

DRAFT BILL No. _____

A bill to provide for the establishment of metropolitan governments; to provide for the powers and duties of officers of a metropolitan government; to abolish certain departments, boards, commissions, offices, and authorities; to provide for the creation of metropolitan commissions; to provide for the transfer of functions to a metropolitan government; to provide for the organization of administrative functions; and to prescribe penalties and provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 1

Sec. 101. This act shall be known and may be cited as the "metropolitan city-county government act".

Sec. 103. The legislature finds and declares all of the following:

(a) That the efficient and effective operation of local units of government is necessary for the interests of the people of this state to assure the provision of necessary governmental services essential to public health, safety, and welfare in metropolitan areas.

(b) That there exists in this state a continuing need to strengthen and revitalize the economy of this state and to organize the activities of local government in metropolitan areas in a manner that reduces governmental barriers to economic growth,

1 facilitates economic development, prevents or reduces unemployment,
2 and creates new employment opportunities.

3 (c) That under section 27 of article 7 of the state
4 constitution of 1963, the legislature may establish in metropolitan
5 areas additional forms of government or authorities with power,
6 duties, and jurisdictions as the legislature shall provide.

7 (d) That it is necessary and appropriate for the promotion of
8 the health, safety, and welfare of the people of this state to
9 enable the formation of metropolitan governments designed to
10 perform multipurpose functions.

11 (3) That the formation of a metropolitan government under this
12 act and the powers conferred by this act constitute a necessary
13 program and serve a necessary public purpose.

14 Sec. 103. As used in this act:

15 (a) "Chief executive" means the chief executive officer of a
16 metropolitan government.

17 (b) "Clerk/Register" means the clerk/register of a
18 metropolitan government. The clerk register shall be the county
19 clerk and county register of deeds for a participating county
20 required under section 4 of article 7 of the state constitution of
21 1963, with additional duties and powers as provided under this act.

22 (c) "Effective date" means 12 noon on the first day of January
23 of an even numbered year following the adoption of a metropolitan
24 government under this act by both the electors of a qualified
25 county and the electors of a qualified city.

26 (d) "Metropolitan area" means the area within the geographic
27 boundaries of a qualified county.

28 (e) "Metropolitan commission" means the legislative body of a
29 metropolitan government established under this act.

30 (f) "Metropolitan government" means the government established
31 under this act for a qualified county and qualified city that have
32 adopted a metropolitan government under chapter 3.

1 (g) "Participating city" means a qualified city participating
2 on and after an effective date in a metropolitan government under
3 this act.

4 (h) "Participating county" means a qualified county
5 participating on and after an effective date in a metropolitan
6 government under this act.

7 (i) "Qualified city" means a city within a qualified county
8 with a population more than 150,000 and less than 250,000 according
9 to the most recent decennial census.

10 (j) "Qualified county" means a county with a population of
11 more than 600,000 and less than 700,000 according to the most
12 recent decennial census.

13 (k) "Prosecuting attorney" means the prosecuting attorney of a
14 metropolitan government. The prosecuting attorney shall be the
15 county prosecuting attorney for a participating county required
16 under section 4 of article 7 of the state constitution of 1963,
17 with additional duties and powers as provided under this act.

18 (l) "Sheriff" means the sheriff of a metropolitan government.
19 The sheriff shall be the county sheriff for a participating county
20 required under section 4 of article 7 of the state constitution of
21 1963, with additional duties and powers as provided under this act.

22 (m) "Treasurer" means the treasurer of a metropolitan
23 government. The treasurer shall be the county treasurer for a
24 participating county required under section 4 of article 7 of the
25 state constitution of 1963, with additional duties and powers as
26 provided under this act.

27 Sec. 105. Each metropolitan government organized under this
28 act shall be a public body corporate and politic and a metropolitan
29 authority organized under section 27 of article 7 of the state
30 constitution of 1963.

31 Sec. 107. This act is a comprehensive code for the
32 establishment and operation of a metropolitan government. When a
33 metropolitan government is established under this act, this act is

1 controlling as to all matters to which this act relates. Applicable
2 provisions of other laws not inconsistent with this act remain in
3 full force and effect.

4 Sec. 109. The provisions of this act apply notwithstanding any
5 county or municipal resolution, ordinance, or charter provision to
6 the contrary.

7 Sec. 111. This act shall be construed liberally to effectuate
8 the legislative intent and the purposes of this act as complete and
9 independent authorization for the performance of each and every act
10 and thing authorized in the act, and all powers granted in this act
11 shall be broadly interpreted to effectuate the intent and purposes
12 of this act and not as to limitation of powers.

13 CHAPTER 2

14 Sec. 201. A qualified city and a qualified county that has
15 neither adopted an optional unified form of county government under
16 1973 PA 139, MCL 45.551 to 45.573, nor adopted a charter under 1966
17 PA 293, MCL 45.501, may establish a metropolitan government as
18 provided under chapter 3. A metropolitan government organized under
19 this act shall supersede the form of government existing
20 immediately prior to an effective date for the qualified county and
21 each qualified city in the metropolitan area of the metropolitan
22 government.

23 Sec. 203. A metropolitan government under this act shall be
24 known as the "metropolitan government for [qualified city name] and
25 [qualified county name] county".

26 Sec. 205. The principal seat of government of a metropolitan
27 government organized under this act shall be within a qualified
28 city.

29 CHAPTER 3

30 Sec. 301. (1) A metropolitan government for a qualified county
31 and a qualified city shall be adopted and become effective in a
32 metropolitan area as provided under this section.

1 (2) At the first election held on the November regular
2 election date in an even numbered year immediately following the
3 effective date of this act or the date upon which a county becomes
4 a qualified county, the county clerk shall submit to the electors
5 of the qualified county the question under subsection (8).

6 (3) At the first election held on the November regular
7 election date in an even numbered year immediately following the
8 effective date of this act or the date upon which a city becomes a
9 qualified city, the clerk of the qualified city shall submit to the
10 electors of the qualified city the question under subsection (8).

11 (4) If a majority of the electors of a qualified county at an
12 election under subsection (2), or a qualified city at an election
13 under subsection (3), or both, disapprove the adoption of a
14 metropolitan government, a metropolitan government for the
15 qualified county and the qualified city is not adopted.

16 (5) Disapproval by the electors of the adoption of a
17 metropolitan government for a qualified county and qualified city
18 shall not limit the ability of the board of commissioners of a
19 qualified county or the city council of a qualified city to
20 subsequently direct the resubmission to the electors of the
21 qualified county or the qualified city the question of the adoption
22 of a metropolitan government for the qualified county and qualified
23 city under subsections (6) and (7).

24 (6) If the electors of a qualified county previously
25 disapproved the adoption of a metropolitan government for the
26 qualified county and qualified city, the board of county
27 commissioners of the qualified county may direct the resubmission
28 of the question of adoption of a metropolitan government to the
29 electors of the qualified county and the county clerk shall submit
30 to the electors of the qualified county the question under
31 subsection (8) at the next election held on the November regular
32 election date in an even numbered year more than 60 days after
33 direction by the board of county commissioners.

1 (7) If the electors of a qualified city previously disapproved
2 the adoption of a metropolitan government for the qualified county
3 and qualified city, the city council of the qualified city may
4 direct the resubmission of the question of adoption of a
5 metropolitan government to the electors of the qualified city and
6 the city clerk of the qualified city shall submit to the electors
7 of the qualified city the question under subsection (8) at the next
8 election held on the November regular election date in an even
9 numbered year more than 60 days after direction by the city
10 council.

