



GRAND VALLEY METROPOLITAN COUNCIL

ALGOMA TOWNSHIP • ALLENDALE TOWNSHIP • ALPINE TOWNSHIP • BELDING • BYRON TOWNSHIP • CALEDONIA TOWNSHIP • CANNON TOWNSHIP • CASCADE TOWNSHIP • CEDAR SPRINGS • COOPERSVILLE • COURTLAND TOWNSHIP • EAST GRAND RAPIDS • GAINES TOWNSHIP • GEORGETOWN TOWNSHIP • GRAND RAPIDS • GRAND RAPIDS TOWNSHIP • GRANDVILLE • GREENVILLE • HASTINGS • HUDSONVILLE • IONIA • JAMESTOWN TOWNSHIP • KENT COUNTY • KENTWOOD • LOWELL • MIDDLEVILLE • OTTAWA COUNTY • PLAINFIELD TOWNSHIP • ROCKFORD • SPARTA • SPARTA TOWNSHIP • TALLMADGE TOWNSHIP • WALKER • WAYLAND • WYOMING

GVMC EXECUTIVE COMMITTEE

Noon, December 20, 2012

GVMC Offices

- 1) Approval of October 2012 Minutes – Minutes Attached**

- 2) MDOT Billing – Invoice Attached**

- 3) Jim Miller of GCSI Speaking on PPT**

- 4) At Large Member Candidates**
 - (a) Mark Lemoine – Spectrum Health, Resume Attached**
 - (b) George Meek – Plainfield Twp.**
 - (c) Mark Rambo – Kent County Road Commission, Resume Attached**
 - (d) Bill Redman – Hastings City Council**

- 5) Policy Discussion – Copies of Articles of Incorporation and Metropolitan Act pertaining Drop & Addition of Members**

- 6) Open Discussion with Executive Director**

MDOT
841(1/92)

INVOICE

Refer to this Number in Correspondence ----

Invoice No.

OP 348701

Date

11/30/12

**GVMC
678 FRONT AVE. NW. SUITE 200
GRAND RAPIDS, MI 49504**

**Department of Transportation
Attention: Finance Cashier
P. O. Box 30648
Lansing, Michigan 48909
Phone: (517) 373-1516**

Payment Due Within 30 Days Unless Agreement States Otherwise -- Make Check Payable to: State of Michigan - MDOT

In Re: OVERPAYMENT

CONTRACT NO: VARIOUS. SEE ATTACHED DETAIL
JOB NUMBERS: VARIOUS. SEE ATTACHED DETAIL
AUDIT REPORT NO: 2010-159

Invoice Amount: \$364,922.00

Balance Due: \$364,922.00

MDOT Fed. Id.: 386000134

DETACH HERE, SEND REMITTANCE AND THIS STUB TO:

Michigan Department of Transportation, ATTN: Finance Cashier, P. O. Box 30648, Lansing, Michigan 48909

Invoice No.	Code	Name	Agreement
OP 348701	42145	GVMC	-

Tran	AY	Index	PCA	Appr	Fund	AO	AC-3	GL	Amount	Proj No	Proj Phase	Fed. Item No.
187	13	88512	88888	88851	2116	5259		0503	364,922.00			

Mark A. Lemoine, Director
System Government Affairs
616.391.2726
616.391.2092 (fax)
mark.lemoine@spectrum-health.org



Mark Lemoine has been the Director of System Government Affairs for Spectrum Health since 2004. In this role, he is a registered lobbyist and serves as a liaison between the local, state and federal levels of government for all Spectrum Health entities.

Prior to Spectrum Health, Lemoine served as Vice President of Public Policy & Government Affairs for the Grand Rapids Area Chamber of Commerce and as Government Affairs Manager for Meijer. He gained public sector experience serving in leadership staff roles in the Michigan State Senate including, chief of staff to the chairman of the Senate Appropriations subcommittee for the Family Independence Agency; legislative director for the chairman of the Senate Health Policy Committee; communications specialist for the Senate Majority Leader; and Field Director during former Governor John Engler's successful 1998 re-election campaign.

Lemoine was born in Springfield, Massachusetts. He earned a bachelor's degree in political science from Calvin College. He is an active member of several charitable and community organizations serving in many ways including as Secretary of the Friends of Spectrum Health Political Action Committee, Past Board Chair of the Pregnancy Resource Center, Advisory Board member of the Michigan Political Leadership Program at Michigan State University, Co-Chair of an alumni/faculty workgroup of the Calvin Center for Christian Scholarship and an active member of Blytheville Hills Church.

He lives in Rockford, Michigan and enjoys spending recreational time in Michigan's natural resources with his wife and four children.

