

**OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009
269.375.4260**

**Friday
July 27th, 2018**

NOTICE

Special Township Board Meeting

1:00 p.m.

AGENDA

- A. Call to Order
- B. Public Comment
- C. Discussion on Township Organizational Structure
- D. Other Business
- E. Public Comment
- F. Adjournment

Cover Story



Township Top 10: Responsibilities and duties all officials must know

There are two different kinds of Michigan townships—1,105 general law townships and 137 charter townships. As defined by the Michigan Constitution, each township has a governing board consisting of an elected supervisor, clerk, treasurer, and two or four trustees. Some have full-time staffs and provide a broad range of services, while others have no staff and are served by part-time officials.

All townships, regardless of how many people they serve or the amount of money in their budgets, share certain characteristics. This is because townships are statutory governmental entities. Townships have only those powers expressly provided or fairly implied by state law. (The “Hello, MTA ... ?” column on pages 10-11 provides an overview of key laws that authorize or control some of the most important township functions and services.)

The following list details MTA’s Top 10 township responsibilities and duties common to all townships and with which all township officials should be familiar.

1. Meetings.

Attending and voting at meetings is a function that all township board members share, with all township actions and decisions made within the framework of a meeting. It is imperative that all township board members be knowledgeable of the procedural and statutory requirements for scheduling, noticing, conducting

and recording meetings. (Turn to page 15 for tips for effectiveness at township board meetings.)

Several statutes govern township meetings, including, but not limited to, the Michigan Township Laws Recodified, The Charter Township Act and the Open Meetings Act. Many other acts mandate noticing, publishing and recording requirements for specific types of meetings, such as meetings that contain a budget public hearing, hearings to adopt or amend ordinances, and hearings to establish special assessment districts, and different statutory boards and commissions. The authorizing statute should always be consulted for specific meeting requirements.

2. Motions and resolutions.

Matters pertaining to day-to-day township functions and internal affairs are generally handled by motions or resolutions at board meetings. A “motion” is a simple action taken by the township board, usually by voice vote and recorded in the meeting minutes. A board member can request a roll call vote for a motion, but it is not required.

“Resolution” means the official action of the township board in the form of a motion. A resolution is accomplished with a roll call vote and normally is recorded in a more formal manner than a motion. Resolutions are usually recorded with a number and title, and may include “Whereas” clauses that explain the reason(s) for the resolution and state the action taken or recommended by the board in the form of “Now, therefore, be it resolved that”

Several statutes require that specific actions of the township board be accomplished by resolution. For example, MCL 41.95(1) requires that township officials’ salaries be set by resolution. Other actions that require a resolution and roll call vote include, *but are not limited to*, ordinance adoption, setting the annual meeting and regular township meeting dates, selling public improvement bonds, establishing a special assessment district, ballot questions and incorporating as a charter township.

3. Budgeting.

Public Act 621 of 1978 requires each township to annually adopt a general appropriations act, which is defined as the township budget adoption document. The general appropriation resolution must set forth the total number of mills of ad valorem property taxes and the purposes for which those taxes are levied. It requires a balanced budget and formal amendments to the budget, if necessary, as soon as the township board is aware that a deviation from the original appropriations act is necessary. The statute specifies the information required to be submitted to the township board for budget consideration and adoption. It further requires consistency with the uniform chart of accounts published by the Michigan Department of Treasury.

PA 621 states that, unless some other official has been so designated, the supervisor or superintendent is considered the chief administrative officer for the development of the township budget. However, all township board members play a role in adopting, monitoring and amending the budget.

4. Fiduciary role.

Board members, individually and collectively, have responsibility for the township’s finances, which the laws call a fiduciary responsibility. Officials are responsible for protecting the township’s assets. A strong accounting and financial reporting system must be in place. Expenditures must serve a valid public purpose and be authorized—either expressly or fairly implied—by law. All claims for financial payment to the township must be approved by the board.

Townships typically expend funds in areas such as salaries, fringe benefits, goods and services, and insurance, for programs and services provided as part of the township’s legislative, assessing, tax collecting, elections, board of review, building inspection, ordinance enforcement, planning and zoning, public safety, and public utility functions.

Determining if an expenditure is lawful can be tricky. Essentially, a township may expend funds only for a public purpose and only if the constitution or a statute provides specific authorization or necessarily implies authorization for the township to make the expenditure.

5. Services and programs.

State laws authorize townships to perform a wide variety of functions. Townships are *required* to perform assessment administration, tax collection and elections administration. Townships may *choose* to perform numerous governmental functions, including enacting and enforcing ordinances (see #6), planning and zoning (see #8), fire and police protection, cemeteries, parks and recreation facilities and programs, and many more.

Townships also have the authority to enter into intergovernmental agreements or to contract with the private sector to provide township services and programs authorized by law.

6. Ordinances.

An ordinance is an expression of the board’s legislative authority on more permanent matters; it is a township law. PA 246 of 1945, the Township Ordinances Act (MCL 41.181-41.187), authorizes “township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by the county sheriff; to provide for the publication of ordinances; to prescribe powers and duties of township boards, and to provide sanctions.”

A township’s ability to enact a specific ordinance on any given subject depends on whether the Legislature has enacted a

TOWNSHIP SUPERVISOR’S STATUTORY DUTIES

- Moderates board and annual meetings
- Chief assessing officer (if certified)
- Secretary to board of review
- Township’s legal agent
- Maintains records of supervisor’s office
- Responsible for tax allocation board budget (if applicable)
- Develops township budget
- Appoints some commission members
- May call special meetings
- May appoint a deputy

TOWNSHIP CLERK’S STATUTORY DUTIES

- Maintains custody of all township records
- Maintains general ledger
- Prepares warrants for township checks
- Records and maintains township meeting minutes
- Keeps the township book of oaths
- Responsible for special meeting notices
- Publishes board meeting minutes (if taxable value is \$74 million or more, or a charter township)
- Keeps voter registration file and conducts elections
- Keeps township ordinances book

- Prepares financial statements
- Delivers tax certificates to supervisor and county clerk by Sept. 30
- Shall appoint a deputy
- Shall post a surety bond

TOWNSHIP TREASURER’S STATUTORY DUTIES

- Collects real and personal property taxes
- Receives receipts for township expenditures
- Issues township checks
- Deposits township revenues in approved depositories
- Invests township funds in approved investment vehicles
- Collects delinquent personal property tax
- Responsible for jeopardy assessments in collecting property tax
- Collects mobile home specific tax
- Issues and collects fees for dog licenses
- Shall appoint a deputy
- Shall post a surety bond

TOWNSHIP TRUSTEE’S STATUTORY DUTIES

- Township legislator, required to vote on all issues
- Responsible for township’s fiduciary health
- Other duties as assigned by board

statute conferring the authority upon townships. Fortunately, various statutes authorize township ordinances on a wide variety of subjects covering most facets of municipal government.

An ordinance is required to put in place land use or building requirements, local traffic laws and many types of more permanent rules for the community to follow. Ordinances can be adopted on such topics as dismantled cars, adult entertainment, fences, junkyards, littering, mobile homes, nuisance abatement, outdoor gatherings and recycling, to mention just a few.

7. Appointments.

The procedures for making appointments to township boards and commissions are outlined by their authorizing statutes, and they fall into two categories. In the first category are boards and commissions whose authorizing statutes give the township board the authority to appoint the members. Boards of review (MCL 211.28) and zoning boards of appeals (MCL 125.288) are in this category.

The authorizing statutes for boards and commissions in the second category give the township supervisor the exclusive right to select the members who will serve. The full township board then confirms the selection. Planning commissions (MCL 125.3815(1)) and downtown development authorities (MCL 125.1654) fall into this category, among other positions.

Statutes also authorize the township board to appoint numerous positions within the township, including assessor (MCL 41.61), attorney (MCL 41.187) and auditor (MCL 141.425).

In some cases, appointed officials have a definite term of office, defined by a specific statute. For other positions, the term is at the discretion of the township board, which can either specify a definite term or have the position continue for an indefinite term.

8. Planning and zoning.

Townships have statutory authority to plan and zone growth and development within their boundaries. Through the planning and zoning functions, townships can promote a desired community character, guide growth and development decisions, ensure that growth and development decisions are fiscally sound, protect property values and natural resources, ensure compatibility of land uses, and prevent the creation of nuisances, overcrowding and inappropriate uses of property.

A township's legal authority to plan and zone is derived from the Michigan Planning Enabling Act, Public Act 33 of 2008 (MCL 125.3801-125.3885), and the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101-125.3702).

The MPEA authorizes townships to plan, create a planning commission, and regulate and subdivide land. The MZEA enables townships to adopt a **zoning ordinance**, which regulates land use based on the division of the township into zones. For example, a township zoning ordinance may limit the placement of multiple-unit residences to certain zones, and agricultural activity may be assigned to other zones, according to a master plan.

9. Ethics.

As elected public officials, township board members must faithfully perform their official duties as authorized and limited by state law. MCL 41.96 authorizes township boards to assign additional non-statutory duties to township officers and to compensate them for those duties. However, there are state statutes, court cases and attorney general opinions that affect an individual's ability to hold a township office and another position within the township or another political entity. "Incompatible public offices" occurs when a public official simultaneously holds two offices that result in: 1) the subordination of one public office to another, 2) the supervision of one public office by another or 3) a breach of duty of public office. The determination of whether the two offices are incompatible is made on a case-by-case basis.

With certain very limited exceptions, the law prohibits township board members from contracting with the township. In addition, township officials may not engage in a business transaction in which they may profit from their official position or authority, or confidential information. It is prudent to avoid situations where there is even the appearance of conflict of interest. To a great extent, Michigan law requires public officials to take the initiative in disclosing a potential conflict of interest before participating in decisions that could serve their own self-interests. Under most circumstances, public officials can avoid potential conflicts of interest by disclosing their conflicts, refraining from participating in any deliberations and abstaining from voting on the issue.

10. Human resources.

Township are not only public entities, they are also public employers. MCLs 41.75a and 42.9 authorize a township board to employ employees and create additional officers as needed, as long as those actions do not diminish the duties or responsibilities of the elected officials. All townships are required to appoint a deputy clerk (MCL 41.69) and deputy treasurer (MCL 41.77).

Depending on its size and the services offered, a township may employ many individuals in addition to the township board, including, but not limited to, deputy supervisor; assessor; charter township superintendent; manager; planner; clerical and maintenance staff; police, fire and emergency medical personnel; cemetery sexton(s); election inspectors; constable; building, plumbing, electrical and mechanical inspectors; zoning administrator; librarian; public works staff; parks and recreation staff, and board of review, planning commission, zoning commission and zoning board of appeals members.

All township board members must be aware of both state and federal employment law, including the Americans with Disabilities Act, Veterans' Preference Act and Fair Labor Standards Act.