11 (8) The question submitted to the electors of a qualified
12 county or a qualified city under this section shall be: "Shall a
13 metropolitan government for the county of [name of qualified
14 county] and the city of [name of qualified city] be adopted? ☐ YES
15 ☐ No".

16 (9) If a majority of the electors of a qualified county
17 approve the adoption of a metropolitan government for the qualified
18 county and the qualified city under this section, the county clerk
19 of the qualified county shall report the approval to the clerk of
20 the qualified city and the secretary of state. If a majority of the
21 electors of a qualified city approve the adoption of a metropolitan
22 government for the qualified county and the qualified city under
23 this section, the clerk of the qualified city shall report the
24 approval to the county clerk of the qualified county and the
25 secretary of state.

26 (10) Approval of a metropolitan government by the electors of
27 a qualified county or a qualified city under this section shall be
28 valid for a period of 4 years after the general election. The
29 electors of a qualified county and a qualified city need not
30 approve the adoption of a metropolitan government at the same
31 election for the adoption of a metropolitan government for the
32 qualified county and qualified city to be effective.

(11) If, within the same 4-year period, a majority of the electors of a qualified county approve the adoption of a metropolitan government for the qualified county and qualified city at an election under subsection (2) or (6), and the majority of the electors of a qualified city approve the adoption of a metropolitan government under subsection (3) or (7), then a metropolitan government is adopted for the qualified county and qualified city effective at 12 noon on the first day of January of the next even numbered year following the latest adoption of a metropolitan government for the qualified city and qualified county by the electors of either the qualified county or the qualified city.

(12) An election under this section shall be held in accordance with the general election laws of this state not inconsistent with this act.

Sec. 303. (1) If the electors of a qualified county and a qualified city approve the adoption of metropolitan government for the qualified county and qualified city under section 301, a joint metropolitan redistricting committee is established consisting of the county clerk of the qualified county, the treasurer of the qualified county, the prosecuting attorney of the qualified county, the clerk of the qualified city, the treasurer of the qualified city, and the corporation counsel of the qualified city. The county clerk of the qualified county shall convene the initial meeting of the committee not less than 10 days after the certification of the results of the last election at which the voters of a qualified county and a qualified city approved the adoption of a metropolitan government for the qualified county and qualified city.

(2) Not later than March 31 following the initial meeting of the joint metropolitan redistricting committee under subsection (1), the committee shall adopt by a majority vote of its members a plan establishing electoral districts for the metropolitan commission that complies with the requirements of section 715 and submit the plan to the county clerk of the qualified county, the

1 board of commissioners of the qualified county, the clerk of the
2 qualified city, and the city council of the qualified city.

3 (3) A plan establishing electoral districts for the
4 metropolitan commission adopted by the joint metropolitan
5 redistricting committee under this section is effective for
6 subsequent primary elections and general elections for members of
7 the metropolitan commission, until a plan is adopted following a
8 subsequent decennial census under section 713.

9 Sec. 305. (1) The initial chief executive of a new
10 metropolitan government shall be elected by the electors of the
11 qualified county at the first November election in an odd numbered
12 year held after the adoption of a plan by a joint metropolitan
13 redistricting committee under section 303. If at the time of the
14 November election, less than 2 years remain in the terms of office
15 for the county sheriff, county treasurer, and county prosecutor of
16 the qualified county, the chief executive shall be elected for an
17 initial term of 5 years beginning at noon on January 1 following
18 the November election. If at the time of the November election,
19 more than 2 years remain in the terms of office for the county
20 sheriff, county treasurer, and county prosecutor of the qualified
21 county, the chief executive shall be elected to an initial term of
22 3 years beginning at noon on January 1 following the November
23 general election.

24 (2) The initial members of the metropolitan commission of a
25 new metropolitan government shall be elected from districts
26 established under section 303 by the electors of the qualified
27 county at the first November election in an odd numbered year held
28 after the adoption of a plan by a joint metropolitan redistricting
29 committee under section 303. If at the time of the November
30 election, less than 2 years remain in the terms of office for the
31 county sheriff, county treasurer, and county prosecutor of the
32 qualified county, the chief executive shall be elected for an
33 initial term of 5 years beginning at noon on January 1 following

1 the November election. If at the time of the November election,
2 more than 2 years remain in the terms of office for the county
3 sheriff, county treasurer, and county prosecutor of the qualified
4 county, the chief executive shall be elected to an initial term of
5 3 years beginning at noon on January 1 following the November
6 general election.

7 (3) A county treasurer, county sheriff, county clerk, county
8 prosecuting attorney, and county clerk/register or county clerk and
9 county register of deeds for a qualified county serving on the
10 effective date of a metropolitan government shall become the
11 treasurer, sheriff, prosecuting attorney, and clerk/register or
12 clerk and register of deeds for the metropolitan government on the
13 effective date and shall initially serve as officers of the
14 metropolitan government for the remainder of each officer's term as
15 county treasurer, county sheriff, county clerk, county prosecuting
16 attorney, and county clerk/register or county clerk and county
17 register of deeds. This act shall not extend the term of office of
18 a county treasurer, county sheriff, county clerk, county register
19 of deeds, county clerk/register, or county prosecuting attorney
20 serving on the effective date.

21 Sec. 307. For offices elected under section 305, a regular
22 primary election for candidates for the office of member of the
23 metropolitan commission, and the office of chief executive shall be
24 held in the metropolitan area on the Tuesday succeeding the first
25 Monday in August preceding the November election at which the
26 officers are to be elected. At the August primary election, the
27 qualified and registered electors of the participating county may
28 vote for party candidates for the offices. The elections shall be
29 conducted in the manner provided for metropolitan government
30 election in chapter 7.

31 CHAPTER 4

32 Sec. 401. (1) On the effective date, the legislative powers,
33 duties, functions, and responsibilities of the board of

1 commissioners of the participating county and the board of county
2 road commissioners of the participating county are transferred to
3 and vested in the metropolitan commission, except as otherwise
4 provided in this act. Upon the transfer, the board of commissioners
5 of the participating county and the board of road commissioners of
6 the participating county are abolished.

7 (2) On the effective date, the powers, duties, functions, and
8 responsibilities of the county sheriff of the participating county
9 are transferred to and vested in the sheriff of the metropolitan
10 government. The establishment of a metropolitan government for the
11 participating county and a participating city shall not minimize or
12 divest the powers, duties, functions, and responsibilities of the
13 sheriff as a county sheriff under the state constitution of 1963 or
14 other applicable law. Power, duties, functions, and
15 responsibilities vested in the sheriff of the metropolitan
16 government under this subsection are subject to subsequent
17 reorganization by the metropolitan government under this act.

18 (3) On the effective date, the powers, duties, functions, and
19 responsibilities of the county treasurer of the participating
20 county are transferred to and vested in the treasurer of the
21 metropolitan government. The establishment of a metropolitan
22 government for the participating county and a participating city
23 shall not minimize or divest the powers, duties, functions, and
24 responsibilities of the treasurer as a county treasurer under the
25 state constitution of 1963 or other applicable law. Power, duties,
26 functions, and responsibilities vested in the treasurer of the
27 metropolitan government under this subsection are subject to
28 subsequent reorganization by the metropolitan government under this
29 act.

