



SENATE BILL No. 1053

May 28, 1996, Introduced by Senators BOUCHARD, STEIL, SCHUETTE, MC MANUS, A. SMITH, V. SMITH and BERRYMAN and referred to the Committee on Financial Services.

A bill to amend sections 3, 5, 9, 11, 15, 17, 19, 21, 27, and 29 of Act No. 292 of the Public Acts of 1989, entitled "Metropolitan council act," being sections 124.653, 124.655, 124.659, 124.661, 124.665, 124.667, 124.669, 124.671, 124.677, and 124.679 of the Michigan Compiled Laws; and to add section 27a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3, 5, 9, 11, 15, 17, 19, 21, 27, and 29
2 of Act No. 292 of the Public Acts of 1989, being sections
3 124.653, 124.655, 124.659, 124.661, 124.665, 124.667, 124.669,
4 124.671, 124.677, and 124.679 of the Michigan Compiled Laws, are
5 amended and section 27a is added to read as follows:

6 Sec. 3. As used in this act:

7 (a) "Articles" means a council's articles of incorporation
8 provided for in section 5.

1 (b) "Council" means a metropolitan council established
2 pursuant to this act.

3 (c) "Council area" means, FOR A METROPOLITAN AREA COUNCIL,
4 the combined territory of the participating cities, villages, and
5 townships. COUNCIL AREA MEANS, FOR A METROPOLITAN REGION, THE
6 ACTUAL TERRITORY OR THE LOCAL GOVERNMENTAL UNIT OR UNITS PARTICI-
7 PATING IN THE METROPOLITAN REGION.

8 (d) "Largest" means, if used in reference to a county, the
9 county having the greatest population residing in participating
10 cities, villages, and townships. "Largest", if used in reference
11 to a participating local governmental unit, means the participat-
12 ing local governmental unit having the greatest population.

13 "LARGEST", IF USED IN REFERENCE TO ONLY 1 PARTICIPATING LOCAL
14 GOVERNMENTAL UNIT, MEANS THAT UNIT.

15 (e) "Local governmental unit" means a county, township,
16 city, or village.

17 (f) "Metropolitan area" means a metropolitan statistical
18 area ~~, as defined as of the effective date of this act, by the~~
19 ~~United States department of commerce or a successor agency,~~ with
20 a population of less than ~~1,000,000~~ 700,000 people.

21 (G) "METROPOLITAN REGION" MEANS A METROPOLITAN STATISTICAL
22 AREA WITH A POPULATION OF MORE THAN 700,000 PEOPLE.

23 (H) "METROPOLITAN STATISTICAL AREA" MEANS THAT TERM AS
24 DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE OR A SUCCES-
25 SOR AGENCY AS OF JANUARY 3, 1990.

26 (I) ~~(g)~~ "Participating", if used in reference to a local
27 governmental unit, means 1 of the following:

1 (i) After formation of a metropolitan council, a local
2 governmental unit that has joined in the formation of the council
3 or been added to the council pursuant to section 11 and that has
4 not withdrawn pursuant to section 33.

5 (ii) Before formation of a metropolitan council, a local
6 governmental unit named in the articles of incorporation as a
7 participating local governmental unit.

8 (J) "TAX EXEMPT ENTITY" MEANS AN ORGANIZATION EXEMPT FROM
9 TAXATION UNDER SECTION 501(c) OF THE INTERNAL REVENUE CODE OF
10 1986, 26 U.S.C. 501(c).

11 Sec. 5. (1) ~~A combination of 2 or more local governmental~~
12 ~~units in a metropolitan area~~ ANY OF THE FOLLOWING may form a
13 metropolitan council by adopting articles of incorporation pursu-
14 ant to the requirements of sections 7 and 9: —

15 (A) A CITY WITH A POPULATION OF NOT LESS THAN 900,000
16 PEOPLE.

17 (B) A COUNTY WITH A POPULATION OF NOT LESS THAN 700,000
18 PEOPLE.

