

# SENATE BILL No. 238

March 9, 1989, Introduced by Senators KELLY, V. SMITH, CROPSEY, O'BRIEN, ENGLER, NICHOLS, DILLINGHAM, CARL, MILLER, GEO. HART, EHLERS, IRWIN, J. HART, DINGELL, SEDERBURG, SCHWARZ, BARCIA, WELBORN, ARTHURHULTZ, POLLACK, BINSFELD and FESSLER and referred to the Committee on Local Government and Veterans.

A bill to amend section 3 of Act No. 279 of the Public Acts of 1909, entitled as amended

"An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; and to repeal certain acts and parts of acts on specific dates,"

being section 117.3 of the Michigan Compiled Laws; and to add section 3a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Section 1. Section 3 of Act No. 279 of the Public Acts of
- 2 1909, being section 117.3 of the Michigan Compiled Laws, is
- 3 amended and section 3a is added to read as follows:
- 4 Sec. 3. Each city charter shall provide ALL OF the
- 5 following:

1           (a) For the election of a mayor, who shall be the chief  
2 executive officer of the city, and of a body vested with  
3 legislative power, and for the election or appointment of a  
4 clerk, a treasurer, an assessor or board of assessors, a board of  
5 review, and other officers ~~as may be~~ considered necessary.  
6 Provision may be made for the selection of the mayor by the leg-  
7 islative body. Elections may be by a partisan, nonpartisan, or  
8 preferential ballot, or by any other legal method of voting.  
9 Notwithstanding any other law or charter provision to the con-  
10 trary, a city having a 1970 official population of more than  
11 150,000 and whose charter provides for terms of office of less  
12 than 4 years and in which the term of office for the mayor and  
13 the governing body are of the same length, may provide for a term  
14 of office of up to 4 years for mayor and other elected city offi-  
15 cials, by ordinance. The ordinance shall provide that the ordi-  
16 nance shall take effect 60 days after it is enacted unless within  
17 the 60 days a petition is submitted to the city clerk signed by  
18 not less than 10% of the registered electors of the city request-  
19 ing that the question of approval of the ordinance be submitted  
20 to the electors at the next regular election or a special elec-  
21 tion called for the purpose of approving or disapproving the  
22 ordinance.

23           (b) For the nomination of elective officers by partisan or  
24 nonpartisan primary, by petition, or by convention.

25           (c) For the time, manner, and means of holding elections and  
26 the registration of electors.

1 (d) For the qualifications, duties, and compensation of the  
2 city's officers.

3 (e) ~~For~~ SUBJECT TO SECTION 3A, FOR the establishment of 1  
4 or more wards, and if the members of the city's legislative body  
5 be chosen by wards, for equal representation for each ward in the  
6 legislative body.

7 (f) That the subjects of taxation for municipal purposes be  
8 the same as for state, county, and school purposes under the gen-  
9 eral law.

10 (g) For annually laying and collecting taxes in a sum,  
11 except as otherwise provided by law, not to exceed 2% of the  
12 assessed value of the real and personal property in the city.  
13 Unless the charter provides for a different tax rate limitation,  
14 the governing body of a city may levy and collect taxes for  
15 municipal purposes in a sum not to exceed 1% of the assessed  
16 value of the real and personal property in the city, subject to  
17 section 1a of chapter 7 of THE MUNICIPAL FINANCE ACT, Act No. 202  
18 of the Public Acts of 1943, as amended, being section 137.1a of  
19 the Michigan Compiled Laws.

20 (h) For an annual appropriation of money for municipal  
21 purposes.

22 (i) For the levy, collection, and return of state, county,  
23 and school taxes in conformance with the general laws of the  
24 state, except that the preparation of the assessment roll, the  
25 meeting of the board of review, and the confirmation of the  
26 assessment roll may be at the times provided in the city  
27 charter.

1       (j) For the public peace and health and for the safety of  
2 persons and property. In providing for the public peace, health,  
3 and safety, a city may expend funds or enter into contracts with  
4 a private organization, the federal or state government, a  
5 county, village, OR township, or another city for services con-  
6 sidered necessary by the municipal body vested with legislative  
7 power. Public peace, health, and safety services may include the  
8 operation of child guidance and community mental health clinics,  
9 the prevention, counseling, and treatment of developmental dis-  
10 abilities, the prevention of drug abuse, and the counseling and  
11 treatment of drug abusers.