30 (4) On the effective date, the powers, duties, functions, and
31 responsibilities of the county clerk and county register of deeds
32 of the participating county are transferred to and vested in the
33 clerk and register for the metropolitan government until a

1 clerk/register for the metropolitan government is elected. If the
2 participating county has merged the functions of the county clerk
3 and county of register of deeds, the powers, duties, functions, and
4 responsibilities are vested in the clerk/register. The
5 establishment of a metropolitan government for the participating
6 county and a participating city shall not minimize or divest the
7 powers, duties, functions, and responsibilities of the
8 clerk/register or the clerk and register as a county clerk and
9 county register under the state constitution of 1963 or other
10 applicable law. Power, duties, functions, and responsibilities
11 vested in a clerk, register of deeds, or clerk/register for the
12 metropolitan government under this subsection are subject to
13 subsequent reorganization by the metropolitan government under this
14 act.

15 (5) On the effective date, the powers, duties, functions, and
16 responsibilities of the county prosecuting attorney of the
17 participating county are transferred to and vested in the
18 prosecuting attorney of the metropolitan government. The
19 establishment of a metropolitan government for the participating
20 county and a participating city shall not minimize or divest the
21 powers, duties, functions, and responsibilities of the prosecuting
22 attorney as a county prosecuting attorney under the state
23 constitution of 1963 or other applicable law. Power, duties,
24 functions, and responsibilities vested in the prosecuting attorney
25 of the metropolitan government under this subsection are subject to
26 subsequent reorganization by the metropolitan government under this
27 act.

28 (6) On the effective date, all executive powers, duties,
29 functions, and responsibilities of a participating county not
30 otherwise transferred to and vested in the sheriff, treasurer,
31 clerk/register, or the prosecuting attorney of the metropolitan
32 government under this section, and all of the executive powers,
33 duties, functions, and responsibilities of the participating city

1 are vested in the chief executive officer of the metropolitan
2 government.

3 (7) On the effective date, the city council of the
4 participating city is abolished, the office of mayor of the
5 participating city is abolished, all other elected offices of the
6 participating city are abolished.

7 (8) Termination or abolition of an office under this act shall
8 take effect whether or not it coincides with the end of a term of
9 office or appointment.

10 (9) On and after the effective date, a participating county is
11 organized as a county under this act and is not organized as a
12 general law county, an optional unified form of county government
13 under 1973 PA 139, MCL 45.551 to 45.573, or a charter county under
14 1966 PA 293, MCL 45.501. The metropolitan government shall be the
15 county government for the participating county and the successor to
16 the county government of the county as organized prior to effective
17 date.

18 (10) Notwithstanding the transfer of powers, duties,
19 functions, and responsibilities of a participating city to a
20 metropolitan government under this act, a participating city
21 continues to exist and is not abolished as a result of the transfer
22 of the power, duties, functions, or responsibilities under this
23 section. Except as otherwise prohibited under this act, as deemed
24 necessary or appropriate by the metropolitan government, the
25 metropolitan government may act on behalf of, or in the place or
26 stead of, the participating city and may take all actions that the
27 participating city could have otherwise taken, and may execute
28 conveyances, assignments, continuations, and transfers, or take
29 other action as may be necessary or appropriate to implement the
30 transfers under this section.

31 Sec. 403. (1) Not later than 180 days after the effective
32 date, the metropolitan commission shall enact an ordinance
33 allocating the executive power, duties, functions, and

1 responsibilities of the metropolitan government in a manner
2 consistent with section 401 and chapter 6.

3 (2) If the metropolitan commission fails to enact the
4 ordinance required under subsection (1) within 180 days of the
5 effective date, the chief executive shall within 90 days issue and
6 submit to the metropolitan commission an executive order allocating
7 the executive powers, duties, functions, and responsibilities of
8 the metropolitan government in a manner consistent with section 401
9 and chapter 6. An executive order issued under this subsection
10 shall have the force and effect of an enacted ordinance of the
11 metropolitan government if not rejected by a two-thirds vote of the
12 metropolitan commission within 45 days of submission.

13 (3) The initial allocation of metropolitan government under
14 subsection (1) or (2) may consolidate, abolish, or transfer the
15 functions of boards, offices, agencies, departments, commissions,
16 and authorities of a participating county and participating city
17 existing prior to the effective date.

18 Sec. 405. To assure the orderly transition to a metropolitan
19 government, the following temporary provisions are effective for a
20 period as required to facilitate the establishment and operation of
21 the metropolitan government:

22 (1) A metropolitan commission or chief executive may request
23 that the attorney general recommend as soon as practicable
24 ordinances or executive orders necessary to implement the
25 establishment of the metropolitan government for a participating
26 county and participating city. The attorney general may also
27 recommend to the legislature changes in other state laws to
28 facilitate the effective and efficient operation of a metropolitan
29 government.

30 (2) All writs, actions, suits, proceedings, civil or criminal
31 liabilities, prosecutions, judgments, sentences, orders, decrees,
32 appeals, causes of action, contracts, claims, demands, titles and
33 rights existing on an effective date shall continue unaffected

1 notwithstanding the adoption of a metropolitan government under
2 this act except as modified in accordance with the provisions of
3 this act. The establishment of a metropolitan government shall not
4 abate any civil or criminal action commenced prior to the effective
5 date.

6 (3) When a metropolitan government is established under this
7 act, all ordinances previously enacted by the participating city,
8 or resolutions previously adopted by the participating county, and
9 not repealed or rescinded, remain in full force and effect unless
10 inconsistent with this act. After the establishment of a
11 metropolitan government, an ordinance previously enacted by the
12 participating city or resolution previously adopted by the
13 participating county that is inconsistent with this act is void and
14 without force or effect. A metropolitan commission may repeal
15 ordinances enacted or resolutions adopted prior to the effective
16 date by a participating city or participating county.

17 (4) When a metropolitan government is established under this
18 act, rights secured for employees of a participating county or
19 participating city by a civil service or merit system of the
20 participating county or participating city continue in full force
21 and effect unless modified under this act.

22 (5) When a metropolitan government is established under this
23 act, all vested retirement and pension rights of the employees of a
24 participating county or participating city vested as of the
25 effective date remain in full force and effect.

26 (6) Title to all property, real or personal, previously held
27 in the name of any officer, board, commission, authority that is
28 abolished under this act shall be held in the name of the
29 metropolitan government. To the extent deemed necessary by the
30 metropolitan government, the metropolitan government may hold
31 property on behalf of a participating city.

32 (7) Except as otherwise provided in this act, all officers
33 filling any office of a participating county or participating city

1 by election or appointment shall continue to exercise their powers
2 and duties until their offices are abolished or their successors
3 selected and qualified under this act.

4 (8) The term of office of any elected or appointed office
5 abolished under this act shall expire upon the abolition of the
6 office.

7 (9) The contractual obligations of a participating county and
8 participating city incurred before, and remaining on, the effective
9 date shall be assumed by the metropolitan government. On the
10 effective date, interests belonging to or due to the participating
11 county or the participating city, and the rights, privileges,
12 immunities, and franchises of the participating county and the
13 participating city are transferred to and vested in the
14 metropolitan government without further action. After the earlier
15 of the effective date of this act or the date upon which a
16 qualified city becomes a qualified city or a qualified county
17 becomes a qualified county, a qualified city or qualified county
18 may not act to inhibit the formation of a metropolitan government
19 or legally bind the metropolitan government without the consent of
20 the metropolitan government. After the effective date, the
21 metropolitan government is responsible and liable for the
22 liabilities and obligations of the participating city and the
23 participating county consistent with the provisions of this act.

