

HOUSE BILL No. 5796

April 29, 1998, Introduced by Rep. Profit and referred to the Committee on Tax Policy.

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

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

3 CHAPTER I

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

6 Sec. 3. As used in this ~~act~~ CHAPTER:

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

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

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

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

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

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

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

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4 not withdrawn pursuant to section 33.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

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 articles may authorize the council to levy on all
14 the taxable real and personal property within the council area an
15 ad valorem tax of not to exceed 0.5 mills of the ~~state equalized~~
16 ~~valuation on each dollar of assessed valuation of~~ TAXABLE VALUE
17 OF THE taxable property. The levy of a tax under this subsection
18 is subject to the requirements of sections 25 and 27.

19 (4) AS USED IN THIS SECTION, "TAXABLE VALUE" MEANS THAT
20 VALUE CALCULATED UNDER SECTION 27A OF THE GENERAL PROPERTY TAX
21 ACT, 1893 PA 206, MCL 211.27A.

22 Sec. 9. (1) The articles of a METROPOLITAN AREA council
23 shall be adopted and may be amended by an affirmative vote of a
24 majority of the members elected to and serving on the legislative
25 body of each participating local governmental unit.

26 (2) Before the articles or amendments are adopted by any
27 participating local governmental unit, the articles or amendments

1 shall be published by the clerk of the largest participating
 2 local governmental unit at least once in a newspaper generally
 3 circulated within the participating cities, villages, and
 4 townships.

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

9 These articles of incorporation (or amendments) were adopted
 10 by an affirmative vote of a majority of the members serving on
 11 the legislative body of _____,
 12 _____ at a meeting duly held on the ____ day
 13 of _____, A.D., ____.

14 _____

15 _____

16 (4) Upon adoption of the articles or amendments, a printed
 17 copy of the articles or the amended articles shall be filed by
 18 the clerk of the largest participating local governmental unit
 19 with the secretary of state, the clerk of each county in which is
 20 located all or part of a participating city, village, or town-
 21 ship, and the clerk of each participating city, village, or
 22 township.

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

26 (a) A majority of the members elected to and serving on the
 27 legislative body of the local governmental unit vote to adopt a

1 resolution stating that the local governmental unit desires to be
2 added to the METROPOLITAN AREA council and that it accepts the
3 requirements of the articles as amended to reflect the addition
4 of the local governmental unit.

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

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

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

16 Sec. 13. (1) Upon petition by not less than 5% of the reg-
17 istered electors residing in a nonparticipating local governmen-
18 tal unit requesting a referendum on the question of becoming a
19 ~~participating~~ local governmental unit PARTICIPATING IN A METRO-
20 POLITAN AREA COUNCIL, the clerk of the local governmental unit,
21 upon verifying the required number of signatures on the peti-
22 tions, shall submit the question of whether the local governmen-
23 tal unit should become a ~~participating local governmental unit~~
24 PARTICIPANT IN A METROPOLITAN AREA COUNCIL to the vote of the
25 electors of the local governmental unit at the next general elec-
26 tion or special election called for that purpose, and conducted
27 in accordance with the Michigan election law, ~~Act No. 116 of the~~

1 ~~Public Acts of 1954, being sections 168.1 to 168.992 of the~~
2 ~~Michigan Compiled Laws~~ 1954 PA 116, MCL 168.1 TO 168.992.

3 (2) The clerk of the municipality shall prepare the question
4 for the ballot to be used at the election, subject to the elec-
5 tion laws of the state, substantially as follows:

6 "Should the _____ of _____ become part of a metro-
7 politan AREA council?

8 Yes ()

9 No ()"

10 (3) If a majority of the electors voting on the question
11 vote "yes", the local governmental unit shall proceed to become a
12 participating local governmental unit in the manner provided in
13 section 11.

14 Sec. 15. (1) A METROPOLITAN AREA council shall have a
15 chairperson. The chairperson shall act as principal executive
16 officer and shall preside at the meetings of the council.
17 Meeting times and places shall be fixed by the council and spe-
18 cial meetings may be called by a majority of the delegates on the
19 council or by the chairperson. The chairperson shall have such
20 powers and duties as provided in the articles.

