

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5796

(As passed the House, June 4, 1998)

A bill to amend 1989 PA 292, entitled
"Metropolitan council act,"
by amending the title and sections 1, 3, 5, 7, 9, 11, 13, 15, 17,
19, 21, 23, 25, 27, 29, 31, 33, and 35 (MCL 124.651, 124.653,
124.655, 124.657, 124.659, 124.661, 124.663, 124.665, 124.667,
124.669, 124.671, 124.673, 124.675, 124.677, 124.679, 124.681,
124.683, and 124.685) and by adding sections 65, 67, 69, 71, 73,
75, 77, and 79.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to authorize CERTAIN local governmental units to

3

create ~~metropolitan~~ CERTAIN councils UNDER CERTAIN

4

CIRCUMSTANCES; to prescribe the powers and duties of

5

~~metropolitan~~ councils ESTABLISHED UNDER THIS ACT; and to

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

2

1 authorize ~~metropolitan~~ CERTAIN councils ESTABLISHED UNDER THIS
2 ACT to levy a property tax.

3 Sec. 1. This act shall be known and may be cited as the
4 "metropolitan ~~council~~ COUNCILS act".

5 Sec. 3. As used in ~~this act~~ SECTIONS 5 THROUGH 35:

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

8 ~~(b) "Council" means a metropolitan council established pur-~~
9 ~~suant to this act.~~

10 (B) ~~(c)~~ "Council area" means the combined territory of the
11 ~~participating~~ cities, villages, and townships PARTICIPATING IN
12 A METROPOLITAN AREA COUNCIL.

13 (C) ~~(d)~~ "Largest" means, if used in reference to a county,
14 the county having the greatest population residing in participat-
15 ing cities, villages, and townships. "Largest", if used in ref-
16 erence to a participating local governmental unit, means the par-
17 ticipating local governmental unit having the greatest
18 population.

19 (D) ~~(e)~~ "Local governmental unit" means a county, town-
20 ship, city, or village.

21 (E) ~~(f)~~ "Metropolitan area" means a metropolitan statisti-
22 cal area, as defined as of the effective date of this act, by the
23 United States department of commerce or a successor agency, with
24 a population of less than ~~1,000,000~~ 1,500,000 people.

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

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

3

1 (i) After formation of a metropolitan AREA 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 AREA council, a
6 local governmental unit named in the articles of incorporation as
7 a participating local governmental unit.

8 Sec. 5. (1) A combination of 2 or more local governmental
9 units in a metropolitan area may form a metropolitan AREA council
10 by adopting articles of incorporation pursuant to the require-
11 ments of sections 7 and 9.

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

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

16 (4) A council possesses all the powers necessary for carry-
17 ing out the purposes of its formation. The enumeration of spe-
18 cific powers in this act shall not be construed as a limitation
19 on the general powers of a council, consistent with its
20 articles.

21 Sec. 7. (1) ~~A council's articles~~ THE ARTICLES OF A COUN-
22 CIL ESTABLISHED UNDER THIS ACT shall state the name of the coun-
23 cil; the names of the participating local governmental units; the
24 purposes for which the council is formed; the powers, duties, and
25 limitations of the council and its officers; the qualifications,
26 method of selection and terms of office of delegates sitting on
27 the council and of council officers; the manner in which

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

4

1 participating local governmental units shall take part in the
2 governance of the council; the general method of amending the
3 articles; the method of amending the articles to reflect the
4 addition of a local governmental unit, which shall require the
5 adoption of a resolution by a vote of not less than 2/3 of the
6 delegates serving on the council; and any other matters that the
7 participating local governmental units consider advisable.

8 (2) The articles may require each participating local gov-
9 ernmental unit to annually pay to the council an amount not to
10 exceed 0.2 mills multiplied by the ~~state equalized valuation~~
11 TAXABLE VALUE of all the taxable real and personal property
12 within that local governmental unit.

13 (3) ~~The~~ SUBJECT TO SUBSECTION (4), THE articles may autho-
14 rize the council to levy on all the taxable real and personal
15 property within the council area an ad valorem tax of not to
16 exceed 0.5 mills of the ~~state equalized valuation on each dollar~~
17 ~~of assessed valuation of~~ TAXABLE VALUE OF THE taxable property.
18 The levy of a tax under this subsection is subject to the
19 requirements of sections 25 and 27.

20 (4) THE ARTICLES OF A METROPOLITAN AREA COUNCIL SHALL NOT
21 AUTHORIZE A TAX LEVY UNDER SUBSECTION (3) UNLESS EACH DELEGATE
22 SERVING ON THE COUNCIL HOLDS AN ELECTED OFFICE IN THE LOCAL GOV-
23 ERNMENTAL UNIT THAT HE OR SHE REPRESENTS ON THE COUNCIL.