Updated 9/6/2011

Spectrum Health System
System Government Affairs
100 Michigan Street NE | MC 065
Grand Rapids, MI 49503
616.391.2726 616.391.2092
spectrum-health.org

Mark A. Lemoine
Director, Government Affairs

November 5, 2012

Mr. John Weiss
Grand Valley Metro Council
678 Front Ave NW, Suite 200
Grand Rapids, Michigan 49504

Dear John:

In follow up to our discussion and your conversation with Steve Heacock, Senior Vice President of Community Affairs at Spectrum Health, I would be honored to be considered for a board appointment to the Grand Valley Metro Council (GVMC).

As you are aware, my career has spanned nearly twenty years in the public policy arena. From working in the state Senate, to lobbying for Meijer Corporation, the Grand Rapids Area Chamber of Commerce and now Spectrum Health for the past eight years, I believe I could bring a unique set of experiences and a broad perspective.

Over the years, I have always enjoyed working with you on various issues. I have also enjoyed working with many of the local government officials from the communities you represent. Building upon these existing relationships would be exciting not only to contribute to the efforts of GVMC, but to more directly engage on local and regional issues that are critical to West Michigan.

Enclosed please find a biography which you and the selection committee may find helpful. Please feel free to call me if you have any questions or need any additional information.

Mark A. Lemoine
Director, System Government Affairs

Enclosure

November 26, 2012

John Weiss, Executive Director
Grand Valley Metropolitan Council
678 Front Ave NW, Suite 200
Grand Rapids, Michigan 49504

Re: GVMC At-Large Board Member Vacancy

Dear Mr. Weiss:

I am very interested in serving as an at-large member of the Grand Valley Metropolitan Council and have included my resume for your consideration. I am quite familiar with the activities of the GVMC and would be honored to be a part of this regional initiative.

As a Manager of Operations for Grand Valley State University and the current chairman of the Kent County Road Commission, my primary role is to bring together the appropriate personnel, organizations and information to facilitate change for the betterment of the community. I believe this board would allow me to serve Kent County in a similar capacity.

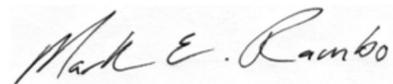
My municipal and management experiences have helped me understand the significance of maintaining positive relationships and open lines of communication throughout all levels of an organization. These skills are paramount when improving services, implementing new initiatives and educating community stakeholders.

My experiences have also allowed me to gain a thorough understanding of how to effectively work with politically and culturally diverse groups. Understanding and embracing our differences is the foundation of a team mentality. I believe this collaborative approach promotes cooperation and ultimately benefits the greater community.

I firmly believe that the collaborative vision of the GVMC directly serves the long-term wellbeing of Kent County and hope that you feel the combination of my education, municipal experiences and county knowledge would add value to this regional partnership.

Please feel free to contact me at (231) 629-1254 if you have any questions or require additional information. I look forward to this opportunity and thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mark E. Rambo". The signature is written in dark ink on a light-colored background.

Mark E. Rambo

MARK E. RAMBO

3020 Valley View Dr. NE Rockford, MI 49341 (231) 629-1254 markrambo@gmail.com

EDUCATION

Grand Valley State University <i>Master of Public Administration</i>	Allendale, MI April 2003
Grand Valley State University <i>Bachelor of Science</i>	Allendale, MI April 2000
Muskegon Community College <i>Associates of Science</i>	Muskegon, MI April 1997

ADDITIONAL EDUCATION, TRAINING & CERTIFICATIONS

National Business Incubation Association <i>Incubator Management Certificate Program</i>	Athens, OH October 2012
Michigan State University Extension <i>Leadership Montcalm</i>	Stanton, MI May 2010
Central Michigan University, Off Campus Programs <i>Michigan Public Service Institute</i>	Mt Pleasant, MI August 2003
Michigan Certified Stormwater Operator #C-04164	<i>Current</i>

COMPUTER KNOWLEDGE

Proficient with ArcGIS, Word, Power Point, Excel, Access, Outlook, Adobe Acrobat, Publisher, FrontPage, WordPress, Visio

RELATED WORK EXPERIENCE

Grand Valley State University <i>Manager of Operations</i>	Grand Rapids, MI September 2011 to Present
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- Facilities Management
- Budget Planning & Forecasting
- Transportation Planning and Management
- Project Management
- Contract Management
- Community Relations

Kent County Road Commission <i>Commissioner - Current Chairman</i>	Grand Rapids, MI June 2009 to Present
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- Position is Appointed By Kent County Board of Commissioners (not elected)
- Current Term: 2012 through 2017
- Provide Administrative and Financial Oversight
- Provide Organizational and Policy Guidance
- Monitor State/Federal Legislation

Village of Howard City
Village Manager

Howard City, MI
May 2005 to September 2011

- Served as Chief Administrative Officer
- Managed Police, Fire, Public Works, Water, Sewer, Clerk/Treasurer Departments
- Policy Research, Development and Implementation
- Community, Intergovernmental, Interdepartmental and Media Relations
- Water, Sewer & Transportation Planning
- Provided Centralized Leadership and Vision
- Assured Efficient and Effective Use of City's Resources
- Project Management/Coordination
- Monitored State/Federal Legislation
- Budget Planning & Preparation
- Strategic/Master Planning