—Compiled by MTA Staff

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Township Supervisor

(1) Township Government Operations

- Demonstrates knowledge about township (general law or charter) government responsibilities, functions and powers
- Identifies the major functions of each branch of government—local, state and federal—along with their relationship to one another
- Understands the statutory duties and responsibilities of the office of township supervisor
- Aware of the roles and responsibilities of other elected and appointed offices in the township
- Demonstrates knowledge of the various committees, boards and commissions serving the township, including their roles and responsibilities
- Understands how township policies and procedures are set
- Demonstrates knowledge of how ordinances are lawfully adopted and legally enforced

(2) Interpersonal Skills

- Communicates effectively
- Listens attentively
- Works effectively with individuals, departments and committees to achieve desired outcomes
- Possesses knowledge of what constitutes ethical behavior
- Manages adversity and hostility effectively

(3) Leadership Abilities

- Possesses vision, especially relative to the township's needs or potential
- Leads effective board meetings and is knowledgeable about parliamentary procedure
- Possesses effective policy-making skills and decision-making skills
- Utilizes consensus-building techniques
- Possesses persuasive/influential abilities
- Motivates others to achieve desired outcomes
- Utilizes public relations skills to position the township positively

(4) Management Skills

- Makes decisions consistent with desired outcomes
- Utilizes strategic planning to attain objectives
- Develops and oversees the budget
- Understands purchasing policies and the bid process
- Possesses knowledge of personnel administration
- Understands the collective bargaining process, including legal framework (only applicable to some townships)
- Negotiates issues and contracts effectively

(5) Township Issues

- Possesses knowledge about current issues affecting townships
- Aware of legal matters that could impact the township
- Understands the elements of risk management
- Aware of financial matters affecting the township, including revenue sources
- Possesses knowledge about land use
- Understands the planning and zoning process
- Possesses knowledge of township services and their policy implications

Superintendent

A charter township board may appoint a township superintendent and may delegate to him or her any or all of the functions and duties listed in MCL 42.10(a)-(o).

If there is no board-appointed superintendent, or the superintendent has not been delegated any or all of the duties in MCL 42.10(a)-(o) by the township board, then the charter township supervisor exercises those duties not delegated to a superintendent.

Superintendent Duties

A superintendent may be delegated any or all of the duties in MCL 42.10:

- (a) To see that all laws and township ordinances are enforced;
- (b) To manage and supervise all public improvements, works, and undertakings of the township;
- (c) To have charge of the construction, repair, maintenance, lighting and cleaning of streets, sidewalks, bridges, pavements, sewers, and of all the public buildings or other property belonging to the township;
- (d) To manage and supervise the operation of all township utilities;
- (e) To be responsible for the preservation of property, tools, and appliances of the township;
- (f) To see that all terms and conditions imposed in favor of the township or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (g) To attend all meetings of the township board, with the right to take part in discussions, but without the right to vote;
- (h) To be a member, ex officio, of all committees of the township board;
- (i) To prepare and administer the annual budget under policies formulated by the township board and keep the said board fully advised at all times as to the financial condition and needs of the township;
- (j) To recommend to the township board for adoption such measures as he may deem necessary or expedient;
- (k) To be responsible to the township board for the efficient administration of all departments of the township government;
- (l) To act as the purchasing agent for the township or, under his responsibility, delegate such duties to some other officer or employee;
- (m) To conduct all sales of personal property which the township board may authorize to be sold;
- (n) To assume all the duties and responsibilities as personnel director of all township employees or delegate such duties to some other officer or employee;
- (o) To perform such other duties as may be prescribed by this act or required of him by ordinance or by direction of the township board, or which are not assigned to some other official in conformity with the

provisions of this act.

Superintendent or Manager?

According to MCL 42.10a, if a charter township has not appointed a township superintendent under MCL 42.10, the township board may employ a township manager, but that position should be distinguished from a charter township superintendent. A superintendent has statutory authorities under MCL 42.10(a)-(o) that a manager does not have. (Note that a charter township superintendent may be referred to as a "manager," but the distinguishing characteristic is whether the township board has designated to the position any or all of the duties under MCL 42.10.)

What is the authority of a "personnel director" in a charter township?

MCL 42.10 authorizes a charter township board to appoint a township superintendent and to delegate to that person any one or more of designated functions (a) through (o) that it desires to delegate. Any functions not so delegated are required to be exercised by the supervisor. Function (n) provides: "To assume all the duties and responsibilities as personnel director of all township employees or delegate such duties to some other officer or employee."

The statute does not define any duties of a "personnel director."

If a charter township board has not adopted any specific ordinance or resolution to the contrary, it is the opinion of MTA Legal Counsel that a personnel director receives employee complaints, makes personnel files on employees, arbitrates any conflicts between employees and makes recommendations to the township board concerning any reorganization of the office, discipline, demotion or termination of employees and should be prepared to support his or her recommendations at any public hearings required or board considerations of such recommendations.

The Attorney General, in Opinion 5939 of 1981, took the position that the quoted paragraph (n) did not authorize the personnel director (whether it be the supervisor or a separate individual) to unilaterally terminate the employment of a township employee. Such authority would only exist if specifically delegated by township ordinance or township board resolution. Otherwise, such authority only exists in the township board, which also has the authority to hire employees.

It is MTA Legal Counsel's opinion that the demotion or assignment of an employee to a different position would similarly only be within the prerogative of the township board.

The case of Armstrong v Ypsilanti Charter Township, 248 Mich App 573 (2001), also has some bearing on this question. It upheld the right of the township board to abolish the supervisor's "administrative assistant" contrary to the supervisor's wishes. To support this decision, the court referred to MCL 42.5 and 42.9, which vests all legislative authority and powers in the township board; grants all general law township powers to a charter township board; and authorizes the township board by resolution to "create such additional officer as may be necessary to administer the affairs of the township government, or may combine any administrative offices in any manner not inconsistent with state law, and prescribe the duties thereof." The court went on to say that "inherent in the board's authority to create such a position is its authority to abolish it." The court further went on to say:

"Therefore, a charter township is made up of a legislative 'branch' only and does not include an 'executive branch'. As the Michigan Townships Association puts it in its helpful amicus curiae brief, 'townships are a unique form of government in which there is no clear separation of executive and legislative powers between elected officials'. Accordingly, a township supervisor, despite the use of the term 'executive officer' in the Charter Township Act, is simply the leader within the legislative township board, having voting power equal to any other board member. Rather clearly, we believe, when the

Legislature used the term 'executive officer' in the Charter Township Act, it did so in relationship to the township board, itself a legislative body'."

Finally, the court said:

"[W]e conclude that MCL 42.9 does not require a township supervisor's recommendation to abolish a position."

MICHIGAN CHARTER TOWNSHIPS' SUPERVISOR STATUTORY DUTIES: A
COMPARISON BETWEEN ELECTED SUPERVISORS AND APPOINTED
SUPERINTENDENTS

By

Richard M. Everett III

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MICHIGAN CHARTER TOWNSHIPS' SUPERVISOR STATUTORY DUTIES: A
COMPARISON BETWEEN ELECTED SUPERVISORS AND APPOINTED
SUPERINTENDENTS

Richard M. Everett III, M.P.A.

Western Michigan University, 2010

Charter townships in Michigan can be managed by an elected supervisor or appoint a superintendent or manager. Through personal interviews the management processes of the two different systems (elected versus appointed) are compared. Additionally, functions which lead to political or managerial conflict are examined with recommendations of how to avoid such conflicts.

Based on the interviews the appointed system of management allows for a more cohesive and politically neutral form of township management. The key factors to this are clear lines of responsibility and buy-in from the township board. This arrangement serves best when administration and implementation are left to the superintendent and policy direction is left to the township board.

MICHIGAN CHARTER TOWNSHIPS' SUPERVISOR STATUTORY DUTIES: A COMPARISON BETWEEN ELECTED SUPERVISORS AND APPOINTED SUPERINTENDENTS

EXECUTIVE SUMMARY

There are two types of government structures allowed by statute for charter townships in Michigan. A charter township can have a purely elected administrative body or can appoint an administrator to carry out the duties of the elected administrator. The purpose of this paper is to determine the difference in managerial processes in the two types of systems as well as identify political and/or managerial conflicts.

Sixteen interviews were conducted with six appointed township superintendents, five supervisors from townships that employ a township superintendent, and four supervisors from townships that do not employ a township superintendent. Information from the interviews was used to identify management styles as well as sources of conflict between appointed and elected officials.

The results of the interviews indicate superintendents and supervisors in an appointed system agree their system is more proficient in the day-to-day administration than the purely elected system. Supervisors of non-appointed system townships do not totally disagree, however feel the system may not be appropriate for their particular township.

Conflicts whether political or managerial do exist in any type of township, however the appointed system, when clear roles are defined and accepted, appears to minimize the amount of conflict.

TABLE OF CONTENTS

Introduction.....	1
Literature Review.....	4
Research Methodology.....	9
Data Analysis and Findings.....	14
Conclusion.....	32
Appendix A.....	34
Appendix B.....	35
Appendix C.....	36
References.....	37

INTRODUCTION

There are currently 1,242 townships in the State of Michigan. Under Michigan law a township is allowed to be one of two types, a general law township or charter township. As of March 2007, 137 townships in Michigan are charter townships, (Michigan Townships Association, 2007). Charter townships have more governmental authority and responsibilities than general townships; one right given to them is the right to appoint a township manager or superintendent. Charter townships are comprised of a seven-member board (general law township have five-member boards), are allowed to collect more in property taxes, and must provide certain municipal services. Perhaps the greatest difference between general townships and charter townships is the protection offered from annexation granted to charter townships.

Regardless of the type of township, every township in Michigan has three constitutional officers (local elected officials) consisting of supervisor, clerk, and treasurer. Each local elected official runs for the specific office (supervisor, treasurer, and clerk) and serves a four-year term, with no term limits imposed. Michigan law dictates different responsibilities for each local elected official, however the supervisor is often seen as the “head” of the township (Bauckham, 2000).

This research will focus on charter townships in Michigan. Due to the differences in structure, as well as duties imposed by state law, both types of townships cannot be compared side-by-side. Additionally, only charter townships are allowed to appoint a township superintendent who can carry out duties of the elected supervisor. General law townships may appoint a township manager which has a broader range of duties as delegated by the township board. Charter townships can likewise appoint a township manager in the same fashion a general law township can, however a general law township cannot appoint a superintendent.

The supervisor position is legally required in both types of townships regardless if they appoint a manager or superintendent. The supervisor in both general law and charter townships are required to chair the township board meetings and other statutory mandated duties. The appointed manager or superintendent cannot replace a supervisor from township government.

Township managers and township superintendents are two unique positions allowed under Michigan law; this research will only focus on township superintendents. The law allowing for superintendents is specific as to what duties the superintendent may perform, namely only duties which fall in the township supervisor's realm of responsibility. Township managers on the other hand may be delegated any number of duties from any number of elected officials with the approval of the township board.