21 (2) In addition to the chairperson, a METROPOLITAN AREA
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) If provided in the articles, a METROPOLITAN AREA council
27 may appoint an executive director to serve at the council's

1 pleasure as the principal administrator for the council. The
2 director shall not be a delegate, shall be selected on the basis
3 of training and experience, and shall have the powers and duties
4 as provided in the council bylaws adopted pursuant to
5 section 21.

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

8 Sec. 17. (1) A METROPOLITAN AREA council may pay each coun-
9 cil delegate a per diem compensation for each council meeting
10 attended and for other designated services performed by the coun-
11 cil delegate. A METROPOLITAN AREA council may reimburse each
12 council delegate for reasonable expenses incurred in attending
13 council meetings and performing services designated by the
14 council.

15 (2) The budget of a METROPOLITAN AREA council prepared pur-
16 suant to section 21 shall provide as a separate account antici-
17 pated expenditures for per diem compensation and expense reim-
18 bursement for the chairperson and other council delegates.
19 Compensation or reimbursement shall be paid to the chairperson
20 and other council delegates only if budgeted.

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

25 (2) To the extent authorized in the articles, a METROPOLITAN
26 AREA council may plan, promote, finance, issue bonds for,
27 acquire, improve, enlarge, extend, own, construct, replace, or

1 contract for public improvements and services including, but not
2 limited to, the following:

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

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

5 (c) Parks, museums, zoos, wildlife sanctuaries, and recrea-
6 tional facilities.

7 (d) Special use facilities.

8 (e) Ground and air transportation and facilities, including
9 airports.

10 (f) Economic development and planning for the METROPOLITAN
11 AREA council area.

12 (g) Higher education public improvements and services.

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

16 (3) A METROPOLITAN AREA council shall not contract for the
17 operation by another person of a public improvement or service
18 acquired by the council pursuant to subsection (2).

19 (4) A METROPOLITAN AREA council may establish divisions,
20 bureaus, and committees, including advisory committees. Members
21 of advisory committees shall serve without compensation but may
22 be reimbursed for their reasonable expenses as determined by the
23 council.

24 (5) A METROPOLITAN AREA council in cooperation with other
25 agencies and departments of the state and the state universities
26 may develop a center for data collection and storage to be used
27 by the council and other governmental users and may furnish

1 information on subjects such as population, land use, and
2 governmental finances.

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

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

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

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

21 (c) Apply for and accept grants, loans, or contributions
22 from the federal government or any of its agencies, this state,
23 or other public or private agencies to be used for any of the
24 purposes of this act.

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

1 (e) Contract with a participating local governmental unit
2 for the provision of a service listed in section 19(2) in the
3 participating local governmental unit for a period not exceeding
4 30 years. The service may be established or funded in conjunc-
5 tion with a service of a local governmental unit, and the provi-
6 sion of a service of a local governmental unit may be delegated
7 to a council. A charge specified in a contract is subject to
8 increase by the council, if necessary to provide funds to meet
9 its obligations. A METROPOLITAN AREA council may also enter into
10 a contract with a nonparticipating local governmental unit for a
11 period not exceeding 30 years, except that a charge for a service
12 under a contract with a nonparticipating local governmental unit
13 may be greater than a charge to a participating local governmen-
14 tal unit, and is subject to change from time to time without
15 notice. A METROPOLITAN AREA council's powers under this subdivi-
16 sion are subject to section 19(3).

17 (f) Hire employees, attorneys, accountants, and
18 consultants.

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

20 (a) Prepare budgets and appropriations acts in the manner
21 required of local units under the uniform budgeting and account-
22 ing act, ~~Act No. 2 of the Public Acts of 1968, being sections~~
23 ~~141.421 to 141.440a of the Michigan Compiled Laws~~ 1968 PA 2,
24 MCL 141.421 TO 141.440A.