19 (C) A COMBINATION OF ANY LOCAL GOVERNMENTAL UNITS IN THE
20 SAME METROPOLITAN REGION DESCRIBED IN SUBDIVISION (A) OR (B).

21 (D) A COMBINATION OF 2 OR MORE LOCAL GOVERNMENTAL UNITS IN A
22 METROPOLITAN AREA.

23 (2) A council is a public corporate body with power to sue
24 and be sued in any court of the state.

25 (3) A council is an authority under section 6 of article IX
26 of the state constitution of 1963.

1 (4) A council possesses all the powers necessary for
2 carrying out the purposes of its formation. The enumeration of
3 specific powers in this act shall not be construed as a limita-
4 tion on the general powers of a council, consistent with its
5 articles.

6 Sec. 9. (1) The articles of a council shall be adopted and
7 may be amended by an affirmative vote of a majority of the mem-
8 bers elected to and serving on the legislative body of each par-
9 ticipating local governmental unit.

10 (2) Before the articles or amendments are adopted by any
11 participating local governmental unit, the articles or amendments
12 shall be published by the clerk of the largest participating
13 local governmental unit. THE CLERK SHALL PUBLISH THE ARTICLES OR
14 AMENDMENTS at least once in a newspaper generally circulated
15 within the participating cities, villages, and townships. IF THE
16 PARTICIPATING LOCAL GOVERNMENTAL UNIT IS NOT PARTICIPATING WITH
17 ANY OTHER LOCAL GOVERNMENTAL UNIT, THE CLERK SHALL PUBLISH THE
18 ARTICLES OR AMENDMENTS AT LEAST ONCE IN A NEWSPAPER GENERALLY
19 CIRCULATED WITHIN THAT LOCAL GOVERNMENTAL UNIT.

20 (3) The adoption of articles or amendments by the legisla-
21 tive body of a local governmental unit shall be evidenced by an
22 endorsement on the articles or amendments by the clerk of the
23 local governmental unit in a form substantially as follows:

1 These articles of incorporation (or amendments) were adopted
 2 by an affirmative vote of a majority of the members serving on
 3 the legislative body of _____,
 4 _____ at a meeting duly held on the _____ day
 5 of _____, A.D., _____.

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8 (4) Upon adoption of the articles or amendments, a printed
 9 copy of the articles or the amended articles shall be filed by
 10 the clerk of the SINGLE PARTICIPATING LOCAL GOVERNMENTAL UNIT OR
 11 THE largest participating local governmental unit THAT IS PARTIC-
 12 IPATING WITH OTHER LOCAL GOVERNMENTAL UNITS. FILING SHALL BE
 13 with the secretary of state, AND, AS APPLICABLE, the clerk of
 14 each county in which is located all or part of a participating
 15 city, village, or township, and the clerk of each participating
 16 city, village, or township.

17 Sec. 11. (1) A local governmental unit IN A METROPOLITAN
 18 AREA may be added to ~~the~~ A council ~~after the council's~~
 19 ~~incorporation~~ IN THAT METROPOLITAN AREA, AND A LOCAL UNIT OF
 20 GOVERNMENT IN A METROPOLITAN REGION MAY BE ADDED TO A COUNCIL IN
 21 THAT METROPOLITAN REGION, upon satisfaction of all of the follow-
 22 ing requirements:

23 (a) A majority of the members elected to and serving on the
 24 legislative body of the local governmental unit vote to adopt a
 25 resolution stating that the local governmental unit desires to be
 26 added to the council and that it accepts the requirements of the

1 articles as amended to reflect the addition of the local
2 governmental unit.

3 (b) If there is a tax levied by the council pursuant to
4 section 7 and the local governmental unit is a city, village, or
5 township, the tax is authorized by a majority of the electors of
6 that city, village, or township voting on the proposal.

7 (c) The articles are amended to reflect the addition of the
8 local governmental unit.

