MICHIGAN'S SYSTEM OF LOCAL GOVERNMENT

Introduction

The state of Michigan has a substantial progeny of local governments. Michigan ranks 14th among the 50 states in terms of the number of local governments. Included in the state's system of local governments are 83 counties, 1,242 townships, 271 cities, 263 villages, 555 school districts, 57 intermediate school districts, 14 planning and development regions, and over 250 special districts and authorities.

For the most part, the system is rather static. Only 3 types of units experience any decline in numbers. **School districts** decline when 2 or more districts merge to form a new district. The greatest shrinkage came during the 1960s following a legislative requirement that all districts had to provide K-12 programs.

The number of **townships** also drops when voters in a township decide to reorganize as a home rule city. Such changes are infrequent but generally occur several times each decade. Villages also become fewer when voters in a village decide to restructure as a home rule city. New **villages**, of course, may be formed but those that do are not enough to offset the number of those converting to cities.

On the growth side are cities whose number very slowly increases — few ever go out of business — to offset the losses among the villages and townships. The real growth of local government is the **special district** — those units that citizens approve to provide a particular service or function. They usually overlap the territory of two or more of the general purpose governments, that is, a county, city, township, or village.

While it is true that state government created some of this multitude of local governments, for the most part, they are the result of local rather than state initiatives. In fact, some local governments predate the formation of the state of Michigan itself. Several counties, townships, and a few cities were first organized on the authority of the territorial government and the **Northwest Ordinance**. Most local units, however, came into being after Michigan was admitted to the Union in 1837 on the basis of permissive legislation — that is, citizens petitioned Lansing for the right to organize under one statute or another.

In the case of **cities**, formal organization came about by action of the state legislature. By and large, then, the state allows the local units to organize rather than taking action itself to create units. There is no overall state plan as to how the system of local governments should be arranged. Rather than impose a preconceived structure, the state has chosen a flexible, incremental approach. In general, it permits people in local areas to decide in response to perceived local problems, what form of local government they want.

The Michigan Approach

Yet, on close inspection, the semblance of a plan is apparent. The Michigan approach was based on the premise that the state would require a comprehensive system of governments through which it could extend its authority to all parts of the state and that rural areas would need less local government than urban areas.

The **county-township system** fulfilled the requirements of the first premise. Townships resulted from the imagination of Thomas Jefferson when he sponsored, as part of the Northwest Ordinance enacted by the Continental Congress, the provision that the Northwest Territory (now Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota) should be surveyed into 6- by 6-square-mile areas. He wanted local government in the territory to be patterned after the town meeting system of New England. Each of these surveyed areas, he said, could become an "elementary republic." When the settlers from the East came to Michigan they began organizing them as governments — governments for rural areas that would eventually blanket the entire state.

The **county system of government** was imported from England but modified by individual states to fit their needs and circumstances. Michigan borrowed and adapted the **New York model**. The counties became an overlay of governments through which the state could effectively manage the vast territory. Having a system of such outposts was essential during a time when transportation was laborious and communications slow. A compromise developed in New York State ultimately resolved the same problem here in Michigan — how to select the governing body of the county board. The New York compromise made township supervisors members of the county board of supervisors. It was so in Michigan as well until 1968 when, as an outgrowth of the one-person,

one-vote decisions of the 1960s, the state legislature created the county commissioner system of county representation. Under this plan, commissioners are directly elected from districts within the county. Their ties to the townships and cities are considerably less than they were under the supervisor system.

Through these 2 forms of local government, Michigan had a 2-tiered network of government. State officials had their counterpart officers at the county and township levels through which state laws could be enforced, birth and death records maintained, roads built, land records recorded, taxes collected, and the like. This 2-tiered system turned out to be one which could meet the governing needs of rural areas as well.

These governments, though, were not adequate for urban settlements where people needed more local services. The more complex set of interdependent relationships inherent in an urban setting also required a government with stronger regulatory powers. The legislature provided for the establishment of city governments for these urban settlements, and gave them the authority to provide a wide range of services and regulate the behavior and conduct of people and organizations — an authority that townships and counties did not possess. The **cities** were separated from the township governments and also were required to administer the laws and rules just as townships were. Throughout the 19th century, the legislature chartered each city by passing a **special act**. Beginning in 1909, cities were granted **home rule**, a grant of authority that permitted cities to draft and adopt their own charters by vote to the people.

Villages are an intermediate level of government. They have most of the special powers of cities but not the duties the state demands. A **village** is a kind of super-special district within a township because villages remain part of the townships in which they are located. Villages, like cities, have home rule status, although the legislature also enacted village charters until 1895, the year it passed the General Law Village Act.