25 (b) If ending a fiscal year with a deficit, file a financial
26 plan to correct the deficit in the same manner as provided in
27 section 21 of ~~Act No. 140 of the Public Acts of 1971, being~~

1 ~~section 141.921 of the Michigan Compiled Laws~~ THE STATE REVENUE
2 SHARING ACT OF 1971, 1971 PA 140, MCL 141.921.

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

11 (2) A council DESCRIBED IN THIS ACT may bargain collectively
12 and enter into agreements with labor organizations pursuant to
13 ~~Act No. 336 of the Public Acts of 1947, being sections 423.201~~
14 ~~to 423.216 of the Michigan Compiled Laws~~ 1947 PA 336,
15 MCL 423.201 TO 423.217. When powers or duties of a local govern-
16 mental unit are transferred to a council, the council shall imme-
17 diately assume and be bound by an existing labor agreement appli-
18 cable to those powers or duties for the remainder of the term of
19 the labor agreement. The members and beneficiaries of a pension
20 or retirement system or other benefits established by a local
21 governmental unit, the powers or duties of which are transferred
22 to a council, shall have the same rights, privileges, benefits,
23 obligations, and status with respect to the council. A represen-
24 tative of the employees or a group of employees in a local gov-
25 ernmental unit who represents or is entitled to represent the
26 employees or a group of employees of the local governmental unit,
27 pursuant to ~~Act No. 336 of the Public Acts of 1947~~ 1947 PA 336,

1 MCL 423.201 TO 423.217, shall continue to represent the employee
2 or group of employees after the employees are transferred to a
3 council. This subsection does not limit the rights of employees,
4 pursuant to applicable law, to assert that a bargaining represen-
5 tative protected by this subsection is no longer their
6 representative.

7 (3) An employee who left the employ of a local governmental
8 unit to enter the military service of the United States shall
9 have the same employment rights as to a council ESTABLISHED UNDER
10 THIS ACT as that employee would have had with the local govern-
11 mental unit pursuant to ~~Act No. 263 of the Public Acts of 1951,~~
12 ~~being sections 35.351 to 35.356 of the Michigan Compiled Laws~~
13 1951 PA 263, MCL 35.351 TO 35.356.

14 (4) An employee of a council ESTABLISHED UNDER THIS ACT who
15 performs a service in the jurisdiction of a local governmental
16 unit that withdraws from the council pursuant to section 33 shall
17 be protected in relation to the local governmental unit to the
18 same extent as an employee of a participating local governmental
19 unit is protected in relation to a council under this section.

20 Sec. 25. (1) A tax authorized to be levied by a council
21 ~~pursuant to section 7~~ UNDER THIS ACT shall be levied and col-
22 lected at the same time and in the same manner as provided by the
23 general property tax act, ~~Act No. 206 of the Public Acts of~~
24 ~~1893, being sections 211.1 to 211.157 of the Michigan Compiled~~
25 ~~Laws~~ 1893 PA 206, MCL 211.1 TO 211.157.

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

4 Sec. 27. (1) A proposal for a tax authorized to be levied
5 by a council under ~~section 7~~ THIS ACT shall not be placed on
6 the ballot unless the proposal is adopted by a resolution of the
7 council and certified by the council not later than 70 days
8 before the election to the county clerk of each county in which
9 all or part of a participating city, village, or township is
10 located for inclusion on the ballot. The proposal shall state
11 the amount and duration of the millage and shall be certified for
12 inclusion on the ballot at the next general election, the state
13 primary immediately preceding the general election, or a special
14 election at a proposed date not within 45 days of a state primary
15 or a general election, as specified by the council's resolution.
16 A proposed special election date shall be approved by the county
17 election scheduling committee of the largest county in the manner
18 required by section 639 of the Michigan election law, ~~Act~~
19 ~~No. 116 of the Public Acts of 1954, being section 168.639 of the~~
20 ~~Michigan Compiled Laws~~ 1954 PA 116, MCL 168.639.

