



Citizens Research Council of Michigan



**AUTHORIZATION FOR INTERLOCAL
AGREEMENTS AND INTERGOVERNMENTAL
COOPERATION IN MICHIGAN**

April 2007

Report 346

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CRC wishes to recognize the Southeast Michigan Council of Governments (SEMCOG) publication, *Michigan's Legal Tools for Cooperative Arrangements* (April 2003) and the Michigan State University Extension publication, *Selected Constitutional and Legislative Provisions Promoting Local Government Cooperation In Chronological Order* (November 2001). These publications greatly aided efforts to compile this document.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

Introduction

This outline is designed to be a ready reference to the laws authorizing intergovernmental cooperation among local governments in Michigan. Intergovernmental cooperation also may be referred to as collaboration, joint public services, interlocal agreements, and mutual aid agreements. Local governments engage in cooperative acts in a multitude of forms: consultation, voluntary regional commissions and councils, joint service provision, joint purchasing, contracting to have services provided to their residents, special authorities, and special districts. Michigan local governments cooperate to provide services more efficiently and to avoid duplication, to provide services that individual governments cannot afford to provide on their own, to provide services or deal with problems that transcend the boundaries of individual units, and to minimize externalities.

The summaries that follow provide descriptions of 77 provisions in Michigan law that authorize two or more local units of government to work together. The detail provided varies greatly among the laws. Some provisions authorizing intergovernmental cooperation are single paragraphs contained in a law that provides for provision of a service. Other provisions are found in stand-alone laws enacted specifically to authorize cooperative ventures. The characteristics described herein for each law are common throughout, to the extent possible:

Legal Citation – the name of the law, public act number, and Michigan Compiled Laws number.

A *link to the law* online at the Michigan Legislature website (www.legislature.mi.gov).

Service or Function – the service or function authorized to be provided individually or jointly.

Applicability – the types of governmental units authorized to utilize the law.

Form of Cooperation – the form of cooperation authorized by the law.

Implementation Method – the actions necessary to initiate or include a local governmental unit in a cooperative venture.

Governance – the provisions in the law for oversight of the service/function provision.

Financial Authority – the cost sharing, taxation authority, bonding authority, or other financial provisions of the law.

Powers – the provisions in the law for the exercise of eminent domain or other powers inherent in government that are not universally granted to joint agencies.

Uniform Laws

Some facets of state law are common throughout these laws, whether explicitly stated or not.

Taxation. Provisions of the Headlee Amendment to the Michigan Constitution (Article IX, Section 31) state that taxes levied by local governments that were not authorized in 1978 must be submitted to the electors for their approval. This applies universally to all acts listed below that authorize taxes to provide a service, even when not specifically spelled out in the description.

Special Authorities and Special Districts. Special authorities and special districts are independent units of government. While governed by elected or appointed boards that vary in number, they universally are bodies corporate and politic with the ability to sue and be sued; powers to buy, sell, and dispose of property; and the authority to employ necessary personnel. Powers inherent in most types of government – the power to tax and

the power of eminent domain – must be specifically provided for in their authorizing statutes to be enjoyed by these types of governmental units. While the power to tax generally is limited to only a few mills, it can be quite substantial. For instance, the act authorizing Emergency Service Authorities, Public Act 57 of 1988, authorizes the levy of a millage at a rate not to exceed 20 mills upon voter approval.

Three laws that authorize the State to create special districts for the provision of environmental services require special mention. The water control districts – water management districts, irrigation districts, and soil conservation districts – listed at the end of this report are not borne of intergovernmental cooperation. Land owners may petition the State for their creation. They do constitute independent governmental entities and their establishment affects the local governments they overlap because district representatives are granted roles in the governance provisions of some of the special authorities authorized through intergovernmental cooperation.

Disclaimer. Many of the laws mentioned in this outline are dated. It is possible that the provisions of the acts, and the reference herein, have been superseded by changes to municipal, bond, school finance laws, or others. For example, the law providing for consolidation of township libraries, Public Act 165 of 1927, provides for involvement by the county school commissioner although that office no longer exists. This outline simply reports what the laws say without attempting to adapt them to the 21st Century.

