

# SENATE BILL No. 352

April 20, 1989, Introduced by Senators POSTHUMUS,  
EHLERS, ENGLER, FAUST and CHERRY and referred  
to the Committee on Local Government and Veterans.

A bill to authorize local governmental units to create metropolitan councils; to prescribe the powers and duties of metropolitan councils; and to authorize metropolitan councils to levy a property tax.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "metropolitan council act".

3       Sec. 3. As used in this act:

4       (a) "Council" means a metropolitan council established pur-  
5 suant to this act.

6       (b) "Council area" means the combined territory of the par-  
7 ticipating local governmental units.

8       (c) "Largest" means, if used in reference to a county, the  
9 county having the greatest population residing in the council  
10 area. "Largest", if used in reference to a participating local

1 governmental unit, means the participating local governmental  
2 unit having the greatest population.

3 (d) "Local governmental unit" means a county, township,  
4 city, or village.

5 (e) "Metropolitan area" means a metropolitan statistical  
6 area, as defined by the United States department of commerce or a  
7 successor agency, with a population of less than 1,000,000  
8 people.

9 (f) "Participating", if used in reference to a local govern-  
10 mental unit, means 1 of the following:

11 (i) After formation of a metropolitan council, a local gov-  
12 ernmental unit that has joined in the formation of the council or  
13 been added to the council pursuant to section 33 and that has not  
14 withdrawn pursuant to section 35.

15 (ii) Before formation of a metropolitan council, a local  
16 governmental unit named in the bylaws as a participating local  
17 governmental unit.

18 Sec. 5. (1) A combination of 2 or more local governmental  
19 units in a metropolitan area may form a metropolitan council by  
20 adopting bylaws pursuant to the requirements of sections 7 and  
21 9.

22 (2) A council is a corporate body with power to sue and be  
23 sued in any court of the state and is an agency and instrumental-  
24 ity of the state.

25 (3) A council is an authority under section 6 of article IX  
26 of the state constitution of 1963.

1       Sec. 7. (1) To the extent not set forth in this act, a  
2 council's bylaws shall state the name of the council; the names  
3 of the participating local governmental units; the purposes for  
4 which the council is formed; the power, duties, and limitations  
5 of the council and its officers; the qualifications, method of  
6 selection and terms of office of delegates sitting on the council  
7 and of council officers; the manner in which participating local  
8 governmental units shall take part in the governance of the coun-  
9 cil; the method of amending the bylaws; and any other matters  
10 that the participating local governmental units consider  
11 advisable.

12       (2) The bylaws may require each participating local govern-  
13 mental unit to annually pay to the council an amount equal to 0.2  
14 mills multiplied by the state equalized valuation of all the tax-  
15 able real and personal property within that local governmental  
16 unit. The total amount of ad valorem taxes imposed by a local  
17 governmental unit may not be increased to generate such revenue.

18       (3) The bylaws may authorize the council to levy on all the  
19 taxable real and personal property within the council area an ad  
20 valorem tax of not to exceed 0.5 mills of the state equalized  
21 valuation on each dollar of assessed valuation of taxable prop-  
22 erty within the council area. The levy of a tax under this sub-  
23 section is subject to the requirements of sections 25 and 27.

24       Sec. 9. (1) The bylaws of a council shall be adopted by an  
25 affirmative vote of a majority of the members elected to and  
26 serving on the legislative body of each participating local  
27 governmental unit.

1 (2) Before the bylaws are adopted by any participating local  
 2 governmental unit, the bylaws shall be published by the clerk of  
 3 the largest participating local governmental unit at least once  
 4 in a newspaper generally circulated within the proposed council  
 5 area.

6 (3) The adoption of bylaws by the legislative body of a  
 7 local governmental unit shall be evidenced by an endorsement on  
 8 the bylaws by the clerk of the local governmental unit in a form  
 9 substantially as follows:

10 These bylaws were adopted by an affirmative vote of a major-  
 11 ity of the members serving on the legislative body of  
 12 \_\_\_\_\_, \_\_\_\_\_ at a meeting duly  
 13 held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_.

14 \_\_\_\_\_  
 15 \_\_\_\_\_  
 16 \_\_\_\_\_  
 17 \_\_\_\_\_

18 (4) Upon adoption of the bylaws, a printed copy of the  
 19 bylaws shall be filed by the clerk of the largest participating  
 20 local governmental unit with the secretary of state and the clerk  
 21 of each county in which is located all or part of the council  
 22 area.