21 (2) The county election commission shall provide ballots for
22 an election for a tax proposal for each ~~participating~~ city,
23 village, or township or part of a ~~participating~~ city, village,
24 or township located within the county THAT IS PARTICIPATING IN A
25 COUNCIL UNDER THIS ACT.

26 (3) Except as otherwise provided in subsections (4) and (5),
27 an election for a tax shall be conducted by the city and township

1 clerks and election officials of the ~~participating~~ cities and
2 townships PARTICIPATING IN A COUNCIL UNDER THIS ACT.

3 (4) If an election on a proposal for a tax is to be held in
4 conjunction with a general election or state primary election and
5 if a ~~participating~~ village PARTICIPATING IN A COUNCIL UNDER
6 THIS ACT is located within a nonparticipating township, the town-
7 ship clerk and election officials shall conduct the election. On
8 the forty-fifth day preceding the election, the village clerk or
9 other official maintaining a file of qualified and registered
10 electors of the village shall provide to the township clerk a
11 list containing the name, address, and birth date of each quali-
12 fied and registered elector of the village. By the fifteenth day
13 preceding the election, the village clerk or other official pro-
14 viding the list shall provide to the township clerk information
15 updating the list as of the close of registration. Persons
16 appearing on the list as updated are eligible to vote in the
17 election by special ballot.

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

24 Sec. 29. (1) If an election for a tax is to be held in con-
25 junction with a general election or a state primary election
26 immediately preceding a general election, the notices of close of
27 registration and election shall be published as provided for by

1 the state election laws. Otherwise, the county clerk of the
2 largest county shall publish the notices of close of registration
3 and election. The notice of close of registration shall include
4 the ballot language of the proposal.

5 (2) The results of an election for a tax shall be canvassed
6 by the board of county canvassers of each county in which all or
7 part of a ~~participating~~ city, village, or township
8 PARTICIPATING IN A COUNCIL UNDER THIS ACT is located. If the
9 county is not the largest county, the board of county canvassers
10 shall certify the results of the election to the board of county
11 canvassers of the largest county. The board of county canvassers
12 of the largest county shall make the final canvass of an election
13 for a tax based on the returns of the election inspectors of the
14 participating cities, villages, and townships in that county and
15 the certified results of the board of county canvassers of every
16 other county in which a ~~participating~~ city, village, or town-
17 ship PARTICIPATING IN THE COUNCIL is located. The board of
18 county canvassers of the largest county shall certify the results
19 of the election to the council and issue certificates of
20 election. If a majority of the votes cast on the question of a
21 tax is in favor of the proposal, the tax levy is authorized. No
22 more than 2 elections shall be held in a calendar year on the
23 question of a tax.

24 Sec. 31. (1) A county clerk shall charge the council and
25 the council shall reimburse the county for the actual costs the
26 county incurs in an election for a tax proposal OF A COUNCIL
27 ESTABLISHED UNDER THIS ACT.

1 (2) If a ~~participating~~ township, city, or village
2 PARTICIPATING IN A COUNCIL UNDER THIS ACT conducts an election
3 for a tax, the clerk of that local governmental unit shall charge
4 the council and the council shall reimburse the local governmen-
5 tal unit for the actual costs the local governmental unit incurs
6 in conducting the election if the election is not held in con-
7 junction with a regularly scheduled election in that local gov-
8 ernmental unit.

9 (3) In addition to costs reimbursed pursuant to subsections
10 (1) and (2), a local governmental unit shall charge the council
11 and the council shall reimburse the local governmental unit for
12 actual costs that the local governmental unit incurs and that are
13 attributable to an election for a tax proposal.

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

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

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

1 (b) Payment or the provision for payment is made regarding
2 any obligations of the local governmental unit to the council or
3 its creditors.