City of Walker, Engineering Department
Engineering Programs Coordinator

Walker, MI
January 2001 to 2005

- Administered Environmental Programs
- Ensured City's Overall State/Federal Environmental Compliance
- Performed Environmental Inspections
- Maintained City's Geographic Information System
- Project Management
- Non-motorized Trail Planning/Development
- Site Plan Review

PAST WORK EXPERIENCE

City of Walker, Department of Public Works
Equipment Operator

Walker, MI
May 1999-2001

- Parks and Recreation Maintenance
- Street, Sewer and Drain Maintenance
- Building and Grounds Maintenance

LEADERSHIP AND COMMUNITY SERVICE

- Parking Commission - City of Grand Rapids
- Kent County Fire Commission
- Montcalm Countywide Transit Initiative: Planning Committee (montcalmride.com)
- Legislative Governance Committee (Michigan Municipal League)
- Community Education Committee (Michigan Local Government Managers Association)
- Montcalm County Computer Information Systems Advisory Board
- West Michigan Soil Erosion Control Network
- West Michigan Regional Planning Commission
- Panhandle Chamber of Commerce
- Howard City Downtown Development Authority
- Howard City Planning Commission
- Montcalm Alliance (Economic Development Committee)
- Friends of the White Pine Trail
- Mineral Mining Review Board (City of Walker)
- Sand Creek Watershed Committee
- Lower Grand River Watershed Committee

GRANT WRITING EXPERIENCE

U.S. Department of Commerce: Economic Development Administration

- \$1,315,000 Wastewater Treatment Facility Improvements (2010/11)

Michigan Department of Transportation: Transportation Enhancement Grant Program

- \$324,000 Downtown Streetscape Project (2010/11)

Michigan Economic Development Corporation: Downtown Infrastructure Grant

- \$450,000 Downtown Streetscape Project (2010/11)

FEMA: Assistance to Firefighters Grant

- \$43,000 Exhaust Removal System (2009/10)

Michigan Department of Transportation: Public Transportation Grant Program

- \$20,000 Bus Shelter (2007/08)

US Department of Agriculture

- \$24,000 Fire Tanker Truck (2006/07)

Michigan's Water Pollution Control State Revolving Fund

- \$34,000 Sewer Engineering Grant (2006/07)

Michigan Department of Transportation: Transportation Enhancement Grant Program

- \$143,000 White Pine Trail Staging Area (2005/06)

Department of Housing and Urban Development (*Community Development Block Grants*)

- \$272,000 Shared Use Bike Path (2003)

Urban Cooperation Board

- \$30,000 Bike Trail Study Grant (2002)

PROFESSIONAL EMPLOYMENT REFERENCES

Available Upon Request

C. **Procedure.** Procedures for convening meetings, voting of the Executive Committee, and other matters pertaining to the functions of the Executive Committee may be specified in the Bylaws.

Article XIV. Budget. The Executive Director, or in the absence of an Executive Director, the Chairperson, shall prepare a proposed annual budget. Following review and recommendation by the Executive Committee, the Council shall, on or before October 1 of each year, adopt the annual budget.

Article XV. Standing Committees and Advisory Committees. The Council may establish committees, including standing committees of the Council and advisory committees, in accordance with the Council's Bylaws.

Article XVI. Creation of Agencies. The Council may establish such agencies as the Council shall deem appropriate to carry out its functions. The method of establishing an agency and delegating powers and responsibilities to an agency shall be set forth in the Bylaws.

Article XVII. Bylaws. The Council shall have the right to adopt and amend bylaws governing its procedure and functions, provided that the bylaws are not in conflict with the terms of these Articles, the Act, or any other applicable statute. Bylaws shall be adopted and amended only upon a majority vote of: 1) the total number of weighted votes of the Members of the Council, and 2) the Members of the Council; except for Section II of the Bylaws, which may be amended only by: 1) a majority vote of the weighted vote and a majority vote of the Members as stated above, and 2) the approval of two-thirds (2/3) of the legislative bodies of the Units who belong to the Council.

Article XVIII. Amendment of Articles of Incorporation. These Articles may be amended upon approval of a majority vote of: 1) the total number of weighted votes of the Members of the Council, 2) the Members of the Council, and 3) the members serving on the Legislative Bodies of the participating local governmental Units, if a vote by such local Legislative Body members is required by law.

Article XIX. Addition of Units. A city, township, village or county may be added to the Council after the Council's incorporation upon compliance with Sections 7 and 11 of the Act and the amendment of these Articles of Incorporation to reflect that addition. After a city, township, village or county has been added to the Council, the Clerk of that Unit shall sign the Articles of Incorporation as amended, in behalf of the Unit.

