

# HOUSE BILL No. 4136

January 28, 1997, Introduced by Rep. Middleton and referred to the Committee on Labor and Occupational Safety.

A bill to amend 1951 PA 33, entitled

"An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts,"

by amending section 11 (MCL 41.811), as amended by 1989 PA 81.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 11. (1) The governing bodies of 2 or more contiguous  
2 townships, villages, or cities may, acting jointly, create a  
3 joint police administrative board, fire administrative board, or

1 police and fire administrative board. A joint administrative  
2 board shall consist of 2 members from each participating town-  
3 ship, village, or city. The members of a joint administrative  
4 board shall be appointed by their respective governing bodies for  
5 terms of 6 years. However, of the first members appointed, 1  
6 member from each participating township, village, or city shall  
7 be appointed for a term of 4 years. A member of a joint adminis-  
8 trative board shall not be an employee of a police or fire  
9 department of a participating township, village, or city. A  
10 member of a joint administrative board may be compensated for  
11 each meeting, not to exceed 52 per year, at a rate not to exceed  
12 \$30.00 by the joint administrative board for each meeting the  
13 member attends and shall be reimbursed for actual and necessary  
14 expenses incurred in the performance of board duties. A vacancy  
15 on a joint administrative board shall be filled by the original  
16 appointing governing body for the remainder of the unexpired  
17 term.

18 (2) At its first meeting, a joint administrative board  
19 shall, by resolution approved by a majority of its members,  
20 select an additional member who shall be a resident of a partici-  
21 pating township, village, or city. The members shall annually  
22 elect a chairperson and a vice-chairperson from the board  
23 membership. A joint administrative board shall hold 4 regular  
24 quarterly meetings a year and special meetings as necessary at  
25 times as it determines. A joint administrative board shall adopt  
26 its own rules of procedure and shall keep a record of its  
27 proceedings. A majority of the members constitute a quorum for

1 the transaction of business and the affirmative vote of a  
2 majority of all the members is necessary for the adoption of a  
3 motion or resolution. The members of a joint administrative  
4 board shall be residents of the townships, villages, or cities  
5 from which they were appointed. The members of a joint adminis-  
6 trative board may be removed by the appointing governing body.

7 (3) A joint administrative board created pursuant to this  
8 section shall prepare an annual police department budget or fire  
9 department budget, or both, for the police department, fire  
10 department, or police and fire departments of each participating  
11 township, village, or city. The proposed budgets shall be sub-  
12 mitted to and reviewed by the respective governing bodies and may  
13 be amended, adopted, or rejected by them. A joint administrative  
14 board shall have other powers and duties as considered necessary  
15 by the participating governing bodies. A joint administrative  
16 board ~~, if authorized to employ and appoint a police chief, fire~~  
17 ~~chief, or other police or fire officers, including detectives,~~  
18 ~~shall only employ and appoint such officers on behalf of an indi-~~  
19 ~~vidual township, city, or village and does not constitute a new~~  
20 ~~employer.~~ MAY BARGAIN COLLECTIVELY AND ENTER INTO AGREEMENTS  
21 WITH LABOR ORGANIZATIONS PURSUANT TO 1947 PA 336, MCL 423.201 TO  
22 423.217. IF A DUTY TO PROVIDE POLICE OR FIRE PROTECTION SERVICES  
23 IS TRANSFERRED FROM A TOWNSHIP, VILLAGE, OR CITY TO A JOINT  
24 ADMINISTRATIVE BOARD, THE JOINT ADMINISTRATIVE BOARD IMMEDIATELY  
25 SHALL ASSUME AND BE BOUND BY ANY LABOR AGREEMENTS APPLICABLE TO  
26 THE TRANSFERRED SERVICES FOR THE REMAINDER OF THE TERMS OF THOSE  
27 LABOR AGREEMENTS. FOR EACH INDIVIDUAL EMPLOYED BY A TOWNSHIP,

1 VILLAGE, OR CITY TO PROVIDE SERVICES THAT ARE TRANSFERRED TO A  
2 JOINT ADMINISTRATIVE BOARD, THE JOINT ADMINISTRATIVE BOARD SHALL  
3 PROVIDE PENSION, RETIREMENT, AND OTHER BENEFITS THAT ARE COM-  
4 PARABLE TO PENSION, RETIREMENT, AND OTHER BENEFITS TO WHICH THE  
5 INDIVIDUAL WAS ENTITLED THROUGH HIS OR HER EMPLOYMENT WITH THE  
6 TOWNSHIP, VILLAGE, OR CITY. THE INDIVIDUAL SHALL HAVE THE SAME  
7 RIGHTS, PRIVILEGES, OBLIGATIONS, AND STATUS WITH RESPECT TO THOSE  
8 COMPARABLE BENEFITS THAT HE OR SHE HAD WITH RESPECT TO THE BENE-  
9 FITS ORIGINALLY PROVIDED BY THE TOWNSHIP, VILLAGE, OR CITY. A  
10 REPRESENTATIVE OF EMPLOYEES OR A GROUP OF EMPLOYEES UNDER 1947 PA  
11 336, MCL 423.201 TO 423.217, WHOSE RESPONSIBILITIES WERE TRANS-  
12 FERRED TO A JOINT ADMINISTRATIVE BOARD SHALL CONTINUE TO REPRESENT  
13 THOSE EMPLOYEES OR THAT GROUP OF EMPLOYEES. HOWEVER, THIS  
14 SUBSECTION DOES NOT LIMIT THE RIGHT OF EMPLOYEES TO ASSERT THAT A  
15 REPRESENTATIVE DESCRIBED IN THIS SUBSECTION IS NO LONGER THEIR  
16 REPRESENTATIVE.

17 (4) The business which a joint administrative board may per-  
18 form shall be conducted at a public meeting of the board held in  
19 compliance with the open meetings act, ~~Act No. 267 of the Public~~  
20 ~~Acts of 1976, as amended, being sections 15.261 to 15.275 of the~~  
21 ~~Michigan Compiled Laws~~ 1976 PA 267, MCL 15.261 TO 15.275.  
22 Public notice of the time, date, and place of the meeting shall  
23 be given in the manner required by THE OPEN MEETINGS ACT, ~~Act~~  
24 ~~No. 267 of the Public Acts of 1976, as amended~~ 1976 PA 267, MCL  
25 15.261 TO 15.275.

26 (5) A writing prepared, owned, used, in the possession of,  
27 or retained by the board in the performance of an official

1 function shall be made available to the public in compliance with  
2 the freedom of information act, ~~Act No. 442 of the Public Acts~~  
3 ~~of 1976, as amended, being sections 15.231 to 15.246 of the~~  
4 ~~Michigan Compiled Laws~~ 1976 PA 442, MCL 15.231 TO 15.246.

5 (6) As used in this section:

6 (a) "City" means a city with a population of not more than  
7 15,000.

8 (b) "Governing body" means the body in which the legislative  
9 powers of a township, village, or city are vested.