county treasurer have a preoccupation with accountability for public funds, this emphasis comes from a time when accounting methods were not advanced and when the banking industry was in its infancy. The legal emphasis is on a) where they got the money from; b) to whom they paid out money, and c) where they are keeping the money still under their control.

County treasurers have the responsibility to receive all moneys from whatever source they may be derived. Treasurers may not make payments except upon an order of the board of commissioners signed by the clerk and the chair of the board. Treasurers are responsible for depositing funds in banks, but only banks designated by the board of commissioners. Treasurers are responsible to review checks for payment to make sure that sufficient funds exist for the payment to be made. Treasurers are also responsible for investing substantial sums of money.

Treasurers also have other duties, including property tax administration, distributing and reconciling taxes collected by city and township treasurers, handling delinquent property tax accounts, operating a delinquent tax revolving fund, and certifying the payment of property taxes.

In city government, the office of treasurer has become synonymous with the office of finance director. In many small cities, the office of treasurer and finance director are held by the same individual and in some cases the offices of clerk and treasurer have been combined.

In township government, the treasurer is elected and has statutory duties regarding the collection of revenue, payment of expenses, and investment of funds.

Assessing

City and township governments are responsible for assessment of all property in their jurisdiction. City and township assessors determine the value of all agricultural, residential, commercial and industrial property for taxation purposes. Township assessors perform this work for all village property contained within their boundaries. Cities and townships typically hire professional staff to perform assessment work. In some cases, county governments perform this work for cities and townships on a contractual basis and in some cases private firms perform this work on a contractual basis.

Equalization

State law requires the county board of commissioners to perform the equalization function and to create an equalization department to carry this out. The purpose of this department is to survey the assessments and to assist the county commissioners in equalizing assessments.

The equalization process begins when the state tax commission, based on its study of changes in value in various counties, determines what it believes the assessed values by class are for each county. The purpose of state equalization is to assure that counties across the state have their assessments set at appropriate levels in relation to the market values. At the county level, the purpose of equalization is to ensure that all assessors within the county are reflecting properly the taxable properties and values in their respective assessing units. Counties, through their departments of equalization and ultimately through a vote of the county board, exercise a kind of supervising control over the individual township and city assessors. When all of these adjustments have been made, the sum of all the assessments in each class will correspond to the figures issued by the state tax commission.

Management/Administration

The activity of appointed city managers/administrators, village managers/administrators, township supervisors/managers and county administrators/controllers/executives are included in general government.

Engineering

Most if not all cities, villages and townships require engineering services due to the services that they provide. Cities in particular, even smaller cities, have had a 'city engineer' position since the early 1900's. This function oversees the design, construction and maintenance of major municipal facilities such as streets, water, sewer, parks, etc.

Many smaller cities, villages and townships utilize contractual services for city engineer type duties or for large projects that exceed the capacity of the local government staff.

Planning, Zoning & Building Inspection

The State Planning Act authorizes Michigan cities, townships and villages to develop master land use plans for all property contained within their respective jurisdictions. The master plan lays out the highest and best use of all property in the community regardless of its current use.

Zoning codes are adopted in order to enforce the land use designations contained in the master plan and to provide for safe, efficient development.

Cities, townships and villages are required to adopt the state building code. This insures that structures are constructed to standards of safety which greatly reduce the possibility of structural failure or destruction of the structure by fire. Building inspectors are either hired or contracted for to review and approve building applications and to perform frequent site visits to ensure compliance. Local units are also required to adopt the state electrical code, plumbing code and mechanical code and also hire employees or contract with firms to perform this work. A fire code is also required and this is typically administered by the local fire department.

Considerable due process is built into these processes as communities that have zoning codes are required to have a zoning board of review and a construction board of appeals exists to hear appeals of the building inspector. Decisions of these semi-judicial boards can be appealed to the circuit court.

Counties have statutory authority to create a countywide master plan but no statutory authority to implement it or to engage in zoning activities. Some county planning commissions perform zoning on a contractual basis for townships.