9 (2) Upon addition of a local governmental unit to a council,
10 a printed copy of the amended articles shall be filed as required
11 by section 9 by the clerk of the local governmental unit added to
12 the council.

13 Sec. 15. (1) A council FOR A METROPOLITAN AREA OR A METRO-
14 POLITAN REGION shall have a chairperson. The chairperson shall
15 act as principal executive officer and shall preside at the meet-
16 ings of the council. Meeting times and places shall be fixed by
17 the council and special meetings may be called by a majority of
18 the delegates on the council or by the chairperson. The chair-
19 person shall have such powers and duties as provided in the
20 articles.

21 (2) In addition to the chairperson, a METROPOLITAN AREA'S
22 council shall have other officers as may be provided in the
23 articles. The chairperson and other officers shall be elected by
24 the council and shall be council delegates. However, a secretary
25 and treasurer need not be council delegates.

26 (3) THE BOARD OF DIRECTORS OF A METROPOLITAN REGION'S
27 COUNCIL SHALL CONSIST OF 4 MEMBERS FROM EACH LOCAL GOVERNMENTAL

1 UNIT PARTICIPATING IN THE COUNCIL. EACH MEMBER SHALL BE
2 APPOINTED BY AND SERVE AT THE PLEASURE OF THE CHIEF EXECUTIVE
3 OFFICER OF HIS OR HER LOCAL GOVERNMENTAL UNIT.

4 (4) ~~(3)~~ If provided in the articles, a council FOR A MET-
5ROPOLITAN AREA OR FOR A METROPOLITAN REGION may appoint an execu-
6tive director to serve at the council's pleasure as the principal
7 administrator for the council. The director shall not be a dele-
8gate, shall be selected on the basis of training and experience,
9 and shall have the powers and duties as provided in the council
10 bylaws adopted pursuant to section 21.

11 (5) ~~(4)~~ If specifically authorized by law, a council FOR A
12 METROPOLITAN AREA OR FOR A METROPOLITAN REGION may make appoint-
13 ments to other governmental agencies.

14 Sec. 17. (1) A METROPOLITAN AREA'S council may pay each
15 council delegate a per diem compensation for each council meeting
16 attended and for other designated services performed by the coun-
17 cil delegate. A METROPOLITAN AREA'S council may reimburse each
18 council delegate for reasonable expenses incurred in attending
19 council meetings and performing services designated by ~~the~~ THAT
20 council. A METROPOLITAN REGION'S COUNCIL SHALL SERVE WITHOUT
21 COMPENSATION BUT UPON APPROVAL OF THAT COUNCIL'S BOARD OF DIREC-
22 TORS MAY BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED
23 IN THE PERFORMANCE OF THE COUNCIL'S OFFICIAL DUTIES.

24 (2) The budget of a METROPOLITAN AREA OR METROPOLITAN REGION
25 council prepared pursuant to section 21 shall provide as a sepa-
26 rate account anticipated expenditures for per diem compensation
27 and expense reimbursement for the chairperson and other council

1 delegates. Compensation or reimbursement shall be paid to the
2 chairperson and other council delegates only if budgeted.

3 Sec. 19. (1) ~~The~~ A METROPOLITAN AREA COUNCIL'S articles
4 may authorize ~~a~~ THAT council to propose standards, criteria,
5 and suggested model ordinances to regulate the use and develop-
6 ment of land and water within the council area.

7 (2) To the extent authorized in ~~the~~ A METROPOLITAN AREA
8 COUNCIL'S articles, ~~a~~ THE METROPOLITAN AREA council may plan,
9 promote, finance, issue bonds for, acquire, improve, enlarge,
10 extend, own, construct, replace, or contract for public improve-
11 ments and services including, but not limited to, the following:

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

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

14 (c) Parks, museums, zoos, wildlife sanctuaries, and recrea-
15 tional facilities.

16 (d) Special use facilities.

17 (e) Ground and air transportation and facilities, including
18 airports.

