

HOUSE BILL No. 5619

January 16, 2008, Introduced by Rep. Sak and referred to the Committee on Tax Policy.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 3 (MCL 117.3), as amended by 2004 PA 541.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. Each city charter shall provide for all of the
2 following:

3 (a) The election of a mayor, who shall be the chief executive
4 officer of the city, and of a body vested with legislative power,
5 and for the election or appointment of a clerk, a treasurer, an
6 assessor or board of assessors, a board of review, and other
7 officers considered necessary. The city charter may provide for the
8 selection of the mayor by the legislative body. Elections may be by
9 a partisan, nonpartisan, or preferential ballot, or by any other
10 legal method of voting. Notwithstanding another law or charter

1 provision to the contrary, a city having a 1970 official population
2 of more than 150,000, whose charter provides for terms of office of
3 less than 4 years, and in which the term of office for the mayor
4 and the governing body are of the same length, may provide by
5 ordinance for a term of office of up to 4 years for mayor and other
6 elected city officials. The ordinance shall provide that the
7 ordinance shall take effect 60 days after it is enacted unless
8 within the 60 days a petition is submitted to the city clerk signed
9 by not less than 10% of the registered electors of the city
10 requesting that the question of approval of the ordinance be
11 submitted to the electors at the next regular election or a special
12 election called for the purpose of approving or disapproving the
13 ordinance.

14 (b) The nomination of elective officers by partisan or
15 nonpartisan primary, by petition, or by convention.

16 (c) The time, manner, and means of holding elections and the
17 registration of electors, subject to section 26 and other
18 applicable requirements of law.

19 (d) The qualifications, duties, and compensation of the city's
20 officers. If the city has an appointed chief administrative
21 officer, the legislative body of the city may enter into an
22 employment contract with the chief administrative officer extending
23 beyond the terms of the members of the legislative body unless the
24 employment contract is prohibited by the city charter. An
25 employment contract with a chief administrative officer shall be in
26 writing and shall specify the compensation to be paid to the chief
27 administrative officer, any procedure for changing the

1 compensation, any fringe benefits, and other conditions of
2 employment. The contract shall state if the chief administrative
3 officer serves at the pleasure of the legislative body, and the
4 contract may provide for severance pay or other benefits in the
5 event the chief administrative officer's employment is terminated
6 at the pleasure of the legislative body.

7 (e) The establishment of 1 or more wards, and if the members
8 of the city's legislative body are chosen by wards, for equal
9 representation for each ward in the legislative body.

10 (f) That the subjects of taxation for municipal purposes are
11 the same as for state, county, and school purposes under the
12 general law.

13 (g) The annual laying and collecting taxes in a sum, except as
14 otherwise provided by law, not to exceed 2% of the taxable value of
15 the real and personal property in the city. Unless the charter
16 provides for a different tax rate limitation, the governing body of
17 a city may levy and collect taxes for municipal purposes in a sum
18 not to exceed 1% of the taxable value of the real and personal
19 property in the city. As used in this subdivision, "taxable value"
20 is that value determined under section 27a of the general property
21 tax act, 1893 PA 206, MCL 211.27a.

22 (h) An annual appropriation of money for municipal purposes.

23 (i) The levy, collection, and return of state, county, and
24 school taxes in conformance with the general laws of this state. ~~7~~
25 ~~except that the~~ **THE** preparation of the assessment roll, the meeting
26 of the board of review, and the confirmation of the assessment roll
27 may be at the times provided in the city charter. **HOWEVER, THE**

1 TREASURER SHALL COLLECT ON JULY 1 THE TAXES INDICATED AS DUE ON THE
2 ASSESSMENT ROLL AS REQUIRED UNDER SECTION 44A OF THE GENERAL
3 PROPERTY TAX ACT, 1893 PA 206, MCL 211.44A.

4 (j) The public peace and health and for the safety of persons
5 and property. In providing for the public peace, health, and
6 safety, a city may expend funds or enter into contracts with a
7 private organization, the federal or state government, a county,
8 village, or township, or another city for services considered
9 necessary by the legislative body. Public peace, health, and safety
10 services may include the operation of child guidance and community
11 mental health clinics, the prevention, counseling, and treatment of
12 developmental disabilities, the prevention of drug abuse, and the
13 counseling and treatment of drug abusers.

14 (k) Adopting, continuing, amending, and repealing the city
15 ordinances and for the publication of each ordinance before it
16 becomes operative. Whether or not provided in its charter, instead
17 of publishing a true copy of an ordinance before it becomes
18 operative, the city may publish a summary of the ordinance. If the
19 city publishes a summary of the ordinance, the city shall include
20 in the publication the designation of a location in the city where
21 a true copy of the ordinance can be inspected or obtained. A
22 charter provision to the contrary notwithstanding, a city may adopt
23 an ordinance punishable by imprisonment for not more than 93 days
24 or a fine of not more than \$500.00, or both, if the violation
25 substantially corresponds to a violation of state law that is a
26 misdemeanor for which the maximum period of imprisonment is 93
27 days. Whether or not provided in its charter, a city may adopt a

1 provision of a state statute for which the maximum period of
2 imprisonment is 93 days or the Michigan vehicle code, 1949 PA 300,
3 MCL 257.1 to 257.923. Except as otherwise provided under the
4 Stille-DeRossett-Hale single state construction code act, 1972 PA
5 230, MCL 125.1501 to 125.1531, a city may adopt a law, code, or
6 rule that has been promulgated and adopted by an authorized agency
7 of this state pertaining to fire, fire hazards, fire prevention, or
8 fire waste, and a fire prevention code, plumbing code, heating
9 code, electrical code, building code, refrigeration machinery code,
10 piping code, boiler code, boiler operation code, elevator machinery
11 code, an international property maintenance code, or a code
12 pertaining to flammable liquids and gases or hazardous chemicals,
13 that has been promulgated or adopted by this state, by a
14 department, board, or other agency of this state, or by an
15 organization or association that is organized and conducted for the
16 purpose of developing the code, by reference to the law, code, or
17 rule in an adopting ordinance and without publishing the law, code,
18 or rule in full. The law, code, or rule shall be clearly identified
19 in the ordinance and its purpose shall be published with the
20 adopting ordinance. Printed copies of the law, code, or rule shall
21 be kept in the office of the city clerk, available for inspection
22 by, and distribution to, the public at all times. The publication
23 shall contain a notice stating that a complete copy of the law,
24 code, or rule is made available to the public at the office of the
25 city clerk in compliance with state law requiring that records of
26 public bodies be made available to the general public. A city shall
27 not enforce a provision adopted by reference for which the maximum

1 period of imprisonment is greater than 93 days.

2 (l) That the business of the legislative body shall be
3 conducted at a public meeting held in compliance with the open
4 meetings act, 1976 PA 267, MCL 15.261 to 15.275. All records of the
5 municipality shall be made available to the general public in
6 compliance with the freedom of information act, 1976 PA 442, MCL
7 15.231 to 15.246.

8 (m) Keeping in the English language a written or printed
9 journal of each session of the legislative body.

10 (n) A system of accounts that conforms to a uniform system of
11 accounts as required by law.