Cities, townships and villages frequently adopt their own “laws” called ordinances. Some of these ordinances mirror state laws such as drunken driving laws. Adoption of ordinances that mirror state statute allows local units to be eligible for cost reimbursement when someone is found guilty in a court of law for certain violations. Additional ordinances are adopted to address junk cars parked in private residence yards, long grass, barking dogs, etc. These ordinances are typically enforced by a municipal code enforcement officer.

Many local governments have adopted housing codes which address housing standards inside and outside of dwellings.

Michigan Court System

Supreme Court

The highest court in the State is the Michigan Supreme Court that has seven Justices that are elected in non-partisan elections on a statewide basis. Though they are officially non-partisan elections, Republicans and Democrats work hard to elect candidates that formerly shared their party affiliation or whom they believe will act according to their conservative or liberal political philosophy. Some believe that the Supreme Court Justices should be appointed and not elected. This will be an issue of some controversy in the future.

Court of Appeals

The Michigan Court of Appeals was created by the Constitution of 1963 and currently has 28 Judges. The Court of Appeals' mandate drives its continued evolution as a critical element of the justice system in Michigan: "To secure the just, speedy, and economical determination of every action and to avoid the consequences of error that does not affect the substantial rights of the parties.

Circuit Court

The next level is the Circuit Court system. The state is divided into judicial circuits along county lines. The number of judges within a circuit is established by the legislature to accommodate required judicial activity. There are currently a total of 57 circuits and 210 circuit judges in Michigan. Some circuits are multi-county circuits and judges travel from one county to another to hold court sessions.

The circuit court is a trial court of general jurisdiction in Michigan because of its very broad powers. The circuit court has jurisdiction over all actions except those given by law to another court. Traditionally, the circuit court has had original jurisdiction in all civil cases involving more than \$10,000, in all criminal cases where the offense involves a felony or certain serious misdemeanors, and in all domestic relations cases, including divorce and paternity actions.

The legislature raised the civil jurisdiction from \$10,000 to \$25,000 and created a family division in circuit (also referred commonly to as **Family Court**) effective January 1, 1998. The family division handles divorces and ancillary matters, custody, parenting time, paternity, juvenile offenses, abuse and neglect. Status offender minors, personal protection orders, name changes, adoptions, parental consent waivers, guardianships (ancillary) and mental health commitments (ancillary). Many of these areas were formerly the jurisdiction of the Probate Court. The family division is staffed with both probate and circuit judges.

The circuit court handles civil cases over \$25,000, criminal cases, appeals from district court, probate court and administrative agencies, and drain code condemnation cases.

Circuit judges are elected for terms of six years in non-partisan elections. A candidate must be a qualified elector, a resident of the judicial circuit, a lawyer and under 70 years

of age. The legislature sets salaries and retirement for circuit judges, which may be supplemented by counties.

The Ingham County Circuit Court serves an additional role under Michigan law as the Court of Claims and in this role hears claims against the state.

Probate Court

There is a probate court in each Michigan county with the exception of ten counties that have consolidated to form five probate court districts. Each district has one judge, and each of the remaining counties have one or more judges depending in large part on the population and caseload within the county. There are currently 78 probate courts in Michigan and a total of 106 probate judges.

The probate court is a court of original jurisdiction. It has traditionally had exclusive jurisdiction in such matters as juvenile delinquency, neglect, abuse, and adoption proceedings, supervision of “probating” of wills, the administration of estates and trusts.

In 1998 as previously noted, the legislature created the family division in the family court and moved delinquency cases, abuse and neglect cases, adoption proceedings, name changes and other ancillary family matters from the probate court to the circuit court.

The probate court also hears cases pertaining to guardianships, conservatorships, the commitment for hospital care of mentally ill persons, the mentally handicapped, addicted persons, and condemnation of land.

Probate judges are elected on a nonpartisan ballot for six-year terms, subject to the same requirements as the other judges.