24 (10) Bonds, notes and any and all evidences of indebtedness
25 issued by a participating county before the effective date shall be
26 automatically and without further action assumed by, and become
27 payable by, the metropolitan government as of the effective date.
28 Bonds, notes and any and all evidences of indebtedness issued by a
29 participating city before the effective date shall continue to be
30 obligations of the participating city, but the metropolitan
31 commission shall automatically and without further action be
32 responsible for any and all appropriation and payment
33 responsibilities of the city council of the participating city that

1 existed with respect to such bonds and notes before the effective
2 date. Bonds, notes and any and all evidences of indebtedness issued
3 by a participating county or participating city before the
4 effective date shall continue to be payable from and secured by the
5 sources of revenue that were pledged to those bonds, notes or
6 evidences of indebtedness or liability under the ordinance,
7 resolution or other proceedings of the participating county or the
8 participating city. The metropolitan government may make payments
9 necessary to satisfy the obligations of a participating city. The
10 metropolitan commission may appropriate sufficient funds from
11 authorized sources necessary to make principal and interest
12 payments on the obligations of a participating city.

13 CHAPTER 5

14 Sec. 501. (1) Except as otherwise provided in this act, the
15 legislative power of a metropolitan government, including, but not
16 limited to, the legislative power of the participating county and a
17 participating city, is vested in a metropolitan commission.

18 (2) In addition to exercising the general legislative powers
19 vested in the metropolitan commission, the metropolitan commission
20 may do all of the following:

21 (a) Adopt ordinances and rules not explicitly prohibited by
22 state law for the conduct of the business of the metropolitan
23 government and exercise all other legislative powers authorized by
24 this act or other law.

25 (b) Adopt a budget for the metropolitan government following
26 presentation of an executive budget by the chief executive in
27 compliance with the uniform budget and accounting act, 1968 PA 2,
28 MCL 141.241 to 141.440a.

29 (c) Adopt ordinances appropriating funds of the metropolitan
30 government consistent with the requirements of this act.

31 (d) Levy taxes, but only to the extent a participating county,
32 participating city, or city, village, or township transferring
33 powers duties, and functions to the metropolitan government under

chapter 8 may levy taxes. This act does not authorize a metropolitan government to levy any taxes other than taxes that a participating county may levy in the participating county, a participating city may levy in the participating city, or that a city, village, or township transferring powers, duties, and functions to the metropolitan government under chapter 8 may levy in the city, village, or township.

(e) Incur indebtedness in the manner authorized by law for the carrying out of the powers, duties, functions, and responsibilities granted or imposed upon the metropolitan government, the participating county, the participating city, or a city, village, or township transferring powers, duties, and functions to the metropolitan government under chapter 8.

(f) Establish salaries for elected officials and the heads of principal departments of the metropolitan government.

(g) Adopt personnel rules governing employment by the metropolitan government and operation of a merit system if adopted as provided by law, including, but not limited to, a classification and pay plan for positions in the service of the metropolitan government, providing for uniform compensation for like service.

(h) Appoint staff or consultants to assist the metropolitan commission in the performance of its duties, including the performance of post audits of the financial transactions and accounts of the metropolitan government. The metropolitan commission may contract with independent accounting firms or legal counsel and may make investigations pertinent to the conduct of post audits.

(i) Adopt and revise a comprehensive plan for development within the participating county and adopt planning and zoning ordinance applicable within the participating city and each city, village, or township transferring powers, duties, and functions to the metropolitan government under chapter 8.

1 (j) Enter into agreements with other governmental entities for
2 the joint performance of services or the transfer of functions. To
3 be effective, agreements under this subdivision must be approved by
4 the chief executive and the governing body of each participating
5 governmental entity and be filed with the clerk of each
6 participating governmental entity.

7 (k) Accept gifts and grants-in-aid from a governmental or
8 private source.

9 (l) Adopt rules applicable to the metropolitan commission
10 governing the conduct of the business of the metropolitan
11 commission.

12 (m) Do all other acts and things necessary or convenient to
13 exercise the legislative powers, duties, functions, and
14 responsibilities of the metropolitan government consistent with
15 this act.

16 Sec. 503. The metropolitan commission shall consist of 25
17 members elected at the November general election from single member
18 electoral districts. After the initial terms under chapter 3, the
19 term of office of a member of a metropolitan commission shall begin
20 at noon on the first day of January immediately following the
21 election of the member and shall be for a period of 4 years.

22 Sec. 505. Each member of the metropolitan commission must be a
23 citizen of the United States and a registered and qualified elector
24 of the district the member represents. The failure of a member to
25 maintain residency within the electoral district shall create a
26 vacancy in office and the vacancy shall be filled as provided in
27 this act.

28 Sec. 507. (1) No person elected to the metropolitan commission
29 shall be eligible for any appointment to a public office within the
30 metropolitan area from the chief executive during the term of
31 office for which the member of the metropolitan commission was
32 elected.

1 (2) Members of the commission are public servants subject to
2 1968 PA 317, MCL 15.321 to 15.330, and are subject to any other
3 applicable law with respect to conflicts of interest. The
4 metropolitan commission shall establish policies and procedures
5 requiring periodic disclosure of relationships that may give rise
6 to conflicts of interest. The metropolitan commission shall require
7 that a commission member with a direct interest in any matter
8 before the metropolitan commission disclose the member's interest
9 and any reasons reasonably known to the member why the transaction
10 may not be in the best interest of the public or the metropolitan
11 government before the metropolitan commission takes any action with
12 respect to the matter. The disclosure shall become part of the
13 record of the metropolitan commission.

14 (3) The metropolitan commission shall adopt an ethics
15 ordinance governing the conduct of metropolitan government
16 business. The ordinance shall establish policies that are no less
17 stringent than those provided for public officers and employees by
18 1973 PA 196, MCL 15.341 to 15.348.

19 Sec. 509. (1) The metropolitan commission shall choose its own
20 officers and determine the rules of its proceedings consistent with
21 the requirements of the open meetings act, 1976 PA 267, MCL 15.261
22 to 15.275.

23 (2) The metropolitan commission may establish committees
24 necessary for the efficient conduct of its business.

25 (3) Money generated under the city income tax act, 1964 PA
26 284, MCL 141.501 to 141.787, by a tax imposed within a
27 participating city or a city with functions transferred to a
28 metropolitan government under chapter 8 may be expended by the
29 metropolitan government for the benefit of the residents of the
30 participating city or city. To assure compliance with this
31 subsection, the metropolitan commission may establish a service
32 area for the participating city or city, or both.

1 Sec. 511. (1) Except as otherwise provided in this act,
2 legislation of the metropolitan government shall be by ordinance
3 and shall originate in the metropolitan commission. The style of
4 all ordinances shall be: "The People of the Metropolitan Government
5 of [name of qualified city] and [name of qualified county] do
6 ordain".

7 (2) Except as otherwise provided in this act, no ordinance may
8 be enacted without the concurrence of a majority of the elected and
9 serving members of the metropolitan commission.

10 (3) No ordinance of the metropolitan government shall be
11 repealed, altered, or suspended except by an ordinance passed in
12 the same manner as an enacting ordinance.

13 (4) On all actions on resolutions and ordinances, the votes of
14 members of the metropolitan commission shall be recorded and made
15 available for public inspection. All selections of officers and all
16 votes on appointments submitted to the metropolitan commission for
17 advice and consent shall be recorded and made available for public
18 inspection. The records and writings of the metropolitan commission
19 are subject to the freedom of information act, 1976 PA 442, MCL
20 15.231 to 15.246. This subsection does not apply to employment of
21 individuals within a civil service or merit system established by
22 the metropolitan government.

