

SENATE BILL No. 1276

May 17, 2000, Introduced by Senator JOHNSON and referred to the Committee on Local, Urban and State Affairs.

A bill to provide for the establishment of recreational authorities; to provide powers and duties of an authority; to authorize the assessment of a fee, the levy of a property tax, and the issuance of bonds and notes by an authority; and to provide for the powers and duties of certain government officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "recreational authorities act".

3 Sec. 3. As used in this act:

4 (a) "Articles" means the articles of incorporation of an
5 authority.

6 (b) "Authority" means a recreational authority established
7 under section 5.

1 (c) "Board" means the board of directors of the authority.

2 (d) "Electors of the authority" means the qualified and
3 registered electors of the participating municipalities who
4 reside within the territory of the authority.

5 (e) "Largest county" means, of those counties in which a
6 participating municipality is located, the county having the
7 greatest population.

8 (f) "Municipality" means a city, village, or township.

9 (g) "Park" means an area of land or water, or both, dedi-
10 cated to 1 or more of the following uses:

11 (i) Recreational purposes, including but not limited to
12 landscaped tracts; picnic grounds; playgrounds; athletic fields;
13 camps; campgrounds; zoological and botanical gardens; boating,
14 hunting, fishing, and birding areas; swimming areas; and foot,
15 bicycle, and bridle paths.

16 (ii) Open or scenic space.

17 (iii) Environmental, conservation, nature, or wildlife
18 areas.

19 (h) "Participating municipality" means a municipality that
20 is named in articles of incorporation or proposed articles of
21 incorporation as joining in the original establishment of an
22 authority, or a municipality that joins an existing authority and
23 is added to the articles of incorporation, and that has not with-
24 drawn from the authority.

25 (i) "Swimming pool" includes equipment, structures, areas,
26 and enclosures intended for the use of individuals using or

1 operating a swimming pool, such as equipment, dressing, locker,
2 shower, and toilet rooms.

3 (j) "Territory of the authority" means the combined terri-
4 tory of the participating municipalities that is served by an
5 authority.

6 Sec. 5. (1) Two or more municipalities may establish a rec-
7 reational authority. A recreational authority is an authority
8 under section 6 of article IX of the state constitution of 1963.

9 (2) To initiate the establishment of an authority, articles
10 of incorporation shall be prepared. The articles of incorpora-
11 tion shall include all of the following:

12 (a) The name of the authority.

13 (b) The names of the participating municipalities.

14 (c) A description of the territory of the authority.

15 (d) The size of the board of the authority, which shall be
16 comprised of an odd number of members; the qualifications, method
17 of selection, and terms of office of board members; and the fill-
18 ing of vacancies in the office of board member. If board members
19 are elected in at large elections by the qualified and registered
20 electors of the participating municipalities, voting collective-
21 ly, the election of board members shall be conducted pursuant to
22 the same procedures that govern an election for a tax under
23 sections 13 to 17.

24 (e) The purposes for which the authority is established,
25 which shall be the acquisition, construction, operation, mainte-
26 nance, and improvement of 1 or more of the following:

1 (i) A public swimming pool.

2 (ii) A public recreation center.

3 (iii) A public auditorium.

4 (iv) A public conference center.

5 (v) A public park.

6 (f) The procedure and requirements for a municipality to
7 become a participating municipality in, and for a participating
8 municipality to withdraw from, an existing authority. For a
9 municipality to become a participating municipality in an exist-
10 ing authority, a majority of the electors of the municipality
11 proposed to be included in the territory of the authority and
12 voting on the question shall approve a tax that the authority has
13 been authorized to levy by a vote of the electors of the author-
14 ity under section 11. A municipality shall not withdraw from an
15 authority during the period for which the authority has been
16 authorized to levy a tax by the electors of the authority.

17 (g) Any other matters considered advisable.

18 (3) The articles shall be adopted and may be amended by an
19 affirmative vote of a majority of the members serving on the leg-
20 islative body of each participating municipality. Unless the
21 articles provide otherwise, the requirements of this subsection
22 do not apply to an amendment to the articles to allow a munici-
23 pality to become a participating municipality in, or to allow a
24 participating municipality to withdraw from, an existing
25 authority.