24 (5) AS USED IN THIS SECTION, "TAXABLE VALUE" MEANS THAT
25 VALUE CALCULATED UNDER SECTION 27A OF THE GENERAL PROPERTY TAX
26 ACT, 1893 PA 206, MCL 211.27A.

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

6

1 township, and the clerk of each participating city, village, or
2 township.

3 Sec. 11. (1) A local governmental unit may be added to the
4 METROPOLITAN AREA council after the council's incorporation upon
5 satisfaction of all of the following requirements:

6 (a) A majority of the members elected to and serving on the
7 legislative body of the local governmental unit vote to adopt a
8 resolution stating that the local governmental unit desires to be
9 added to the METROPOLITAN AREA council and that it accepts the
10 requirements of the articles as amended to reflect the addition
11 of the local governmental unit.

12 (b) If there is a tax levied by the METROPOLITAN AREA coun-
13 cil ~~pursuant to~~ UNDER section 7 and the local governmental unit
14 is a city, village, or township, the tax is authorized by a
15 majority of the electors of that city, village, or township
16 voting on the proposal.

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

19 (2) Upon addition of a local governmental unit to a
20 METROPOLITAN AREA council, a printed copy of the amended articles
21 shall be filed as required by section 9 by the clerk of the local
22 governmental unit added to the council.

23 Sec. 13. (1) Upon petition by not less than 5% of the reg-
24 istered electors residing in a nonparticipating local governmen-
25 tal unit requesting a referendum on the question of becoming a
26 ~~participating~~ local governmental unit PARTICIPATING IN A
27 METROPOLITAN AREA COUNCIL, the clerk of the local governmental

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

7

1 unit, upon verifying the required number of signatures on the
2 petitions, shall submit the question of whether the local govern-
3 mental unit should become a ~~participating local governmental~~
4 ~~unit~~ PARTICIPANT IN A METROPOLITAN AREA COUNCIL to the vote of
5 the electors of the local governmental unit at the next general
6 election or special election called for that purpose, and con-
7 ducted in accordance with the Michigan election law, ~~Act No. 116~~
8 ~~of the Public Acts of 1954, being sections 168.1 to 168.992 of~~
9 ~~the Michigan Compiled Laws~~ 1954 PA 116, MCL 168.1 TO 168.992.

10 (2) The clerk of the ~~municipality~~ LOCAL GOVERNMENTAL UNIT
11 shall prepare the question for the ballot to be used at the elec-
12 tion, subject to the ~~election laws of the state~~ MICHIGAN ELEC-
13 TION LAW, 1954 PA 116, 168.1 TO 168.992, substantially as
14 follows:

15 "Should the _____ of _____ become part of a metro-
16 politan AREA council?

17 Yes ()

18 No ()"

19 (3) If a majority of the electors voting on the question
20 vote "yes", the local governmental unit shall proceed to become a
21 participating local governmental unit in the manner provided in
22 section ~~11~~ 9 OR 11, AS APPLICABLE. IF A MAJORITY OF THE ELEC-
23 TORS VOTING ON THE QUESTION VOTE "NO", THE LOCAL GOVERNMENTAL
24 UNIT SHALL NOT BECOME A PARTICIPATING LOCAL GOVERNMENTAL UNIT IN
25 A METROPOLITAN AREA COUNCIL FOR A PERIOD OF NOT LESS THAN 1 YEAR
26 FOLLOWING THE DATE OF THE VOTE.

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

8

1 Sec. 15. (1) A METROPOLITAN AREA council shall have a
2 chairperson. The chairperson shall act as principal executive
3 officer and shall preside at the meetings of the council.
4 Meeting times and places shall be fixed by the council and spe-
5 cial meetings may be called by a majority of the delegates on the
6 council or by the chairperson. The chairperson shall have such
7 powers and duties as provided in the articles.

8 (2) In addition to the chairperson, a METROPOLITAN AREA
9 council shall have other officers as may be provided in the
10 articles. The chairperson and other officers shall be elected by
11 the council and shall be council delegates. However, a secretary
12 and treasurer need not be council delegates.

13 (3) If provided in the articles, a METROPOLITAN AREA council
14 may appoint an executive director to serve at the council's plea-
15 sure as the principal administrator for the council. The direc-
16 tor shall not be a delegate, shall be selected on the basis of
17 training and experience, and shall have the powers and duties as
18 provided in the council bylaws adopted pursuant to section 21.

19 (4) If specifically authorized by law, a METROPOLITAN AREA
20 council may make appointments to other governmental agencies.

21 Sec. 17. (1) A METROPOLITAN AREA council may pay each coun-
22 cil delegate a per diem compensation for each council meeting
23 attended and for other designated services performed by the coun-
24 cil delegate. A METROPOLITAN AREA council may reimburse each
25 council delegate for reasonable expenses incurred in attending
26 council meetings and performing services designated by the
27 council.

