

# SENATE BILL No. 1429

November 13, 2000, Introduced by Senators MC MANUS, BENNETT, STEIL and HAMMERSTROM and referred to the Committee on Government Operations.

A bill to amend 1895 PA 3, entitled  
"The general law village act,"  
by amending sections 1, 5, and 13 of chapter II, sections 1, 2,  
and 7 of chapter III, section 23 of chapter IX, and section 3 of  
chapter XII (MCL 62.1, 62.5, 62.13, 63.1, 63.2, 63.7, 69.23, and  
72.3), sections 1, 5, and 13 of chapter II and sections 2 and 7  
of chapter III as amended by 1998 PA 255 and section 3 of chapter  
XII as amended by 1998 PA 254.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER II

Sec. 1. (1) Except as provided in subsections (2) and (3),  
in each village, the following officers shall be elected: a  
president, 6 trustees, 1 clerk, and 1 treasurer. The president  
and trustees constitute the council. In all votes for which not  
less than a majority vote of council is required, the calculation

1 of the number of votes required shall be based on the maximum  
2 number that constitutes council.

3       (2) The council by a vote of 2/3 of the members of council  
4 may provide by ordinance for the reduction in the number of  
5 trustees to 4 who with the president shall constitute the  
6 council. If village trustees are elected biennially for stag-  
7 gered 4-year terms, ~~or annually for staggered 2-year terms,~~ the  
8 ordinance shall as nearly as possible maintain staggered terms  
9 and provide for an equal number of seats to be filled at each  
10 election. The ordinance may extend but shall not shorten the  
11 term of an incumbent trustee. The ordinance may extend a pro-  
12 spective term. The ordinance shall not shorten or eliminate a  
13 prospective term unless the nomination deadline for that term is  
14 not less than 30 days after the effective date of the ordinance.  
15 An ordinance adopted under this subsection shall satisfy both of  
16 the following conditions:

17       (a) The ordinance shall be voted on and adopted at a meeting  
18 that occurs not less than 10 days after the initial meeting or  
19 public hearing at which the ordinance was considered.

20       (b) Notice of each meeting at which the ordinance is consid-  
21 ered indicating that an ordinance reducing the size of the coun-  
22 cil will be 1 of the subjects of the meeting shall be published  
23 not less than 10 days before the meeting in a newspaper of gen-  
24 eral circulation in the village.

25       (3) The council by a vote of 2/3 of the members of council  
26 may provide by ordinance for the nomination by the president and  
27 the appointment by the council of the clerk or the treasurer, or

1 both, for such a term as the ordinance may provide. The  
2 ordinance shall apply beginning with the first term the nomina-  
3 tion deadline for which would have been not less than 30 days  
4 after the effective date of the ordinance or shall apply when the  
5 office is vacated, whichever occurs first.

6 (4) The council shall provide that an ordinance adopted  
7 under subsection (2) or (3) takes effect ~~45~~ 30 days after the  
8 date of adoption unless a petition signed by not less than 10% of  
9 the registered electors of the village is filed with the village  
10 clerk within the ~~45-day~~ 30-DAY period, in which case the ordi-  
11 nance takes effect upon approval at an election held on the  
12 question. Notice of the delayed effect of the ordinance and the  
13 right of petition under this subsection shall be published sepa-  
14 rately at the same time, and in the same manner, as the ordinance  
15 is published pursuant to section 4 of chapter VI. The village  
16 clerk shall verify the signatures on the petitions. If a peti-  
17 tion bearing the required number of valid signatures of electors  
18 is filed, the question of adoption of the ordinance shall be sub-  
19 mitted at the next general or special election. The ballot lan-  
20 guage for the question shall be prepared by the village clerk,  
21 unless the question concerns the appointment of the clerk under  
22 subsection ~~-(2)-~~ (3), in which case the ballot language shall be  
23 prepared by the village council.

24 (5) A village that has adopted an ordinance reducing the  
25 number of trustees to 4 or providing for the appointment by the  
26 council of the clerk or treasurer may increase the number of  
27 trustees to 6 or provide for the election of the clerk or

1 treasurer by the same process as provided in subsection (2) or  
2 (3), respectively, and in subsection (4).