Article XX. Withdrawal of Units. A Unit may withdraw from the Council, subject to the requirements of the Act, upon delivery of written notice to the Council to become effective at the end of the fiscal year, provided that the Council receives the notice at least sixty (60) days before the end of its fiscal year. In the event that the written notice of withdrawal is received by the Council less than sixty (60) days before the end of the fiscal year in which it is received, the withdrawal shall not become effective until the end of the succeeding fiscal year and the Unit shall be liable for membership fees for the succeeding fiscal year. No membership fees shall be returned to any Unit in

case of withdrawal. In the event of withdrawal, the Unit shall remain liable for all of its financial obligations to the Council or the Council's creditors.

Article XXI. Inactive Membership Status. Any Unit which has not paid its annual dues within sixty (60) days of the beginning of each fiscal year shall be delinquent. A delinquent Unit shall be placed on inactive status, its Member(s) shall not be entitled to vote, nor shall the Member nor the Member's vote be counted for quorum or voting purposes, and the Council may prohibit those Members of an inactive Unit from participating in debates or discussions of the Council or on any agency operating under the Council's direction. The Unit's inactive status shall be referred to the Executive Committee for appropriate action. Inactive status shall remain until all fees, including any penalties approved by the Council, are paid in full.

Article XXII. Adoption. Upon original adoption of these Articles of Incorporation by the legislative body of each Unit, such adoption shall be evidenced by an endorsement on the Articles by the Clerk of that Unit as provided below. Upon adoption by the Units, these Articles of Incorporation shall be filed by the Clerk of the largest Unit with the Secretary of State and the Clerk of each County in which a Unit is located.

ORIGINAL ADOPTION OF ARTICLES (1990)

These Articles of Incorporation were originally adopted (1990) by the Members of the Council of Grand Valley Metropolitan Council by majority vote of the total number of weighted votes of the Members of the Council and by majority vote of the Members of the Council and by an affirmative vote of a majority of the Members serving on the legislative body of each of the following Member Units of government, on the date stated below:

City of Kentwood, on June 5, 1990
City of East Grand Rapids, on June 18, 1990
City of Grandville, on June 25, 1990
City of Rockford, on July 9, 1990
City of Hudsonville, on July 10, 1990
Byron Township, on July 23, 1990
Ada Township, on July 23, 1990
City of Grand Rapids, on July 24, 1990
Plainfield Township, on July 30, 1990
Alpine Township, on August 13, 1990
Gaines Township, on August 13, 1990
Kent County, on September 5, 1990
City of Wyoming, on September 24, 1990

AMENDMENT NO. 1A (11/19/92)

METROPOLITAN COUNCILS ACT
Act 292 of 1989

AN ACT to authorize certain local governmental units to create certain councils under certain circumstances; to prescribe the powers and duties of councils established under this act; and to authorize certain councils established under this act to levy a property tax.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 166, Eff. Mar. 23, 1999;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

The People of the State of Michigan enact:

124.651 Short title.

Sec. 1. This act shall be known and may be cited as the “metropolitan councils act”.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.653 Definitions.

Sec. 3. As used in sections 5 through 35:

(a) “Articles” means a metropolitan area council's articles of incorporation provided for in section 5.

(b) “Council area” means the combined territory of the cities, villages, and townships participating in a metropolitan area council.

(c) “Largest” means, if used in reference to a county, the county having the greatest population residing in participating cities, villages, and townships. “Largest”, if used in reference to a participating local governmental unit, means the participating local governmental unit having the greatest population.

(d) “Local governmental unit” means a county, township, city, or village.

(e) “Metropolitan area” means a metropolitan statistical area, as defined as of the effective date of this act, by the United States department of commerce or a successor agency, with a population of less than 1,500,000 people.

(f) “Participating”, if used in reference to a local governmental unit, means 1 of the following:

(i) After formation of a metropolitan area council, a local governmental unit that has joined in the formation of the council or been added to the council pursuant to section 11 and that has not withdrawn pursuant to section 33.

(ii) Before formation of a metropolitan area council, a local governmental unit named in the articles of incorporation as a participating local governmental unit.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.655 Metropolitan area council; formation; council as public corporate body and authority; powers generally.

Sec. 5. (1) A combination of 2 or more local governmental units in a metropolitan area may form a metropolitan area council by adopting articles of incorporation pursuant to the requirements of sections 7 and 9.

(2) A council is a public corporate body with power to sue and be sued in any court of the state.

(3) A council is an authority under section 6 of article IX of the state constitution of 1963.

(4) A council possesses all the powers necessary for carrying out the purposes of its formation. The enumeration of specific powers in this act shall not be construed as a limitation on the general powers of a council, consistent with its articles.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.657 Metropolitan council; articles of incorporation generally.

