



HOUSE BILL No. 5366

November 7, 1995, Introduced by Reps. Ryan, Hill, Rhead, McManus and Bobier and referred to the Committee on Local Government.

A bill to amend section 3 of Act No. 279 of the Public Acts of 1909, entitled as amended "The home rule city act," as amended by Act No. 207 of the Public Acts of 1993, being section 117.3 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 279 of the Public Acts of
2 1909, as amended by Act No. 207 of the Public Acts of 1993, being
3 section 117.3 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 3. Each city charter shall provide FOR ALL OF the
6 following:

7 (a) ~~For the~~ THE election of a mayor, who shall be the
8 chief executive officer of the city, and of a body vested with
9 legislative power, and for the election or appointment of a

1 clerk, a treasurer, an assessor or board of assessors, a board of
2 review, and other officers as may be considered necessary. The
3 city charter may provide for the selection of the mayor by the
4 legislative body. Elections may be by a partisan, nonpartisan,
5 or preferential ballot, or by any other legal method of voting.
6 Notwithstanding any other law or charter provision to the con-
7 trary, a city having a 1970 official population of more than
8 150,000, whose charter provides for terms of office of less than
9 4 years, and in which the term of office for the mayor and the
10 governing body are of the same length, may provide by ordinance
11 for a term of office of up to 4 years for mayor and other elected
12 city officials. The ordinance shall provide that the ordinance
13 shall take effect 60 days after it is enacted unless within the
14 60 days a petition is submitted to the city clerk signed by not
15 less than 10% of the registered electors of the city requesting
16 that the question of approval of the ordinance be submitted to
17 the electors at the next regular election or a special election
18 called for the purpose of approving or disapproving the
19 ordinance.

20 (b) ~~For the~~ THE nomination of elective officers by parti-
21 san or nonpartisan primary, by petition, or by convention.

22 (c) ~~For the~~ THE time, manner, and means of holding elec-
23 tions and the registration of electors.

24 (d) ~~For the~~ THE qualifications, duties, and compensation
25 of the city's officers. If the city has an appointed chief
26 administrative officer, the legislative body of the city may
27 enter into an employment contract with the chief administrative

1 officer extending beyond the terms of the members of the
2 legislative body unless such an employment contract is prohibited
3 by the city charter. An employment contract with a chief admin-
4 istrative officer shall be in writing and shall specify the com-
5 pensation to be paid to the chief administrative officer, any
6 procedure for changing the compensation, any fringe benefits, and
7 any other conditions of employment. If the chief administrative
8 officer serves at the pleasure of the legislative body, the con-
9 tract shall so state and may provide for severance pay or other
10 benefits in the event the employment of the chief administrative
11 officer is terminated at the pleasure of the legislative body.

12 (e) ~~For the~~ THE establishment of 1 or more wards, and if
13 the members of the city's legislative body are chosen by wards,
14 for equal representation for each ward in the legislative body.

15 (f) ~~That the~~ THE subjects of taxation for municipal pur-
16 poses ~~be~~ ARE the same as for state, county, and school purposes
17 under the general law.

18 (g) ~~For annually laying~~ ANNUALLY LEVYING and collecting
19 taxes in a sum, except as otherwise provided by law, not to
20 exceed 2% of the assessed value of the real and personal property
21 in the city. Unless the charter provides for a different tax
22 rate limitation, the governing body of a city may levy and col-
23 lect taxes for municipal purposes in a sum not to exceed 1% of
24 the assessed value of the real and personal property in the city,
25 subject to section 1a of chapter 7 of the municipal finance act,
26 Act No. 202 of the Public Acts of 1943, ~~as amended,~~ being
27 section 137.1a of the Michigan Compiled Laws.

1 (h) ~~For an~~ AN annual appropriation of money for municipal
2 purposes.

3 (i) ~~For the~~ THE levy, collection, and return of state,
4 county, and school taxes in conformance with the general laws of
5 the state, except that the preparation of the assessment roll,
6 the meeting of the board of review, and the confirmation of the
7 assessment roll may be at the times provided in the city
8 charter.

