

MICHIGAN PROMISE ZONE AUTHORITY ACT (EXCERPT)
Act 549 of 2008

390.1665 Promise zone authority; creation; authority as public body corporate; powers; board; oath; proceedings and rules subject to open meetings act; removal of board member; writings subject to the freedom of information act.

Sec. 5. (1) If a governing body, by resolution, establishes a promise zone under section 4(5), the governing body shall, by resolution, create a promise zone authority.

(2) An authority is a public body corporate that may sue and be sued in any court of this state. An authority possesses all the powers necessary to carry out its purpose. The enumeration of a power in this act must not be construed as a limitation on the general powers of an authority.

(3) An authority shall be under the supervision and control of a board. All of the following apply to the board of an authority:

(a) The board consists of 11 members, as follows:

(i) Nine locally appointed members. The chief executive officer of the eligible entity, with the advice and consent of the governing body, shall appoint the 9 initial locally appointed members of the board described in this subparagraph. If a vacancy occurs in an office of a locally appointed member appointed under this subparagraph, the board shall appoint a new member to fill that vacancy. As used in this subparagraph, for a local school district or an intermediate school district, "chief executive officer" means the superintendent of that local school district or intermediate school district.

(ii) Subject to subsection (4), 1 member appointed by the senate majority leader.

(iii) Subject to subsection (4), 1 member appointed by the speaker of the house of representatives.

(b) Not more than 3 members of the board may be government officials.

(c) One member of the board must be a representative of the public school community.

(d) The term of office of a member of the board is 4 years. However, of the members first appointed, an equal number of the members, as near as is practicable, must be appointed for 1 year, 2 years, 3 years, and 4 years.

(e) A member of the board shall hold office until the member's successor is appointed.

(f) Members of the board shall serve without compensation, but may be reimbursed for actual and necessary expenses.

(g) The board shall elect the chairperson of the board.

(4) Both of the following apply to any individual appointed to the board under subsection (3)(a)(ii) or (iii) on or after the effective date of the amendatory act that added this subsection:

(a) To be eligible for the appointment, the individual must reside in the promise zone or within reasonable proximity of it.

(b) To continue serving as a member of the board, the individual must continue to reside in the promise zone or within reasonable proximity of it. For purposes of this subdivision and subdivision (a), an individual resides within reasonable proximity of a promise zone if the individual resides within a county contiguous to the promise zone.

(5) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

(6) The proceedings and rules of the board are subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held if called in the manner provided in the rules of the board.

(7) After having been given notice and an opportunity to be heard, a member of the board may be removed for cause by the governing body.

(8) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 2008, Act 549, Imd. Eff. Jan. 13, 2009;—Am. 2013, Act 210, Imd. Eff. Dec. 23, 2013;—Am. 2016, Act 9, Imd. Eff. Feb. 16, 2016;—Am. 2024, Act 109, Imd. Eff. July 23, 2024.