

HOUSE BILL No. 5129

October 27, 2011, Introduced by Rep. Crawford and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

A bill to amend 1957 PA 185, entitled

"An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation,"

by amending the title and sections 1, 2, and 27 (MCL 123.731, 123.732, and 123.757), section 2 as amended by 2011 PA 110, and by adding sections 2a, 57, 57a, 58, 58a, 58b, 58c, 58d, 59, 60, 61, 62, 62a, 62b, 63, 63a, 64, 65, 66, 67, 68, 69, and 69a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of

1 any municipality subject to the provisions of this act; **TO**
2 **AUTHORIZE THE CREATION OF PUBLIC WORKS DISTRICTS; TO AUTHORIZE THE**
3 **TRANSFER OF PROPERTY TO PUBLIC WORKS DISTRICTS;** to authorize the
4 incurring of contract obligations and the issuance and payment of
5 bonds or notes; to provide for a pledge by a municipality of its
6 full faith and credit and the levy of taxes without limitation as
7 to rate or amount to the extent necessary; to validate obligations
8 issued; and to prescribe a procedure for special assessments and
9 condemnation.

10 Sec. 1. As used in this act:

11 (a) "Members elect" means when applied to the county board of
12 commissioners, both members elected and appointed.

13 (b) "Acquire" means acquisition by purchase, construction, or
14 any other method.

15 (c) "Water supply system" means all plants, works,
16 instrumentalities, and properties, used or useful in connection
17 with obtaining a water supply, the treatment of water, or the
18 distribution of water, or any portion or any combination thereof.

19 (d) "Sewage disposal system" means all sanitary sewers, storm
20 sewers, combined sanitary and storm sewers, plants, works,
21 instrumentalities, and properties, used or useful in connection
22 with the collection, treatment, or disposal of sewage including
23 storm water, sanitary sewage, or industrial wastes, or any portion
24 or any combination thereof.

25 (e) "Refuse system" means disposal, including all equipment
26 and facilities for storing, handling, processing, and disposing of
27 refuse, including plants, works, instrumentalities, and properties,

1 used or useful in connection with the salvage or disposal of refuse
2 and used or useful in the creation, sale, or disposal of by-
3 products, including rock, sand, clay, gravel, or timber, or any
4 portion or any combination thereof.

5 (f) "Refuse" means putrescible and nonputrescible solid
6 wastes, except body wastes, and includes garbage, rubbish, ashes,
7 incinerator ash, incinerator residue, street cleanings, and
8 industrial wastes.

9 (g) "Lake improvements" means any improvements now or
10 hereafter authorized by law to be made to any waters of ~~the~~ **THIS**
11 state by a municipality or any board or body which may be
12 established by a municipality for that purpose, or any portion or
13 any combination thereof.

14 (h) "Erosion control" means installation of structures
15 designed to control erosion or protect property adjacent to the
16 ~~great lakes~~ **GREAT LAKES** or property affected by levels of the ~~great~~
17 ~~lakes~~ **GREAT LAKES** from erosion.

18 (i) "Municipality" means a county, city, village, township,
19 charter township, district, or authority existing under the laws of
20 this state.

21 (j) "Resolution" means a resolution or an ordinance, if the
22 governing body of a municipality chooses to act by ordinance rather
23 than by resolution.

24 (k) "Governing body" means, in the case of a county, the
25 county board of commissioners; in the case of a city, the council,
26 common council, commission, or other body having legislative
27 powers; in the case of a village, the council, common council,

1 commission, board of trustees, or other body having legislative
2 powers; in the case of a township, the township board; in the case
3 of a charter township, the township board; in the case of a
4 drainage district, the drain commissioner or the drainage board;
5 and in the case of another district or of an authority, the body in
6 which is lodged general governing powers.

7 (I) "PROJECT" MEANS TO ACQUIRE, CONSTRUCT, OPERATE, AND
8 MAINTAIN ANY PUBLIC WORKS SYSTEM.

9 (M) "PUBLIC CORPORATION" INCLUDES THIS STATE, COUNTIES,
10 CITIES, VILLAGES, TOWNSHIPS, METROPOLITAN DISTRICTS, AND
11 AUTHORITIES CREATED BY OR PURSUANT TO STATE LAW.

12 (N) "PUBLIC WORKS SYSTEM" MEANS WATER SUPPLY SYSTEM, SEWAGE
13 DISPOSAL SYSTEM, REFUSE SYSTEM, LAKE IMPROVEMENTS, SYSTEM FOR
14 EROSION CONTROL, OR ANY COMBINATION OF THESE.

15 Sec. 2. (1) Except as provided by ~~IN~~ subsection (5) AND
16 SECTION 2A, the county board of commissioners, by resolution
17 adopted by a 2/3 vote of its elected members, may establish a
18 department of public works for the administration of the powers
19 conferred upon the county by this act. The department of public
20 works shall be under the general control of the county board of
21 commissioners and under the immediate control of a board of public
22 works. Except as provided in this subsection and subsection (3),
23 the board of public works shall consist of 5, 7, or 9 members. In a
24 county with a population of more than 85,000 and less than 90,000
25 according to the latest federal decennial census, the board of
26 public works may consist of 11, 13, or 15 members. The members
27 shall be appointed or removed in the manner prescribed in this

1 section.

2 (2) The initial terms of the appointed members shall be
3 staggered for terms of not more than 3 years as prescribed by the
4 county board of commissioners. Membership on the board of public
5 works shall include the following:

6 (a) The county drain commissioner of the county in which the
7 department of public works is established, if any.

8 (b) Except as otherwise provided in subdivision (c), 4, 6, or
9 8 other members appointed by the county board of commissioners,
10 with the exception of a person named in subdivision (a). Members of
11 the county board of commissioners may be appointed as members of
12 the board of public works. Appointments of members of the county
13 board of commissioners to the board of public works made before
14 April 12, 1984, are valid.

15 (c) If the board of public works consists of 11, 13, or 15
16 members, 10, 12, or 14 other members appointed by the county board
17 of commissioners, with the exception of a person named in
18 subdivision (a). Members of the county board of commissioners may
19 be appointed as members of the board of public works. In addition,
20 the township supervisor of a township within the county or the
21 township supervisor of a township that receives service by the
22 department of public works may be appointed as a member of the
23 board of public works. A township supervisor appointed as a member
24 of the board of public works ~~shall not be deemed~~ **IS NOT CONSIDERED**
25 to hold 2 or more incompatible offices at the same time.

26 (d) If a county does not have a drain commissioner, then the
27 county board of commissioners shall appoint an additional member

1 subject to the same appointment procedures provided in subdivisions
2 (b), (c), and (e).

3 (e) If a county department of public works serves another
4 county, or a portion of another county, each of the 4, 6, or 8
5 members, or 10, 12, or 14 members as provided in subdivision (c),
6 shall be a resident of the geographic area served by the department
7 of public works. If an area within a county does not utilize or is
8 not otherwise serviced by the department of public works, a member
9 of the board of public works shall not be a resident of the area
10 not served. If a city, village, or township or a portion of a city,
11 village, or township is located in another county, the chief
12 elected official of the city, village, or township shall serve as
13 an advisory board to the board of public works and shall consult
14 with and advise the board of public works as to rate schedules,
15 proposed expansion of services, and capital improvements.

16 (3) Except as provided ~~by~~ **IN** subsection (5) **AND SECTION 2A**,
17 the county board of commissioners, by resolution adopted by a 2/3
18 vote of all its members, may designate as the board of public works
19 or remove as the board of public works 1 of the following, and
20 after the adoption of the resolution the person or body designated
21 shall be the board of public works for that county with all the
22 authority, powers, and duties conferred by law upon the board of
23 public works:

24 (a) The board of county road commissioners.