19 (f) Economic development and planning for the council area.

20 (g) Higher education public improvements and services.

21 (3) A METROPOLITAN REGION COUNCIL'S ARTICLES MAY AUTHORIZE
22 THAT COUNCIL TO PROVIDE FUNDING, SUPPLEMENTAL TO FUNDING RECEIVED
23 FROM OTHER SOURCES, FOR ARTS AND CULTURAL FACILITIES AND PROGRAMS
24 LOCATED WITHIN THE METROPOLITAN REGION THAT THE COUNCIL SERVES.
25 AS USED IN THIS SECTION, "FACILITIES AND PROGRAMS" MEANS STRUC-
26 TURES, FIXTURES, AND ACTIVITIES PROVIDED BY A TAX EXEMPT ENTITY
27 THAT HAS BEEN IN EXISTENCE FOR AT LEAST 18 CONSECUTIVE MONTHS

1 BEFORE BECOMING ELIGIBLE FOR FUNDING UNDER THIS SECTION.
2 FACILITIES AND PROGRAMS MAY INCLUDE ZOOLOGICAL, BOTANICAL, OR
3 OTHER SCIENCE CENTERS, MUSEUMS OR HISTORICAL CENTERS, PERFORMING
4 ARTS CENTERS, ORCHESTRAS, CHORUSES, CHORALES, OPERA THEATERS, AND
5 BALLET, DANCE, AND THEATER COMPANIES. FACILITIES AND PROGRAMS DO
6 NOT INCLUDE LABOR ORGANIZATIONS, POLITICAL ORGANIZATIONS, LIBRAR-
7 IES OR PUBLIC, PRIVATE, OR CHARTER SCHOOLS.

8 (4) ~~(3)~~ A METROPOLITAN AREA council shall not contract for
9 the operation by another person of a public improvement or serv-
10 ice acquired by the council pursuant to subsection (2).

11 (5) ~~(4)~~ A METROPOLITAN AREA COUNCIL OR A METROPOLITAN
12 REGION council may establish divisions, bureaus, and committees,
13 including advisory committees. Members of advisory committees
14 shall serve without compensation but may be reimbursed for their
15 reasonable expenses as determined by the council.

16 (6) ~~(5)~~ A METROPOLITAN AREA council in cooperation with
17 other agencies and departments of the state and the state univer-
18 sities may develop a center for data collection and storage to be
19 used by the council and other governmental users and may furnish
20 information on subjects such as population, land use, and govern-
21 mental finances.

22 (7) ~~(6)~~ A METROPOLITAN AREA council may study the feasi-
23 bility of programs relating but not limited to water supply,
24 refuse disposal, surface water drainage, communication, transpor-
25 tation, and other subjects of concern to the participating local
26 governmental units and may institute demonstration projects in
27 connection with the studies.

1 Sec. 21. (1) A METROPOLITAN AREA COUNCIL OR A METROPOLITAN
2 REGIONAL council may ~~do 1 or more of the following:~~ ~~(a) Adopt~~
3 ADOPT bylaws for the administration of the council.
4 ADDITIONALLY, A METROPOLITAN AREA COUNCIL MAY DO 1 OR MORE OF THE
5 FOLLOWING:

6 (A) ~~(b)~~ Acquire and hold, by purchase, lease, grant, gift,
7 devise, land contract, installment purchase contract, bequest,
8 condemnation, or other legal means, real and personal property
9 within or without the participating cities, villages, and
10 townships. The property may include franchises, easements, or
11 rights of way on, under, or above any property. The council may
12 pay for the property from, or pledge for the payment of the prop-
13 erty, revenue of the council. A council shall not condemn public
14 property.

15 (B) ~~(c)~~ Apply for and accept grants, loans, or contribu-
16 tions from the federal government or any of its agencies, this
17 state, or other public or private agencies to be used for any of
18 the purposes of this act.

19 (C) ~~(d)~~ Sell or lease property acquired for the purposes
20 of this act but not needed for those purposes.