23 (5) No ordinance may embrace more than one object, which shall
24 be expressed in its title. No ordinance shall be altered or amended
25 on its passage through the metropolitan commission so as to change
26 its original purpose as determined by its total content and not
27 alone by its title.

28 (6) No ordinance shall be revised, altered, or amended by
29 reference to its title only. The section or sections of an
30 ordinance amended shall be reenacted and published at length.

31 Sec. 513. The assent of two-thirds of the members elected to
32 and serving in the metropolitan commission shall be required for

1 the appropriation of public money or property for a private
2 purposes.

3 Sec. 515. Every proposed ordinance passed by the metropolitan
4 commission shall be presented to the chief executive before it
5 becomes an ordinance, and the chief executive shall have 10 days
6 measured in hours and minutes from the time of presentation to
7 consider the proposed ordinance. If the chief executive approves,
8 the chief executive shall within the 10-day period sign and file
9 the proposed ordinance with the clerk/register and it shall become
10 law. If the chief executive does not approve, the chief executive
11 shall return the proposed ordinance with objections within the 10-
12 day period to the metropolitan commission. The metropolitan
13 commission may re-consider the proposed ordinance. If within 10
14 days of the return, two-thirds of the members elected to and
15 serving in the metropolitan commission pass the proposed ordinance,
16 notwithstanding the objections of the chief executive, the proposed
17 ordinance shall be filed with the clerk/register and shall become
18 an ordinance. The votes of the metropolitan commission shall be
19 recorded and made available to the public. If any proposed
20 ordinance is not returned by the chief executive within the 10-day
21 period, it shall become an ordinance as if the chief executive had
22 signed.

23 CHAPTER 6

24 Sec. 601. (1) Except as otherwise provided in this act, the
25 executive power of a metropolitan government is vested in a chief
26 executive officer.

27 (2) After the initial term under chapter 3, the chief
28 executive shall be elected at a November general election by the
29 electors of the participating county for a term of 4 years. The
30 term of office of the chief executive shall begin at noon on the
31 first day of January immediately following the election of the
32 chief executive. The chief executive must be a citizen of the

1 United States and a registered and qualified elector of the
2 participating county.

3 (3) Except as otherwise provided in this act, each principal
4 department of the metropolitan government shall be under the
5 supervision of the chief executive. The budgeting, procurement, and
6 related management functions of the metropolitan government are
7 subject to direction and supervision by the chief executive. The
8 chief executive shall take care that the ordinances of the
9 metropolitan government are faithfully executed. The chief
10 executive shall transact all necessary business with the officers
11 of the metropolitan government and may require information in
12 writing from all executive and administrative officers of the
13 metropolitan government, elective and appointive, upon any subject
14 relating to the duties of their respective offices. The chief
15 executive shall coordinate the executive functions of the
16 metropolitan government and unify the management of its affairs.

17 (4) The chief executive may initiate court proceedings in the
18 name of the metropolitan government to enforce compliance with any
19 provision of this act or ordinance of the metropolitan government,
20 or to restrain violations of any power, duty, or right by any
21 officer, office, or agency of the metropolitan government. This
22 authority shall not be construed to authorize court proceedings
23 against the metropolitan commission.

24 (5) The chief executive shall fill a vacancy in an office of
25 the metropolitan government by appointment, with the advice and
26 consent of the metropolitan commission. Appointment with the advice
27 and consent of the metropolitan commission when used in this act or
28 ordinances of a metropolitan government means appointment subject
29 to disapproval by a majority vote of the members of the
30 metropolitan commission elected to and serving in the metropolitan
31 commission if the appointment is disapproved within 45 days of the
32 appointment. Any appointment not disapproved with 45 days of
33 submission by the chief executive shall stand confirmed.

1 (6) The chief executive may convene the metropolitan
2 commission on extraordinary occasions. The chief executive shall
3 communicate by message to the metropolitan commission by not later
4 than February 15 of each year and may at other times present to the
5 metropolitan commission information regarding metropolitan
6 government affairs the chief executive considers necessary or
7 desirable.

8 (7) The chief executive shall appoint a chief deputy executive
9 to assist the chief executive in the professional administration
10 and management of the executive branch of the metropolitan
11 government. The chief executive also may appoint additional deputy
12 executives the chief executive considers necessary to assist in the
13 performance of the powers, duties, functions, and responsibilities
14 of the chief executive. In the event of a vacancy in the office of
15 chief executive, the chief deputy executive shall take the
16 constitutional oath of office and serve as the chief executive
17 until a successor chief executive is elected at a special election
18 and qualified. After a vacancy in the office of chief executive
19 arises, the clerk/register shall schedule a special election held
20 at the earliest possible date allowed by law. A new chief executive
21 elected at a special election shall serve as chief executive for
22 the balance of the term of the prior elected chief executive. If a
23 chief executive is unable to perform the duties of his or her
24 office, the chief deputy executive shall perform the duties of the
25 chief executive until such time that the elected chief executive
26 can resume the duties of his or her office.

27 Sec. 603. (1) All executive and administrative offices,
28 agencies, and instrumentalities the metropolitan government, and
29 their respective functions, powers, and duties, except for the
30 office of chief executive, shall be allocated by, among, and within
31 principal departments. The metropolitan commission shall establish
32 a maximum number of principal departments. The principal
33 departments shall be grouped as far as practicable according to

1 major purposes. After the initial allocation under section 403, the
2 chief executive, subject to the requirements of this act, may make
3 changes in the organization of the executive functions or in the
4 assignment of functions among its units that the chief executive
5 considers necessary for efficient administration. Changes requiring
6 the force of an ordinance shall be set forth in executive orders
7 and submitted to the metropolitan commission. After submission, the
8 metropolitan commission shall have 45 days to disapprove an
9 executive order by a two-thirds vote of the members elected to and
10 serving in the metropolitan commission. Unless disapproved by the
11 metropolitan commission, each executive order shall become
12 effective at a subsequent date designated by the chief executive.

13 (2) Temporary commissions or agencies for special purposes
14 with a life of no more than two years may be established by
15 ordinance or executive order and need not be allocated within a
16 principal department of the metropolitan government.

17 (3) The single executives heading principal departments of the
18 metropolitan government shall include the sheriff, the treasurer,
19 the clerk/register, and the prosecuting attorney. When a single
20 executive is the head of a principal department, unless elected as
21 otherwise provided in this act, the principal department executive
22 shall be appointed by the chief executive with the advice and
23 consent of the metropolitan commission and shall serve at the
24 pleasure of the chief executive.

25 (4) The head of each principal department of the metropolitan
26 government may appoint 1 deputy. The head of each principal
27 department and appointed deputy shall be exempt from any civil
28 service system for the metropolitan government.

29 Sec. 605. (1) The sheriff shall serve as the sheriff for the
30 metropolitan government and within the metropolitan area.

31 (2) After the transitional period under chapter 3, the sheriff
32 shall be elected by the electors of the participating county at the
33 same time as the chief executive at a November general for a term

1 of 4 years. The term of office of the sheriff shall begin at noon
2 on the first day of January immediately after the election of the
3 sheriff. The sheriff must be a citizen of the United States and a
4 registered and qualified elector of the participating county.

5 (3) On and after the effective date, the sheriff shall
6 exercise the powers, duties, functions, and responsibilities vested
7 in the sheriff under this act and other applicable law.