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

9

1 (2) The budget of a METROPOLITAN AREA council prepared
2 pursuant to section 21 shall provide as a separate account antic-
3 ipated expenditures for per diem compensation and expense reim-
4 bursement for the chairperson and other council delegates.
5 Compensation or reimbursement shall be paid to the chairperson
6 and other council delegates only if budgeted.

7 Sec. 19. (1) The articles may authorize a METROPOLITAN AREA
8 council to propose standards, criteria, and suggested model ordi-
9 nances to regulate the use and development of land and water
10 within the council area.

11 (2) To the extent authorized in the articles, a METROPOLITAN
12 AREA council may plan, promote, finance, issue bonds for,
13 acquire, improve, enlarge, extend, own, construct, replace, or
14 contract for public improvements and services including, but not
15 limited to, the following:

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

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

18 (c) Parks, museums, zoos, wildlife sanctuaries, and recrea-
19 tional facilities.

20 (d) Special use facilities.

21 (e) Ground and air transportation and facilities, including
22 airports.

23 (f) Economic development and planning for the METROPOLITAN
24 AREA council area.

25 (g) Higher education public improvements and services.

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

10

1 (H) COMMUNITY FOUNDATIONS AS THAT TERM IS DEFINED IN
2 SECTION 261 OF THE INCOME TAX ACT OF 1967, 1967 PA 281,
3 MCL 206.261.

4 (3) A council ESTABLISHED UNDER THIS ACT shall not contract
5 for the operation by another person of a public improvement or
6 service acquired by the council pursuant to ~~subsection (2)~~ THIS
7 ACT.

8 (4) A METROPOLITAN AREA council may establish divisions,
9 bureaus, and committees, including advisory committees. Members
10 of advisory committees shall serve without compensation but may
11 be reimbursed for their reasonable expenses as determined by the
12 council.

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

19 (6) A METROPOLITAN AREA council may study the feasibility of
20 programs relating but not limited to water supply, refuse dispos-
21 al, surface water drainage, communication, transportation, and
22 other subjects of concern to the participating local governmental
23 units and may institute demonstration projects in connection with
24 the studies.

25 Sec. 21. (1) A METROPOLITAN AREA council may do 1 or more
26 of the following:

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

11

1 (a) Adopt bylaws for the administration of the council.

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

11 (c) Apply for and accept grants, loans, or contributions
12 from the federal government or any of its agencies, this state,
13 or other public or private agencies to be used for any of the
14 purposes of this act.

15 (d) Sell or lease property acquired for the purposes of this
16 act but not needed for those purposes.

17 (e) Contract with a participating local governmental unit
18 for the provision of a service listed in section 19(2) in the
19 participating local governmental unit for a period not exceeding
20 30 years. The service may be established or funded in conjunc-
21 tion with a service of a local governmental unit, and the provi-
22 sion of a service of a local governmental unit may be delegated
23 to a council. A charge specified in a contract is subject to
24 increase by the council, if necessary to provide funds to meet
25 its obligations. A METROPOLITAN AREA council may also enter into
26 a contract with a nonparticipating local governmental unit for a
27 period not exceeding 30 years, except that a charge for a service

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

12

1 under a contract with a nonparticipating local governmental unit
2 may be greater than a charge to a participating local governmen-
3 tal unit, and is subject to change from time to time without
4 notice. A METROPOLITAN AREA council's powers under this subdivi-
5 sion are subject to section 19(3).

6 (f) Hire employees, attorneys, accountants, and
7 consultants.

8 (2) A council shall do all of the following:

9 (a) Prepare budgets and appropriations acts in the manner
10 required of local units under the uniform budgeting and account-
11 ing act, ~~Act No. 2 of the Public Acts of 1968, being sections~~
12 ~~141.421 to 141.440a of the Michigan Compiled Laws~~ 1968 PA 2,
13 MCL 141.421 TO 141.440A.

14 (b) If ending a fiscal year with a deficit, file a financial
15 plan to correct the deficit in the same manner as provided in
16 section 21 of ~~Act No. 140 of the Public Acts of 1971, being sec-~~
17 ~~tion 141.921 of the Michigan Compiled Laws~~ THE STATE REVENUE
18 SHARING ACT OF 1971, 1971 PA 140, MCL 141.921.

19 Sec. 23. (1) A public employee whose duties are transferred
20 to a council ESTABLISHED UNDER THIS ACT shall be given a position
21 of a comparable description with the council, and shall retain
22 the seniority status and benefit rights of the public employment
23 position held before the transfer. An employee of a council is a
24 "public employee" as defined in section ~~2~~ 1 of ~~Act No. 336 of~~
25 ~~the Public Acts of 1947, being section 423.202 of the Michigan~~
26 ~~Compiled Laws~~ 1947 PA 336, MCL 423.201.