About the Laws that Authorize Intergovernmental Cooperation

Historically, each time two units of government in Michigan wanted to formally cooperate in a joint undertaking or contract for a service, they went to the legislature to get general legislation authorizing cooperative agreements for providing that specific service or function. That changed with enactment of Public Act 35 of 1951, which authorized any local government to cooperate with any other local government in the “ownership, operation or performance” of any “property, facility or service which each would have the power to own, operate or perform separately.” Thus, under the provisions of Act 35 any local governments could do jointly anything which each could do individually and it was no longer necessary to obtain specific state enabling legislation in those cases where all of the units involved had individually the power to perform the function. This broad authorization to cooperate was embedded in the constitution with adoption of the 1963 Michigan Constitution.

Specific enabling legislation is still necessary in those instances when one or more of the governmental units involved do not themselves have the power to perform a function. Since home rule cities, villages, and counties have broad home rule powers, they do not usually require such specific authorization. However, since counties, townships, school districts and special authorities/districts have only those powers specifically provided by law (and in the case of counties and townships those fairly implied), it is necessary to be able to point to statutory authorization for a particular kind of unit to perform the function before it can perform it on a cooperative basis. For this reason, many of the statutes listed below authorizing cooperation in specific functions are still necessary, even though Public Act 35 of 1951 and the Michigan Constitution provide broad authorization for cooperation. Also, many of these specific statutes are important because of their fiscal and other provisions.

Limitations

The constitutional provisions establish a broad basis for intergovernmental cooperation agreements. The two major limitations placed on this broad grant of constitutional powers are these:

1. The legislature by general law is authorized to provide for such agreements and could, consequently, place limitations upon them.
2. Units do not have the power to perform jointly any function which they do not have the power to perform individually.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

Constitutional Provisions

The 1963 Michigan Constitution authorizes state and local governments, or any combination thereof, to enter into cooperative arrangements for providing any services, owning any property, or operating any facilities that those governmental entities are authorized to provide, own, or operate separately. This authorization is found in three separate sections.

Article VII, Section 28 **Authority for Local Government Cooperation**

Article VII, Section 28 was a new section to the Michigan Constitution when it was added in 1963. The framers of the Constitution included this provision to encourage the solution of metropolitan problems through existing units of government rather than by creating a fourth layer of local government. Local governments would be allowed to join together in a variety of ways to work out together the solutions to their joint problems.

The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Section 28 provides the constitutional backing for the Urban Cooperation Act and the Intergovernmental Transfer of Functions and Responsibilities Act (Public Acts 7 and 8 of 1967, Extra Session), and many other laws that have been enacted to authorize interlocal agreements for governmental service delivery. As detailed below, Public Acts 7 and 8 of 1967 provide broad authorization for governments to jointly provide any function or service that they are authorized to provide individually. The provisions of Section 28 enable police and fire departments to create mutual aid agreements; individual units of government to contract with another to provide services, such as a township contract with a neighboring city for water and sewer provision; and two or more units to work together to provide services, such as a city and township creating a recreational authority to jointly serve the residents in both communities. Section 28 provides wide latitude for governmental units to cooperate and has been widely used for such purposes.

Article III, Section 5 **Authority for Cooperation with Governments Outside of Michigan**

Similarly, Article III, Section 5 was a new section to the Michigan Constitution when it was added in 1963. The framers of the Constitution envisioned a need for such provisions to deal with matters such as flood control, navigation, water conservation, protection of wildlife and game, and harbor development and regulation.

Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency

thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

The authority provided by Section 5 is far narrower than is provided by Section 28 and there are far fewer examples to illustrate its usefulness. Section 5 allows communities along Michigan's borders with Ohio, Indiana, and Wisconsin to cooperate with communities in those states. It also allows for cooperation with Canadian communities, most notably at the bridges between Detroit and Windsor, Port Huron and Sarnia, and the cities of Sault Ste. Marie in Michigan and Ontario. It allows municipalities and the State to participate in cooperative bodies such as the Great Lakes Commission that deals with Great Lakes watershed issues.