26 (4) Before the articles or amendments to the articles are
27 adopted, the articles or amendments to the articles shall be

1 published not less than once in a newspaper generally circulated
2 within the participating municipalities. The adoption of arti-
3 cles or amendments to the articles by a municipality shall be
4 evidenced by an endorsement on the articles or amendments by the
5 clerk of the municipality.

6 (5) Upon adoption of the articles or amendments to the arti-
7 cles by each of the participating municipalities, a printed copy
8 of the articles or the amended articles shall be filed with the
9 secretary of state by the clerk of the last participating munici-
10 pality to adopt the articles or amendments.

11 (6) The authority's articles of incorporation, or amendments
12 to the articles, take effect upon filing with the secretary of
13 state.

14 Sec. 7. (1) A vacancy occurs on the board on the happening
15 of any of the events set forth in section 3 of 1846 RS 15, MCL
16 201.3. Appointed members of the board, if any, may be removed by
17 the appointing authority for good cause after a public hearing.
18 Vacancies shall be filled in the same manner as the original
19 appointment for the unexpired term.

20 (2) A majority of the members of the board constitutes a
21 quorum for the purpose of conducting business and exercising the
22 powers of an authority. Official action may be taken by an
23 authority upon the vote of a majority of the board members
24 present, unless the authority adopts bylaws requiring a larger
25 number.

26 (3) A member of the board shall not receive compensation for
27 services as a member of the board but is entitled to

1 reimbursement for reasonable expenses, including expenses for
2 travel previously authorized by the board, incurred in the dis-
3 charge of his or her duties.

4 (4) The business that an authority may perform shall be con-
5 ducted at a public meeting of the authority held in compliance
6 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
7 Public notice of the time, date, and place of the meeting shall
8 be given in the manner required by the open meetings act, 1976 PA
9 267, MCL 15.261 to 15.275.

10 (5) A writing prepared, owned, or used by an authority in
11 the performance of an official function shall be made available
12 in compliance with the freedom of information act, 1976 PA 442,
13 MCL 15.231 to 15.246.

14 (6) At its first meeting, a board shall elect a chairperson,
15 a secretary, a treasurer, and any other officers it considers
16 necessary. A board shall meet at least quarterly.

17 (7) A board may adopt bylaws to govern its procedures.

18 Sec. 9. An authority may do 1 or more of the following:

19 (a) Acquire and hold, by purchase, lease with or without
20 option to purchase, grant, gift, devise, land contract, install-
21 ment purchase contract, bequest, or other legal means, real and
22 personal property inside or outside the territory of the
23 authority. The property may include franchises, easements, or
24 rights of way on, under, or above any property. The authority
25 may pay for the property from, or pledge for the payment of the
26 property, revenue of the authority.

1 (b) Apply for and accept grants or contributions from
2 individuals, the federal government or any of its agencies, this
3 state, a municipality, or other public or private agencies to be
4 used for any of the purposes of the authority.

5 (c) Hire full-time or part-time employees and retain profes-
6 sional services.

7 (d) Provide for the maintenance of all of the real and per-
8 sonal property of the authority.

9 (e) Assess and collect fees for services provided by and
10 expenses incurred by the authority.

11 (f) Receive revenue as appropriated by the legislature of
12 this state or a participating municipality.

13 (g) Enter into contracts incidental to or necessary for the
14 accomplishment of the purposes of the authority.

15 Sec. 11. (1) An authority may levy a tax of not more than 1
16 mill for a period of not more than 20 years on all of the taxable
17 property within the territory of the authority for the purposes
18 of acquiring, constructing, operating, maintaining, and improving
19 a public swimming pool, public recreation center, public audito-
20 rium or conference center, or public park. The authority may
21 levy the tax only upon the approval of a majority of the electors
22 of the authority voting collectively on the tax at a general or
23 special election. The proposal for a tax shall be submitted to a
24 vote of the electors of the authority by resolution of the
25 board.

26 (2) A ballot proposal for a tax shall state the amount and
27 duration of the millage and the purposes for which the millage

1 may be used. A proposal for a tax shall not be placed on the
2 ballot unless the proposal is adopted by a resolution of the
3 board and certified by the board not later than 60 days before
4 the election to the county clerk of each county in which all or
5 part of the territory of the authority is located for inclusion
6 on the ballot. The proposal shall be certified for inclusion on
7 the ballot at the next general election, the state primary imme-
8 diately preceding the general election, or a special election not
9 occurring within 45 days of a state primary or a general elec-
10 tion, as specified by the board's resolution.