District Court

Citizens have more contact with district court than any other court. There are currently 104 districts in Michigan with a total of 259 district judges. District Court has exclusive jurisdiction of all civil litigation up to \$25,000 and handles garnishments, eviction proceedings, land contract and mortgage foreclosures, and other proceedings. In the criminal field, district court handles all misdemeanors where punishment does not exceed one year, including arraignment, setting and acceptance of bail, trial and sentencing, and conducts preliminary examinations in felony cases.

A small claims division (commonly referred to as Small Claims Court) for civil cases up to \$1,750 is provided in district court. In these cases litigants agree to waive their right to a jury, rules of evidence, representation by a lawyer and the right to appeal from the district judge’s decision. If either party objects, the case will be heard by the general civil division of the district court.

District judges may appoint magistrates. Magistrates may set bail and accept bond in criminal matters; accept guilty pleas; and sentence for traffic, motor carrier, and

snowmobile violations and dog, game, and warrants authorized by the prosecutor or municipal attorney. Attorney magistrates may hear small claims cases. Magistrates may, at the direction of the chief judge, perform other duties allowed by statute.

District judges are elected for six-year terms on non-partisan ballots, under the same requirements as circuit judges.

Municipal Court

Municipal Court civil jurisdiction is limited to \$1,500. Five municipalities have chosen to retain a municipal court, rather than change to district court (per the provisions of the Constitution of 1963). Its criminal jurisdiction is similar to district court. Municipal judges must be lawyers, residents and electors of their cities. They are paid by the municipality and are elected for four-year terms as provided by city charter. They are part-time judges and may practice law.

State Court Administrative Office (SCAO)

The SCAO provides leadership and promotes effective, efficient, equitable, uniform and accessible court and justice system services to advance the highest quality of justice in Michigan. The SCAO provides administrative oversight and management of technical assistance to the more than 600 judges of Michigan's 244 trial courts and trial court staff on matters relating to management of judicial functions.

FINANCING LOCAL GOVERNMENT

Local government operates through a system of fund accounting. With a private business, all revenue is typically accounted for in one place and all expenditures are accounted in one place with the exceptions sometimes of capital project accounts. Local government receives funds from many different sources and spends funds on diverse programs and services. The state has a chart of accounts which details how different funds are accounted for in budgets, audits and other financial reporting. A number of different fund categories have been created including general fund, special revenue fund, enterprise fund, debt service fund, trust & agency fund, and internal service fund. Many full service local units of government have in excess of 30 different funds.

General Fund

The general fund is where the cost of basic services that benefit the entire population of a jurisdiction is paid. The ad-valorem property tax is often the largest single source of general fund revenue. Property tax is levied on all non-government owned and non-church property. The unit of taxation is a mill, which is defined simply as a unit of measurement equal to 1/1000, or .001. Michigan law requires that a property owner pay no more nor no less than 50% of assessed value multiplied by the approved millage rate in property taxes.

Thus, for a property owner with a house that the assessor determines has a true cash value of \$150,000, the calculation would be thus assuming a total millage levy of 50 mills:

$$\$150,000 \text{ (True Cash Value)} \times 50\% \text{ (taxable limit)} = \$75,000$$

\$75,000 multiplied by .050 = \$3,750. This total would be apportioned to the county, city, village or township, schools, intermediate schools and any other taxing jurisdiction such as libraries, special districts, etc.

Special Revenue Funds

Funds allocated for a specific purpose by state or federal agencies or by a special millage, are accounted for in a special revenue fund. State Act 51 provides funding for city street departments and county road commissions for maintenance of Major and Local streets that are identified for each community on maps created and maintained by the Michigan Department of Transportation.

If a local government has a millage targeted to a specific purpose such as narcotics enforcement or senior services, revenue realized from the millage must be accounted for in a special revenue fund.

Enterprise Funds

Internal Service Funds

Debt Service Funds

Trust & Agency Funds

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