



## What is the difference between a 'committee' and a 'commission'?

Sometimes committees are confused with statutory boards or commissions, particularly if they are long-standing committees that pre-date current board members and staff or if they have ambiguous names, such as “planning and zoning committee” or “parks and recreation board.” It’s important to determine if the body is statutory or a committee because that will establish the extent—or the limit—of that body’s authority. In my personal opinion, I do not recommend calling a committee anything other than a committee, because it creates confusion.

A statutory board or commission is a public body provided for by law, with the law designating the authority, composition and functions for that body.

Committees are not mandated or authorized by specific statutes. A township board may choose to establish committees to collect information, make recommendations and participate in township programs. But committees have no authority of their own. They can do only what the board has authorized them to do. Or as I explain it, committees are like imaginary friends. They exist only as long as you believe in them—or the board wants them.



## What can a committee be used for?

Committees may deal with internal administration tasks, such as developing a personnel policy or making recommendations for township park management. They may also be formed to gather information or resources for other township bodies, such as a committee created to conduct a survey of township residents or to gather information on how other townships finance fire protection.

Committees can offer interested and active citizens a way to support township programs and services. Some townships have established permanent beautification, cemetery or recreation committees. Other townships use temporary committees or panels that are directed to study an issue or project and report their findings to the township board, such as a road needs committee established for one year and charged with developing a five-year road improvement plan.

Before a committee is established, the township board should consult state laws and the township’s attorney to ensure that the proposed committee does not assume powers or duties assigned to statutorily established or authorized boards or commissions, such as a salary commission or planning commission.



## How does a township board create a committee?

Once a township board decides to create a committee, it should determine the committee’s name, purpose or goals statement, the number of persons to be appointed and the length of the term they will serve, and a timeline to report findings or recommendations, if applicable. The board should direct who will appoint members to the committee. Committee members may be appointed by the township board or individual officials, such as the supervisor, clerk, treasurer or superintendent, as the board designates. The board may wish to leave administrative decisions, such as who will chair the committee, to the committee.

A township board can create a committee by simple board motion or a resolution. The board is not required to file a record of establishing a committee, other than what is recorded in the township board minutes. For public information, and to encourage additional citizen participation, the board may wish to list committees and meeting dates in the township newsletter or website.

The board should consider the following:

- Determine the number of members and composition of the committee
- Establish how often the committee should meet
- Determine compensation, if any, for committee members
- Establish the scope or limit of the committee’s purpose (What kind of recommendations may they make to the board? When will they be done?)
- Direct the committee to comply with the Open Meetings Act (OMA) and Freedom of Information Act (FOIA)
- Review the committee’s recommendations—final decisions are made by the board, not the committee
- Consider not authorizing a committee to make any expenditures. If they are authorized by the township board to make expenditures, require that any and all expenditures be approved by the township board (checks and payments may be issued only through the standard township board approval process)
- Establish a “sunset” date or dissolve the committee when the project is completed or when the committee is no longer needed

Discuss the following questions:

### 1) Will compensation or expense reimbursements be given?

There is no requirement that compensation or expense reimbursements be given to advisory committee members, but a township board can determine a per diem payment or reimbursement for meetings and place a limit on the number of meetings held in a given period.

## 2) Are committees required to comply with the Open Meetings and Freedom of Information Acts?

Purely advisory committees are not subject to the Open Meetings Act, but a township board may require them to comply with the OMA.

Under certain circumstances, even a committee may be required by law to comply with the OMA, so a township board should consult with its attorney for a determination of whether a specific committee would be required to comply. Because the courts—and the public—may view any committee established by the township as a public body, I suggest that, while not automatically required by law, a township board consider requiring township committees to comply with the OMA.

Committee records are public records subject to the FOIA unless they fall under an exception in the FOIA.

## 3) Will committee members take an oath of office?

Committees are not required by law to take the oath of office. The township board may choose to require that committee members take the oath. Taking the oath lends credibility to the position and provides a record of the date and expiration of the appointment. Each signed oath must be filed with the township clerk.

## 4) Will a township board member serve on the committee?

Township board members may serve on committees, as long as a quorum of the board is not meeting. Often one or two board members serve on an advisory committee to

maintain contact with and act as a liaison to the township board. This is an excellent way to utilize the skills of township trustees.

Note that the Charter Township Act states that the supervisor (or superintendent) is a member of all committees of the township board. (MCL 42.10(h))

## 5) Will the committee have bylaws?

It's a good idea to incorporate the board's decisions as bylaws for the committee. This can help ensure that the committee is actually working toward the purpose established by the board, and that it will not unintentionally violate state or federal statutes. If the committee develops its own bylaws, the township board should review and approve them.

*Hello, MTA ... ?* provides general information on typical questions asked by township officials. Readers are encouraged to contact an attorney when specific legal guidance is needed. Member township officials and personnel may contact MTA Member Information Services with questions or requests from 8 a.m. to 5 p.m., weekdays, at (517) 321-6467 (press 1) or fax (517) 321-8908.

**Learn more** about township committees with MTA's on-demand webinar, *All Aboard! Appointing New Board and Commission Members*. In this one-hour recording, MTA Staff Attorney Catherine Mullhaupt reviews the types of boards, commissions and committees townships may have, including the procedures for appointing members to different township bodies. Learn the difference between statutory bodies and advisory committees, including how much authority they have, and much more. Visit the MTA Online Learning Library, [learn.michigantownships.org](http://learn.michigantownships.org), to purchase and watch today!



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