11 (3) If a special election is proposed, within 10 days after
12 receiving the proposal the county clerk of the county described
13 in subsection (2) having the greatest population shall request
14 approval of a special election date from the county election
15 scheduling committee of that county. The proposal shall be sub-
16 mitted to the electors of the authority on the date approved by
17 that county election scheduling committee.

18 (4) If a majority of the electors of the authority voting
19 collectively on the question of a tax approve the proposal, the
20 tax levy is authorized. Not more than 2 elections may be held in
21 a calendar year on a proposal for a tax authorized under this
22 act.

23 Sec. 13. (1) The county election commission of each county
24 in which all or part of a participating municipality is located
25 shall provide ballots for an election for a tax under section 11
26 for each participating municipality or part of a participating
27 municipality located within the county.

1 (2) Except as otherwise provided in subsection (4), an
2 election for a tax shall be conducted by the city and township
3 clerks and election officials of the municipalities located
4 within the territory of the authority.

5 (3) If an election on a proposal for a tax is to be held in
6 conjunction with a general election or state primary election and
7 if a participating village is located within a nonparticipating
8 township, the township clerk and election officials shall conduct
9 the election. Not later than 45 days preceding the election, the
10 village clerk shall provide to the township clerk a list contain-
11 ing the name, address, and birth date of each qualified and reg-
12 istered elector of the village residing in the territory of the
13 authority. Not later than 15 days before the election, the vil-
14 lage clerk shall provide to the township clerk information
15 updating the list as of the close of registration. A person
16 appearing on the list as updated is eligible to vote in the elec-
17 tion by special ballot.

18 (4) 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 is located within a non-
21 participating township, the village clerk and election officials
22 shall conduct the election.

23 Sec. 15. (1) If an election for a tax under section 11 is
24 to be held in conjunction with a general election or a state pri-
25 mary election, the notices of close of registration and election
26 shall be published as provided for by the state election laws.
27 Otherwise, the county clerk of the largest county shall publish

1 the notices of close of registration and election. The notice of
2 close of registration shall include the ballot language of the
3 proposal.

4 (2) The results of an election for a tax shall be canvassed
5 by the board of county canvassers of each county in which a par-
6 ticipating municipality is located. The board of county canvass-
7 ers of a county in which a participating municipality is located
8 and that is not the largest county shall certify the results of
9 the election to the board of county canvassers of the largest
10 county. The board of county canvassers of the largest county
11 shall make the final canvass of an election for a tax based on
12 the returns of the election inspectors of the participating
13 municipalities in that county and the certified results of the
14 board of county canvassers of every other county in which a par-
15 ticipating municipality is located. The board of county canvass-
16 ers of the largest county shall certify the results of the elec-
17 tion to the board of the authority.

18 Sec. 17. (1) A county clerk shall charge the authority and
19 the authority shall reimburse the county for the actual costs the
20 county incurs in an election for a tax under section 11.

21 (2) If a participating municipality conducts an election for
22 a tax, the clerk of that participating municipality shall charge
23 the authority and the authority shall reimburse the participating
24 municipality for the actual costs the participating municipality
25 incurs in conducting the election if the election is not held in
26 conjunction with a regularly scheduled election in that
27 municipality.

1 (3) In addition to costs reimbursed under subsection (1) or
2 (2), a county or municipality shall charge the authority and the
3 authority shall reimburse the county or municipality for actual
4 costs that the county or municipality incurs and that are exclu-
5 sively attributable to an election for a tax authorized under
6 this act.

7 (4) The actual costs that a county or municipality incurs
8 shall be based on the number of hours of work done in conducting
9 the election, the rates of compensation of the workers, and the
10 cost of materials supplied in the election.

11 Sec. 19. The tax shall be collected with county taxes and
12 distributed by the local tax collecting unit under the provisions
13 of the general property tax act, 1893 PA 206, MCL 211.1 to
14 211.157.