Article VII, Section 27

Authority to Establish Multi-Purpose Special Authorities

This section revised in the 1963 Michigan Constitution provisions that had appeared in the earlier 1908 Constitution. These provisions recognize that many of the metropolitan problems confronting local government do not conform to municipal boundaries and may be best dealt with multipurpose regional bodies.

Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multipurpose functions rather than a single function.

Although the clear intent of Section 27 was to encourage the development of governmental units that could provide multiple services on a regional basis, there has been very little movement in that direction during the four decades since the adoption of the 1963 Constitution. The laws that currently provide for multipurpose forms of cooperation – principally the Metropolitan District Act (Public Act 312 of 1929), the County Public Improvement Act (Public Act 342 of 1939), and Joint Garbage and Rubbish Disposal (Public Act 179 of 1947) – were all drafted to be consistent with intergovernmental cooperation provisions in the earlier 1908 Michigan Constitution. Instead, the prevailing vehicles for delivering regional services have been single-purpose interlocal agreements and special authorities.

GENERAL PROVISIONS

Urban Cooperation Act
Intergovernmental Transfer of Functions and Responsibilities Act
Intergovernmental Contracts between Municipal Corporations
Charter County Act
Home Rule Cities Act
School District Cooperation

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

URBAN COOPERATION ACT

LEGAL CITATION:	Urban Cooperation Act, Public Act 7 of 1967, Extra Session, MCL 124.501 et. seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-7-of-1967-Ex-Sess-
SERVICE OR FUNCTION:	To provide for the joint exercise of any power, privilege, or authority that each public agency has the power to exercise separately.
APPLICABILITY:	A state government; a county, city, village, township, charter township, school district, single or multipurpose special district, or single or multipurpose public authority; a provincial government, metropolitan government, borough, or other political subdivision of Canada; an agency of the United States government; or a similar entity of any other states of the United States and of Canada.
FORM OF COOPERATION:	Joint exercise of power.
IMPLEMENTATION METHOD:	A contract in the form of an interlocal agreement must be agreed to by the legislative bodies of each participating unit.
GOVERNANCE:	May provide for a separate legal or administrative entity to administer or execute the agreement which may be a commission, board, or council constituted pursuant to the agreement.
FINANCIAL AUTHORITY:	May provide for contributions from each participating entity. No additional taxing power is obtained by cooperating through the provisions of this act.
EMPLOYEE PROTECTION:	Section 5(g)ii provides: "No employee who is transferred to a position with the political subdivision shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits that he enjoyed as an employee of such acquired system."

INTERGOVERNMENTAL TRANSFER OF FUNCTIONS AND RESPONSIBILITIES ACT

LEGAL CITATION:	Intergovernmental Transfer of Functions and Responsibilities Act, Public Act 8 of 1967, Extra Session, MCL 124.531 et. seq.
	www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-8-of-1967-Ex-Sess-
SERVICE OR FUNCTION:	To authorize two or more political subdivisions to contract with each other for the transfer of functions or responsibilities to one another or any combination thereof.
APPLICABILITY:	A city, village, other incorporated political subdivision, county, school district, community college, intermediate school district, township, charter township, special district or authority.
FORM OF COOPERATION:	Contract to provide service to another governmental unit or to have another governmental unit provide service to your unit.
IMPLEMENTATION METHOD:	A contract must be approved by concurrent resolution of the governing body of each political subdivision.
GOVERNANCE:	May provide for a separate joint board or commission to be established by the political subdivisions involved to supervise the execution of a contract.
FINANCIAL AUTHORITY:	May provide for contributions from each participating entity. No additional taxing power is obtained by cooperating through the provisions of this act.
EMPLOYEE PROTECTION:	Section 4(d)ii provides: "No employee who is transferred to a position with the political subdivision shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits that he enjoyed as an employee of such acquired system."

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INTERGOVERNMENTAL CONTRACTS BETWEEN MUNICIPAL CORPORATIONS

LEGAL CITATION: Intergovernmental Contracts between Municipal Corporations Act, Public Act 35 of 1951, MCL 124.1 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-35-of-1951

SERVICE OR FUNCTION: To provide authority for the ownership, operation, or performance, jointly, or by any one or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.