Many townships in Michigan depend on the elected township supervisor to manage the political and management functions of their organization, as dictated by Michigan law. The elected supervisor does not have to meet any level of prerequisite knowledge; the only requirements imposed on candidates is they must have residency in the township and be eighteen years of age. Based on these minimal requirements, township supervisors may come with a diverse background of knowledge, skills, and abilities which may or may not be related to local government administration.

The role of township supervisor requires the ability to effectively manage several different functions, both managerial as well as political. Specific functions of the supervisor are enumerated in Michigan law; politically the supervisor serves as the figure head of the township, much like a mayor of a city. The ability of the supervisor to manage these functions appropriately plays a key role in the public perception of the effectiveness of local government.

Through the use of interviews of elected charter township supervisors as well as appointed charter township superintendents in Michigan this research seeks to determine the difference in how some of the statutory duties are carried out between the two types of administrators. These differences will assist in examining any political conflict or managerial conflicts which may be present in an appointed superintendant system. Although the duties listed in the statute are not overtly political, as with any political establishment political influences will find their way into purely operational tasks. This research will also shed light as to how the appointed superintendent system changes overall managerial performance in township governance.

Limitations of this research include the inability to report on the effectiveness of one system over the other. Future research will need to be conducted to determine what system is more effective in terms of managerial performance. This paper seeks only to determine the differences in the management processes between the elected supervisor and the appointed township superintendant. Understanding the differences in functions and priorities between elected township supervisors and appointed township superintendents will lead to a better understanding of the differences in functionality which ultimately will lead to future research in determining the effectiveness of one system over the other.

LITERATURE REVIEW

Every local government must have at its head a leader who carries out those duties necessary to execute the functions assigned to it. In most local governments the people elect the individual who serves as this leader. Local governments may operate as a board or commission, but there is ultimately one individual at the top of the organizational structure. Specifically to township government in Michigan it is elected township supervisor. Unlike most business environments the supervisor may not have any previous knowledge or experience in running such an organization. It can be assumed that professional managers have the necessary knowledge skills and abilities to manage a local government unit due to their educational background and job related experiences. It cannot be assumed elected officials have the necessary educational or job related experience to effectively manage a local government unit.

The review of the current literature, which focuses on managerial issues related to local government, will be organized into three sections. The first section contains literature which supports the researcher's propositions by attesting to the managerial skills necessary for local government. The second section contains literature which may not directly support the researcher's propositions. The third section discusses the gaps in the current literature and where the proposed research will close some of the identified gaps.

Literature Supportive of Propositions

Examining the literature about the qualification of the local elected official it is revealed the importance of the local elected official (if no appointed administrator exists) as being the sole person responsible for the management of the local governmental unit. Avellaneda (2009, p. 286) found in her research the importance of the local elected official (mainly a mayor) as being

“a one-man band, being in charge of most activities that require a certain degree of qualification.” Avellaneda stated in order to be an effective administrator requires a certain degree of qualification.

In examining the education of a local elected official, it is found to directly correspond to the performance of the elected official.

A mayor’s ability to perform, then, might be a function of his or her educational background because it helps mayors anticipate the consequences of both their actions and omissions. We would expect, for example, that the more educationally qualified a mayor is, the more competent his/her decisions will be. This individual performance, in turn, influences organizational performance. (Avellaneda, 2009 p 287)

Education is seen as a factor which directly impacts the performance of a local elected official.

As stated above it cannot be assumed the elected official will have any degree of education from which to base decisions.

In research conducted by French and Folz (2004) the tie between the appointed manager and elected official was made apparent where in each individual shares a role in the administration of the local government. They quote Svava “council-manager cities may achieve an appropriate balance between the knowledge and expertise of professional administrators and the responsiveness of elected officials.” (French & Folz 2004, p 54). In this example it is illustrated that professional managers have a certain level of expertise based on their background and education which makes them more effective managers. The elected official serves as the public face of the governmental unit by seeking input from the public to shape the direction of policy.

Reilly further addresses the importance of local government and thus an effective leader at its head. Reilly (2007 p. 49) states, “Local government is generally seen as the most responsive form of government because it is the one that is closest, and more accessible, to

citizens.” Local government is the often the first stop for citizens needing services because it is the most accessible branch of government. The researcher would argue this to be true based on his personal experiences in dealing with the public. Experience shows the township hall is the citizen’s most common point for government interaction.

The role of the local administrator has changed; looking back historically the professional background of local government leaders was technical in nature due to the emphasis on public works projects (water, sewer, garbage collection, etc). Today the focus has shifted from these technical problems to a focus which requires a professional manager which is more of a generalist in nature due to the need of the leader to provide a wider range of knowledge and skills to cover more areas. (Reilly 2007, p 51).

In addition to the changing functional role of local administrators, Coombs and Miller (1999) found on going development is a necessity in public administration. Their research found that most elected officials once in office do not receive on going education which would enhance their performance as a public administrator. For an elected official to be elected without a background in public administration would find themselves further behind the learning curve.

Appointed managers can better manage a local government unit while not getting in the way of department heads. “They (department heads) now realize it doesn’t change their ability to get things done...it allows a lot more coordinated management approach to the city’s day-to-day function. (Shubert as quoted by Okubo, 2005) El Paso accepted the charter change due to a high mayoral turnover rate which did not allow for long-term city planning. Through the use of the manager form of government the city (both elected officials and the electorate) hoped to provide a more long-term thinking professional government.

Novak and Burkett (2010) recognize there is an emphasis on local government leadership however management is a critical function for local government performance. This management requires systems to be put in place in order for the manager to track performance and projects. The manager is responsible to “ensure the intended results are produced for the organization and core services are provided in a cost-effective and efficient manner.” (Novak and Burkett 2010, p 12) The authors focus on the importance of management as a part of leadership in order to ensure an efficient administration of local government services.

Literature Unsupportive of Propositions

Literature exists which shows no relationship between increased fiscal performance and a professional manager system of local government. Fiscal performance is often used as a way to measure overall performance. Deno and Mehay (1987) found no statistical evidence city manager based systems fiscally outperform mayor-council forms of government. This research may indicate fiscal performance is not improved based on the type of local government structure, but there are other measures of performance not addressed. Deno’s and Mehay’s research does not address how the functions were accomplished which could lead to other types of performance improvement. The proposed research seeks to show functions are accomplished differently; future research could go to prove one system more efficient than the other.

Research conducted by Berman and West (2003) found 41% of public sector managers were mediocre. This group consisted of professional public managers, and may indicate professional managers who have the necessary knowledge and skills to effectively manage public organizations lack the commitment and values to manage. Again this does not affect the primary research question but may put a dent in the secondary research question.

Conclusion

The literature places an emphasis on the changing role of local government. As the role for local government constantly evolves and changes to meet the needs of those it serves the constant is a leader must manage the functions mandated by law. Through the literature it is identified local managers need to be generalists and possess certain skills and abilities to manage effectively.

Literature concerned with how functions in local government are carried out based on the governmental structure could not be located. The proposed research will address this issue by showing how different governmental structures accomplish those tasks mandated by law. As previously stated the proposed research does not examine if one way is more effective or efficient than the other, only that differences exist. Future research will hopefully be able to answer the effectiveness question. Additionally the researcher was unable to find literature relating specifically to elected township supervisors and appointed township superintendents.

RESEARCH METHODS

Theory and Conceptual Model

The main research question this project seeks to answer is how the two types of administrators (elected versus appointed) manage their statutory duties. It is expected the appointed superintendents will manage their duties in a more politically neutral and professionally competent manner. An additional question is are there political or managerial conflicts in the appointed township superintendant system between the appointed superintendant and the elected supervisor. Insight as to how conflicts are resolved between the two positions will allow future administrators to learn how to avoid them. Thirdly, is it proposed the appointed township system will allow for more interaction within the greater regional community and there will be more of an emphasis on inter-governmental cooperation in appointed systems.

Gaining insight into these three areas will allow the researcher to examine the affects on managerial performance in appointed superintendent systems. Factors such as education, previous occupation, and tenure within local government are expected to play a role in the way the responsibilities are managed.

The main data collection method for the research was personal interviews of three main subject groups. The first interview group is appointed charter township superintendents. The second group is elected charter township supervisors which utilize an appointed township superintendent. The third interview group is elected charter township supervisors which do not employ an appointed township superintendent. The researcher believes interviews will allow for better data collection than surveys or other qualitative instruments. Interviews will allow for a

more in-depth analysis of the way supervisors and superintendents manage their duties as well as the relationship the appointed superintendent shares with the elected supervisor.

The data gained from the interviews will help answer the main research questions as well as help support the proposed propositions. The type of interview utilized was the semi-structured interview. This allowed for scripted questions to open the path for answering the research questions while still allowing the researcher gain more depth through follow-up questions. Validity was maintained by crafting the structured part of the interview to ensure the research questions are being answered. The interview questions relate directly to the research questions therefore validity of the research will be maintained. Reliability was maintained through ensuring the structured component was consistent in all interviews. Additionally, the interviews were conducted by the same researcher as well as recorded adding to the reliability of the research.

Data Collection

The data used to answer the research question was primary data gathered from personal interviews. Interviews were conducted with six appointed charter township superintendants as well as five elected supervisors whose townships use the appointed system. Four of the elected supervisors and superintendents were from the same township. Additionally four charter township supervisors who do not have an appointed superintendant were interviewed. Through these series of interviews data was collected as to how each system (elected only versus appointed) operates.

The interviews determined what statutory duties the supervisors and superintendents perform and in what manner they perform them. The specific duties which apply to charter township supervisors can be found in Michigan Compiled Law 42.10 and are the only duties this

research compared between elected charter township supervisors and superintendents. These duties include:

- a. to see that all the laws and township ordinances are enforced;
- b. to manage and supervise all public improvements, works and undertakings of the township;
- c. to have charge of the construction, repair, maintenance, lighting and cleaning of streets, sidewalks, bridges, pavements, sewers, and all public buildings or other property belonging to the township;
- d. to manage and supervise the operation of all township utilities;
- e. to be responsible for the preservation of property, tools and appliances of the township;
- f. to see that all terms and conditions imposed in favor of the township or its inhabitants in any public utility franchise or in any contract are faithfully kept and performed;
- g. to attend all township board meetings;
- h. to be an exofficio member of all committees of the township board;
- i. to prepare and administer the annual budget under policies formulated by the township board and keep the board fully advised at all times as to the financial condition and needs of the township;
- j. to recommend to the township board for adoption such measures as he or she may deem necessary or expedient;
- k. to be responsible to the township board for the efficient administration of all departments of the township government;

- l. to act as the township's purchasing agent or, under his or her responsibility, delegate such duties to some other officer or employee;
- m. to conduct all sales of personal property that the township board may authorize to be sold;
- n. to assume all the duties and responsibilities as personnel director of all township employees or delegate such duties to some other officer or employee,

It should be noted there is one additional power which may be granted to the township superintendent. The "fifteenth power" is a broad power stating the township board can grant any duty not prohibited by law to the township superintendant. Since townships may use this power in a multitude of ways it is not included in this research. The remaining fourteen duties are specific items which can be easily examined.

