

HOUSE BILL No. 6338

November 10, 2004, Introduced by Reps. Howell, Ward and Williams and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1951 PA 33, entitled

"An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts,"

by amending the title and sections 10 and 11 (MCL 41.810 and 41.811), the title as amended by 1990 PA 102 and section 11 as amended by 1989 PA 81.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

1 An act to provide police and fire protection for townships
2 and for certain areas in townships, certain incorporated
3 villages, and cities under ~~15,000~~ 100,000 population; to
4 authorize contracting for fire and police protection; to
5 authorize the purchase of fire and police equipment, and the
6 maintenance and operation of the equipment; to provide for
7 defraying the cost of the equipment; to authorize the creation of
8 special assessment districts and the levying and collecting of
9 special assessments; to authorize the issuance of special
10 assessment bonds in anticipation of the collection of special
11 assessments and the advancement of the amount necessary to pay
12 such bonds, and to provide for reimbursement for such advances by
13 reassessment if necessary; to authorize the collection of fees
14 for certain emergency services in townships and other
15 municipalities; to authorize the creation of administrative
16 boards and to prescribe their powers and duties; to provide for
17 the appointment of traffic officers and to prescribe their powers
18 and duties; and to repeal ~~certain~~ acts and parts of acts.

19 Sec. 10. ~~The provisions of this act shall apply~~ **This act**
20 **applies** to townships — and adjoining townships and incorporated
21 villages and cities under ~~15,000~~ 100,000 inhabitants acting
22 jointly. ~~Whenever~~ **If** reference is made in this act to
23 townships, ~~such~~ **that** reference shall ~~be deemed to mean and~~
24 apply to townships and incorporated villages and cities under
25 ~~15,000~~ 100,000 inhabitants. —, and ~~whenever~~ **If** reference is
26 made in this act to township boards, ~~such~~ **that** reference shall
27 ~~be deemed to mean and~~ apply to township boards and the

1 legislative bodies of incorporated villages and cities under
2 ~~15,000~~ **100,000** inhabitants. ~~No~~ **A** township, incorporated
3 village, or city under ~~15,000~~ **100,000** inhabitants shall ~~in any~~
4 ~~way~~ **not** use this act to lessen the number of paid ~~full-time~~
5 ~~firemen in their respective communities~~ **full-time firefighters**
6 **in that township, incorporated village, or city under 100,000**
7 **inhabitants.**

8 Sec. 11. (1) The governing bodies of 2 or more contiguous
9 townships, villages, or cities may, acting jointly, create a
10 joint police administrative board, fire administrative board, or
11 police and fire administrative board. A joint administrative
12 board shall consist of 2 members from each participating
13 township, village, or city. The members of a joint
14 administrative board shall be appointed by their respective
15 governing bodies for terms of 6 years. However, of the first
16 members appointed, 1 member from each participating township,
17 village, or city shall be appointed for a term of 4 years. A
18 member of a joint administrative board shall not be an employee
19 of a police or fire department of a participating township,
20 village, or city. A member of a joint administrative board may
21 be compensated for each meeting, not to exceed 52 per year, at a
22 rate not to exceed \$30.00 by the joint administrative board for
23 each meeting the member attends and shall be reimbursed for
24 actual and necessary expenses incurred in the performance of
25 board duties. A vacancy on a joint administrative board shall be
26 filled by the original appointing governing body for the
27 remainder of the unexpired term.

1 (2) At its first meeting, a joint administrative board shall,
2 by resolution approved by a majority of its members, select an
3 additional member who shall be a resident of a participating
4 township, village, or city. The members shall annually elect a
5 chairperson and a vice-chairperson from the board membership. A
6 joint administrative board shall hold 4 regular quarterly
7 meetings a year and special meetings as necessary at times as it
8 determines. A joint administrative board shall adopt its own
9 rules of procedure and shall keep a record of its proceedings. A
10 majority of the members constitute a quorum for the transaction
11 of business and the affirmative vote of a majority of all the
12 members is necessary for the adoption of a motion or resolution.
13 The members of a joint administrative board shall be residents of
14 the townships, villages, or cities from which they were
15 appointed. The members of a joint administrative board may be
16 removed by the appointing governing body.

17 (3) A joint administrative board created pursuant to this
18 section shall prepare an annual police department budget or fire
19 department budget, or both, for the police department, fire
20 department, or police and fire departments of each participating
21 township, village, or city. The proposed budgets shall be
22 submitted to and reviewed by the respective governing bodies and
23 may be amended, adopted, or rejected by them. A joint
24 administrative board shall have other powers and duties as
25 considered necessary by the participating governing bodies. A
26 joint administrative board, if authorized to employ and appoint a
27 police chief, fire chief, or other police or fire officers,

1 including detectives, shall only employ and appoint such officers
2 on behalf of an individual township, city, or village and does
3 not constitute a new employer.

4 (4) The business ~~which~~ **that** a joint administrative board
5 may perform shall be conducted at a public meeting of the board
6 held in compliance with the open meetings act, ~~Act No. 267 of~~
7 ~~the Public Acts of 1976, as amended, being sections 15.261 to~~
8 ~~15.275 of the Michigan Compiled Laws~~ **1976 PA 267, MCL 15.261 to**
9 **15.275.** Public notice of the time, date, and place of the
10 meeting shall be given in the manner required by ~~Act No. 267 of~~
11 ~~the Public Acts of 1976, as amended~~ **the open meetings act, 1976**
12 **PA 267, MCL 15.261 to 15.275.**

13 (5) A writing prepared, owned, used, in the possession of, or
14 retained by the board in the performance of an official function
15 shall be made available to the public in compliance with the
16 freedom of information act, ~~Act No. 442 of the Public Acts of~~
17 ~~1976, as amended, being sections 15.231 to 15.246 of the Michigan~~
18 ~~Compiled Laws~~ **1976 PA 442, MCL 15.231 to 15.246.**

19 (6) As used in this section:

20 (a) "City" means a city with a population of not more than
21 ~~15,000~~ **100,000.**

22 (b) "Governing body" means the body in which the legislative
23 powers of a township, village, or city are vested.