APPLICABILITY: Counties, townships, cities, villages, school districts, metropolitan districts, court districts, public authorities, or drainage districts.

FORM OF COOPERATION: Joint ownership, operation, or performance of any property, facility, or service, by one or more on behalf of all when each would have the power to own, operate or perform the property, facility, or service separately.

IMPLEMENTATION METHOD: Intergovernmental contract.

FINANCIAL AUTHORITY: No additional taxing power is obtained by cooperating through the provisions of this act.

CHARTER COUNTY ACT

LEGAL CITATION: Charter County Act, Public Act 293 of 1966, MCL 45.514 ¶ (j) and (k)

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-45-514

SERVICE OR FUNCTION: To provide authority for counties to jointly perform a public function or service, which each is authorized to perform separately.

APPLICABILITY: Counties may reorganize and adopt a home rule charter. Such a charter must include provisions granting the power and authority to engage in intergovernmental cooperation.

FORM OF COOPERATION: Cooperation may occur by entering into an intergovernmental contract or by joining, establishing, or forming an intergovernmental district or authority with any other governmental unit.

IMPLEMENTATION METHOD: Created by majority action of county board of commissioners, subject to veto by county executive when so provided for in county charter.

GOVERNANCE: May be provided for in an interlocal agreement.

FINANCIAL AUTHORITY: No additional taxing power is obtained by cooperating through the provisions of this act.

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HOME RULE CITIES ACT

LEGAL CITATION:	Home Rule Cities Act, Public Act 279 of 1909, MCL 117.3 ¶ (j) www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-117-3
SERVICE OR FUNCTION:	To provide authority for cities to jointly perform a public function or service, which each is authorized to perform separately.
APPLICABILITY:	Cities are organized or reorganized through the adoption of city charters. Such charter must include provisions authorizing a city to contract with a private organization or another governmental unit.
FORM OF COOPERATION:	May enter into contracts with a private organization, the federal or state government, a county, village, or township, or another city.
IMPLEMENTATION METHOD:	Created by majority action of cities' legislative body, subject to veto by mayor when power is provided for in city charter.
GOVERNANCE:	May be provided for in an interlocal agreement.
FINANCIAL AUTHORITY:	No additional taxing power is obtained by cooperating through the provisions of this act.

SCHOOL DISTRICT COOPERATION

LEGAL CITATION:	The Revised School Code, Public Act 541 of 1976, MCL 380.11a and MCL 380.601a www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-380-11a www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-380-601a
SERVICE OR FUNCTION:	Education of K-12 students.
APPLICABILITY:	General powers school districts (all K-12 school districts except the Detroit Public Schools) and intermediate school districts.
FORM OF COOPERATION:	May enter into cooperative arrangements with other entities, public or private, or join organizations.
IMPLEMENTATION METHOD:	Action of school board
GOVERNANCE:	May be provided for in an interlocal agreement.
FINANCIAL AUTHORITY:	No additional taxing power is obtained by cooperating through the provisions of this act.

REGIONAL PLANNING

Regional Planning Commissions
Joint Municipal Planning
Metropolitan Councils

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

REGIONAL PLANNING COMMISSIONS

LEGAL CITATION: Regional Planning Act, Public Act 281 of 1945, MCL 125.11 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-281-of-1945

SERVICE OR FUNCTION: To conduct all types of research studies, collect and analyze data, prepare maps, charts, and tables; make and coordinate the development of plans for the physical, social, and economic development of the region, and may provide services to participating local governmental units, the state, and to other public and private bodies and citizens in matters relative to its functions, plans, and objectives provided those services are not available through the private sector at a competitive cost

APPLICABILITY: Cities, villages, other incorporated political subdivisions, counties, school districts, special authorities, townships, or any legally constituted governing body responsible for the exercise of governmental functions within a political subdivision of the state.

FORM OF COOPERATION: To jointly serve in regional planning for an area, the geographic boundaries of which are defined by resolution of the governing bodies.

IMPLEMENTATION METHOD: Created by resolution by two or more legislative bodies of any local governmental units desiring to create a regional planning commission.

