

# White Paper #3

## Jackson County & City of Jackson Joint Recreation Plan & Operations Study

### Introduction

It is important to have a complete understanding of the similarities and differences between the park systems of Jackson County and the City of Jackson in order to complete the Joint Recreation Plan and the Joint Operations Study currently under development for the two jurisdictions. Accordingly, a series of white papers will explore those similarities and differences. This white paper provides background information on the various enabling legislation that a combined park system can be established:

- A listing of the state enabling acts which allow for a combined city and county park system;
- A summary of each act; and
- Some preliminary analysis.

### Enabling Legislation

The authority under which a combined park system to provide parks and recreation services locally is established by the State of Michigan provides a number of public acts which would allow for the establishment of a combined Jackson County and City of Jackson Park System:<sup>1,2</sup>

#### Survey of Enabling Legislation

Act	Title	Government Units Covered
1913 PA 90 <i>MCL 123.61 et seq</i>	Parks, Zoological Gardens, and Airports	Counties
1917 PA 156 <i>MCL 123.51 et seq</i>	Recreation and Playgrounds	Cities, villages, townships, counties, and school districts
1929 PA 312 <i>MCL 119.1 et seq</i>	Metropolitan District Act	Cities, villages, townships, and parts thereof
1939 PA 147 <i>MCL 119.51 et seq</i>	Huron-Clinton Metropolitan Authority	The counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb
1965 PA 261 <i>MCL 46.351 et seq</i>	County and Regional Parks	Counties
1989 PA 292 <i>MCL 124.651 et seq</i>	Metropolitan Councils Act	Cities counties, villages, and townships <sup>a</sup>
2000 PA 321 <i>MCL 123.1131 et seq</i>	Recreational Authorities Act	Cities, counties, villages, townships and districts <sup>b</sup>

<sup>a</sup>. Limited to metropolitan areas

<sup>b</sup>. A district is defined as a portion of a city, county, village, or township having boundaries coterminous with those of a precinct used for general elections

### Public Act Summaries

A summary of each act, including some preliminary analysis, is contained in this section. Summaries of each act are provided below in the order in which they were enacted:<sup>3</sup>

<sup>1</sup> The table is adapted from a table included in Appendix A of Guidelines for the Development of Community Park, Recreation, Open Space, and Greenway Plans, IC 1924 (Rev. 01/27/2006), Grants Management Division, Michigan Department of Natural Resources

<sup>2</sup> The information on the Huron-Clinton Metropolitan Authority was added by R2PC staff

<sup>3</sup> A copy of each summarized act is appended to the end of this document

## **Parks, Zoological, Gardens, and Airports**

Public Act 90 of 1913 allows counties to acquire, improve, maintain, and manage public parks and recreation facilities as well as zoological gardens, airports, and landing fields (MCL 123.61 & 123.62). The county road commission would serve as the board of county park trustees, with final authority vested in the county board of commissioners (MCL 123.66). A 2/3 vote of the county board is required to purchase or condemn property, including land in adjacent counties (MCL 123.61).

The act allows the county board to appropriate funding from its general fund or to raise the funds through an annual ad valorem property tax levy of 1/4 mill (MCL 123.64). Any increase in the level of mills will require a vote of the electorate. The legislation also allows contributions to the improvement and maintenance of parks and recreation facilities owned or held in trust by cities, villages, or townships or used for the benefit of the public (MCL 123.63).

## **Recreation and Playgrounds**

Public Act 156 of 1917 allows cities, counties, villages, school districts, and townships to operate a system of public recreation and playgrounds (MCL 123.51 & 123.52). Those jurisdictions can operate a park system independently or cooperatively (MCL 123.53). For example, a recreation board can be established to operate a joint park system or to cooperate "in its conduct in any manner in which they may mutually agree."

The act allows cities, counties, villages, school districts, and townships to expend funds for the operation of a park system (MCL 123.53). However, only school districts are authorized to "vote a tax to provide funds for operating" a system (MCL 123.52). The legislation also allows for cities, counties, villages, school districts, and townships to appropriate funding for the operation of a joint park system (MCL 123.53).

## **Metropolitan District Act**

Public Act 312 of 1929 allows the formation of metropolitan districts for the operation of parks or public utilities. Unfortunately counties are not eligible because the ability to form a metropolitan district is limited to cities, villages, and townships (MCL 119.1). Accordingly, no further analysis is provided.

## **Huron-Clinton Metropolitan Authority**

Public Act 147 of 1939 allows the counties of Metropolitan Detroit to form the Huron-Clinton Metropolitan Authority for the purpose of planning or promoting or for acquiring, constructing, owning, developing, maintaining and operating, parks, connecting drives, or limited access highways. Unfortunately eligibility is limited to the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb (MCL 119.51). Accordingly, no further analysis is provided.

## **County and Regional Parks**

Public Act 261 of 1965 allows a county to create a county parks and recreation commission, under the control of the board of commissioners, by a 2/3 vote (MCL 46.351). The act also allows multiple counties to create a regional parks and recreation commission by a 2/3 vote of each county board (MCL 46.352). The composition of county and regional boards is dictated in part by the enabling legislation (MCL 46.351 & 46.352).

The act allows the county board to appropriate funding from its general fund to a county or regional parks and recreation commission (MCL 46.354 & 46.355). However, only regional parks and recreation commissions can be supported through a tax levy authorized by a public vote in

each county (MCL 46.355). The legislation also allows county and regional parks and recreation commissions to accept gifts, bequests, grants-in-aid, contributions, and appropriation of money and other personal property (MCL 46.360).

### **Metropolitan Councils Act**

Public Act 292 of 1989 allows local governmental units in a metropolitan area to form a metropolitan council, although counties appear to be excluded (MCL 124.655 & 124.653). The act also allows 2 or more qualified counties and 1 qualified city to form a metropolitan regional council (MCL 124.695). Unfortunately, neither the City of Jackson nor Jackson County is qualified (MCL 124.693). Accordingly, no further analysis is provided.

### **Recreational Authorities Act**

Public Act 321 of 2000 allows cities, counties, villages, townships, and districts (e.g., election precincts) to create a recreational authority to acquire, construct, operate, maintain, and improve public swimming pools, recreation centers, auditoriums, conference centers, parks, museums, and historic farms (MCL 123.1135 & 123.1133). The filing of articles of incorporation with the secretary of state establishes a recreational authority (MCL 123.1135). The articles also describe the composition of its board (e.g., qualifications, elected or appointed, number (must be odd), etc.).

The act allows recreational authorities to receive revenues appropriated by participating authorities and the state legislature (MCL 123.1139). An authority may also levy a tax of not more than 1 mill upon the approval of a majority of electors in each municipality voting on the tax, for a period of not more than 20 years (MCL 123.1141). It should be noted that authorities are charged the actual costs of the election for a tax (MCL 123.1147). The legislation also allows authorities to accept grants or contributions to be used for the purposes of the authority (MCL 123.1139).

### **Preliminary Analysis**

The various acts can be placed into several categories<sup>4</sup>. For example, several of the acts do not apply to Jackson County or the City of Jackson:

- **Metropolitan District Act (PA 312 of 1929)**
- **Huron-Clinton Metropolitan Authority (PA 147 of 1939)**
- **Metropolitan Councils Act (PA 292 of 1989)**

A couple of the acts allow for the establishment of a combined system although final authority of the system would be vested solely with the Jackson County Board of Commissioners:

- **Parks, Zoological, Gardens, and Airports (PA 90 of 1913)**

Authority over a combined park system would be vested in the County of Jackson. The Jackson County Road Commission would serve as the advisory body to the Jackson County Board of Commissioners. Control and operation of Ella Sharp Park would likely need to remain with the City of Jackson. A millage could be established for the operation of the combined system, although a vote of the electorate would be required for anything over 0.25 mills. Jackson County would also be authorized to appropriate funds for the parks and recreation facilities of the other local governments within its boundaries — and in adjacent counties — as well as for its own facilities.

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<sup>4</sup> This analysis should be verified by the legal staffs/consultants of Jackson County and the City of Jackson.

- **County and Regional Parks (PA 261 of 1965)**

Authority over a combined park system would be vested in the County of Jackson. The parks and recreation commission would serve as an advisory body to the Jackson County Board of Commissioners. Control and operation of Ella Sharp Park would likely remain with the City of Jackson. A millage could not be established for the operation of the combined system since it would serve a single county, eliminating the existing millage through Jackson Public Schools and the possibility of additional millages through the other school districts in the county. The combined system would rely primarily on appropriations from the County Board. It is important to note that the County's park system is currently authorized under this legislation.

Finally, a couple of acts allow for the establishment of a combined system:

- **Recreation and Playgrounds (PA 156 of 1917)**

This act would allow for the joint operation of the park systems while allowing the County and the City to retain final authority over their respective facilities. A joint recreation commission, which reports to the County Board and City Council, would be possible as well as a combined recreation department. A separate board for Ella Sharp Park and the City's relationship with Jackson Public Schools (i.e., millage and joint use of facilities) could also be accommodated and expanded to include other school districts. Appropriations from the County Board and City Council are also possible. It is important to note that the City's park system is currently authorized under this legislation.

- **Recreational Authorities Act (PA 321 of 2000)**

Authority over a combined park system would be vested in a separate authority. Although the composition of the authority board is not prescribed by the act, inclusion of Ella W. Sharp Park in the authority may be prohibited by the terms of that bequeath. A millage can be established for the operation of the combined system although the current millage through Jackson Public Schools (and the possibility of additional millages through other school districts) would be eliminated. Jackson County and the City of Jackson may also appropriate funds for the combined park system.

**PARKS, ZOOLOGICAL GARDENS, AND AIRPORTS**  
**Act 90 of 1913**

AN ACT authorizing and empowering the boards of supervisors of counties to purchase, acquire by condemnation, accept gifts and devise of real estate for, and to improve and maintain public parks and zoological gardens, airports and landing fields, and to contribute to the improvement and maintenance of public parks and public zoological gardens, airports and landing fields, owned or held in trust by cities, villages or townships or used for the benefit of the public; to authorize the making of reasonable rules and regulations relative to the public use of park property; and to provide penalties for violations of such rules and regulations.

**History:** 1913, Act 90, Eff. Aug. 14, 1913;—Am. 1929, Act 210, Eff. Aug. 28, 1929;—Am. 1931, Act 268, Eff. Sept. 18, 1931;—Am. 1953, Act 165, Imd. Eff. June 3, 1953.

*The People of the State of Michigan enact:*

**123.61 County park, zoological garden or airport; land, acquisition, appropriation; vote.**

Sec. 1. It shall be lawful for and the several boards of supervisors are hereby authorized and empowered to purchase, acquire by condemnation, and to accept gifts and devise of real estate for purposes of public parks, public zoological gardens, airports and landing fields either or both, when such lands lie within the boundaries of their respective counties or within the boundaries of any adjoining county, and to make appropriations covering the costs of such purchases or acquisitions by condemnation and incidental to the acceptance of such gift or devise: Provided, When such lands are purchased, acquired by condemnation, given or devised to any county adjoining a county wherein such lands are situate, they shall be conveyed or devised to such counties jointly: Provided further, however, That a 2/3 vote of the members-elect of a board of supervisors shall be necessary to authorize the purchase or condemnation of real estate designed for such public park, public zoological garden, airport and landing field purposes.

**History:** 1913, Act 90, Eff. Aug. 14, 1913;—CL 1915, 2318;—Am. 1921, Act 36, Eff. Aug. 18, 1921;—Am. 1929, Act 210, Eff. Aug. 28, 1929;—CL 1929, 2393;—Am. 1931, Act 268, Eff. Sept. 18, 1931;—CL 1948, 123.61.

**123.62 County park, zoological garden or airport; land, acquisition; appropriation for improvement and maintenance.**

Sec. 2. It shall be lawful for and the several boards of supervisors are hereby authorized and empowered to make appropriations for the improvement and maintenance of such public parks, public zoological garden property, airports and landing fields, as shall have been purchased or acquired by condemnation or accepted by way of gift or devise or if used for the benefit of the public.

**History:** 1913, Act 90, Eff. Aug. 14, 1913;—CL 1915, 2319;—Am. 1929, Act 210, Eff. Aug. 28, 1929;—CL 1929, 2394;—Am. 1931, Act 268, Eff. Sept. 18, 1931;—CL 1948, 123.62.

**123.63 County park, zoological garden or airport; owned or held in trust.**

Sec. 3. It shall be lawful for, and the several boards of supervisors are hereby authorized and empowered to make appropriations by way of contributing toward the improvement and maintenance of any such public parks, public zoological gardens, airports and landing fields, either owned or held in trust by any township, city or village within their respective counties or any adjoining county, or for any public parks, public zoological gardens, airports and landing fields, either owned or held in trust by any adjoining county, or for any public parks, zoological gardens, airports or landing fields, either owned or held in trust by 2 or more adjoining counties.

**History:** 1913, Act 90, Eff. Aug. 14, 1913;—CL 1915, 2320;—Am. 1921, Act 36, Eff. Aug. 18, 1921;—Am. 1929, Act 210, Eff. Aug. 28, 1929;—CL 1929, 2395;—CL 1948, 123.63.

**123.64 Providing funds for public park, zoological garden, airport, or other authorized purpose; appropriation; property tax; limitation.**

Sec. 4. A county board of commissioners may provide funds for 1 or more of the following purposes by an appropriation from the county general fund and may raise these funds by an ad valorem property tax levy on property within the county subject to taxation for county purposes, but, except upon approval of a majority of the qualified electors of that county voting on a question of whether to increase this limitation, said tax shall never exceed in any 1 year 1/4 of 1 mill on the equalized valuation of the county:

(a) Purchasing or acquiring by condemnation property for a public park, zoological garden, airport, or other purpose authorized by this act.

(b) Improving or maintaining property purchased or acquired pursuant to subdivision (a).

(c) Contributing towards the maintenance of a public park, zoological garden, airport, or other facility authorized by this act which is owned or held in trust by a township, city, or village within the county, or by an adjoining county.

**History:** 1913, Act 90, Eff. Aug. 14, 1913;—CL 1915, 2321;—Am. 1921, Act 36, Eff. Aug. 18, 1921;—Am. 1929, Act 210, Eff. Aug. 28, 1929;—CL 1929, 2396;—Am. 1931, Act 268, Eff. Sept. 18, 1931;—CL 1948, 123.64;—Am. 1982, Act 164, Imd. Eff. May 25, 1982.

### **123.65 Construction of powers; boulevards.**

Sec. 5. The powers and authority granted in this act, shall be deemed to include power and authority to purchase and accept gifts of lands for boulevards and highways to be laid out as boulevards by county authority and power and authority to improve the same, and the words “parks owned or held in trust by townships, cities and villages,” shall be deemed to include boulevards or highways or streets laid out as boulevards and owned or held in trust by the municipalities aforesaid.

**History:** 1913, Act 90, Eff. Aug. 14, 1913;—CL 1915, 2322;—Am. 1921, Act 36, Eff. Aug. 18, 1921;—CL 1929, 2397;—CL 1948, 123.65.

### **123.66 County park trustees; board of county road commissioners; rules and regulations, resolution, publication; report to board of supervisors.**

Sec. 6. Whenever the board of supervisors of any county shall have adopted a resolution to purchase, condemn or to accept certain lands for park purposes, and make an appropriation therefor under the provisions of sections 1 and 2 of this act, there shall be created a board of 3 members to be known and designated as “county park trustees.” In counties operating under the county road system, the board of county road commissioners is hereby designated and shall then act as the county park trustees. In all other counties the board of supervisors, at the time of making the appropriation above provided for, shall name and appoint from their number 3 members to be known and designated as county park trustees. Said board of trustees shall have the management, control and expenditure of such funds when collected and shall hold in trust for the county the title to any real estate so purchased, acquired by condemnation or accepted by way of gift or devise for park purposes, and shall supervise the improvement of any such property so purchased, acquired or accepted as authorized by the board of supervisors. Said board of park trustees shall have the power to impound water on any property so purchased, acquired by condemnation or accepted for park purposes and to form a lake thereon whenever they deem it necessary in the course of improving such property for park purposes. Such trustees shall also have the care and control of such park property and may make reasonable rules and regulations and enforce the same when made respecting the use by the public of such park property: Provided, That no such rule or regulation shall become effective until (1) it has been approved by resolution of the board of supervisors, (2) such resolution containing such rule or regulation has been published at least once in a newspaper of general circulation within the county, and (3) such rule or regulation has been posted in at least 3 conspicuous places in such park property, the posters to be not less than 10 inches by 12 inches in size and printed in legible type. Such posting shall be continuously maintained. They shall elect a chairman and secretary from among their number. All expenditures of funds so appropriated shall be paid only by the county treasurer on the warrant or voucher of the chairman and 1 other member of such board. The trustee so appointed shall make a full report to the board of supervisors at each October session as to the condition of the property and the expenditure of funds. The members of such board of county park trustees shall continue to act until their successors have been duly elected or appointed. In all counties of this state operating under the county road system when this act takes effect, the board of “county park trustees” heretofore appointed shall be immediately dissolved and cease to exist, and the board of county road commissioners shall take the place thereof and thereafter exercise the powers and perform the duties of the board of county park trustees, taking possession of all books, records and office equipment of such former board.

**History:** 1913, Act 90, Eff. Aug. 14, 1913;—CL 1915, 2323;—Am. 1921, Act 36, Eff. Aug. 18, 1921;—Am. 1923, Act 215, Eff. Aug. 30, 1923;—CL 1929, 2398;—Am. 1931, Act 268, Eff. Sept. 18, 1931;—Am. 1939, Act 275, Eff. Sept. 29, 1939;—CL 1948, 123.66;—Am. 1953, Act 165, Imd. Eff. June 3, 1953.

### **123.66a County airport committee; appointment, powers, organization.**

Sec. 6-a. Whenever a board of supervisors of any county shall have adopted a resolution to purchase, condemn or to accept certain lands for airport or landing field purposes and makes an appropriation therefor under the provisions of sections 1 and 2 of this act, there shall be created a board of 3 members to be known as a “county airport committee.” These 3 members may be either 3 members of the board of county road commissioners or 3 members of the board of supervisors as determined by the majority vote of the members



of the board of supervisors. Such county airport committee shall have the management, control and expenditure of such funds collected and shall hold in trust for the county the title to any real estate so purchased, acquired by condemnation or accepted by way of gift or devise for airport or landing field purposes and shall supervise the improvement of any such property so purchased, acquired or accepted as authorized by the board of supervisors. Such county airport committee shall have the care and control of all airport and landing field property and may make reasonable rules and regulations and enforce the same when made respecting the use by the public of such property. They shall elect a chairman and secretary from among the members. All expenditures of funds so appropriated shall be paid only by the county treasurer on the warrant or voucher of the chairman and 1 other member of such board. The committee so appointed shall make a full report to the board of supervisors at each October session as to the condition of the airport or landing field property and the expenditure of funds. The members of such committee shall continue to act until their successors have been duly elected or appointed.