15 Sec. 21. (1) An authority may borrow money and issue bonds
16 or notes to finance the acquisition, construction, and improve-
17 ment of a public swimming pool, a public recreation center, a
18 public auditorium, a public conference center, or a public park,
19 including the acquisition of sites and the acquisition and
20 installation of furnishings and equipment for these purposes.

21 (2) An authority shall not borrow money or issue bonds or
22 notes for a sum that, together with the total outstanding bonded
23 indebtedness of the authority, exceeds 2 mills of the taxable
24 value of the taxable property within the district as determined
25 under section 27a of the general property tax act, 1893 PA 206,
26 MCL 211.27a.

1 (3) Bonds or notes issued by an authority are a debt of the
2 authority and not of the participating municipalities.

3 (4) Unless an exception from prior approval is available
4 under sections 10 and 11 of chapter III of the municipal finance
5 act, 1943 PA 202, MCL 133.10 and 133.11, bonds or notes issued by
6 a recreational authority under this act shall be approved by the
7 department of treasury, but are not otherwise subject to the
8 municipal finance act, 1943 PA 202, MCL 131.1 to 139.3. Before
9 approving the issuance of a bond or note under this subsection,
10 the department of treasury shall determine that the amount of the
11 proposed bond or note is sufficient but not excessive, that any
12 revenue or income pledged for the payment of the bond or note is
13 sufficient, and that the bond or note and the proceedings autho-
14 rizing the bond or note comply with this act and other applicable
15 law.

16 Sec. 23. (1) An authority may issue general obligation
17 unlimited tax bonds upon approval of a majority of the electors
18 of the authority voting collectively on the question of issuing
19 the bonds. The proposal to issue general obligation unlimited
20 tax bonds shall be submitted to a vote of the electors of the
21 authority by resolution of the board.

22 (2) The language of the ballot proposal shall be in substan-
23 tially the following form:

24 "Shall [name of authority], formed by [names of
25 participating municipalities], borrow the sum of
26 not to exceed _____ dollars (\$_____)

1 and issue its general obligation unlimited tax
2 bonds for all or a portion of that amount for
3 the purpose of _____?
4 Yes [] No []".

5 (3) The election shall be conducted in the manner provided
6 in sections 11 to 17 for an election for a tax. Not more than 2
7 elections on the question of issuing general obligation unlimited
8 tax bonds may be held in a calendar year.

9 (4) If an authority issues general obligation unlimited tax
10 bonds under this section, the board, by resolution, shall autho-
11 rize and levy the taxes necessary to pay the principal of and
12 interest on the bonds.

13 Sec. 25. (1) An authority may borrow money and issue its
14 negotiable bonds and notes for the purpose of refunding outstand-
15 ing debt obligations of the district by resolution of the board,
16 without submitting the question to the electors of the
17 authority.

18 (2) Refunding bonds or the refunding part of a bond issue
19 shall be considered to be within the 2-mill limitation of section
20 21(2).

21 Sec. 27. (1) A board shall obtain an annual audit of the
22 authority, and report on the audit and auditing procedures, in
23 the manner provided by sections 6 to 13 of the uniform budgeting
24 and accounting act, 1968 PA 2, MCL 141.426 to 141.433. The audit
25 shall also be in accordance with generally accepted government
26 auditing standards as promulgated by the United States general

1 accounting office and shall satisfy federal regulations relating
2 to federal grant compliance audit requirements.

3 (2) An authority shall prepare budgets and appropriations
4 acts in the manner provided by sections 14 to 19 of the uniform
5 budgeting and accounting act, 1968 PA 2, MCL 141.434 to 141.439.

6 (3) The state treasurer, the attorney general, a prosecuting
7 attorney, bank, certified public accountant, certified public
8 accounting firm, or other person shall have the same powers,
9 duties, and immunities with respect to the authority as provided
10 for local units in sections 6 to 20 of the uniform budgeting and
11 accounting act, 1968 PA 2, MCL 141.426 to 141.440.

12 (4) If an authority ends a fiscal year in a deficit condi-
13 tion, the authority shall file a financial plan to correct the
14 deficit condition in the same manner as provided in section 21(2)
15 of the Glenn Steil state revenue sharing act of 1971, 1971 PA
16 140, MCL 141.921.

17 (5) The board may authorize funds of the authority to be
18 invested or deposited in any investment or depository authorized
19 under section 1 of 1943 PA 20, MCL 129.91.