

HOUSE BILL No. 6009

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1994 PA 425, entitled

"An act to provide for the creation of community swimming pool authorities; to provide powers and duties of the authorities; to provide for the levy of a tax by the authorities; and to provide for the collection and distribution of the tax,"

by amending sections 7 and 17 (MCL 123.1067 and 123.1077).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) A board shall draft articles of incorporation and
2 bylaws for the administration of the authority.

3 (2) An authority's articles shall state the following:

4 (a) The name of the authority.

5 (b) The name of each participating municipality.

6 (c) The name of the district.

1 (d) The purposes for which the authority is formed.

2 (e) The powers, duties, and limitations of the authority and
3 its board.

4 (f) Any other matters that the board considers advisable.

5 (3) The articles of an authority shall be adopted and may be
6 amended by an affirmative vote of a majority of the members serving
7 on the board.

8 (4) Before **JANUARY 1, 2015, BEFORE** the articles or amendments
9 to the articles are adopted, the articles or amendments to the
10 articles shall be published at least once in a newspaper generally
11 circulated within the participating municipalities. **BEGINNING**
12 **JANUARY 1, 2015, BEFORE THE ARTICLES OR AMENDMENTS TO THE ARTICLES**
13 **ARE ADOPTED, TIER B PUBLIC NOTICE WITH A LINK OF THE ARTICLES OR**
14 **AMENDMENTS TO THE ARTICLES SHALL BE PROVIDED AS SET FORTH IN THE**
15 **LOCAL GOVERNMENT PUBLIC NOTICE ACT.**

16 (5) The adoption of articles or amendments to the articles by
17 the board shall be evidenced by an endorsement on the articles or
18 amendments by the secretary of the board in a form substantially as
19 follows:

20 "These articles of incorporation (or amendments to the
21 articles of incorporation) were adopted by an affirmative vote of a
22 majority of the members serving on the board of the _____
23 community swimming pool authority at a meeting duly held on the
24 _____ day of _____, A.D., _____.".

25 (6) Upon adoption of the articles or amendments to the
26 articles by the board, a printed copy of the articles or the
27 amended articles shall be filed with the secretary of the district,

1 the clerk of each participating municipality, and the secretary of
2 state.

3 (7) An authority is established when its articles of
4 incorporation are adopted by the board and are filed with the
5 secretary of state.

6 (8) The geographical boundaries of an authority are
7 coterminous with the geographical boundaries of the district within
8 each participating municipality and become fixed when the authority
9 is established. After an authority is established, its geographical
10 boundaries shall not automatically change as a result of a change
11 in a district's geographical boundaries. After an authority is
12 established, its geographical boundaries may only be altered by a
13 majority vote of the board.

14 Sec. 17. (1) A participating municipality in which the tax
15 authorized by section 13 is in effect may withdraw from an
16 authority if all of the following requirements are satisfied:

17 (a) Not less than 2 months before the next regularly scheduled
18 election of the municipality, the legislative body of the
19 municipality adopts a resolution to withdraw from the authority on
20 a date specified in the resolution. The date specified shall be not
21 less than 6 months after the next regularly scheduled election of
22 the municipality.

23 (b) ~~Notice~~ **BEFORE JANUARY 1, 2015, NOTICE** of an election on
24 the resolution is published in a newspaper of general circulation
25 in the municipality not less than 10 days before the next regularly
26 scheduled election of the municipality following adoption of the
27 resolution, **AND, BEGINNING JANUARY 1, 2015, TIER B PUBLIC NOTICE**

1 WITH A LINK OF A NOTICE OF AN ELECTION IS PROVIDED NOT LESS THAN 10
2 DAYS BEFORE THE NEXT REGULARLY SCHEDULED ELECTION OF THE
3 MUNICIPALITY FOLLOWING ADOPTION OF THE RESOLUTION AS SET FORTH IN
4 THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.

5 (c) The resolution is approved by a majority of the electors
6 of the municipality that reside within the district voting on the
7 resolution at the next regularly scheduled election of the
8 municipality following adoption of the resolution.

9 (d) After approval of the resolution by the electors, the
10 clerk of the municipality files with the secretary of state a copy
11 of the official canvass statement and a certified copy of the
12 resolution and files with the board a copy of the official canvass
13 statement and a number of certified copies of the resolution
14 sufficient for distribution to the legislative body of each of the
15 participating municipalities.

16 (e) Payment or the provision for payment to the authority or
17 its creditors of all obligations of the municipality seeking to
18 withdraw is made.

19 (2) A tax authorized by section 13 before the adoption of the
20 resolution to withdraw shall be levied in the municipality for its
21 original purpose but only for the period of time originally
22 authorized and only so long as the board continues in existence. In
23 addition, a municipality that withdraws from an authority shall
24 continue to receive community swimming pool services so long as the
25 tax authorized to be levied by section 13 before the withdrawal of
26 the municipality continues to be levied in the municipality and the
27 community swimming pool remains in operation.

1 (3) A participating municipality in which no tax authorized by
2 section 13 is in effect may withdraw from an authority if all of
3 the following requirements are satisfied:

4 (a) The legislative body of the municipality adopts a
5 resolution to withdraw from the authority on a date specified in
6 the resolution. The withdrawal date shall follow the date of the
7 resolution by not less than 1 year.

8 (b) The clerk of the municipality files with the secretary of
9 state a certified copy of the resolution and files with the board a
10 number of certified copies of the resolution sufficient for
11 distribution to the legislative bodies of each of the participating
12 municipalities.

13 (c) Payment or the provision for payment to the authority or
14 its creditors of all obligations of the municipality seeking to
15 withdraw is made.

16 (4) After the withdrawal of a municipality, the articles of
17 incorporation shall be amended to reflect the withdrawal.

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No.____ or House Bill No. 5560 (request no.
20 03796'13) of the 97th Legislature is enacted into law.