**History:** Add. 1939, Act 275, Eff. Sept. 29, 1939;—CL 1948, 123.66a.

### **123.67 Maintenance payment to local treasurer; misapplication penalty.**

Sec. 7. Funds appropriated and collected for the purpose of contributing towards the maintenance of public parks, public zoological gardens, airports and landing fields, owned by counties, townships, cities and villages, under the provisions of section 3 hereof, shall be paid by the county treasurer to the treasurer of the municipality owning such park. Any county, township, city or village misapplying any portion of such funds shall be liable to the county in the full sum so contributed, and for all costs and expenses incidental, to the recovery of the same. Any person or official who shall cause or assist in the misapplication of such funds shall be deemed guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not less than 100 dollars and not more than 1,000 dollars, or to imprisonment in the county jail for not more than 6 months, or to both such fine and imprisonment in the discretion of the court.

**History:** 1913, Act 90, Eff. Aug. 14, 1913;—CL 1915, 2324;—Am. 1929, Act 210, Eff. Aug. 28, 1929;—CL 1929, 2399;—CL 1948, 123.67.

### **123.68 Violation of posted rule or regulation as misdemeanor; penalty; recreational trailway; posting of regulation; violation as municipal civil infraction.**

Sec. 8. (1) A person who violates a posted rule or regulation made pursuant to section 6 or 6a is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or work in a park cleanup program as an alternative to the imprisonment, or by a fine of not more than \$500.00, or both.

(2) A rule or regulation adopted under section 6 that regulates a recreational trailway is not effective unless it is posted and maintained near each gate or principal entrance to the trailway.

(3) The operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by a rule or regulation adopted under section 6 is a municipal civil infraction, whether or not so designated by the rule or regulation. A civil fine ordered for a municipal civil infraction described in this subsection shall not exceed the maximum amount of a fine provided by the rule or regulation or \$500.00, whichever is less. An act or omission described in this subsection is not a municipal civil infraction if that act or omission constitutes a violation or crime that is excluded from the definition of municipal civil infraction in section 113 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.113 of the Michigan Compiled Laws.

**History:** Add. 1953, Act 165, Imd. Eff. June 3, 1953;—Am. 1978, Act 559, Eff. Mar. 30, 1979;—Am. 1982, Act 359, Eff. Mar. 30, 1983;—Am. 1994, Act 85, Eff. Oct. 1, 1994.

**RECREATION AND PLAYGROUNDS**  
**Act 156 of 1917**

AN ACT authorizing cities, villages, counties, townships and school districts to operate systems of public recreation and playgrounds.

**History:** 1917, Act 156, Eff. Aug. 10, 1917.

*The People of the State of Michigan enact:*

**123.51 Public recreation system; powers of municipality.**

Sec. 1. Any city, village, county or township may operate a system of public recreation and playgrounds; acquire, equip and maintain land, buildings or other recreational facilities; employ a superintendent of recreation and assistants; vote and expend funds for the operation of such system.

**History:** 1917, Act 156, Eff. Aug. 10, 1917;—CL 1929, 2389;—CL 1948, 123.51.

**123.52 Public recreation system; powers of school district.**

Sec. 2. Any school district may operate a system of public recreation and playgrounds, may vote a tax to provide funds for operating same, and may exercise all other powers enumerated in section 1.

**History:** 1917, Act 156, Eff. Aug. 10, 1917;—CL 1929, 2390;—CL 1948, 123.52.

**123.53 Public recreation system; operation.**

Sec. 3. Any city, village, county, township or school district may operate such a system independently or they may cooperate in its conduct in any manner in which they may mutually agree; or they may delegate the operation of the system to a recreation board created by any or all of them, and appropriate money, voted for this purpose, to such board.

**History:** 1917, Act 156, Eff. Aug. 10, 1917;—CL 1929, 2391;—CL 1948, 123.53.

**123.54 Public recreation system; location.**

Sec. 4. Any municipal corporation or board given charge of the recreation system is authorized to conduct its activities on (1) property under its custody and management; (2) other public property, under the custody of other municipal corporations or boards, with the consent of such corporations or boards; (3) private property, with the consent of the owners.

**History:** 1917, Act 156, Eff. Aug. 10, 1917;—CL 1929, 2392;—CL 1948, 123.54.



**THE METROPOLITAN DISTRICT ACT**  
**Act 312 of 1929**

AN ACT to provide for the incorporation by any 2 or more cities, villages, or townships, or any combination or parts thereof, of a metropolitan district comprising territory within their limits for the purpose of acquiring, owning, and operating parks or public utilities for supplying sewage disposal, drainage, water, or transportation, or any combination thereof; to provide that a district may sell or purchase sewage disposal, drainage rights, water, or transportation facilities; to provide that a district may acquire and succeed to the rights, obligations, and property of such cities, villages, and townships respecting or connected with such functions or public utilities but subject to the approval of a majority of the electors voting thereon; to limit the rate of taxation of a district for its municipal purposes and restrict its powers of borrowing money and contracting debts; to provide the method and vote by which charters may be framed, adopted, and amended and laws and ordinances relating to its municipal concerns may be enacted; to define the powers, rights, and liabilities of a district; to provide for the dissolution of a district; and to prescribe penalties and provide remedies.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—Am. 1989, Act 98, Imd. Eff. June 21, 1989;—Am. 1998, Act 171, Eff. Mar. 23, 1999.

*The People of the State of Michigan enact:*

**119.1 Metropolitan districts; purposes; body corporate.**

Sec. 1. Any 2 or more cities, villages or townships or any combination or parts thereof, may incorporate into a metropolitan district or districts comprising territory within their respective limits for the purpose of acquiring, owning, operating and maintaining either within or without their limits, as may be established hereunder, parks or public utilities for supplying sewage disposal, drainage, water or transportation or any combination thereof. Each organized district hereunder shall be a body corporate.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2275;—CL 1948, 119.1.

**119.1a Metropolitan districts; short title.**

Sec. 1a. This act shall be known and may be cited as “The metropolitan district act.”

**History:** Add. 1945, Act 50, Eff. Sept. 6, 1945;—CL 1948, 119.1a.

**119.2 Metropolitan district; powers; referendum.**

Sec. 2. Any district incorporated under this act shall have the power to acquire, own, operate and maintain within or without its limits, parks or public utilities for supplying sewage disposal, drainage, water or transportation or any combination thereof or such of said powers as may be designated in its charter. Any such district may sell or purchase, either within or without its limits, sewage disposal or drainage rights, water or transportation facilities or any combination thereof if so provided by its charter. Any such district shall have the power to acquire and succeed to any or all of the rights, obligations and property of any city, village or township, or any parts thereof, comprising territory within the limits of the district, respecting, affiliated or connected with such functions or public utilities, or any combination thereof: Provided, That no city, village or township shall surrender any such rights, obligations or property without the approval thereof by a majority vote of the electors of any such city, village or township voting on such proposition.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2276;—CL 1948, 119.2.

**119.3 Officers; records; taxes; sinking fund; subjects of taxation; mandatory charter provisions.**

Sec. 3. Any district incorporated under the provisions of this act shall in its charter provide:

(a) For the nomination, election or appointment of all district officers. Nominations and elections may be made in any manner not inconsistent with law and as the charter of any district may prescribe.

(b) For the qualifications, duties and compensation of its officers; for the time, manner and means of holding elections and the registration of electors; for the keeping in the English language a written or printed journal of every session of the legislative body, which records shall be public; for publication of ordinances before they become effective; for adopting, continuing, amending or repealing of ordinances; for a system of accounts which shall conform to any uniform system required by law; for the levy, collection and return of taxes for district purposes and for the annual appropriation of money for district purposes: Provided, All taxes and appropriations shall be levied, collected and returned through the proper assessing and taxation officer or officers of each city, village or township or parts of same comprising said metropolitan district in the same manner as near as may be that other city, village or township taxes are levied, collected and returned. The

district legislative body or other officer or officers charged with such duty shall ascertain the total taxes or appropriation required for any year and shall thereupon certify to the proper assessing officer or officers of the city, village or township or parts of same comprising said district its proportionate share thereof based upon the ratio that the total assessed valuation of each respective city, village or township, or parts of same, bears to the total assessed value of all property real and personal in said entire district according to the last assessment in each of said respective units. Such sum so certified shall be a direct obligation of each city, village or township or part of same and shall be paid to the metropolitan district on or before the next tax payment period. Said sum shall be levied, collected and returned by each city, village or township in the same manner as other general taxes.

(c) For a sinking fund as provided by any general law applicable to cities.

(d) That the subjects of taxation for district purposes shall be the same as for state, county and school purposes under the general law: Provided, however, That the provisions of this section as to taxes and the levy, collection and return thereof shall not apply to or be required in the charter of any metropolitan district incorporated for the purpose of the purchase, acquisition or construction of any project or projects, or improving, enlarging, extending or repairing thereof, authorized under the provisions of Act No. 94 of the Public Acts of 1933, as amended, but said charter shall contain provisions relative to the issuance of revenue bonds as in said act provided.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2277;—Am. 1935, Act 56, Imd. Eff. May 13, 1935;—CL 1948, 119.3.

**Compiler's note:** For provisions of Act 94 of 1933, referred to in subdivision (d), see MCL 141.101 et seq.

#### **119.4 Permissive charter provisions.**

Sec. 4. Each district incorporated under the provisions of this act may provide in its charter for 1 or more of the following:

(a) For annually levying and collecting taxes in a sum not to exceed 1/2 of 1% of the assessed value of all real and personal property in the district.

(b) For borrowing money on the credit of the district in a sum not to exceed 2% of the assessed value of all real and personal property in the district for the purpose of acquiring, owning, purchasing, constructing, maintaining, or operating parks or public utilities, for supplying sewage disposal, drainage, water, or transportation, or any combination of these. A district may borrow money and issue bonds for any of the purposes described in this subdivision that will impose no liability upon the district but may be paid and secured only by special assessment levied against each parcel for the particular public improvement and for the payment of the bonds that are issued. A district incorporated under the provisions of this act, may, for the purpose of acquiring, owning, purchasing, constructing, or operating any public utility described in this subdivision, issue mortgage bonds that may be issued beyond the general limit of bonded indebtedness prescribed by this act. A mortgage bond issued beyond the general limits of bonded indebtedness shall not impose any liability upon the district but shall be secured only upon the property and revenues of the public utility, including the franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the public utility, which franchise shall in no case extend for a longer period than 20 years from the date of the sale of the utility and franchise on foreclosure. A mortgage bond shall be sold for not less than par, bear interest at a rate not in excess of 6%, and the total amount shall not exceed 60% of the original cost of the utility. The charter of any district shall provide for the creation of a sinking fund by setting aside a percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity.

(c) For a lien on any property and for taxes for the payment of any bonds issued or for the cost and expense of making any improvement described in this section.

(d) For laying and collecting rents, tolls and excises.

(e) For a special assessment district to provide for the cost and expense of any park or public utility, or combination of a park and public utility, as provided in this section.

(f) For the purchase or condemnation of the franchises, if any exist, and of the property used in the operation of companies or individuals engaged in or operating public utilities for supplying sewage disposal, drainage, water, or transportation, or any combination of these. Each district may in its charter provide that it may make a contract upon the terms, including terms of present or deferred payment and upon the conditions and in the manner as the district may consider proper, to purchase, operate, and maintain any existing public utility property for supplying sewage disposal, drainage, water, or transportation, or any combination of these within or without its limits. If without its limits, the purchase must be incidental to the operation and maintenance of the public utility. A contract shall not bind the district unless the proposition on the contract shall receive the affirmative vote of 3/5 of the electors voting on the proposition at a regular or special election. In the event of any such purchase, the charter amendment and the contract to purchase shall provide

for the creation of a sinking fund, into which shall be paid from time to time, from the earnings of the utility, sums sufficient to insure the payment of the purchase price and the performance of the obligations of the contract to the end that the entire cost of the public utility shall eventually be paid from its earnings. The powers in this subdivision are in addition to the other powers provided for in this act, and the exercise of these powers shall not impair or affect the right to exercise any other powers.

(g) For the purchase, gift, or condemnation of private property for any public use or purpose provided for and within the scope of its power. If by condemnation, the provisions of 1911 PA 149, MCL 213.21 to 213.25, or other appropriate provisions may be adopted and used for the purpose of instituting and prosecuting condemnation proceedings.

(h) For the initiative and referendum on all matters within the scope of its powers and for the recall of all its officials.

(i) For altering, amending, or repealing any charter affecting the district.

(j) For the enforcement of all local, police, sanitary, and other regulations as are not in conflict with the general laws of this state.

(k) For a system of civil service.

(l) For the exercise of all district powers in the management and control of district property and in the administration of metropolitan district government, whether the powers are expressly enumerated or not. For any act to advance the interest of the district and the good government and prosperity of the district and to pass all laws and ordinances relating to its concerns subject to the constitution and general laws of this state. The power to acquire a rapid transit system is expressly conferred by this act, which may consist of a tunnel, subway, surface, or elevated system, or any combination of these. A rapid transit system shall be considered to be transportation within the meaning of this act and the provisions relating to other public utilities shall also apply.

(m) A revenue bond issued under this act is subject to the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140. All bonds issued under this act, other than revenue bonds, are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2278;—CL 1948, 119.4;—Am. 2002, Act 410, Imd. Eff. June 3, 2002.

**Compiler's note:** For provisions of Act 149 of 1911, referred to in subdivision (g), see MCL 213.21 et seq.

### **119.5 Powers; restrictions.**

Sec. 5. A district shall not do any of the following:

(a) Change the salary or emoluments of any public official after his or her election or appointment or during his or her term of office. The term of any public official shall not be shortened or extended beyond the period for which he or she was elected or appointed, unless he or she resigns or is removed for cause if the office is held for a fixed term.

(b) Adopt a charter or any amendment to a charter unless approved by a majority of the electors of each city, village, or township, voting on the charter or amendment.

(c) Sell any public utility unless approved by a majority vote of the electors of each city, village, or township voting on the proposition.

(d) Make any contract with, or give any official position to, anyone who is in default to the district or city, village, or township comprising the district.

(e) To repudiate any debt by any change in its charter or by consolidation with any other municipality.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2279;—CL 1948, 119.5;—Am. 2002, Act 410, Imd. Eff. June 3, 2002.

### **119.6 Incorporation; procedure; charter commission to prepare budget.**

Sec. 6. Proceedings for the incorporation of metropolitan districts shall be originated as follows: Any city, village or township may, by a resolution adopted by its legislative body, have prepared a description in general terms of the district proposed to be included in a metropolitan district. Each city, village or township desiring to become a part of said district shall thereupon by appropriate resolution of its legislative body indicate its desire to become a part of same. If a part of a city, village or township shall desire to institute said proceedings or become a part of any proposed district like resolutions may be passed by the legislative body of such city, village or township upon petition to its legislative body signed by not less than 5 per cent of the registered voters in said part of a city, village or township. In said resolution or any subsequent resolution the legislative body of each city, village or township shall designate a person as its representative on a charter commission: Provided, Any city now or hereafter having a population of 50,000 or more inhabitants as determined by the last federal decennial census or by any federal decennial census hereafter taken shall for the first 200,000 population be entitled to an additional charter commissioner for each additional 50,000 population or major fraction thereof, and for all population above 200,000, an additional commissioner for

each additional 100,000 population or major fraction thereof. Said commission shall thereupon meet upon written call of any of its members at a time and place to be designated in said notice and elect a president, a vice-president, a secretary and a treasurer and such other officers as it shall deem necessary. The commission shall thereupon prepare a budget of the expenses to be incurred therewith and shall apportion same to each city, village or township upon the basis that the total assessed valuation each city, village or township bears to the whole assessment of said area. Each city, village or township shall pay its representative or representatives the sum of \$5.00 per day for each day of actual attendance at meetings of said commission: Provided, The total sum so paid each commissioner shall not exceed the sum of \$500.00. The legislative body of any city, village or township may from time to time fill any vacancy existing in its representation on said commission. The members of said commission shall take the constitutional oath of office before the county clerk. A majority shall constitute a quorum for the transaction of all business. The legislative body of any city, village or township may, by resolution, express its desire to be included in said district at any time after the organization of the commission and the commission is authorized to take such action thereon as in its judgment is deemed advisable.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2280;—Am. 1945, Act 50, Eff. Sept. 6, 1945;—CL 1948, 119.6.

### **119.7 Charter commission; powers, duties; election.**

Sec. 7. The charter commission shall proceed to adopt a name for said district and frame a charter for said district as soon thereafter as practicable. It shall determine the rules of its proceedings and keep a journal. A roll call of its members on any question shall be entered on the journal at the request of any member. It shall provide the manner of nominating the candidates for the first elective officers, if any, provided in the proposed charter. It shall fix the date of the first district election and do and provide all other things necessary for making such nominations and holding such elections. Such election may be held on the same date as a general, special or primary election. It shall publish such proposed charter in 1 or more newspapers published in said district at least once and not less than 2 weeks and not more than 4 weeks preceding said election, together with a notice of said election, and that on the date fixed therefor the question of adopting such proposed charter will be voted on, and that the elective officers provided for therein will be elected on the same date. Notice of such election shall also be posted in at least 10 public places within each city, village or township in said proposed district not less than 10 days prior to such election. Said commission shall provide for polling places for said election and all other election requirements through the regularly constituted officers for conducting elections in each city, village and township who shall appoint the inspectors of said election and the canvassing board of 3 electors to canvass the votes at such election and shall conduct said elections as near as may be in the manner of any regular election. Said commission shall have authority to study the area proposed to be included in said metropolitan district and submit recommendations to the legislative bodies of any city, village or township to amend its original resolution in regards to same. Said charter shall state with certainty the territory proposed to be included.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2281;—CL 1948, 119.7.

### **119.8 Charter rejection; unfavorable vote, charter provision; resubmission proceedings.**

Sec. 8. If the proposed charter be rejected at such election, any election of officers therein provided shall be void. Said commission shall reconvene upon a call of its president or the written request of a majority of its members and the proposed charter amended in such manner as may be deemed desirable. Any proposed charter may contain a provision that in the event of an unfavorable vote by any city, village or township or part of such a political subdivision, that said charter shall be deemed effective as to all other cities, villages or townships or parts of such political subdivision voting favorably thereon and that any officers elected at said election shall be valid. In the absence of such a provision in the charter and in the event that a city, village or township or part of same included has voted unfavorably on a proposed charter said city, village or township may be dropped from said proposed metropolitan district by the charter commission and the proposed boundaries corrected accordingly. Said proposed charter as amended may be then resubmitted to the qualified electors of the city, village and township or parts of same a second time in the same manner and with like notice and proceedings as required in the first instance, which proceedings in case of the rejection of said proposed charter may be continued a third time with like powers. In the event of a third rejection of same the powers and duties of the charter commission shall be at an end.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2282;—CL 1948, 119.8.