4 (2) If, upon withdrawal of a ~~city, village, or township~~
5 LOCAL GOVERNMENTAL UNIT, the ~~city, village, or township~~ LOCAL
6 GOVERNMENTAL UNIT has unpaid obligations to the council, a tax
7 levied by the council ~~pursuant to section 7(3)~~ UNDER THIS ACT
8 before withdrawal of the ~~city, village, or township~~ LOCAL GOV-
9 ERNMENTAL UNIT shall continue to be levied in the ~~city, village,~~
10 ~~or township~~ LOCAL GOVERNMENTAL UNIT, to the extent and in an
11 amount needed to satisfy the unpaid obligations, until the obli-
12 gations are paid or the tax expires, whichever happens first. A
13 ~~city, village, or township~~ LOCAL GOVERNMENTAL UNIT that with-
14 draws from a council shall continue to receive services from the
15 council until the ~~city, village, or township~~ LOCAL GOVERNMENTAL
16 UNIT is no longer required to pay a tax levied by the council.

17 (3) Withdrawal of a local governmental unit from a council
18 shall be evidenced by an amendment to the articles executed by
19 the secretary or, if the council has no secretary, by the chair-
20 person of the council and filed and published in the same manner
21 as the original articles.

22 Sec. 35. (1) The business that a council ESTABLISHED UNDER
23 THIS ACT performs shall be conducted at a public meeting of the
24 council held in compliance with the open meetings act, ~~Act~~
25 ~~No. 267 of the Public Acts of 1976, being sections 15.261 to~~
26 ~~15.275 of the Michigan Compiled Laws~~ 1976 PA 267, MCL 15.261 TO
27 15.275.

1 (2) A writing prepared, owned, used, in the possession of,
2 or retained by a council in the performance of an official func-
3 tion shall be made available to the public in compliance with the
4 freedom of information act, ~~Act No. 442 of the Public Acts of~~
5 ~~1976, being sections 15.231 to 15.246 of the Michigan Compiled~~
6 ~~Laws~~ 1976 PA 442, MCL 15.231 TO 15.246.

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

8 (A) "ARTICLES" MEANS A METROPOLITAN ARTS AND RECREATION
9 COUNCIL'S ARTICLES OF INCORPORATION PROVIDED FOR IN SECTION 69.

10 (B) "COUNCIL" MEANS A METROPOLITAN ARTS AND RECREATION COUN-
11 CIL ESTABLISHED UNDER THIS CHAPTER.

12 (C) "COUNCIL AREA" MEANS THE ACTUAL TERRITORY OF A METROPOL-
13 ITAN ARTS AND RECREATION COUNCIL.

14 (D) "FACILITIES AND PROGRAMS" MEANS STRUCTURES, FIXTURES,
15 AND ACTIVITIES PROVIDED BY A TAX EXEMPT ENTITY THAT HAS BEEN IN
16 EXISTENCE FOR AT LEAST 18 CONSECUTIVE MONTHS BEFORE BECOMING ELI-
17 GIBLE FOR FUNDING UNDER THIS CHAPTER. FACILITIES AND PROGRAMS
18 MAY INCLUDE A ZOOLOGICAL, BOTANICAL, OR OTHER SCIENCE CENTER; A
19 PUBLIC BROADCAST STATION AS DEFINED BY SECTION 397 OF SUBPART E
20 OF PART IV OF TITLE III OF THE COMMUNICATIONS ACT OF 1934, 47
21 U.S.C. 397, WHETHER OR NOT THE PUBLIC BROADCAST STATION IS AFFIL-
22 IATED WITH AN INSTITUTION OF HIGHER EDUCATION; A MUSEUM OR HIS-
23 TORICAL CENTER; A PERFORMING ARTS CENTER; AN ORCHESTRA; CHORUS;
24 CHORALE; OPERA THEATER; AND A BALLET, DANCE, OR THEATER COMPANY.
25 FACILITIES AND PROGRAMS DO NOT INCLUDE PROFESSIONAL SPORTS ARENAS
26 OR STADIUMS, LABOR ORGANIZATIONS, POLITICAL ORGANIZATIONS,

1 LIBRARIES, PUBLIC, PRIVATE, OR CHARTER SCHOOLS, OR EXHIBITIONS,
2 PERFORMANCES, OR PRESENTATIONS THAT ARE OBSCENE.

3 (E) "METROPOLITAN DISTRICT" MEANS A METROPOLITAN STATISTICAL
4 AREA WITH NOT LESS THAN 2 STATE PUBLIC UNIVERSITIES.

