

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

Part 9

JOINT ENVIRONMENTAL MANAGEMENT AUTHORITIES

324.901 Definitions.

Sec. 901.

As used in this part:

- (a) "Articles" means the articles of incorporation of an authority.
- (b) "Authority" means a joint city-state environmental management authority created pursuant to section 902.
- (c) "Board" means the board of directors of the authority.
- (d) "Solid waste" means solid waste as defined in part 115.
- (e) "State agency" means either the department or the governing body of the state park that is participating in an authority.

History: 1994, Act 451, Eff. Mar. 30, 1995

Popular Name: Act 451

Popular Name: NREPA

324.902 Environmental management authority; creation; powers; appointment, terms, and removal of members; quorum; compensation; business conducted at public meeting; writings; election of officers.

Sec. 902.

(1) The governing body of any city within whose corporate boundaries a state park comprises more than 75% of the land area and the governing body of any such state park or, if there is none, the department, may create an environmental management authority for that city. An authority may contract and be contracted with, sue and be sued, and take action in the courts of this state. An authority, once created, shall exercise its powers as an autonomous entity, independent of any state department.

(2) An authority shall be governed by a board of directors consisting of 5 voting members and 2 nonvoting ex officio members who are appointed as follows:

(a) One individual appointed by the state park governing body or the department if there is no qualifying state park.

(b) One individual appointed by the chair of the state park governing body or the department if there is no qualifying state park.

(c) One individual appointed by the governing body of the city.

(d) One individual appointed by the mayor of the city.

(e) One individual appointed by agreement of at least 3 of the 4 individuals appointed pursuant to subdivisions (a), (b), (c), and (d).

(f) The director of the department of management and budget, or an employee of the department of management and budget who is designated by the director of the department of management and budget, shall serve as a nonvoting ex officio member.

(g) One member of the joint capital outlay subcommittee of the appropriations committees of the senate and house of representatives, appointed by the chair of that subcommittee, shall serve as a nonvoting ex officio member.

(3) Voting members of the board shall serve terms of 4 years. Vacancies shall be filled in the same manner as the original appointment for an unexpired term. Of the members first appointed, the members appointed by the chair of the state agency and the mayor of the city shall serve for 2 years, the members appointed by the state agency and the governing body of the city shall serve for 3 years, and the member appointed by agreement of the other members shall serve for 4 years. Ex officio nonvoting members do not have fixed terms of office.

(4) An individual appointed by the governing body of a city or by the mayor may be removed in the same manner as provided by the city's charter.

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

(6) Members of the board shall not receive compensation for services as members of an authority but are entitled

to necessary expenses, including travel expenses, incurred in the discharge of their duties.

(7) 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, 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.

(8) 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, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(9) At its first meeting, a board shall elect a chairperson and any other officers it considers necessary. The authority shall meet at least quarterly.

History: 1994, Act 451, Eff. Mar. 30, 1995

Popular Name: Act 451

Popular Name: NREPA

324.903 Articles of incorporation; contents.

Sec. 903.

(1) A board shall draft and adopt articles of incorporation and bylaws for the administration of the authority.

(2) An authority's articles shall state the name of the authority; the name of the participating city and state agency; the purposes for which the authority is formed; the powers, duties, and limitations of the authority and its board; the manner in which participating local and state governmental units shall take part in the governance of the authority; the general method of amending the articles; and any other matters that the board considers advisable.

History: 1994, Act 451, Eff. Mar. 30, 1995

Popular Name: Act 451

Popular Name: NREPA

324.904 Articles of incorporation; procedure for adoption.

Sec. 904.

(1) The articles of an authority shall be adopted and may be amended by an affirmative vote of a majority of the members serving on the governing body of the participating city and state agency.

(2) Before the articles or amendments to the articles are adopted, the articles or amendments to the articles shall be published by the clerk of the city at least once in a newspaper generally circulated within the participating city.

(3) The adoption of articles or amendments to the articles by the respective governing bodies shall be evidenced by an endorsement on the articles or amendments by the clerk or secretary of the governing bodies in a form substantially as follows:

"These articles of incorporation (or amendments to the articles of incorporation) were adopted by an affirmative vote of a majority of the members serving on the governing body of _____, _____ at a meeting duly held on the ____ day of _____, A.D., ____."

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

History: 1994, Act 451, Eff. Mar. 30, 1995

Popular Name: Act 451

Popular Name: NREPA

324.905 Powers of authority subject to articles of incorporation.

Sec. 905.

- (1) The articles may authorize an authority to propose standards, criteria, and regulations.
- (2) To the extent authorized in the articles, an authority may plan, promote, finance, issue bonds for, acquire, improve, enlarge, extend, own, lease, 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) Other public improvements relating to environmental matters that the city and the state agency in writing agree to assume.

History: 1994, Act 451, Eff. Mar. 30, 1995

Popular Name: Act 451

Popular Name: NREPA

324.906 Powers of authority generally.

Sec. 906.

An authority may do 1 or more of the following:

- (a) Acquire and hold, by purchase, lease, grant, gift, devise, land contract, installment purchase contract, bequest, or other legal means, real and personal property inside or outside the boundaries 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, or pledge for the payment of the property, from revenue of the authority.
- (b) Apply for and accept grants, loans, or contributions from the federal government or any of its agencies, this state, the city, or other public or private agencies to be used for any of the purposes of this part.
- (c) Contract with the city for the provision of services of a type listed in section 905(2) for a period not exceeding 30 years. The service may be established or funded in conjunction with an existing service of a local governmental unit, and the provision of a service of a local governmental unit may be delegated to an authority. A charge specified in a contract is subject to increase by the authority if that increase is necessary to provide funds to meet the authority's obligations.
- (d) Retain full-time employees to staff the authority and to implement the policies of the authority.
- (e) Provide for and be responsible for the maintenance of all of the following for a public purpose, subject to the articles and bylaws of the authority:
 - (i) Potable water.
 - (ii) Sewage systems.
 - (iii) Solid waste management.
 - (iv) Other municipal functions delegated to it in writing by the respective governing bodies of the participating city and state agency.
- (f) Assess and collect fees for its services and expenses.
- (g) Receive revenue from any source as appropriated by the legislature or the governing body of the city.

History: 1994, Act 451, Eff. Mar. 30, 1995

Popular Name: Act 451

Popular Name: NREPA

324.907 Dissolution of authority.

Sec. 907.

Upon the expiration of a term agreed by the incorporating units, the authority shall be dissolved unless the city and the state agency agree to extend the existence of the authority for an additional term of years. The authority may only be dissolved during a term upon the vote of a 2/3 majority of the governing bodies of both the city and the state agency. Upon dissolution, the assets of the authority become the property of the city.

History: 1994, Act 451, Eff. Mar. 30, 1995

Popular Name: Act 451

Popular Name: NREPA