

Act No. 81
Public Acts of 1989
Approved by the Governor
June 19, 1989
Filed with the Secretary of State
June 20, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Senators V. Smith and Cropsey

ENROLLED SENATE BILL No. 105

AN ACT to amend the title and sections 1, 2, 3, 6, and 11 of Act No. 33 of the Public Acts of 1951, entitled as amended "An act to provide fire protection for townships, and for certain areas in townships and incorporated villages and for cities under 15,000 population; to authorize contracting for fire protection; to authorize the purchase of fire extinguishing apparatus and equipment, and the maintenance and operation thereof; to provide for defraying the cost thereof; to authorize the creation of special assessment districts, and for the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessment taxes, to advance the amount necessary to pay such bonds, and providing for reimbursement for such advances by reassessment if necessary; to authorize the creation of joint fire administrative boards and to prescribe their powers and duties; and to repeal certain acts and parts of acts," section 11 as amended by Act No. 247 of the Public Acts of 1988, being sections 41.801, 41.802, 41.803, 41.806, and 41.811 of the Michigan Compiled Laws; to add sections 12 and 13; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

Section 1. The title and sections 1, 2, 3, 6, and 11 of Act No. 33 of the Public Acts of 1951, section 11 as amended by Act No. 247 of the Public Acts of 1988, being sections 41.801, 41.802, 41.803, 41.806, and 41.811 of the Michigan Compiled Laws, are amended and sections 12 and 13 are added to read as follows:

TITLE

An act to provide police and fire protection for townships, and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts, and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments, to advance the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts.

Sec. 1. (1) The township board of a township, or the township boards of adjoining townships acting jointly, whether or not the townships are located in the same county, may purchase police and fire motor vehicles, apparatus, equipment, and housing and for that purpose may provide by resolution for the appropriation of general or contingent funds. The appropriation for fire motor vehicles, apparatus, equipment, and housing in a 1-year period shall not exceed 10 mills of the assessed valuation of the area in their respective townships for which fire protection is to be furnished. The appropriation for police motor vehicles, apparatus, equipment, and housing in a 1-year period shall not exceed 10 mills of the assessed valuation of the area in their respective townships for which police protection is to be furnished.

(2) The township board of a township, or the township boards of adjoining townships acting jointly, whether or not the townships are located in the same county, may provide annually by resolution for the appropriation of general or contingent funds for maintenance and operation of police and fire departments.

(3) The township board, or the township boards of adjoining townships acting jointly, may provide that the sums prescribed in subsection (2) for purchasing and housing equipment, for the operation of the equipment, or both, may be defrayed by special assessment on the lands and premises in the township or townships to be benefited and may issue bonds in anticipation of the collection of these special assessments. The question of raising money by special assessment may be submitted to the electors of the township or townships by the township board, or township boards acting jointly, at a general election or special election called for that purpose by the township board or township boards. The question of raising money by special assessment shall be submitted by the township board, or township boards acting jointly, if in the affected township, or in each of the affected townships, the owners of 10% of the land to be made into a special assessment district petition the township board or boards.