9 (j) ~~For the~~ THE public peace and health and for the safety
10 of persons and property. In providing for the public peace,
11 health, and safety, a city may expend funds or enter into con-
12 tracts with a private organization, the federal or state govern-
13 ment, a county, village, or township, or another city for serv-
14 ices considered necessary by the ~~municipal~~ LEGISLATIVE body.
15 ~~vested with legislative power.~~ Public peace, health, and safety
16 services may include the operation of child guidance and commu-
17 nity mental health clinics, the prevention, counseling, and
18 treatment of developmental disabilities, the prevention of drug
19 abuse, and the counseling and treatment of drug abusers.

20 (k) ~~For adopting~~ ADOPTING, continuing, amending, and
21 repealing the city ordinances and for the publication of each
22 ordinance before it becomes operative. Whether or not provided
23 in its charter, instead of publishing a true copy of an ordinance
24 before it becomes operative, the city may publish a summary of
25 the ordinance. If the city publishes a summary of the ordinance,
26 the city shall include in the publication the designation of a
27 location in the city where a true copy of the ordinance can be

1 inspected or obtained. Whether or not provided in its charter, a
2 city may adopt a ~~law, code, or rules that have been promulgated~~
3 ~~and adopted by an authorized agency of the state pertaining to~~
4 ~~fire, fire hazards, fire prevention, or fire waste, and a fire~~
5 ~~prevention code, plumbing code, heating code, electrical code,~~
6 ~~building code, refrigeration machinery code, piping code, boiler~~
7 ~~code, boiler operation code, elevator machinery code, or a code~~
8 ~~pertaining to flammable liquids and gases, as well as to hazard-~~
9 ~~ous chemicals, that has been promulgated by this state, by a~~
10 ~~department, board, or other agency of this state, or by an organ-~~
11 ~~ization or association that is organized and conducted for the~~
12 ~~purpose of developing the~~ STATUTE OF THIS STATE, A RULE PROMUL-
13 GATED BY AN AGENCY OF THIS STATE, OR A RECOGNIZED STANDARD OFFI-
14 CIAL OR UNOFFICIAL code, by reference ~~to the code~~ in an adopt--
15 ing ordinance and without publishing the STATUTE, RULE, OR code
16 in full. IF AN ORDINANCE ADOPTS BY REFERENCE A STATUTE OF THIS
17 STATE OR A RULE PROMULGATED BY AN AGENCY OF THIS STATE, THE ORDI-
18 NANCE MAY INCORPORATE FUTURE AMENDMENTS OR REVISIONS OF THE STAT-
19 UTE OR RULE BY EXPLICITLY PROVIDING THAT FUTURE AMENDMENTS OR
20 REVISIONS ARE INCORPORATED BY REFERENCE WHEN, OR A SPECIFIED
21 PERIOD OF TIME AFTER, THEY TAKE EFFECT IN THIS STATE. The
22 STATUTE, RULE, OR code shall be clearly identified in the ordi-
23 nance and ~~its~~ A STATEMENT OF THE purpose OF THE STATUTE, RULE,
24 OR CODE shall be published with the adopting ordinance. Printed
25 copies of the STATUTE, RULE, OR code shall be kept in the office
26 of the city clerk, available for inspection by and
27 distribution to the public. ~~at all times.~~ The NEWSPAPER

1 publication OF THE ORDINANCE shall contain a notice ~~stating~~
2 that a complete copy of the STATUE, RULE, OR code is made avail-
3 able FOR INSPECTION BY AND DISTRIBUTION to the public at the
4 office of the city clerk. ~~in compliance with state law requiring~~
5 ~~that records of public bodies be made available to the general~~
6 ~~public.~~

7 (l) That the business ~~that~~ OF the legislative body ~~may~~
8 ~~perform~~ shall be conducted at a public meeting held in compli-
9 ance with the open meetings act, Act No. 267 of the Public Acts
10 of 1976, ~~as amended,~~ being sections 15.261 to 15.275 of the
11 Michigan Compiled Laws. All records of the municipality shall be
12 made available to the general public in compliance with the free-
13 dom of information act, Act No. 442 of the Public Acts of 1976,
14 ~~as amended,~~ being sections 15.231 to 15.246 of the Michigan
15 Compiled Laws.

16 (m) ~~For keeping~~ KEEPING in the English language a written
17 or printed journal of each session of the legislative body.

18 (n) ~~For a~~ A system of accounts that conforms to a uniform
19 system of accounts as required by law.