25 (b) The drain commissioner.

26 (c) The public works commissioner designated or elected and
27 holding office pursuant to section 21 of the drain code of 1956,

1 1956 PA 40, MCL 280.21.

2 (4) ~~The~~**EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE** board of
3 public works shall be considered an agency of the county. The
4 county board of commissioners shall make rules in respect to the
5 department of public works ~~which~~**THAT** it considers advisable and as
6 permitted by law. The members of the board of public works shall
7 not be full-time officers of the county. The duties of the county
8 drain commissioner, any county road commissioner, or any member of
9 the county board of commissioners who serves on the board of public
10 works are declared to be additional and separate duties not
11 compensated for by the established salary or per diem of the
12 commissioner. The compensation of members shall be fixed by the
13 county board of commissioners.

14 (5) In any county organized under 1966 PA 293, MCL 45.501 to
15 45.521, a department of public works that is or was formed under
16 this act and existing on the date the county charter is or was
17 adopted and that has not been discontinued or terminated, or had
18 its duties transferred by charter, and a department of public works
19 established by charter shall be considered established pursuant to
20 this act with all authority, powers, and duties conferred by this
21 act upon a department of public works and be under the control of
22 and administered by the county executive or chief county
23 administrative officer who shall have all the authority, powers,
24 and duties conferred by this act upon the board of public works.
25 The provisions of this act granting to a county board of
26 commissioners authority over such a department of public works
27 shall be subject to any county charter. All provisions of this act

1 concerning actions by a board of public works shall require
2 appropriate action only by the county executive or chief county
3 administrative officer when this subsection applies. An action of
4 the county executive or chief county administrative officer in
5 regard to rate schedule changes, expansion or reduction of
6 services, or proposed capital expenditures is not effective unless
7 and until approved by a majority vote of the members of the county
8 board of commissioners elected and serving. After submission by the
9 county executive or chief county administrative officer, if the
10 county board of commissioners fails to approve or reject within 45
11 days after the next regularly scheduled meeting of the county board
12 of commissioners, the proposals are effective.

13 **SEC. 2A. IN ANY COUNTY ORGANIZED UNDER 1973 PA 139, MCL 45.551**
14 **TO 45.573, THE COUNTY BOARD OF COMMISSIONERS MAY ESTABLISH A BOARD**
15 **OF PUBLIC WORKS AND DEPARTMENT OF PUBLIC WORKS FOR THE**
16 **ADMINISTRATION OF THE POWERS CONFERRED UPON THE COUNTY BY THIS ACT.**
17 **IF THE COUNTY HAS AN ELECTED DRAIN COMMISSIONER, THE ELECTED DRAIN**
18 **COMMISSIONER SHALL BE DESIGNATED AS THE BOARD OF PUBLIC WORKS FOR**
19 **THAT COUNTY WITH ALL THE AUTHORITY, POWERS, AND DUTIES CONFERRED BY**
20 **LAW UPON THE BOARD OF PUBLIC WORKS.**

21 **Sec. 27. ~~All~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ALL**
22 **assessments spread under the provisions of this act shall be**
23 **subject to the same interest, collection, and penalty charges and**
24 **shall be collected in the same manner ~~as~~ as county taxes. IF**
25 **COLLECTION IS DONE BY A CITY OR TOWNSHIP IN JULY, THE ASSESSMENTS**
26 **SHALL BE COLLECTED IN THE SAME MANNER AS TAXES COLLECTED IN JULY.**
27 **All collecting officers are ~~hereby~~ vested with the same power and**

1 authority in the collection of ~~such~~ **THE** assessments as are or may
2 be conferred upon them by law for collecting general county taxes.
3 All collections of special assessments made by city and township
4 treasurers shall be turned over to the county treasurer. All
5 provisions of law in respect to the return of uncollected county
6 taxes by the treasurers of cities and townships shall apply to the
7 return of uncollected special assessments spread upon the tax rolls
8 under the provisions of this act, and all provisions of law in
9 respect to the sale of lands for the nonpayment of taxes and the
10 redemption thereof, shall ~~likewise~~ apply in case of the nonpayment
11 of special assessments.

12 **SEC. 57. (1) IN A COUNTY THAT OWNS OR OPERATES A WATER SUPPLY**
13 **SYSTEM, SEWAGE DISPOSAL SYSTEM, REFUSE SYSTEM, LAKE IMPROVEMENTS,**
14 **OR SYSTEM FOR EROSION CONTROL UNDER THIS ACT OR A SYSTEM OR SYSTEMS**
15 **OF WATER, SEWER, OR SEWAGE DISPOSAL IMPROVEMENTS OR SERVICES, OR**
16 **GARBAGE OR RUBBISH COLLECTION AND DISPOSAL FACILITIES AND SERVICES**
17 **UNDER THE COUNTY PUBLIC IMPROVEMENT ACT OF 1939, 1939 PA 342, MCL**
18 **46.171 TO 46.188, THE COUNTY BOARD OF COMMISSIONERS MAY, BY**
19 **RESOLUTION, CREATE A PUBLIC WORKS DISTRICT TO OWN OR OPERATE A**
20 **PUBLIC WORKS SYSTEM.**

21 **(2) A PUBLIC CORPORATION, OTHER THAN A COUNTY, THAT OWNS OR**
22 **OPERATES A PUBLIC WORKS SYSTEM OR HAS DETERMINED THE NECESSITY OF A**
23 **PROJECT MAY, BY RESOLUTION OF ITS GOVERNING BODY, PETITION THE**
24 **COUNTY BOARD OF COMMISSIONERS TO ESTABLISH A PUBLIC WORKS DISTRICT**
25 **TO CONSTRUCT, OWN, OPERATE, AND MAINTAIN A PUBLIC WORKS SYSTEM.**
26 **WITHIN 30 DAYS OF RECEIPT OF A PETITION SUBMITTED UNDER THIS**
27 **SUBSECTION, THE COUNTY BOARD OF COMMISSIONERS AT ITS NEXT REGULAR**

1 MEETING MAY BY MAJORITY VOTE CREATE A PUBLIC WORKS DISTRICT TO OWN
2 OR OPERATE A PUBLIC WORKS SYSTEM. EXCEPT AS OTHERWISE PROVIDED IN
3 THIS SUBSECTION, THE PETITION SHALL BE TRANSMITTED TO THE
4 CHAIRPERSON OF THE BOARD OF PUBLIC WORKS WHO SHALL PROCEED AS
5 PROVIDED IN THIS ACT. IF THE POWERS AND DUTIES OF THE BOARD OF
6 PUBLIC WORKS HAVE BEEN DELEGATED TO THE COUNTY DRAIN COMMISSIONER
7 AS PROVIDED BY SECTION 2A, THEN THE PETITION SHALL BE TRANSMITTED
8 TO THE COUNTY DRAIN COMMISSIONER WHO SHALL PROCEED AS PROVIDED IN
9 THIS ACT.

10 SEC. 57A. AFTER ADOPTING THE RESOLUTION DESIGNATING A PUBLIC
11 WORKS DISTRICT, A PUBLIC WORKS DISTRICT IS A BODY CORPORATE WITH
12 THE POWER TO SUE AND BE SUED IN ANY COURT OF THIS STATE, AND TO
13 HOLD, MANAGE, AND DISPOSE OF REAL AND PERSONAL PROPERTY, IN
14 ADDITION TO ANY POWER OR AUTHORITY CONFERRED UPON IT BY LAW. THE
15 BOARD OF PUBLIC WORKS SHALL BE RESPONSIBLE FOR OPERATING AND
16 MAINTAINING THE PUBLIC WORKS SYSTEM.