The interviews allowed for an open dialogue designed to obtain qualitative data and furthermore assisted in determining what methods both types of township administrators use to manage those duties listed above. The goal of the interviews was to paint a picture for the researcher which illustrates how the statutory duties are managed. Using this information the research assessed patterns which may appear in the methods used.

The purpose of the interviews is to examine how the statutory duties are managed in both types of systems. The researcher through interviewing the township supervisor determined the impact the township superintendent has on the supervisor's role. Thirdly interviews of charter township supervisors which do not employ a superintendent provided insight as to how the fourteen duties are managed by an elected official versus an appointed one.

The interviews were voice recorded and the recordings used to determine the salient

themes in each interview group. All but two of the interviews were conducted by telephone. One interviewee was within close enough proximity where a personal interview was used. A second interview was conducted via e-mail due to scheduling constraints with the interviewee. The identities of the interviewees as well as the townships they work for will be kept confidential. The researcher will secure the original recordings of the interviews until no longer necessary.

DATA ANALYSIS AND FINDINGS

In all fifteen interviews were conducted between the three research groups, representing a total of eleven charter townships. Table 1 contains the charter townships comparison.

Table 1 – Charter Township System

<u>Township</u>	<u>System Used</u>	<u>Population Density (population/mi²)</u>
1	Appointed Superintendent System	> 1000
2	Appointed Superintendent System	> 1000
3	Elected Supervisor System	500-999
4	Elected Supervisor System	500-999
5	Appointed Superintendent System	500-999
6	Elected Supervisor System	100-500
7	Appointed Superintendent System	100-500
8	Elected Supervisor System	100-500
9	Appointed Superintendent System	100-500
10	Appointed Superintendent System	< 100
11	Appointed Superintendent System	< 100

The data gathered was compiled and analyzed from which the research questions could be answered. To assist in this a seven phase process by Marshall and Rossman (2006) was used; organizing the data, immersion in the data, generating categories and themes, coding the data, offering interpretations, searching for alternative understandings, and writing the report.

The findings are presented by question with the responses from each of the three groups presented. A coding system is used to differentiate from the supervisors who operate with an appointed superintendent versus those supervisors who do not. Elected supervisors who work in the appointed superintendent system will have the acronym SUPER-ATS, and elected supervisors who do not work in the appointed superintendent system will have the acronym SUPER-EL. This coding system will allow for easier response identification due to the similarities in the titles for the three respondent groups.

The first question was basic demographic information consisting of age, gender, highest education level and years of service. The six superintendents interviewed were all male and had an average age of 50.5 years. Education levels among the superintendents were two Bachelors degrees (business and English), three Masters of Public Administration Degrees, and a Doctorate Degree in Public Policy. The average length of service at their current township was eight years, the average total length of government service was 24.5 years.

The SUPER-ATS had an average age of 66.2 years. Four of the supervisors were male and one was female. Educational experience consisted of one supervisor having a high school diploma, two Bachelors degrees (mechanical engineering and unknown), one Masters of Public Administration, and one Doctorate (dental surgery). The average length of service as elected supervisor in their current township was 1 year and 9 months. All the SUPER-ATS interviewed in this group had been elected supervisor in November of 2008. The average total length of local government service was 21.4 years.

The SUPER-EL had an average age of 50.3 years. There were three male supervisors and one female supervisor interviewed. Educational experience consisted of three Masters degrees (public administration, business administration and planning), and one bachelor's degree (business administration). The average length of service as elected supervisors in their current township was six years. The average total length of local government service was eight years. A comparison can be found in Table 2.

Table 2 – Supervisor and Superintendent Characteristics

Research Group	Average Age	Education Range	Average Service at Current Position	Average Local Government Service
Superintendents	50.5	Bachelors – PhD	8 years	24.5 years
Supervisors (appointed superintendent system)	66.2	Bachelors – PhD	1.75 years	21.4 years
Supervisors (non-appointed superintendent system)	50.3	Masters	6 years	8 years

Perhaps the most interesting results found in Table 2 is the difference in age between the SUPER-ATS and the SUPER-EL. The respondents in both groups were chosen at random, the interviewer did not have a hand in influencing the age of the respondents. One explanation of the difference could be due to SUPER-EL having more responsibilities versus SUPER-ATS. SUPER-EL are responsible for administration, policy, and politics which perhaps draws a “younger” demographic due to the full-time nature of the SUPER-EL position.

Another interesting difference is the years of service for those serving in an appointed system versus a non-appointed system. This was expected in the superintendent group due to the professional nature of the position. Government administration is a career field where you would expect to find administrators having years of service behind them. This finding was not expected in SUPER-ATS group since the pool of potential SUPER-ATS is so large; essentially anyone over the age of eighteen is eligible to run for supervisor. This table alone opens up other research opportunities to explore supervisor age and longevity based on the type of township system utilized.

When asked about the statutory duties outlined in Michigan Compiled Law 42.10 (MCL 42.10) all of the superintendents indicated they managed all of the outlined duties. One superintendent indicated he shared the personnel director duty with the elected township clerk, however he was still directly involved in managing personnel. The duties assigned to the

superintendents were either listed in their job descriptions or employment contracts. This allowed for a clearer delineation of the duties which assisted in the township staff as well as other stakeholders knowing who the responsible party was.

SUPER-ATS indicated the duties listed in MCL 42.10 were delegated to the superintendent. One supervisor indicated even though the personnel director duty was delegated to the superintendent they were still involved in personnel decisions. All the SUPER-ATS acknowledged just because the actual duties are performed by the superintendent it does not mean the SUPER-ATS are uninvolved. They keep informed through regular communication with the superintendent in order to know how the day-to-day operations of the township are functioning.

SUPER-EL indicated they were responsible for managing all duties listed in MCL 42.10. This would be in accordance with MCL 42.10 since it states the elected supervisor shall exercise any duty not delegated to a township superintendent. For this research group it was expected they would have the responsibility for the listed duties. Interviews with the SUPER-EL group revealed ultimate responsibility of the duties relied with them, however this did not mean the day-to-day operation of a duty was performed by the SUPER-EL. SUPER-EL delegated certain functions to the appropriate township staff who carried out the day-to-day administration.

The next question in the interview asked each research group to identify the three most important duties from MCL 42.10. The responses for the three groups can be found below in Table 3.

Table 3 – Ranking of Duties Listed in MCL 42.10

Township Superintendent Responses			
	Duty #1	Duty #2	Duty #3
2	Enforce ordinances (a)	Budget (i)	Efficient administration (k)
5	Budget (i)	Efficient administration (k)	Recommend to board (j)
7	Budget (i)	Efficient administration (k)	Recommend to board (j)
9	Budget (i)	Efficient administration (k)	Manage undertakings (b)
10	Budget (i)	Efficient administration (k)	Recommend to board (j)
11	Efficient administration (k)	Recommend to board (j)	Budget (i)
Township Supervisors Using the Appointed Superintendent System			
	Duty #1	Duty #2	Duty #3
1	Budget (i)	Recommend to board (j)	Efficient administration (k)
2	Manage twp. property (c)	Efficient administration (k)	Budget (i)
5	Enforce ordinances (a)	Manage undertakings (b)	Manage twp. property (c)
7	Manage undertakings (b)	Efficient administration (k)	Budget (i)
9	Enforce ordinances (a)	Committee member (h)	Budget (i)
Township Supervisors not Using the Appointed Superintendent System			
	Duty #1	Duty #2	Duty #3
3	Efficient administration (k)	Personnel director (n)	Committee member (h)
4	Manage undertakings (b)	Personnel director (n)	Attend meeting (g)
6	Enforce ordinances (a)	Budget (i)	Efficient administration (k)
8	Budget (i)	Efficient administration (k)	Enforce ordinances (a)

As illustrated in Table 3 two-thirds of the superintendents felt preparing and administering the annual budget (duty i) was the most important duty, the remaining superintendents had the duty elsewhere on their list. Of the fourteen duties which could have been chosen by the superintendents, only five of the duties were seen to be the most important by the appointed superintendents.

SUPER-ATS did not have as much consistency as the appointed superintendents. These supervisors listed a total of seven different duties, five of which were the same duties listed by the superintendents. The rank order of the duties were less consistent than the superintendent group. Responses from the superintendent and SUPER-ATS of the same township found

varying priorities, township #2 listed four duties between the supervisor and superintendent. The two duties, which were the same between the two officials, were not in the same order.

Township #5 had six different duties listed between the two interviewees; neither official chose a duty on the other officials list. Township #7's officials listed four different duties, with them agreeing on the second more important duty (efficient administration (k)). The other duty they had in common was most important for the superintendent but third-most important for the SUPER-EL. Township #9 had five different responses between the two officials, the one common duty was not seen as important to the supervisor as the superintendent. The common duty (budget (i)) was ranked most important for the superintendent and third most important for the SUPER-EL.

These findings would seem to indicate a lack of communication between the SUPER-ATS and superintendent or could indicate the superintendent and SUPER-ATS are not on the same page as to the priorities of the duties listed in MCL 42.10. The interview data indicated the SUPER-ATS played a greater role in policy direction whereas the superintendent was more responsible for the day-to-day operations of the township. The difference in the ranked duties may come from a difference in perspective each official has based on their perceived role in the township. A breakdown of the number of times a duty was listed can be found in Table 4.

Table 4: Frequency of Responses by Officials during Interview

Duty	Superintendent	SUPER-ATS	SUPER-EL	Total
Budget (i)	6	4	2	12
Efficient administration (k)	6	3	3	12
Enforce ordinances (a)	1	2	2	5
Recommend to board (j)	4	1	0	5
Manage undertakings (b)	1	2	1	4
Committee member (h)	0	1	1	2
Manage twp. property (c)	0	2	0	2
Personnel director (n)	0	0	2	2
Attend meetings (g)	0	0	1	1

The next question asked how the research groups managed the duties they were responsible for. In the superintendent group, a key component to the way the duties are managed is open communication between township staff and the township board. Additionally, there was a focus on township staff participation when considering matters affecting them. One superintendent stated, “If the township staff is part of the process they will help you sell the initiative to the rest of the staff.”¹

A specific example of staff involvement leading to a successful initiative was a township changing their health care plan. The superintendent stated rather than a “top-down” decision a committee of township staff was formed to make a recommendation as to the direction the township should go. The superintendent found value in this method as through the process those on the committee became advocates for the change. This allowed for more staff buy-in than had the superintendent made a decision on his own.

All the superintendents’ interviews mentioned collaboration when asked how they manage their duties. When asked why collaboration was important to his management style the superintendents indicated collaboration allowed for the strengths of individual staff members to benefit the township. Multiple superintendents mentioned they had department heads who had specific strengths and expertise in their department areas. They stated with that kind of expertise working for them their job was to manage the individual departments as one cohesive unit serving out the policy directions of the township board.

