

SENATE BILL No. 601

June 26, 2003, Introduced by Senators SWITALSKI, OLSHOVE, TOY, SCOTT, BARCIA, BRATER, EMERSON, THOMAS and CLARK-COLEMAN and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 3 (MCL 117.3), as amended by 2002 PA 201.

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
8 the selection of the mayor by the legislative body. Elections
9 may be by a partisan, nonpartisan, or preferential ballot, or by
10 any other legal method of voting. Notwithstanding any other law
11 or charter provision to the contrary, a city having a 1970

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

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

15 (c) The time, manner, and means of holding elections and the
16 registration of electors.

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

1 the chief administrative officer serves at the pleasure of the
2 legislative body, and the contract may provide for severance pay
3 or other benefits in the event the chief administrative officer's
4 employment is terminated at the pleasure of the legislative
5 body.

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

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

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

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

11 (k) Adopting, continuing, amending, and repealing the city
12 ordinances and for the publication of each ordinance before it
13 becomes operative. Whether or not provided in its charter,
14 instead of publishing a true copy of an ordinance before it
15 becomes operative, the city may publish a summary of the
16 ordinance. If the city publishes a summary of the ordinance, the
17 city shall include in the publication the designation of a
18 location in the city where a true copy of the ordinance can be
19 inspected or obtained. ~~Any~~ **Notwithstanding any** charter
20 provision to the contrary, ~~notwithstanding,~~ a city may adopt an
21 ordinance punishable by imprisonment for not more than 93 days or
22 a fine of not more than \$500.00, or both, if the violation
23 substantially corresponds to a violation of state law that is a
24 misdemeanor for which the maximum period of imprisonment is 93
25 days. Whether or not provided in its charter, a city may adopt a
26 provision of any state statute for which the maximum period of
27 imprisonment is 93 days, the Michigan vehicle code, 1949 PA 300,

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

26 (l) That the business of the legislative body shall be
27 conducted at a public meeting held in compliance with the open

1 meetings act, 1976 PA 267, MCL 15.261 to 15.275. All records of
2 the municipality shall be made available to the general public in
3 compliance with the freedom of information act, 1976 PA 442,
4 MCL 15.231 to 15.246.

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

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