

HOUSE BILL No. 4864

June 5, 2001, Introduced by Reps. Gosselin and Drolet and referred to the Committee on Redistricting and Elections.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending sections 3 and 26 (MCL 117.3 and 117.26), section 3
as amended by 1999 PA 260.

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 execu-
4 tive officer of the city, and of a body vested with legislative
5 power, and for the election or appointment of a clerk, a treasur-
6 er, an assessor or board of assessors, a board of review, and
7 other officers considered necessary. The city charter may pro-
8 vide for the selection of the mayor by the legislative body.

9 Elections may be by a partisan, nonpartisan, or preferential
10 ballot, or by any other legal method of voting. Notwithstanding

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

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

16 (c) The time, manner, and means of holding elections and the
17 registration of electors. A CHARTER SHALL NOT PERMIT THE HOLDING
18 OF AN ELECTION ON ANY DAY OTHER THAN A TUESDAY.

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

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

13 (g) The annual laying and collecting taxes in a sum, except
14 as otherwise provided by law, not to exceed 2% of the taxable
15 value of the real and personal property in the city. Unless the
16 charter provides for a different tax rate limitation, the govern-
17 ing body of a city may levy and collect taxes for municipal pur-
18 poses in a sum not to exceed 1% of the taxable value of the real
19 and personal property in the city, subject to section 1a of chap-
20 ter VII of the municipal finance act, 1943 PA 202, MCL 137.1a.
21 As used in this subdivision, "taxable value" is that value deter-
22 mined under section 27a of the general property tax act, 1893
23 PA 206, MCL 211.27a.

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

26 (i) The levy, collection, and return of state, county, and
27 school taxes in conformance with the general laws of this state,

1 except that the preparation of the assessment roll, the meeting
2 of the board of review, and the confirmation of the assessment
3 roll may be at the times provided in the city charter.

4 (j) The public peace and health and for the safety of per-
5 sons and property. In providing for the public peace, health,
6 and safety, a city may expend funds or enter into contracts with
7 a private organization, the federal or state government, a
8 county, village, or township, or another city for services con-
9 sidered necessary by the legislative body. Public peace, health,
10 and safety services may include the operation of child guidance
11 and community mental health clinics, the prevention, counseling,
12 and treatment of developmental disabilities, the prevention of
13 drug abuse, and the 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,
17 instead of publishing a true copy of an ordinance before it
18 becomes operative, the city may publish a summary of the
19 ordinance. If the city publishes a summary of the ordinance, the
20 city shall include in the publication the designation of a loca-
21 tion in the city where a true copy of the ordinance can be
22 inspected or obtained. Any charter provision to the contrary
23 notwithstanding, a city may adopt an ordinance punishable by
24 imprisonment for not more than 93 days or a fine of not more than
25 \$500.00, or both, if the violation substantially corresponds to a
26 violation of state law that is a misdemeanor for which the
27 maximum period of imprisonment is 93 days. Whether or not

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

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

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

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

11 Sec. 26. (1) All elections held ~~hereunder~~ UNDER THIS ACT
12 shall be paid for by the locality where held, and except as ~~now~~
13 otherwise provided by law or ordinance shall receive ~~such~~ pub-
14 lication and notice as the legislative body may determine, and
15 shall be arranged for, held, and conducted by the same officers
16 and in the same manner as near as may be as general biennial fall
17 elections.

18 (2) A CITY SHALL HOLD AN ELECTION UNDER THIS ACT ONLY ON A
19 TUESDAY.