Sec. 7. (1) The articles of a council established under this act shall state the name of the council; the names of the participating local governmental units; the purposes for which the council is formed; the powers, duties, and limitations of the council and its officers; the qualifications, method of selection and terms of office of delegates sitting on the council and of council officers; the manner in which participating local governmental units shall take part in the governance of the council; the general method of amending the articles; the method of amending the articles to reflect the addition of a local governmental unit, which shall require the adoption of a resolution by a vote of not less than 2/3 of the delegates serving on the council; and any other matters that the participating local governmental units consider advisable.

(2) The articles may require each participating local governmental unit to annually pay to the council an amount not to exceed 0.2 mills multiplied by the taxable value of all the taxable real and personal property

within that local governmental unit.

(3) Subject to subsection (4), the articles may authorize the council to levy on all the taxable real and personal property within the council area an ad valorem tax of not to exceed 0.5 mills of the taxable value of the taxable property. The levy of a tax under this subsection is subject to the requirements of sections 25 and 27.

(4) The articles of a metropolitan area council shall not authorize a tax levy under subsection (3) unless each delegate serving on the council holds an elected office in the local governmental unit that he or she represents on the council.

(5) As used in this section, "taxable value" means that value calculated under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.659 Articles of incorporation; adoption; amendment; publication; endorsement; filing.

Sec. 9. (1) The articles of a metropolitan area council shall be adopted and may be amended by an affirmative vote of a majority of the members elected to and serving on the legislative body of each participating local governmental unit.

(2) Before the articles or amendments are adopted by any participating local governmental unit, the articles or amendments shall be published by the clerk of the largest participating local governmental unit at least once in a newspaper generally circulated within the participating cities, villages, and townships.

(3) The adoption of articles or amendments by the legislative body of a local governmental unit shall be evidenced by an endorsement on the articles or amendments by the clerk of the local governmental unit in a form substantially as follows:

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

(4) Upon adoption of the articles or amendments, a printed copy of the articles or the amended articles shall be filed by the clerk of the largest participating local governmental unit with the secretary of state, the clerk of each county in which is located all or part of a participating city, village, or township, and the clerk of each participating city, village, or township.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.661 Addition of local governmental unit; requirements; filing amended articles.

Sec. 11. (1) A local governmental unit may be added to the metropolitan area council after the council's incorporation upon satisfaction of all of the following requirements:

(a) A majority of the members elected to and serving on the legislative body of the local governmental unit vote to adopt a resolution stating that the local governmental unit desires to be added to the metropolitan area council and that it accepts the requirements of the articles as amended to reflect the addition of the local governmental unit.

(b) If there is a tax levied by the metropolitan area council under section 7 and the local governmental unit is a city, village, or township, the tax is authorized by a majority of the electors of that city, village, or township voting on the proposal.

(c) The articles are amended to reflect the addition of the local governmental unit.

(2) Upon addition of a local governmental unit to a metropolitan area council, a printed copy of the amended articles shall be filed as required by section 9 by the clerk of the local governmental unit added to the council.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.663 Referendum.

Sec. 13. (1) Upon petition by not less than 5% of the registered electors residing in a nonparticipating local governmental unit requesting a referendum on the question of becoming a local governmental unit participating in a metropolitan area council, the clerk of the local governmental unit, upon verifying the required number of signatures on the petitions, shall submit the question of whether the local governmental unit should become a participant in a metropolitan area council to the vote of the electors of the local governmental unit at the next general election or special election called for that purpose, and conducted in accordance with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(2) The clerk of the local governmental unit shall prepare the question for the ballot to be used at the election, subject to the Michigan election law, 1954 PA 116, 168.1 to 168.992, substantially as follows:

“Should the _____ of _____ become part of a metropolitan area council?

Yes ()

No ()”

(3) If a majority of the electors voting on the question vote “yes”, the local governmental unit shall proceed to become a participating local governmental unit in the manner provided in section 9 or 11, as applicable. If a majority of the electors voting on the question vote “no”, the local governmental unit shall not become a participating local governmental unit in a metropolitan area council for a period of not less than 1 year following the date of the vote.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.663a Violation of §§ 168.1 to 168.992 applicable to petitions; penalties.

Sec. 13a. A petition under section 13, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 166, Eff. Mar. 23, 1999.

124.665 Election of chairperson and other officers; chairperson as principal executive officer; meetings; powers and duties; appointments to other agencies.

Sec. 15. (1) A metropolitan area council shall have a chairperson. The chairperson shall act as principal executive officer and shall preside at the meetings of the council. Meeting times and places shall be fixed by the council and special meetings may be called by a majority of the delegates on the council or by the chairperson. The chairperson shall have such powers and duties as provided in the articles.

(2) In addition to the chairperson, a metropolitan area council shall have other officers as may be provided in the articles. The chairperson and other officers shall be elected by the council and shall be council delegates. However, a secretary and treasurer need not be council delegates.

(3) If provided in the articles, a metropolitan area council may appoint an executive director to serve at the council's pleasure as the principal administrator for the council. The director shall not be a delegate, shall be selected on the basis of training and experience, and shall have the powers and duties as provided in the council bylaws adopted pursuant to section 21.