In addition to collaboration, staff empowerment was also a salient theme. One superintendent stated, “Empower staff to think on their own and make creative decisions.”² This particular superintendent allowed his staff to tackle problems on their own first. His staff

¹ Confidential Interview No. 1-10, 7/12/10

² Confidential Interview No. 1-11, 7/16/10

knew the boundaries they could operate within and they were allowed to problem solve accordingly. Allowing his staff to do this allowed for the superintendent to capitalize on the talents and expertise of the staff which may have otherwise not been captured.

Two superintendents specifically mentioned they try to manage their respective townships like a business. This does not mean they are focusing on profit, but rather paying attention to where money is being spent to insure solid investments. One township had recently undergone an energy survey to see potential energy savings. In addition to this the township was in the process of purchasing windmills to assist in their energy needs. All the superintendents mentioned the economic downturn of Michigan as playing a role in how they are forced to do more with less, trying to maintain services let alone expand them.

Superintendents stressed the importance of looking regionally at issues rather than “as an island.” Several townships had shared services such as water/sewer, fire, police, building officials, and assessing services. All the superintendents interviewed mentioned their role maintaining or expanding inter-organizational relationships with other government entities or organizations in the community. Superintendents played a role in maintaining these arrangements by attending meetings and serving on various boards which oversaw the shared services.

One example of this function was a township superintendent who chaired a sewer authority that serviced multiple jurisdictions. This same township also had shared police, fire, and code enforcement staff. When asked about the importance of this he stated it was not economically responsible for the township to have it’s own services, therefore shared services were explored and developed.

Another superintendent mentioned the importance of communication with other municipalities because actions taken by the township can affect those other entities and vice versa. This superintendent had regular meetings with other local, county, and state agencies to talk about regional issues which affect everyone in the area.

The superintendents interviewed all stated their position allowed for the township to keep a history of institutional knowledge sometimes not allowed under the electoral system. Staff may carry out the day-to-day functions of the specific duties, however the superintendents are there to ensure the proper management of those functions. When problems arise that fall outside the realm of a staff member the superintendent is there to offer guidance and input to solve the problem. One superintendent stated, "Let the people do their jobs, and provide assistance when needed to help them solve a problem."³

SUPER-ATS do not carry out the duties in MCL 42.10 so the question of how do they manage them does not apply. The SUPER-ATS stated they are not in the business of day-to-day administration; they have an appointed superintendent who takes care of that for them. In fact, all the SUPER-ATS in this system interviewed were part-time officials working anywhere from 10-30 hours per week. Several of these SUPER-ATS had other full-time employment, the SUPER-ATS position was seen in their eyes as more of a community service function than a traditional employment opportunity. Two SUPER-ATS stated if the position had been a full-time position and thus responsible for day-to-day administration they would not have run for the position.

SUPER-EL are responsible for the duties listed in MCL 42.10. These supervisors were full-time officials working at least 40 hours per week for the township. When asked how they

³ Confidential Interview No. 1-11, 7/16/10

manage the various duties there was indication from the supervisors there was a learning curve that they did not necessarily expect prior to taking office. During the transition period SUPER-EL relied on township staff quite heavily since the staff, especially the department heads, had the institutional knowledge of the organization. One SUPER-EL stated it was “quite overwhelming at first”⁴ when speaking about the initial few months on the job.

As the SUPER-EL gain experience several SUPER-EL stated they learned to delegate the functional activities to the proper township staff rather than attempt to carry everything out themselves. One SUPER-EL stated, “the staff is there to carry out the day-to-day activities which correspond to the duties, my job is to let them do their job.”⁵ Another SUPER-EL stated, “Duties often start at the supervisors office but then is delegated to someone more appropriate within the township.”⁶ The same SUPER-EL also stated “I delegate the activities to the people who have the talent to do them.”⁷ He then gave the example of how the treasurer is good with budget so the treasurer takes the lead on developing the township’s budget. Additionally the clerk handles the facilities maintenance management since that is a strength of that individual. Another SUPER-EL’s style developed into a system where they see their management style as “giving the proper tools to those doing the work.”⁸ This is weighed with the policy direction set by the board, and not a blanket “blank check” to departments.

Interviews with SUPER-EL indicated communication is the key factor when delegation is used, it allows for the supervisor to stay informed since ultimate authority for the listed duties rests with the supervisor’s office.

⁴ Confidential Interview No. 1-5, 7/16/10

⁵ Confidential Interview No. 1-5, 7/16/10

⁶ Confidential Interview No. 1-9, 7/20/10

⁷ Confidential Interview No. 1-9, 7/20/10

⁸ Confidential Interview No. 1-4, 8/06/10

Another SUPER-EL indicated the management process was “fluid as you adjust to the individuals you serve and work with.”⁹ This SUPER-EL indicated at a minimum every four years there is potential for the three main positions (supervisor, clerk, and treasurer) to change due to election outcomes. Part of the challenge is to maintain consistency while realizing the leadership of the organization may change every four years. When asked about the challenge this presents to a township one SUPER-EL responded, “qualifications are not always synonymous with electability.”¹⁰

The next question asked about the additional work that comes with the position outside of the duties listed in MCL 42.10. Superintendents when asked about additional responsibilities had a common theme of communication and education. An example of this is educating the township board as to their policy decisions and how they will play out in the community. Another form of this is communicating and educating the public. One superintendent stated, “Some people do not want to talk to a person in the department they want to speak directly with the superintendent’s office.”¹¹ Although not listed as a specific duty, communication and education of the board and the public was the largest “non-listed” duty that superintendents spent time on.

For the SUPER-ATS group the question of additional duties did not apply since they do not carry out the duties listed in MCL 42.10. Any functions performed by the SUPER-ATS officials were within the scope of their office. The main findings with the SUPER-ATS group were their “duties” are mainly policy and politically oriented. The one duty every SUPER-ATS performs is to chair the township board meetings.

⁹ Confidential Interview No. 1-9, 7/20/10

¹⁰ Confidential communication No. 1-7, 7/29/10

¹¹ Confidential Interview No. 1-8, 7/13/10

The SUPER-EL have several additional duties outside of MCL 42.10, in general their duties comprise those of the appointed superintendent as well as the SUPER-ATS. The SUPER-EL are responsible for the duties listed in MCL 42.10 as well as the additional political and policy issues. Interviews with SUPER-EL indicated they understood their role as both administrator, policy maker, and politician.

The next question asked the research groups what things took time away from carrying out the duties listed in MCL 42.10. Many of the responses from the superintendents were responsibilities that fell under MCL 42.10, however they were not as high a priority as other duties. The largest example of this is the superintendent carrying out the duty of personnel director (duty n). One superintendent stated he had to spend time resolving personnel issues which could not be resolved at the department level. The superintendent indicated he would rather not have to spend time with these issues, but realized it is a duty under his responsibility.

A majority of the superintendents mentioned a lack of resources as affecting their ability to carry out their duties. There may be a push for an initiative but the township lacks the resources (financial, time, capital) to carry them through. In this case the superintendents role is to work with the policy makers to prioritize those issues which are competing for scarce resources. One superintendent stated “the key is to prioritize based on timelines and the available resources for the various projects.”¹²

Another example listed by several superintendents were “emergency” issues. These were most often characterized as issues which only affected a few individuals but in their eyes were considered “emergencies.” These issues often lead to the superintendent spending time with the

¹² Confidential Interview No. 1-11, 7/16/10

individuals to address their concerns. Another superintendent labeled these issues as “NIMBY issues.”

Again since SUPER-ATS have delegated their duties to the superintendent the question of what takes time away from administering the duties does not apply. SUPER-ATS expressed the sentiment they were thankful there was a system in place which provided for the day-to-day administration so the SUPER-ATS could focus on policy and political issues.

SUPER-EL when asked what factors time away from the duties of MCL 42.10 listed similar issues as the superintendents as well as one not mentioned by superintendents. These SUPER-EL mentioned political issues took time away from the management of their statutory duties. When asked directly SUPER-EL stated the politics involved with their position as political head as well as management head slowed down their ability to manage. Additional time was spent in clearing up political issues before management of a particular initiative.

Questions were asked to gather insight from the superintendent as to what impact the SUPER-ATS had on the day-to-day administration of the township. Five out of six superintendents stated the SUPER-ATS has minimal to no impact on the day-to-day operations of the township. A common theme was there is always a learning curve with a new SUPER-ATS, but over time the impact is lessened. One superintendent stated, “The supervisor limits his role to public relations and nine out of ten times is coming to me with issues he wants to explore.”¹³

Additional superintendents echoed the same sentiment indicating the SUPER-ATS was happy with his part-time role as policy maker versus administrator. One superintendent stated, “The supervisor actually wanted out of the day-to-day administration and wants to focus on the

¹³ Confidential Interview No. 1-10, 7/12/10

overall policy decisions.”¹⁴ The same superintendent also stated, “The board sets the direction of the township, the superintendent’s job is to put the pieces in place to carry it out.”¹⁵

One superintendent however felt the supervisor and other board members play too much of an impact on the day-to-day operations. This superintendent stated “problems are arising when the supervisor wants to be involved, but shouldn’t be since those duties have been delegated to the superintendent.”¹⁶ This superintendent admitted in his opinion the supervisor (and other officials) played too active a role in administration.

SUPER-ATS were asked what impact the superintendent has on the day-to-day operations of the township through the viewpoint of the SUPER-ATS. The SUPER-ATS all mentioned themes of consistency, professionalism, and business-like attributes when speaking about the impact the superintendent has. The SUPER-ATS gave the impression that they did not have to worry about the day-to-day operations of the township and could focus on the policy decisions. This is in line with the responses from the superintendents, with administration out of the way, policy makers could be just that and not administrators.

Another impact the superintendent had on one particular township was assisting through a transition period where six out of seven board members were replaced. In this particular township the board members who were replaced did not work with the newly elected members. The SUPER-ATS stated the superintendent allowed for consistency during the transition, residents felt no day-to-day effects even though six out of seven board members were replaced. Without the appointed system the SUPER-ATS felt the transition would have taken considerably

¹⁴ Confidential Interview No. 1-08, 7/13/10

¹⁵ Confidential Interview No. 1-08, 7/13/10

¹⁶ Confidential Interview No. 1-11, 7/16/10

longer and there would have been potential for decreased productivity. This SUPER-ATS stated, “Without the superintendent in place the township would be further behind.”¹⁷

One SUPER-ATS felt the superintendent was able to look out for the long-term growth of the township better than any elected board could. A different SUPER-ATS stated the superintendent had strength in budgeting and has allowed the township to be further ahead with long-term initiatives. This supervisor feels being what he considers “further ahead” a direct result of the appointed system. He stated, “He manages the budget process better than any elected could and he looks into the future more than any previous board did.”¹⁸

The system of appointing a township superintendent allows for the elected supervisor of that township to focus on the policy issues rather than day-to-day administration. Questions were asked to both the superintendent and SUPER-ATS to determine what the focus of the SUPER-ATS is, realizing the administration is no longer the SUPER-ATS responsibility.

