

SUBSTITUTE FOR
SENATE BILL NO. 712

A bill to amend 1895 PA 3, entitled
"The general law village act,"
by amending sections 10 and 13 of chapter II and section 5 of
chapter V (MCL 62.10, 62.13, and 65.5), section 13 of chapter II as
amended by 2003 PA 305 and 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



1 the village clerk, and the resignation is effective upon receipt by
2 the village clerk.

3 Sec. 13. (1) A vacancy occurring in the office of president,
4 trustee, or any other elective office ~~shall~~**must** be filled by
5 appointment by the council, and the appointee shall hold office
6 until the next regular village election. All vacancies in any other
7 office ~~shall~~**must** be filled by the president, by and with the
8 consent of the council.

9 (2) If by reason of removal, death, resignation, or otherwise,
10 the membership of the council is reduced to less than a quorum, the
11 remaining council members shall, ~~call~~**except as otherwise provided**
12 **in subdivision (a), do both of the following:**

13 (a) **Call** a special election for the purpose of filling all
14 vacancies in the office of trustee. ~~, if a petition signed by not~~
15 ~~less than 10% of the qualified voters of the village is filed with~~
16 ~~the village clerk within 10 days after the vacancy or vacancies~~
17 ~~occur. If a petition is not filed within the time stated, then the~~
18 ~~remaining council members may either call a special election, or~~
19 ~~may appoint a sufficient number of trustees to constitute with the~~
20 ~~members in office a quorum of the council, who shall then fill the~~
21 ~~remaining vacancies as provided in this section.~~**Except as otherwise**
22 **provided in this subdivision, a special election must be held on**
23 **the next regular election date as provided in section 641 of the**
24 **Michigan election law, 1954 PA 116, MCL 168.641. If the vacancy of**
25 **a trustee occurs during the last year of that trustee's term of**
26 **office, a special election to fill that vacancy may only be held on**
27 **or before the May regular election date in that year.**

28 (b) **Make temporary appointment of the number of trustees**
29 **required to constitute a quorum for the transaction of business by**



1 the village council.

2 (3) A trustee who is temporarily appointed under subsection
3 (2)(b) shall hold office only until the trustee's successor is
4 elected and qualified, and shall not vote on the appointment of
5 himself or herself to an elective or appointive village office.

6 (4) If all the officers and trustees of a village ~~have died~~
7 ~~die~~ or ~~moved~~ **move** from the village, and no successors have been
8 elected or appointed to fill the vacancies, the township clerk of
9 the township within which the village is situated shall ~~upon~~
10 ~~petition of 10% of the qualified voters residing in the village,~~
11 call a special election for the election of the officers and
12 trustees of the village to be held on a regular election date as
13 established under section 641 of the Michigan election law, 1954 PA
14 116, MCL 168.641. The township shall perform all of the other
15 duties with respect to the election as the village might have done
16 had the vacancies not existed, including the preparation of
17 ballots, the appointment of election inspectors, the counting and
18 canvassing of the ballots, and the certification of the ~~persons~~
19 **individuals** elected to the offices for which the election was held.
20 The expenses of the election ~~shall~~ **must** be paid by the village as
21 provided in section 642 of the Michigan election law, 1954 PA 116,
22 MCL 168.642.

23 CHAPTER V-VILLAGE COUNCIL.

24 Sec. 5. (1) The council shall prescribe the rules of its own
25 proceedings, and shall keep a record of those proceedings. ~~A-Except~~
26 **as otherwise provided in this section,** a majority of the members of
27 council ~~shall be~~ **are** a quorum for the transaction of business. **A**
28 **majority of the members of council serving, if meeting to fill a**
29 **vacancy in the office of village president or village trustee, are**



1 a quorum for the transaction of business. A lesser number may
 2 adjourn and compel the attendance of absent members in a manner as
 3 prescribed by ordinance. In the absence of an ordinance, if the
 4 village council lacks a quorum for more than 60 consecutive
 5 calendar days, then the presiding officer of the village council
 6 may compel the attendance of board members and other officers of
 7 the village at a regular or special meeting and enforce the orderly
 8 conduct in the meeting. A member of the council or any other
 9 officer of the village who refuses to attend a meeting for a reason
 10 other than a confining illness or extenuating circumstances is
 11 guilty of gross neglect of duty. Any police officer designated by
 12 the presiding officer of the meeting shall serve as the sergeant-
 13 at-arms of the village council in the enforcement of this
 14 subsection.

15 (2) An office ~~shall~~**must** not be created or abolished; a
 16 street, alley, or public ground vacated; real estate or an interest
 17 in real estate purchased, leased, sold, or disposed of; or a public
 18 improvement ordered, except by a majority vote of the members of
 19 council. The vote ~~shall~~**must** be taken by yeas and nays, and entered
 20 in the journal. However, a tax ~~shall~~**must** not be increased or a
 21 special assessment imposed except by an affirmative vote of 2/3 of
 22 the members of council.

23 (3) Money ~~shall~~**must** not be appropriated except by ordinance
 24 or resolution of the council. An ordinance appropriating money
 25 ~~shall~~**must** not be passed, or a resolution appropriating money ~~shall~~
 26 **must** not be adopted, 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. Within 15 days after a meeting of the council, a
 29 synopsis or the entirety of the proceedings, including the vote of



1 the members, prepared by the clerk and approved by the president
2 showing the substance of each separate decision of the council
3 ~~shall~~**must** be published in a newspaper of general circulation in
4 the village or posted in 3 public places in the village.

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

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No. 713 of the 100th Legislature is enacted into
12 law.