17 SEC. 58. (1) A MEETING OF THE BOARD OF PUBLIC WORKS MAY BE
18 CALLED BY THE CHAIRPERSON, ON NOTICE SENT BY REGISTERED MAIL TO
19 EACH MEMBER, SETTING FORTH THE TIME, DATE, AND PLACE OF THE
20 MEETING. THE NOTICE SHALL BE MAILED NOT LESS THAN 5 DAYS BEFORE THE
21 TIME OF THE MEETING. THE AFFIDAVIT OF THE CHAIRPERSON AS TO THE
22 MAILING SHALL BE CONCLUSIVE PROOF THAT NOTICE WAS MAILED. A
23 MAJORITY OF THE MEMBERS OF THE BOARD OF PUBLIC WORKS SHALL
24 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS, BUT A LESSER
25 NUMBER MAY ADJOURN FROM TIME TO TIME. A MEETING MAY BE ADJOURNED
26 FROM TIME TO TIME. UNLESS OTHERWISE PROVIDED IN THIS ACT, AN ACTION
27 SHALL NOT BE TAKEN BY THE BOARD EXCEPT BY A MAJORITY VOTE OF ITS

1 MEMBERS. IN THE EVENT OF THE ADJOURNMENT OF A HEARING, IT SHALL NOT
2 BE NECESSARY TO ADVERTISE THE ADJOURNMENT OF THE HEARING. ALL
3 ORDERS ISSUED BY THE BOARD OF PUBLIC WORKS SHALL BE SIGNED BY THE
4 CHAIRPERSON.

5 (2) IF THE POWERS AND DUTIES OF THE BOARD OF PUBLIC WORKS HAVE
6 BEEN DELEGATED TO THE COUNTY DRAIN COMMISSIONER AS PROVIDED BY
7 SECTION 2A, THEN THE COUNTY DRAIN COMMISSIONER MAY CALL A MEETING
8 SETTING FORTH THE TIME, DATE, AND PLACE OF THE MEETING, AND
9 PROVIDING NOTICE BY REGISTERED MAIL TO THE PUBLIC CORPORATIONS
10 OBLIGATED. THE NOTICE SHALL BE POSTED AT THE OFFICE OF THE COUNTY
11 DRAIN COMMISSIONER NOT LESS THAN 5 DAYS BEFORE THE TIME OF THE
12 MEETING.

13 SEC. 58A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), UPON
14 RECEIPT OF A PETITION AS PROVIDED IN THIS ACT, THE CHAIRPERSON OF
15 THE BOARD OF PUBLIC WORKS SHALL CALL THE FIRST MEETING OF THE BOARD
16 OF PUBLIC WORKS FOR THE DISTRICT.

17 (2) IF THE POWERS AND DUTIES OF THE BOARD OF PUBLIC WORKS HAVE
18 BEEN DELEGATED TO THE COUNTY DRAIN COMMISSIONER AS PROVIDED BY
19 SECTION 2A, THEN THE COUNTY DRAIN COMMISSIONER SHALL CALL THE FIRST
20 MEETING FOR THE PUBLIC WORKS DISTRICT.

21 SEC. 58B. AT ITS FIRST MEETING, THE BOARD OF PUBLIC WORKS
22 SHALL PROPOSE THE PROJECT AND MAKE A TENTATIVE DETERMINATION AS TO
23 THE SUFFICIENCY OF THE DESCRIPTION AND THE PRACTICABILITY OF THE
24 PROPOSED PROJECT, AND SHALL FURTHER MAKE A TENTATIVE DETERMINATION
25 OF THE PUBLIC CORPORATIONS TO BE OBLIGATED. THE BOARD OF PUBLIC
26 WORKS SHALL GIVE A NAME TO THE PROJECT AND TO THE PUBLIC WORKS
27 DISTRICT. THE DISTRICT SHALL BE COMPOSED OF THE PUBLIC CORPORATIONS

1 TO BE CHARGED FOR THE COST OF THE PROJECT. AFTER THE BOARD OF
2 PUBLIC WORKS HAS MADE THE DETERMINATION, THE BOARD SHALL FIX A
3 TIME, DATE, AND PLACE IT WILL MEET TO HEAR OBJECTIONS TO THE
4 PROPOSED PROJECT AND TO THE MATTER OF ASSESSING THE COST OF THE
5 PROJECT TO THE DESIGNATED PUBLIC CORPORATIONS. NOTICE OF THE
6 HEARING SHALL BE PUBLISHED TWICE IN THE COUNTY BY INSERTING THE
7 NOTICE IN AT LEAST 1 NEWSPAPER PUBLISHED IN THE COUNTY, DESIGNATED
8 BY THE BOARD OF PUBLIC WORKS, WITH THE FIRST PUBLICATION TO BE NOT
9 LESS THAN 20 DAYS BEFORE THE TIME OF THE HEARING. THE NOTICE SHALL
10 ALSO BE SENT BY REGISTERED MAIL TO THE CLERK OR SECRETARY OF EACH
11 PUBLIC CORPORATION PROPOSED TO BE ASSESSED, EXCEPT THAT A NOTICE TO
12 THIS STATE SHALL BE SENT TO THE DIRECTOR OF THE STATE DEPARTMENT OF
13 TRANSPORTATION AND A NOTICE TO A COUNTY SHALL BE SENT TO BOTH THE
14 COUNTY CLERK AND THE COUNTY ROAD COMMISSION. THE MAILING SHALL BE
15 MADE NOT LESS THAN 20 DAYS BEFORE THE TIME OF THE HEARING. THE
16 NOTICE SHALL BE SIGNED BY THE CHAIRPERSON OF THE BOARD AND PROOF OF
17 THE PUBLICATION AND MAILING OF THE NOTICE SHALL BE FILED IN HIS OR
18 HER OFFICE. THE BOARD OF PUBLIC WORKS MAY PROVIDE A FORM TO BE
19 SUBSTANTIALLY FOLLOWED IN THE GIVING OF THE NOTICE. AFTER THE
20 HEARING, THE BOARD OF PUBLIC WORKS SHALL MAKE A DETERMINATION AS TO
21 THE SUFFICIENCY OF THE PETITION, THE PRACTICABILITY OF THE PROJECT,
22 WHETHER THE PROJECT SHOULD BE CONSTRUCTED, AND IF SO, THE PUBLIC
23 CORPORATIONS TO BE ASSESSED, AND SHALL ISSUE ITS ORDER ACCORDINGLY.
24 THE ORDER SHALL BE KNOWN AS THE FINAL ORDER OF DETERMINATION. A
25 PUBLIC CORPORATION SHALL NOT BE ELIMINATED FROM, OR ADDED TO, THOSE
26 TENTATIVELY DETERMINED TO BE ASSESSED WITHOUT A REHEARING AFTER
27 NOTICE.