8 Sec. 607. (1) The treasurer shall be the treasurer for the
9 metropolitan government.

10 (2) After the transitional period under chapter 3, the
11 treasurer shall be elected by the electors of the participating
12 county at the same time as the chief executive at a November
13 general election for a term of 4 years. The term of office of the
14 treasurer shall begin at noon on the first day of January
15 immediately after the election of the treasurer. The treasurer must
16 be a citizen of the United States and a registered and qualified
17 elector of the participating county.

18 (3) On and after the effective date, the treasurer shall
19 exercise the powers, duties, functions, and responsibilities vested
20 in the treasurer under this act and other applicable law.

21 Sec. 609. (1) The clerk/register shall be the chief officer of
22 elections of the metropolitan government and the custodian of the
23 records of the metropolitan government other than financial records
24 maintained by the treasurer.

25 (2) After the transitional period under chapter 3, the
26 clerk/register shall be elected by the electors at the same time as
27 the chief executive at a November general election by the electors
28 of the participating county for a term of 4 years. The term of
29 office of the clerk/register shall begin at noon on the first day
30 of January immediately after the election of the clerk/register.
31 The clerk/register must be a citizen of the United States and a
32 registered and qualified elector of the participating county.

1 (3) On and after the effective date, the clerk/register shall
2 exercise the powers, duties, functions, and responsibilities vested
3 in the clerk/register under this act and other applicable law.

4 Sec. 611. (1) The prosecuting attorney shall be the prosecutor
5 for the metropolitan government.

6 (2) After the transitional period under chapter 3, the
7 prosecuting attorney shall be elected by the electors at the same
8 time as the chief executive at a November general election by the
9 electors of the participating county for a term of 4 years. The
10 term of office of the prosecuting attorney shall begin at noon on
11 the first day of January immediately after the election of the
12 prosecuting attorney. The prosecuting attorney must be a citizen of
13 the United States, admitted to practice law in this state for at
14 least 5 years at the time of election, and a registered and
15 qualified elector of the participating county.

16 (3) On and after the effective date, the prosecuting attorney
17 shall exercise the powers, duties, functions, and responsibilities
18 vested in the prosecuting attorney under this act and other
19 applicable law.

20 Sec. 613. A 4-member board of canvassers for the metropolitan
21 government is established. All of the powers granted to and duties
22 required by law to be performed within the metropolitan area by a
23 board of canvassers established by law, other than the board of
24 state canvassers, are granted to and required to be performed by
25 the board of canvassers for the metropolitan government. Members of
26 the board of canvassers for the metropolitan canvassers shall be
27 appointed for terms of 4 years beginning on November 1 following
28 their appointment. Of the members first appointed, 1 member of each
29 of the political parties represented on the board of canvassers for
30 the metropolitan government shall be appointed for a term of 4
31 years and 1 for a term of 2 years. The clerk for the metropolitan
32 government shall notify members of the board of canvassers for the
33 metropolitan government of their appointment within 5 days of being

1 appointed. Members of the board of canvassers for a metropolitan
2 government shall be selected in the same manner as the members of a
3 board of county canvassers under section 24c of the Michigan
4 election law, 1954 PA 116, MCL 168.24c.

5 CHAPTER 7

6 Sec. 701. (1) The registration of voters, nominations, and
7 elections for offices of a metropolitan government shall be held in
8 accordance with the general laws of this state except as otherwise
9 provided in this act.

10 (2) Nothing in the laws of the state applying to political
11 party registration, enrollment or any other political party
12 procedure shall apply to registrations, nominations, or elections
13 for officers of a metropolitan government. Members of the
14 metropolitan commission, the chief executive, sheriff, treasurer,
15 clerk/register, and the prosecuting attorney shall be elected on a
16 **[nonpartisan]** basis in the manner provided in section 703. **[If**
17 **elections are held on a partisan basis, the elections shall be held**
18 **in the same manner as elections for county offices under provisions**
19 **of chapter X of the Michigan election law, 1954 PA 116, MCL 168.191**
20 **to 168.210 not inconsistent with this act.].**

21 (3) A person is ineligible for election to an office of a
22 metropolitan government if, within the immediately preceding 20
23 years, the person was convicted of a felony involving dishonesty,
24 deceit, fraud, or a breach of the public trust and the conviction
25 was related to the person's official capacity while the person was
26 holding any elective office or position of employment in local,
27 state, or federal government.

28 Sec. 703. (1) After the completion of the initial terms and
29 transition periods under chapter 3, a regular primary election for
30 candidates for the office of member of the metropolitan commission,
31 chief executive, sheriff, treasurer, clerk/register, and
32 prosecuting attorney shall be held in the metropolitan area on the
33 Tuesday succeeding the first Monday in August preceding the general

1 November election at which the officers are to be elected. At the
2 August primary election, the qualified and registered electors of
3 the participating county may vote for party candidates for the
4 offices.

5 (2) To obtain the printing of the name of a person as a
6 candidate for an office named in subsection (1), there shall be
7 filed with the clerk/register nominating petitions signed by a
8 number of qualified and registered electors residing within the
9 county as determined under section 544f of the Michigan election
10 law, 1954 PA 116, MCL 168.544f. Nominating petitions shall be in
11 the form prescribed in section 544c of the Michigan election law,
12 1954 PA 116, MCL 168.544c. The clerk/register shall receive
13 nominating petitions up to 4 p.m. on the twelfth Tuesday preceding
14 the August primary.

15 (3) After the filing of a nominating petition by or on behalf
16 of a proposed candidate for any of the offices named in subsection
17 (1), a proposed candidate shall not be permitted to withdraw as a
18 candidate unless a written notice of withdrawal is served on the
19 clerk/register or the clerk/register's duly authorized agent not
20 later than 4 p.m. on the third day after the last day for filing a
21 nominating petition, unless the third day falls on a Saturday,
22 Sunday, or legal holiday, in which case the notice of withdrawal
23 may be served on the clerk/register up to 4 p.m. on the next
24 business day.

25 (4) If for any reason the number of candidates for an office
26 named in subsection (1) at the August primary election is less than
27 2, a blank space or spaces shall be provided on each of the
28 official primary ballots to afford every elector an opportunity to
29 write in the name of his or her selection.

30 (5) The two candidates for the offices named in subsection (1)
31 receiving the greatest number of votes cast for each office at the
32 August primary election shall be declared the candidates for the
33 office at the ensuing November general election.

1 (6) The board of canvassers for the metropolitan government
2 shall determine which candidates for each of the offices named in
3 subsection (1) received the greatest number of votes at the
4 November general election and shall declare the candidates to be
5 duly elected. The board shall transmit a statement of returns and a
6 certificate of election to the clerk/register for each individual
7 elected to an office of the metropolitan government within 14 days
8 after the election.

9 (7) The clerk/register shall file in his or her office and
10 preserve the original statement and determination of the board of
11 canvassers of the results of the election and shall immediately
12 execute and cause to be delivered to the individuals declared
13 elected to the offices named in subsection (1) a properly certified
14 certificate of election, certified by the clerk/register under the
15 seal of the metropolitan government.

16 Sec. 705. Every person elected to an office named in section
17 703(1) of this act, before entering upon the duties of the office,
18 shall take and subscribe to the constitutional oath of office
19 provided in section 1 of article 11 of the state constitution of
20 1963 and, with the exception of the prosecuting attorney, give a
21 bond in the amount and manner prescribed by law. The oath shall be
22 filed with the clerk/register and any required bond shall be filed
23 with treasurer. Any bond required of the treasurer shall be filed
24 with the clerk/register.

