

SENATE BILL NO. 712

January 09, 2020, Introduced by Senator BUMSTEAD and referred to the Committee on Local Government.

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**

1 subsection (2), the resignation of ~~officers shall~~ a village officer
 2 must be made to the ~~council~~ village president, and the resignation
 3 is effective upon receipt by the village president.

4 (2) The resignation of the village president must be made to
 5 the village clerk, and the resignation is effective upon receipt by
 6 the village clerk.

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

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

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

1 office, a special election to fill that vacancy may only be held on
2 or before the May regular election date in that year.

3 (b) Make temporary appointment of the number of trustees
4 required to constitute a quorum for the transaction of business by
5 the village council.

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

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

27 CHAPTER V-VILLAGE COUNCIL.

28 Sec. 5. (1) The council shall prescribe the rules of its own
29 proceedings, and shall keep a record of those proceedings. ~~A-Except~~

1 as otherwise provided in this section, a majority of the members of
2 council ~~shall be~~ **are** a quorum for the transaction of business. A
3 ~~lesser number may adjourn and compel the attendance of absent~~
4 ~~members in a manner as prescribed by ordinance.~~ **A majority of the**
5 **members of council serving, if meeting to fill a vacancy in the**
6 **office of village president or village trustee, are a quorum for**
7 **the transaction of business. The presiding officer of the village**
8 **council may compel the attendance of board members and other**
9 **officers of the village at a regular or special meeting and enforce**
10 **the orderly conduct in the meeting. A member of the council or any**
11 **other officer of the village who refuses to attend a meeting for a**
12 **reason other than a confining illness or extenuating circumstances,**
13 **or who refuses to conduct himself or herself in an orderly manner,**
14 **is guilty of gross neglect of duty. Any police officer designated**
15 **by the presiding officer of the meeting shall serve as the**
16 **sergeant-at-arms of the village council in the enforcement of this**
17 **subsection.**

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

26 (3) Money ~~shall~~ **must** not be appropriated except by ordinance
27 or resolution of the council. An ordinance appropriating money
28 ~~shall~~ **must** not be passed, or a resolution appropriating money ~~shall~~
29 **must** not be adopted, except by a majority vote of the members of

1 council. The vote ~~shall~~**must** be taken by yeas and nays, and entered
2 in the journal. Within 15 days after a meeting of the council, a
3 synopsis or the entirety of the proceedings, including the vote of
4 the members, prepared by the clerk and approved by the president
5 showing the substance of each separate decision of the council
6 ~~shall~~**must** be published in a newspaper of general circulation in
7 the village or posted in 3 public places in the village.

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

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