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

13

1 (2) A council DESCRIBED IN THIS ACT may bargain collectively
2 and enter into agreements with labor organizations pursuant to
3 ~~Act No. 336 of the Public Acts of 1947, being sections 423.201~~
4 ~~to 423.216 of the Michigan Compiled Laws~~ 1947 PA 336,
5 MCL 423.201 TO 423.217. When powers or duties of a local govern-
6 mental unit are transferred to a council, the council shall imme-
7 diately assume and be bound by an existing labor agreement appli-
8 cable to those powers or duties for the remainder of the term of
9 the labor agreement. The members and beneficiaries of a pension
10 or retirement system or other benefits established by a local
11 governmental unit, the powers or duties of which are transferred
12 to a council, shall have the same rights, privileges, benefits,
13 obligations, and status with respect to the council. A represen-
14 tative of the employees or a group of employees in a local gov-
15 ernmental unit who represents or is entitled to represent the
16 employees or a group of employees of the local governmental unit,
17 pursuant to ~~Act No. 336 of the Public Acts of 1947~~ 1947 PA 336,
18 MCL 423.201 TO 423.217, shall continue to represent the employee
19 or group of employees after the employees are transferred to a
20 council. This subsection does not limit the rights of employees,
21 pursuant to applicable law, to assert that a bargaining represen-
22 tative protected by this subsection is no longer their
23 representative.

24 (3) An employee who left the employ of a local governmental
25 unit to enter the military service of the United States shall
26 have the same employment rights as to a council ESTABLISHED UNDER
27 THIS ACT as that employee would have had with the local

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

14

1 governmental unit pursuant to ~~Act No. 263 of the Public Acts of~~
2 ~~1951, being sections 35.351 to 35.356 of the Michigan Compiled~~
3 ~~Laws~~ 1951 PA 263, MCL 35.351 TO 35.356.

4 (4) An employee of a council ESTABLISHED UNDER THIS ACT who
5 performs a service in the jurisdiction of a local governmental
6 unit that withdraws from the council pursuant to section 33 shall
7 be protected in relation to the local governmental unit to the
8 same extent as an employee of a participating local governmental
9 unit is protected in relation to a council under this section.

10 Sec. 25. (1) A tax authorized to be levied by a council
11 ~~pursuant to section 7~~ UNDER THIS ACT shall be levied and col-
12 lected at the same time and in the same manner as provided by the
13 general property tax act, ~~Act No. 206 of the Public Acts of~~
14 ~~1893, being sections 211.1 to 211.157 of the Michigan Compiled~~
15 ~~Laws~~ 1893 PA 206, MCL 211.1 TO 211.157.

16 (2) A council shall not levy a tax except upon the approval
17 of a majority of the qualified and registered electors residing
18 in the council area and voting collectively on the question.

19 Sec. 27. (1) A proposal for a tax authorized to be levied
20 by a council under ~~section 7~~ THIS ACT shall not be placed on
21 the ballot unless the proposal is adopted by a resolution of the
22 council and certified by the council not later than 70 days
23 before the election to the county clerk of each county in which
24 all or part of a participating city, village, or township is
25 located for inclusion on the ballot. The proposal shall state
26 the amount and duration of the millage and shall be certified for
27 inclusion on the ballot at the next general election, the state

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

15

1 primary immediately preceding the general election, or a special
2 election at a proposed date not within 45 days of a state primary
3 or a general election, as specified by the council's resolution.
4 A proposed special election date shall be approved by the county
5 election scheduling committee of the largest county in the manner
6 required by section 639 of the Michigan election law, ~~Act~~
7 ~~No. 116 of the Public Acts of 1954, being section 168.639 of the~~
8 ~~Michigan Compiled Laws~~ 1954 PA 116, MCL 168.639.

9 (2) The county election commission shall provide ballots for
10 an election for a tax proposal for each ~~participating~~ city,
11 village, or township or part of a ~~participating~~ city, village,
12 or township located within the county THAT IS PARTICIPATING IN A
13 COUNCIL UNDER THIS ACT.

14 (3) Except as otherwise provided in subsections (4) and (5),
15 an election for a tax shall be conducted by the city and township
16 clerks and election officials of the ~~participating~~ cities and
17 townships PARTICIPATING IN A COUNCIL UNDER THIS ACT.

18 (4) If an election on a proposal for a tax is to be held in
19 conjunction with a general election or state primary election and
20 if a ~~participating~~ village PARTICIPATING IN A COUNCIL UNDER
21 THIS ACT is located within a nonparticipating township, the town-
22 ship clerk and election officials shall conduct the election. On
23 the forty-fifth day preceding the election, the village clerk or
24 other official maintaining a file of qualified and registered
25 electors of the village shall provide to the township clerk a
26 list containing the name, address, and birth date of each
27 qualified and registered elector of the village. By the

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

16

1 fifteenth day preceding the election, the village clerk or other
2 official providing the list shall provide to the township clerk
3 information updating the list as of the close of registration.
4 Persons appearing on the list as updated are eligible to vote in
5 the election by special ballot.