25 Sec. 707. Any person duly elected to any of the offices named
26 in section 703(1) seeking to resign from office shall file a
27 written notice containing the effective date of the resignation
28 with the clerk/register. If the clerk/register seeks to resign, the
29 notice of resignation also shall be filed with the chief executive.

30 Sec. 709. The votes cast for any candidate for any of the
31 offices named in section 703(1) at any election shall be subject to
32 recount as provided in chapter 33 of the Michigan election law,
33 1954 PA 116, MCL 168.861 to 168.894.

1 Sec. 711. A person elected to an office named in section
2 703(1) shall be subject to recall as provided in chapter 36 of the
3 Michigan election law 1954 PA 116, MCL 168.951 to 168.976.

4 Sec. 713. Not later than the first day of November in each
5 year ending with a 1, the metropolitan commission shall adopt a
6 metropolitan commission electoral district plan that complies with
7 section 715 for use in electing members of the metropolitan
8 commission at subsequent primary elections and general elections.

9 Sec. 715. The primary guidelines for establishing metropolitan
10 commission electoral districts shall be used in the following order
11 of priority:

12 (a) Each metropolitan commission electoral district shall
13 achieve mathematical equality of population in each district as is
14 reasonably possible.

15 (b) Both of the following guidelines in no order of priority:

16 (i) Each metropolitan commission electoral district shall be
17 entitled to elect a single member of the metropolitan commission.

18 (ii) Each metropolitan commission electoral district shall not
19 violate section 2 of title I of the voting rights act of 1965,
20 Public Law 89-110, 42 U.S.C. 1973.

21 (c) The following secondary guidelines in order of priority:

22 (i) Each metropolitan commission electoral district shall
23 consist of areas of convenient territory contiguous by land. Areas
24 that meet only at points of adjoining corners are not contiguous.

25 (ii) The lines of a metropolitan commission electoral district
26 shall break as few city, village, or township boundaries as is
27 reasonably possible.

28 (iii) If necessary to break city, village, or township lines
29 to achieve equality of population between metropolitan commission
30 electoral districts as provided in subdivision (a), the number of
31 people necessary to achieve population equality shall be shifted
32 between the 2 electoral districts affected by the shift.

1 (iv) Within a city, village, or township to which there is
2 apportioned more than 1 metropolitan commission electoral district,
3 district lines shall be drawn to achieve the maximum compactness
4 possible.

5 (v) Compactness shall be determined by circumscribing each
6 electoral district within a circle of minimum radius and measuring
7 the area inside the circle but not inside the district.

8 (vi) If a discontinuous township island exists within an
9 incorporated city or discontinuous portions of townships are split
10 by an incorporated city, the splitting of the township shall not be
11 considered a split if any of the following circumstances exist:

12 (A) The city must be split to achieve equality of population
13 between electoral districts as provided in subdivision (a) and it
14 is practicable to keep the township together within 1 district.

15 (B) A township island is contained within a whole city and a
16 split of the city would be required to keep the township intact.

17 (C) The discontinuous portion of a township cannot be included
18 in the same electoral district with another portion of the same
19 township without creating a noncontiguous district.

20 (vii) Each metropolitan commission electoral district shall be
21 numbered in a regular series, beginning with electoral district 1
22 in the northwest corner of the participating county and ending with
23 the highest numbered district in the southeast corner of the
24 participating county.

25 Sec. 717. Elected officers of a metropolitan government may be
26 removed from office by the governor for gross neglect of duty or
27 for corrupt conduct in office, or for any other misfeasance or
28 malfeasance in office. The governor shall report to the legislature
29 the reasons for the removal of an elected officer of a metropolitan
30 government.

31 CHAPTER 8

32 Sec. 801. (1) A metropolitan government may enter into an
33 intergovernmental agreement with a city other than a participating

1 city, village, or township, within the metropolitan area for the
2 exercise of functions by, or transfer of functions to, the
3 metropolitan government.

4 (2) To be effective, an intergovernmental agreement under
5 subsection (1) must be approved by the chief executive and the
6 governing body of each participating governmental entity and be
7 filed with the clerk/register and the clerk of each village,
8 township, or city participating in the intergovernmental agreement.

9 Sec. 803. A city other than a qualified city, a village, or a
10 township within a metropolitan area may transfer the powers,
11 duties, and functions of the city, village, or township to the
12 metropolitan government if the electors of the city, village, or
13 township approve the transfer as provided in sections 805 or 807
14 and the metropolitan government adopts a resolution approving the
15 transfer.

16 Sec. 805. (1) The governing body of a city other than a
17 qualified city, a village, or a township within a metropolitan area
18 may place before the electors of the city, village, or township the
19 question of joining the metropolitan government and transferring
20 the powers, duties, and functions of the city, village, or township
21 to the metropolitan government by adopting a resolution submitting
22 the question to the electors.

23 (2) If the governing body of a city, village, or township
24 adopts a resolution under subsection (1), the clerk of the city,
25 village, or township shall place before electors of the city,
26 village, or township the question in the form provided in section
27 809 at the next November general election held not less than 60
28 days after the adoption of the resolution.

29 Sec. 807. (1) If the electors of a city other than a qualified
30 city, a village, or a township within a metropolitan area submit to
31 the clerk of the city, village, or township petitions signed by a
32 number of registered and qualified electors of the city, village,
33 or township equal to not less than [10%] of the total number of

1 votes cast for the office of governor in city, village, or township
2 in the last previous election at which a governor was elected, the
3 clerk of the city, village, or township shall place before the
4 electors of the city, village, or township the question in the form
5 provided in section 809 at the next November general election held
6 not less than 120 days after the submission of sufficient
7 signatures to the clerk.

8 (2) A petition under subsection (1) shall comply with all of
9 the following:

10 (a) Be in the form of a ballot question petition under the
11 Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, and as
12 prescribed by the secretary of state.

13 (b) Be printed.

14 (c) State clearly the question provided for in Section 809.
15 Sec. 809. The question submitted to the electors of a city,
16 village, or township within a metropolitan area under this chapter
17 shall be: "Shall a metropolitan government for [name of city,
18 village, or township] be adopted and the governmental functions of
19 the [name of city, village, or township] be transferred to the
20 metropolitan government for the [name of qualified city]the county
21 of [name of qualified county] and the city of [name of qualified
22 city]? [] YES [] No".

23 Sec. 811. (1) If a majority of the electors of a city,
24 village, or township approve the question under section 809 at an
25 election authorized under section 805 or 807, the clerk of the
26 city, village, or township shall the report the approval to the
27 clerk of the metropolitan government.

28 (2) If the clerk of the metropolitan government receives a
29 report of approval under subsection (1), the clerk shall transmit
30 the report to the metropolitan commission. The metropolitan
31 commission shall within [**120 days**] consider a resolution approving
32 the transfer of the functions of the city, village, or township to
33 the metropolitan government. If a majority of the members of the

1 metropolitan commission adopt a resolution approving the transfer,
2 the clerk of the metropolitan government shall notify the clerk of
3 the city, village, or township and the secretary of state of the
4 approval of the transfer by the metropolitan commission and the
5 functions of the city, village, or township shall be transferred to
6 the metropolitan government effective at noon on the first day of
7 January after approval of the transfer by the metropolitan
8 commission.

