

HOUSE BILL No. 4477

March 22, 2011, Introduced by Rep. Meadows and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 1 of chapter II and section 4 of chapter VI (MCL 62.1 and 66.4), section 1 of chapter II as amended by 2004 PA 300 and section 4 of chapter VI as amended by 1999 PA 259, and by adding section 4 to chapter XIV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER II

Sec. 1. (1) Except as provided in subsections (2) and (3), in each village, the following officers shall be elected: a president, 6 trustees, 1 clerk, and 1 treasurer. The president and trustees constitute the council. In all votes for which not less than a majority vote of council is required, the calculation of the number of votes required shall be based on the maximum number that constitutes council.

1 (2) The council by a vote of 2/3 of the members of council may
2 provide by ordinance for the reduction in the number of trustees to
3 4 or for the election of all trustees at the same election for 2-
4 year terms at the first possible election after 2004 who with the
5 president shall constitute the council, and may provide by
6 ordinance for the method of changing from 2-year staggered terms to
7 4-year staggered terms. If village trustees are elected biennially
8 for staggered 4-year terms, the ordinance shall as nearly as
9 possible maintain staggered terms and provide for an equal number
10 of seats to be filled at each election. The ordinance may extend
11 but shall not shorten the term of an incumbent trustee. The
12 ordinance may extend a prospective term. The ordinance shall not
13 shorten or eliminate a prospective term unless the nomination
14 deadline for that term is not less than 30 days after the effective
15 date of the ordinance. An ordinance adopted under this subsection
16 shall satisfy both of the following conditions:

17 (a) The ordinance shall be voted on and adopted at a meeting
18 that occurs not less than 10 days after the initial meeting or
19 public hearing at which the ordinance was considered.

20 (b) Notice of each meeting at which the ordinance is
21 considered indicating that an ordinance reducing the size of the
22 council or to change the time of election of the trustees
23 comprising the council will be 1 of the subjects of the meeting
24 shall be published not less than 10 days before the meeting in a
25 newspaper of general circulation in the village, **OR POSTED NOT LESS**
26 **THAN 10 DAYS BEFORE THE MEETING IN THE OFFICE OF THE VILLAGE CLERK**
27 **AND ON AT LEAST 1 OF THE FOLLOWING:**

1 (i) THE VILLAGE'S WEBSITE.

2 (ii) THE WEBSITE OF THE NEWSPAPER DESIGNATED BY THE VILLAGE AS
3 THE OFFICIAL NEWSPAPER OF GENERAL CIRCULATION IN THE VILLAGE.

4 (iii) THE VILLAGE'S PUBLIC ACCESS CABLE TELEVISION CHANNEL.

5 (3) The council by a vote of 2/3 of the members of council may
6 provide by ordinance for the nomination by the president and the
7 appointment by the council of the clerk or the treasurer or both
8 for such a term as the ordinance may provide. The ordinance shall
9 apply beginning with the first term the nomination deadline for
10 which would have been not less than 30 days after the effective
11 date of the ordinance or shall apply when the office is vacated,
12 whichever occurs first.

13 (4) The council shall provide that an ordinance adopted under
14 subsection (2) or (3) takes effect 45 days after the date of
15 adoption unless a petition signed by not less than 10% of the
16 registered electors of the village is filed with the village clerk
17 within the 45-day period, in which case the ordinance takes effect
18 upon approval at an election held on the question. Notice of the
19 delayed effect of the ordinance and the right of petition under
20 this subsection shall be published **OR POSTED** separately at the same
21 time, and in the same manner, as the ordinance is published **OR**
22 **POSTED** pursuant to section 4 of chapter VI. The village clerk shall
23 verify the signatures on the petitions. If a petition bearing the
24 required number of valid signatures of electors is filed, the
25 question of adoption of the ordinance shall be submitted at the
26 next general or special election. The ballot language for the
27 question shall be prepared by the village clerk, unless the

1 question concerns the appointment of the clerk under subsection
2 (2), in which case the ballot language shall be prepared by the
3 village council.

