



SENATE BILL No. 325

February 3, 1993, Introduced by Senator HONIGMAN and referred to the Committee on Local Government and Urban Development.

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 revising 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 evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; and to repeal certain acts and parts of acts on specific dates,"

as amended by Act No. 182 of the Public Acts of 1991, 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, as amended by Act No. 182 of the Public Acts of 1991, being
3 section 117.3 of the Michigan Compiled Laws, is amended to read
4 as follows:

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

1 (a) For the election of a mayor, who shall be the chief
2 executive officer of the city, and of a body vested with
3 legislative power, and for the election or appointment of a
4 clerk, a treasurer, an assessor or board of assessors, a board of
5 review, and other officers as may be considered necessary.
6 ~~Provision may be made~~ THE CITY CHARTER MAY PROVIDE for the
7 selection of the mayor by the legislative body. Elections may be
8 by a partisan, nonpartisan, or preferential ballot, or by any
9 other legal method of voting. Notwithstanding any other law or
10 charter provision to the contrary, a city having a 1970 official
11 population of more than 150,000, ~~and~~ whose charter provides for
12 terms of office of less than 4 years, and in which the term of
13 office for the mayor and the governing body are of the same
14 length, may provide BY ORDINANCE for a term of office of up to 4
15 years for mayor and other elected city officials. ~~—, by~~
16 ~~ordinance.~~ The ordinance shall provide that the ordinance shall
17 take effect 60 days after it is enacted unless within the 60 days
18 a petition is submitted to the city clerk signed by not less than
19 10% of the registered electors of the city requesting that the
20 question of approval of the ordinance be submitted to the elec-
21 tors at the next regular election or a special election called
22 for the purpose of approving or disapproving the ordinance.

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

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

1 (d) For the qualifications, duties, and compensation of the
2 city's officers. IF THE CITY HAS AN APPOINTED CHIEF
3 ADMINISTRATIVE OFFICER, THE LEGISLATIVE BODY OF THE CITY MAY
4 ENTER INTO AN EMPLOYMENT CONTRACT WITH THE CHIEF ADMINISTRATIVE
5 OFFICER, WHETHER OR NOT AN EMPLOYMENT CONTRACT IS AUTHORIZED BY
6 THE CITY CHARTER. THE EMPLOYMENT CONTRACT SHALL BE IN WRITING
7 AND SHALL SPECIFY THE COMPENSATION TO BE PAID TO THE CHIEF ADMIN-
8 ISTRATIVE OFFICER, ANY PROCEDURE FOR CHANGING THE COMPENSATION,
9 ANY FRINGE BENEFITS, AND ANY OTHER CONDITIONS OF EMPLOYMENT. IF
10 THE CHIEF ADMINISTRATIVE OFFICER SERVES AT THE PLEASURE OF THE
11 LEGISLATIVE BODY, THE CONTRACT SHALL SO STATE. THE CONTRACT MAY
12 PROVIDE FOR SEVERANCE PAY OR OTHER BENEFITS IN THE EVENT THE
13 EMPLOYMENT OF THE CHIEF ADMINISTRATIVE OFFICER IS TERMINATED AT
14 THE PLEASURE OF THE LEGISLATIVE BODY.

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

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

21 (g) For annually laying and collecting taxes in a sum,
22 except as otherwise provided by law, not to exceed 2% of the
23 assessed value of the real and personal property in the city.
24 Unless the charter provides for a different tax rate limitation,
25 the governing body of a city may levy and collect taxes for
26 municipal purposes in a sum not to exceed 1% of the assessed
27 value of the real and personal property in the city, subject to

1 section 1a of chapter 7 of the municipal finance act, Act No. 202
2 of the Public Acts of 1943, as amended, being section 137.1a of
3 the Michigan Compiled Laws.

4 (h) For an annual appropriation of money for municipal
5 purposes.

6 (i) For the levy, collection, and return of state, county,
7 and school taxes in conformance with the general laws of the
8 state, except that the preparation of the assessment roll, the
9 meeting of the board of review, and the confirmation of the
10 assessment roll may be at the times provided in the city
11 charter.

12 (j) For the public peace and health and for the safety of
13 persons and property. In providing for the public peace, health,
14 and safety, a city may expend funds or enter into contracts with
15 a private organization, the federal or state government, a
16 county, village, OR township, or another city for services con-
17 sidered necessary by the municipal body vested with legislative
18 power. Public peace, health, and safety services may include the
19 operation of child guidance and community mental health clinics,
20 the prevention, counseling, and treatment of developmental dis-
21 abilities, the prevention of drug abuse, and the counseling and
22 treatment of drug abusers.

23 (k) For adopting, continuing, amending, and repealing the
24 city ordinances and for the publication of each ordinance before
25 it becomes operative. Whether or not provided in its charter,
26 instead of publishing a true copy of an ordinance before it
27 becomes operative, the city may publish a summary of the

1 ordinance. If the city publishes a summary of the ordinance, the
2 city shall include in the publication the designation of a loca-
3 tion in the city where a true copy of the ordinance can be
4 inspected or obtained. Whether or not provided in its charter, a
5 city may adopt a law, code, or rules that have been promulgated
6 and adopted by an authorized agency of the state pertaining to
7 fire, fire hazards, fire prevention, or fire waste, and a fire
8 prevention code, plumbing code, heating code, electrical code,
9 building code, refrigeration machinery code, piping code, boiler
10 code, boiler operation code, elevator machinery code, or a code
11 pertaining to flammable liquids and gases, as well as to hazard-
12 ous chemicals, that has been promulgated by this state, ~~or~~ by a
13 department, board, or other agency of this state, or by an orga-
14 nization or association that is organized and conducted for the
15 purpose of developing the code, by reference to the code in an
16 adopting ordinance and without publishing the code in full. The
17 code shall be clearly identified in the ordinance and its purpose
18 shall be published with the adopting ordinance. Printed copies
19 of the code shall be kept in the office of the city clerk, avail-
20 able for inspection by, and distribution to, the public at all
21 times. The publication shall contain a notice stating that a
22 complete copy of the code is made available to the public at the
23 office of the city clerk in compliance with state law requiring
24 that records of public bodies be made available to the general
25 public.

26 (1) That the business ~~which~~ THAT the legislative body may
27 perform shall be conducted at a public meeting held in compliance

1 with the open meetings act, Act No. 267 of the Public Acts of
2 1976, as amended, being sections 15.261 to 15.275 of the Michigan
3 Compiled Laws. All records of the municipality shall be made
4 available to the general public in compliance with the freedom of
5 information act, Act No. 442 of the Public Acts of 1976, as
6 amended, being sections 15.231 to 15.246 of the Michigan Compiled
7 Laws.

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

10 (n) For a system of accounts that conforms to a uniform
11 system of accounts as required by law.