(4) If a special assessment district is proposed under subsection (3), the township board, or township boards acting jointly, shall estimate the cost and expenses of the police and fire motor vehicles, apparatus, equipment, and housing and police and fire protection, and fix a day for a hearing on the estimate and on the question of creating a special assessment district and defraying the expenses of the special assessment district by special assessment on the property to be especially benefited. The hearing shall be a public meeting held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. In addition, the township board, or township boards acting jointly, shall publish in a newspaper of general circulation in the proposed district a notice stating the time, place, and purpose of the meeting. If there is not a newspaper of general circulation in the proposed district, then notices shall be posted in not less than 3 of the most public places in the proposed district. This notice shall be published or posted not less than 5 days before the hearing. On the day appointed for the hearing, the township board, or township boards acting jointly, shall be in session to hear objections which may be offered against the estimate and the creation of the special assessment district. If the township board, or township boards acting jointly, determine to create a special assessment district, they shall determine the boundaries by resolution, determine the amount of the special assessment levy, and direct the supervisor or supervisors to spread the assessment levy on all of the lands and premises in the district which are to be especially benefited by the police and fire protection, according to benefits received, to defray the expenses of police and fire protection. The township board, or township boards acting jointly, shall hold a hearing on objections to the distribution of the special assessment levy. This hearing shall be held in the same manner and with like notice as provided in this section. The township board, or township boards acting jointly, shall thereafter annually determine the amount to be assessed in the district for police and fire protection, shall direct the supervisor or supervisors to distribute the special assessment levy, and shall hold a hearing on the estimated costs and expenses of police and fire protection and on the distribution of the levy. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be distributed and shall become due and be collected at the same time as other township taxes are assessed, levied, and collected, and shall be returned in the same manner for nonpayment. However, if the collections received from the special assessment levied to defray the cost or portion intended to be defrayed for police and fire protection are, at any time, insufficient to meet the obligations or expenses incurred for the maintenance and operation of the police and fire departments, the township board of the township, or township boards acting jointly, may, by resolution, authorize the transfer or loan of sufficient money from the general fund of the township or townships, to the special assessment police and fire department fund. This money shall be repaid to the general fund of the township or townships out of special assessment funds when collected.

(5) The powers granted by this act with respect to police and fire protection may be exercised with respect to police protection alone, fire protection alone, or police and fire protection in combination.

Sec. 2. After the creation of a special assessment district under section 1, the township board, or township boards of adjoining townships acting jointly, may appropriate annually that sum necessary for the maintenance and operation of the police and fire departments.

Sec. 3. All proceedings relating to the making, levying and collection of special assessments authorized by section 1 and the issuing of bonds, except as otherwise provided in this act, shall conform as near as practicable to proceedings provided for townships in Act No. 188 of the Public Acts of 1954, being sections 41.721 to 41.738 of the Michigan Compiled Laws, except that special assessments may be paid in a number of equal annual installments not exceeding 15, as the board may determine.

(2) The township board if authorized by a majority vote of the electors voting may, at the time of issuance, pledge the full faith and credit of the township for the payment of such special assessment bonds.

Sec. 6. (1) The township board of a township, or the township boards of adjoining townships acting jointly, may establish and maintain police and fire departments; organize and maintain police and fire vehicles; employ and appoint on behalf of an individual township a police chief and fire chief and other police and fire officers, including detectives, required for the proper and efficient operation and maintenance of the police and fire departments and proper law enforcement; make and establish rules and regulations for the government of the police and fire departments, employees, officers, and detectives; care and manage the motor vehicles, apparatus, equipment, property, and buildings pertaining to the police and fire departments; and prescribe the powers and duties of the employees, officers, and detectives.

(2) The township board of a township, or the township boards of adjoining townships, acting jointly, may contract with the township board or legislative body of a township, city, or village that maintains a police or fire department for the service of the department or for the care, maintenance, and operation of police or fire motor vehicles, apparatus, and equipment by the police or fire department of the township, city, or village, and may contract with the legislative body of a village that does not maintain a police department or does not maintain a fire department to furnish police or fire protection to the village.

(3) If a township board, or the township boards of adjoining townships acting jointly, have organized and are maintaining a police or fire department, the board, or boards acting jointly, may also contract with townships, villages, or cities that also maintain a police or fire department or with any other person, organization, or group to provide police or fire apparatus, equipment, or personnel or police or fire protection.

(4) Any of the powers provided in this section, at the discretion of the township board, may be delegated to a police or fire or police and fire administrative board established pursuant to section 11 or 12.

Sec. 11. (1) The governing bodies of 2 or more contiguous townships, villages, or cities may, acting jointly, create a joint police administrative board, fire administrative board, or police and fire administrative board. A joint administrative board shall consist of 2 members from each participating township, village, or city. The members of a joint administrative board shall be appointed by their respective governing bodies for terms of 6 years. However, of the first members appointed, 1 member from each participating township, village, or city shall be appointed for a term of 4 years. A member of a joint administrative board shall not be an employee of a police or fire department of a participating township, village, or city. A member of a joint administrative board may be compensated for each meeting, not to exceed 52 per year, at a rate not to exceed \$30.00 by the joint administrative board for each meeting the member attends and shall be reimbursed for actual and necessary expenses incurred in the performance of board duties. A vacancy on a joint administrative board shall be filled by the original appointing governing body for the remainder of the unexpired term.