1 SEC. 58C. THE BOARD OF PUBLIC WORKS SHALL SECURE FROM A
2 COMPETENT ENGINEER, PLANS, SPECIFICATIONS, AND AN ESTIMATE OF COST
3 OF THE PROPOSED PROJECT, WHICH, WHEN APPROVED AND ADOPTED BY THE
4 BOARD OF PUBLIC WORKS, SHALL BE FILED WITH THE CHAIRPERSON OF THE
5 BOARD OF PUBLIC WORKS. IN APPROVING THE PLANS AND SPECIFICATIONS,
6 THE BOARD OF PUBLIC WORKS SHALL NOT BE LIMITED TO THE ROUTE OF THE
7 PROJECTS DESCRIBED IN THE PETITION OR THE FINAL ORDER OF
8 DETERMINATION. THE BOARD OF PUBLIC WORKS SHALL TENTATIVELY
9 ESTABLISH THE PERCENTAGE OF THE COST OF THE PROJECT OR OF THE
10 SEVERAL SECTIONS OR PARTS OF THE PROJECT WHICH IS TO BE BORNE BY
11 EACH PUBLIC CORPORATION. IN MAKING THE APPORTIONMENTS, THE BOARD OF
12 PUBLIC WORKS SHALL TAKE INTO CONSIDERATION THE BENEFITS TO ACCRUE
13 TO EACH PUBLIC CORPORATION AND ALSO THE EXTENT TO WHICH EACH PUBLIC
14 CORPORATION CONTRIBUTES TO THE CONDITIONS WHICH MAKE THE PROJECTS
15 NECESSARY. BEFORE A TENTATIVE APPORTIONMENT IS MADE, THE BOARD OF
16 PUBLIC WORKS SHALL DESIGNATE THE AREA TO BE SERVED BY THE PROJECT,
17 WHICH MAY OR MAY NOT INCLUDE ALL OF THE AREA IN A PUBLIC
18 CORPORATION TO BE ASSESSED, AND MAY DIVIDE THE PROJECT INTO
19 SECTIONS OR PARTS FOR PURPOSES OF APPORTIONMENT OR CONSTRUCTION.
20 THE COUNTY IS NOT PROHIBITED FROM ASSUMING ANY ADDITIONAL COST OF
21 THE PROJECT IF 2/3 OF THE MEMBERS ELECT OF THE COUNTY BOARD OF
22 COMMISSIONERS VOTE IN FAVOR THEREOF. THE APPORTIONMENT SHALL ONLY
23 APPLY TO THE PROPOSED PROJECT.

24 SEC. 58D. AFTER THE TENTATIVE APPORTIONMENTS OF COST HAVE BEEN
25 MADE, THE BOARD OF PUBLIC WORKS SHALL SET A TIME, DATE, AND PLACE
26 IT WILL MEET AND HEAR OBJECTIONS TO THE APPORTIONMENTS. NOTICE OF
27 THE HEARING SHALL BE PUBLISHED TWICE IN THE COUNTY BY INSERTING THE

1 NOTICE IN AT LEAST 1 NEWSPAPER PUBLISHED IN THE COUNTY, DESIGNATED
2 BY THE BOARD OF PUBLIC WORKS, THE FIRST PUBLICATION TO BE NOT LESS
3 THAN 20 DAYS BEFORE THE TIME OF THE HEARING. THE NOTICE SHALL ALSO
4 BE SENT BY REGISTERED MAIL TO THE CLERK OR SECRETARY OF EACH PUBLIC
5 CORPORATION PROPOSED TO BE ASSESSED, EXCEPT THAT A NOTICE TO THIS
6 STATE SHALL BE SENT TO THE DIRECTOR OF THE STATE DEPARTMENT OF
7 TRANSPORTATION AND A NOTICE TO THE COUNTY SHALL BE SENT BOTH TO THE
8 COUNTY CLERK AND THE COUNTY ROAD COMMISSION. THE MAILING SHALL BE
9 MADE NOT LESS THAN 20 DAYS BEFORE THE TIME OF HEARING. THE NOTICE
10 SHALL BE SIGNED BY THE CHAIRPERSON AND PROOF OF THE PUBLICATION AND
11 MAILING OF THE NOTICE SHALL BE FILED IN HIS OR HER OFFICE. THE
12 BOARD OF PUBLIC WORKS MAY PROVIDE A FORM TO BE SUBSTANTIALLY
13 FOLLOWED IN THE GIVING OF THE NOTICE. THE NOTICE SHALL INCLUDE
14 TENTATIVE APPORTIONMENTS TO THE SEVERAL PUBLIC CORPORATIONS. AFTER
15 THE HEARING, THE BOARD OF PUBLIC WORKS MAY CONFIRM THE
16 APPORTIONMENTS AS TENTATIVELY MADE, OR IF IT CONSIDERS THE
17 APPORTIONMENTS TO BE INEQUITABLE, IT SHALL READJUST THE
18 APPORTIONMENTS. IF THE READJUSTMENT INVOLVES THE INCREASING OF AN
19 ASSESSMENT AND AN INCREASE SHALL NOT BE CONSENTED TO BY RESOLUTION
20 OF THE GOVERNING BODY OF THE PUBLIC CORPORATION WHOSE ASSESSMENT
21 WAS INCREASED, BEFORE ANY READJUSTED APPORTIONMENTS ARE CONFIRMED
22 THE BOARD OF PUBLIC WORKS SHALL SET A TIME, DATE, AND PLACE FOR A
23 REHEARING AND SHALL GIVE NOTICE OF THE HEARING AS IN THE FIRST
24 INSTANCE. THE NOTICE SHALL ALSO SET FORTH THE APPORTIONMENTS AS
25 READJUSTED. AFTER CONFIRMATION, THE BOARD OF PUBLIC WORKS SHALL
26 ISSUE ITS ORDER SETTING FORTH THE SEVERAL APPORTIONMENTS AS
27 CONFIRMED. THE ORDER SHALL BE KNOWN AS THE FINAL ORDER OF

1 APPORTIONMENT.

2 SEC. 59. THE BOARD OF PUBLIC WORKS SHALL THEN PROCEED, IF
3 NECESSARY, TO SECURE THE NECESSARY LANDS OR RIGHTS OF WAY FOR THE
4 PROPOSED PROJECT. IF THE LANDS OR RIGHTS OF WAY CANNOT BE SECURED
5 BY NEGOTIATION, THEN THE BOARD OF PUBLIC WORKS MAY PROCEED UNDER
6 1911 PA 149, MCL 213.21 TO 213.25, AND SHALL BE CONSIDERED A "STATE
7 AGENCY" AS THAT TERM IS USED IN 1911 PA 149, MCL 213.21 TO 213.25.
8 IF THE PROJECT IS ONE IN WHICH THE FEDERAL GOVERNMENT IS
9 PARTICIPATING IN ANY MANNER, THEN THE LANDS OR RIGHTS OF WAY MAY BE
10 ACQUIRED THROUGH PROCEEDINGS BROUGHT BY THE FEDERAL GOVERNMENT
11 UNDER ANY APPROPRIATE FEDERAL ACT. IN THE EVENT LANDS OR RIGHTS OF
12 WAY ARE ACQUIRED THROUGH PROCEEDINGS UNDER A FEDERAL ACT, THEN THE
13 AMOUNT OF THE AWARDS IN THOSE PROCEEDINGS ARE A PART OF THE COST OF
14 THE PROJECT TO THE SAME EXTENT AS IF THE CONDEMNATION PROCEEDINGS
15 HAD BEEN TAKEN UNDER THE LAWS OF THIS STATE.