6 (5) If a tax is to be voted on at a special election not
7 held in conjunction with a general election or state primary
8 election and if a ~~participating~~ village PARTICIPATING IN A
9 COUNCIL UNDER THIS ACT is located within a nonparticipating town-
10 ship, the village clerk and election officials shall conduct the
11 election.

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

20 (2) The results of an election for a tax shall be canvassed
21 by the board of county canvassers of each county in which all or
22 part of a ~~participating~~ city, village, or township
23 PARTICIPATING IN A COUNCIL UNDER THIS ACT is located. If the
24 county is not the largest county, the board of county canvassers
25 shall certify the results of the election to the board of county
26 canvassers of the largest county. The board of county canvassers
27 of the largest county shall make the final canvass of an election

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

17

1 for a tax based on the returns of the election inspectors of the
2 participating cities, villages, and townships in that county and
3 the certified results of the board of county canvassers of every
4 other county in which a ~~participating~~ city, village, or town-
5 ship PARTICIPATING IN THE COUNCIL is located. The board of
6 county canvassers of the largest county shall certify the results
7 of the election to the council and issue certificates of
8 election. If a majority of the votes cast on the question of a
9 tax is in favor of the proposal, the tax levy is authorized. No
10 more than 2 elections shall be held in a calendar year on the
11 question of a tax.

12 Sec. 31. (1) A county clerk shall charge the council and
13 the council shall reimburse the county for the actual costs the
14 county incurs in an election for a tax proposal OF A COUNCIL
15 ESTABLISHED UNDER THIS ACT.

16 (2) If a ~~participating~~ township, city, or village
17 PARTICIPATING IN A COUNCIL UNDER THIS ACT conducts an election
18 for a tax, the clerk of that local governmental unit shall charge
19 the council and the council shall reimburse the local governmen-
20 tal unit for the actual costs the local governmental unit incurs
21 in conducting the election if the election is not held in con-
22 junction with a regularly scheduled election in that local gov-
23 ernmental unit.

24 (3) In addition to costs reimbursed pursuant to subsections
25 (1) and (2), a local governmental unit shall charge the council
26 and the council shall reimburse the local governmental unit for

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

18

1 actual costs that the local governmental unit incurs and that are
2 attributable to an election for a tax proposal.

3 (4) The actual costs that a county, township, city, or vil-
4 lage incurs shall be based on the number of hours of work done in
5 conducting the election, the rates of compensation of the work-
6 ers, and the cost of materials supplied in the election.

7 Sec. 33. (1) Except as otherwise provided in
8 subsection (2), a ~~participating~~ local governmental unit
9 PARTICIPATING IN A COUNCIL UNDER THIS ACT may withdraw from mem-
10 bership in the council if all of the following conditions are
11 met:

12 (a) Adoption of a resolution by a majority of the members
13 elected to and serving on the legislative body of the local gov-
14 ernmental unit requesting withdrawal from membership.

15 (b) Payment or the provision for payment is made regarding
16 any obligations of the local governmental unit to the council or
17 its creditors.

18 (2) If, upon withdrawal of a ~~city, village, or township~~
19 LOCAL GOVERNMENTAL UNIT, the ~~city, village, or township~~ LOCAL
20 GOVERNMENTAL UNIT has unpaid obligations to the council, a tax
21 levied by the council ~~pursuant to section 7(3)~~ UNDER THIS ACT
22 before withdrawal of the ~~city, village, or township~~ LOCAL GOV-
23 ERNMENTAL UNIT shall continue to be levied in the ~~city, village,~~
24 ~~or township~~ LOCAL GOVERNMENTAL UNIT, to the extent and in an
25 amount needed to satisfy the unpaid obligations, until the obli-
26 gations are paid or the tax expires, whichever happens first. A
27 ~~city, village, or township~~ LOCAL GOVERNMENTAL UNIT that

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

19

1 withdraws from a council shall continue to receive services from
2 the council until the ~~city, village, or township~~ LOCAL GOVERN-
3 MENTAL UNIT is no longer required to pay a tax levied by the
4 council.

5 (3) Withdrawal of a local governmental unit from a council
6 shall be evidenced by an amendment to the articles executed by
7 the secretary or, if the council has no secretary, by the chair-
8 person of the council and filed and published in the same manner
9 as the original articles.

