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TOWNSHIP BOARD: Appointment of deputies and clerks

TOWNSHIP OFFICERS AND EMPLOYEES: Appointment of deputies and clerks

TOWN MEETINGS: Appointment of deputies and clerks

At its annual meeting, the electors of a township may authorize the appointment by the supervisor of a clerk to assist him in his duties as assessor, but the township electorate is not involved in making the appointment of a deputy clerk or a deputy treasurer.

A township board plays no part in the appointment of a deputy clerk or a deputy treasurer although the township board determines their compensation.

A township board may, in its discretion, appoint and compensate up to two subordinate assessors to assist township supervisor in his capacity as assessor.

Opinion No. 4898-A

May 26, 1976.

Honorable Thomas Guastello
State Senator
The Capitol
Lansing, Michigan 48901

You have asked for my opinion on the following questions:

1. What involvement, if any, does the township electorate have in the appointment of assistants to township officers?
2. What limitations are there on the appointment by the township board of subordinate assessors to assist the township supervisor in his duties as assessor?

In OAG, 1975-1976, No 4898, p (October 24, 1975), I held that administrative assistants appointed pursuant to statute by township officers to assist them in their duties may not be appointed for a period which would exceed the term of office of the appointing official. The three offices discussed in that opinion were:

1. The township supervisor who, in his capacity as assessor of the township, is authorized by a vote of the electorate to employ a clerk to assist him in those duties, MCLA 41.61; MSA 5.52;
2. The township clerk who is authorized to appoint a deputy, MCLA 41.69; MSA 5.61; and
3. The township treasurer who is authorized to appoint a deputy, MCLA 211.111; MSA 7.165.

As noted in OAG, 1975-1976, No 4898, *supra*, the township board plays no part in the appointments, although it does set the compensation of the supervisor's clerk and the deputy treasurer pursuant to the foregoing statutory provisions authorizing the appointments.

In response to question 1, there are no provisions for the township electorate's involvement in the appointment of either a deputy clerk or a deputy treasurer. However, at the annual meeting, the electors of the township may provide for the appointment by the supervisor of a clerk to assist him in his duties as assessor. MCLA 41.61; MSA 5.52. The compensation of such a clerk is determined by the township board. MCLA 41.61; MSA 5.52.

In response to question 2, the township board may, at its discretion, appoint and compensate up to two subordinate assessors to assist the township supervisor in his capacity as assessor. MCLA 41.61; MSA 5.52, *supra*. The township board may not, however, appoint subordinate assessors to terms which would exceed the supervisor's term of office. It should be noted that both the appointment of the supervisor's clerk, when provided for by the electorate, and of subordinate assessors, when provided for by the township board, are covered in the same section. MCLA 41.61; MSA 5.52, *supra*. This section specifically designates the supervisor as the one to appoint the clerk, whereas the lack of a similar designation in the case of subordinate assessors leads to the conclusion that appointments of subordinate assessors are to be made by the township board. See I OAG, 1957-1958, No 3045, p 344 (July 12, 1957).

FRANK J. KELLEY,
Attorney General.

760528.1

TEACHERS: Tenure

STATE TENURE COMMISSION: Intervention

ADMINISTRATIVE LAW AND PROCEDURE: Disqualification of
presiding officer

The State Tenure Commission has authority to grant intervention by a third party in a case before the Commission.

Presiding officers in contested cases, upon filing in good faith by a party of an affidavit of personal bias or disqualification, must determine the question of disqualification of a presiding officer as part of the record in the case.

Opinion No. 4978

May 28, 1976.

Dr. John W. Porter
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You have requested my opinion on the following questions:

"1. Does the State Tenure Commission have the legal authority