21 (D) ~~(e)~~ Contract with a participating local governmental
22 unit for the provision of a service listed in section 19(2) in
23 the participating local governmental unit for a period not
24 exceeding 30 years. The service may be established or funded in
25 conjunction with a service of a local governmental unit, and the
26 provision of a service of a local governmental unit may be
27 delegated to a METROPOLITAN AREA council. A charge specified in

1 a contract is subject to increase by the METROPOLITAN AREA
2 council, if necessary to provide funds to meet its obligations.
3 A METROPOLITAN AREA council may also enter into a contract with a
4 nonparticipating local governmental unit for a period not exceed-
5 ing 30 years, except that a charge for a service under a contract
6 with a nonparticipating local governmental unit may be greater
7 than a charge to a participating local governmental unit, and is
8 subject to change from time to time without notice. A
9 METROPOLITAN AREA council's powers under this subdivision are
10 subject to section ~~19(3)~~ 19(4).

11 (E) ~~(f)~~ Hire employees, attorneys, accountants, and
12 consultants.

13 (2) A METROPOLITAN AREA COUNCIL OR A METROPOLITAN REGION
14 council shall do all of the following:

15 (a) Prepare budgets and appropriations acts in the manner
16 required of local units under the uniform budgeting and account-
17 ing act, Act No. 2 of the Public Acts of 1968, being sections
18 141.421 to 141.440a of the Michigan Compiled Laws.

19 (b) If ending a fiscal year with a deficit, file a financial
20 plan to correct the deficit in the same manner as provided in
21 section 21 of Act No. 140 of the Public Acts of 1971, being sec-
22 tion 141.921 of the Michigan Compiled Laws.

23 Sec. 27. (1) A proposal for a tax authorized to be levied
24 by a METROPOLITAN AREA council under section 7 shall not be
25 placed on the ballot unless the proposal is adopted by a resolu-
26 tion of the council and certified by the council not later than
27 70 days before the election to the county clerk of each county in

1 which all or part of a participating city, village, or township
2 is located for inclusion on the ballot. The proposal shall state
3 the amount and duration of the millage and shall be certified for
4 inclusion on the ballot at the next general election, the state
5 primary immediately preceding the general election, or a special
6 election at a proposed date not within 45 days of a state primary
7 or a general election, as specified by the council's resolution.
8 A proposed special election date shall be approved by the county
9 election scheduling committee of the largest county in the manner
10 required by section 639 of the Michigan election law, Act No. 116
11 of the Public Acts of 1954, being section 168.639 of the Michigan
12 Compiled Laws.

13 (2) The county election commission shall provide ballots for
14 an election for a tax proposal for each participating city, vil-
15 lage, or township or part of a participating city, village, or
16 township located within the county.

17 (3) Except as otherwise provided in subsections (4) and (5),
18 an election for a tax shall be conducted by the city and township
19 clerks and election officials of the participating cities and
20 townships.

21 (4) If an election on a proposal for a tax is to be held in
22 conjunction with a general election or state primary election and
23 if a participating village is located within a nonparticipating
24 township, the township clerk and election officials shall conduct
25 the election. On the forty-fifth day preceding the election, the
26 village clerk or other official maintaining a file of qualified
27 and registered electors of the village shall provide to the

1 township clerk a list containing the name, address, and birth
2 date of each qualified and registered elector of the village. By
3 the fifteenth day preceding the election, the village clerk or
4 other official providing the list shall provide to the township
5 clerk information updating the list as of the close of
6 registration. Persons appearing on the list as updated are eli-
7 gible to vote in the election by special ballot.

8 (5) If a tax is to be voted on at a special election not
9 held in conjunction with a general election or state primary
10 election and if a participating village is located within a non-
11 participating township, the village clerk and election officials
12 shall conduct the election.

