



SENATE BILL No. 561

March 31, 1993, Introduced by Senators KELLY, O'BRIEN, SMITH, HART, BERRYMAN, DINGELL, DILLINGHAM, SCHWARZ and CARL and referred to the Committee on Government Operations.

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; and to add section 3a.

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 and sec-
4 tion 3a is added to read as follows:

5 Sec. 3. Each city charter shall provide ALL OF the
6 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 legisla-
3 tive power, and for the election or appointment of a clerk, a
4 treasurer, an assessor or board of assessors, a board of review,
5 and other officers ~~as may be~~ considered necessary. Provision
6 may be made for the selection of the mayor by the legislative
7 body. Elections may be by a partisan, nonpartisan, or preferen-
8 tial ballot, or by any other legal method of voting.

9 Notwithstanding any other law or charter provision to the con-
10 trary, a city having a 1970 official population of more than
11 150,000 and whose charter provides for terms of office of less
12 than 4 years and in which the term of office for the mayor and
13 the governing body are of the same length, may provide for a term
14 of office of up to 4 years for mayor and other elected city offi-
15 cials, by ordinance. The ordinance shall provide that the ordi-
16 nance shall take effect 60 days after it is enacted unless within
17 the 60 days a petition is submitted to the city clerk signed by
18 not less than 10% of the registered electors of the city request-
19 ing that the question of approval of the ordinance be submitted
20 to the electors at the next regular election or a special elec-
21 tion called for the purpose of approving or disapproving the
22 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.

3 (e) ~~For~~ SUBJECT TO SECTION 3A, FOR the establishment of 1
4 or more wards, and if the members of the city's legislative body
5 be chosen by wards, for equal representation for each ward in the
6 legislative body.

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

10 (g) For annually laying and collecting taxes in a sum,
11 except as otherwise provided by law, not to exceed 2% of the
12 assessed value of the real and personal property in the city.
13 Unless the charter provides for a different tax rate limitation,
14 the governing body of a city may levy and collect taxes for
15 municipal purposes in a sum not to exceed 1% of the assessed
16 value of the real and personal property in the city, subject to
17 section 1a of chapter ~~7~~ VII of the municipal finance act, Act
18 No. 202 of the Public Acts of 1943, as amended, being section
19 137.1a of the Michigan Compiled Laws.

20 (h) For an annual appropriation of money for municipal
21 purposes.

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

1 (j) For the public peace and health and for the safety of
2 persons and property. In providing for the public peace, health,
3 and safety, a city may expend funds or enter into contracts with
4 a private organization, the federal or state government, a
5 county, village, township, or another city for services consid-
6 ered necessary by the municipal body vested with legislative
7 power. Public peace, health, and safety services may include the
8 operation of child guidance and community mental health clinics,
9 the prevention, counseling, and treatment of developmental dis-
10 abilities, the prevention of drug abuse, and the counseling and
11 treatment of drug abusers.

12 (k) For adopting, continuing, amending, and repealing the
13 city ordinances and for the publication of each ordinance before
14 it becomes operative. Whether or not provided in its charter,
15 instead of publishing a true copy of an ordinance before it
16 becomes operative, the city may publish a summary of the
17 ordinance. If the city publishes a summary of the ordinance, the
18 city shall include in the publication the designation of a loca-
19 tion in the city where a true copy of the ordinance can be
20 inspected or obtained. Whether or not provided in its charter, a
21 city may adopt a law, A code, or rules that have been promulgated
22 and adopted by an authorized agency of the state pertaining to
23 fire, fire hazards, fire prevention, or fire waste, and a fire
24 prevention code, plumbing code, heating code, electrical code,
25 building code, refrigeration machinery code, piping code, boiler
26 code, boiler operation code, elevator machinery code, or a code
27 pertaining to flammable liquids and gases, as well as to

1 hazardous chemicals, that has been promulgated by this state, ~~or~~
2 ~~by a department, board, or other agency of this state,~~ or by an
3 organization or association that is organized and conducted for
4 the purpose of developing the code, by reference to the code in
5 an adopting ordinance and without publishing the code in full.
6 The code shall be clearly identified in the ordinance and its
7 purpose shall be published with the adopting ordinance. Printed
8 copies of the code shall be kept in the office of the city clerk,
9 available for inspection by, and distribution to, the public at
10 all times. The publication shall contain a notice stating that a
11 complete copy of the code is ~~made~~ available to the public at
12 the office of the city clerk in compliance with state law requir-
13 ing that records of public bodies be made available to the
14 ~~general~~ public.

15 (l) That the business which the legislative body may perform
16 shall be conducted at a public meeting held in compliance with
17 the open meetings act, Act No. 267 of the Public Acts of 1976, as
18 amended, being sections 15.261 to 15.275 of the Michigan Compiled
19 Laws. All records of the municipality shall be made available to
20 the ~~general~~ public in compliance with the freedom of informa-
21 tion act, Act No. 442 of the Public Acts of 1976, as amended,
22 being sections 15.231 to 15.246 of the Michigan Compiled Laws.

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

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

1 SEC. 3A. (1) THE LEGISLATURE FINDS THAT, IN A CITY WITH A
2 POPULATION OF MORE THAN 1,000,000, AN AT-LARGE ELECTION OF CITY
3 COUNCIL MEMBERS IS VIOLATIVE OF THE INTENTION OF THE VOTING
4 RIGHTS ACT OF 1965, PUBLIC LAW 89-110, 79 STAT. 437, IN THAT IT
5 FAILS TO PROVIDE EQUAL OPPORTUNITY FOR MEMBERS OF MINORITY GROUPS
6 TO PARTICIPATE IN THE ELECTORAL PROCESS AND ELECT CITY COUNCIL
7 MEMBERS OF THEIR CHOICE. THIS SECTION IS NECESSARY TO GUARANTEE
8 TO MEMBERS OF MINORITY GROUPS EFFICACY IN THEIR VOTE FOR CITY
9 COUNCIL MEMBERS AND TO AVOID LITIGATION UNDER THE VOTING RIGHTS
10 ACT OF 1965.