The Michigan plan included two **processes for adjusting boundaries** to expanding settlements. Township territories could be annexed to adjacent cities with voter approval in the involved units. Many of the cities such as Detroit, Grand Rapids, Flint, and others, when first incorporated, included only 1 or 2 square miles of area. They expanded through the mechanism of **annexation**. Eventually, annexation was to cause bitter relations between a city and its neighboring townships.

Consolidation is the second process and is intended to accommodate governmental merger of units that have merged socially and economically, but not politically. This process has been used very infrequently.

While most of the statutory elements of this Michigan approach are still in effect, in many ways the plan itself has broken down. There are several reasons. A major one has been the gradual expansion of township powers. Having authority to provide more services and adopt ordinances to regulate undesired conduct enabled townships to serve developing areas more effectively and stave off annexation until they could qualify for city incorporation themselves. Following reapportionment of the state legislature, township powers were expanded even further.

Perhaps more important was the establishment of a **state boundary commission** that exercised state superintending control over the incorporation of new cities and annexation of township territory to cities. Rather than leaving issues of incorporation and annexation to be resolved by raw power politics between neighboring communities, the commission oversees a boundary adjustment process that is more analytical than political. Annexation still has an embittering effect on intercommunity relations, but it no longer is marked by open warfare. Quieting the politics over local boundaries also has enabled townships to develop and expand under the township form of government. Township populations now range from a dozen or so residents to more than 70,000.

The Contemporary Reality

In brief, at the community level, cities, villages, and townships exercise the primary governing authority. The three units have similar, but not identical, service and regulatory powers. The major differences are that townships still do not have full territorial integrity or control over the road system; they also have limited general taxing power and only limited flexibility in structuring the government. Villages differ from cities in that villages are not legally separated from the township and are not required to assess property for tax purposes or conduct state and national elections. Unlike cities, neither townships nor villages are empowered to levy a personal income tax.

County government, too, has undergone some change from those earlier days. The change, though, has been more in detail than in role. That is, county government, in many ways, still exists

to extend the outreach of state government and serve state interests. Moreover, this role is perhaps being strengthened. For example, counties are partners with the state in state programs such as public health, mental health, courts, vital records, land and property records, disaster preparedness, solid waste management, highway and road administration and maintenance, property tax administration, law enforcement, elections administration, and incarceration of convicts. In areas such as elections administration and jails management, the role of counties is being expanded. In a few service areas — welfare — for example, the state has assumed full responsibility. In some program areas counties have formed partnerships with other units to organize and deliver services.

Counties are also a kind of local government in that they conduct some services that are local, rather than state, in orientation. Parks and recreation programs, senior citizen services, medical care (nursing home) facilities, hospital and ambulance service, county highway patrol, public transportation, libraries, drainage systems, and water and sewer facilities are some examples of programs in which counties are engaged for local, rather than state, reasons. In many instances, counties operate these programs in partnership with cities, villages, and townships.

Despite the many services provided by these general purpose governments, other needs arise that fall outside their jurisdiction. To address some of these needs local officials and citizens establish **special districts or authorities**. In some cases a community government may establish a special district pursuant to general statutes; in other cases the state legislature may adopt a law customized to fit a particular situation. Formation of the special district is then subject to voter approval. Special districts are often attractive for several reasons. One is that voters can be reasonably assured that a particular problem will be addressed, often financed by user fees rather than general property taxation. Another is that special districts provide a degree of flexibility in forming service jurisdictions that address areas of need or want for the particular service. Moreover, they provide a means of crossing municipal boundaries without threatening the integrity of the general purpose units.

To assist officials in these numerous governmental units in gaining a wider perspective, the state established a network of **planning and development regions**. By action of the governments within each of the regions, each region was given an organizational structure. These units do not provide services to citizens. Rather, they conduct studies on various governmental functions, such as transportation and water resources management. Findings from the studies, then, are intended for use by decision makers in counties, cities, townships, and villages.

State-Local Relations

State government now assumes a greater superintending role over the local governments than in times past. Supervision of the boundary commission, already discussed, is one example. Other instances include general statutes setting rules, for example, on open meetings, free access to records and documents, uniform budget and accounting procedures including financial audits, annual financial reports, and assignment of financial administrators in units that are unable to extricate themselves from persistent indebtedness. The courts may establish other rules in areas of employment practices, discrimination, or zoning, to cite a few illustrations.

In addition, various state agencies have partnership programs with local units. Such state agencies as the departments of transportation, mental health, and public health exercise a significant supervisory role with respect to the planning, conduct, and reporting of the particular programs.

State financial aid forms another cornerstone in the relationship of the state to the community governments. Property taxes and fees for services constitute the main source of locally raised funds in most units, but state aid substantially supplements local financing. Some state aid, such as that from the sales tax and personal income tax, is mandated by the constitution or state statute. The use of this assistance is discretionary with the local units. Other assistance — such as that for roads, mental health, public health, libraries, and cultural facilities — is restricted to the purpose for which it is granted.

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