### **119.9 Amendment of charter; manner; form.**

Sec. 9. Except as provided in section 9a, a metropolitan district charter passed pursuant to this act may be amended in the manner following: An amendment may be proposed by the legislative body of the district on a

3/5 vote of the members or by an initiatory petition as provided in this act, and if the amendment is proposed by the legislative body of the district then the amendment shall be submitted to the electors of the city, village, or township comprising the district as provided in this act at the next primary, regular, or special election held in the city, village, or township which shall occur not less than 30 days after the proposal of the amendment, and if the amendment is proposed by the initiatory petition as provided in this act, then the amendment shall be submitted to the electors of the city, village, or township as provided in this act at the next primary, regular, or special election held in the district which shall occur not less than 40 days after the filing of the petitions. The form in which the proposed amendment to a district charter shall be submitted on the ballot unless provided for in the initiatory petition shall be determined by resolution by the legislative body, and when provided for by the initiatory petition, the legislative body may add that explanatory matter as it considers advisable.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2283;—CL 1948, 119.9;—Am. 1979, Act 134, Imd. Eff. Oct. 31, 1979.

#### **119.9a Amendment to enlarge boundaries of metropolitan district; signing and filing petition; resolution; election; amendment of charter.**

Sec. 9a. An amendment to enlarge the boundaries of a metropolitan district may be initiated by a petition signed by 5% of the registered voters residing in the area sought to be added to the district. The petition shall be filed with the clerk and the legislative body of the city, village, or township in which the proposed added area is located, which legislative body may pass a resolution requesting the metropolitan district legislative body to hold an election on an amendment to its charter to include the proposed added area within its boundaries. Upon filing the resolution with the district's clerk, if the legislative body of the district approves the resolution by a 3/5 vote, an election shall be held in the proposed added area and the district to vote on the proposed charter amendment as provided in section 9. If the district and the proposed added area each approves the proposed amendment by a majority vote of those voting in the election, the metropolitan district's charter shall be amended accordingly.

**History:** Add. 1979, Act 134, Imd. Eff. Oct. 31, 1979.

#### **119.9b Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.**

Sec. 9b. A petition under section 9a or 13, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

**History:** Add. 1998, Act 171, Eff. Mar. 23, 1999.

#### **119.10 Charter amendment; submission to governor; procedures after submittal.**

Sec. 10. Every amendment to a district charter before its submission to the electors and every charter before final adjournment of the commission, shall be transmitted to the governor of the state. If he shall approve it, he shall sign it; if not, he shall return the charter to the commission and the amendment to the legislative body of the district with his objection thereto, which shall be spread at large on the journal of the body receiving them, and if it be an amendment proposed by the legislative body, such body shall reconsider it and if 2/3 of the members agree to pass it, it shall be submitted to the electors. If it be an amendment proposed by an initiatory petition it shall be submitted to the electors notwithstanding such objections.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2284;—CL 1948, 119.10.

#### **119.11 Charter or amendment; publication; independent propositions, authorizing vote.**

Sec. 11. Every district charter or amendment thereto shall be published as the commission or legislative body respectively may prescribe. There may be submitted with any charter or amendment independent sections or propositions and such of them as receive a 3/5 vote of the electors of each city, village or township voting thereon shall become a part of such charter or shall prevail as amendments or propositions.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2285;—CL 1948, 119.11.

#### **119.12 Charter or amendments; copies, filing.**

Sec. 12. If the charter or any amendment thereto of any district incorporated under the provisions of this act be approved, then 2 printed copies thereof with the vote for and against duly certified by the secretary of the commission, shall, within 30 days after the vote is taken, be filed with the secretary of state and a like number with the county clerk or clerks of the county or counties in which the district is located and shall thereupon become law.



**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2286;—CL 1948, 119.12.

### **119.13 Initiatory petition; filing; checking; submission to voters; insufficiency.**

Sec. 13. The initiatory petition herein referred to shall be addressed to and filed with the secretary or clerk of the metropolitan district wherein the territory is located. Such petition shall state what body or organization, if any, or if no body or organization, then what person or persons are primarily interested in and responsible for the circulation of such petition or petitions and the securing of such amendment or amendments. Such petitions shall be verified by the affidavit or affidavits of the person or persons who obtained the signatures and shall be signed by a number of registered electors equal to 5 per centum of the highest vote cast for the highest elective officer whose vote can be ascertained at the last district election. Such verification shall state that the petitions were circulated at the request of and pursuant to the directions of the association, organization, person or persons desiring the said amendment and shall also state that such signatures were obtained by the persons so verifying said petition; that such signatures are the signatures of the persons purporting to sign the same and that each of them signed in his presence and that the person verifying such petition has good reason to believe and verily does believe that the signers obtained thereto are duly qualified and registered electors of such district and are the identical persons their signatures purport to be. Within 15 days from the date of the receipt of any such petition the secretary or clerk shall check over the names on such petition with the registration rolls of the territory affected or in some other proper manner determine whether the petitioners are duly qualified and registered voters of the district whose charter is to be affected by such amendment, and if it shall appear that the number of duly qualified and registered electors signing such petition equals or exceeds 5 per centum of the total vote cast for the highest elective officer whose vote can be ascertained at the last district election and in all other respects conforms to the provisions of this section, he shall certify to such facts and report the same to the legislative body of the district. If he shall find that there are less than the required number he shall report such fact and no further action upon such petitions shall be had. When such petition shall conform to this act, it shall be the duty of the clerk of each city, village and township comprising the district within 60 days of the date of the filing of such petition to call a special election, the same to be held not less than 90 days or more than 100 days after the date of filing such petition unless a primary or regular election shall occur or a special election shall have been called for other purposes to be held within 100 days after the date of the filing of such petitions. In that event, the proposal shall be submitted at such primary, regular or special election and no special election shall be so called. Other proposals, whether initiated by petition as hereinbefore provided, or proposed by the legislative body, within the times respectively within this act provided, may be submitted at such special election. No proposal submitted to the electors by the initiative and receiving an affirmative majority of the votes cast thereon in each city, village and township comprising said district shall be held unconstitutional, invalid or void on account of the insufficiency of the petition by which submission of the same was procured: Provided, That each signer of such initiatory petition shall inscribe upon such petition immediately after his signature the date of signing and his street address.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2287;—CL 1948, 119.13.

### **119.15 Metropolitan districts; short title.**

Sec. 15. This act shall be known and may be cited as the metropolitan district act.

**History:** 1929, Act 312, Eff. Aug. 28, 1929;—CL 1929, 2289;—CL 1948, 119.15.

### **119.16 Dissolution of metropolitan district; resolution.**

Sec. 16. A metropolitan district may be dissolved by resolution of the legislative body of the metropolitan district after the requirements of section 17 have been met.

**History:** Add. 1989, Act 98, Imd. Eff. June 21, 1989.

### **119.17 Duties of legislative body prior to dissolution; plan for disposition of assets and liabilities; resolution; insufficient assets.**

Sec. 17. (1) Prior to dissolution of a metropolitan district under section 16, the legislative body of the metropolitan district shall do both of the following:

(a) Provide written notice to the legislative body of each city, village, and township included in the district of its intent to dissolve the metropolitan district.

(b) Prepare or cause to be prepared a financial report of the assets and liabilities of the metropolitan district. This report shall include an accounting of all money held by the district, a description of all obligations of the district, an appraisal or inventory of all other assets of the district, and a description of any encumbrances on these assets. A copy of this report shall be provided to the legislative body of each city,

village, or township included in the metropolitan district.

(2) If the financial report of the metropolitan district under subsection (1) indicates that the assets of the district are greater than the liabilities, the legislative body of the metropolitan district shall prepare a plan for the disposition of the assets and liabilities of the district. This plan may include the disposal of assets in a manner the legislative body considers prudent to discharge or settle existing liabilities of the metropolitan district. The plan may also include the transfer of an asset or an assumable liability to any person, local unit of government, or other public authority. The plan shall provide for the proportional distribution of the assets remaining after all liabilities to each city, village, and township within the metropolitan district have been satisfied. The legislative body of each city, village, and township in the metropolitan district shall pass a resolution agreeing to a plan required under this subsection and agreeing to the dissolution of the district.

(3) If the assets of the metropolitan district are insufficient to meet existing liabilities, the legislative body of the district shall do either of the following:

(a) Raise taxes in the manner provided in this act to discharge the liabilities.

(b) Enter into a written agreement with the legislative body of each city, village, and township included in the district in which each city, village, and township agrees to assume a proportionate share of the liabilities of the district.

**History:** Add. 1989, Act 98, Imd. Eff. June 21, 1989.

### **119.18 Deposit of records; notice to governor.**

Sec. 18. (1) Upon dissolution of a metropolitan district under sections 16 and 17, the legislative body of the district shall deposit all records of the metropolitan district with the clerk of the county in which the district was located, or, if the district was located in more than 1 county, with the clerk of the county in which the largest part of the district was located, for safekeeping and reference.

(2) Upon dissolution of a metropolitan district, the legislative body of the district shall notify the governor, in writing, of the dissolution.

**History:** Add. 1989, Act 98, Imd. Eff. June 21, 1989.



**HURON-CLINTON METROPOLITAN AUTHORITY**  
**Act 147 of 1939**

AN ACT to provide for the incorporation of the Huron-Clinton metropolitan authority; to permit the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb, or certain of such counties, to join in a metropolitan district for planning or promoting or for acquiring, constructing, owning, developing, maintaining and operating, either within or without their limits, parks, connecting drives, or limited access highways, or any combination of these activities; to provide for the assessment, levy, collection and return of taxes therefor; to provide for the issuance of revenue bonds; to authorize condemnation proceedings; to provide a referendum thereon; and to prescribe penalties and provide remedies.

**History:** 1939, Act 147, Eff. Jan. 10, 1942;—Am. 1998, Act 170, Eff. Mar. 23, 1999.

*The People of the State of Michigan enact:*

**119.51 Huron-Clinton metropolitan authority; incorporation, counties.**

Sec. 1. As may hereinafter be provided in this act, the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb, or certain of such counties, may by vote of the electorate thereof, join to form a metropolitan district as a body corporate, to be known as the Huron-Clinton metropolitan authority, for the purpose of planning, promoting, and/or for acquiring, constructing, owning, developing, maintaining and operating, either within or without their limits, parks and/or limited access highways, as well as such connecting drives as may be deemed necessary or convenient to provide access to and between the same.

**History:** 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.51.

**Compiler's note:** This act has been adopted by the counties enumerated in this section.

**119.52 Huron-Clinton metropolitan authority; definitions.**

Sec. 2. As used in this act, parks shall be defined as areas of land, with or without water, developed and used for public recreational purposes, including landscaped tracts, picnic grounds, playgrounds, athletic fields, camps, foot, bicycle and bridle paths, motor vehicle drives, wildlife sanctuaries, museums, zoological and botanical gardens, facilities for bathing, boating, hunting and fishing, as well as other recreational facilities for the use and benefit of the public.

Limited access highways shall be defined as highways especially designed for through traffic, over which owners or occupants of abutting land have no easement or right of light, air or access by reason of the fact that their property abuts on the highway. Such highways may be parkways, with or without landscaped roadsides, from which trucks, busses and other commercial vehicles are excluded, or they may be freeways open to use by all common forms of highway traffic.

Connecting drives shall be defined as boulevards, or free access roads, with or without parklike features, leading to or connecting parks and/or limited access highways.

**History:** 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.52.

**119.53 Powers; co-operation; charges; succession to rights; vote.**

Sec. 3. The Huron-Clinton metropolitan authority, either acting alone or in cooperation with the department of conservation, the state highway department, any board of county road commissioners, or any federal or other state or local body having authority to construct and maintain parks or highways, shall have the power to make plans for and promote, and/or to acquire, construct, own, operate and maintain, within or without the limits of the metropolitan district, parks, connecting drives, and/or limited access highways. Said authority may fix and collect fees and charges for use of facilities under its control, and, for its uses, may sell or purchase lands and may acquire and succeed to any or all the rights, obligations, and property pertaining to parks or highways of the state or of any county, city, village, or township comprising territory within the limits of the said metropolitan district: Provided, That no county, city, village, or township shall surrender any such rights, obligations, or property without the approval thereof by a majority vote of the electors of any such county, city, village or township, voting on such proposition.

**History:** 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.53.

**119.54 Board of commissioners; election and appointment, term.**

Sec. 4. The Huron-Clinton metropolitan authority shall be directed and governed by a board of commissioners, 1 to be elected from each county of the metropolitan district by the boards of supervisors of the respective counties, and 2 to be appointed by the governor of Michigan. The elected commissioners shall be electors of their respective counties, and the appointed commissioners shall be electors of the metropolitan

district. The appointed commissioners shall serve for 4 year terms or until their successors are appointed, except that for the first board 1 shall be appointed for a 2 year term. The terms of the elected commissioners shall be staggered so that not more than 1 term shall expire in any 1 year, and after the first board no terms shall be less than 6 years. For the first board the terms of the elected commissioners shall be in the order of the populations of the several counties, the commissioner from the most populous county having the longest term.

**History:** 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.54.

#### **119.55 Board of commissioners; meetings; organization; employes.**

Sec. 5. The commissioners shall hold a meeting within 1 month after their selection, on the call of the chairman of the board of supervisors of the most populous county of the metropolitan district, at such time and place as he may designate. Such meeting shall elect a chairman, who must be a member of the board of commissioners, and a secretary and a treasurer, who need not be members. The board shall also, from time to time, select and employ such other officers and employes and engage such services as shall be deemed necessary to effectuate its purposes.

**History:** 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.55.

#### **119.56 Board of commissioners; records; accounts; treasurer's bond.**

Sec. 6. The commissioners shall cause to be kept a written or printed record of every session of the board, which record shall be public. They shall also provide for a system of accounts to conform to any uniform system required by law, and for the auditing at least once yearly of the accounts of the treasurer by a competent certified public accountant or by the auditor general of the state. The board shall require of the treasurer a suitable bond by a responsible bonding company, such bond to be paid for by the board.

**History:** 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.56.

#### **119.57 Board of commissioners; levy of tax, procedure.**

Sec. 7. The commissioners may levy for the purposes of the authority a tax of not more than 1/4 mill upon each dollar of the assessed value of the property of the district. The board shall ascertain the total taxes or appropriation required for any year and shall thereupon certify to the board of supervisors of each county comprising the district the necessary tax rate to raise such amount, which shall be uniform in the district, and shall take into consideration the ratio that the total assessed valuation of each respective county bears to the total assessed value of all property, real and personal in said entire district according to the last assessment in each of said respective counties. All taxes shall be assessed, levied, collected and returned as county taxes under the general property tax law. All moneys collected by any tax collecting officer from the tax levied under the provisions of this section shall be transmitted to the authority to be disbursed as provided in this act.

The subjects of taxation for the district purposes shall be the same as for state, county, and school purposes under the general law.

**History:** 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.57.

#### **119.58 Revenue bonds; issuance; lien.**

Sec. 8. For the purposes of acquiring, purchasing, constructing, improving, enlarging, extending, or repairing any revenue-producing recreational facilities, the commissioners may issue self-liquidating bonds in accordance with the provisions of Act No. 94 of the Public Acts of 1933, as amended. Such bonds shall not impose any liability upon the district but shall be secured only by the property and revenues of the facilities for the purchase and construction of which they were issued. Such bonds shall not be sold for less than par, and shall bear interest at a rate not in excess of 6 per cent. The commissioners shall have power to create a lien on such facilities as security for the payment of the bonds.

**History:** 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.58.

**Compiler's note:** For provisions of Act 94 of 1933, referred to in this section, see MCL 141.101 et seq.

#### **119.59 Property, purchase, gift or devise; condemnation, procedure.**

Sec. 9. For the purposes of the authority as herein defined, the commissioners may purchase, accept by gift or devise or condemn private property. If by condemnation, the provisions of Act No. 149 of the Public Acts of 1911, as amended, being sections 3763 to 3783, inclusive, of the Compiled Laws of 1929, or such other appropriate provisions therefor as exist or shall be made by law, may be adopted and used for the purpose of instituting and prosecuting such condemnation proceedings.

**History:** 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.59.

**Compiler's note:** For provisions of Act 149 of 1911, referred to in this section, see MCL 213.21 et seq.

### **119.60 Referendum.**

Sec. 10. The foregoing local act shall be submitted to the electors of the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb at the regular election in November, 1940. The secretary of state is hereby required to certify the said local act to the various clerks of the several counties named in the manner required by law. It shall be the duty of the board of election commissioners of each county above named to prepare ballots for the use of electors in all precincts in the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb, in the manner required by law, which ballots, after setting forth the foregoing local act in full, shall be in substantially the following form:

“Vote on local act incorporating into the Huron-Clinton metropolitan authority the metropolitan district including the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb.

“Shall the above local act be approved and adopted?”

“Yes ( )

“No ( ).”

It shall be the duty of the board of election commissioners in each above named county to deliver the ballots so prepared to the inspectors under the general election law. All votes cast upon said local act shall be counted, canvassed, and returned in the same manner as is provided by law for counting, canvassing, and returning votes cast for state officers.

**History:** 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.60.

### **119.61 Referendum; approval by two or more counties; resubmission; governing body.**

Sec. 11. If a majority of the electors voting thereon at any election in 2 or more of the above named counties, which are contiguous, shall vote “yes” on the proposal, then all the counties so approving shall constitute a metropolitan district, and the Huron-Clinton metropolitan authority shall be a corporation having all the powers, duties and obligations provided for in this act.

The governing board shall consist of the 2 commissioners appointed by the governor and of the elected commissioners from the counties so approving.

If a majority of the electors in any county should vote “no” on the approval of a Huron-Clinton metropolitan authority, the project may again be submitted to the electors in such county or counties, by their respective boards of supervisors or by petitions signed by at least 10 per cent of the electors therein. Such county or counties shall become part of the metropolitan district whenever at a later election a majority of the electors in such county or counties shall vote “yes”.

**History:** 1939, Act 147, Eff. Jan. 10, 1942;—CL 1948, 119.61.

**Compiler's note:** This act has been adopted by the counties enumerated in MCL 119.60.

### **119.62 Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.**

Sec. 12. A petition under section 11, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

**History:** Add. 1998, Act 170, Eff. Mar. 23, 1999.

**COUNTY AND REGIONAL PARKS**  
**Act 261 of 1965**

AN ACT to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965;—Am. 2000, Act 496, Imd. Eff. Jan. 11, 2001.

*The People of the State of Michigan enact:*

**46.351 County parks and recreation commission; creation; membership; terms; vacancy; commission as county agency; rules and regulations; compensation.**

Sec. 1. (1) The county board of commissioners of a county, by resolution adopted by a 2/3 vote of all its members, may create a county parks and recreation commission, which shall be under the general control of the board of commissioners.

(2) The county parks and recreation commission shall consist of the following members:

(a) The chairperson of the county road commission or another road commissioner designated by the board of county road commissioners.