16 SEC. 60. THE BOARD OF PUBLIC WORKS MAY CONTRACT WITH THE
17 FEDERAL GOVERNMENT, WHICH TERM AS USED IN THIS SECTION INCLUDES ANY
18 AGENCY OF THE FEDERAL GOVERNMENT, WHEREBY THE FEDERAL GOVERNMENT
19 WILL PAY THE WHOLE OR ANY PART OF THE COST OF THE PROJECT OR WILL
20 PERFORM THE WHOLE OR ANY PART OF THE WORK CONNECTED WITH THE
21 PROJECT, WHICH CONTRACT MAY INCLUDE ANY SPECIFIC TERMS REQUIRED BY
22 ACT OF CONGRESS OR FEDERAL REGULATION AS A CONDITION FOR
23 PARTICIPATION ON THE PART OF THE FEDERAL GOVERNMENT. THE BOARD OF
24 PUBLIC WORKS MAY ALSO CONTRACT WITH ANY PRIVATE CORPORATION OR WITH
25 ANY PUBLIC CORPORATION, WHICH TERM AS USED IN THIS SECTION INCLUDES
26 ANY AGENCY OF THE PUBLIC CORPORATION, IN RESPECT TO ANY MATTER
27 CONNECTED WITH THE CONSTRUCTION, OPERATION, MAINTENANCE, USE, OR

1 SERVICES OF ANY PROJECT. A CONTRACT MAY PROVIDE FOR SERVICE OR
2 TRANSPORTATION CHARGES AND THAT ANY PAYMENTS MADE OR WORK DONE BY
3 THE CORPORATION SHALL RELIEVE IT IN WHOLE OR IN PART FROM
4 ASSESSMENT FOR THE COST OF THE PROJECTS OR OF ITS MAINTENANCE AND
5 OPERATION. CONSTRUCTION WORK SHALL NOT BE UNDERTAKEN UNTIL THE
6 BOARD OF PUBLIC WORKS HAS ADVERTISED FOR AND RECEIVED BIDS FOR THE
7 PERFORMANCE OF THE WORK, EXCEPT FOR CONSTRUCTION WORK TO BE
8 PERFORMED BY THE FEDERAL GOVERNMENT OR A PUBLIC CORPORATION.

9 SEC. 61. THE COUNTY TREASURER SHALL BE THE CUSTODIAN OF THE
10 FUNDS OF THE PUBLIC WORKS DISTRICT. THE COUNTY TREASURER MAY
11 DESIGNATE 1 OR MORE OF HIS OR HER DEPUTIES WHO MAY ACT FOR HIM OR
12 HER IN THE PERFORMANCE OF ANY OF HIS OR HER DUTIES UNDER THIS
13 SECTION. THE BOARD OF PUBLIC WORKS MAY REQUIRE THE COUNTY TREASURER
14 AND ANY DESIGNATED DEPUTY COUNTY TREASURER TO FURNISH A BOND
15 PAYABLE TO THE PUBLIC WORKS DISTRICT, IN ADDITION TO ANY BOND
16 PAYABLE TO THE COUNTY, CONDITIONED UPON THE FAITHFUL DISCHARGE OF
17 HIS OR HER DUTIES IN RESPECT TO MONEY BELONGING TO THE PUBLIC WORKS
18 DISTRICT, THE PREMIUM OF THE BOND TO BE PAID BY THE PUBLIC WORKS
19 DISTRICT. MONEY HELD BY THE TREASURER SHALL BE PAID OUT ONLY UPON
20 ORDER OF THE BOARD OF PUBLIC WORKS, EXCEPT THAT NO ORDER SHALL BE
21 REQUIRED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS.

22 SEC. 62. AFTER THE CONFIRMATION OF THE APPORTIONMENTS BY THE
23 BOARD OF PUBLIC WORKS, THE CHAIRPERSON OF THE BOARD OF PUBLIC WORKS
24 SHALL PREPARE A SPECIAL ASSESSMENT ROLL ASSESSING THE ESTIMATED
25 COST OF THE PROJECT, OR IF THE ACTUAL COST HAS BEEN ASCERTAINED,
26 THEN THE ACTUAL COST, AGAINST THE SEVERAL PUBLIC CORPORATIONS IN
27 ACCORDANCE WITH THE CONFIRMED APPORTIONMENTS. THE BOARD OF PUBLIC

1 WORKS MAY PROVIDE FOR THE PAYMENT OF THE SPECIAL ASSESSMENTS IN ANY
2 NUMBER OF ANNUAL INSTALLMENTS, NOT EXCEEDING 30, BUT AN INSTALLMENT
3 SHALL NOT BE LESS THAN 1/4 OF ANY SUBSEQUENT INSTALLMENT. THE BOARD
4 OF PUBLIC WORKS SHALL FIX THE COMMENCEMENT DATE OF INTEREST TO BE
5 PAID UPON UNPAID INSTALLMENTS, NOT TO EXCEED AN AMOUNT SUFFICIENT
6 TO PAY INTEREST ON BONDS OR OTHER EVIDENCES OF INDEBTEDNESS ISSUED
7 OR TO BE ISSUED BY THE PUBLIC WORKS DISTRICT, WHICH INTEREST SHALL
8 BECOME DUE ANNUALLY ON THE DAY AND MONTH UPON WHICH THE ANNUAL
9 INSTALLMENTS BECOME DUE BUT MAY BECOME DUE IN YEARS BEFORE THE DUE
10 DATE OF THE FIRST INSTALLMENT. THE BOARD OF PUBLIC WORKS MAY
11 PROVIDE FOR THE PAYMENT OF INSTALLMENTS IN ADVANCE OF THEIR
12 RESPECTIVE DUE DATES AND MAY PRESCRIBE THE TERMS AND CONDITIONS
13 THEREOF. THE BOARD OF PUBLIC WORKS SHALL FIX THE DATE, NOT LATER
14 THAN 4 YEARS AFTER CONFIRMATION ON WHICH THE FIRST INSTALLMENT OF
15 SPECIAL ASSESSMENTS SHALL BECOME DUE AND PAYABLE SO THAT EACH
16 PUBLIC CORPORATION CAN MAKE A TAX LEVY FOR THE PAYMENT, AND
17 SUBSEQUENT INSTALLMENTS SHALL BECOME DUE ANNUALLY ON THE SAME DAY
18 AND MONTH OF SUBSEQUENT YEARS.

19 SEC. 62A. (1) THE SPECIAL ASSESSMENT ROLL SHALL CONTAIN THE
20 NAME OF EACH PUBLIC CORPORATION ASSESSED, THE TOTAL ESTIMATED COST
21 OF THE PROJECT, OR ACTUAL COST IF THE SAME HAS BEEN ASCERTAINED AT
22 THE TIME OF THE PREPARATION OF THE ROLL, THE PERCENTAGE APPORTIONED
23 TO EACH PUBLIC CORPORATION, THE AMOUNT OF THE ASSESSMENT AGAINST
24 EACH PUBLIC CORPORATION BASED UPON THE PERCENTAGE OF APPORTIONMENT,
25 AND THE AMOUNT OF EACH INSTALLMENT IF THE ASSESSMENT IS DIVIDED
26 INTO ANNUAL INSTALLMENTS. AFTER THE SPECIAL ASSESSMENT ROLL HAS
27 BEEN PREPARED, IT SHALL BE PRESENTED TO THE BOARD OF PUBLIC WORKS

