

AERONAUTICS CODE OF THE STATE OF MICHIGAN (EXCERPT)
Act 327 of 1945

259.139 Authority as public body corporate; intent to incorporate regional authority; resolution; presumption of validity; rules prohibited.

Sec. 139.

(1) An authority created under this section is a public body corporate for purposes of state and federal law and must comply with all of the following:

- (a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
- (b) The freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
- (c) The uniform budget and accounting act, 1968 PA 2, MCL 141.421 to 141.440a.

(2) A local government that owns or operates an airport may, by resolution, declare its intention to incorporate a regional authority. In the resolution of intent, the legislative body of the local government shall set a date for a public hearing on the adoption of a proposed resolution incorporating the regional authority. The public hearing must be held in accordance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. After the public hearing, if the legislative body of the local government intends to proceed with the incorporation of the regional authority, it must adopt, by majority vote of its members, a resolution adopting the articles of incorporation of the regional authority. The adoption of the resolution is subject to any applicable statutory or charter provisions with respect to the approval or disapproval by an officer of the local government and the adoption of an ordinance over the officer's veto. The articles of incorporation for the regional authority take effect on being filed with the secretary of state.

(3) The validity of the incorporation of a regional authority is conclusively presumed unless questioned in an original action filed in the court of appeals within 60 days after the creation or incorporation of the regional authority under this chapter. The court of appeals has original jurisdiction to hear an action under this subsection. The court shall hear the action in an expedited manner. The state transportation department is a necessary party in an action under this subsection.

(4) The department shall not promulgate rules under this chapter.

History: Add. 2015, Act 95, Imd. Eff. June 30, 2015