12       (k) For adopting, continuing, amending, and repealing the  
13 city ordinances and for the publication of each ordinance before  
14 it becomes operative. Whether or not provided in its charter, a  
15 city may adopt a law, A code, or rules ~~which have been~~ promul-  
16 gated and adopted by an authorized agency of the state pertaining  
17 to fire, fire hazards, fire prevention, or fire waste, and a fire  
18 prevention code, plumbing code, heating code, electrical code,  
19 building code, refrigeration machinery code, piping code, boiler  
20 code, boiler operation code, elevator machinery code, ~~or~~ AND a  
21 code pertaining to flammable liquids and gases, as well as to  
22 hazardous chemicals, ~~which have been~~ promulgated by this state,  
23 ~~or by a department, board, or other agency of this state,~~ or by  
24 an organization or association ~~which~~ THAT is organized and con-  
25 ducted for the purpose of developing the code, by reference to  
26 the code in an adopting ordinance and without publishing the code  
27 in full. The code shall be clearly identified in the ordinance

1 and its purpose shall be published with the adopting ordinance.  
2 Printed copies of the code shall be kept in the office of the  
3 city clerk, available for inspection by, and distribution to, the  
4 public at all times. The publication shall contain a notice  
5 stating that a complete copy of the code is ~~made~~ available to  
6 the public at the office of the city clerk in compliance with  
7 state law requiring that records of public bodies be made avail-  
8 able to the ~~general~~ public.

9 (l) That the business which the legislative body may perform  
10 shall be conducted at a public meeting held in compliance with  
11 THE OPEN MEETINGS ACT, Act No. 267 of the Public Acts of 1976, as  
12 amended, being sections 15.261 to 15.275 of the Michigan Compiled  
13 Laws. All records of the municipality shall be made available to  
14 the ~~general~~ public in compliance with THE FREEDOM OF INFORMA-  
15 TION ACT, Act No. 442 of the Public Acts of 1976, as amended,  
16 being sections 15.231 to 15.246 of the Michigan Compiled Laws.

17 (m) For keeping in the English language a written or printed  
18 journal of each session of the legislative body.

19 (n) For a system of accounts ~~which~~ THAT conforms to a uni-  
20 form system of accounts as required by law.

21 SEC. 3A. (1) IN A CITY WITH A POPULATION OF MORE THAN  
22 1,000,000, ON JANUARY 1, 1989, THE CITY CLERK OF THE CITY SHALL  
23 DIRECT THAT THE QUESTION OF AMENDING THE CITY CHARTER TO ALLOW  
24 THE CITY TO BE APPORTIONED INTO SINGLE MEMBER NEIGHBORHOOD ELEC-  
25 TION DISTRICTS BE PLACED BEFORE THE QUALIFIED ELECTORS AT A SPE-  
26 CIAL ELECTION TO BE HELD ON THE FIRST TUESDAY IN JUNE 1989.

1 (2) SUBJECT TO SUBSECTION (3), THE BALLOT USED FOR THE  
2 SUBMISSION OF THE QUESTION SHALL BE PREPARED BY THE CITY CLERK IN  
3 ACCORDANCE WITH THE GENERAL ELECTION LAWS AS FOLLOWS:

4 "SHALL THE CITY CHARTER BE AMENDED TO PROVIDE FOR THE  
5 ELECTION OF 9 CITY COUNCIL MEMBERS FROM SINGLE MEMBER  
6 DISTRICTS?"

7 (3) IN A CITY WITH A POPULATION OF MORE THAN 1,000,000 ON  
8 JANUARY 1, 1989, THE CITY COUNCIL BY RESOLUTION MAY DIRECT THAT  
9 THE CITY CLERK PREPARE THE BALLOT FOR THE SUBMISSION AT A SPECIAL  
10 ELECTION TO BE HELD ON THE FIRST TUESDAY IN JUNE 1989 OF THE FOL-  
11 LOWING QUESTION, IN ADDITION TO THAT SET FORTH IN  
12 SUBSECTION (2):

13 "SHALL THE CITY CHARTER BE AMENDED TO PROVIDE FOR THE  
14 ELECTION OF 9 CITY COUNCIL MEMBERS, 5 OF WHOM SHALL BE  
15 ELECTED FROM SINGLE MEMBER NEIGHBORHOOD DISTRICTS AND 4  
16 OF WHOM SHALL BE ELECTED AT LARGE?"