Superintendents unanimously stated the appointed system allowed the SUPER-ATS to focus on political and policy issues rather than administration. Another common theme was the SUPER-ATS is allowed to focus more on being the public figure head. One superintendent stated this system allowed his SUPER-ATS to be out in the community which he did not think would be possible under the non-appointed system. “It allows the supervisor to take an active role as a public relations person, attending the grand openings and ribbon cutting type events.”¹⁹

Another theme mentioned multiple times was the system allows the SUPER-ATS to focus on long-term policy decisions as well as take time to focus on initiatives they would otherwise not have time for. One example is a SUPER-ATS spending time on “green

¹⁷ Confidential Interview No. 1-10, 7/15/10

¹⁸ Confidential Interview No. 1-8, 7/13/10

¹⁹ Confidential Interview No. 1-3, 7/16/10

initiatives.” The superintendent “allowed the supervisor to be extracted from the day-to-day operations and focus on the bigger picture policy initiatives and lobby for political support.”²⁰

The same superintendent stated “what has happened here probably wouldn’t have happened here or would have occurred less frequently without the appointed system allowing the supervisor to focus on larger issues (seeing the forest for the trees)”²¹

SUPER-ATS were asked how the appointed superintendent affects their focus. A common theme confirms the purpose for the appointed administrator, which is because of an appointed administrator they could focus on policy and politics instead of the day-to-day operation. Some SUPER-ATS stated if the appointed system was not in place they would not have run for office.

Questions were asked to all three research groups as to their overall view of the appointed system versus the purely elected system. Superintendents as well as SUPER-ATS both stated they felt the appointed system was the proper and best way to administer township government. One superintendent stated “no question it is a much more effective way to operate, think of it like a CEO position in township government.”²²

SUPER-ATS also had a positive view with one SUPER-ATS stating, “What makes me qualified to manage 27 employees and a budget of \$9 million? SUPER-ATS were being unseated every four years and the only qualification you need is to be 18 and more popular than the person you are running against.”²³ The SUPER-ATS continued to state that no business would have an at large elected CEO at its head; it just does not make good business sense.

²⁰ Confidential Interview No. 1-12, 7/27/10

²¹ Confidential Interview No. 1-12, 7/27/10

²² Confidential Interview No. 1-10, 7/12/10

²³ Confidential Interview No. 1-1, 7/28/10

This same township was able to save over \$175,000 by making the supervisor, clerk, and treasurer positions part-time. The SUPER-ATS stated it was an easy decision for him to advocate for the appointed system because the township could save money and hire a professional manager. This SUPER-ATS believed the largest reason more townships do not have an appointed system is unwillingness for the main elected officials to give up a full-time job. "If the three main elected officials are against the change it only take one trustee vote to kill it."²⁴ This SUPER-ATS also acknowledged the previous SUPER-ATS would not have been willing to give up the "power" that comes with being elected supervisor. Perhaps the largest benefit this supervisor sees after the cost savings is "it takes a lot of the politics out of administration, it at least helps by drawing a line."²⁵

One SUPER-ATS while running for office was against the appointed system, however his view changed once he was in office and saw what it took to administer a township. This particular SUPER-ATS is a big proponent of appointed administrators due to the separation between administration and politics the system brings.

SUPER-EL also saw a benefit to the appointed system if it met the needs of the township. One SUPER-EL stated, "it should be viewed through the current circumstances of the township, how large the township is and how much work there is to do."²⁶ This same SUPER-EL admitted to having to lean on other staff members when the SUPER-EL was elected due to the unexpected issues associated with the position. Luckily at this township both the clerk and treasurer have been there over 15 years each, had their experience not been there it would have been a much

²⁴ Confidential Interview No. 1-1, 7/28/10

²⁵ Confidential Interview No. 1-1, 7/28/10

²⁶ Confidential Interview No. 1-5, 7/16/2010

more difficult situation. The SUPER-EL admitted that although they knew of the appointed system they were not familiar with how it would work in the context of their particular township.

One SUPER-EL presented the unique perspective of having had a superintendent but due to management issues was let go and not replaced. This SUPER-EL stated due to the stagnant growth of the community the board felt the three main elected officials could handle the duties. This SUPER-EL admits that he is still supportive of the system if the township conditions warrant it. At this time the SUPER-EL felt they could handle the administration and policy decisions without the assistance of a superintendent.

The next series of questions dealt with political and managerial conflicts. When interviewing the superintendents the focus was on conflicts between the superintendent and SUPER-ATS, as the role played by the superintendent is directly taken from the SUPER-ATS duties. All the superintendents mentioned at least some degree of political influences affecting their management ability. The degree of political conflict varied between the superintendents, however there was one superintendent who rarely experienced it while another experienced it quite regularly.

One superintendent was able to avoid a lot of conflict because after each election cycle he “has a pretty frank and open discussion”²⁷ with each board member as to the way the system should work. He credits this approach when he stated “an elected official stepping into the managerial/administrative side of things does not happen”²⁸ This superintendent credits laying out the roles each side plays (administrative versus policy) and maintaining open communication with the various board members to see the boundary is maintained.

²⁷ Confidential Interview No. 1-10, 7/12/10

²⁸ Confidential Interview No. 1-10, 7/12/10

One township interviewed had recently adopted the “policy governance” model of management. This model allows for the delineation of roles between the board, superintendent, and public to be clearly defined. The paths of responsibility are developed and adapted by the community. The “ends” of local government services are separated from the “means” used to accomplish it. (<http://www.carvergovernance.com/model.htm>) All available tools are on the table for township staff to accomplish the “ends” set forth by the township board, as long as they do not violate the standards set. This type of model allows for perhaps the clearest understanding of roles in local government. This understanding will further enhance the communication between the board, staff, and superintendent. The township implementing this system was excited to see the benefits this system would bring, the most noted benefit in their perspective was the benefit of a reduction in conflicts due to role confusion.

When asked how political issues affect his management one superintendent plainly stated “politics, elected officials can get in the way of the business plan.”²⁹ When asked how this is resolved the superintendent stated usually through communication and information sharing, often it is a result of someone not having all the information.

All but one of the superintendents stated the key to solving the conflicts is communication and education. One superintendent stated, “Communication is key to everything we do”³⁰ In some cases the SUPER-ATS (or other elected official) will get gung-ho on an issue and inadvertently cross the boundary between politics and administration. For cases such as these a simple reminder is all it took for the boundary to be restored without further incident. One superintendent expressed great success at minimizing the conflicts under his tenure when he stated, “after 20 years you get a feeling of how to manage issues which lead to political conflict.

²⁹ Confidential Interview No. 1-10, 7/12/10

³⁰ Confidential Interview No. 1-3, 7/16/10

Normally they are issues that deal with resource allocation, getting everyone on the same page prior to issues coming up goes a long way in preventing future conflict.”³¹

Another superintendent gave insight to a current issue regarding the township’s wastewater plant capacity. The current plant is nearing capacity so a decision needs to be made to either expand the current plant or contract with a nearby entity. The superintendent’s position is to expand the current plant whereas the SUPER-ATS is more for partnering. The superintendent stated “at this point my job is to present the facts of both plans and to advocate for what I feel is the best direction of the township. It is ultimately the boards decision to make based on the information available.”³²

One superintendent who expressed an increased level of conflict stated, “The board does not understand the role of the appointed superintendent and I do not currently have the support of the board because they are locked together.”³³ The particular area of conflict was with duty k, administration of township departments. Board members were interfering in the administration of this duty. When asked why the board still uses the appointed system the superintendent stated “I’m pretty sure it’s because of the severance agreement in my contract.”³⁴ This superintendent has on numerous occasions had to refer to the employment contract which identified which duties are to be carried out by the superintendent. This superintendent is the only one interviewed who expressed this level of conflict. The level of conflict in their townships did not concern the remaining superintendents as well as the supervisors interviewed. One superintendent stated “There is room for legitimate disagreement, everyone just needs to sit

³¹ Confidential Interview No. 1-10, 7/12/10

³² Confidential Interview No. 1-8, 7/13/10

³³ Confidential Interview No. 1-11, 7/16/10

³⁴ Confidential Interview No. 1-11, 7/16/10

down and have a frank discussion so all sides are clear. The majority of the time everyone will respect the roles of both positions (elected vs. appointed).”³⁵

Interestingly enough, an interview with an SUPER-EL found a unique perspective on the appointed system. One SUPER-EL interviewed indicated they were appointed to fill the last two-years of a four-year term. The plan was to use those two years to implement an appointed superintendent system, however after taking office this SUPER-EL felt he could carry out the job as a full-time SUPER-EL. This particular SUPER-EL has been in office for over 12 years now. This SUPER-EL did state while going through the preliminary discussion of switching to the appointed system he found it to be extremely important for the decision to be unanimous. This SUPER-EL felt an appointed superintendent would not work with a simple board majority supporting it, especially if the three main positions (supervisor, clerk, treasurer) did not support the system.

This sentiment was common between the superintendents as well as the SUPER-ATS. A simple 4-3 majority supporting the superintendent system allowed for those board member opposed to it to undermine and influence the system in a negative way. Interviewees concurred the more support at the board level for the appointed system, the better the system would perform.

³⁵ Confidential Interview No. 1-12, 7/27/2010

CONCLUSION

Three research groups, representing two management systems, were interviewed to determine the manner in which their statutory duties are managed. Additional questions sought to determine what, if any, political or managerial conflicts were present in the two systems. The first system was the appointed township superintendent system, where statutory duties of the elected supervisor are delegated to an appointed superintendent. Interviews of superintendents as well as elected supervisors using this system were conducted to answer the research questions. Supervisors of the second system which does not employ an appointed superintendent, were also interviewed to answer the research questions.

Both management systems appear to be working through the eyes of those inside them. Respondents of the appointed superintendent system agreed it allowed for professional and politically neutral management as long as there were clear roles defined for the supervisor and superintendent. Each SUPER-ATS interviewed had been elected in November of 2008 and expressed because of the superintendent being in place there were minimal transition issues as it allowed for an easier transition of officials due to the institutional knowledge possessed by the superintendent.

SUPER-ATS felt their respective townships were managed more professionally and with less political influences running the day-to-day activities. When political or managerial conflict did arise it was most often solved by communication and a re-education of the roles each party play in township governance.

Respondents of the SUPER-EL system stated they felt their system managing the duties appropriately. These SUPER-EL did admit to a significant transition phase and a lack of institutional knowledge as being a hindrance to their administration early on. At the time they

were interviewed these SUPER-EL agreed they were managing their duties appropriately. All the SUPER-EL did admit to the possibility of an “unqualified” individual ending up with the responsibility of managing, however they felt the non-appointed system was appropriate for their respective townships.