(4) If specifically authorized by law, a metropolitan area council may make appointments to other governmental agencies.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.667 Per diem compensation; reimbursement for expenses.

Sec. 17. (1) A metropolitan area council may pay each council delegate a per diem compensation for each council meeting attended and for other designated services performed by the council delegate. A metropolitan area council may reimburse each council delegate for reasonable expenses incurred in attending council meetings and performing services designated by the council.

(2) The budget of a metropolitan area council prepared pursuant to section 21 shall provide as a separate account anticipated expenditures for per diem compensation and expense reimbursement for the chairperson and other council delegates. Compensation or reimbursement shall be paid to the chairperson and other council delegates only if budgeted.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.669 Regulation of land and water; public improvements and services; operation; establishment of divisions, bureaus, and committees; expenses; data collection and storage; feasibility studies; applicability of other laws.

Sec. 19. (1) The articles may authorize a metropolitan area council to propose standards, criteria, and suggested model ordinances to regulate the use and development of land and water within the council area.

(2) To the extent authorized in the articles, a metropolitan area council may plan, promote, finance, issue bonds for, acquire, improve, enlarge, extend, own, 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) Parks, museums, zoos, wildlife sanctuaries, and recreational facilities.
- (d) Special use facilities.
- (e) Ground and air transportation and facilities, including airports.
- (f) Economic development and planning for the metropolitan area council area.
- (g) Higher education public improvements and services.
- (h) Community foundations as that term is defined in section 261 of the income tax act of 1967, 1967 PA 281, MCL 206.261.

(3) A council established under this act shall not contract for the operation by another person of a public improvement or service acquired by the council pursuant to this act.

(4) A metropolitan area council may establish divisions, bureaus, and committees, including advisory committees. Members of advisory committees shall serve without compensation but may be reimbursed for their reasonable expenses as determined by the council.

(5) A metropolitan area council in cooperation with other agencies and departments of the state and the state universities may develop a center for data collection and storage to be used by the council and other governmental users and may furnish information on subjects such as population, land use, and governmental finances.

(6) A metropolitan area council may study the feasibility of programs relating but not limited to water supply, refuse disposal, surface water drainage, communication, transportation, and other subjects of concern to the participating local governmental units and may institute demonstration projects in connection with the studies.

(7) Revenue bonds issued under this act are subject to the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.

(8) Bonds, other than revenue bonds described in subsection (7), issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998;—Am. 2002, Act 411, Imd. Eff. June 3, 2002.

124.671 Powers and duties of metropolitan area council.

Sec. 21. (1) A metropolitan area council may do 1 or more of the following:

- (a) Adopt bylaws for the administration of the council.
- (b) Acquire and hold, by purchase, lease, grant, gift, devise, land contract, installment purchase contract, bequest, condemnation, or other legal means, real and personal property within or without the participating cities, villages, and townships. The property may include franchises, easements, or rights of way on, under, or above any property. The council may pay for the property from, or pledge for the payment of the property, revenue of the council. A metropolitan area council shall not condemn public property.
- (c) Apply for and accept grants, loans, or contributions from the federal government or any of its agencies, this state, or other public or private agencies to be used for any of the purposes of this act.
- (d) Sell or lease property acquired for the purposes of this act but not needed for those purposes.
- (e) Contract with a participating local governmental unit for the provision of a service listed in section 19(2) in the participating local governmental unit for a period not exceeding 30 years. The service may be established or funded in conjunction with a service of a local governmental unit, and the provision of a service of a local governmental unit may be delegated to a council. A charge specified in a contract is subject to increase by the council, if necessary to provide funds to meet its obligations. A metropolitan area council may also enter into a contract with a nonparticipating local governmental unit for a period not exceeding 30 years, except that a charge for a service under a contract with a nonparticipating local governmental unit may be greater than a charge to a participating local governmental unit, and is subject to change from time to time without notice. A metropolitan area council's powers under this subdivision are subject to section 19(3).
- (f) Hire employees, attorneys, accountants, and consultants.

(2) A council shall do all of the following:

- (a) Prepare budgets and appropriations acts in the manner required of local units under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a.
- (b) If ending a fiscal year with a deficit, file a financial plan to correct the deficit in the same manner as provided in section 21 of the state revenue sharing act of 1971, 1971 PA 140, MCL 141.921.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.673 Employee rights; collective bargaining; labor agreements; pension or retirement system.

Sec. 23. (1) A public employee whose duties are transferred to a council established under this act shall be given a position of a comparable description with the council, and shall retain the seniority status and benefit rights of the public employment position held before the transfer. An employee of a council is a “public employee” as defined in section 1 of 1947 PA 336, MCL 423.201.