(2) At its first meeting, a joint administrative board shall, by resolution approved by a majority of its members, select an additional member who shall be a resident of a participating township, village, or city. The members shall annually elect a chairperson and a vice-chairperson from the board membership. A joint administrative board shall hold 4 regular quarterly meetings a year and special meetings as necessary at times as it determines. A joint administrative board shall adopt its own rules of procedure and shall keep a record of its proceedings. A majority of the members constitute a quorum for the transaction of business and the affirmative vote of a majority of all the members is necessary for the adoption of a motion or resolution. The members of a joint administrative board shall be residents of the townships, villages, or cities from which they were appointed. The members of a joint administrative board may be removed by the appointing governing body.

(3) A joint administrative board created pursuant to this section shall prepare an annual police department budget or fire department budget, or both, for the police department, fire department, or police and fire departments of each participating township, village, or city. The proposed budgets shall be submitted to and reviewed by the respective governing bodies and may be amended, adopted, or rejected by them. A joint administrative board shall have other powers and duties as considered necessary by the participating governing bodies. A joint administrative board, if authorized to employ and appoint a police chief, fire chief, or other police or fire officers, including detectives, shall only employ and appoint such officers on behalf of an individual township, city, or village and does not constitute a new employer.

(4) The business which a joint administrative board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

(5) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(6) As used in this section:

(a) "City" means a city with a population of not more than 15,000.

(b) "Governing body" means the body in which the legislative powers of a township, village, or city are vested.

Sec. 12. (1) In its discretion, the township board of a township having an organized police or fire department, or both, may create a police administrative board, a fire administrative board, or a police and fire administrative board. The board shall consist of 5 members, who shall be appointed by the township board for terms of 6 years each. However, of the members first appointed, 2 shall be appointed for terms expiring on June 30 of the even numbered year following the creation of the board, 2 shall be appointed for terms expiring on June 30 of the second year following the expiration of the terms of the first 2 members, and 1 member shall be appointed for a term expiring June 30 of the fourth year following the expiration of the terms of the first 2 members. A member of the board shall not be a member of the police or fire department of the township. The members of the board shall serve without compensation but are entitled to actual and necessary expenses approved by the township board incurred in the performance of official duties. The township board shall fill a vacancy for the unexpired term.

(2) A police administrative board, a fire administrative board, or a police and fire administrative board created under former Act No. 57 of the Public Acts of 1951 shall be continued under and governed by this act.

(3) An administrative board created under this section shall prepare an annual police department budget or fire department budget, or both, to be submitted to the township board. The budget shall be reviewed by the township board and may be amended or altered in any manner. Upon adoption by the township board, the budget shall be the budget of the administrative board for the ensuing fiscal year of the township. The administrative board created under this section shall have the powers and perform the functions that the township board in its discretion delegates to the administrative board.

(4) This section is supplemental to the other laws of this state.

Sec. 13. By a majority vote of the township board at a regular or a special meeting called for that purpose, a township board may provide for the employment of 1 or more traffic officers in the township. The compensation of the officer or officers shall be paid from the general fund of the township. By a majority vote of all the township boards, 2 or more townships may appoint a traffic officer at a joint meeting of these township boards held for that purpose, and the proportion of the compensation of the traffic officer or officers to be paid by each of the townships shall be determined at this joint meeting.

Section 2. The following acts and parts of acts are repealed:

- (a) Act No. 57 of the Public Acts of 1951, being sections 41.751 to 41.753 of the Michigan Compiled Laws.
- (b) Act No. 181 of the Public Acts of 1951, being sections 41.851 to 41.856 of the Michigan Compiled Laws.
- (c) Act No. 50 of the Public Acts of 1919, being sections 41.201 to 41.202 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

.....
Secretary of the Senate.

.....
Clerk of the House of Representatives.

Approved.....

.....
Governor.