The finding which can apply across all levels of local governance is using effective communication and education to prevent conflicts. When conflicts do occur communication and education will most likely play a role in solving them. The data overwhelmingly pointed to communication and education as being the key preventative as well as solver to conflict. Additionally clear role definition is also extremely important to local government administration. This finding can be applied regardless of the type of system used. It could be argued that SUPER-EL should be just as concerned with role definition because there is not an appointed superintendent who would be recognized as the day-to-day operational manager.

There is something commendable where a system can exist where a supervisor gives up “power” which is theirs in order to better serve the citizens of their community. Those who served in a appointed system stated they felt their communities were better served when administered by an appointed superintendent. A few of these SUPER-ATS pointed to the fact they were no where near qualified to administer a township, even if legally it was their duty.

There may be no “one size fits all” township administration system, through those who work in both types, their type is the most appropriate. Ultimately the citizens will demand the type of administration system based on factors which are important to them. The data gathered through this research does point to the appointed administration system having operational and political advantages which would outweigh any disadvantages.

APPENDIX A
QUESTIONS FOR CHARTER TOWNSHIP SUPERVISOR WITH NO APPOINTED
TOWNSHIP SUPERINTENDENT

1. Demographic Information
 - Age
 - Gender
 - Education Level
 - Current township served
2. How many years of service in current position as elected local official?
3. How many years of service in local government?
4. Which of the 14 statutory duties do you carry out on a regular basis?
5. Of the statutory duties identified in question 4 which three do you deem to be the most important?
6. Provide examples of how you carry out the statutory duties listed above.
7. For each listed statutory duty how much time per week do you spend on it?
8. List the factors which take time away from the identified duties.
9. List the factors which change the actual priority of the duties identified.
10. Are you aware Michigan law allows for the appointment of a manager or superintendent?
11. Are you aware of the differences between the two systems?
12. What is your overall view of an appointed township manager/superintendent system?
13. What do you see as the advantages/disadvantages of such a system?

APPENDIX B

SAMPLE QUESTIONS OF CHARTER TOWNSHIP SUPERVISORS WHICH UTILIZE AN APPOINTED SUPERINTENDENT

1. Demographic Information
 - Age
 - Gender
 - Education Level
 - Current township served
2. How many years of service in current position as elected local official?
3. How many years of service in local government?
4. Which of the 14 statutory duties do you carry out on a regular basis?
5. Of the statutory duties identified in question 4 which three do you deem to be the most important?
6. Which statutory duties are delegated to the township superintendent?
7. Of the statutory duties identified in question 6 which three do you deem to be the most important?
8. Which statutory duties which remain your responsibility?
9. Provide examples of how you carry out the statutory duties which remain your responsibility.
10. What factors take time away from the statutory duties you carry out?
11. What factors change the actual priority of the identified duties you carry out?
12. What additional functions are you able to carry out due your township employing an appointed superintendent?
13. From your perspective as the township supervisor, what impact does the appointed superintendant have on the day-to-day and long-term operation of the township?

APPENDIX C

SAMPLE QUESTIONS OF APPOINTED TOWNSHIP SUPERINTENDENT

1. Demographic Information
 - Age
 - Gender
 - Education Level
 - Current township serving
2. How many years of service in current position as township superintendent at current township?
3. How many years of service as a township superintendent?
4. How many years of service in local government?
5. Which of the 14 statutory duties listed have been delegated to you?
6. Of the statutory duties delegated to which three do you consider the most important?
7. Provide examples of how you carry out the statutory delegated to you.
8. List any other duties or functions you carry out on a day-to-day basis.
9. List the factors which take time away from the statutory duties delegated to you.
10. From your perspective as an appointed official, what impact does the elected supervisor have on the day-to-day and long-term operation of the township?
11. From you perspective as an appointed official, what additional functions is the township supervisor able to carry out due to the township operating with an appointed superintendent?
12. Are their functions which you carry out which lead to political conflicts? What are the nature of those conflicts and how are the resolved?
13. Are their functions which you carry out which lead to managerial conflicts? What are the nature of those conflicts and how are they resolved?

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Texas Township appointed a superintendent in October, 2012. The following is from their website:

Role of the Superintendent

The Township Superintendent is appointed by the Board of Trustees and is responsible for the day-to-day operations of the Township's various departments. The Superintendent reports to the members of the Township Board as a whole and is responsible for the preparation and administration of the annual budget for all Township funds, oversees all public improvements and undertakings of the Township, and is responsible for personnel administration. Additionally, the Superintendent prepares and submits recommendations to the Township Board for their consideration and is responsible for the enforcement of Township ordinances, regulations and policies and represents the Township as needed in meetings and other communications with other local, state and federal organizations.

Responsibilities of the Superintendent

- **Township Administration**

The Superintendent reports to the Township Board and oversees the day-to-day operations of the township, including overseeing the Building, Planning and Zoning, Assessing, and Fire Departments, as well as all Township Parks & Facilities.

- **Financial Oversight**

In conjunction with the Clerk and Treasurer, the Superintendent is responsible for developing the Township's annual operating budget. This includes evaluating all funds and providing a recommendation to the Board for the next fiscal year, researching and providing recommendations on Capital Improvement projects, and more.

- **Human Resources**

The Superintendent is the Human Resources Director for the Township and manages all personnel, the hiring process, evaluating staff policies, and more.

- **Communication**

As part of managing the Township, the Superintendent ensures that there is seamless and transparent communication between the Township and its residents. This includes overseeing all communication channels such as the quarterly newsletter, website, social media pages, and more.

TOWNSHIP SUPERINTENDENT

Comstock Charter Township is seeking to fill its newly created position of Superintendent. This employee will serve at the pleasure of the Township Board, as chief administrative officer implementing directives and carrying out policies, and direct all internal services.

Master's degree in Community Development, Public Administration, Business Administration or related field preferred. A Bachelor's degree plus five years of direct experience in Public or Business Administration is required.

Five to eight years of related or progressively more responsible administrative experience in local government or business involving budget preparation, technical report writing, personnel administration, contract negotiations, finance, planning, public speaking, and policy development is required. These qualifications are guidelines only. Other combinations of education and experience, skills and abilities may be considered.

More information and complete job description can be found on our website at www.comstockmi.gov. We are an EOE.

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DRAFT 2016 TIMELINE
This Timeline May be Accelerated

June 20	Decide on interview committee structure total board for both screening and final selection. Or Screening Committee and top four (4) candidates – Full Township Board (This option was used for fire chief)
By July 5	Post to Website (full version of Job Description and deadline) Place Advertisements, as outlined previously, timeline permitting.
July 18	Confirm Vetting Process (need to identify a vetting process or hire Consultant to “vet” candidate)
Friday, August 12	5:00 P.M. Deadline
Monday, August 15	Township Board Selects Interview Committee (at Board Mtg)
Aug. 16-19 (select)	Interview Committee Selects Date(s) to Meet to Review and Select Candidates and establish interview questions.
August 22-26	Conduct Interviews
_____	– All Day Open _____ Afternoon Open
_____	– All Day Open _____ Afternoon Open
_____	– All Day Open _____ Afternoon Open
September 1-12	Conduct Interviews
_____	– All Day Open _____ Afternoon Open
_____	– All Day Open _____ Afternoon Open
_____	– All Day Open _____ Afternoon Open
September 14	Select candidate and submit recommendations to Township Board Reference Checks
Monday, Sept.19, 2016	Township Board Confirmation at meeting
October 3/2 Weeks	Start Date

**EMPLOYMENT AGREEMENT FOR THE
TOWNSHIP SUPERINTENDENT
COMSTOCK CHARTER TOWNSHIP**

THIS AGREEMENT is made this _____ day of _____, 2016, by and between COMSTOCK CHARTER TOWNSHIP, a Michigan municipality, hereinafter referred to as the Township or Township Board, and Scott Hess, hereinafter referred to as the Employee. The parties agree as follows:

1. **TERM:** The Township and the Employee agree to a two year term of employment as the Township Superintendent beginning _____, 2016.

2. **DUTIES:** The Township Superintendent shall have overall supervisory responsibility for the day-to-day Township operation pursuant to the Michigan Charter Township Act (Public Act 359 of the Pubic Acts of 1947) subject to the ordinances, policies, procedures, general rules and directives of the Township Board. The Employee agrees to maintain the qualifications, certifications, registrations to discharge said duties and agrees to carry out the administrative and operational functions as Township Superintendent of the Township as required by the Township Board. The Township Superintendent also agrees to use his best efforts and endeavors to promote the interests of the Township. Further, the Employee, as Township Superintendent, shall report to and work through the direction of the Township Board.

3. **EXTENT OF SERVICES:** The Employee agrees to accept employment as the Township Superintendent and, further, agrees to perform all duties and responsibilities of the Township Superintendent as required and described by the Township and the laws of the State of Michigan. The Employee agrees to devote such time, attention, skill, knowledge and professional ability as is necessary to most effectively and efficiently carry out the duties set forth in this agreement. The Township Board delegates the following duties to the Township Superintendent except where the duty would place the Township Superintendent in violation of the Incompatible Public Office Act (MCL 15.181 et seq.):

- (a) Supervise all Department Heads and employees, full and part-time contracted professionals, i.e., attorneys, engineers and auditors, report to Township Superintendent. The Superintendent shall not supervise the

Township Clerk and the Township Treasurer (or their deputies) in their performance of their respective statutory duties, but shall assist the Township Clerk and Treasurer in their performance of their respective statutory duties as requested by those officials.

- (b) Acts as Chief Administrative Officer of the Township. The Township Superintendent shall be responsible to the Township Board for the efficient administration of all departments of Township government. Regularly conducts staff meetings to coordinate departmental activities.
- (c) Prepares and administers the annual budget pursuant to the policies of the Township Board and keeps the Township Board advised at all times as to the financial condition and needs of the Township.
- (d) Administers the Townships personnel policies and acts as the Township's personnel director.
- (e) Meets and/or corresponds with citizens interested in Township operations and handles public complaints finding solutions to problems in a timely and courteous manner.
- (f) Makes recommendations to the Township Board for the adoption of such measures as the Township Superintendent may consider necessary for the operation of the Township. The Township Superintendent shall also review ordinances contracts and other written instruments before they are submitted to the Township Board.
- (g) If requested to do so by the Township Clerk, prepares the Township meeting agenda in conjunction with the Township Supervisor, and supervises the preparation of background information, packets and agenda items for distribution to Board members and others as determined by the Board.
- (h) Attends meetings with representatives of other units of government, business, citizens and self-interest groups on matters of mutual concern, as authorized by the Board, and issues reports on such. The Township Superintendent shall not act in any manner that would violate the Incompatible Public Office Act.
- (i) Reads extensively and keeps informed by attending various conferences, seminars and meetings within the State to keep current with Township government trends and needs.
- (j) Sees that all township ordinances are enforced and represents the Township in traffic prosecutions, local ordinance prosecutions or other matters requested by the Township Board.
- (k) Attends all meetings of the Township Board, with the right to take part in discussions, but without the right to vote.
- (l) To be a member, ex-officio, of all committees of the Township Board.
- (m) To conduct all sales or purchases of personal property which the Township Board may authorize to be sold or purchased.
- (n) To attend meetings of the Planning Commission, Zoning Board of Appeals, Parks and Recreation Commission, and any other meeting or meetings, as determined by the Township Board.