1 FOR APPROVAL. WHEN THE ROLL HAS BEEN APPROVED, THEN A STATEMENT TO
2 THAT EFFECT, SIGNED BY THE CHAIRPERSON OF THE BOARD OF PUBLIC
3 WORKS, SHALL BE AFFIXED TO THE ROLL SETTING FORTH THE DATE OF
4 APPROVAL. THE CHAIRPERSON OF THE BOARD OF PUBLIC WORKS SHALL THEN
5 CERTIFY TO EACH PUBLIC CORPORATION ASSESSED THE AMOUNT OF THE TOTAL
6 ASSESSMENT AGAINST IT, THE AMOUNT OF THE VARIOUS INSTALLMENTS IF
7 THE ASSESSMENT IS DIVIDED INTO INSTALLMENTS, THE DUE DATE OF EACH
8 INSTALLMENT, AND THE RATE OF INTEREST UPON INSTALLMENTS FROM TIME
9 TO TIME UNPAID. THE CHAIRPERSON OF THE BOARD OF PUBLIC WORKS EACH
10 YEAR, AT LEAST 30 DAYS BEFORE THE TIME OF THE LEVYING OF TAXES BY
11 EACH PUBLIC CORPORATION, SHALL NOTIFY EACH PUBLIC CORPORATION OF
12 THE AMOUNT OF THE INSTALLMENT AND INTEREST NEXT BECOMING DUE, BUT
13 THE FAILURE TO NOTIFY A PUBLIC CORPORATION SHALL NOT EXCUSE IT FROM
14 MAKING PAYMENT OF THE INSTALLMENT AND INTEREST. ON OR BEFORE THE
15 DUE DATE OF AN INSTALLMENT, EACH PUBLIC CORPORATION SHALL PAY TO
16 THE COUNTY TREASURER THE FULL AMOUNT THEREOF, TOGETHER WITH
17 INTEREST ACCRUING TO THE DUE DATE. IF A PUBLIC CORPORATION FAILS OR
18 NEGLECTS TO ACCOUNT TO THE COUNTY TREASURER FOR THE AMOUNT OF AN
19 INSTALLMENT AND INTEREST, THEN THE COUNTY TREASURER SHALL ADVANCE
20 THE AMOUNT FROM COUNTY FUNDS IF BONDS OR OTHER EVIDENCES OF
21 INDEBTEDNESS HAVE BEEN ISSUED TO FINANCE THE PROJECT, IN
22 ANTICIPATION OF THE COLLECTION OF THE INSTALLMENT AND INTEREST
23 PURSUANT TO THIS ACT AND THE COUNTY BOARD OF COMMISSIONERS HAS
24 PREVIOUSLY ACTED, BY A RESOLUTION ADOPTED BY A 2/3 VOTE OF ITS
25 MEMBERS ELECT, TO PLEDGE THE FULL FAITH AND CREDIT OF THE COUNTY
26 FOR THE PROMPT PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE
27 BONDS OR EVIDENCES OF INDEBTEDNESS.

1 (2) THE COUNTY TREASURER SHALL IMMEDIATELY NOTIFY THE PUBLIC
2 CORPORATION OF THE AMOUNT ADVANCED BY THE COUNTY ON ACCOUNT OF THE
3 DEFAULT BY THE PUBLIC CORPORATION IN PAYING THE INSTALLMENT AND
4 INTEREST ASSESSED AGAINST IT. THE COUNTY TREASURER SHALL ALSO
5 NOTIFY THE STATE TREASURER, OR OTHER APPROPRIATE DISBURSING
6 OFFICIAL, WHO SHALL DEDUCT THE AMOUNT FROM MONEY IN HIS OR HER
7 POSSESSION BELONGING TO THE PUBLIC CORPORATION WHICH IS NOT PLEDGED
8 TO THE PAYMENT OF DEBTS, BUT THE STATE TREASURER OR OTHER OFFICIAL
9 SHALL NOT WITHHOLD IN ANY 1 YEAR A SUM GREATER THAN 25% OF THE
10 TOTAL AMOUNT OWED BY THE DELINQUENT PUBLIC CORPORATION AS STATED IN
11 THE NOTICE FROM THE COUNTY TREASURER. THIS SECTION DOES NOT PERMIT
12 THE DEDUCTION OF MONEY IN CONTRAVENTION OF THE STATE CONSTITUTION
13 OF 1963.

14 (3) THE COUNTY BOARD OF COMMISSIONERS OF A COUNTY WHICH HAS
15 ADVANCED MONEY FOR A PUBLIC CORPORATION AND WHICH HAS NOT BEEN
16 REIMBURSED, MAY ORDER THE PUBLIC CORPORATION AND ITS OFFICERS TO
17 LEVY UPON ITS NEXT TAX ROLL AN AMOUNT SUFFICIENT TO MAKE THE
18 REIMBURSEMENT ON OR BEFORE THE DATE WHEN ITS TAXES BECOME
19 DELINQUENT. THE PUBLIC CORPORATION AND ITS TAX LEVYING AND
20 COLLECTING OFFICIALS SHALL LEVY AND COLLECT THOSE TAXES AND
21 REIMBURSE THE COUNTY. THE FOREGOING SHALL NOT PREVENT THE COUNTY
22 FROM OBTAINING REIMBURSEMENT BY ANY OTHER LEGAL METHOD. ASSESSMENTS
23 AGAINST THIS STATE SHALL BE CERTIFIED TO THE DIRECTOR OF THE STATE
24 DEPARTMENT OF TRANSPORTATION AND PAID FROM STATE HIGHWAY FUNDS. THE
25 TAX LEVYING OFFICIALS OF EACH OF THE OTHER PUBLIC CORPORATIONS
26 ASSESSED SHALL LEVY SUFFICIENT TAXES TO PAY ASSESSMENT INSTALLMENTS
27 AND INTEREST AS THE SAME BECOME DUE UNLESS THERE HAS BEEN SET ASIDE

1 MONEY SUFFICIENT THEREFOR. A CITY OR VILLAGE MAY ELECT TO SPREAD
2 THE TAX LEVY UPON THE COUNTY TAX ROLL INSTEAD OF THE CITY OR
3 VILLAGE TAX ROLL. IF A SPECIAL ASSESSMENT ROLL IS PREPARED UPON THE
4 BASIS OF THE ESTIMATED COST OF THE PROJECT, THEN AFTER THE ACTUAL
5 COST HAS BEEN ASCERTAINED AND DETERMINED BY THE BOARD OF PUBLIC
6 WORKS, THE SPECIAL ASSESSMENTS AND THE INSTALLMENTS SHALL BE
7 CORRECTED BY ADDING ANY DEFICIENCY OR DEDUCTING ANY EXCESS. THE
8 BOARD OF PUBLIC WORKS MAY ORDER THE CORRECTIONS TO BE MADE UPON THE
9 ORIGINAL ROLL OR MAY ORDER THAT A NEW CORRECTED ROLL OR A
10 SUPPLEMENTAL ROLL BE PREPARED AND SUBMITTED FOR APPROVAL BY THE
11 BOARD OF PUBLIC WORKS.

12 SEC. 62B. TAXES LEVIED BY A PUBLIC CORPORATION FOR THE PAYMENT
13 OF ASSESSMENTS SHALL NOT BE CONSIDERED TO BE WITHIN ANY STATUTORY
14 OR CHARTER TAX LIMITATION. A PUBLIC CORPORATION MAY IMPOSE TAXES
15 WITHOUT LIMITATION AS TO RATE OR AMOUNT FOR THE PAYMENT OF THE
16 ASSESSMENTS IN ANTICIPATION OF WHICH BONDS ARE ISSUED, WHICH TAXES
17 SHALL BE IN ADDITION TO ANY TAXES THAT THE PUBLIC CORPORATION MAY
18 OTHERWISE BE AUTHORIZED TO LEVY BUT NOT MORE THAN THE RATE OR
19 AMOUNT SUFFICIENT THEREFOR.