23 Sec. 11. (1) A council shall have a chair. The chair shall  
 24 act as principal executive officer and shall preside at the meet-  
 25 ings of the council. Meeting times and places shall be fixed by  
 26 the council and special meetings may be called by a majority of  
 27 the delegates on the council or by the chair. The chair shall

1 organize the work of the council, appoint administrative  
2 officers, subject to the approval of the council, and carry out  
3 policy decisions of the council.

4 (2) In addition to the chair, a council shall have other  
5 officers that it considers necessary for the conduct of its  
6 affairs. These other officers shall be elected by the council  
7 and shall be council delegates. However, a secretary and trea-  
8 surer need not be council delegates.

9 (3) Upon the recommendation of the chair, a council may  
10 appoint an executive director to serve at the council's pleasure  
11 as the principal administrator for the council. The director  
12 shall be selected on the basis of training and experience in the  
13 field of municipal and urban affairs.

14 (4) If specifically authorized by law, a council may make  
15 appointments to other governmental agencies.

16 Sec. 13. (1) A council may pay each council delegate a per  
17 diem compensation for each council meeting attended and for other  
18 designated services performed by the council delegate. A council  
19 may reimburse each council delegate for reasonable expenses  
20 incurred in attending council meetings and performing services  
21 designated by the council.

22 (2) The budget of a council prepared pursuant to section 17  
23 shall provide as a separate account anticipated expenditures for  
24 per diem compensation and expense reimbursement for the chair and  
25 other council delegates. Compensation or reimbursement shall be  
26 paid to the chair and other council delegates only if budgeted.

1        Sec. 15. (1) A council may propose standards, criteria, and  
2 suggested model ordinances to regulate the use and development of  
3 land and water within the metropolitan area.

4        (2) A council may plan, promote, finance, acquire, improve,  
5 enlarge, extend, own, construct, replace, and contract for public  
6 improvements and services in the council area, including, but not  
7 limited to, the following:

8            (a) Water and sewer public improvements and services.

9            (b) Solid waste collection, recycling, and disposal.

10          (c) Parks, museums, zoos, wildlife sanctuaries, and recrea-  
11 tional facilities.

12          (d) Special use facilities.

13          (e) Ground and air transportation and facilities, including  
14 airports.

15          (f) Economic development and planning for the council area.

16          (g) Higher education public improvements and services.

17        (3) A council may establish and staff authorities to operate  
18 and maintain public services including, but not limited to, those  
19 listed in subsection (1). If the council establishes a water and  
20 sewer authority, the authority has exclusive power to issue per-  
21 mits for water and sewer extensions, hookups, and capital expen-  
22 ditures in the council area.

23        (4) A council may establish and staff divisions, bureaus,  
24 and committees, including advisory committees. Members of  
25 advisory committees shall serve without compensation but may be  
26 reimbursed for their reasonable expenses as determined by the  
27 council.

1       (5) A council in cooperation with other agencies and  
2 departments of the state and the state universities may develop a  
3 center for data collection and storage to be used by it and other  
4 governmental users and may furnish information on subjects such  
5 as population, land use, and governmental finances.

6       Sec. 17. (1) A council may do 1 or more of the following:

7       (a) Adopt rules of administration.

8       (b) Acquire and hold, by purchase, lease, grant, gift,  
9 devise, land contract, installment purchase contract, bequest,  
10 condemnation, or other legal means, real and personal property  
11 within or without the council area. The property may include  
12 franchises, easements, or rights of way on, under, or above any  
13 property. The council may pay for the property from, or pledge  
14 for the payment of the property, revenue of the council.

15       (c) Condemn property for water and sewer public improvements  
16 and services.

17       (d) Apply for and accept grants, loans, or contributions  
18 from the federal government or any of its agencies, this state,  
19 or other public or private agencies to be used for any of the  
20 purposes of this act.

21       (e) Sell, lease, or use for other purposes property acquired  
22 for the purposes of this act but not needed for those purposes.

23       (f) Contract with an authority or local governmental unit of  
24 this state or another state, with an agency or instrumentality of  
25 this state or another state, or with a private person for service  
26 contracts, other than contracts for the operation or maintenance  
27 of a public improvement authorized by section 15, joint use

1 contracts, or contracts for the construction of a public  
2 improvement authorized by section 15.

3 (g) Hire employees, attorneys, accountants, and  
4 consultants.