10 Sec. 35. (1) The business that a council ESTABLISHED UNDER
11 THIS ACT performs shall be conducted at a public meeting of the
12 council held in compliance with the open meetings act, ~~Act~~
13 ~~No. 267 of the Public Acts of 1976, being sections 15.261 to~~
14 ~~15.275 of the Michigan Compiled Laws~~ 1976 PA 267, MCL 15.261 TO
15 15.275.

16 (2) A writing prepared, owned, used, in the possession of,
17 or retained by a council in the performance of an official func-
18 tion shall be made available to the public in compliance with the
19 freedom of information act, ~~Act No. 442 of the Public Acts of~~
20 ~~1976, being sections 15.231 to 15.246 of the Michigan Compiled~~
21 ~~Laws~~ 1976 PA 442, MCL 15.231 TO 15.246.

22 SEC. 65. AS USED IN SECTIONS 67 THROUGH 79:

23 (A) "ARTICLES" MEANS A METROPOLITAN ARTS COUNCIL'S ARTICLES
24 OF INCORPORATION PROVIDED FOR IN SECTION 69.

25 (B) "COUNCIL" MEANS A METROPOLITAN ARTS COUNCIL ESTABLISHED
26 UNDER SECTION 67.

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

20

1 (C) "COUNCIL AREA" MEANS THE ACTUAL TERRITORY OF A
2 METROPOLITAN ARTS COUNCIL.

3 (D) "FACILITIES AND PROGRAMS" MEANS STRUCTURES, FIXTURES,
4 AND ACTIVITIES PROVIDED BY A TAX EXEMPT ENTITY THAT HAS BEEN IN
5 EXISTENCE FOR AT LEAST 18 CONSECUTIVE MONTHS BEFORE BECOMING ELI-
6 GIBLE FOR FUNDING UNDER SECTIONS 67 THROUGH 79. FACILITIES AND
7 PROGRAMS MAY INCLUDE A PUBLIC BROADCAST STATION AS DEFINED BY
8 SECTION 397 OF SUBPART E OF PART IV OF TITLE III OF THE COMMUNI-
9 CATIONS ACT OF 1934, 47 U.S.C. 397, WHETHER OR NOT THE PUBLIC
10 BROADCAST STATION IS AFFILIATED WITH AN INSTITUTION OF HIGHER
11 EDUCATION; A MUSEUM OR HISTORICAL CENTER; A PERFORMING ARTS
12 CENTER; AN ORCHESTRA; CHORUS; CHORALE; OPERA THEATER; AND A
13 BALLET, DANCE, OR THEATER COMPANY. FACILITIES AND PROGRAMS DO
14 NOT INCLUDE PROFESSIONAL SPORTS ARENAS OR STADIUMS, LABOR ORGANI-
15 ZATIONS, POLITICAL ORGANIZATIONS, LIBRARIES, OR PUBLIC, PRIVATE,
16 OR CHARTER SCHOOLS.

17 (E) "METROPOLITAN DISTRICT" MEANS EITHER OF THE FOLLOWING:

18 (i) A COUNTY WITH NOT LESS THAN 2 STATE PUBLIC
19 UNIVERSITIES.

20 (ii) A COUNTY WITH A POPULATION OF NOT MORE THAN 100,000
21 INDIVIDUALS AND A BOUNDARY CONTIGUOUS TO A COUNTY WITH NOT LESS
22 THAN 2 STATE PUBLIC UNIVERSITIES.

23 (F) "TAX EXEMPT ENTITY" MEANS ANY OF THE FOLLOWING:

24 (i) AN ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION
25 501(c) OF THE INTERNAL REVENUE CODE OF 1986.

26 (ii) AN ENTITY OR DIVISION OWNED BY AN ORGANIZATION
27 DESCRIBED IN SUBPARAGRAPH (i).

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

21

1 (iii) AN ENTITY OWNED BY A TOWNSHIP, CITY, VILLAGE,
2 COMMUNITY COLLEGE, STATE UNIVERSITY, OR ANY OTHER PUBLIC BODY
3 THAT IS NOT A PUBLIC SCHOOL, CHARTER SCHOOL, OR PUBLIC SCHOOL
4 ACADEMY.

5 SEC. 67. (1) A METROPOLITAN DISTRICT MAY FORM A METROPOLI-
6 TAN ARTS COUNCIL IF THE DISTRICT'S COUNTY COMMISSION DOES THE
7 FOLLOWING:

8 (A) ADOPTS A RESOLUTION DECLARING AN INTENT TO PARTICIPATE
9 IN THE FORMATION OF THAT COUNCIL.

10 (B) ADOPTS ARTICLES OF INCORPORATION IN ACCORDANCE WITH SEC-
11 TIONS 69 AND 71.

