

SENATE BILL No. 28

February 5, 1991, Introduced by Senators BARCIA, KELLY and
DI NELLO and referred to the Committee on Local
Government and Reapportionment.

A bill to amend section 3 of Act No. 279 of the Public Acts
of 1909, entitled as amended

"An act to provide for the incorporation of cities and for revis-
ing and amending their charters; to provide for certain powers
and duties; to provide for the levy and collection of taxes by
cities, borrowing of money, and issuance of bonds or other evi-
dences of indebtedness; to validate actions taken, bonds issued,
and obligations heretofore incurred; and to repeal certain acts
and parts of acts on specific dates,"

being section 117.3 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 279 of the Public Acts of
2 1909, being section 117.3 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3. Each city charter shall provide the following:

5 (a) For the election of a mayor, who shall be the chief
6 executive officer of the city, and of a body vested with
7 legislative power, and for the election or appointment of a

1 clerk, a treasurer, an assessor or board of assessors, a board of
2 review, and other officers as may be considered necessary.

3 Provision may be made for the selection of the mayor by the leg-
4 islative body. Elections may be by a partisan, nonpartisan, or
5 preferential ballot, or by any other legal method of voting.

6 Notwithstanding any other law or charter provision to the con-
7 trary, a city having a 1970 official population of more than
8 150,000 and whose charter provides for terms of office of less
9 than 4 years and in which the term of office for the mayor and
10 the governing body are of the same length, may provide for a term
11 of office of up to 4 years for mayor and other elected city offi-
12 cials, by ordinance. The ordinance shall provide that the ordi-
13 nance shall take effect 60 days after it is enacted unless within
14 the 60 days a petition is submitted to the city clerk signed by
15 not less than 10% of the registered electors of the city request-
16 ing that the question of approval of the ordinance be submitted
17 to the electors at the next regular election or a special elec-
18 tion called for the purpose of approving or disapproving the
19 ordinance.

20 (b) For the nomination of elective officers by partisan or
21 nonpartisan primary, by petition, or by convention.

22 (c) For the time, manner, and means of holding elections and
23 the registration of electors.

24 (d) For the qualifications, duties, and compensation of the
25 city's officers.

1 (e) For the establishment of 1 or more wards, and if the
2 members of the city's legislative body be chosen by wards, for
3 equal representation for each ward in the legislative body.

4 (f) That the subjects of taxation for municipal purposes be
5 the same as for state, county, and school purposes under the gen-
6 eral law.

7 (g) For annually laying and collecting taxes in a sum,
8 except as otherwise provided by law, not to exceed 2% of the
9 assessed value of the real and personal property in the city.
10 Unless the charter provides for a different tax rate limitation,
11 the governing body of a city may levy and collect taxes for
12 municipal purposes in a sum not to exceed 1% of the assessed
13 value of the real and personal property in the city, subject to
14 section 1a of chapter 7 of THE MUNICIPAL FINANCE ACT, Act No. 202
15 of the Public Acts of 1943, as amended, being section 137.1a of
16 the Michigan Compiled Laws.

17 (h) For an annual appropriation of money for municipal
18 purposes.

19 (i) For the levy, collection, and return of state, county,
20 and school taxes in conformance with the general laws of the
21 state, except that the preparation of the assessment roll, the
22 meeting of the board of review, and the confirmation of the
23 assessment roll may be at the times provided in the city
24 charter.

25 (j) For the public peace and health and for the safety of
26 persons and property. In providing for the public peace, health,
27 and safety, a city may expend funds or enter into contracts with

1 a private organization, the federal or state government, a
2 county, village, township, or another city for services consid-
3 ered necessary by the municipal body vested with legislative
4 power. Public peace, health, and safety services may include the
5 operation of child guidance and community mental health clinics,
6 the prevention, counseling, and treatment of developmental dis-
7 abilities, the prevention of drug abuse, and the counseling and
8 treatment of drug abusers.

9 (k) For adopting, continuing, amending, and repealing the
10 city ordinances and for the publication of each ordinance before
11 it becomes operative. WHETHER OR NOT PROVIDED IN ITS CHARTER,
12 INSTEAD OF PUBLISHING A TRUE COPY OF AN ORDINANCE BEFORE IT
13 BECOMES OPERATIVE, THE CITY MAY PUBLISH A SUMMARY OF THE
14 ORDINANCE. IF THE CITY PUBLISHES A SUMMARY OF THE ORDINANCE, THE
15 CITY SHALL INCLUDE IN THE PUBLICATION THE DESIGNATION OF A LOCA-
16 TION IN THE CITY WHERE A TRUE COPY OF THE ORDINANCE CAN BE
17 INSPECTED OR OBTAINED. Whether or not provided in its charter, a
18 city may adopt a law, code, or rules ~~which~~ THAT have been
19 promulgated and adopted by an authorized agency of the state per-
20 taining to fire, fire hazards, fire prevention, or fire waste,
21 and a fire prevention code, plumbing code, heating code, electri-
22 cal code, building code, refrigeration machinery code, piping
23 code, boiler code, boiler operation code, elevator machinery
24 code, or a code pertaining to flammable liquids and gases, as
25 well as to hazardous chemicals, ~~which have~~ THAT HAS been
26 promulgated by this state, or by a department, board, or other
27 agency of this state, or by an organization or association

1 ~~which~~ THAT is organized and conducted for the purpose of
2 developing the code, by reference to the code in an adopting
3 ordinance and without publishing the code in full. The code
4 shall be clearly identified in the ordinance and its purpose
5 shall be published with the adopting ordinance. Printed copies
6 of the code shall be kept in the office of the city clerk, avail-
7 able for inspection by, and distribution to, the public at all
8 times. The publication shall contain a notice stating that a
9 complete copy of the code is made available to the public at the
10 office of the city clerk in compliance with state law requiring
11 that records of public bodies be made available to the general
12 public.

13 (1) That the business which the legislative body may perform
14 shall be conducted at a public meeting held in compliance with
15 THE OPEN MEETINGS ACT, Act No. 267 of the Public Acts of 1976, as
16 amended, being sections 15.261 to 15.275 of the Michigan Compiled
17 Laws. All records of the municipality shall be made available to
18 the general public in compliance with THE FREEDOM OF INFORMATION
19 ACT, Act No. 442 of the Public Acts of 1976, as amended, being
20 sections 15.231 to 15.246 of the Michigan Compiled Laws.

21 (m) For keeping in the English language a written or printed
22 journal of each session of the legislative body.

23 (n) For a system of accounts ~~which~~ THAT conforms to a uni-
24 form system of accounts as required by law.