5 (2) A council shall do all of the following:

6 (a) Prepare budgets and appropriations acts as required of  
7 local governmental units in accordance with the uniform budgeting  
8 and accounting act, Act No. 2 of the Public Acts of 1968, being  
9 sections 141.421 to 141.440a of the Michigan Compiled Laws.

10 (b) If ending a fiscal year with a deficit, file a financial  
11 plan to correct the deficit in the same manner as provided in  
12 section 21 of Act No. 140 of the Public Acts of 1971, being sec-  
13 tion 141.921 of the Michigan Compiled Laws.

14 Sec. 19. In instances in which studies are not otherwise  
15 authorized by law, a council may study the feasibility of pro-  
16 grams relating but not limited to water supply, refuse disposal,  
17 surface water drainage, communication, transportation, and other  
18 subjects of concern to the council area and may institute demon-  
19 stration projects in connection with the studies.

20 Sec. 21. A council may coordinate emergency services and  
21 community shelter planning within the council area and contract  
22 with local governmental agencies and consultants in connection  
23 with those purposes.

24 Sec. 23. A council possesses all the powers necessary,  
25 incidental, or convenient for carrying out the purposes of its  
26 formation. The enumeration of specific powers in this act shall



1 not be construed as a limitation on the general powers of a  
2 council.

3       Sec. 25. (1) A tax authorized to be levied by a council  
4 pursuant to section 7 shall be levied and collected at the same  
5 time and in the same manner as provided by the general property  
6 tax act, Act No. 206 of the Public Acts of 1893, being sections  
7 211.1 to 211.157 of the Michigan Compiled Laws.

8       (2) A council shall not levy a tax except upon the approval  
9 of a majority of the qualified and registered electors residing  
10 in the council area and voting on the tax.

11       Sec. 27. (1) A proposal for a tax authorized to be levied  
12 by a council under section 7 shall not be placed on the ballot  
13 unless the proposal is adopted by a resolution of the council and  
14 certified by the council not later than 70 days before the elec-  
15 tion to the county clerk of each county that is participating or  
16 in which all or part of a participating local governmental unit  
17 is located for inclusion on the ballot. The proposal shall state  
18 the amount and duration of the millage and be certified for  
19 inclusion on the ballot at the next general election, the state  
20 primary immediately preceding the general election, or a special  
21 election at a proposed date within 45 days of a state primary or  
22 a general election, as specified by the council's resolution. A  
23 proposed special election date shall be approved by the county  
24 election scheduling committee of the largest county in the manner  
25 required by section 639 of the Michigan election law, Act No. 116  
26 of the Public Acts of 1954, being section 168.639 of the Michigan  
27 Compiled Laws.

1       (2) The county election commission shall provide ballots for  
2 an election for a tax proposal for that county, if it is partici-  
3 pating, or, if it is not participating, for each participating  
4 local governmental unit or part of a participating local govern-  
5 mental unit located within the county.

6       (3) Except as otherwise provided in subsection (5), an elec-  
7 tion for a tax shall be conducted by the city and township clerks  
8 and election officials of the local governmental units located  
9 within the council area.

10       (4) If an election on a proposal for a tax is to be held in  
11 conjunction with a general election or state primary election and  
12 if a participating village is located within a nonparticipating  
13 township, the township clerk and election officials shall conduct  
14 the election. On the forty-fifth day preceding the election, the  
15 village clerk shall provide to the township clerk a list contain-  
16 ing the name, address, and birth date of each qualified and reg-  
17 istered elector of the village. By the fifteenth day preceding  
18 the election, the village clerk shall provide to the township  
19 clerk information updating the list as of the close of  
20 registration. Persons appearing on the list as updated are eli-  
21 gible to vote in the election by special ballot.

22       (5) If a tax is to be voted on at a special election not  
23 held in conjunction with a general election or state primary  
24 election and if a participating village is located within a non-  
25 participating township, the village clerk and election officials  
26 shall conduct the election.

1       Sec. 29. (1) If an election for a tax is to be held in  
2 conjunction with a general election or a state primary election  
3 immediately preceding a general election, the notices of close of  
4 registration and election shall be published as provided for by  
5 the state election laws. Otherwise, the county clerk of the  
6 largest county shall publish the notices of close of registration  
7 and election. The notice of close of registration shall include  
8 the ballot language of the proposal.