11 (2) IN A CITY WITH A POPULATION OF MORE THAN 1,000,000, THE
12 AT-LARGE CITY COUNCIL PROVIDED BY CHARTER IS HEREBY ABOLISHED ON
13 JANUARY 1, 1994 AND SHALL BE REPLACED BY A CITY COUNCIL OF
14 9 MEMBERS ELECTED FROM SINGLE MEMBER NEIGHBORHOOD ELECTION DIS-
15 TRICTS AT REGULAR MUNICIPAL ELECTIONS BEGINNING WITH THE 1993
16 MUNICIPAL PRIMARY ELECTION.

17 (3) WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDA-
18 TORY ACT THAT ADDED THIS SECTION, THE CITY PLANNING COMMISSION
19 SHALL MEET AS THE APPORTIONMENT COMMISSION AND ADOPT AN APPOR-
20 TIONMENT PLAN. THE CITY PLANNING COMMISSION SHALL THEREAFTER
21 MEET WITHIN 30 DAYS AFTER THE PUBLICATION OF THE LATEST OFFICIAL
22 FIGURES OF THE FEDERAL DECENNIAL CENSUS TO REAPPORTION THE CITY.
23 TO THE EXTENT CONSISTENT WITH THIS ACT, THE PROCEDURAL ASPECTS OF
24 THE APPORTIONMENT PROCESS SHALL BE GOVERNED BY THE SAME STATUTORY
25 PROCEDURES AS ARE PROVIDED FOR A COUNTY CHARTER COMMISSION APPOR-
26 TIONMENT PURSUANT TO SECTION 5(4), (5), (6), AND (7) OF ACT
27 NO. 293 OF THE PUBLIC ACTS OF 1966, BEING SECTION 45.505 OF THE

1 MICHIGAN COMPILED LAWS. THE CITY CLERK SHALL CONVENE THE CITY
2 PLANNING COMMISSION SITTING AS THE APPORTIONMENT COMMISSION. AS
3 THE APPORTIONMENT COMMISSION, THE CITY PLANNING COMMISSION SHALL
4 ADOPT ITS OWN RULES. FIVE MEMBERS SHALL CONSTITUTE A QUORUM AND
5 ALL ACTIONS SHALL BE BY A MAJORITY VOTE.

6 (4) THE CITY PLANNING COMMISSION SHALL PROVIDE FOR EQUAL
7 REPRESENTATION FOR EACH NEIGHBORHOOD ELECTION DISTRICT, AND EACH
8 NEIGHBORHOOD ELECTION DISTRICT SHALL BE AS NEARLY EQUAL IN POPU-
9 LATION AS IS PRACTICABLE BASED ON THE LATEST OFFICIAL FIGURES OF
10 THE FEDERAL DECENNIAL CENSUS. IN DRAWING UP AN APPORTIONMENT
11 PLAN, THE CITY PLANNING COMMISSION SHALL FOLLOW THE LINES USED
12 FOR PLANNING SECTORS AND SUBCOMMUNITIES AS PROVIDED BY THE CITY
13 MASTER PLAN AND CHARTER. IN SUBSEQUENT REAPPORTIONMENTS, THE
14 PLANNING COMMISSION PLAN SHALL MAKE ONLY INCREMENTAL CHANGES TO
15 THE NEIGHBORHOOD ELECTION DISTRICT BOUNDARIES AS NECESSARY TO
16 ACCOMMODATE POPULATION CHANGE REQUIREMENTS. EACH NEIGHBORHOOD
17 ELECTION DISTRICT SHALL BE DESIGNATED BY NAME AND NUMBER.

18 (5) EACH CANDIDATE FOR CITY COUNCIL SHALL BE A RESIDENT OF
19 THE NEIGHBORHOOD ELECTION DISTRICT HE OR SHE SEEKS TO REPRESENT.
20 A CITY COUNCIL MEMBER'S OFFICE IS VACATED IF THE MEMBER MOVES HIS
21 OR HER RESIDENCE OUTSIDE OF THE DISTRICT THAT THE MEMBER
22 REPRESENTS.

23 (6) TO COMPLY WITH AND IMPLEMENT THIS SECTION, THE CITY
24 CLERK SHALL PROMULGATE NECESSARY ELECTION RULES AND PROCEDURES
25 CONSISTENT WITH OTHER PROVISIONS OF THE CITY CHARTER. THE CITY
26 COUNCIL MAY AMEND THE CHARTER TO COMPLY WITH THE INTENT AND
27 FINDINGS OF THIS SECTION IN THE SAME MANNER PROVIDED BY LAW AND

1 CHARTER FOR THE ADOPTION OF AN ORDINANCE. HOWEVER, ANY CHARTER
2 AMENDMENT SHALL TAKE EFFECT IMMEDIATELY UPON ADOPTION BY THE
3 COUNCIL. THE CITY CLERK SHALL FILE A COPY OF ANY CHARTER AMEND-
4 MENT WITH THE SECRETARY OF STATE AND THE COUNTY CLERK OF THE
5 COUNTY WHERE THE CITY IS LOCATED. SECTIONS 21 TO 25 OF THIS ACT
6 DO NOT APPLY TO THE CHARTER AMENDMENT REQUIRED BY THIS SECTION.