(b) The county drain commissioner or an employee of the drain commissioner's office designated in writing by the drain commissioner.

(c) One of the following:

(i) In a county that elects a county executive under section 9 of 1973 PA 139, MCL 45.559, the county executive or a designee of the county executive.

(ii) In a county with a population of 1,000,000 or less, the chairperson of the county planning commission or another member of the county planning commission designated by the county planning commission. In a county that does not have a county planning commission, the chairperson of the regional planning commission shall serve on the county parks and recreation commission if that person is a resident of that county. If the chairperson of the regional planning commission is not a resident of that county, then the board shall, by a 2/3 vote, appoint a member of the regional planning commission who is a resident of that county to serve on the county parks and recreation commission.

(d) Seven members appointed by the county board of commissioners, not less than 1 and not more than 3 of whom shall be members of the board of commissioners.

(e) For counties with a population greater than 750,000 but less than 1,000,000, the county board of commissioners shall appoint a neighborhood representative. The appointee under this subdivision shall be an officer of the homeowners or property owners association that represents the largest area geographically that is located totally or partially within 1,000 feet of the property boundary of the most frequently used county park who is willing to serve on the county parks and recreation commission. If a homeowners or property owners association is not located within 1,000 feet of that park or no officer is willing to serve, then the appointee shall be a resident who lives within 1/2 mile of that park and who is willing to serve on the county parks and recreation commission. If no resident lives within 1/2 mile of that park or no resident is willing to serve, then the appointee shall be a resident of the city, village, or township in which that park is located who is willing to serve on the county parks and recreation commission. The first appointment under this subdivision shall be made not more than 60 days from October 17, 2003 or not more than 60 days from the date a county qualifies for an appointment under this subdivision.

(3) Of the members first appointed by the county board of commissioners, 2 shall be appointed for a term ending 1 year from the following January 1, 2 for a term ending 2 years from the following January 1, and 3 for a term ending 3 years from the following January 1. The first member appointed by a qualifying county under subsection (2)(e) shall be appointed for a term ending 2 years from the following January 1. From then on, each appointed member shall be appointed for a term of 3 years and until his or her successor is appointed and qualified. Each term shall expire at noon on January 1. A vacancy shall be filled by the county board of commissioners for the unexpired term.

(4) The county parks and recreation commission is an agency of the county. The county board of commissioners may make rules and regulations with respect to the county parks and recreation commission as the board of commissioners considers advisable. The members of the county parks and recreation commission are not full-time officers. The county board of commissioners shall fix the compensation of the members.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965;—Am. 1981, Act 223, Eff. Mar. 31, 1982;—Am. 1986, Act 99, Imd. Eff. May 14, 1986;—Am. 1990, Act 84, Imd. Eff. May 25, 1990;—Am. 2000, Act 496, Imd. Eff. Jan. 11, 2001;—Am. 2003, Act 187, Imd. Eff. Oct.

**46.352 Regional parks and recreation commission; creation; membership; terms; vacancies; compensation.**

Sec. 2. The county boards of commissioners of 2 or more contiguous counties, by resolution adopted by a 2/3 vote of the members of each board, may create a regional parks and recreation commission. The commission shall consist of 4 members from each county including the chairperson of the county road commission or another road commissioner designated by the board of county road commissioners, and 3 members appointed by the county board of commissioners, at least 1 and not more than 2 of whom shall be members of the board of commissioners. Of the members first appointed, 1 each shall be appointed for terms ending 1, 2, and 3 years from the following January 1. Thereafter, each appointed member shall be appointed for a term of 3 years and until his or her successor is appointed and qualified. A vacancy shall be filled by the county board of commissioners for the unexpired term. Members of the regional parks and recreation commission shall not be full-time officers, and the regional parks and recreation commission shall fix the compensation of its members.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965;—Am. 1986, Act 99, Imd. Eff. May 14, 1986.

**46.353 County commission and regional commission; election and terms of officers; treasurer; quorum; conducting business at public meeting; notice of meeting; bylaws; contracts.**

Sec. 3. Each January a county commission and a regional commission shall elect from its membership a president, a secretary, and other officers as it considers necessary. The officers shall hold office for the calendar year in which they are elected and until their successors are elected and qualified. The county treasurer shall be treasurer of a county commission and the county treasurer of the county furnishing the larger portion of the approved budget shall be treasurer of a regional commission. A majority of the members of the commission shall constitute a quorum for the transaction of business and the business which a county or regional commission may perform shall be conducted at a public meeting of the county or regional commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The county board of commissioners may authorize a county commission to adopt bylaws and enter into contracts. A regional commission may adopt bylaws and enter into contracts.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965;—Am. 1966, Act 242, Imd. Eff. July 11, 1966;—Am. 1977, Act 167, Imd. Eff. Nov. 17, 1977.

**46.354 County commission; appropriation for expenses.**

Sec. 4. The board of supervisors in its annual budget may provide for the expenses of a county commission, which shall be limited in its expenditures to amounts so appropriated unless a further appropriation is made by the board of supervisors.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965.

**46.355 Regional commission; appropriation or tax levy; annual budget, approval, effect.**

Sec. 5. The boards of supervisors of each county included in a region shall provide funds for a regional commission's operations by an appropriation from the general fund of the county, or by a tax levy for this purpose authorized by a vote of the qualified electors in each county. The commission annually shall present a budget to the boards of supervisors of the counties in the region. Upon approval of such budget by a majority of each of the boards of supervisors, the proposed budget shall be effective in all counties in the region. That part of the approved budget which is not financed by receipts from fees, gifts and other private sources shall be apportioned among the several counties on the basis of tax valuation. All appropriations shall be paid to the commission and disbursed under its direction.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965.

**46.356 County and regional commissions; study of facilities and needs, plan.**

Sec. 6. A county or regional commission may study and ascertain the county or regions park, preserve, parkway and recreation and other conservation facilities, the need for such facilities and the extent to which such needs are being currently met, and prepare and adopt a coordinated plan of areas and facilities to meet such needs.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965.



#### **46.357 Filing of records, proposals, plans, and programs; availability of certain writings to public.**

Sec. 7. (1) A county or regional commission shall file with the department of natural resources a record of its land ownership, proposals for acquisition of land, and its general development plans and programs for improvement and maintenance of the land.

(2) A writing prepared, owned, used, in the possession of, or retained by a county or regional commission, in the performance of an official function shall be available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965;—Am. 1966, Act 242, Imd. Eff. July 11, 1966;—Am. 1977, Act 167, Imd. Eff. Nov. 17, 1977.

#### **46.358 County and regional commissions; acquisition of property.**

Sec. 8. A county commission may acquire in the name of the county and a regional commission may acquire in its name by gift, purchase, lease, agreement, or otherwise, in fee or with conditions, suitable real property, within the county or region, or contiguous with or adjacent thereto, for public parks, preserves, parkways, playgrounds, recreation centers, wildlife areas, lands reserved for flood conditions for impounding runoff water, and other conservation purposes. In acquiring or accepting land, due consideration shall be given to its scenic, historic, archaeologic, recreational or other special features.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965.

#### **46.359 County and regional commissions; condemnation of private property.**

Sec. 9. A county operating under this act or a regional commission may take private property necessary for any purpose within the scope of its powers under this act, for the use or benefit of the public, and institute and prosecute proceedings for that purpose under and in accordance with Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Compiled Laws of 1948.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965.

#### **46.359a County and regional commissions; condemnation of property in another county.**

Sec. 9a. A county or regional commission desiring to acquire real property in another county not a member of a regional commission, shall notify the board of supervisors of the county wherein the real property to be taken is located of its intentions to institute proceedings under section 9; and, unless the members of the board of supervisors by a majority vote disapprove the contemplated action within 60 days of the receipt of notification by certified mail of such contemplated action the county or regional commission may proceed to institute proceedings pursuant to the provisions of section 9.

**History:** Add. 1968, Act 102, Imd. Eff. June 7, 1968.

#### **46.360 County and regional commission; acceptance of gifts and bequests, grants-in-aid.**

Sec. 10. A county commission may accept in the name of the county and a regional commission may accept in its name gifts, bequests, grants-in-aid, contributions and appropriations of money and other personal property for conservation purposes.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965;—Am. 1966, Act 242, Imd. Eff. July 11, 1966.

#### **46.361 County and regional commissions; development and operation of facilities.**

Sec. 11. A county or regional commission may plan, develop, preserve, administer, maintain and operate park and recreational places and facilities and construct, reconstruct, alter and renew buildings and other structures.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965.

#### **46.362 County and regional commissions; custody, control and management of property.**

Sec. 12. A county or regional commission shall have the custody, control and management of all real and personal property acquired by the county or a regional commission for public parks, preserves, parkways, playgrounds, recreation centers, wildlife areas, lands reserved for flood conditions for impounding runoff water, and other county conservation or recreation purposes.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965.

#### **46.363 County and regional commissions; installation and maintenance of roads and parking facilities.**

Sec. 13. A county or regional commission may install and maintain road and parking facilities within areas

under its control.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965.

**46.364 County and regional commissions; rules; violation of rules as misdemeanor; penalty; prohibited operation of vehicle as municipal civil infraction; enforcement; park rangers; police services.**

Sec. 14. (1) A county or regional commission may adopt, amend, or repeal rules for the protection, regulation, and control of its facilities and areas with the approval of the county board or boards of commissioners.

(2) Rules shall not be contrary to or inconsistent with the laws of this state. Rules shall not take effect until all of the following occur:

(a) The elapse of 9 days after the rules are adopted by the county or regional commission.

(b) The publication of the rules once a week for 2 consecutive weeks in a newspaper of general circulation in the county in which the area or facility to which the rules apply is located.

(c) The posting of a copy of the rules near each gate or principal entrance to the area or facility.

(3) Except as provided in subsection (4), a person who violates a rule adopted by a county or regional commission is guilty of a misdemeanor punishable by a fine of not more than \$100.00 and costs of prosecution or by imprisonment for not more than 90 days, or both.

(4) The operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by a rule adopted by a county or regional commission is a municipal civil infraction, whether or not so designated by the rule. A civil fine ordered for a municipal civil infraction described in this subsection shall not exceed the maximum amount of a fine provided by the rule or \$500.00, whichever is less. An act or omission described in this subsection is not a municipal civil infraction if that act or omission constitutes a violation or crime that is excluded from the definition of municipal civil infraction in section 113 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.113 of the Michigan Compiled Laws.

(5) A county or regional commission may appoint park rangers who may be deputized by a sheriff to enforce the laws of this state. Whether deputized or not, park rangers may enforce the rules adopted by a county or regional commission and have the powers, privileges, and immunities conferred upon peace officers by the laws of this state. A park ranger shall not be appointed unless he or she meets the minimum standards established by the law enforcement officers training council. Park rangers shall exercise their authority and powers only on lands, waters, and property administered by or under the jurisdiction of a county or regional commission.

(6) A county or regional commission may contract with townships, cities, villages, or sheriffs for police services required under this section and may appropriate and expend funds for those services.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965;—Am. 1968, Act 216, Eff. Aug. 1, 1968;—Am. 1994, Act 84, Eff. Oct. 1, 1994.

**46.365 County and regional commissions; charges and fees, collection, payment to county treasurer, uses.**

Sec. 15. A county or regional commission may charge and collect reasonable fees for the use of the facilities, privileges and conveniences provided. All charges and fees for the use of county facilities, privileges and conveniences shall be paid over to the county treasurer, and for the use of regional facilities, privileges and conveniences shall be used for the expenses of the regional commission.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965.

**46.366 County and regional commission; employment of personnel, executive officer.**

Sec. 16. A county commission may employ such personnel as may be authorized by the board of supervisors, including an executive officer. A regional commission may employ its personnel, including an executive officer.

**History:** 1965, Act 261, Imd. Eff. July 21, 1965.

**46.367 Park and recreational places; revenue bonds; resolution; issuance of bonds or notes; negotiability; interest; tax exemption; limitations; applicable law; amount of borrowings.**

Sec. 17. (1) Any county operating under this act, by resolution adopted by a majority of the members elect of its governing body, and with a vote of the majority of the electors of the county voting on the question, may borrow money, pledge its full faith and credit for repayment, and issue its bonds or notes to pay all or part of the cost of acquiring, planning, and developing park and recreational places, and constructing, reconstructing, altering, or renewing buildings and other structures related to said park and recreational places.



(2) The revenue bonds shall be issued pursuant to the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140, or any other applicable act.

(3) Bonds or notes shall be authorized by a resolution adopted by a majority of the members elect of the governing body of the county operating under this act. The full faith and credit of the county may be pledged for the prompt payment of the principal and interest on any borrowing by a county pursuant to this act. The county's full faith and credit may be pledged to the payment of principal and interest of revenue bonds notwithstanding any provision of law. Any bonds or notes shall be issued in the name of the county operating under this act and shall be executed by the chairperson of the county board of commissioners and the county clerk, who shall also cause their facsimile signatures to be affixed to any interest coupons to be attached to any bonds. The county clerk shall affix to the bonds or notes the seal of the county. Bonds or notes issued under this act are negotiable instruments and shall mature in not more than 40 years from the date of issue. The bonds or notes and the interest on the bonds and notes are exempt from taxation by this state or by any taxing authority within this state.

(4) The issuance of bonds or notes under this act is subject to the provisions of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. The amount of borrowings by a county pursuant to this act shall not be subject to any limitations or provisions contained in any law applicable to the county except that a county may not borrow pursuant to this act in an amount which taken together with other indebtedness of the county will exceed 10% of the assessed valuation of the county as last equalized by the state.

**History:** Add. 1969, Act 104, Eff. Mar. 20, 1970;—Am. 1983, Act 177, Imd. Eff. Oct. 14, 1983;—Am. 2002, Act 200, Imd. Eff. Apr. 29, 2002.

**METROPOLITAN COUNCILS ACT**  
**Act 292 of 1989**

AN ACT to authorize certain local governmental units to create certain councils under certain circumstances; to prescribe the powers and duties of councils established under this act; and to authorize certain councils established under this act to levy a property tax.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 166, Eff. Mar. 23, 1999;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

*The People of the State of Michigan enact:*

**124.651 Short title.**

Sec. 1. This act shall be known and may be cited as the “metropolitan councils act”.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

**124.653 Definitions.**

Sec. 3. As used in sections 5 through 35:

(a) “Articles” means a metropolitan area council’s articles of incorporation provided for in section 5.

(b) “Council area” means the combined territory of the cities, villages, and townships participating in a metropolitan area council.

(c) “Largest” means, if used in reference to a county, the county having the greatest population residing in participating cities, villages, and townships. “Largest”, if used in reference to a participating local governmental unit, means the participating local governmental unit having the greatest population.

(d) “Local governmental unit” means a county, township, city, or village.

(e) “Metropolitan area” means a metropolitan statistical area, as defined as of the effective date of this act, by the United States department of commerce or a successor agency, with a population of less than 1,500,000 people.

(f) “Participating”, if used in reference to a local governmental unit, means 1 of the following:

(i) After formation of a metropolitan area council, a local governmental unit that has joined in the formation of the council or been added to the council pursuant to section 11 and that has not withdrawn pursuant to section 33.

(ii) Before formation of a metropolitan area council, a local governmental unit named in the articles of incorporation as a participating local governmental unit.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

**124.655 Metropolitan area council; formation; council as public corporate body and authority; powers generally.**

Sec. 5. (1) A combination of 2 or more local governmental units in a metropolitan area may form a metropolitan area council by adopting articles of incorporation pursuant to the requirements of sections 7 and 9.

(2) A council is a public corporate body with power to sue and be sued in any court of the state.

(3) A council is an authority under section 6 of article IX of the state constitution of 1963.

(4) A council possesses all the powers necessary for carrying out the purposes of its formation. The enumeration of specific powers in this act shall not be construed as a limitation on the general powers of a council, consistent with its articles.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

**124.657 Metropolitan council; articles of incorporation generally.**

Sec. 7. (1) The articles of a council established under this act shall state the name of the council; the names of the participating local governmental units; the purposes for which the council is formed; the powers, duties, and limitations of the council and its officers; the qualifications, method of selection and terms of office of delegates sitting on the council and of council officers; the manner in which participating local governmental units shall take part in the governance of the council; the general method of amending the articles; the method of amending the articles to reflect the addition of a local governmental unit, which shall require the adoption of a resolution by a vote of not less than 2/3 of the delegates serving on the council; and any other matters that the participating local governmental units consider advisable.

(2) The articles may require each participating local governmental unit to annually pay to the council an amount not to exceed 0.2 mills multiplied by the taxable value of all the taxable real and personal property

within that local governmental unit.

(3) Subject to subsection (4), the articles may authorize the council to levy on all the taxable real and personal property within the council area an ad valorem tax of not to exceed 0.5 mills of the taxable value of the taxable property. The levy of a tax under this subsection is subject to the requirements of sections 25 and 27.

(4) The articles of a metropolitan area council shall not authorize a tax levy under subsection (3) unless each delegate serving on the council holds an elected office in the local governmental unit that he or she represents on the council.

(5) As used in this section, "taxable value" means that value calculated under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.659 Articles of incorporation; adoption; amendment; publication; endorsement; filing.**

Sec. 9. (1) The articles of a metropolitan area council shall be adopted and may be amended by an affirmative vote of a majority of the members elected to and serving on the legislative body of each participating local governmental unit.

(2) Before the articles or amendments are adopted by any participating local governmental unit, the articles or amendments shall be published by the clerk of the largest participating local governmental unit at least once in a newspaper generally circulated within the participating cities, villages, and townships.

(3) The adoption of articles or amendments by the legislative body of a local governmental unit shall be evidenced by an endorsement on the articles or amendments by the clerk of the local governmental unit in a form substantially as follows:

These articles of incorporation (or amendments) were adopted by an affirmative vote of a majority of the members serving on the legislative body of \_\_\_\_\_, \_\_\_\_\_ at a meeting duly held on the \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_.

(4) Upon adoption of the articles or amendments, a printed copy of the articles or the amended articles shall be filed by the clerk of the largest participating local governmental unit with the secretary of state, the clerk of each county in which is located all or part of a participating city, village, or township, and the clerk of each participating city, village, or township.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.661 Addition of local governmental unit; requirements; filing amended articles.**

Sec. 11. (1) A local governmental unit may be added to the metropolitan area council after the council's incorporation upon satisfaction of all of the following requirements:

(a) A majority of the members elected to and serving on the legislative body of the local governmental unit vote to adopt a resolution stating that the local governmental unit desires to be added to the metropolitan area council and that it accepts the requirements of the articles as amended to reflect the addition of the local governmental unit.

(b) If there is a tax levied by the metropolitan area council under section 7 and the local governmental unit is a city, village, or township, the tax is authorized by a majority of the electors of that city, village, or township voting on the proposal.

(c) The articles are amended to reflect the addition of the local governmental unit.