20 SEC. 63. THE BOARD OF PUBLIC WORKS MAY ISSUE 1 OR MORE SERIES
21 OF BONDS FOR AND ON BEHALF OF THE PUBLIC WORKS DISTRICT, IN
22 ANTICIPATION OF THE COLLECTION OF ANY OR ALL INSTALLMENTS OF
23 ASSESSMENTS OR ANY PART THEREOF, AND PLEDGE THE FULL FAITH AND
24 CREDIT OF THE PUBLIC WORKS DISTRICT FOR THE PROMPT PAYMENT OF THE
25 PRINCIPAL AND THE INTEREST. THE BONDS SHALL MATURE SERIALLY WITH
26 THE LAST MATURITY NOT LATER THAN 2-1/2 YEARS AFTER THE DUE DATE OF
27 THE LAST INSTALLMENT OF THE ASSESSMENTS AND THERE MAY BE MORE THAN

1 1 PRINCIPAL MATURITY DATE DURING ANY 12-MONTH PERIOD. THE BONDS
2 SHALL BE SIGNED BY THE CHAIRPERSON OF THE BOARD OF PUBLIC WORKS AND
3 AT LEAST 1 OTHER MEMBER OF THE BOARD OF PUBLIC WORKS AND THE
4 FACSIMILE SIGNATURE OF THE CHAIRPERSON SHALL BE AFFIXED TO THE
5 INTEREST COUPONS ATTACHED TO THE BONDS. COLLECTIONS OF BOTH
6 PRINCIPAL AND INTEREST ON ALL INSTALLMENTS OF ASSESSMENTS IN
7 ANTICIPATION OF WHICH BONDS SHALL HAVE BEEN ISSUED SHALL BE KEPT IN
8 A SEPARATE BANK ACCOUNT BY THE COUNTY TREASURER AND USED FOR NO
9 OTHER PURPOSE THAN THE PAYMENT OF PRINCIPAL AND INTEREST ON THE
10 BONDS UNTIL THE FULL PAYMENT THEREOF.

11 SEC. 63A. IF FOR ANY REASON THE ORIGINAL ASSESSMENTS ARE NOT
12 SUFFICIENT TO PAY THE PRINCIPAL AND INTEREST ON BONDS ISSUED IN
13 ANTICIPATION OF THE COLLECTION THEREOF, THEN THE BOARD OF PUBLIC
14 WORKS SHALL MAKE ADDITIONAL ASSESSMENTS AS MAY BE NECESSARY,
15 APPORTIONED AS IN THE FIRST INSTANCE, IT BEING THE INTENTION THAT
16 THE COLLECTIONS ON ASSESSMENTS SHALL, UNDER ALL CIRCUMSTANCES, BE
17 SUFFICIENT TO PAY THE PRINCIPAL AND INTEREST.

18 SEC. 64. THE BOARD OF PUBLIC WORKS FOR EACH PROJECT SHALL
19 CONTINUE IN EXISTENCE WITH ANY CHANGES IN PERSONNEL THAT RESULT
20 FROM CHANGES IN THE OFFICERS CONSTITUTING THE BOARD MEMBERSHIP. THE
21 BOARD OF PUBLIC WORKS SHALL BE RESPONSIBLE FOR THE OPERATION AND
22 MAINTENANCE OF THE PROJECT. ANY NECESSARY EXPENSES INCURRED IN
23 ADMINISTRATION AND IN THE OPERATION AND MAINTENANCE OF THE PROJECT
24 AND NOT COVERED BY CONTRACT SHALL BE PAID BY THE SEVERAL PUBLIC
25 CORPORATIONS ASSESSED FOR THE COST OF THE PROJECT. THE ASSESSMENTS
26 SHALL BE IN THE SAME PROPORTION AS THE COST OF THE PROJECT WAS
27 ASSESSED UNLESS THE BOARD OF PUBLIC WORKS ESTABLISHES A DIFFERENT

1 PROPORTION FOR THE ASSESSMENTS AFTER NOTICE AND HEARING AS PROVIDED
2 IN SECTION 58D. THE BOARD OF PUBLIC WORKS MAY, BY RESOLUTION,
3 RELINQUISH JURISDICTION AND CONTROL OVER ALL OR ANY PART OF A
4 PROJECT AT ANY TIME WHEN THERE IS NO OUTSTANDING INDEBTEDNESS OR
5 CONTRACT LIABILITY OF ITS PUBLIC WORKS DISTRICT, TO THE COUNTY,
6 TOWNSHIP, CITY, OR VILLAGE IN WHICH ALL OR PART OF THE PROJECT IS
7 WHOLLY LOCATED, IF THE COUNTY, TOWNSHIP, CITY OR VILLAGE REQUESTS
8 OR CONSENTS TO THE RELINQUISHMENT OF JURISDICTION AND CONTROL BY
9 RESOLUTION ADOPTED BY ITS GOVERNING BODY. INDEBTEDNESS OR CONTRACT
10 LIABILITY OF ANY PUBLIC WORKS DISTRICT WHICH WILL BE PAID IN FULL
11 AT THE TIME OF CONSUMMATION OF RELINQUISHMENT OF JURISDICTION AND
12 CONTROL SHALL NOT BE CONSIDERED TO BE OUTSTANDING. IF
13 RELINQUISHMENT OF JURISDICTION AND CONTROL IS TO A COUNTY, THE
14 RESOLUTION OF THE GOVERNING BODY OF THE COUNTY SHALL SPECIFY THE
15 COUNTY AGENCY, SUCH AS THE BOARD OF PUBLIC WORKS, DRAIN
16 COMMISSIONER, BOARD OF COUNTY ROAD COMMISSIONERS, OR PARKS AND
17 RECREATION COMMISSION THAT SHALL BE RESPONSIBLE FOR EXERCISE OF
18 JURISDICTION AND CONTROL. ANY MONEY IN THE PROJECT FUND OF ANY
19 PROJECT, OVER ALL OR ANY PART OF WHICH JURISDICTION AND CONTROL IS
20 RELINQUISHED, SHALL BE USED TO PAY ANY INDEBTEDNESS OR CONTRACT
21 LIABILITY OF ITS PUBLIC WORKS DISTRICT, AND THE BALANCE SHALL BE
22 TURNED OVER TO THE COUNTY, TOWNSHIP, CITY, OR VILLAGE TO BE USED
23 SOLELY WITH RESPECT TO THE PROJECT, ALL OR PART OF THE PROJECT,
24 OVER WHICH JURISDICTION AND CONTROL IS ASSUMED. IF THE
25 RELINQUISHMENT OF JURISDICTION AND CONTROL AND THE TURNOVER OF
26 PROJECT FUND RELATES TO A PART OF A PROJECT, THE RELINQUISHMENT AND
27 TURNOVER SHALL NOT BECOME EFFECTIVE UNTIL CONSENTED TO BY

1 RESOLUTION OF THE GOVERNING BODY OF EACH PUBLIC CORPORATION WHICH
2 HAS PAID A PART OF THE COST OF THE PROJECT, AND FOR THIS PURPOSE
3 THE BOARD OF COUNTY ROAD COMMISSIONERS AND THE STATE DEPARTMENT OF
4 TRANSPORTATION ARE CONSIDERED TO BE THE GOVERNING BODY FOR THE
5 COUNTY AND THIS STATE.

6 SEC. 65. ANY PUBLIC OR PRIVATE CORPORATION, FIRM, OR
7 INDIVIDUAL MAY ADVANCE MONEY FOR THE PAYMENT OF ANY PART OF THE
8 COST OF A PROJECT UNDER THIS ACT, IN WHICH EVENT IT SHALL BE
9 REIMBURSED BY THE PUBLIC WORKS DISTRICT, WITH OR WITHOUT INTEREST
10 AS MAY BE AGREED, WHEN FUNDS ARE AVAILABLE. THE OBLIGATION OF THE
11 PUBLIC WORKS DISTRICT TO MAKE THE REIMBURSEMENT MAY BE EVIDENCED BY
12 A CONTRACT OR NOTE, WHICH CONTRACT OR NOTE MAY PLEDGE THE FULL
13 FAITH AND CREDIT OF THE PUBLIC WORKS DISTRICT AND MAY BE MADE
14 PAYABLE OUT OF THE ASSESSMENTS MADE AGAINST PUBLIC CORPORATIONS OR
15 OUT OF THE PROCEEDS OF PROJECT ORDERS OR BONDS ISSUED BY THE PUBLIC
16 WORKS DISTRICT PURSUANT TO THIS ACT OR OUT OF ANY OTHER AVAILABLE
17 FUNDS, BUT THE CONTRACT OR NOTE IS NOT SUBJECT TO THE REVISED
18 MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2101 TO 141.2821.

