



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone: 517/373-6466

EMERGENCY SERVICE AUTHORITIES

House Bill 4671 (Substitute H-2)
First Analysis (12-9-87)

RECEIVED

Sponsor: Rep. Marvin Knight
Committee: Towns and Counties

FEB 04 1988

Mich. State Law Library

THE APPARENT PROBLEM:

Municipalities which provide emergency services—police, fire, and medical protection—to the residents within a respective municipality currently are responsible for these services only within their respective municipality. Many municipalities have found that current law limits them in their ability to provide complete protection in emergency service areas and also limits their ability to raise adequate revenues to support these emergency service agencies. Since emergency services are often provided by agencies from different municipalities to constituents in overlapping municipalities, some feel that communities could be better served if various interested municipalities were able to incorporate into one larger municipal authority which would be responsible for providing the emergency services for that area.

THE CONTENT OF THE BILL:

The bill would create a new act to allow two or more municipalities (counties, cities, villages and townships) to incorporate an authority in order to provide fire and police protection services, emergency medical services, and any other designated services to the municipalities. The authority would be created by the adoption of articles of incorporation by the legislative body of each incorporating municipality, which would be endorsed, in the case of a county, by the county executive or chairperson of the board of commissioners of the county and the county clerk. In the case of a city, the articles of incorporation would be endorsed by the mayor and clerk of the city, in the case of a village by the president and clerk of a village, and in the case of a township by the supervisor and clerk. Once the respective legislative bodies approved of the incorporated authority the authority then could only be established, and a millage approved, by a majority vote of the electorate comprising the participating municipalities. In the alternative, a municipality could become a member of an authority if at least five percent of the voters petitioned for a referendum on the issue, and the question was approved by the electorate.

The bill would require the articles of incorporation to be published at least once in a newspaper designated in the articles of incorporation and circulated within the territory of the authority's jurisdiction, being the total territory within the incorporating municipalities. The bill also would require a printed, certified, true copy of the articles to be filed with the secretary of state; this would be considered valid unless questioned in a court of competent jurisdiction within 60 days after filing.

The authority would have the right to acquire, hold, manage, control, sell, exchange, or lease property, could contract for services, and would be able to enter into a contract with another municipality for public services for a period not exceeding 30 years. The authority would also be able to levy up to 20 mills of property taxes, with the approval of a majority of the registered electors qualified to vote on the tax at a general or special election. The bill would require an election to be called by resolution of the board of the authority, if the recording officer notified the

clerk of each affected municipality not less than 60 days before the date of the election.

Employees of a municipal emergency service whose duties were transferred to an authority would be given comparable jobs and maintain seniority, pension rights, and recall rights in the event of layoffs. An authority would be bound by existing labor agreements until their expiration.

The bill would allow an incorporated municipality to withdraw from the authority of which it is participating at any time upon resolution of the municipality's governing body. However, the withdrawing municipality would remain liable for a proportion of the debts and liabilities of the authority incurred while it was a member of the authority.

FISCAL IMPLICATIONS:

According to the Department of State Police, the bill has no fiscal implications. (12-10-87)

ARGUMENTS:

For:

Many state municipalities offering emergency protection services have found that, by themselves, they are not able to accumulate adequate revenues to fund these emergency protection agencies and, consequently, are unable to provide adequate services to their respective municipalities. Because many municipal service agencies provide services to overlapping municipal areas, some feel that in order to increase the efficiency and fiscal stability of the various agencies, different municipalities would be smart to "pool" the resources provided by a larger constituency. Especially at local government levels, where revenues to support such services are limited, allowing such municipal incorporations would help bolster the emergency services which are rendered to various areas throughout the state.

SUGGESTED AMENDMENTS:

The Michigan Sheriffs Association suggests an amendment to the bill which would allow a municipality already having a public service contract to fulfill the contract until it expires, at which time the municipality would be free to incorporate with other municipalities or renew the previous contract.

POSITIONS:

The Michigan Association of Counties supports the bill. (12-10-87)

The Fraternal Order of Police supports the bill. (12-8-87)

The Michigan State Firefighters Union supports the bill. (12-8-87)

The Michigan Sheriffs Association would not be opposed to the bill if its suggested amendment was adopted. (12-8-87)

H.B. 4671 (12-9-87)