(2) Upon addition of a local governmental unit to a metropolitan area council, a printed copy of the amended articles shall be filed as required by section 9 by the clerk of the local governmental unit added to the council.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.663 Referendum.**

Sec. 13. (1) Upon petition by not less than 5% of the registered electors residing in a nonparticipating local governmental unit requesting a referendum on the question of becoming a local governmental unit participating in a metropolitan area council, the clerk of the local governmental unit, upon verifying the required number of signatures on the petitions, shall submit the question of whether the local governmental unit should become a participant in a metropolitan area council to the vote of the electors of the local governmental unit at the next general election or special election called for that purpose, and conducted in accordance with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(2) The clerk of the local governmental unit shall prepare the question for the ballot to be used at the

election, subject to the Michigan election law, 1954 PA 116, 168.1 to 168.992, substantially as follows:

“Should the \_\_\_\_\_ of \_\_\_\_\_ become part of a metropolitan area council?

Yes ( )

No ( )”

(3) If a majority of the electors voting on the question vote “yes”, the local governmental unit shall proceed to become a participating local governmental unit in the manner provided in section 9 or 11, as applicable. If a majority of the electors voting on the question vote “no”, the local governmental unit shall not become a participating local governmental unit in a metropolitan area council for a period of not less than 1 year following the date of the vote.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.663a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.**

Sec. 13a. A petition under section 13, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

**History:** Add. 1998, Act 166, Eff. Mar. 23, 1999.

#### **124.665 Election of chairperson and other officers; chairperson as principal executive officer; meetings; powers and duties; appointments to other agencies.**

Sec. 15. (1) A metropolitan area council shall have a chairperson. The chairperson shall act as principal executive officer and shall preside at the meetings of the council. Meeting times and places shall be fixed by the council and special meetings may be called by a majority of the delegates on the council or by the chairperson. The chairperson shall have such powers and duties as provided in the articles.

(2) In addition to the chairperson, a metropolitan area council shall have other officers as may be provided in the articles. The chairperson and other officers shall be elected by the council and shall be council delegates. However, a secretary and treasurer need not be council delegates.

(3) If provided in the articles, a metropolitan area council may appoint an executive director to serve at the council's pleasure as the principal administrator for the council. The director shall not be a delegate, shall be selected on the basis of training and experience, and shall have the powers and duties as provided in the council bylaws adopted pursuant to section 21.

(4) If specifically authorized by law, a metropolitan area council may make appointments to other governmental agencies.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.667 Per diem compensation; reimbursement for expenses.**

Sec. 17. (1) A metropolitan area council may pay each council delegate a per diem compensation for each council meeting attended and for other designated services performed by the council delegate. A metropolitan area council may reimburse each council delegate for reasonable expenses incurred in attending council meetings and performing services designated by the council.

(2) The budget of a metropolitan area council prepared pursuant to section 21 shall provide as a separate account anticipated expenditures for per diem compensation and expense reimbursement for the chairperson and other council delegates. Compensation or reimbursement shall be paid to the chairperson and other council delegates only if budgeted.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.669 Regulation of land and water; public improvements and services; operation; establishment of divisions, bureaus, and committees; expenses; data collection and storage; feasibility studies; applicability of other laws.**

Sec. 19. (1) The articles may authorize a metropolitan area council to propose standards, criteria, and suggested model ordinances to regulate the use and development of land and water within the council area.

(2) To the extent authorized in the articles, a metropolitan area council may plan, promote, finance, issue bonds for, acquire, improve, enlarge, extend, own, construct, replace, or contract for public improvements and services including, but not limited to, the following:

(a) Water and sewer public improvements and services.

(b) Solid waste collection, recycling, and disposal.

(c) Parks, museums, zoos, wildlife sanctuaries, and recreational facilities.

- (d) Special use facilities.
- (e) Ground and air transportation and facilities, including airports.
- (f) Economic development and planning for the metropolitan area council area.
- (g) Higher education public improvements and services.
- (h) Community foundations as that term is defined in section 261 of the income tax act of 1967, 1967 PA 281, MCL 206.261.

(3) A council established under this act shall not contract for the operation by another person of a public improvement or service acquired by the council pursuant to this act.

(4) A metropolitan area council may establish divisions, bureaus, and committees, including advisory committees. Members of advisory committees shall serve without compensation but may be reimbursed for their reasonable expenses as determined by the council.

(5) A metropolitan area council in cooperation with other agencies and departments of the state and the state universities may develop a center for data collection and storage to be used by the council and other governmental users and may furnish information on subjects such as population, land use, and governmental finances.

(6) A metropolitan area council may study the feasibility of programs relating but not limited to water supply, refuse disposal, surface water drainage, communication, transportation, and other subjects of concern to the participating local governmental units and may institute demonstration projects in connection with the studies.

(7) Revenue bonds issued under this act are subject to the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.

(8) Bonds, other than revenue bonds described in subsection (7), issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998;—Am. 2002, Act 411, Imd. Eff. June 3, 2002.

#### **124.671 Powers and duties of metropolitan area council.**

Sec. 21. (1) A metropolitan area council may do 1 or more of the following:

- (a) Adopt bylaws for the administration of the council.
- (b) Acquire and hold, by purchase, lease, grant, gift, devise, land contract, installment purchase contract, bequest, condemnation, or other legal means, real and personal property within or without the participating cities, villages, and townships. The property may include franchises, easements, or rights of way on, under, or above any property. The council may pay for the property from, or pledge for the payment of the property, revenue of the council. A metropolitan area council shall not condemn public property.
- (c) Apply for and accept grants, loans, or contributions from the federal government or any of its agencies, this state, or other public or private agencies to be used for any of the purposes of this act.
- (d) Sell or lease property acquired for the purposes of this act but not needed for those purposes.
- (e) Contract with a participating local governmental unit for the provision of a service listed in section 19(2) in the participating local governmental unit for a period not exceeding 30 years. The service may be established or funded in conjunction with a service of a local governmental unit, and the provision of a service of a local governmental unit may be delegated to a council. A charge specified in a contract is subject to increase by the council, if necessary to provide funds to meet its obligations. A metropolitan area council may also enter into a contract with a nonparticipating local governmental unit for a period not exceeding 30 years, except that a charge for a service under a contract with a nonparticipating local governmental unit may be greater than a charge to a participating local governmental unit, and is subject to change from time to time without notice. A metropolitan area council's powers under this subdivision are subject to section 19(3).

(f) Hire employees, attorneys, accountants, and consultants.

(2) A council shall do all of the following:

(a) Prepare budgets and appropriations acts in the manner required of local units under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a.

(b) If ending a fiscal year with a deficit, file a financial plan to correct the deficit in the same manner as provided in section 21 of the state revenue sharing act of 1971, 1971 PA 140, MCL 141.921.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.673 Employee rights; collective bargaining; labor agreements; pension or retirement system.**

Sec. 23. (1) A public employee whose duties are transferred to a council established under this act shall be given a position of a comparable description with the council, and shall retain the seniority status and benefit

rights of the public employment position held before the transfer. An employee of a council is a “public employee” as defined in section 1 of 1947 PA 336, MCL 423.201.

(2) A council described in this act may bargain collectively and enter into agreements with labor organizations pursuant to 1947 PA 336, MCL 423.201 to 423.217. When powers or duties of a local governmental unit are transferred to a council, the council shall immediately assume and be bound by an existing labor agreement applicable to those powers or duties for the remainder of the term of the labor agreement. The members and beneficiaries of a pension or retirement system or other benefits established by a local governmental unit, the powers or duties of which are transferred to a council, shall have the same rights, privileges, benefits, obligations, and status with respect to the council. A representative of the employees or a group of employees in a local governmental unit who represents or is entitled to represent the employees or a group of employees of the local governmental unit, pursuant to 1947 PA 336, MCL 423.201 to 423.217, shall continue to represent the employee or group of employees after the employees are transferred to a council. This subsection does not limit the rights of employees, pursuant to applicable law, to assert that a bargaining representative protected by this subsection is no longer their representative.

(3) An employee who left the employ of a local governmental unit to enter the military service of the United States shall have the same employment rights as to a council established under this act as that employee would have had with the local governmental unit pursuant to 1951 PA 263, MCL 35.351 to 35.356.

(4) An employee of a council established under this act who performs a service in the jurisdiction of a local governmental unit that withdraws from the council pursuant to section 33 shall be protected in relation to the local governmental unit to the same extent as an employee of a participating local governmental unit is protected in relation to a council under this section.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.675 Tax; manner of levy and collection.**

Sec. 25. (1) A tax authorized to be levied by a council under this act shall be levied and collected at the same time and in the same manner as provided by the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(2) A council shall not levy a tax except upon the approval of a majority of the qualified and registered electors residing in the council area and voting collectively on the question.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.677 Tax election generally.**

Sec. 27. (1) A proposal for a tax authorized to be levied by a council under this act shall not be placed on the ballot unless the proposal is adopted by a resolution of the council and certified by the council not later than 70 days before the election to the county clerk of each county in which all or part of a participating city, village, or township is located for inclusion on the ballot. The proposal shall state the amount and duration of the millage and shall be certified for inclusion on the ballot at the next general election, the state primary immediately preceding the general election, or a special election at a proposed date not within 45 days of a state primary or a general election, as specified by the council's resolution. A proposed special election date shall be scheduled in compliance with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(2) The county election commission shall provide ballots for an election for a tax proposal for each city, village, or township or part of a city, village, or township located within the county that is participating in a council under this act.

(3) Except as otherwise provided in subsections (4) and (5), an election for a tax shall be conducted by the city and township clerks and election officials of the cities and townships participating in a council under this act.

(4) If an election on a proposal for a tax is to be held in conjunction with a general election or state primary election and if a village participating in a council under this act is located within a nonparticipating township, the township clerk and election officials shall conduct the election. On the forty-fifth day preceding the election, the village clerk or other official maintaining a file of qualified and registered electors of the village shall provide to the township clerk a list containing the name, address, and birth date of each qualified and registered elector of the village. By the fifteenth day preceding the election, the village clerk or other official providing the list shall provide to the township clerk information updating the list as of the close of registration. Persons appearing on the list as updated are eligible to vote in the election by special ballot.

(5) If a tax is to be voted on at a special election not held in conjunction with a general election or state primary election and if a village participating in a council under this act is located within a nonparticipating township, the village clerk and election officials shall conduct the election.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998;—Am. 2003, Act 301, Eff. Jan. 1, 2005  
Rendered Tuesday, February 17, 2009



#### **124.679 Tax election; notices; canvass; certification of results; limitations.**

Sec. 29. (1) If an election for a tax is to be held in conjunction with a general election or a state primary election immediately preceding a general election, the notices of close of registration and election shall be published as provided for by the state election laws. Otherwise, the county clerk of the largest county shall publish the notices of close of registration and election. The notice of close of registration shall include the ballot language of the proposal.

(2) The results of an election for a tax shall be canvassed by the board of county canvassers of each county in which all or part of a city, village, or township participating in a council under this act is located. If the county is not the largest county, the board of county canvassers shall certify the results of the election to the board of county canvassers of the largest county. The board of county canvassers of the largest county shall make the final canvass of an election for a tax based on the returns of the election inspectors of the participating cities, villages, and townships in that county and the certified results of the board of county canvassers of every other county in which a city, village, or township participating in the council is located. The board of county canvassers of the largest county shall certify the results of the election to the council and issue certificates of election. If a majority of the votes cast on the question of a tax is in favor of the proposal, the tax levy is authorized. No more than 2 elections shall be held in a calendar year on the question of a tax.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.681 Tax election; reimbursement of costs.**

Sec. 31. (1) A county clerk shall charge the council and the council shall reimburse the county for the actual costs the county incurs in an election for a tax proposal of a council established under this act.

(2) If a township, city, or village participating in a council under this act conducts an election for a tax, the clerk of that local governmental unit shall charge the council and the council shall reimburse the local governmental unit for the actual costs the local governmental unit incurs in conducting the election if the election is not held in conjunction with a regularly scheduled election in that local governmental unit.

(3) In addition to costs reimbursed pursuant to subsections (1) and (2), a local governmental unit shall charge the council and the council shall reimburse the local governmental unit for actual costs that the local governmental unit incurs and that are attributable to an election for a tax proposal.

(4) The actual costs that a county, township, city, or village incurs shall be based on the number of hours of work done in conducting the election, the rates of compensation of the workers, and the cost of materials supplied in the election.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.683 Withdrawal from membership in council; conditions; unpaid obligations; evidence of withdrawal.**

Sec. 33. (1) Except as otherwise provided in subsection (2), a local governmental unit participating in a council under this act may withdraw from membership in the council if all of the following conditions are met:

(a) Adoption of a resolution by a majority of the members elected to and serving on the legislative body of the local governmental unit requesting withdrawal from membership.

(b) Payment or the provision for payment is made regarding any obligations of the local governmental unit to the council or its creditors.

(2) If, upon withdrawal of a local governmental unit, the local governmental unit has unpaid obligations to the council, a tax levied by the council under this act before withdrawal of the local governmental unit shall continue to be levied in the local governmental unit, to the extent and in an amount needed to satisfy the unpaid obligations, until the obligations are paid or the tax expires, whichever happens first. A local governmental unit that withdraws from a council shall continue to receive services from the council until the local governmental unit is no longer required to pay a tax levied by the council.

(3) Withdrawal of a local governmental unit from a council shall be evidenced by an amendment to the articles executed by the secretary or, if the council has no secretary, by the chairperson of the council and filed and published in the same manner as the original articles.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.685 Conducting business at public meeting; availability of writings to public.**

Sec. 35. (1) The business that a council established under this act performs shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.



(2) A writing prepared, owned, used, in the possession of, or retained by a council in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**History:** 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.693 Definitions; MCL 124.693 to 124.713.**

Sec. 43. As used in sections 43 through 63:

- (a) “Articles” means a council’s articles of incorporation provided for in section 45.
- (b) “Council” means a metropolitan region council established pursuant to this act.
- (c) “Council area” means the actual territory of the counties participating in the metropolitan region.
- (d) “Largest” means, if used in reference to a county, the county having the greatest population.
- (e) “Obscene” means material that meets the following criteria:
  - (i) When examined in its totality, the material appeals to a prurient interest.
  - (ii) The material depicts or describes, in a patently offensive way, sexual conduct specifically defined by state law.
  - (iii) When examined in its totality, the material lacks serious literary, artistic, political, or scientific value.
- (f) “Participating”, if used in reference to a qualified county, means 1 of the following:
  - (i) After formation of a metropolitan region council, a qualified county that has joined in the formation of the council or been added to the council pursuant to section 51 and that has not withdrawn pursuant to section 63.
  - (ii) Before formation of a metropolitan region council, a qualified county named in the articles of incorporation as a participating qualified county.
- (g) “Qualified city” means a city that meets all of the following conditions:
  - (i) The city is located in a participating qualified county.
  - (ii) The city owns 2 or more regional cultural institutions.
  - (iii) The city has a population of not less than 700,000 persons according to the most recent federal decennial census.
- (h) “Qualified county” means a county that meets the following requirements:
  - (i) The county has a population of not less than 780,000 according to the most recent federal decennial census.
  - (ii) The county has a qualified city within its geographic boundaries, or is contiguous to a county with a qualified city.
- (i) “Regional cultural institution” means a structure, fixture, or activity provided by a tax exempt entity that has been in existence for at least 18 consecutive months before becoming eligible for funding under this chapter. “Regional cultural institution” may include a zoological institute; a science center, whether or not it is affiliated with a private educational institution; a public broadcast station as defined by section 397 of subpart E of part IV of title III of the communications act of 1934, 47 U.S.C. 397, whether or not the public broadcast station is affiliated with an institution of higher education; a museum, whether or not it is affiliated with a private educational institution; a historical center; a performing arts center; a visual or performance art instruction center affiliated with an independent institution of higher education in the arts; an orchestra; a chorus; a chorale; or an opera theater. “Regional cultural institution” does not include a professional sports arena or stadium; a labor organization; a political organization; a library; a public, private, or charter school; or an exhibition, performance, or presentation that is obscene.
- (j) “Tax exempt entity” means any of the following:
  - (i) An organization exempt from taxation under section 501(c) of the internal revenue code of 1986.
  - (ii) An entity or division owned by an organization described in subparagraph (i).
  - (iii) An entity owned by a township, city, village, community college, state university, or any other public body that is not a public school, charter school, or public school academy.

**History:** Add. 1998, Act 375, Imd. Eff. Oct. 20, 1998.

#### **124.695 Metropolitan region council; formation; adoption of articles of incorporation; conditions; establishment of metropolitan region council board; appointment of representatives; powers and duties.**

Sec. 45. (1) Two or more qualified counties in combination with one another and with 1 or more qualified cities may form a metropolitan region council by adopting articles of incorporation in accordance with sections 47 and 49, if the county commission of each qualified county seeking to participate, and the city council of each qualified city seeking to participate, does the following:

- (a) Adopts a resolution declaring an intent to participate in the formation of that authority.

(b) Adopts articles of incorporation in accordance with sections 47 and 49.

(2) Upon adoption of the resolutions described in subsection (1)(a), the participating qualified counties and qualified cities of a metropolitan region council shall establish a metropolitan region council board. The chief executive officer of each participating qualified county and qualified city shall appoint 3 representatives to the board, with the advice and consent of the legislative body of the county or city. However, if a participating qualified county has a population greater than 2,000,000 persons, a representative shall be appointed by each of the 3 largest geographical conferences established in the county before January 1, 1999 under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(3) A metropolitan region council is a public corporate body with power to sue and be sued in any court of the state.

(4) A metropolitan region council is an authority under section 6 of article IX of the state constitution of 1963.

(5) A metropolitan region council possesses all the powers necessary for carrying out the purposes of its formation. The enumeration of specific powers in this act shall not be construed as a limitation on the general powers of a council, consistent with its articles.

**History:** Add. 1998, Act 375, Imd. Eff. Oct. 20, 1998.

### **124.697 Articles of metropolitan region council; provisions.**

Sec. 47. (1) A metropolitan region council's articles shall state the name of the council; the names of the participating counties and cities; the purposes for which the council is formed; the powers, duties, and limitations of the council and its officers; the qualifications, method of selection, and terms of office of delegates sitting on the council and of council officers; the manner in which participating counties and cities shall take part in the governance of the council; the general method of amending the articles; any matter that the participating counties and cities consider advisable; and both of the following, which shall require the adoption of a resolution by a vote of not less than 2/3 of the delegates serving on the council, including at least 1 delegate from each participating qualified county and qualified city:

(a) The method of amending the articles to reflect the addition of a qualified county or qualified city.

(b) The method of amending the articles to reflect a change in the distribution of funds among regional cultural institutions.

(2) Subject to subsection (3) and the requirements of sections 25 and 27, the articles may authorize the metropolitan region council to act in accordance with section 7(3).

(3) The articles of a metropolitan region council shall specify that, as a condition of proceeding under subsection (2), the county commission of each qualified county participating in the council shall place on a countywide ballot the proposal described in section 27(1) at the regularly scheduled county primary or general election that follows the determination to proceed under section 27(3).