3       Sec. 5. ~~(1)~~ Except as otherwise provided in this section,  
4 3 village trustees shall be elected at each biennial village  
5 election for the term of 4 years from the ~~second Monday in March~~  
6 ~~of the even numbered year when elected~~ FOLLOWING JANUARY 1 and  
7 until their successors are qualified. As an alternative, if pro-  
8 vided by an ordinance adopted by the village before January 1,  
9 1974, all 6 village trustees shall be elected at the biennial  
10 village elections for the term of 2 years and until their succes-  
11 sors are qualified.

12       ~~(2) If a village exempted itself from subsection (1) by~~  
13 ~~council resolution adopted before January 1, 1974, the village~~  
14 ~~shall continue to elect its trustees annually on the second~~  
15 ~~Monday in March with 3 trustees to be elected annually. The~~  
16 ~~trustees shall hold their offices for the term of 2 years and~~  
17 ~~until their successors are qualified.~~

18       ~~(3) A village that exempted itself as described in subsec-~~  
19 ~~tion (2) may subsequently provide by ordinance that the village~~  
20 ~~shall elect trustees biennially. The ordinance shall be applica-~~  
21 ~~ble to the even year village election to be held not less than 6~~  
22 ~~months next following the adoption of the ordinance. The ordi-~~  
23 ~~nance shall provide for a system of electing trustees as~~  
24 ~~described in subsection (1). The ordinance may extend the terms~~  
25 ~~of incumbent trustees for not more than 1 year if necessary to~~  
26 ~~provide for the biennial election of trustees. In any event, a~~  
27 ~~trustee shall serve until his or her successor is qualified.~~

1       ~~(4) A copy of each resolution and ordinance adopted pursuant~~  
2 ~~to this section shall be forwarded to the director of the bureau~~  
3 ~~of elections of the department of state.~~

4       Sec. 13. Any vacancy occurring in the office of president,  
5 trustee, or any other elective office shall be filled by appoint-  
6 ment by the council, and the appointee shall hold office until  
7 the next regular village election. All vacancies in any other  
8 office shall be filled by the president, by and with the consent  
9 of the council. If by reason of removal, death, resignation, or  
10 otherwise, the membership of the council is reduced to less than  
11 a quorum, the remaining council members shall call a special  
12 election for the purpose of filling all vacancies in the office  
13 of trustee, if a petition signed by not less than 10% of the  
14 qualified voters of the village is filed with the village clerk  
15 within 10 days after the vacancy or vacancies occur. If a peti-  
16 tion is not filed within the time stated, then the remaining  
17 council members may either call a special election, or may pro-  
18 ceed to appoint a sufficient number of trustees to constitute  
19 with the members in office a quorum of the council, who shall  
20 then fill the remaining vacancies as provided in this section.  
21 If all the officers and trustees of a village have died or  
22 ~~removed~~ MOVED from the village, and no successors have been  
23 elected or appointed to fill the vacancies, the township clerk of  
24 the township within which the village is situated shall, upon  
25 petition of 10% of the qualified voters residing in the village,  
26 call a special election for the election of the officers and  
27 trustees of the village, at a date ~~and place to be fixed by the~~

1 ~~township clerk, which date shall be not more than 30 days after~~  
 2 ~~the receipt of the petition. The township board of the~~ PROVIDED  
 3 UNDER SECTION 644 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL  
 4 168.644. THE township shall perform all of the other duties with  
 5 respect to the election as the village might have done had the  
 6 vacancies not existed, including the preparation of ballots, the  
 7 appointment of election inspectors, the counting and canvassing  
 8 of the ballots, and the certification of the persons elected to  
 9 the offices for which the election was held. All of the expenses  
 10 of the election shall be ~~a charge upon~~ PAID BY the village.

### 11 CHAPTER III

12 Sec. 1. (1) ~~Except with regard to villages that hold~~  
 13 ~~annual elections pursuant to section 5(2) of chapter 2, the elec=~~  
 14 ~~tion of officers shall be held biennially on the second Monday in~~  
 15 ~~March in each even numbered year.~~ An election UNDER THIS ACT  
 16 shall be held at ~~such~~ A place in the village as the council  
 17 ~~shall designate~~ DESIGNATES.