(2) A council described in this act may bargain collectively and enter into agreements with labor organizations pursuant to 1947 PA 336, MCL 423.201 to 423.217. When powers or duties of a local governmental unit are transferred to a council, the council shall immediately assume and be bound by an existing labor agreement applicable to those powers or duties for the remainder of the term of the labor agreement. The members and beneficiaries of a pension or retirement system or other benefits established by a local governmental unit, the powers or duties of which are transferred to a council, shall have the same rights, privileges, benefits, obligations, and status with respect to the council. A representative of the employees or a group of employees in a local governmental unit who represents or is entitled to represent the employees or a group of employees of the local governmental unit, pursuant to 1947 PA 336, MCL 423.201 to 423.217, shall continue to represent the employee or group of employees after the employees are transferred to a council. This subsection does not limit the rights of employees, pursuant to applicable law, to assert that a bargaining representative protected by this subsection is no longer their representative.

(3) An employee who left the employ of a local governmental unit to enter the military service of the United States shall have the same employment rights as to a council established under this act as that employee would have had with the local governmental unit pursuant to 1951 PA 263, MCL 35.351 to 35.356.

(4) An employee of a council established under this act who performs a service in the jurisdiction of a local governmental unit that withdraws from the council pursuant to section 33 shall be protected in relation to the local governmental unit to the same extent as an employee of a participating local governmental unit is protected in relation to a council under this section.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.675 Tax; manner of levy and collection.

Sec. 25. (1) A tax authorized to be levied by a council under this act shall be levied and collected at the same time and in the same manner as provided by the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(2) A council shall not levy a tax except upon the approval of a majority of the qualified and registered electors residing in the council area and voting collectively on the question.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.677 Tax election generally.

Sec. 27. (1) A proposal for a tax authorized to be levied by a council under this act shall not be placed on the ballot unless the proposal is adopted by a resolution of the council and certified by the council not later than 70 days before the election to the county clerk of each county in which all or part of a participating city, village, or township is located for inclusion on the ballot. The proposal shall state the amount and duration of the millage and shall be certified for inclusion on the ballot at the next general election, the state primary immediately preceding the general election, or a special election at a proposed date not within 45 days of a state primary or a general election, as specified by the council's resolution. A proposed special election date shall be scheduled in compliance with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(2) The county election commission shall provide ballots for an election for a tax proposal for each city, village, or township or part of a city, village, or township located within the county that is participating in a council under this act.

(3) Except as otherwise provided in subsections (4) and (5), an election for a tax shall be conducted by the city and township clerks and election officials of the cities and townships participating in a council under this act.

(4) If an election on a proposal for a tax is to be held in conjunction with a general election or state primary election and if a village participating in a council under this act is located within a nonparticipating township, the township clerk and election officials shall conduct the election. On the forty-fifth day preceding the election, the village clerk or other official maintaining a file of qualified and registered electors of the village shall provide to the township clerk a list containing the name, address, and birth date of each qualified and registered elector of the village. By the fifteenth day preceding the election, the village clerk or other official providing the list shall provide to the township clerk information updating the list as of the close of registration. Persons appearing on the list as updated are eligible to vote in the election by special ballot.

(5) If a tax is to be voted on at a special election not held in conjunction with a general election or state primary election and if a village participating in a council under this act is located within a nonparticipating

township, the village clerk and election officials shall conduct the election.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998;—Am. 2003, Act 301, Eff. Jan. 1, 2005

124.679 Tax election; notices; canvass; certification of results; limitations.

Sec. 29. (1) If an election for a tax is to be held in conjunction with a general election or a state primary election immediately preceding a general election, the notices of close of registration and election shall be published as provided for by the state election laws. Otherwise, the county clerk of the largest county shall publish the notices of close of registration and election. The notice of close of registration shall include the ballot language of the proposal.

(2) The results of an election for a tax shall be canvassed by the board of county canvassers of each county in which all or part of a city, village, or township participating in a council under this act is located. If the county is not the largest county, the board of county canvassers shall certify the results of the election to the board of county canvassers of the largest county. The board of county canvassers of the largest county shall make the final canvass of an election for a tax based on the returns of the election inspectors of the participating cities, villages, and townships in that county and the certified results of the board of county canvassers of every other county in which a city, village, or township participating in the council is located. The board of county canvassers of the largest county shall certify the results of the election to the council and issue certificates of election. If a majority of the votes cast on the question of a tax is in favor of the proposal, the tax levy is authorized. No more than 2 elections shall be held in a calendar year on the question of a tax.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.681 Tax election; reimbursement of costs.

Sec. 31. (1) A county clerk shall charge the council and the council shall reimburse the county for the actual costs the county incurs in an election for a tax proposal of a council established under this act.

(2) If a township, city, or village participating in a council under this act conducts an election for a tax, the clerk of that local governmental unit shall charge the council and the council shall reimburse the local governmental unit for the actual costs the local governmental unit incurs in conducting the election if the election is not held in conjunction with a regularly scheduled election in that local governmental unit.