(4) The articles of a metropolitan region council shall specify the maximum amount or percentage of revenues received under this act that the council may authorize to be expended annually for administrative costs incurred under this act. The articles shall also specify that not more than 3% of annual revenues received under this act may be expended annually for those administrative costs. Additionally, the articles shall authorize the council to provide funding, supplemental to funding received from other sources, for regional cultural institutions located within the council area that the council serves. However, a council shall not expend money collected under this section unless the specific expenditure is included in the council's annual budget, expressly authorized in the council's articles, or unless the expenditure is approved by an affirmative vote of a majority of the council's delegates.

**History:** Add. 1998, Act 375, Imd. Eff. Oct. 20, 1998.

### **124.699 Participating qualified county; receipt of revenues; publication and adoption of articles or amendments.**

Sec. 49. (1) Except as provided in subsection (2), the articles of a metropolitan region council shall authorize each participating qualified county to receive up to 1/3 of any net revenues collected within that participating qualified county under section 47. The amount of up to 1/3 of net revenues received shall be expended to fund those cultural and recreational programs and facilities that are not primarily designed or used for professional sports.

(2) A participating qualified county with a population of more than 2,000,000 persons according to the most recent federal decennial census shall not receive any net revenues collected within that county under section 47(2). Instead, 1/3 of the net revenues collected in each city, village, or portion of a township that is not incorporated as a city or village shall be retained by that city, village, or portion of a township, and those net revenues shall be expended by the affected cities, villages, and portions of townships to fund only cultural

and recreational programs and facilities that are not primarily designed or used for professional sports.

(3) Before the articles or amendments are adopted by any participating city, the articles or amendments shall be published by the clerk of the participating city at least once in a newspaper generally circulated within the participating city. Before the articles or amendments are adopted by participating qualified counties, the articles or amendments shall be published by the clerk of each participating qualified county at least once in a newspaper generally circulated within that county.

(4) The adoption of articles or amendments by the legislative body of a participating county or city shall be evidenced by an endorsement on the articles or amendments by the clerk of the participating county or city in a form substantially as follows:

These articles of incorporation (or amendments) were adopted by an affirmative vote of a majority of the members serving on the legislative body of \_\_\_\_\_, \_\_\_\_\_ at a meeting duly held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_.

(5) Upon adoption of the articles or amendments by a metropolitan region council, the clerk of each participating county shall file in that county and with the secretary of state a printed copy of the adopted or amended articles.

**History:** Add. 1998, Act 375, Imd. Eff. Oct. 20, 1998.

#### **124.701 Addition of qualified county or city to metropolitan region council; filing amended articles.**

Sec. 51. (1) A qualified county or qualified city may be added to the metropolitan region council after the council's incorporation upon satisfaction of all of the following requirements:

(a) A majority of the members elected to and serving on the legislative body of the qualified county or qualified city vote to adopt a resolution stating that the qualified county or qualified city desires to be added to the metropolitan region council and that it accepts the requirements of the articles as amended to reflect the addition of the qualified county or qualified city.

(b) If a qualified city is proposing to be added to a metropolitan region council that is exercising its authority under section 47(2), that exercise of authority is authorized by a majority of the electors of the city voting on the proposal at the regularly scheduled county primary or general election that follows adoption of the resolution described in subdivision (a). If a qualified county is proposing to be added to a metropolitan region council that is exercising its authority under section 47(2), that exercise of authority is authorized by a majority of the electors of the qualified county voting on the proposal at the regularly scheduled county primary or general election that follows adoption of the resolution described in subdivision (a).

(c) The articles are amended to reflect the addition of the qualified county or qualified city.

(2) Upon addition of a qualified county or qualified city to a metropolitan region council, a printed copy of the amended articles shall be filed as required by section 9 by the clerk of the qualified county or qualified city added to the council.

**History:** Add. 1998, Act 375, Imd. Eff. Oct. 20, 1998.

#### **124.709 Regional cultural institutions and local recreation and cultural facilities; development or enhancement.**

Sec. 59. A metropolitan region council may be established solely to develop or enhance regional cultural institutions and local recreation and cultural facilities, other than facilities that are primarily designed or used for professional sports, within the geographic boundaries of qualified counties participating in the council.

**History:** Add. 1998, Act 375, Imd. Eff. Oct. 20, 1998.

#### **124.711 Metropolitan region council; powers and duties.**

Sec. 61. (1) A metropolitan region council may do 1 or more of the following:

(a) Adopt bylaws for the administration of the council.

(b) Acquire and hold, by purchase, lease, grant, gift, devise, land contract, installment purchase contract, bequest, condemnation, or other legal means, real and personal property within or without the participating qualified counties and qualified cities. The property may include franchises, easements, or rights-of-way on, under, or above any property. The metropolitan region council may pay for the property from, or pledge for the payment of the property, revenue of the council. A council shall not condemn public property.

(c) Apply for and accept grants, loans, or contributions from the federal government or any of its agencies, this state, or other public or private agencies to be used for any of the purposes of this act.

(d) Sell or lease property acquired for the purposes of this act but not needed for those purposes.

(e) Hire employees, attorneys, accountants, and consultants.

(2) A metropolitan region council shall do all of the following:

(a) Prepare budgets and appropriations acts in the manner required of local units under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a.

(b) If ending a fiscal year with a deficit, file a financial plan to correct the deficit in the same manner as provided in section 21 of the state revenue sharing act of 1971, 1971 PA 140, MCL 141.921.

**History:** Add. 1998, Act 375, Imd. Eff. Oct. 20, 1998.

#### **124.713 Withdrawal of participating qualified county or city; conditions; unpaid obligations; evidence.**

Sec. 63. (1) Except as otherwise provided in subsection (2), a participating qualified county or qualified city may withdraw from membership in the metropolitan region council if all of the following conditions are met:

(a) Adoption of a resolution by a majority of the members elected to and serving on the legislative body of the qualified county or qualified city requesting withdrawal from membership.

(b) Payment or the provision for payment is made regarding any obligations of the qualified county or qualified city to the metropolitan region council or its creditors.

(2) If, upon withdrawal, a qualified county or qualified city has unpaid obligations to the metropolitan region council that arose under section 47(2) before withdrawal of the qualified county or qualified city, the obligations shall continue to be imposed in the qualified county or qualified city, to the extent and in an amount needed to satisfy the unpaid obligations, until the obligations are paid or expire, whichever happens first. A qualified county or qualified city that withdraws from a metropolitan region council shall continue to receive services from the council until that qualified county or qualified city is no longer required to satisfy an obligation imposed by the council under section 47(2).

(3) Withdrawal of a qualified county or qualified city from a metropolitan region council shall be evidenced by an amendment to the articles executed by the secretary or, if the council has no secretary, by the chairperson of the council and filed and published in the same manner as the original articles.

**History:** Add. 1998, Act 375, Imd. Eff. Oct. 20, 1998.

#### **124.715 Definitions; MCL 124.717 to 124.729.**

Sec. 65. As used in sections 67 through 79:

(a) "Articles" means a metropolitan arts council's articles of incorporation provided for in section 69.

(b) "Council" means a metropolitan arts council established under section 67.

(c) "Council area" means the actual territory of a metropolitan arts council.

(d) "Facilities and programs" means structures, fixtures, and activities provided by a tax exempt entity that has been in existence for at least 18 consecutive months before becoming eligible for funding under sections 67 through 79. Facilities and programs may include a public broadcast station as defined by section 397 of subpart E of part IV of title III of the communications act of 1934, 47 U.S.C. 397, whether or not the public broadcast station is affiliated with an institution of higher education; a museum or historical center; a performing arts center; an orchestra; chorus; chorale; opera theater; and a ballet, dance, or theater company. Facilities and programs do not include professional sports arenas or stadiums, labor organizations, political organizations, libraries, or public, private, or charter schools.

(e) "Metropolitan district" means either of the following:

(i) A county with not less than 2 state public universities.

(ii) A county with a population of not more than 100,000 individuals and a boundary contiguous to a county with not less than 2 state public universities.

(f) "Tax exempt entity" means any of the following:

(i) An organization exempt from taxation under section 501(c) of the internal revenue code of 1986.

(ii) An entity or division owned by an organization described in subparagraph (i).

(iii) An entity owned by a township, city, village, community college, state university, or any other public body that is not a public school, charter school, or public school academy.

**History:** Add. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.717 Metropolitan district; formation of metropolitan arts council; conditions; establishment of metropolitan arts council board; powers and duties.**

Sec. 67. (1) A metropolitan district may form a metropolitan arts council if the district's county commission does the following:

(a) Adopts a resolution declaring an intent to participate in the formation of that council.

(b) Adopts articles of incorporation in accordance with sections 69 and 71.

(2) Upon adoption of the resolutions described in subsection (1), the metropolitan district shall establish a metropolitan arts council board. The board shall consist of not more than 12 members, each of whom is from a county commission district different from the county commission district of all other members.

(3) A metropolitan arts council is a public corporate body with power to sue and be sued in any court of the state.

(4) A metropolitan arts council is an authority under section 6 of article IX of the state constitution of 1963.

(5) A metropolitan arts council possesses all the powers necessary for carrying out the purposes of its formation. The enumeration of specific powers in this act shall not be construed as a limitation on the general powers of a metropolitan arts council, consistent with its articles.

**History:** Add. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.719 Metropolitan arts council; establishment; purpose; articles.**

Sec. 69. (1) A metropolitan arts council may be established solely to develop or enhance cultural institutions and facilities within the geographic boundaries of the council. A metropolitan arts council's articles shall state the name of the council; the purposes for which the council is formed; the powers, duties, and limitations of the council and its officers; the qualifications, method of selection and terms of office of delegates sitting on the council and of council officers; and the general method of amending the articles.

(2) The articles may authorize the metropolitan arts council to act in accordance with section 7(3).

**History:** Add. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.721 Metropolitan arts council; adoption or amendment of articles.**

Sec. 71. (1) The articles of a metropolitan arts council shall be adopted and may be amended by an affirmative vote of a majority of the county commissioners.

(2) Before the articles or amendments are adopted by the county commission, the articles or amendments shall be published by the county clerk. The clerk shall publish the articles or amendments at least once in a newspaper generally circulated within the county.

(3) The adoption of articles or amendments by the county commission shall be evidenced by an endorsement on the articles or amendments by the county clerk in a form substantially as follows:

These articles of incorporation (or amendments) were adopted by an affirmative vote of a majority of the members serving on the county commission of \_\_\_\_\_, \_\_\_\_\_ at a meeting duly held on the \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_.

(4) Upon adoption of the articles or amendments, a printed copy of the articles or the amended articles shall be filed by the clerk of the county and with the secretary of state.

**History:** Add. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.723 Metropolitan arts council; chairperson; officers; administrator; other appointments.**

Sec. 73. (1) A metropolitan arts council shall have a chairperson. The chairperson shall act as principal executive officer and shall preside at the meetings of the council. Meeting times and places shall be fixed by the council and special meetings may be called by a majority of the delegates on the council or by the chairperson. The chairperson shall have such powers and duties as provided in the articles.

(2) In addition to the chairperson, a metropolitan arts council shall have other officers as may be provided in the articles. The chairperson and other officers shall be elected by the council and shall be council delegates. However, a secretary and treasurer need not be council delegates.

(3) If provided in the articles, a metropolitan arts council may appoint an executive director to serve at the council's pleasure as the principal administrator for the council. The director shall not be a delegate, shall be selected on the basis of training and experience, and shall have the powers and duties as provided in the council bylaws adopted pursuant to section 79.

(4) If specifically authorized by law, a council for a metropolitan region may make appointments to other governmental agencies.

**History:** Add. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

#### **124.725 Membership; compensation; expenses; annual budget.**

Sec. 75. (1) Metropolitan arts council members shall serve without compensation but upon approval of a majority of delegates serving may be reimbursed for actual and necessary expenses incurred in the performance of the council's official duties.

(2) A metropolitan arts council shall prepare annually a budget that provides as a separate account anticipated expenditures for per diem compensation and expense reimbursement for the chairperson and other council delegates. Compensation or reimbursement shall be paid to the chairperson and other council delegates only if budgeted.

**History:** Add. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

**124.727 Annual expenditure for administrative costs; establishment of divisions, bureaus, and committees.**

Sec. 77. (1) A metropolitan arts council's articles shall specify the maximum amount or percentage of revenues received under this act that the council may authorize to be expended annually for administrative costs incurred under this act. The articles may authorize a local arts council within the metropolitan council area to administer this act or portions of this act. Additionally, the articles shall authorize that council to provide funding, supplemental to funding received from other sources, for cultural facilities and programs located within the metropolitan district that the council serves. However, a metropolitan arts council shall not expend money collected under section 69 unless the specific expenditure is included in the council's annual budget, expressly authorized in the council's articles, or unless the expenditure is approved by an affirmative vote of a majority of the council's delegates.

(2) A metropolitan arts council may establish divisions, bureaus, and committees, including advisory committees. Members of advisory committees shall serve without compensation but may be reimbursed for their reasonable expenses as determined by the council.

**History:** Add. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

**124.729 Bylaws.**

Sec. 79. A metropolitan arts council may adopt bylaws for the administration of the council.

**History:** Add. 1998, Act 373, Imd. Eff. Oct. 20, 1998.



**RECREATIONAL AUTHORITIES ACT**  
**Act 321 of 2000**

AN ACT to provide for the establishment of recreational authorities; to provide powers and duties of an authority; to authorize the assessment of a fee, the levy of a property tax, and the issuance of bonds and notes by an authority; and to provide for the powers and duties of certain government officials.

**History:** 2000, Act 321, Eff. Dec. 1, 2000.

*The People of the State of Michigan enact:*

**123.1131 Short title.**

Sec. 1. This act shall be known and may be cited as the “recreational authorities act”.

**History:** 2000, Act 321, Eff. Dec. 1, 2000.

**123.1133 Definitions.**

Sec. 3. As used in this act:

- (a) “Articles” means the articles of incorporation of an authority.
- (b) “Authority” means a recreational authority established under section 5.
- (c) “Board” means the board of directors of the authority.
- (d) “District” means a portion of a municipality having boundaries coterminous with those of a precinct used for general elections.
- (e) “Electors of the authority” means the qualified and registered electors of the participating municipalities who reside within the territory of the authority.
- (f) “Largest county” means, of those counties in which a participating municipality is located, the county having the greatest population.
- (g) “Municipality” means a city, county, village, or township.
- (h) “Park” means an area of land or water, or both, dedicated to 1 or more of the following uses:
  - (i) Recreational purposes, including, but not limited to, landscaped tracts; picnic grounds; playgrounds; athletic fields; camps; campgrounds; zoological and botanical gardens; living historical farms; boating, hunting, fishing, and birding areas; swimming areas; and foot, bicycle, and bridle paths.
  - (ii) Open or scenic space.
  - (iii) Environmental, conservation, nature, or wildlife areas.
- (i) “Participating municipality” means a municipality or district that is named in articles of incorporation or proposed articles of incorporation as joining in the original establishment of an authority, or a municipality or district that joins an existing authority and is added to the articles of incorporation, and that has not withdrawn from the authority.
- (j) “Public historic farm” means a parcel of public land and its buildings that are accessible to the public, and provides, but is not limited to, agricultural and historical programs, farming activities and animal husbandry, community recreation activities and events, programs held in common areas, meeting rooms, and community gardens, and access to surrounding parkland.
- (k) “Swimming pool” includes equipment, structures, areas, and enclosures intended for the use of individuals using or operating a swimming pool, such as equipment, dressing, locker, shower, and toilet rooms.
- (l) “Territory of the authority” means the combined territory of the participating municipalities that is served by an authority.

**History:** 2000, Act 321, Eff. Dec. 1, 2000;—Am. 2003, Act 135, Imd. Eff. Aug. 1, 2003.

**123.1135 Recreational authority; establishment; articles of incorporation; adoption; applicability of subsection (3); publication; filing copy with secretary of state; effect.**

Sec. 5. (1) Two or more municipalities or districts may establish a recreational authority. A recreational authority is an authority under section 6 of article IX of the state constitution of 1963.

(2) To initiate the establishment of an authority, articles of incorporation shall be prepared. The articles of incorporation shall include all of the following:

- (a) The name of the authority.
- (b) The names of the participating municipalities.
- (c) A description of the territory of the authority.
- (d) The size of the board of the authority, which shall be comprised of an odd number of members; the qualifications, method of selection, and terms of office of board members; and the filling of vacancies in the



office of board member. If board members are elected in at-large elections by the qualified and registered electors of the participating municipalities, voting collectively, the election of board members shall be conducted pursuant to the same procedures that govern an election for a tax under sections 13 to 17.

(e) The purposes for which the authority is established, which shall be the acquisition, construction, operation, maintenance, or improvement of 1 or more of the following:

- (i) A public swimming pool.
- (ii) A public recreation center.
- (iii) A public auditorium.
- (iv) A public conference center.
- (v) A public park.
- (vi) A public museum.
- (vii) A public historic farm.

(f) The procedure and requirements for a municipality or district to become a participating municipality in, and for a participating municipality to withdraw from, an existing authority or to join in the original formation of an authority. For a municipality or district to become a participating municipality in an existing authority or to join in the original formation of an authority, a majority of the electors of the municipality or district proposed to be included in the territory of the authority and voting on the question shall approve a tax that the authority has been authorized to levy by a vote of the electors of the authority under section 11. A municipality or district shall not withdraw from an authority during the period for which the authority has been authorized to levy a tax by the electors of the authority.

(g) Any other matters considered advisable.

(3) The articles shall be adopted and may be amended by an affirmative vote of a majority of the members serving on the legislative body of each participating municipality. If a participating municipality is a district, the articles shall be adopted and may be amended by an affirmative vote of a majority of the members serving on the legislative body of the entire municipality. Unless the articles provide otherwise, the requirements of this subsection do not apply to an amendment to the articles to allow a municipality or district to become a participating municipality in, or to allow a participating municipality to withdraw from, an existing authority.

(4) Before the articles or amendments to the articles are adopted, the articles or amendments to the articles shall be published not less than once in a newspaper generally circulated within the participating municipalities. The adoption of articles or amendments to the articles by a municipality or district shall be evidenced by an endorsement on the articles or amendments by the clerk of the municipality.

(5) Upon adoption of the articles or amendments to the articles by each of the participating municipalities, a printed copy of the articles or the amended articles shall be filed with the secretary of state by the clerk of the last participating municipality to adopt the articles or amendments.

(6) The authority's articles of incorporation, or amendments to the articles, take effect upon filing with the secretary of state.

**History:** 2000, Act 321, Eff. Dec. 1, 2000;—Am. 2003, Act 135, Imd. Eff. Aug. 1, 2003.

### **123.1137 Board of directors; vacancy; quorum; voting; reimbursement for expenses; conduct of public meeting; availability of writing; election of officers; adoption of bylaws.**

Sec. 7. (1) A vacancy occurs on the board on the happening of any of the events set forth in section 3 of 1846 RS 15, MCL 201.3. Appointed members of the board, if any, may be removed by the appointing authority for good cause after a public hearing. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.