5 (F) "METROPOLITAN STATISTICAL AREA" MEANS THAT TERM AS
6 DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE OR A SUCCES-
7 SOR AGENCY AS OF JANUARY 3, 1990.

8 (G) "OBSCENE" MEANS MATERIAL THAT MEETS THE FOLLOWING
9 CRITERIA:

10 (i) WHEN EXAMINED IN ITS TOTALITY, THE MATERIAL APPEALS TO A
11 PRURIENT INTEREST.

12 (ii) THE MATERIAL DEPICTS OR DESCRIBES, IN A PATENTLY OFFEN-
13 SIVE WAY, SEXUAL CONDUCT SPECIFICALLY DEFINED BY STATE LAW.

14 (iii) WHEN EXAMINED IN ITS TOTALITY, THE MATERIAL LACKS
15 SERIOUS LITERARY, ARTISTIC, POLITICAL, OR SCIENTIFIC VALUE.

16 (H) "TAX EXEMPT ENTITY" MEANS ANY OF THE FOLLOWING:

17 (i) AN ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION
18 501(c) OF THE INTERNAL REVENUE CODE OF 1986.

19 (ii) AN ENTITY OR DIVISION OWNED BY AN ORGANIZATION
20 DESCRIBED IN SUBPARAGRAPH (i).

21 (iii) AN ENTITY OWNED BY A TOWNSHIP, CITY, VILLAGE, COMMU-
22 NITY COLLEGE, STATE UNIVERSITY, OR ANY OTHER PUBLIC BODY THAT IS
23 NOT A PUBLIC SCHOOL, CHARTER SCHOOL, OR PUBLIC SCHOOL ACADEMY.

24 SEC. 67. (1) UPON THE EXPRESS AUTHORIZATION OF THE COUNTY
25 ADMINISTRATOR OF A METROPOLITAN DISTRICT, THE METROPOLITAN DIS-
26 TRICT MAY FORM A METROPOLITAN ARTS AND RECREATION COUNCIL.

1 (2) ONCE THE METROPOLITAN ARTS AND RECREATION COUNCIL IS
2 ESTABLISHED UNDER SUBSECTION (1), THE COUNTY ADMINISTRATOR SHALL
3 APPOINT A BOARD OF THAT COUNCIL. THE BOARD SHALL CONSIST OF NOT
4 MORE THAN 12 MEMBERS, EACH OF WHOM IS A RESIDENT OF THE METROPOL-
5 ITAN DISTRICT.

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

9 (4) A METROPOLITAN ARTS AND RECREATION COUNCIL IS AN AUTHOR-
10 ITY UNDER SECTION 6 OF ARTICLE IX OF THE STATE CONSTITUTION OF
11 1963.

12 (5) A METROPOLITAN ARTS AND RECREATION COUNCIL POSSESSES ALL
13 THE POWERS NECESSARY FOR CARRYING OUT THE PURPOSES OF ITS
14 FORMATION. THE ENUMERATION OF SPECIFIC POWERS IN THIS ACT SHALL
15 NOT BE CONSTRUED AS A LIMITATION ON THE GENERAL POWERS OF A MET-
16 ROPOLITAN ARTS AND RECREATION COUNCIL, CONSISTENT WITH ITS
17 ARTICLES.

