



## Update Regarding Township Park Commissions: Township Voters May Now Dissolve a Commission by Vote

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In our August 2008 Newsletter, we summarized a Michigan Court of Appeals decision that struck down an attempt by voters to dissolve through an election a township parks commission that township voters previously created. *Risk v Lincoln Charter Twp Bd of Trustees*, 279 Mich App 389 (2008). The Court explained that the Township Parks Act addresses how to create a township park commission but does not address how to dissolve one. In contrast, several other statutes expressly provide for both *establishing and dissolving* various commissions, boards, and programs by voters. The Court, in line with a 1999 Attorney General opinion on the subject, therefore concluded that a voter-established township park commission may not be dissolved by vote of the electors.

Since that summary, the Michigan Legislature has enacted Public Act 496 to revise the rules on dissolving a park commission. Act 496, which became effective January 13, 2009, now allows township voters to dissolve a park commission by a vote. Act 496 spells out the process to get that question on the ballot – a petition with at least 8% of township voters is required to get the process going. It also specifies what happens to the park's assets if the vote to dissolve the park commission is successful: the park assets are transferred to the township board.