

HOUSE BILL No. 4487

April 15, 1987, Introduced by Reps. Bennett, Weeks, Willis Bullard, Rocca, Law, Trim, Hoekman, Bender, Sparks, Randall, O'Connor, Barns, Maynard, Bartnik, Sitz, Scott, DeBeaussiaert, Brotherton, Nye, Bankes, Honigman, Porreca, DeMars, Dutko, Webb and Johnson and referred to the Committee on Urban Affairs.

A bill to amend 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,"

as amended, being sections 117.1 to 117.38 of the Michigan Compiled Laws, by adding section 5h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 279 of the Public Acts of 1909, as
2 amended, being sections 117.1 to 117.38 of the Michigan Compiled
3 Laws, is amended by adding section 5h to read as follows:

4 SEC. 5H. (1) A WATER AND SEWAGE SYSTEM ESTABLISHED BY A
5 CITY INCORPORATED UNDER THIS ACT THAT SERVES MORE THAN 35% OF THE
6 POPULATION OF THIS STATE SHALL PROVIDE FOR A BOARD OF WATER

1 COMMISSIONERS WHOSE MEMBERSHIP IS REPRESENTATIVE OF THE TOTAL
2 SERVICE AREA OF THE WATER AND SEWAGE SYSTEM.

3 (2) A BOARD OF WATER COMMISSIONERS SHALL CONSIST OF
4 9 MEMBERS AND, EXCEPT AS PROVIDED IN SUBSECTION (9), SHALL CON-
5 TROL THE WATER AND SEWAGE SYSTEM AND ITS OPERATION. FIVE MEMBERS
6 OF THE BOARD OF WATER COMMISSIONERS SHALL BE APPOINTED BY THE
7 MAYOR OF THE CITY THAT ESTABLISHED THE WATER AND SEWAGE SYSTEM
8 AND SHALL BE RESIDENTS OF THAT CITY. FOUR MEMBERS SHALL BE
9 ELECTED BY AN ASSEMBLY OF EACH CITY, VILLAGE, OR TOWNSHIP SERVED
10 BY THE WATER AND SEWAGE SYSTEM, EXCEPT FOR THE CITY THAT ESTAB-
11 LISHED THE WATER AND SEWAGE SYSTEM. EACH CITY, VILLAGE, OR TOWN-
12 SHIP SERVED BY THE WATER AND SEWAGE SYSTEM, EXCEPT FOR THE CITY
13 THAT ESTABLISHED THE WATER AND SEWAGE SYSTEM, SHALL HAVE 1 VOTE
14 AT THE ASSEMBLY FOR EACH 10,000 PERSONS RESIDING IN THAT CITY,
15 VILLAGE, OR TOWNSHIP. FOR PURPOSES OF COMPUTING THE NUMBER OF
16 VOTES ALLOTTED TO A CITY, VILLAGE, OR TOWNSHIP UNDER THIS SEC-
17 TION, THE NUMBER OF PERSONS RESIDING IN THAT CITY, VILLAGE, OR
18 TOWNSHIP SHALL BE ROUNDED DOWN TO THE NEXT LOWEST INCREMENT OF
19 10,000. EACH CITY, VILLAGE, OR TOWNSHIP OF LESS THAN 10,000 PER-
20 SONS SHALL HAVE 1 VOTE. IN ORDER TO BE ELIGIBLE FOR ELECTION BY
21 THE ASSEMBLY, AN INDIVIDUAL SHALL BE A RESIDENT OF THIS STATE.
22 OF THE 4 MEMBERS ELECTED BY THE ASSEMBLY, 1 MEMBER SHALL BE A
23 CERTIFIED PUBLIC ACCOUNTANT AND 1 MEMBER SHALL BE A MECHANICAL
24 ENGINEER. WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THIS SEC-
25 TION, THE MEMBERS OF THE BOARD OF WATER COMMISSIONERS SHALL BE
26 APPOINTED OR ELECTED AS PROVIDED IN THIS SECTION.