19 SEC. 66. THE COST OF ANY PROJECT SHALL INCLUDE ALL OF THE
20 FOLLOWING:

21 (A) THE COST OF CONSTRUCTING OR ACQUIRING THE FACILITIES,
22 STRUCTURES, DEVICES, AND EQUIPMENT REQUIRED TO LOCATE, ESTABLISH,
23 AND CONSTRUCT THE PROJECT OR TO IMPROVE OR SUPPLEMENT THE PROJECT,
24 INCLUDING BRIDGES AND CULVERTS AND ANY LANDS OR RIGHTS OF WAY
25 NECESSARY THERETO.

26 (B) THE ADMINISTRATIVE AND OTHER EXPENSES OF THE BOARD OF
27 PUBLIC WORKS INCLUDING THE COST OF SERVICE AND PUBLICATION OF ALL

1 NOTICES.

2 (C) ALL ENGINEERING, LEGAL, AND OTHER PROFESSIONAL FEES.

3 (D) INTEREST ON BONDS FOR THE FIRST YEAR, IF BONDS ARE TO BE
4 ISSUED, AND INTEREST ON MONEY ADVANCED PURSUANT TO SECTION 65.

5 (E) AN AMOUNT NOT EXCEEDING 10% OF THE GROSS SUM TO COVER
6 CONTINGENT EXPENSES.

7 SEC. 67. UNLESS OTHERWISE PROVIDED BY THE BOARD OF PUBLIC
8 WORKS, ASSESSMENTS AGAINST A TOWNSHIP SHALL BE AGAINST THE TOWNSHIP
9 AS A WHOLE, INCLUDING ANY INCORPORATED VILLAGE, BUT THE BOARD OF
10 PUBLIC WORKS MAY DETERMINE TO ASSESS SEPARATELY OR EXCLUDE A
11 VILLAGE, IN WHICH CASE THE ASSESSMENT AGAINST THE TOWNSHIP SHALL BE
12 EXCLUSIVE OF THE VILLAGE AND THE TAX LEVIES BY THE TOWNSHIP TO PAY
13 THE ASSESSMENT SHALL NOT INCLUDE PROPERTY TAXABLE IN THE VILLAGE.

14 SEC. 68. IF BONDS OR NOTES ARE TO BE ISSUED IN RESPECT TO A
15 PUBLIC WORKS PROJECT, THE COUNTY BOARD OF COMMISSIONERS MAY, BY
16 RESOLUTION ADOPTED BY A MAJORITY OF ITS MEMBERSHIP, PLEDGE THE FULL
17 FAITH AND CREDIT OF THE COUNTY OF THE AMOUNT OF THE PRINCIPAL OF
18 AND INTEREST ON ANY BONDS OR NOTES ISSUED PURSUANT TO THIS ACT. IN
19 THE EVENT THE COUNTY IS REQUIRED TO ADVANCE ANY MONEY BY REASON OF
20 A PLEDGE AND IF THE COLLECTIONS OF THE SPECIAL ASSESSMENTS SHALL
21 NOT BE SUFFICIENT TO REIMBURSE THE COUNTY, THE BOARD OF PUBLIC
22 WORKS SHALL, WITHIN A 2-YEAR PERIOD FROM THE DATE OF ADVANCEMENT,
23 REASSESS THE PUBLIC WORKS DISTRICT AS IN THE FIRST INSTANCE TO
24 PROVIDE FOR REPAYMENT TO THE COUNTY OF MONEY ADVANCED.

25 SEC. 69. ANY COUNTY THAT OWNS OR OPERATES ANY WATER SUPPLY
26 SYSTEM, SEWAGE DISPOSAL SYSTEM, REFUSE SYSTEM, LAKE IMPROVEMENTS,
27 OR SYSTEM FOR EROSION CONTROL UNDER THIS ACT OR SYSTEMS OF WATER,

1 SEWER, SEWAGE DISPOSAL IMPROVEMENTS OR SERVICES, OR GARBAGE AND
2 RUBBISH COLLECTION AND DISPOSAL FACILITIES AND SERVICES UNDER THE
3 COUNTY PUBLIC IMPROVEMENT ACT OF 1939, 1939 PA 342, MCL 46.171 TO
4 46.188, MAY TRANSFER THE SAME TO A PUBLIC WORKS DISTRICT AS
5 FOLLOWS:

6 (A) THE BOARD OF PUBLIC WORKS OR THE COUNTY AGENCY SHALL
7 APPROVE THE TRANSFER AND FORWARD ITS APPROVAL TO THE COUNTY BOARD
8 OF COMMISSIONERS.

9 (B) THE COUNTY BOARD OF COMMISSIONERS SHALL APPROVE THE
10 TRANSFER.

11 (C) THE BOARD OF PUBLIC WORKS SHALL CONVENE AND MAY, UPON
12 MAJORITY VOTE OF THE BOARD OF PUBLIC WORKS, ACCEPT THE TRANSFER.

13 (D) ONCE A TRANSFER IS COMPLETED, ALL ASSETS AND LIABILITIES
14 FORMERLY BELONGING TO THE COUNTY SHALL BELONG TO THE PUBLIC WORKS
15 DISTRICT AND THE COUNTY AND THE BOARD OF PUBLIC WORKS OR THE COUNTY
16 AGENCY SHALL CEASE TO HAVE ANY CONTROL OR JURISDICTION THEREOVER
17 AND SHALL HAVE NO FURTHER LIABILITY FOR ANY EVENT THAT OCCURS AFTER
18 THE EFFECTIVE DATE OF THE TRANSFER.

19 SEC. 69A. ANY PUBLIC CORPORATION OR PUBLIC CORPORATIONS, OTHER
20 THAN A COUNTY, OR COMBINATION THEREOF, WHICH OWNS OR OPERATES ANY
21 WATER SUPPLY SYSTEM, SEWAGE DISPOSAL SYSTEM, REFUSE SYSTEM, LAKE
22 IMPROVEMENTS, OR SYSTEM FOR EROSION CONTROL, MAY TRANSFER THE SAME
23 TO A PUBLIC WORKS DISTRICT AS FOLLOWS:

24 (A) THE PUBLIC CORPORATION OR PUBLIC CORPORATIONS, IF THERE IS
25 MORE THAN 1 PUBLIC CORPORATION INVOLVED, SHALL APPROVE THE TRANSFER
26 AND FORWARD ITS APPROVAL TO THE COUNTY BOARD OF COMMISSIONERS.

27 (B) THE COUNTY BOARD OF COMMISSIONERS SHALL APPROVE THE

1 TRANSFER.

2 (C) THE BOARD OF PUBLIC WORKS SHALL CONVENE AND MAY, UPON
3 MAJORITY VOTE OF THE BOARD OF PUBLIC WORKS, ACCEPT THE TRANSFER.

4 (D) ONCE A TRANSFER IS COMPLETED, ALL ASSETS AND LIABILITIES
5 FORMERLY BELONGING TO THE PUBLIC CORPORATION OR PUBLIC CORPORATIONS
6 SHALL BELONG TO THE PUBLIC WORKS DISTRICT AND THE PUBLIC
7 CORPORATION OR PUBLIC CORPORATIONS SHALL CEASE TO HAVE ANY CONTROL
8 OR JURISDICTION THEREOVER AND SHALL HAVE NO FURTHER LIABILITY FOR
9 ANY EVENT WHICH OCCURS AFTER THE EFFECTIVE DATE OF THE TRANSFER.