(2) A majority of the members of the board constitutes a quorum for the purpose of conducting business and exercising the powers of an authority. Official action may be taken by an authority upon the vote of a majority of the board members present, unless the authority adopts bylaws requiring a larger number.

(3) A member of the board shall not receive compensation for services as a member of the board but is entitled to reimbursement for reasonable expenses, including expenses for travel previously authorized by the board, incurred in the discharge of his or her duties.

(4) The business that an authority may perform shall be conducted at a public meeting of the authority held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(5) A writing prepared, owned, or used by an authority in the performance of an official function shall be made available in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(6) At its first meeting, a board shall elect a chairperson, a secretary, a treasurer, and any other officers it considers necessary. A board shall meet at least quarterly.

(7) A board may adopt bylaws to govern its procedures.

**History:** 2000, Act 321, Eff. Dec. 1, 2000.

### **123.1139 Powers of authority.**

Sec. 9. An authority may do 1 or more of the following:

(a) Acquire and hold, by purchase, lease with or without option to purchase, grant, gift, devise, land contract, installment purchase contract, bequest, or other legal means, real and personal property inside or outside the territory of the authority. The property may include franchises, easements, or rights of way on, under, or above any property. The authority may pay for the property from, or pledge for the payment of the property, revenue of the authority.

(b) Apply for and accept grants or contributions from individuals, the federal government or any of its agencies, this state, a municipality, or other public or private agencies to be used for any of the purposes of the authority.

(c) Hire full-time or part-time employees and retain professional services.

(d) Provide for the maintenance of all of the real and personal property of the authority.

(e) Assess and collect fees for services provided by and expenses incurred by the authority.

(f) Receive revenue as appropriated by the legislature of this state or a participating municipality.

(g) Enter into contracts incidental to or necessary for the accomplishment of the purposes of the authority.

**History:** 2000, Act 321, Eff. Dec. 1, 2000.

### **123.1141 Tax levy; ballot proposal; vote; authorization; number of elections.**

Sec. 11. (1) An authority may levy a tax of not more than 1 mill for a period of not more than 20 years on all of the taxable property within the territory of the authority for the purposes of acquiring, constructing, operating, maintaining, and improving a public swimming pool, public recreation center, public auditorium or conference center, or public park. The authority may levy the tax only upon the approval of a majority of the electors in each of the participating municipalities of the authority voting on the tax on November 6, 2001 or, thereafter, at a statewide general or primary election. The proposal for a tax shall be submitted to a vote of the electors of the authority by resolution of the board.

(2) A ballot proposal for a tax shall state the amount and duration of the millage and the purposes for which the millage may be used. A proposal for a tax shall not be placed on the ballot unless the proposal is adopted by a resolution of the board and certified by the board not later than 60 days before the election to the county clerk of each county in which all or part of the territory of the authority is located for inclusion on the ballot. The proposal shall be certified for inclusion on the ballot at the next eligible election, as specified by the board's resolution.

(3) If a majority of the electors in each of the participating municipalities of the authority voting on the question of a tax approve the proposal as provided under subsection (1), the tax levy is authorized. Not more than 2 elections may be held in a calendar year on a proposal for a tax authorized under this act.

**History:** 2000, Act 321, Eff. Dec. 1, 2000;—Am. 2003, Act 135, Imd. Eff. Aug. 1, 2003.

### **123.1143 Tax election; ballots provided by county election commission; conduct; list of qualified electors.**

Sec. 13. (1) The county election commission of each county in which all or part of a participating municipality is located shall provide ballots for an election for a tax under section 11 for each participating municipality or part of a participating municipality located within the county.

(2) An election for a tax shall be conducted by the city and township clerks and election officials of the municipalities located within the territory of the authority.

(3) If an election on a proposal for a tax is to be held in conjunction with a general election or state primary election and if a participating village is located within a nonparticipating township, the township clerk and election officials shall conduct the election. Not later than 45 days preceding the election, the village clerk shall provide to the township clerk a list containing the name, address, and birth date of each qualified and registered elector of the village residing in the territory of the authority. Not later than 15 days before the election, the village clerk shall provide to the township clerk information updating the list as of the close of registration. A person appearing on the list as updated is eligible to vote in the election by special ballot.

**History:** 2000, Act 321, Eff. Dec. 1, 2000.

### **123.1145 Notices of close of registration and election; publication; certification of election results.**

Sec. 15. (1) If an election for a tax under section 11 is to be held in conjunction with a general election or a

state primary election, the notices of close of registration and election shall be published as provided for by the state election laws. Otherwise, the county clerk of the largest county shall publish the notices of close of registration and election. The notice of close of registration shall include the ballot language of the proposal.

(2) The results of an election for a tax shall be canvassed by the board of county canvassers of each county in which a participating municipality is located. The board of county canvassers of a county in which a participating municipality is located and that is not the largest county shall certify the results of the election to the board of county canvassers of the largest county. The board of county canvassers of the largest county shall make the final canvass of an election for a tax based on the returns of the election inspectors of the participating municipalities in that county and the certified results of the board of county canvassers of every other county in which a participating municipality is located. The board of county canvassers of the largest county shall certify the results of the election to the board of the authority.

**History:** 2000, Act 321, Eff. Dec. 1, 2000.

### **123.1147 Tax election; costs; reimbursement; basis.**

Sec. 17. (1) A county clerk shall charge the authority and the authority shall reimburse the county for the actual costs the county incurs in an election for a tax under section 11 that occurs on November 6, 2001.

(2) If a participating municipality conducts an election for a tax, the clerk of that participating municipality shall charge the authority and the authority shall reimburse the participating municipality for the actual costs the participating municipality incurs in conducting the election if the election is not held in conjunction with a regularly scheduled election in that municipality.

(3) In addition to costs reimbursed under subsection (1) or (2), a county or municipality shall charge the authority and the authority shall reimburse the county or municipality for actual costs that the county or municipality incurs and that are exclusively attributable to an election for a tax authorized under this act.

(4) The actual costs that a county or municipality incurs shall be based on the number of hours of work done in conducting the election, the rates of compensation of the workers, and the cost of materials supplied in the election.

**History:** 2000, Act 321, Eff. Dec. 1, 2000.

### **123.1149 Collection and distribution of tax.**

Sec. 19. The tax shall be collected with county taxes and distributed by the local tax collecting unit under the provisions of the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

**History:** 2000, Act 321, Eff. Dec. 1, 2000.

### **123.1151 Borrowing money or issuing bonds or notes.**

Sec. 21. (1) An authority may borrow money and issue bonds or notes to finance the acquisition, construction, and improvement of a public swimming pool, a public recreation center, a public auditorium, a public conference center, or a public park, including the acquisition of sites and the acquisition and installation of furnishings and equipment for these purposes.

(2) An authority shall not borrow money or issue bonds or notes for a sum that, together with the total outstanding bonded indebtedness of the authority, exceeds 2 mills of the taxable value of the taxable property within the district as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(3) Bonds or notes issued by an authority are a debt of the authority and not of the participating municipalities.

(4) A tax levied to pay a bond or note obligation by a recreational authority under this act shall not exceed 5 years without the approval of a majority of the electors in each of the participating municipalities of the authority.

(5) All bonds or notes issued by a recreational authority under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

**History:** 2000, Act 321, Eff. Dec. 1, 2000;—Am. 2002, Act 233, Imd. Eff. Apr. 29, 2002;—Am. 2003, Act 135, Imd. Eff. Aug. 1, 2003.

### **123.1153 Issuance of general obligation unlimited tax bonds; submission of proposal for vote; ballot language; conduct of election; authorization and levy of tax.**

Sec. 23. (1) An authority may issue general obligation unlimited tax bonds upon approval of a majority of the electors in each of the participating municipalities of the authority voting on the question of issuing the bonds. The proposal to issue general obligation unlimited tax bonds shall be submitted to a vote of the electors of the authority by resolution of the board.

(2) The language of the ballot proposal shall be in substantially the following form:

“Shall [name of authority], formed by [names of participating municipalities], borrow the sum of not to exceed \_\_\_\_\_ dollars (\$ \_\_\_\_\_) and issue its general obligation unlimited tax bonds for all or a portion of that amount for the purpose of \_\_\_\_\_?”

This is expected to result in an increase of \_\_\_\_\_ in the tax levied on property valued at \_\_\_\_\_ for a period of \_\_\_\_\_ years.

Yes [ ] No [ ]”.

(3) The election shall be conducted in the manner provided in sections 11 to 17 for an election for a tax. Not more than 2 elections on the question of issuing general obligation unlimited tax bonds may be held in a calendar year.

(4) If an authority issues general obligation unlimited tax bonds under this section, the board, by resolution, shall authorize and levy the taxes necessary to pay the principal of and interest on the bonds.

**History:** 2000, Act 321, Eff. Dec. 1, 2000;—Am. 2003, Act 135, Imd. Eff. Aug. 1, 2003.

### **123.1155 Refunding outstanding debt obligations.**

Sec. 25. (1) An authority may borrow money and issue its negotiable bonds and notes for the purpose of refunding outstanding debt obligations of the district by resolution of the board, without submitting the question to the electors of the authority.

(2) Refunding bonds or the refunding part of a bond issue shall be considered to be within the 2-mill limitation of section 21(2).

(3) An authority may borrow money and issue bonds or notes for refunding all or part of existing bonded or note indebtedness only if the net present value of the principal and interest to be paid on the refunding bonds or notes, excluding the cost of issuance, will be less than the net present value of the principal and interest to be paid on the bonds or notes being refunded, as calculated using a method approved by the department of treasury.

**History:** 2000, Act 321, Eff. Dec. 1, 2000.

### **123.1157 Annual audit; preparation of budgets and appropriations acts; powers, duties, and immunities; filing financial plan to correct deficit condition; investment or deposit of funds.**

Sec. 27. (1) A board shall obtain an annual audit of the authority, and report on the audit and auditing procedures, in the manner provided by sections 6 to 13 of the uniform budgeting and accounting act, 1968 PA 2, MCL 141.426 to 141.433. The audit shall also be in accordance with generally accepted government auditing standards as promulgated by the United States general accounting office and shall satisfy federal regulations relating to federal grant compliance audit requirements.

(2) An authority shall prepare budgets and appropriations acts in the manner provided by sections 14 to 19 of the uniform budgeting and accounting act, 1968 PA 2, MCL 141.434 to 141.439.

(3) The state treasurer, the attorney general, a prosecuting attorney, bank, certified public accountant, certified public accounting firm, or other person shall have the same powers, duties, and immunities with respect to the authority as provided for local units in sections 6 to 20 of the uniform budgeting and accounting act, 1968 PA 2, MCL 141.426 to 141.440.

(4) If an authority ends a fiscal year in a deficit condition, the authority shall file a financial plan to correct the deficit condition in the same manner as provided in section 21(2) of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.921.

(5) The board may authorize funds of the authority to be invested or deposited in any investment or depository authorized under section 1 of 1943 PA 20, MCL 129.91.

**History:** 2000, Act 321, Eff. Dec. 1, 2000.

# White Paper #3 — Addendum

## Jackson County & City of Jackson Joint Recreation Plan & Operations Study

A request was made to include the Urban Cooperation Act of 1967 in the analysis of state enabling acts which allow for a combined city and county park system.

### Urban Cooperation Act of 1967

Public Act 7 of 1967 (Ex. Sess.) allows counties, cities, and school districts (as well as various other governments and public entities) to exercise collectively any power, privilege, or authority they share in common that they can exercise separately (MCL 124.504). The joint exercise of power must be codified through an interlocal agreement which may provide for:

- The purpose of the agreement and the method by which it will be accomplished;
- The duration of the agreement and how it can be terminated;
- The organization, composition, and nature of any separate legal or administrative entity created by the agreement;
- Financial support of the agreement and the allocation of revenues;
- Personnel issues, including those regarding the transfer of existing employees;
- Issues associated with fees, rents, loans and other financial concerns;
- The manner in which purchases are made and contracts are entered into;
- The acquisition, ownership, maintenance, lease/sale, and disposition/division/distribution of real and personal property;
- The acceptance of gifts and grants and how they can be used; as well as
- Other issues/concerns (MCL 124.505).

The legislation allows for the assessment, levy, collection and distribution of taxes in accordance with state law (MCL 124.505a). However, no separate legal or administrative entity created by an agreement can levy any type of tax (MCL 124.507). The transfer of employees between local governments is against the public policy of the state (MCL 124.505a).

The act would allow for the City and/or the County to administer the agreement and/or provide all or part of the services set forth in the agreement; a separate authority could also be established. Accordingly, a joint recreation commission, which reports to the County Board and City Council, would be possible as well as a combined recreation department. A separate board for Ella Sharp Park might be accommodated, as well as the City's relationship with Jackson Public Schools (i.e., millage and joint use of facilities). Appropriations from the County Board and City Council are also possible. It is important to note, however, that the act is quite detailed and provides regulations regarding the drafting and approval of the interlocal agreement.

**URBAN COOPERATION ACT OF 1967**  
**Act 7 of 1967 (Ex. Sess.)**

AN ACT to provide for interlocal public agency agreements; to provide standards for those agreements and for the filing and status of those agreements; to permit the allocation of certain taxes or money received from tax increment financing plans as revenues; to permit tax sharing; to provide for the imposition of certain surcharges; to provide for additional approval for those agreements; and to prescribe penalties and provide remedies.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968;—Am. 1981, Act 17, Imd. Eff. Apr. 29, 1981;—Am. 1987, Act 286, Imd. Eff. Jan. 6, 1988;—Am. 1989, Act 138, Imd. Eff. June 29, 1989;—Am. 1998, Act 169, Eff. Mar. 23, 1999.

*The People of the State of Michigan enact:*

**124.501 Urban cooperation act; short title.**

Sec. 1. This act shall be known and may be cited as the “urban cooperation act of 1967”.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968.

**124.502 Definitions.**

Sec. 2. As used in this act:

(a) “Interlocal agreement” means an agreement entered into under this act.

(b) “Local governmental unit” means a county, city, village, township, or charter township.

(c) “Province” means a province of Canada.

(d) “Property” means any real or personal property, as described in section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

(e) “Public agency” means a political subdivision of this state or of another state of the United States or of Canada, including, but not limited to, a state government; a county, city, village, township, charter township, school district, single or multipurpose special district, or single or multipurpose public authority; a provincial government, metropolitan government, borough, or other political subdivision of Canada; an agency of the United States government; or a similar entity of any other states of the United States and of Canada. As used in this subdivision, agency of the United States government includes an Indian tribe recognized by the federal government before 2000 that exercises governmental authority over land within this state, except that this act or any intergovernmental agreement entered into under this act shall not authorize the approval of a class III gaming compact negotiated under the Indian gaming regulatory act, Public Law 100-497, 102 Stat. 2467.

(f) “State” means a state of the United States.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968;—Am. 1987, Act 286, Imd. Eff. Jan. 6, 1988;—Am. 1995, Act 108, Imd. Eff. June 23, 1995;—Am. 2002, Act 439, Imd. Eff. June 13, 2002.

**Compiler's note:** Section 2 of Act 286 of 1987 provides: “An interlocal agreement for an authorized publicly-owned undertaking that is executed before the effective date of this amendatory act and that includes in its provisions a method or formula for equitably providing for and allocating revenues as authorized by section 5 of the urban cooperation act of 1967, Act No. 7 of the Public Acts of the Extra Session of 1967, being section 124.505 of the Michigan Compiled Laws, is validated and is not affected by this amendatory act.”

Section 2 of Act 108 of 1995 provides: “An interlocal agreement for a publicly-authorized undertaking that is executed before the effective date of this amendatory act and that includes in its provisions a method or formula for equitably providing for and allocating revenues as authorized by section 5 or 5a of the urban cooperation act of 1967, Act No. 7 of the Public Acts of the Extra Session of 1967, being sections 124.505 and 124.505a of the Michigan Compiled Laws, is validated and is not affected by this amendatory act.”

**124.503 Conflicting statutory provisions.**

Sec. 3. If any provision of this act conflicts with any other statute of this state providing for the authorization or performance of joint or cooperative agreements or undertakings between public agencies of this state or between public agencies of this state and public agencies of other states or of Canada, the provisions of the other statute shall control.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968;—Am. 2002, Act 439, Imd. Eff. June 13, 2002.

**124.504 Joint exercise of powers.**

Sec. 4. A public agency of this state may exercise jointly with any other public agency of this state, with a public agency of any other state of the United States, with a public agency of Canada, or with any public agency of the United States government any power, privilege, or authority that the agencies share in common and that each might exercise separately.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968;—Am. 2002, Act 439, Imd. Eff. June 13, 2002.

**124.505 Joint exercise of power by contract; interlocal agreement provisions.**

Rendered Wednesday, September 23, 2009

Page 1

Michigan Compiled Laws Complete Through PA 91 of 2009



Sec. 5. A joint exercise of power pursuant to this act shall be made by contract or contracts in the form of an interlocal agreement which may provide for:

(a) The purpose of the interlocal agreement or the power to be exercised and the method by which the purpose will be accomplished or the manner in which the power will be exercised.

(b) The duration of the interlocal agreement and the method by which it may be rescinded or terminated by any participating public agency prior to the stated date of termination.

(c) The precise organization, composition, and nature of any separate legal or administrative entity created in the interlocal agreement with the powers designated to that entity.

(d) The manner in which the parties to the interlocal agreement will provide for financial support from the treasuries that may be made for the purpose set forth in the interlocal agreement, payments of public funds that may be made to defray the cost of such purpose, advances of public funds that may be made for the purposes set forth in the interlocal agreements and repayment of the public funds, and the personnel, equipment, or property of 1 or more of the parties to the agreement that may be used in lieu of other contributions or advances.

(e) The manner in which funds may be paid to and disbursed by any separate legal or administrative entity created pursuant to the interlocal agreement.

(f) A method or formula for equitably providing for and allocating revenues, including, in the case of an authorized undertaking that is publicly owned at the time the interlocal agreement is entered into or becomes publicly owned during the time the interlocal agreement is in effect, revenues derived by or payable to any participating party or any other public agency which revenues directly or indirectly result from that undertaking, whether the revenues are in the form of ad valorem taxes on real or personal property, taxes on income, specific taxes or funds made available by the state in lieu of ad valorem property taxes or local income taxes, any other form of taxation, assessment, levy, or impost, or any money paid under or which revert from a tax increment financing plan. The interlocal agreement may also provide a method or formula equitably providing for and allocating revenues derived from a federal or state grant or loan, or from a gift, bequest, grant, or loan from a private source. The interlocal agreement may also provide for a method or formula for equitably allocating and financing the capital and operating costs, including payments to reserve funds authorized by law and payments of principal and interest on obligations. Each method or formula shall be established by the participating parties to the interlocal agreement on a ratio of full valuation of real property, on the basis of the amount of services rendered or to be rendered, on the basis of benefits received or conferred or to be received or conferred, or on any other equitable basis, including the levying of taxes or assessments on the entire area serviced by the parties to the interlocal agreement, subject to such limitations as may be contained in the constitution and statutes of this state, to pay those capital and operating costs.