9       (2) The results of an election for a tax shall be canvassed  
10 by the board of county canvassers of each county that is partici-  
11 pating or in which all or part of a participating local govern-  
12 mental unit is located. If the county is not the largest county,  
13 the board of county canvassers shall certify the results of the  
14 election to the board of county canvassers of the largest  
15 county. The board of county canvassers of the largest county  
16 shall make the final canvass of an election for a tax based on  
17 the returns of the election inspectors of the participating local  
18 governmental units in that county and the certified results of  
19 the board of county canvassers of every other county that is par-  
20 ticipating or in which a participating local governmental unit is  
21 located. The board of county canvassers of the largest county  
22 shall certify the results of the election to the council and  
23 issue certificates of election. If a majority of the votes cast  
24 by voters residing in the council area on the question of a tax  
25 is in favor of the proposal, the tax levy is authorized. No more  
26 than 2 elections shall be held in a calendar year on the question  
27 of a tax.

1       Sec. 31. (1) A county clerk shall charge the council and  
2 the council shall reimburse the county for the actual costs the  
3 county incurs in an election for a tax proposal.

4       (2) If a participating township, city, or village conducts  
5 an election for a tax, the clerk of that local governmental unit  
6 shall charge the council and the council shall reimburse the  
7 local governmental unit for the actual costs the local governmen-  
8 tal unit incurs in conducting the election if the election is not  
9 held in conjunction with a regularly scheduled election in that  
10 local governmental unit.

11       (3) In addition to costs reimbursed pursuant to subsections  
12 (1) and (2), a local governmental unit shall charge the council  
13 and the council shall reimburse the local governmental unit for  
14 actual costs that the local governmental unit incurs and that are  
15 attributable to an election for a tax proposal.

16       (4) The actual costs that a county, township, city, or vil-  
17 lage incurs shall be based on the number of hours of work done in  
18 conducting the election, the rates of compensation of the work-  
19 ers, and the cost of materials supplied in the election.

20       Sec. 33. (1) A local governmental unit may be added to the  
21 council after the council's incorporation upon satisfying all of  
22 the following requirements:

23       (a) A majority of the members elected to and serving on the  
24 legislative body of the local governmental unit vote to adopt a  
25 resolution stating that the local governmental unit desires to be  
26 added to the council and that it accepts the requirements of the

1 bylaws as amended to reflect the addition of the local  
2 governmental unit.

3 (b) Notwithstanding any requirements for amending the bylaws  
4 set forth in the articles pursuant to section 7, 2/3 of the dele-  
5 gates serving on the council vote to adopt a resolution amending  
6 the bylaws to reflect the addition of the local governmental  
7 unit.

8 (2) Upon addition of a local governmental unit to a council,  
9 a printed copy of the amended bylaws shall be filed as required  
10 by section 9 by the clerk of the local governmental unit added to  
11 the council.

12 Sec. 35. (1) Except as otherwise provided in  
13 subsection (2), a participating local governmental unit may with-  
14 draw from membership in the council if all of the following con-  
15 ditions are met:

16 (a) Adoption of a resolution by a majority of the members  
17 elected to and serving on the legislative body of the local gov-  
18 ernmental unit requesting withdrawal from membership.

19 (b) Payment or the provision for payment is made regarding  
20 any obligations of the local governmental unit to the council or  
21 its creditors.

22 (2) If, upon withdrawal of a local governmental unit, the  
23 local governmental unit has unpaid obligations to the council, a  
24 tax levied by the council pursuant to section 7(3) before with-  
25 drawal of the local governmental unit shall continue to be levied  
26 in the local governmental unit until the obligations are paid or  
27 the tax expires, whichever happens first. A local governmental

1 unit that withdraws from a council shall continue to receive  
2 services from the council until the local governmental unit is no  
3 longer required to pay a tax levied by the council.

4 (3) Withdrawal of a local governmental unit from a council  
5 shall be evidenced by an amendment to the bylaws executed by the  
6 recording officer of the council and filed and published in the  
7 same manner as the original bylaws.

8 Sec. 37. (1) The business that a council performs shall be  
9 conducted at a public meeting of the council held in compliance  
10 with the open meetings act, Act No. 267 of the Public Acts of  
11 1976, being sections 15.261 to 15.275 of the Michigan Compiled  
12 Laws.

13 (2) A writing prepared, owned, used, in the possession of,  
14 or retained by a council in the performance of an official func-  
15 tion shall be made available to the public in compliance with the  
16 freedom of information act, Act No. 442 of the Public Acts of  
17 1976, being sections 15.231 to 15.246 of the Michigan Compiled  
18 Laws.