13 SEC. 27A. (1) A PROPOSAL FOR A TAX AUTHORIZED TO BE LEVIED
14 BY A METROPOLITAN REGION COUNCIL UNDER SECTION 7 SHALL NOT BE
15 PLACED ON THE BALLOT UNLESS THE PROPOSAL IS ADOPTED BY A RESOLU-
16 TION OF THE COUNCIL AND CERTIFIED BY THE COUNCIL NOT LATER THAN
17 70 DAYS BEFORE THE ELECTION TO THE COUNTY CLERK OF EACH PARTICI-
18 PATING COUNTY AND THE COUNTY IN WHICH ALL OR PART OF A PARTICI-
19 PATING CITY IS LOCATED FOR INCLUSION ON THE BALLOT. THE PROPOSAL
20 SHALL STATE THE AMOUNT AND DURATION OF THE MILLAGE AND SHALL BE
21 CERTIFIED FOR INCLUSION ON THE BALLOT AT THE NEXT GENERAL ELEC-
22 TION, THE STATE PRIMARY IMMEDIATELY PRECEDING THE GENERAL ELEC-
23 TION, OR A SPECIAL ELECTION AT A PROPOSED DATE NOT WITHIN 45 DAYS
24 OF A STATE PRIMARY OR A GENERAL ELECTION, AS SPECIFIED BY THE
25 COUNCIL'S RESOLUTION. A PROPOSED SPECIAL ELECTION DATE SHALL BE
26 APPROVED BY THE COUNTY ELECTION SCHEDULING COMMITTEE OF THE
27 LARGEST COUNTY IN THE MANNER REQUIRED BY SECTION 639 OF THE

1 MICHIGAN ELECTION LAW, ACT NO. 116 OF THE PUBLIC ACTS OF 1954,
2 BEING SECTION 168.639 OF THE MICHIGAN COMPILED LAWS.

3 (2) THE COUNTY ELECTION COMMISSION SHALL PROVIDE BALLOTS FOR
4 AN ELECTION FOR A TAX PROPOSAL FOR EACH PARTICIPATING CITY OR
5 PART OF A PARTICIPATING CITY LOCATED WITHIN THE COUNTY.

6 (3) FOR CITIES THAT PARTICIPATE IN A METROPOLITAN REGION
7 COUNCIL, AN ELECTION FOR A TAX SHALL BE CONDUCTED BY THE CITY
8 CLERKS AND ELECTION OFFICIALS OF THOSE PARTICIPATING CITIES.

9 Sec. 29. (1) If an election for a tax is to be held in con-
10 junction with a general election or a state primary election
11 immediately preceding a general election, the notices of close of
12 registration and election shall be published as provided for by
13 the state election laws. Otherwise, the county clerk of the
14 largest county shall publish the notices of close of registration
15 and election. The notice of close of registration shall include
16 the ballot language of the proposal.

17 (2) The results of an election for a tax shall be canvassed
18 by the board of county canvassers of each county in which all or
19 part of a participating city, village, or township is located.
20 If the county is not the largest county, the board of county can-
21 vassers shall certify the results of the election to the board of
22 county canvassers of the largest county. The board of county
23 canvassers of the largest county shall make the final canvass of
24 an election for a tax based on the returns of the election
25 inspectors of the participating cities, villages, and townships
26 in that county and the certified results of the board of county
27 canvassers of every other county in which a participating city,

1 village, or township is located. The board of county canvassers
2 of the largest county shall certify the results of the election
3 to the council and issue certificates of election. If a majority
4 of the votes cast IN A METROPOLITAN AREA on the question of a tax
5 ~~is~~ ARE in favor of the proposal, the tax levy is authorized. A
6 TAX LEVY IS NOT AUTHORIZED FOR A METROPOLITAN REGION UNLESS A
7 MAJORITY OF THE VOTES CAST IN EACH PARTICIPATING COUNTY OR CITY
8 ARE IN FAVOR OF THE PROPOSAL. No more than 2 elections shall be
9 held in a calendar year on the question of a tax.