12 (2) UPON ADOPTION OF THE RESOLUTIONS DESCRIBED IN
13 SUBSECTION (1), THE METROPOLITAN DISTRICT SHALL ESTABLISH A MET-
14 ROPOLITAN ARTS COUNCIL BOARD. THE BOARD SHALL CONSIST OF NOT
15 MORE THAN 12 MEMBERS, EACH OF WHOM IS FROM A COUNTY COMMISSION
16 DISTRICT DIFFERENT FROM THE COUNTY COMMISSION DISTRICT OF ALL
17 OTHER MEMBERS.

18 (3) A METROPOLITAN ARTS COUNCIL IS A PUBLIC CORPORATE BODY
19 WITH POWER TO SUE AND BE SUED IN ANY COURT OF THE STATE.

20 (4) A METROPOLITAN ARTS COUNCIL IS AN AUTHORITY UNDER SEC-
21 TION 6 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963.

22 (5) A METROPOLITAN ARTS COUNCIL POSSESSES ALL THE POWERS
23 NECESSARY FOR CARRYING OUT THE PURPOSES OF ITS FORMATION. THE
24 ENUMERATION OF SPECIFIC POWERS IN THIS ACT SHALL NOT BE CONSTRUED
25 AS A LIMITATION ON THE GENERAL POWERS OF A METROPOLITAN ARTS
26 COUNCIL, CONSISTENT WITH ITS ARTICLES.

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

22

1 SEC. 69. (1) A METROPOLITAN ARTS COUNCIL MAY BE ESTABLISHED
2 SOLELY TO DEVELOP OR ENHANCE CULTURAL INSTITUTIONS AND FACILITIES
3 WITHIN THE GEOGRAPHIC BOUNDARIES OF THE COUNCIL. A METROPOLITAN
4 ARTS COUNCIL'S ARTICLES SHALL STATE THE NAME OF THE COUNCIL; THE
5 PURPOSES FOR WHICH THE COUNCIL IS FORMED; THE POWERS, DUTIES, AND
6 LIMITATIONS OF THE COUNCIL AND ITS OFFICERS; THE QUALIFICATIONS,
7 METHOD OF SELECTION AND TERMS OF OFFICE OF DELEGATES SITTING ON
8 THE COUNCIL AND OF COUNCIL OFFICERS; AND THE GENERAL METHOD OF
9 AMENDING THE ARTICLES.

10 (2) THE ARTICLES MAY AUTHORIZE THE METROPOLITAN ARTS COUNCIL
11 TO ACT IN ACCORDANCE WITH SECTION 7(3).

12 SEC. 71. (1) THE ARTICLES OF A METROPOLITAN ARTS COUNCIL
13 SHALL BE ADOPTED AND MAY BE AMENDED BY AN AFFIRMATIVE VOTE OF A
14 MAJORITY OF THE COUNTY COMMISSIONERS.

15 (2) BEFORE THE ARTICLES OR AMENDMENTS ARE ADOPTED BY THE
16 COUNTY COMMISSION, THE ARTICLES OR AMENDMENTS SHALL BE PUBLISHED
17 BY THE COUNTY CLERK. THE CLERK SHALL PUBLISH THE ARTICLES OR
18 AMENDMENTS AT LEAST ONCE IN A NEWSPAPER GENERALLY CIRCULATED
19 WITHIN THE COUNTY.

20 (3) THE ADOPTION OF ARTICLES OR AMENDMENTS BY THE COUNTY
21 COMMISSION SHALL BE EVIDENCED BY AN ENDORSEMENT ON THE ARTICLES
22 OR AMENDMENTS BY THE COUNTY CLERK IN A FORM SUBSTANTIALLY AS
23 FOLLOWS:

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

23

1 THESE ARTICLES OF INCORPORATION (OR AMENDMENTS) WERE ADOPTED
2 BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS SERVING ON
3 THE COUNTY COMMISSION OF _____,
4 _____ AT A MEETING DULY HELD ON THE _____ DAY
5 OF _____, A.D., _____.

6

7

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 COUNTY AND WITH THE SECRETARY OF STATE.

11 SEC. 73. (1) A METROPOLITAN ARTS COUNCIL SHALL HAVE A
12 CHAIRPERSON. THE CHAIRPERSON SHALL ACT AS PRINCIPAL EXECUTIVE
13 OFFICER AND SHALL PRESIDE AT THE MEETINGS OF THE COUNCIL.
14 MEETING TIMES AND PLACES SHALL BE FIXED BY THE COUNCIL AND SPE-
15 CIAL MEETINGS MAY BE CALLED BY A MAJORITY OF THE DELEGATES ON THE
16 COUNCIL OR BY THE CHAIRPERSON. THE CHAIRPERSON SHALL HAVE SUCH
17 POWERS AND DUTIES AS PROVIDED IN THE ARTICLES.