9 (3) On the transfer date, the powers, duties, functions, and
10 responsibilities of the governing body of the city, village, or
11 township are transferred to and vested in the metropolitan
12 government. On the transfer date, the governing body of the city,
13 village, or township is abolished, all other elected offices of the
14 city, village, or township are abolished, and other offices of the
15 city, village, or township established by state law or established
16 or appointed by the governing body of the city, village, or
17 township are abolished. Termination or abolition of an office under
18 this chapter shall take effect whether or not it coincides with the
19 end of a term of office or appointment.

20 (4) The metropolitan government shall be the government for
21 the city, village, or township on and after the transfer date and
22 the successor to the city, village, or township as organized prior
23 to the transfer date.

24 (5) Notwithstanding the transfer of powers, duties, functions,
25 and responsibilities of a city, village, or township to a
26 metropolitan government under this act, the city, village, or
27 township continues to exist and is not abolished as a result of the
28 transfer of the power, duties, functions, or responsibilities under
29 this chapter. Except as otherwise prohibited under this act, as
30 deemed necessary or appropriate by the metropolitan government, the
31 metropolitan government may act on behalf of, or in the place or
32 stead of, the city, village, or township and may take all actions
33 that the city, village, or township could have otherwise taken, and

1 may execute conveyances, assignments, continuations, and transfers,
2 or take other action as may be necessary or appropriate to
3 implement the transfers under this section.

4 (6) Not later than 90 days after the transfer date, the
5 metropolitan commission shall enact an ordinance allocating the
6 executive power, duties, functions, and responsibilities of the
7 city, village, or township in a manner consistent with section 401
8 and chapter 6.

9 (7) If the metropolitan commission fails to enact the
10 ordinance required under subsection (6) within 90 days of the
11 transfer date, the chief executive shall within 60 days issue and
12 submit to the metropolitan commission an executive order allocating
13 the executive powers, duties, functions, and responsibilities of
14 the city, village, or township within the metropolitan government
15 in a manner consistent with section 401 and chapter 6. An executive
16 order issued under this subsection shall have the force and effect
17 of an enacted ordinance of the metropolitan government if not
18 rejected by a two-thirds vote of the metropolitan commission within
19 45 days of submission.

20 (8) The initial allocation of the functions of the city,
21 village, or township within the metropolitan government under
22 subsection (6) or (7) may consolidate, abolish, or transfer the
23 functions of boards, offices, agencies, departments, commissions,
24 and authorities of the city, village, or township existing prior to
25 the transfer date.

26 (9) To assure the orderly transition to a metropolitan
27 government, the following temporary provisions are effective for a
28 period as required to facilitate the transfer of the functions to a
29 city, village, or township to a metropolitan government:

30 (a) A metropolitan commission or chief executive may request
31 that the attorney general recommend as soon as practicable
32 ordinances or executive orders necessary to implement the transfer
33 of functions to the metropolitan government. The attorney general

1 also may recommend to the legislature changes in other state laws
2 to facilitate the transfer of functions of a city, village, or
3 township to a metropolitan government.

4 (b) All writs, actions, suits, proceedings, civil or criminal
5 liabilities, prosecutions, judgments, sentences, orders, decrees,
6 appeals, causes of action, contracts, claims, demands, titles and
7 rights existing on an transfer date shall continue unaffected
8 notwithstanding a transfer to a metropolitan government under this
9 chapter, except as modified in accordance with the provisions of
10 this act. The transfer to a metropolitan government under this
11 chapter shall not abate any civil or criminal action commenced
12 prior to the transfer date.

13 (10) When functions are transferred to a metropolitan
14 government under this chapter, all ordinances previously enacted by
15 the city, village, or township prior to the transfer date, and not
16 repealed, remain in full force and effect unless inconsistent with
17 this act. After the transfer of functions, an ordinance previously
18 enacted by the city, village, or township that is inconsistent with
19 this act is void and without force or effect. A metropolitan
20 commission may repeal ordinances enacted prior to the transfer date
21 by the city, village, or township.

22 (11) When functions are transferred to a metropolitan
23 government under this chapter, rights secured for employees of the
24 city, village, or township by a civil service or merit system of
25 the city, village, or township continue in full force and effect
26 unless modified under this act.

27 (12) When functions are transferred to a metropolitan
28 government under this chapter, all vested retirement and pension
29 rights of the employees of the city, village, or township vested as
30 of the transfer date remain in full force and effect.

31 (13) Title to all property, real or personal, previously held
32 in the name of any officer, board, commission, authority, or office
33 of the city, village, or township with functions transferred to a

1 metropolitan government under this act shall be held in the name of
2 the metropolitan government. To the extent deemed necessary by the
3 metropolitan government, the metropolitan government may hold
4 property on behalf of the city, village, or township.

5 (14) Except as otherwise provided in this act, all officers
6 filling any office of a city, village, or township with functions
7 transferred to a metropolitan government under this chapter by
8 election or appointment shall continue to exercise their powers and
9 duties until their offices are abolished or their successors
10 selected and qualified under this act.

11 (15) The term of office of any elected or appointed office
12 abolished under this chapter shall expire upon the abolition of the
13 office.

14 (16) The contractual obligations of a city, village, or
15 township with functions transferred to a metropolitan government
16 under this chapter incurred before, and remaining on, the transfer
17 date shall be assumed by the metropolitan government. On the
18 transfer date, interests belonging to or due to the city, village,
19 or township, and the rights, privileges, immunities, and franchises
20 of the city, village, or township are transferred to and vested in
21 the metropolitan government without further action. After the
22 transfer date, the metropolitan government is responsible and
23 liable for the liabilities and obligations of the city, village, or
24 township with functions transferred to the metropolitan government
25 under this chapter, consistent with the provisions of this act.

26 (17) Bonds, notes and any and all evidences of indebtedness
27 issued by a city, village, or township with functions transferred
28 to a metropolitan government under this chapter before the transfer
29 date shall be automatically and without further action assumed by,
30 and become payable by, the metropolitan government as of the
31 transfer date. Bonds, notes, and any and all evidences of
32 indebtedness issued by the city, village, or township before the
33 transfer date shall continue to be obligations of the city,

1 village, or township, but the metropolitan commission shall
2 automatically and without further action be responsible for any and
3 all appropriation and payment responsibilities of the city,
4 village, or township that existed with respect to such bonds and
5 notes before the transfer date. Bonds, notes, and any and all
6 evidences of indebtedness issued by the city, village, or township
7 before the transfer date shall continue to be payable from and
8 secured by the sources of revenue that were pledged to those bonds,
9 notes or evidences of indebtedness or liability under the
10 ordinance, resolution or other proceedings of the city, village, or
11 township. The metropolitan government may make payments necessary
12 to satisfy the obligations of the city, village, or township. The
13 metropolitan commission may appropriate sufficient funds from
14 authorized sources necessary to make principal and interest
15 payments on the obligations of the city, village, or township.

16 (19) As used in this section, "transfer date" means the date
17 on which the functions of a city, village, or township are
18 transferred to a metropolitan government under section 809.

19 Enacting section 1. This act is effective January 1, 2012.

20 Enacting section 2. After enactment of this bill, the
21 secretary of the senate and the clerk of the house of
22 representatives are directed to transmit to the state supreme court
23 on behalf of the senate and house of representatives a copy of this
24 legislation as enacted seeking the opinion of the state supreme
25 court as to the constitutionality of this legislation, as
26 authorized by section 8 of article 3 of the state constitution of
27 1963.