18 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, AN  
 19 ELECTION UNDER THIS ACT IS SUBJECT TO SECTION 644 OF THE MICHIGAN  
 20 ELECTION LAW, 1954 PA 116, MCL 168.644.

21 Sec. 2. Special elections may be called by resolution of  
 22 the council. The resolution shall state the purpose and object  
 23 of and, subject to ~~the election laws of this state~~ SECTION 1 OF  
 24 THIS CHAPTER, the date of the election.

25 Sec. 7. (1) All elections in the village shall be conducted  
 26 as nearly as may be in the manner provided by ~~law~~ THE MICHIGAN

1 ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992, for holding  
2 general elections in the state, except as provided in this act.

3 (2) If at any election vacancies are to be filled, or if any  
4 person is to be elected for less than a full term of office, the  
5 term shall be designated on the ballot.

6 CHAPTER IX

7 Sec. 23. (1) ~~Bonds may not be issued, except special~~  
8 ~~assessment bonds, bonds for the portion of the cost of local~~  
9 ~~improvements to be paid by the village at large not to exceed 40%~~  
10 ~~of the cost of such improvements, emergency bonds, and bonds~~  
11 ~~which the council is authorized by specific statute to issue~~  
12 ~~without vote of the electors, unless~~ SUBJECT TO SUBSECTION (2),  
13 A VILLAGE SHALL NOT ISSUE BONDS UNLESS THE ISSUANCE IS approved  
14 by a majority of the electors voting ~~thereon~~ ON THE BOND  
15 ISSUANCE at ~~an annual~~ A REGULAR or special village election.  
16 The election shall be conducted in accordance with the ~~general~~  
17 ~~laws governing the conduct of elections. This section~~ MICHIGAN  
18 ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992.

19 (2) SUBSECTION (1) does not apply to ~~obligations~~ ANY OF  
20 THE FOLLOWING:

21 (A) OBLIGATIONS incurred by the village evidenced by con-  
22 tracts, notes, or assessments.

23 (B) SPECIAL ASSESSMENT BONDS.

24 (C) BONDS FOR THE PORTION OF THE COST OF LOCAL IMPROVEMENTS  
25 TO BE PAID BY THE VILLAGE AT LARGE NOT TO EXCEED 40% OF THE COST  
26 OF THE IMPROVEMENTS.

(D) EMERGENCY BONDS.

(E) BONDS THAT THE COUNCIL IS AUTHORIZED BY SPECIFIC STATUTE TO ISSUE WITHOUT A VOTE OF THE ELECTORS.

#### CHAPTER XII

Sec. 3. (1) To exercise the powers granted by section 1 of this chapter, the council shall adopt a resolution declaring that it is expedient for ~~such~~ THE village to acquire by purchase or construction, as applicable, works to supply the village with electric or other lights, and shall make and record in their proceedings an estimate of the expense.

(2) The question of financing the estimated amount or that part of the estimated amount not in excess of limitations on indebtedness of the village provided by law shall be submitted to the electors of the village at its ~~annual~~ REGULAR election, or at a special election called for that purpose by the council as provided in this act. Approval of the proposal requires the affirmative vote of 2/3 of the electors voting at ~~such~~ THE election by ballot.

(3) If the voters approve financing a part of the estimated amount not in excess of the limitations on indebtedness of the village, the council shall not incur any indebtedness for lighting works on the general faith and credit of the village until the charter is amended to permit the issuance of mortgage bonds on the proposed lighting plant, its revenues and franchise, in excess of the general limitations on indebtedness as provided by this act, in an amount equal to the difference between the indebtedness authorized by this act, and the estimated amount.



1       Enacting section 1. This amendatory act takes effect  
2 January 1, 2002.

3       Enacting section 2. This amendatory act does not take  
4 effect unless all of the following bills of the 90th Legislature  
5 are enacted into law:

6       (a) Senate Bill No. 290.

7       (b) Senate Bill No. 291.

8       (c) Senate Bill No. 292.