

# SENATE BILL No. 139

February 6, 2001, Introduced by Senator BENNETT and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1909 PA 279, entitled  
"The home rule city act,"  
by amending section 3 (MCL 117.3), as amended by 1999 PA 260.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 3. Each city charter shall provide for all of the  
2 following:

3       (a) The election of a mayor, who shall be the chief execu-  
4 tive officer of the city, and of a body vested with legislative  
5 power, and for the election or appointment of a clerk, a treasur-  
6 er, an assessor or board of assessors, a board of review, and  
7 other officers considered necessary. The city charter may pro-  
8 vide for the selection of the mayor by the legislative body.  
9 Elections may be by a partisan, nonpartisan, or preferential  
10 ballot, or by any other legal method of voting. Notwithstanding  
11 any other law or charter provision to the contrary, a city having

1 a 1970 official population of more than 150,000, whose charter  
2 provides for terms of office of less than 4 years, and in which  
3 the term of office for the mayor and the governing body are of  
4 the same length, may provide by ordinance for a term of office of  
5 up to 4 years for mayor and other elected city officials. The  
6 ordinance shall provide that the ordinance shall take effect 60  
7 days after it is enacted unless within the 60 days a petition is  
8 submitted to the city clerk signed by not less than 10% of the  
9 registered electors of the city requesting that the question of  
10 approval of the ordinance be submitted to the electors at the  
11 next regular election or a special election called for the pur-  
12 pose of approving or disapproving the ordinance.

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

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

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

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

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

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

11 (g) The annual laying and collecting taxes in a sum, except  
12 as otherwise provided by law, not to exceed 2% of the taxable  
13 value of the real and personal property in the city. Unless the  
14 charter provides for a different tax rate limitation, the govern-  
15 ing body of a city may levy and collect taxes for municipal pur-  
16 poses in a sum not to exceed 1% of the taxable value of the real  
17 and personal property in the city, subject to section 1a of chap-  
18 ter VII of the municipal finance act, 1943 PA 202, MCL 137.1a.

19 As used in this subdivision, "taxable value" is that value deter-  
20 mined under section 27a of the general property tax act, 1893  
21 PA 206, MCL 211.27a.

22 (h) An annual appropriation of money for municipal  
23 purposes.

24 (i) The levy, collection, and return of state, county, and  
25 school taxes in conformance with the general laws of this state,  
26 except that the preparation of the assessment roll, the meeting

1 of the board of review, and the confirmation of the assessment  
2 roll may be at the times provided in the city charter.

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

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

1 for which the maximum period of imprisonment is 93 days, the  
2 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a  
3 ~~law, code, or rule that has been promulgated and adopted by an~~  
4 ~~authorized agency of this state pertaining to fire, fire hazards,~~  
5 ~~fire prevention, or fire waste, and a fire prevention code,~~  
6 ~~plumbing code, heating code, electrical code, building code,~~  
7 ~~refrigeration machinery code, piping code, boiler code, boiler~~  
8 ~~operation code, elevator machinery code, or a code pertaining to~~  
9 ~~flammable liquids and gases or hazardous chemicals, that has been~~  
10 ~~promulgated by this state, by a department, board, or other~~  
11 ~~agency of this state, or by an organization or association that~~  
12 ~~is organized and conducted for the purpose of developing the~~  
13 ~~code~~ LAW OR RULE OF THIS STATE, INCLUDING, BUT NOT LIMITED TO, A  
14 LAW OR RULE ADOPTING BY REFERENCE A CODE PROMULGATED BY ANOTHER  
15 PUBLIC OR PRIVATE ENTITY OR A LAW OR RULE CONSTITUTING THE TEXT  
16 OF A CODE, OR MAY ADOPT A CODE PROMULGATED BY ANOTHER PUBLIC  
17 ENTITY OR A PRIVATE ENTITY, by reference to the law, code, or  
18 rule in an adopting ordinance and without publishing the law,  
19 code, or rule in full. IF AN ORDINANCE ADOPTS BY REFERENCE A LAW  
20 OR RULE OF THIS STATE, THE ORDINANCE MAY INCORPORATE FUTURE  
21 AMENDMENTS OR REVISIONS OF THE LAW OR RULE BY EXPLICITLY PROVID-  
22 ING THAT FUTURE AMENDMENTS OR REVISIONS ARE INCORPORATED BY REF-  
23 ERENCE WHEN, OR A SPECIFIED PERIOD OF TIME AFTER, THEY TAKE  
24 EFFECT IN THIS STATE. The law, code, or rule shall be clearly  
25 identified in the ordinance and its purpose shall be published  
26 with the adopting ordinance OR WITH THE SUMMARY OF THE ADOPTING  
27 ORDINANCE. ~~Printed copies~~ COPIES of the law, code, or rule

1 ADOPTED BY THE CITY BY REFERENCE shall be kept in the office of  
2 the city clerk, available for inspection by ~~—~~ and distribution  
3 to ~~—~~ the public. ~~at all times.~~ IF A LAW OR RULE OF THIS STATE  
4 IS ADOPTED BY THE CITY BY REFERENCE AND THE LAW OR RULE ADOPTS BY  
5 REFERENCE A CODE PROMULGATED BY ANOTHER PUBLIC ENTITY OR A PRI-  
6 VATE ENTITY, COPIES OF THE CODE ITSELF SHALL ALSO BE KEPT IN THE  
7 OFFICE OF THE CITY CLERK, AVAILABLE FOR INSPECTION BY AND DISTRI-  
8 BUTION TO THE PUBLIC. The NEWSPAPER publication OF THE ORDINANCE  
9 shall contain a notice ~~stating~~ that a complete copy of the law,  
10 code, or rule is ~~made~~ available FOR INSPECTION BY AND  
11 DISTRIBUTION to the public at the office of the city clerk. ~~in~~  
12 ~~compliance with state law requiring that records of public bodies~~  
13 ~~be made available to the general public.~~ A city shall not  
14 enforce any provision adopted by reference for which the maximum  
15 period of imprisonment is greater than 93 days.

16 (l) That the business of the legislative body shall be con-  
17 ducted at a public meeting held in compliance with the open meet-  
18 ings act, 1976 PA 267, MCL 15.261 to 15.275. All records of the  
19 municipality shall be made available to the general public in  
20 compliance with the freedom of information act, 1976 PA 442,  
21 MCL 15.231 to 15.246.

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

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