18 (2) IN ADDITION TO THE CHAIRPERSON, A METROPOLITAN ARTS
19 COUNCIL SHALL HAVE OTHER OFFICERS AS MAY BE PROVIDED IN THE
20 ARTICLES. THE CHAIRPERSON AND OTHER OFFICERS SHALL BE ELECTED BY
21 THE COUNCIL AND SHALL BE COUNCIL DELEGATES. HOWEVER, A SECRETARY
22 AND TREASURER NEED NOT BE COUNCIL DELEGATES.

23 (3) IF PROVIDED IN THE ARTICLES, A METROPOLITAN ARTS COUNCIL
24 MAY APPOINT AN EXECUTIVE DIRECTOR TO SERVE AT THE COUNCIL'S PLEA-
25 SURE AS THE PRINCIPAL ADMINISTRATOR FOR THE COUNCIL. THE DIREC-
26 TOR SHALL NOT BE A DELEGATE, SHALL BE SELECTED ON THE BASIS OF

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

24

1 TRAINING AND EXPERIENCE, AND SHALL HAVE THE POWERS AND DUTIES AS
2 PROVIDED IN THE COUNCIL BYLAWS ADOPTED PURSUANT TO SECTION 79.

3 (4) IF SPECIFICALLY AUTHORIZED BY LAW, A COUNCIL FOR A MET-
4 ROPOLITAN REGION MAY MAKE APPOINTMENTS TO OTHER GOVERNMENTAL
5 AGENCIES.

6 SEC. 75. (1) METROPOLITAN ARTS COUNCIL MEMBERS SHALL SERVE
7 WITHOUT COMPENSATION BUT UPON APPROVAL OF A MAJORITY OF DELEGATES
8 SERVING MAY BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES
9 INCURRED IN THE PERFORMANCE OF THE COUNCIL'S OFFICIAL DUTIES.

10 (2) A METROPOLITAN ARTS COUNCIL SHALL PREPARE ANNUALLY A
11 BUDGET THAT PROVIDES AS A SEPARATE ACCOUNT ANTICIPATED EXPENDI-
12 TURES FOR PER DIEM COMPENSATION AND EXPENSE REIMBURSEMENT FOR THE
13 CHAIRPERSON AND OTHER COUNCIL DELEGATES. COMPENSATION OR REIM-
14 BURSEMENT SHALL BE PAID TO THE CHAIRPERSON AND OTHER COUNCIL DEL-
15 EGATES ONLY IF BUDGETED.

16 SEC. 77. (1) A METROPOLITAN ARTS COUNCIL'S ARTICLES SHALL
17 SPECIFY THE MAXIMUM AMOUNT OR PERCENTAGE OF REVENUES RECEIVED
18 UNDER THIS ACT THAT THE COUNCIL MAY AUTHORIZE TO BE EXPENDED
19 ANNUALLY FOR ADMINISTRATIVE COSTS INCURRED UNDER THIS ACT. THE
20 ARTICLES MAY AUTHORIZE A LOCAL ARTS COUNCIL WITHIN THE METROPOLI-
21 TAN COUNCIL AREA TO ADMINISTER THIS ACT OR PORTIONS OF THIS ACT.
22 ADDITIONALLY, THE ARTICLES SHALL AUTHORIZE THAT COUNCIL TO PRO-
23 VIDE FUNDING, SUPPLEMENTAL TO FUNDING RECEIVED FROM OTHER
24 SOURCES, FOR CULTURAL FACILITIES AND PROGRAMS LOCATED WITHIN THE
25 METROPOLITAN DISTRICT THAT THE COUNCIL SERVES. HOWEVER, A METRO-
26 POLITAN ARTS COUNCIL SHALL NOT EXPEND MONEY COLLECTED UNDER
27 SECTION 69 UNLESS THE SPECIFIC EXPENDITURE IS INCLUDED IN THE

HB 5796, As Passed Senate, September 24, 1998

House Bill No. 5796

25

1 COUNCIL'S ANNUAL BUDGET, EXPRESSLY AUTHORIZED IN THE COUNCIL'S
2 ARTICLES, OR UNLESS THE EXPENDITURE IS APPROVED BY AN AFFIRMATIVE
3 VOTE OF A MAJORITY OF THE COUNCIL'S DELEGATES.

4 (2) A METROPOLITAN ARTS COUNCIL MAY ESTABLISH DIVISIONS,
5 BUREAUS, AND COMMITTEES, INCLUDING ADVISORY COMMITTEES. MEMBERS
6 OF ADVISORY COMMITTEES SHALL SERVE WITHOUT COMPENSATION BUT MAY
7 BE REIMBURSED FOR THEIR REASONABLE EXPENSES AS DETERMINED BY THE
8 COUNCIL.

9 SEC. 79. A METROPOLITAN ARTS COUNCIL MAY ADOPT BYLAWS FOR
10 THE ADMINISTRATION OF THE COUNCIL.