1 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A TERM
2 OF OFFICE OF A MEMBER OF A BOARD OF WATER COMMISSIONERS SHALL BE
3 4 YEARS. OF THE INITIAL TERMS OF THE MEMBERS OF THE BOARD OF
4 WATER COMMISSIONERS APPOINTED BY THE MAYOR OF THE CITY THAT
5 ESTABLISHED THE WATER AND SEWAGE SYSTEM, 2 SHALL BE FOR A TERM OF
6 1 YEAR, 1 FOR 2 YEARS, 1 FOR 3 YEARS, AND 1 FOR 4 YEARS. OF THE
7 INITIAL TERMS OF THE MEMBERS OF THE BOARD OF WATER COMMISSIONERS
8 ELECTED BY AN ASSEMBLY OF THE CITIES, VILLAGES, AND TOWNSHIPS
9 SERVED BY THE WATER AND SEWAGE SYSTEM, 1 SHALL BE FOR A TERM OF
10 1 YEAR, 1 FOR 2 YEARS, 1 FOR 3 YEARS, AND 1 FOR 4 YEARS. A TERM
11 WHICH IS SCHEDULED TO EXPIRE ON A DATE OTHER THAN JANUARY 15
12 SHALL BE EXTENDED TO THE JANUARY 15 IMMEDIATELY FOLLOWING THE
13 SCHEDULED DATE OF EXPIRATION.

14 (4) THE MEMBERS OF THE BOARD OF WATER COMMISSIONERS SHALL
15 SERVE WITHOUT COMPENSATION, BUT SHALL RECEIVE AN EXPENSE ALLOW-
16 ANCE AS DETERMINED BY THE LEGISLATIVE BODY OF THE CITY THAT
17 ESTABLISHED THE WATER AND SEWAGE SYSTEM AND PAID FROM THE REVE-
18 NUES OF THAT WATER AND SEWAGE SYSTEM.

19 (5) A MEMBER OF A BOARD OF WATER COMMISSIONERS WHO IS
20 APPOINTED BY THE MAYOR OF THE CITY THAT ESTABLISHED THE WATER AND
21 SEWAGE SYSTEM MAY BE REMOVED FROM OFFICE BY THE MAYOR. A VACANCY
22 IN AN OFFICE HELD BY AN APPOINTED MEMBER SHALL BE FILLED BY THE
23 MAYOR FOR THE REMAINDER OF THE UNEXPIRED TERM. A MEMBER WHO IS
24 ELECTED BY AN ASSEMBLY MAY BE REMOVED ONLY BY THE ASSEMBLY, AND
25 ONLY IF THAT REMOVAL IS APPROVED BY A MAJORITY VOTE OF THE
26 ASSEMBLY. A VACANCY IN AN OFFICE HELD BY AN ELECTED MEMBER SHALL

1 BE FILLED BY THE ASSEMBLY IN THE SAME MANNER AS THE ORIGINAL
2 ELECTION FOR THE REMAINDER OF THE UNEXPIRED TERM.

3 (6) THE LEGISLATIVE BODY OF THE CITY THAT ESTABLISHED THE
4 WATER AND SEWAGE SYSTEM SHALL CALL FOR AN ASSEMBLY OF REPRESENTA-
5 TIVES FROM THE CITIES, VILLAGES, AND TOWNSHIPS SERVED BY THE
6 SYSTEM. THE ASSEMBLY SHALL BE HELD WITHIN 30 DAYS AFTER THE
7 EFFECTIVE DATE OF THIS SECTION. THE TIME AND PLACE OF THE ASSEM-
8 BLY SHALL BE DETERMINED BY THE LEGISLATIVE BODY OF THE CITY THAT
9 ESTABLISHED THE WATER AND SEWAGE SYSTEM. AT THE FIRST MEETING OF
10 THE ASSEMBLY, A REPRESENTATIVE OF THE CITY THAT ESTABLISHED THE
11 WATER AND SEWAGE SYSTEM SHALL SERVE AS TEMPORARY PRESIDING OFFI-
12 CER OF THE ASSEMBLY AND SHALL ACCEPT NOMINATIONS FOR THE ELECTION
13 OF A PERMANENT PRESIDING OFFICER. THE PERSON RECEIVING THE
14 GREATEST NUMBER OF ASSEMBLY VOTES SHALL BE ELECTED PERMANENT PRE-
15 SIDING OFFICER. THE PERMANENT PRESIDING OFFICER SHALL ACCEPT
16 NOMINATIONS FOR BOARD MEMBERSHIP FROM THE ASSEMBLY. EACH CITY,
17 VILLAGE, AND TOWNSHIP SHALL DECLARE WHICH NOMINEE SHALL RECEIVE
18 THE VOTES GRANTED TO THAT CITY, VILLAGE, OR TOWNSHIP AS SET FORTH
19 IN SUBSECTION (2). THE PERMANENT PRESIDING OFFICER, IN WRITING,
20 SHALL NOTIFY THE MAYOR AND THE LEGISLATIVE BODY OF THE CITY THAT
21 ESTABLISHED THE WATER AND SEWAGE SYSTEM OF THE RESULTS OF THE
22 ELECTION. THE 4 NOMINEES RECEIVING THE GREATEST NUMBER OF VOTES
23 SHALL BE ELECTED. THE NOMINEE RECEIVING THE GREATEST NUMBER OF
24 VOTES SHALL BE ELECTED TO A 4-YEAR TERM, THE NOMINEE RECEIVING
25 THE SECOND GREATEST NUMBER OF VOTES SHALL BE ELECTED TO A 3-YEAR
26 TERM, THE NOMINEE RECEIVING THE THIRD GREATEST NUMBER OF VOTES
27 SHALL BE ELECTED TO A 2-YEAR TERM, AND THE NOMINEE RECEIVING THE