(g) The manner of employing, engaging, compensating, transferring, or discharging necessary personnel, subject both to the provisions of applicable civil service and merit systems, and the following restrictions:

(i) The employees who are necessary for the operation of an undertaking created by an interlocal agreement, shall be transferred to and appointed as employees subject to all rights and benefits. These employees shall be given seniority credits and sick leave, vacation, insurance, and pension credits in accordance with the records or labor agreements from the acquired system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired system shall continue to have rights, privileges, benefits, obligations, and status with respect to such established system. The political subdivisions to which the functions or responsibilities have been transferred shall assume the obligation of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare, and pension or retirement provisions for employees. If the employees of an acquired system were not guaranteed sick leave, health and welfare, and pension or retirement pay based on seniority, the political subdivision shall not be required to provide these benefits retroactively.

(ii) An employee who is transferred to a position with the political subdivision shall not, by reason of the transfer, be placed in any worse position with respect to worker's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other benefits that the employee enjoyed as an employee of the acquired system.

(h) The fixing and collecting of charges, rates, rents, fees, loan repayments, loan interest rates, or other charges on loans, where appropriate, and the making and promulgation of necessary rules and regulations and their enforcement by or with the assistance of the participating parties to the interlocal agreement.

(i) The manner in which purchases shall be made and contracts entered into.

(j) The acquisition, ownership, custody, operation, maintenance, lease, or sale of real or personal property.

(k) The disposition, division, or distribution of any property acquired through the execution of such interlocal agreement.

(l) The manner in which, after the completion of the purpose of the interlocal agreement, any surplus

money shall be returned.

(m) The acceptance of gifts, grants, assistance funds, or bequests and the manner in which those gifts, grants, assistance funds, or bequests may be used for the purpose set forth in the interlocal agreement.

(n) The making of claims for federal or state aid payable to the individual or several participants on account of the execution of the interlocal agreement.

(o) The manner of responding for any liabilities that might be incurred through performance of the interlocal agreement and insuring against any such liability.

(p) The adjudication of disputes or disagreements, the effects of failure of participating parties to pay their shares of the costs and expenses, and the rights of the other participants in such cases.

(q) The manner in which strict accountability of all funds shall be provided for and the manner in which reports, including an annual independent audit, of all receipts and disbursements shall be prepared and presented to each participating party to the interlocal agreement.

(r) The manner of investing surplus funds or proceeds of grants, gifts, or bequests to the parties to the interlocal agreement under the control of a legal or administrative entity created under section 7.

(s) Any other necessary and proper matters agreed upon by the participating public agencies.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968;—Am. 1981, Act 17, Imd. Eff. Apr. 29, 1981;—Am. 1985, Act 10, Imd. Eff. Apr. 15, 1985.

**Compiler's note:** Section 2 of Act 17 of 1981 provides: "This act is intended to be curative in nature, and all interlocal agreements which have been approved under section 10 of Act No. 7 of the Public Acts of the Extra Session of 1967, being section 124.510 of the Michigan Compiled Laws, prior to the effective date of this amendatory act, are hereby validated."

#### **124.505a Interlocal agreement for sharing of revenue; contents; decision to enter into agreement; public hearing; referendum; petition; assessment, levy, collection, and distribution of taxes; public policy.**

Sec. 5a. (1) Upon approval of the legislative body of each contracting local governmental unit, 2 or more local governmental units that levy a property tax under the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws, may enter into an interlocal agreement for the sharing of all or a portion of revenue derived by and for the benefit of a local governmental unit entering into that agreement, which revenue results from the levy of general ad valorem property taxes or specific taxes levied in lieu of general ad valorem property taxes upon any property.

(2) An interlocal agreement under this section may include all necessary and proper matters and shall specify at least all of the following:

(a) The duration of the agreement and the method by which the agreement may be rescinded or terminated by a contracting local governmental unit before the stated date of termination.

(b) A description of the property upon which the taxes to be shared are levied, expressed in terms of type of property or location of property, including a parcel identification number, if any.

(c) The formula or formulas for sharing the tax revenue to be shared.

(d) A schedule and method of distribution of the shared tax revenue.

(e) That the agreement may be terminated or rescinded by a referendum of the residents of a local governmental unit that is a party to the agreement not more than 45 days after the approval of the agreement by the governing body of the local governmental unit.

(3) A decision to enter into an agreement under this section shall be made by a majority vote of the members elected and serving on the legislative body of each affected local governmental unit. The legislative body of each local governmental unit affected by a proposed interlocal agreement under this section shall hold at least 1 public hearing before entering into an agreement under this section. Notice of the hearing shall be given in the same manner provided by the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

(4) If within 45 days of the meeting at which an interlocal agreement is approved by a governmental unit under subsection (3) a petition is signed by a minimum of 8% of the registered electors of that local governmental unit voting in the last general election before the adoption of the agreement, a referendum shall be held in that local governmental unit at the next regularly scheduled election or at a special election held for this purpose. If a majority of the electors of the local governmental unit voting on the agreement approve the agreement, the local governmental unit may enter into the agreement. If a petition is not filed as provided in this section, the local governmental unit may enter into the interlocal agreement.

(5) The assessment, levy, collection, and distribution of taxes shall be in accordance with Act No. 206 of the Public Acts of 1893 and the statutes governing specific taxes levied in lieu of general ad valorem property taxes. The public policy of this state is for local governmental units to avoid entering into an interlocal agreement under this section if that interlocal agreement has the effect of transferring employment from 1 or

more local governmental units in this state to 1 or more of the local governmental units entering into the agreement.

**History:** Add. 1987, Act 286, Imd. Eff. Jan. 6, 1988;—Am. 1995, Act 108, Imd. Eff. June 23, 1995.

**Compiler's note:** Section 2 of Act 286 of 1987 provides: "An interlocal agreement for an authorized publicly-owned undertaking that is executed before the effective date of this amendatory act and that includes in its provisions a method or formula for equitably providing for and allocating revenues as authorized by section 5 of the urban cooperation act of 1967, Act No. 7 of the Public Acts of the Extra Session of 1967, being section 124.505 of the Michigan Compiled Laws, is validated and is not affected by this amendatory act."

Section 2 of Act 108 of 1995 provides: "An interlocal agreement for a publicly-authorized undertaking that is executed before the effective date of this amendatory act and that includes in its provisions a method or formula for equitably providing for and allocating revenues as authorized by section 5 or 5a of the urban cooperation act of 1967, Act No. 7 of the Public Acts of the Extra Session of 1967, being sections 124.505 and 124.505a of the Michigan Compiled Laws, is validated and is not affected by this amendatory act."

#### **124.505b Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.**

Sec. 5b. A petition under section 5a or 8a, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

**History:** Add. 1998, Act 169, Eff. Mar. 23, 1999.

#### **124.506 Execution of agreement; provision of services; exchange of services.**

Sec. 6. An interlocal agreement may provide for 1 or more parties to the agreement to administer or execute the agreement. One or more parties to the agreement may agree to provide all or a part of the services set forth in the agreement in the manner provided in the agreement. The parties may provide for the mutual exchange of services without payment of any contribution other than such services.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968.

#### **124.507 Administrative commission, board, or council; public body, corporate or politic; appointment and removal of members; operation for profit prohibited; earnings; title to property; powers; authorization and power of separate legal or administrative entity; bonds or notes.**

Sec. 7. (1) An interlocal agreement may provide for a separate legal or administrative entity to administer or execute the agreement which may be a commission, board, or council constituted pursuant to the agreement. The entity shall be a public body, corporate or politic for the purposes of this act. The governing body of each public agency shall appoint a member of the commission, board, or council constituted pursuant to the agreement. That member may be removed by the appointing governing body at will. The administrative or legal entity shall not be operated for profit. No part of its earnings shall inure to the benefit of a person other than the public agencies that created it. Upon termination of the interlocal agreement, title to all property owned by the entity shall vest in the public agencies that incorporated it.

(2) A separate legal or administrative entity created by an interlocal agreement shall possess the common power specified in the agreement and may exercise it in the manner or according to the method provided in the agreement. The entity may be, in addition to its other powers, authorized in its own name to make and enter into contracts, to employ agencies or employees, to acquire, construct, manage, maintain, or operate buildings, works, or improvements, to acquire, hold, or dispose of property, to incur debts, liabilities, or obligations that, except as expressly authorized by the parties, do not constitute the debts, liabilities, or obligations of any of the parties to the agreement, to cooperate with a public agency, an agency or instrumentality of that public agency, or another legal or administrative entity created by that public agency under this act, to make loans from the proceeds of gifts, grants, assistance funds, or bequests pursuant to the terms of the interlocal agreement creating the entity, and to form other entities necessary to further the purpose of the interlocal agreement. The entity may sue and be sued in its own name.

(3) No separate legal or administrative entity created by an interlocal agreement shall possess the power or authority to levy any type of tax within the boundaries of any governmental unit participating in the interlocal agreement, or to issue any type of bond in its own name, or to in any way indebted a governmental unit participating in the interlocal agreement.

(4) A separate legal or administrative entity created by an interlocal agreement may be authorized by the interlocal agreement to borrow money and to issue bonds or notes in its name for local public improvements or for economic development purposes as provided in the interlocal agreement.

(5) The entity created by the interlocal agreement shall not borrow money or issue bonds or notes for a sum that, together with the total outstanding bonded indebtedness of the entity, exceeds 2 mills of the taxable

value of the taxable property within the local governmental units participating in the interlocal agreement as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(6) Bonds or notes issued under this act are a debt of the entity created by the interlocal agreement and not of the participating local governmental units.

(7) Bonds or notes issued under this act are declared to be issued for an essential public and governmental purpose and, together with interest on those bonds or notes and income from those bonds or notes, are exempt from all taxes.

(8) Bonds or notes issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968;—Am. 1985, Act 10, Imd. Eff. Apr. 15, 1985;—Am. 2002, Act 445, Imd. Eff. June 17, 2002.

#### **124.508 Interlocal agreement for acquisition, construction, or operation of revenue-producing facility; provisions; payments, repayments, or returns.**

Sec. 8. If the purpose set forth in an interlocal agreement is the acquisition, construction, or operation of a revenue-producing facility, the agreement may provide for the repayment or return to the parties of all or any part of the contributions, payments, or advances made by the parties pursuant to section 5, and may provide for payment to the parties of any additional sum or sums derived from the revenues of the facility irrespective of whether such contributions, payments, or advances are required to be paid, repaid, or returned from revenues of the facility. Payments, repayments, or returns shall be made at any time and in the manner specified in the agreement, and may be made at any time on or prior to the rescission or termination of the agreement, or completion of the purposes of the agreement.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968;—Am. 1981, Act 17, Imd. Eff. Apr. 29, 1981.

**Compiler's note:** Section 2 of Act 17 of 1981 provides: "This act is intended to be curative in nature and all interlocal agreements which have been approved under section 10 of Act No. 7 of the Public Acts of the Extra Session of 1967, being section 124.510 of the Michigan Compiled Laws, prior to the effective date of this amendatory act, are hereby validated."

#### **124.508a Surcharge on households for waste reduction programs and collection of materials for recycling or composting.**

Sec. 8a. (1) Subject to subsection (3), a county, by resolution of the county board of commissioners of the county, or the agency responsible for preparing the solid waste management plan for counties with a population of 690,000 or more as certified by the 1980 census that do not operate under 1973 PA 139, MCL 45.551 to 45.573, or 1966 PA 293, MCL 45.501 to 45.521, as provided in part 115 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11501 to 324.11550, may impose a surcharge on households within the county of not more than \$2.00 per month or \$25.00 per year per household for waste reduction programs and for the collection of consumer source separated materials for recycling or composting including, but not limited to, recyclable materials, as defined in part 115 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11501 to 324.11550, household hazardous wastes, tires, batteries, and yard clippings.

(2) Subject to subsection (4) and if approved by the voters of a participating unit of government, a county may charge an amount greater than allowed under subsection (1) but not more than \$4.00 per month or \$50.00 per year per household, for the purposes described under subsection (1). The county may include commercial businesses as entities to be subject to the surcharge approved by the voters.

(3) A county or agency shall defer the imposition and collection of a surcharge imposed under subsection (1) in a local unit of government within that county until the county or agency has entered into an interlocal agreement under this act relating to the collection and disposition of the surcharge with the local unit of government. A city in a county in which the agency described in subsection (1) prepared the update to the county's solid waste management plan as provided in part 115 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11501 to 324.11550, shall not enter into an interlocal agreement if the city has levied a tax of 3 mills on real property within the city for the disposal or management of solid waste in that city. Petitions for a referendum election on the question of entering an interlocal agreement may be filed with the clerk of the local unit of government no later than 6 months following adoption of a resolution of the county or agency to impose the surcharge or 6 months following any increase in the surcharge. Upon petition of 10% of the qualified electors of a local unit of government voting in the last general election before the adoption of the interlocal agreement by the governing body, the local unit of government shall hold a referendum on whether to reject the entrance into or terminate an interlocal agreement.

(4) An election allowed under subsection (2) shall not be held unless the county board of commissioners passes a resolution authorizing the election. The resolution shall include all of the following:

- (a) The approval to hold the election.
- (b) The name of the individual designated to negotiate the interlocal agreement between the municipalities and townships within the county.
- (c) A date by which each municipality and township within the county shall elect to participate in the interlocal agreement and authorize an election under this section.
- (d) The date for the election.
- (e) The amount of the proposed surcharge.
- (f) Whether commercial businesses will be subject to the proposed surcharge.
- (5) The initial authorization under subsection (4) shall be for 5 years. Any subsequent authorizations shall be for a period of not less than 10 years.
- (6) With the approval of the county, a municipality or township that is not part of an interlocal agreement established under this section may become subject to the agreement by otherwise complying with the requirements of this section.
- (7) With the approval of the county and after providing notice to the municipality or township in which the business is located, a business not subject to this section may agree to be part of an interlocal agreement established under this section and shall be subject to the terms and conditions of the agreement.
- (8) The surcharge approved under subsection (2) shall not apply to vacant land, public-utility-owned land, rights-of-way, and easements that do not generate solid waste.
- (9) A surcharge approved under subsection (2) is a mandatory charge and may be collected by any reasonable billing method approved by the county, including, but not limited to, as part of billings for property taxes, water and sewage usage, or other services provided by the county to households and commercial businesses within the county.
- (10) As used in this section:
  - (a) "Agency" does not include the department of environmental quality.
  - (b) "Commercial businesses" means businesses engaged in the sale, lease, or exchange of goods, services, real property, or any other thing of value. Commercial businesses do not include wholesale businesses engaged in the manufacturing of goods or materials or the processing of goods or materials.

**History:** Add. 1989, Act 138, Imd. Eff. June 29, 1989;—Am. 1996, Act 45, Imd. Eff. Feb. 26, 1996;—Am. 2005, Act 69, Imd. Eff. July 11, 2005.

#### **124.509 Privileges, immunities, and benefits of officers, agents, or employees; obligations and responsibilities of public agencies.**

Sec. 9. (1) All of the privileges and immunities from liability, and exemptions from laws, ordinances and rules, and all pensions, relief, disability, workmen's compensation and other benefits which apply to the activity of officers, agency, or employees of any public agents or employees of any public agency when performing their respective functions within the territorial limits for their respective agencies shall apply to the same degree and extent to the performance of such functions and duties of such officers, agents or employees extraterritorially under the provisions of any such interlocal agreement.

(2) An interlocal agreement does not relieve a public agency of any obligation or responsibility imposed upon it by law except to the extent of actual and timely performance thereof by 1 or more of the parties to the agreement or any legal or administrative entity created by the agreement in which case the performance may be offered in satisfaction of the obligation or responsibility.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968.

#### **124.510 Approval of certain agreements by governor; exclusions from funds of state; filing of interlocal agreement.**

Sec. 10. (1) If funds of this state are to be allocated to carry out, in whole or in part, an agreement under this act or if this state, an agency of the United States government, any other state or political subdivision of any other state, or Canada or a political subdivision of Canada is a party to an agreement under this act, an interlocal agreement, prior to and as a condition precedent to its effectiveness, shall be submitted to the governor who shall determine whether the agreement is in proper form and compatible with the laws of this state.

(2) For the purposes of this section, funds of this state do not include grants, gifts, bequests, or assistance funds given to a public agency that is a party to an interlocal agreement if the purpose of that agreement is to administer those grants, gifts, bequests, or assistance funds according to their terms or to combine the proceeds of the parties' grants, gifts, bequests, or assistance funds for investment purposes.

(3) The governor shall approve an agreement submitted to him or her unless the governor finds that the agreement does not meet the conditions set forth in this act or is not compatible with the laws of this state. If



the governor so finds, the governor shall detail in writing addressed to the governing bodies of the public agencies concerned within 90 days the specific respects in which the proposed interlocal agreement fails to meet the requirements of law. The governing bodies of the public agencies concerned shall have 60 days to resubmit the revised interlocal agreement to the governor, who shall approve or disapprove the agreement within 90 days.

(4) Prior to its effectiveness, an interlocal agreement shall be filed with the county clerk of each county where a party to the agreement is located and with the secretary of state.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968;—Am. 1985, Act 10, Imd. Eff. Apr. 15, 1985;—Am. 2002, Act 439, Imd. Eff. June 13, 2002.

#### **124.511 Provision of services or facilities by state officers or agencies; submission of agreement for approval.**

Sec. 11. If an interlocal agreement deals in whole or in part with the provision of services or facilities as to which an officer or agency of the state has constitutional or statutory responsibilities and powers of control, the agreement, as a condition precedent to its effectiveness, shall be submitted to the state officer or agency having such responsibilities and powers of control and shall be approved or disapproved by him or it as to all matters under his or its jurisdiction in the same manner and subject to the same requirements governing the action of the governor pursuant to section 10. This requirement of submission and approval is in addition to and not in substitution for the requirement of approval by the attorney general.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968.

#### **124.512 Appropriation of funds by public agency; sale, lease, or gift of personnel, services, facilities; receipt of grants-in-aid.**

Sec. 12. (1) A public agency entering into an interlocal agreement may appropriate funds and may sell, lease, give, or otherwise supply any party designated to operate the joint or cooperative undertaking any personnel, services, facilities, property, franchises, or funds for the undertaking that may be within its legal power to furnish.

(2) A public agency entering into an interlocal agreement may receive grants-in-aid or other assistance funds from the United States government, this state, or Canada for use in carrying out the purposes of the interlocal agreement.

**History:** 1967, Ex. Sess., Act 7, Eff. Mar. 22, 1968;—Am. 2002, Act 439, Imd. Eff. June 13, 2002.