18 SEC. 69. (1) A METROPOLITAN ARTS AND RECREATION COUNCIL MAY
19 BE ESTABLISHED SOLELY TO DEVELOP OR ENHANCE CULTURAL INSTITUTIONS
20 AND REGIONAL RECREATION FACILITIES WITHIN THE GEOGRAPHIC BOUNDA-
21 RIES OF THE COUNCIL. A METROPOLITAN ARTS AND RECREATION
22 COUNCIL'S ARTICLES SHALL STATE THE NAME OF THE COUNCIL; THE PUR-
23 POSES FOR WHICH THE COUNCIL IS FORMED; THE POWERS, DUTIES, AND
24 LIMITATIONS OF THE COUNCIL AND ITS OFFICERS; THE QUALIFICATIONS,
25 METHOD OF SELECTION AND TERMS OF OFFICE OF DELEGATES SITTING ON
26 THE COUNCIL AND OF COUNCIL OFFICERS; AND THE GENERAL METHOD OF
27 AMENDING THE ARTICLES.

1 (2) THE ARTICLES MAY AUTHORIZE THE METROPOLITAN ARTS AND
2 RECREATION COUNCIL TO ACT IN ACCORDANCE WITH SECTION 7(3).

3 SEC. 71. (1) THE ARTICLES OF A METROPOLITAN ARTS AND RECRE-
4 ATION COUNCIL SHALL BE ADOPTED AND MAY BE AMENDED BY AN AFFIRMA-
5 TIVE VOTE OF A MAJORITY OF THE COUNTY COMMISSIONERS.

6 (2) BEFORE THE ARTICLES OR AMENDMENTS ARE ADOPTED BY THE
7 COUNTY COMMISSION, THE ARTICLES OR AMENDMENTS SHALL BE PUBLISHED
8 BY THE COUNTY CLERK. THE CLERK SHALL PUBLISH THE ARTICLES OR
9 AMENDMENTS AT LEAST ONCE IN A NEWSPAPER GENERALLY CIRCULATED
10 WITHIN THE COUNTY.

11 (3) THE ADOPTION OF ARTICLES OR AMENDMENTS BY THE COUNTY
12 COMMISSION SHALL BE EVIDENCED BY AN ENDORSEMENT ON THE ARTICLES
13 OR AMENDMENTS BY THE COUNTY CLERK IN A FORM SUBSTANTIALLY AS
14 FOLLOWS:

15 THESE ARTICLES OF INCORPORATION (OR AMENDMENTS) WERE ADOPTED
16 BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS SERVING ON
17 THE COUNTY COMMISSION OF _____,
18 _____ AT A MEETING DULY HELD ON THE _____ DAY
19 OF _____, A.D., _____.

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22 (4) UPON ADOPTION OF THE ARTICLES OR AMENDMENTS, A PRINTED
23 COPY OF THE ARTICLES OR THE AMENDED ARTICLES SHALL BE FILED BY
24 THE CLERK OF THE COUNTY AND WITH THE SECRETARY OF STATE.

25 SEC. 73. (1) A METROPOLITAN ARTS AND RECREATION COUNCIL
26 SHALL HAVE A CHAIRPERSON. THE CHAIRPERSON SHALL ACT AS PRINCIPAL
27 EXECUTIVE OFFICER AND SHALL PRESIDE AT THE MEETINGS OF THE

1 COUNCIL. MEETING TIMES AND PLACES SHALL BE FIXED BY THE COUNCIL
2 AND SPECIAL MEETINGS MAY BE CALLED BY A MAJORITY OF THE DELEGATES
3 ON THE COUNCIL OR BY THE CHAIRPERSON. THE CHAIRPERSON SHALL HAVE
4 SUCH POWERS AND DUTIES AS PROVIDED IN THE ARTICLES.

5 (2) IN ADDITION TO THE CHAIRPERSON, A METROPOLITAN ARTS AND
6 RECREATION COUNCIL SHALL HAVE OTHER OFFICERS AS MAY BE PROVIDED
7 IN THE ARTICLES. THE CHAIRPERSON AND OTHER OFFICERS SHALL BE
8 ELECTED BY THE COUNCIL AND SHALL BE COUNCIL DELEGATES. HOWEVER,
9 A SECRETARY AND TREASURER NEED NOT BE COUNCIL DELEGATES.