1 FOURTH GREATEST NUMBER OF VOTES SHALL BE ELECTED TO A 1-YEAR
2 TERM.

3 (7) AFTER THE FIRST MEETING OF AN ASSEMBLY, A MEETING OF THE
4 ASSEMBLY MAY BE CALLED BY 2 OF THE MEMBERS OF THE BOARD OF WATER
5 COMMISSIONERS WHO WERE ELECTED BY THE ASSEMBLY AND SHALL BE
6 CALLED IF THE ASSEMBLY NEEDS TO FILL A VACANCY. IF NECESSARY,
7 THE MEMBER OF THE BOARD OF WATER COMMISSIONERS ELECTED BY THE
8 ASSEMBLY WHO HAS THE LONGEST PERIOD REMAINING IN THE MEMBER'S
9 TERM SHALL BE TEMPORARY PRESIDING OFFICER UNTIL A NEW PERMANENT
10 PRESIDING OFFICER IS ELECTED IN THE MANNER PROVIDED IN
11 SUBSECTION (6).

12 (8) FIVE MEMBERS OF A BOARD OF WATER COMMISSIONERS SHALL
13 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS.

14 (9) A BOARD OF WATER COMMISSIONERS SHALL ADVISE THE LEGISLA-
15 TIVE BODY OF THE CITY THAT ESTABLISHED THE WATER AND SEWAGE
16 SYSTEM ON THE SETTING OF RATES AND CHARGES.

17 (10) THIS SECTION DOES NOT IMPAIR THE OBLIGATIONS OF A CON-
18 TRACT NOR IMPAIR THE OBLIGATIONS OF THE LEGISLATIVE BODY OF THE
19 CITY THAT ESTABLISHED THE WATER AND SEWAGE SYSTEM FOR DEBT
20 RETIREMENT UNDER OUTSTANDING BOND COVENANTS.

21 (11) EXCEPT AS PROVIDED IN THIS SECTION, THE POWERS AND
22 DUTIES OF A BOARD OF WATER COMMISSIONERS SHALL BE IN ACCORDANCE
23 WITH THE POWERS AND DUTIES PRESCRIBED BY THE CHARTER OF THE CITY
24 THAT ESTABLISHED THE WATER AND SEWAGE SYSTEM.

25 (12) THE BUSINESS WHICH A BOARD OR AN ASSEMBLY MAY PERFORM
26 SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE BOARD OR ASSEMBLY
27 HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, ACT NO. 267 OF THE

1 PUBLIC ACTS OF 1976, BEING SECTIONS 15.261 TO 15.275 OF THE
2 MICHIGAN COMPILED LAWS. PUBLIC NOTICE OF THE TIME, DATE, AND
3 PLACE OF THE MEETING SHALL BE GIVEN IN THE MANNER REQUIRED BY ACT
4 NO. 267 OF THE PUBLIC ACTS OF 1976.

5 (13) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
6 OR RETAINED BY A BOARD OF WATER COMMISSIONERS IN THE PERFORMANCE
7 OF AN OFFICIAL FUNCTION SHALL BE MADE AVAILABLE TO THE PUBLIC IN
8 COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT, ACT NO. 442 OF
9 THE PUBLIC ACTS OF 1976, BEING SECTIONS 15.231 TO 15.246 OF THE
10 MICHIGAN COMPILED LAWS.