- (o) Acts as Township's purchasing agent, coordinating the authority with Department Heads or, under the Township Superintendent's authority delegates such duties to appropriately responsible Township employees.
- (p) Provide administrative assistance to all Commissions, the Board and Committees within the Township.
- (q) Keep the Township Board informed of problems, needs and concerns.
- (r) Perform such duties as may be prescribed from time to time by the Township Board along with duties required by ordinance or by statute that are not assigned to another official in conformity with the Michigan Charter Township Act.

4. **COMPENSATION:** For the satisfactory performance of the duties set forth under this agreement, including any expenses incurred therewith, the Township agrees to pay the Employee an annual salary in the amount of \$83,500, which shall be payable in installments in the same manner as other employees of Comstock Charter Township are paid. In addition, the Township Board agrees to review and adjust the Employee's base salary and/or benefits to the extent the Township Board shall determine desirable on the basis of their review of the Employee's performance. The performance review shall be performed annually or at such times determined by the Board.

Annually, on or before January 15 of each year that this agreement is in effect, the Township Board and Employee shall mutually establish annual goals to be achieved before November 15 of that year. These goals shall consist of i) objective performance targets of core performance metrics, and ii) subjective performance goals (e.g., leadership skills). The performance review and evaluation should show both strengths and weaknesses, if any, and be discussed with the Employee in a manner to provide the Employee with an opportunity to improve his abilities and service to Comstock Charter Township. On the anniversary date of the Superintendent's employment date, the Township Board may adjust the salary provided herein based on their review of the Employee's performance in meeting or exceeding the jointly agreed-to goals of the Board and the Employee.

5. **Residency Requirement:** The Employee shall be required to maintain residence within twenty-five miles of the borders of Comstock Charter Township. The

Board may review the residency requirement if circumstances warrant such action. Any other requirement of the Michigan Charter Act, MCL 42.11 (2) regarding residency shall be considered waived.

6. **OTHER EMPLOYMENT PROHIBITED UNLESS APPROVED:** Except as set forth below, Employee agrees that he may not be an employee, consultant, independent contractor, director, or any other agent of any other person, firm, corporation, or municipal, political, or other legal entity of any kind during his employment with the Township. Specifically, Employee may continue to serve (if duly elected) as Township Supervisor of Pine Grove Township (Van Buren County), as long as no issues of incompatibility arisen with Employee's duties as Superintendent for Comstock Charter Township. Additionally, Employee may remain a member of S Hess, LLC, a Michigan limited liability company. Employee may engage in civic and charitable activities that do not interfere with his employment under this Agreement and that do not conflict with the Township's interests. Employee may also engage in a paid or unpaid teaching assignment at a local college, university, or institution of higher education, provided he receives the Township Board's prior approval.

7. **PROFESSIONAL LIABILITY INSURANCE:** The Township will maintain for the duration of this agreement, and at current levels of coverage, its public officials liability insurance to protect the Township Superintendent against claims or actions against his personal property or income for any actions or failure to act in his/her official capacity. The Township Board shall reimburse the Employee for reasonable legal expenses as permitted by Michigan law for employment by Employee of legal counsel acceptable to Employee to defend himself against any lawsuits or legal actions taken against him in connection with his official duties as Township Superintendent.

8. **PROFESSIONAL DEVELOPMENT:** (a) The Township recognizes its obligation to the professional development of the Employee, and agrees that Employee shall be given adequate opportunities to develop his skills and abilities as Township Superintendent; and the Employee agrees to participate in professional development

activities, provided such participation does not consume a disproportionate amount of time and contribute to a failure on the part of Employee to discharge his duties as determined by the Township.

(b) The Township, subject to availability of funds within the budget and with advance approval, agrees to pay for travel and related expenses of the Employee for short courses, institutes and seminars that are necessary for professional development and for the good of the Township. Employee shall submit request for payment of such expenses in writing to the Board in advance of the activity he wishes to participate in. The Board may establish limits on the number and frequency of such activities and on the maximum amount of reimbursement per activity including the number of national, state and local institutes and seminars. The Employee shall attend such activities as directed by the Board as part of his employment and shall provide a written report to the Board within thirty (30) days after the activity. Recreational functions shall not be reimbursed by the Township.

(c) The Township Board agrees to pay the professional dues and subscriptions of the Employee, which the Board, in its sole judgment, determines are appropriate and necessary for his continuation and full participation in national, regional, state and local associations and organizations necessary and desirable for this continued professional participation, growth, advancement, and for the good of the Township.

9. **EMPLOYEE BENEFITS:** Employee shall be entitled to the benefits available to all full-time employees as provided in the Township's Employee Manual including, but not limited to, paid leave, holidays, vacations, group insurance and pension plans. Specifically, Employee is eligible for four (4) weeks paid vacation each year, beginning with the date of this Agreement. Employee's vacation time will not increase over time. The Employer agrees to pay the premium hereon on the same basis as is provided to all full time Township employees.

10. **TERMINATION:** (a) The Employee shall serve at the pleasure of the Township Board and either party may terminate the employment relationship at any

time, for any reason, with or without cause. If the Township Board exercises its right to terminate the employment of Employee without cause and Employee is willing and able to perform the duties of Township Superintendent, the Comstock Charter Township shall compensate the Employee in an amount equal to nine (9) months of his current salary. The payment may be paid in a lump sum or may be paid over a nine (9) month period at the option of the Township. The salary payments shall be payable in the manner established for regular salary payments. Said notice of termination must be by resolution of the Township Board at a regularly scheduled Township Board meeting. In the event the Township Board elects to give notice of termination and the Employee agrees to continue to fully execute the duties of Township Superintendent for the applicable time period following said notice, payments shall continue for the relevant time period or until the effective date of his voluntary resignation, whichever occurs first.

(b) Further, it is understood and agreed that if Employee is terminated for reasons constituting just cause, Employee shall not be entitled to the salary or the notice as provided above. Cause shall be defined: commission of a crime involving moral turpitude; an act of theft or dishonesty; as malfeasance in office, including being criminally charged; any action or conduct that is in violation or disregard of the standard of behavior which the Township has a right to expect from its Township Superintendent; any carelessness or negligence of a degree or occurrence as to manifest equal culpability or wrongful intent; an intentional and substantial disregard of the Township's interest; or any violation or deliberate disregard of the terms of this Agreement, Township policy or any directive of the Township Board.

Any claims or controversies arising out of or relating to Employee's termination or the application or interpretation of this agreement, which might otherwise be litigated in state or federal court, including, but not limited to common law tort claims or claims for wrongful discharge or employment discrimination, shall be filed with a court of competent jurisdiction in Kalamazoo County, Michigan within 180 days of the Township Board's decision to terminate the Employee's employment unless the action is subject to a statute of limitation providing for a shorter time for filing in which case the

shorter time limit will apply. The Employee and the Township agree to waive any statutes of limitation contrary to the provisions set forth herein. The Employee and the Township hereby expressly and knowingly waive the right to a jury trial for any claim or controversy arising out of or relating to Employee's termination or the application or interpretation of this agreement.

11. **VOLUNTARY RESIGNATION:** The Employee may terminate his own employment by giving the Township Board at least sixty (60) days notice in writing. In the event the Township Board has not given the Employee notice of intent to terminate his employment and the Employee desires to voluntarily resign, the Employee must give the Board at least sixty (60) days notice of resignation unless both parties mutually agree that shorter notice is acceptable.

12. **NON-RENEWAL:** In the event the Township Board determines it will not renew this agreement, it shall provide the Employee with not less than ninety (90) calendar days' notice of the non-renewal. In the event notice of non-renewal is provided as set forth herein, this agreement shall expire on _____, 20__ and neither party shall have any further obligations hereunder.

13. **COMPENSATION UPON TERMINATION OF EMPLOYMENT:** The Township Board agrees that upon separation from the Township, salary, pension and vacation time shall be paid to the Employee pursuant to the appropriate policy of the Township. Payment of the above-described benefits, except for pension, will be paid as soon as the amount can, with due diligence, be computed and paid. The pension payment will be determined by the pension plan carrier, but not to exceed sixty (60) days.

14. **TOWNSHIP'S AUTHORITY:** Employee agrees to observe and comply with the rules, regulations and policies of the Township, as adopted by the Township Board of Trustees either orally or in writing, respecting the performance of the Employees duties, and to carry out and to perform orders, directions and policies announced to the Employee by the Township Board, from time to time, either orally or in

writing. The Employee specifically understands that the Township shall have the final authority, the power to direct, control or supervise the manner and time of the Employee's duties through the Township Board and/or Township Supervisor, as is consistent with the laws of the State of Michigan.

15. **PRIOR AGREEMENTS:** All prior agreements pertaining to, connected with, or arising in any manner out of the employment of the Employee by the Township, is hereby terminated and shall hereafter be of no force or effect whatsoever.

16. **GOVERNING LAW:** In view of the fact that the Township is a municipal corporation of the State of Michigan, it is understood and agreed that the construction and interpretation of this agreement shall, at all times and in all respects, be governed by the laws of the State of Michigan.

17. **ENTIRE AGREEMENT:** This contract contains the entire agreement and understanding by and between the Township and Employee with respect to the employment of employee, and no representations, promises, contracts or understandings, written or oral, not contained herein, shall be of any force or effect. No change or modification of this contract shall be valid or binding unless it is in writing and signed by the party intending to be bound. No waiver of any provisions of this contract shall be valid unless it is in writing and signed by the party against whom the waiver is sought to be enforced. No valid waiver of any provision of this contract, at any time, shall be deemed a waiver of any other provision of this contract at such time or at any other time.

18. **PROHIBITION AGAINST ASSIGNMENT:** Employee agrees on behalf of himself, his executors, administrators, heirs, legatees, distributees and any other person or persons claiming any benefit under his by virtue of this contract, that this contract and the rights, interest and benefits hereunder shall not be assigned, transferred or pledged in any way.

19. **SEVERABILITY OF INVALID PROVISIONS:** The provisions of this contract shall be deemed severable, the invalidity or unenforceability of any one or more

of the provisions of this contract shall not affect the validity and enforceability of other provisions. This contract shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

The Township hereby employs Employee and the Employee hereby accepts employment upon and subject to the terms and conditions herein set forth.

IN WITNESS WHEREOF, the parties hereto have executed this agreement in duplicate originals on this _____ day of _____, 2016.

TOWNSHIP SUPERINTENDENT

KALAMAZOO CHARTER TOWNSHIP

NAME

Ann Nieuwenhuis, Supervisor

Anna Goodsell, Clerk

WITNESSED:

Scott Hess