

HOUSE BILL No. 6005

June 9, 2004, Introduced by Rep. Kooiman and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1895 PA 3, entitled
"The general law village act,"
by amending sections 1 and 5 of chapter II and section 1 of
chapter III (MCL 62.1, 62.5, and 63.1), as amended by 2003 PA
305.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER II

Sec. 1. (1) Except as provided in subsections (2) and (3),
in each village, the following officers shall be elected: a
president, 6 trustees, 1 clerk, and 1 treasurer. The president
and trustees constitute the council. In all votes for which not
less than a majority vote of council is required, the calculation
of the number of votes required shall be based on the maximum
number that constitutes council.

(2) The council by a vote of 2/3 of the members of council

1 may provide by ordinance for the reduction in the number of
2 trustees to 4 **or for the election of all trustees at the same**
3 **election for 2-year terms at the first possible election after**
4 **2004** who with the president shall constitute the council. If
5 village trustees are elected biennially for staggered 4-year
6 terms or annually for staggered 2-year terms, the ordinance shall
7 as nearly as possible maintain staggered terms and provide for an
8 equal number of seats to be filled at each election. The
9 ordinance may extend but shall not shorten the term of an
10 incumbent trustee. The ordinance may extend a prospective term.
11 The ordinance shall not shorten or eliminate a prospective term
12 unless the nomination deadline for that term is not less than 30
13 days after the effective date of the ordinance. An ordinance
14 adopted under this subsection shall satisfy both of the following
15 conditions:

16 (a) The ordinance shall be voted on and adopted at a meeting
17 that occurs not less than 10 days after the initial meeting or
18 public hearing at which the ordinance was considered.

19 (b) Notice of each meeting at which the ordinance is
20 considered indicating that an ordinance reducing the size of the
21 council **or to change the time of election of the trustees**
22 **comprising the council** will be 1 of the subjects of the meeting
23 shall be published not less than 10 days before the meeting in a
24 newspaper of general circulation in the village.

25 (3) The council by a vote of 2/3 of the members of council
26 may provide by ordinance for the nomination by the president and
27 the appointment by the council of the clerk or the treasurer or

1 both for such a term as the ordinance may provide. The ordinance
2 shall apply beginning with the first term the nomination deadline
3 for which would have been not less than 30 days after the
4 effective date of the ordinance or shall apply when the office is
5 vacated, whichever occurs first.

6 (4) The council shall provide that an ordinance adopted under
7 subsection (2) or (3) takes effect 45 days after the date of
8 adoption unless a petition signed by not less than 10% of the
9 registered electors of the village is filed with the village
10 clerk within the 45-day period, in which case the ordinance takes
11 effect upon approval at an election held on the question. Notice
12 of the delayed effect of the ordinance and the right of petition
13 under this subsection shall be published separately at the same
14 time, and in the same manner, as the ordinance is published
15 pursuant to section 4 of chapter VI. The village clerk shall
16 verify the signatures on the petitions. If a petition bearing
17 the required number of valid signatures of electors is filed, the
18 question of adoption of the ordinance shall be submitted at the
19 next general or special election. The ballot language for the
20 question shall be prepared by the village clerk, unless the
21 question concerns the appointment of the clerk under subsection
22 (2), in which case the ballot language shall be prepared by the
23 village council.

24 (5) A village that has adopted an ordinance reducing the
25 number of trustees to 4 or providing for the appointment by the
26 council of the clerk or treasurer may increase the number of
27 trustees to 6 or provide for the election of the clerk or