(3) In addition to costs reimbursed pursuant to subsections (1) and (2), a local governmental unit shall charge the council and the council shall reimburse the local governmental unit for actual costs that the local governmental unit incurs and that are attributable to an election for a tax proposal.

(4) The actual costs that a county, township, city, or village incurs shall be based on the number of hours of work done in conducting the election, the rates of compensation of the workers, and the cost of materials supplied in the election.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.683 Withdrawal from membership in council; conditions; unpaid obligations; evidence of withdrawal.

Sec. 33. (1) Except as otherwise provided in subsection (2), a local governmental unit participating in a council under this act may withdraw from membership in the council if all of the following conditions are met:

(a) Adoption of a resolution by a majority of the members elected to and serving on the legislative body of the local governmental unit requesting withdrawal from membership.

(b) Payment or the provision for payment is made regarding any obligations of the local governmental unit to the council or its creditors.

(2) If, upon withdrawal of a local governmental unit, the local governmental unit has unpaid obligations to the council, a tax levied by the council under this act before withdrawal of the local governmental unit shall continue to be levied in the local governmental unit, to the extent and in an amount needed to satisfy the unpaid obligations, until the obligations are paid or the tax expires, whichever happens first. A local governmental unit that withdraws from a council shall continue to receive services from the council until the local governmental unit is no longer required to pay a tax levied by the council.

(3) Withdrawal of a local governmental unit from a council shall be evidenced by an amendment to the articles executed by the secretary or, if the council has no secretary, by the chairperson of the council and filed and published in the same manner as the original articles.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.685 Conducting business at public meeting; availability of writings to public.

Sec. 35. (1) The business that a council established under this act performs shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(2) A writing prepared, owned, used, in the possession of, or retained by a council in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 1989, Act 292, Imd. Eff. Jan. 3, 1990;—Am. 1998, Act 373, Imd. Eff. Oct. 20, 1998.

124.693 Definitions; §§ 124.693 to 124.713.

Sec. 43. As used in sections 43 through 63:

(a) “Articles” means a council's articles of incorporation provided for in section 45.

(b) “Council” means a metropolitan region council established pursuant to this act.

(c) “Council area” means the actual territory of the counties participating in the metropolitan region.

(d) “Largest” means, if used in reference to a county, the county having the greatest population.

(e) “Obscene” means material that meets the following criteria:

(i) When examined in its totality, the material appeals to a prurient interest.

(ii) The material depicts or describes, in a patently offensive way, sexual conduct specifically defined by state law.

(iii) When examined in its totality, the material lacks serious literary, artistic, political, or scientific value.

(f) “Participating”, if used in reference to a qualified county, means 1 of the following:

(i) After formation of a metropolitan region council, a qualified county that has joined in the formation of the council or been added to the council pursuant to section 51 and that has not withdrawn pursuant to section 63.

(ii) Before formation of a metropolitan region council, a qualified county named in the articles of incorporation as a participating qualified county.

(g) “Qualified city” means a city that meets all of the following conditions:

(i) The city is located in a participating qualified county.

(ii) The city owns 2 or more regional cultural institutions.

(iii) The city has a population of not less than 700,000 persons according to the most recent federal decennial census.

(h) “Qualified county” means a county that meets the following requirements:

(i) The county has a population of not less than 780,000 according to the most recent federal decennial census.

(ii) The county has a qualified city within its geographic boundaries, or is contiguous to a county with a qualified city.

(i) “Regional cultural institution” means a structure, fixture, or activity provided by a tax exempt entity that has been in existence for at least 18 consecutive months before becoming eligible for funding under this chapter. “Regional cultural institution” may include a zoological institute; a science center, whether or not it is affiliated with a private educational institution; a public broadcast station as defined by section 397 of subpart E of part IV of title III of the communications act of 1934, 47 U.S.C. 397, whether or not the public broadcast station is affiliated with an institution of higher education; a museum, whether or not it is affiliated with a private educational institution; a historical center; a performing arts center; a visual or performance art instruction center affiliated with an independent institution of higher education in the arts; an orchestra; a chorus; a chorale; or an opera theater. “Regional cultural institution” does not include a professional sports arena or stadium; a labor organization; a political organization; a library; a public, private, or charter school; or an exhibition, performance, or presentation that is obscene.

(j) “Tax exempt entity” means any of the following:

(i) An organization exempt from taxation under section 501(c) of the internal revenue code of 1986.

(ii) An entity or division owned by an organization described in subparagraph (i).

(iii) An entity owned by a township, city, village, community college, state university, or any other public body that is not a public school, charter school, or public school academy.

History: Add. 1998, Act 375, Imd. Eff. Oct. 20, 1998.

124.695 Metropolitan region council; formation; adoption of articles of incorporation; conditions; establishment of metropolitan region council board; appointment of representatives; powers and duties.

Sec. 45. (1) Two or more qualified counties in combination with one another and with 1 or more qualified cities may form a metropolitan region council by adopting articles of incorporation in accordance with