

# SENATE BILL No. 402

July 11, 1991, Introduced by Senator MC MANUS and referred to the Committee on Local Government and Urban Development.

A bill to authorize the creation of joint city-state environmental management authorities; and to provide for the powers and duties of such authorities and the powers and duties of certain state agencies and officials.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Authority" means a joint city-state environmental man-  
3       agement authority created pursuant to section 2.

4       (b) "Board" means the board of directors of the authority.

5       (c) "Solid waste" means solid waste as defined in the solid  
6       waste management act, Act No. 641 of the Public Acts of 1978,  
7       being sections 299.401 to 299.437 of the Michigan Compiled Laws.

8       (d) "Articles" means an authority's articles of  
9       incorporation.

1       Sec. 2. (1) The governing body of any city within whose  
2 corporate boundaries a state park comprises more than 75% of the  
3 land area and the governing body of any such state park or, if  
4 there is none, the commission of natural resources may create an  
5 environmental management authority for that city. An authority  
6 may contract and be contracted with, sue and be sued, and take  
7 action in the courts of this state. An authority, once created,  
8 shall exercise its powers as an autonomous entity, independent of  
9 any state department.

10       (2) An authority shall be governed by a board of directors  
11 consisting of 5 voting members and 2 ex officio, nonvoting mem-  
12 bers who are appointed as follows:

13       (a) One individual appointed by the state park governing  
14 body or the commission of natural resources.

15       (b) One individual appointed by the chair of the state park  
16 governing body or the commission of natural resources.

17       (c) One individual appointed by the governing body of the  
18 city.

19       (d) One individual appointed by the mayor of the city.

20       (e) One individual appointed by agreement of at least 3 of  
21 the 4 individuals appointed pursuant to subdivisions (a), (b),  
22 (c), and (d).

23       (f) The director of the department of management and budget,  
24 or an employee of the department of management and budget who is  
25 designated by the director of the department of management and  
26 budget, shall serve as a nonvoting ex officio member.

1 (g) One member of the joint capital outlay subcommittee of  
2 the appropriations committees of the senate and house of  
3 representatives, appointed by the chair of that subcommittee,  
4 shall serve as an ex officio member.

5 (3) Voting members of the board shall serve terms of 4  
6 years. Vacancies shall be filled in the same manner as the orig-  
7 inal appointment for an unexpired term. Of the members first  
8 appointed, 2 shall serve for 2 years, 2 shall serve for 3 years,  
9 and 1 shall serve for 4 years. Ex officio nonvoting members do  
10 not have fixed terms of office.

11 (4) An individual appointed by the governing body of a city  
12 or by the mayor may be removed in the same manner as provided by  
13 the city's charter.

14 (5) A majority of the members of a board constitute a quorum  
15 for the purpose of conducting business and exercising the powers  
16 of the authority. Official action may be taken by an authority  
17 upon the vote of a majority of the board members present, unless  
18 the bylaws of the authority require a larger number.

19 (6) Members of the board shall not receive compensation for  
20 services as members of an authority but are entitled to necessary  
21 expenses, including travel expenses, incurred in the discharge of  
22 their duties.

23 (7) The business that an authority may perform shall be con-  
24 ducted at a public meeting of the authority held in compliance  
25 with the open meetings act, Act No. 267 of the Public Acts of  
26 1976, being sections 15.261 to 15.275 of the Michigan Compiled  
27 Laws. Public notice of the time, date, and place of the meeting

1 shall be given in the manner required by Act No. 267 of the  
2 Public Acts of 1976.

3 (8) A writing prepared, owned, or used by an authority in  
4 the performance of an official function shall be made available  
5 in compliance with the freedom of information act, Act No. 442 of  
6 the Public Acts of 1976, being sections 15.231 to 15.246 of the  
7 Michigan Compiled Laws.

8 (9) At its first meeting, an authority shall elect a chair-  
9 person and any other officers it considers necessary. The  
10 authority shall meet at least quarterly.

11 Sec. 3. An authority shall do all of the following:

12 (a) Retain full-time employees to staff the authority and to  
13 implement the policies of the authority.

14 (b) Provide for and be responsible for the maintenance of  
15 all of the following for a public purpose:

16 (i) Potable water.

17 (ii) Sewage systems.

18 (iii) Solid waste management.

19 (c) Assess and collect fees for its services and expenses.

20 (d) Receive revenue from any source as appropriated by the  
21 legislature or the governing body of the city.

22 Sec. 4. (1) The authority shall draft articles of  
23 incorporation.

24 (2) An authority's articles shall state the name of the  
25 authority; the name of the participating city and state commis-  
26 sion; the purposes for which the authority is formed; the powers,  
27 duties, and limitations of the authority and its officers; the

1 manner in which participating local and state governmental units  
2 shall take part in the governance of the authority; the general  
3 method of amending the articles; and any other matters that the  
4 board considers advisable.

5       Sec. 5. (1) The articles of an authority shall be adopted  
6 and may be amended by an affirmative vote of a majority of the  
7 members serving on the governing body of each participating city  
8 and state commission.

9       (2) Before the articles or amendments are adopted by any  
10 city or state commission, the articles or amendments shall be  
11 published by the clerk of the largest participating city at least  
12 once in a newspaper generally circulated within the participating  
13 city.

14       (3) The adoption of articles or amendments by the respective  
15 governing bodies shall be evidenced by an endorsement on the  
16 articles or amendments by the clerk or secretary of the governing  
17 bodies in a form substantially as follows:

18       "These articles of incorporation (or amendments) were  
19 adopted by an affirmative vote of a majority of the members serv-  
20 ing on the governing body of \_\_\_\_\_, \_\_\_\_\_ at a meeting  
21 duly held on the \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_."

22       (4) Upon adoption of the articles or amendments, a printed  
23 copy of the articles or the amended articles shall be filed with  
24 the secretary of state, the clerk of the participating city, and  
25 the secretary of the state commission.

1       Sec. 6. (1) The articles may authorize an authority to  
2 propose standards, criteria, and regulations for the use and  
3 development of land and water within the authority's area.

4       (2) To the extent authorized in the articles, an authority  
5 may plan, promote, finance, issue bonds for, acquire, improve,  
6 enlarge, extend, own, lease, construct, replace, or contract for  
7 public improvements and services including, but not limited to,  
8 the following:

9       (a) Water and sewer public improvements and services.

10       (b) Solid waste collection, recycling, and disposal.

11       (c) Such other municipal functions as both governing boards  
12 agree in writing to assume.

13       Sec. 7. An authority may do 1 or more of the following:

14       (a) Adopt bylaws for the administration of the authority.

15       (b) Acquire and hold, by purchase, lease, grant, gift,  
16 devise, land contract, installment purchase contract, bequest, or  
17 other legal means, real and personal property within or without  
18 the participating cities. The property may include franchises,  
19 easements, or rights of way on, under, or above any property.  
20 The authority may pay for the property from, or pledge for the  
21 payment of the property, revenue of the authority.

22       (c) Apply for and accept grants, loans, or contributions  
23 from the federal government or any of its agencies, this state,  
24 the city, or other public or private agencies to be used for any  
25 of the purposes of this act.

26       (d) Contract with the participating city for the provision  
27 of a service listed in section 6(2) for a period not exceeding 30

1 years. The service may be established or funded in conjunction  
2 with a service of a local governmental unit, and the provision of  
3 a service of a local governmental unit may be delegated to an  
4 authority. A charge specified in a contract is subject to  
5 increase by the authority, if necessary to provide funds to meet  
6 its obligations.