4 (5) A village that has adopted an ordinance reducing the
5 number of trustees to 4 or providing for the appointment by the
6 council of the clerk or treasurer may increase the number of
7 trustees to 6 or provide for the election of the clerk or treasurer
8 by the same process as provided in subsection (2) or (3),
9 respectively, and in subsection (4).

10 CHAPTER VI

11 Sec. 4. (1) Within 15 days after an ordinance is passed, the
12 clerk shall publish the ordinance or a synopsis of the ordinance in
13 a newspaper circulated in the village, **OR POST THE ORDINANCE OR A**
14 **SYNOPSIS OF THE ORDINANCE IN THE OFFICE OF THE VILLAGE CLERK AND ON**
15 **AT LEAST 1 OF THE FOLLOWING:**

16 (A) **THE VILLAGE'S WEBSITE.**

17 (B) **THE WEBSITE OF THE NEWSPAPER DESIGNATED BY THE VILLAGE AS**
18 **THE OFFICIAL NEWSPAPER OF GENERAL CIRCULATION IN THE VILLAGE.**

19 (C) **THE VILLAGE'S PUBLIC ACCESS CABLE TELEVISION CHANNEL.**

20 (2) Immediately after the ordinance or synopsis of the
21 ordinance is published **OR POSTED**, the clerk shall enter in the
22 record of ordinances, in a blank space to be left for that purpose
23 under the record of the ordinance, a signed certificate, stating
24 the date on which and the name of the newspaper in which the
25 ordinance was published **OR THE DATE ON WHICH AND THE METHOD IN**
26 **WHICH THE ORDINANCE WAS POSTED.** The certificate is prima facie
27 evidence of the publication **OR POSTING** of the ordinance or the

1 synopsis.

2 (3) ~~(2)~~—A village may adopt a provision of any state statute
3 for which the maximum period of imprisonment is 93 days, the
4 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a
5 plumbing code, electrical code, mechanical code, fire protection
6 code, building code, or other code promulgated by this state, by a
7 department, board, or other agency of this state, or by an
8 organization or association that is organized or conducted for the
9 purpose of developing a code, by reference to the law or code in an
10 adopting ordinance and without publishing **OR POSTING** the law or
11 code in full. The law or code shall be clearly identified in the
12 ordinance and a statement of the purpose of the law or code shall
13 be published **OR POSTED** with the adopting ordinance. Printed copies
14 of the law or code shall be kept in the office of the village clerk
15 available for inspection by or distribution to the public during
16 normal business hours. The village may charge a fee that does not
17 exceed the actual cost for copies of the law or code distributed to
18 the public. The publication in the newspaper **OR THE POSTING AS**
19 **PROVIDED UNDER THIS SECTION** shall contain a notice to the effect
20 that a complete copy of the law or code is available for public use
21 and inspection at the office of the village clerk. A village shall
22 not enforce any provision adopted by reference for which the
23 maximum period of imprisonment is greater than 93 days.

24 CHAPTER XIV

25 **SEC. 4. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED BY LAW AND**
26 **NOTWITHSTANDING ANY CHARTER PROVISION OR ORDINANCE, A VILLAGE THAT**
27 **IS REQUIRED TO PUBLISH A LEGAL NOTICE IN A NEWSPAPER OF GENERAL**

1 CIRCULATION IN THE VILLAGE MAY SATISFY THAT REQUIREMENT BY POSTING
2 THE LEGAL NOTICE IN THE OFFICE OF THE VILLAGE CLERK AND ON AT LEAST
3 1 OF THE FOLLOWING:

4 (A) THE VILLAGE'S WEBSITE.

5 (B) THE WEBSITE OF THE NEWSPAPER DESIGNATED BY THE VILLAGE AS
6 THE OFFICIAL NEWSPAPER OF GENERAL CIRCULATION IN THE VILLAGE.

7 (C) THE VILLAGE'S PUBLIC ACCESS CABLE TELEVISION CHANNEL.