10 (3) IF PROVIDED IN THE ARTICLES, A METROPOLITAN ARTS AND
11 RECREATION COUNCIL MAY APPOINT AN EXECUTIVE DIRECTOR TO SERVE AT
12 THE COUNCIL'S PLEASURE AS THE PRINCIPAL ADMINISTRATOR FOR THE
13 COUNCIL. THE DIRECTOR SHALL NOT BE A DELEGATE, SHALL BE SELECTED
14 ON THE BASIS OF TRAINING AND EXPERIENCE, AND SHALL HAVE THE
15 POWERS AND DUTIES AS PROVIDED IN THE COUNCIL BYLAWS ADOPTED PUR-
16 SUANT TO SECTION 79.

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

20 SEC. 75. (1) METROPOLITAN ARTS AND RECREATION COUNCIL MEM-
21 BERS SHALL SERVE WITHOUT COMPENSATION BUT UPON APPROVAL OF A
22 MAJORITY OF DELEGATES SERVING MAY BE REIMBURSED FOR ACTUAL AND
23 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THE COUNCIL'S
24 OFFICIAL DUTIES.

25 (2) A METROPOLITAN ARTS AND RECREATION COUNCIL SHALL PREPARE
26 ANNUALLY A BUDGET THAT PROVIDES AS A SEPARATE ACCOUNT ANTICIPATED
27 EXPENDITURES FOR PER DIEM COMPENSATION AND EXPENSE REIMBURSEMENT

1 FOR THE CHAIRPERSON AND OTHER COUNCIL DELEGATES. COMPENSATION OR
2 REIMBURSEMENT SHALL BE PAID TO THE CHAIRPERSON AND OTHER COUNCIL
3 DELEGATES ONLY IF BUDGETED.

4 SEC. 77. (1) A METROPOLITAN ARTS AND RECREATION COUNCIL'S
5 ARTICLES SHALL SPECIFY THE MAXIMUM AMOUNT OR PERCENTAGE OF REVE-
6 NUES RECEIVED UNDER THIS ACT THAT THE COUNCIL MAY AUTHORIZE TO BE
7 EXPENDED ANNUALLY FOR ADMINISTRATIVE COSTS INCURRED UNDER THIS
8 ACT. ADDITIONALLY, THE ARTICLES SHALL AUTHORIZE THAT COUNCIL TO
9 PROVIDE FUNDING, SUPPLEMENTAL TO FUNDING RECEIVED FROM OTHER
10 SOURCES, FOR CULTURAL AND RECREATIONAL FACILITIES AND PROGRAMS
11 LOCATED WITHIN THE METROPOLITAN DISTRICT THAT THE COUNCIL
12 SERVES. HOWEVER, A METROPOLITAN ARTS AND RECREATION COUNCIL
13 SHALL NOT EXPEND MONEY COLLECTED UNDER SECTION 69 UNLESS THE SPE-
14 CIFIC EXPENDITURE IS INCLUDED IN THE COUNCIL'S ANNUAL BUDGET,
15 EXPRESSLY AUTHORIZED IN THE COUNCIL'S ARTICLES, OR UNLESS THE
16 EXPENDITURE IS APPROVED BY AN AFFIRMATIVE VOTE OF A MAJORITY OF
17 THE COUNCIL'S DELEGATES.

18 (2) A METROPOLITAN ARTS AND RECREATION COUNCIL MAY ESTABLISH
19 DIVISIONS, BUREAUS, AND COMMITTEES, INCLUDING ADVISORY
20 COMMITTEES. MEMBERS OF ADVISORY COMMITTEES SHALL SERVE WITHOUT
21 COMPENSATION BUT MAY BE REIMBURSED FOR THEIR REASONABLE EXPENSES
22 AS DETERMINED BY THE COUNCIL.

23 SEC. 79. A METROPOLITAN ARTS AND RECREATION COUNCIL MAY
24 ADOPT BYLAWS FOR THE ADMINISTRATION OF THE COUNCIL.