

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 712

A bill to amend 1895 PA 3, entitled
"The general law village act,"
by amending section 10 of chapter II and section 5 of chapter V
(MCL 62.10 and 65.5), section 5 of chapter V as amended by 1998 PA
255.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 CHAPTER II-OFFICERS.
- 2 Sec. 10. (1) ~~Resignations~~ Except as otherwise provided in
- 3 subsection (2), the resignation of ~~officers shall~~ a village officer
- 4 must be made to the ~~council~~ village president, and the resignation
- 5 is effective upon receipt by the village president.
- 6 (2) The resignation of the village president must be made to
- 7 the village clerk, and the resignation is effective upon receipt by

1 the village clerk.

2 CHAPTER V-VILLAGE COUNCIL.

3 Sec. 5. (1) The council shall prescribe the rules of its own
4 proceedings, and shall keep a record of those proceedings. ~~A-Except~~
5 **as otherwise provided in this section, a** majority of the members of
6 council ~~shall be~~**are** a quorum for the transaction of business. **A**
7 **majority of the members of council serving, if meeting to fill a**
8 **vacancy in the office of village president or village trustee, are**
9 **a quorum for the transaction of business.** A lesser number may
10 adjourn and compel the attendance of absent members in a manner as
11 prescribed by ordinance. **In the absence of an ordinance, if the**
12 **village council lacks a quorum for more than 60 consecutive**
13 **calendar days, then the presiding officer of the village council**
14 **may compel the attendance of board members and other officers of**
15 **the village at a regular or special meeting and enforce the orderly**
16 **conduct in the meeting. A member of the council or any other**
17 **officer of the village who refuses to attend a meeting for a reason**
18 **other than a confining illness or extenuating circumstances is**
19 **guilty of gross neglect of duty. Any police officer designated by**
20 **the presiding officer of the meeting shall serve as the sergeant-**
21 **at-arms of the village council in the enforcement of this**
22 **subsection.**

23 (2) An office ~~shall~~**must** not be created or abolished; a
24 street, alley, or public ground vacated; real estate or an interest
25 in real estate purchased, leased, sold, or disposed of; or a public
26 improvement ordered, except by a majority vote of the members of
27 council. The vote ~~shall~~**must** be taken by yeas and nays, and entered
28 in the journal. However, a tax ~~shall~~**must** not be increased or a
29 special assessment imposed except by an affirmative vote of 2/3 of

1 the members of council.

2 (3) Money ~~shall~~**must** not be appropriated except by ordinance
3 or resolution of the council. An ordinance appropriating money
4 ~~shall~~**must** not be passed, or a resolution appropriating money ~~shall~~
5 **must** not be adopted, except by a majority vote of the members of
6 council. The vote ~~shall~~**must** be taken by yeas and nays, and entered
7 in the journal. Within 15 days after a meeting of the council, a
8 synopsis or the entirety of the proceedings, including the vote of
9 the members, prepared by the clerk and approved by the president
10 showing the substance of each separate decision of the council
11 ~~shall~~**must** be published in a newspaper of general circulation in
12 the village or posted in 3 public places in the village.

13 (4) A writing prepared, owned, used, in the possession of, or
14 retained by the council or by the clerk, treasurer, or other
15 officer of the village in the performance of an official function
16 ~~shall~~**must** be made available to the public in compliance with the
17 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.