17 (4) IF A QUESTION SET FORTH PURSUANT TO THIS SECTION IS  
18 APPROVED BY A MAJORITY OF THE ELECTORS VOTING, THEN BOTH OF THE  
19 FOLLOWING APPLY:

20 (A) THE CITY COUNCIL PROVIDED BY CHARTER IS ABOLISHED ON  
21 JANUARY 1, 1990.

22 (B) WITHIN 30 DAYS AFTER APPROVAL OF THE QUESTION, THE CITY  
23 PLANNING COMMISSION SHALL MEET AS THE APPORTIONMENT COMMISSION  
24 FOR THE PURPOSE OF DRAWING AN APPORTIONMENT PLAN. THE CITY PLAN-  
25 NING COMMISSION SHALL FOLLOW THE SAME STATUTORY PROCEDURES AS ARE  
26 ESTABLISHED FOR A COUNTY CHARTER APPORTIONMENT COMMISSION

1 ESTABLISHED PURSUANT TO ACT NO. 293 OF THE PUBLIC ACTS OF 1966,  
2 BEING SECTIONS 45.501 TO 45.521 OF THE MICHIGAN COMPILED LAWS.

3 (5) THE CITY PLANNING COMMISSION SHALL PROVIDE FOR EQUAL  
4 REPRESENTATION FOR EACH NEIGHBORHOOD ELECTION DISTRICT, AND EACH  
5 NEIGHBORHOOD ELECTION DISTRICT SHALL BE AS NEARLY EQUAL IN POPU-  
6 LATION AS IS PRACTICABLE. THE LATEST OFFICIAL PUBLISHED FIGURES  
7 OF THE UNITED STATES DECENNIAL CENSUS SHALL BE USED IN THIS  
8 DETERMINATION, UNLESS OTHERWISE PROVIDED BY LAW.

9 (6) IN DRAWING UP AN APPORTIONMENT PLAN, THE CITY PLANNING  
10 COMMISSION SHALL FOLLOW THE LINES USED FOR PLANNING SECTORS AND  
11 SUBCOMMUNITIES AS PROVIDED BY THE CITY MASTER PLAN AND CHARTER.  
12 IN SUBSEQUENT REAPPORTIONMENTS, THE COUNCIL MEMBER PLAN SHALL  
13 MAKE ONLY INCREMENTAL CHANGES TO THE NEIGHBORHOOD ELECTION DIS-  
14 TRICT BOUNDARIES AS NECESSARY TO ACCOMMODATE POPULATION CHANGE  
15 REQUIREMENTS. EACH NEIGHBORHOOD ELECTION DISTRICT SHALL BE DES-  
16 IGNATED BY NAME AND NUMBER.

17 (7) EACH CANDIDATE FOR CITY COUNCIL SHALL BE A RESIDENT OF  
18 THE NEIGHBORHOOD ELECTION DISTRICT HE OR SHE SEEKS TO REPRESENT.  
19 A CITY COUNCIL MEMBER'S OFFICE IS VACATED IF THE MEMBER MOVES HIS  
20 OR HER RESIDENCE OUTSIDE OF THE DISTRICT THAT THE MEMBER  
21 REPRESENTS.

22 (8) IF THE QUALIFIED ELECTORS APPROVE THE QUESTION OF APPOR-  
23 TIONING THE CITY INTO NEIGHBORHOOD ELECTION DISTRICTS AT THE SPE-  
24 CIAL ELECTION HELD IN JUNE 1989, NOMINATING PETITIONS FOR CITY  
25 COUNCIL MEMBERS SHALL BE FILED 30 DAYS BEFORE THE PRIMARY ELEC-  
26 TION SCHEDULED FOR CITY OFFICES IN 1989.