FINANCIAL AUTHORITY: May charge the recipients of its services a reasonable fee for those services; may accept aid from any governmental agency; and each legislative body of participating units may appropriate funds to the commission. Participating units also may offer the services of personnel, equipment, office space, etc.

HIRING AUTHORITY: Commission may appoint a director and hire such employees, experts and consultants necessary to fulfill its function of regional planning.

JOINT MUNICIPAL PLANNING

LEGAL CITATION: Joint Municipal Planning Act, Public Act 226 of 2003, MCL 125.131 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-226-of-2003

SERVICE OR FUNCTION: To provide for joint land use planning and the joint exercise of certain zoning powers.

APPLICABILITY: Two or more cities, villages, or townships.

FORM OF COOPERATION: Joint land use planning commission.

IMPLEMENTATION METHOD: The legislative bodies may each adopt an ordinance approving an agreement establishing a joint planning commission.

GOVERNANCE: Composition of the joint planning commission is to be provided for in the interlocal agreement.

FINANCIAL AUTHORITY: No additional taxing power is obtained by cooperating through the provisions of this act.

METROPOLITAN COUNCILS

LEGAL CITATION: Metropolitan Councils Act, Public Act 292 of 1989, MCL 124.651 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-292-of-1989

SERVICE OR FUNCTION: To plan for the growth and development, improve the quality of the communities life, and coordinate governmental services. 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;
- (g) Higher education public improvements and services; and
- (h) Community foundations.

APPLICABILITY: Two or more counties, townships, cities, or villages.

FORM OF COOPERATION: Voluntary association of counties, cities, villages, and townships.

IMPLEMENTATION METHOD: A majority of the members on the legislative body of each local governmental unit must vote to adopt a resolution stating that the unit desires to be added to the metropolitan area council and that it accepts the requirements of the articles of incorporation. A vote of the people may be necessary if the metropolitan council is levying a tax.

GOVERNANCE: A chairperson shall act as principal executive officer and shall preside at the meetings of the council. The Council may 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.

FINANCIAL AUTHORITY: 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. May levy a tax on all the taxable property within the council area an ad valorem tax of not to exceed 0.5 mills. The council is authorized to issue bonds.

HIRING AUTHORITY: A council may appoint an executive director to serve at the council's pleasure as the principal administrator for the council.

STUDY COMMITTEES

Inter-Municipality Study Committees
Inter-County Committees

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

INTERMUNICIPALITY STUDY COMMITTEES

LEGAL CITATION:	Intermunicipality Committees Act, Public Act 200 of 1957, MCL 123.631 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-200-of-1957
SERVICE OR FUNCTION:	To study governmental problems of mutual interest and concern (includes such matters as facility studies on sewers and sewage disposal, water, drains, roads, rubbish and garbage disposal, recreation and parks, and ports and to formulate recommendations for review and action by the member governing bodies).
APPLICABILITY:	Any city, village, township, chartered township or other incorporated political subdivision of this state.
FORM OF COOPERATION:	Joint studying of the area's governmental problems of mutual interest.
IMPLEMENTATION METHOD:	Created by resolution of the respective legislative bodies.
GOVERNANCE:	The committee is the governance body.
FINANCIAL AUTHORITY:	May accept gifts and grants from the federal government, state government and local governments, also from private individuals, foundations or agencies, if the grants are made for furtherance of the objectives for which the committee is established.

INTERCOUNTY COMMITTEES

LEGAL CITATION:	Intercounty Committees Act, Public Act 217 of 1957, MCL 123.641 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-217-of-1957
SERVICE OR FUNCTION:	To provide for the studying area governmental problems of mutual interest and to formulate recommendations for review and action by the member county boards of commissioners.
APPLICABILITY:	County governments
FORM OF COOPERATION:	Joint studying of governmental problems of mutual interest.
IMPLEMENTATION METHOD:	Created by resolution of the boards of commissioners of any two or more counties.
GOVERNANCE:	The committee is the governance body.
FINANCIAL AUTHORITY:	May apply for and accept gifts, contributions and grants from the federal government, state government and local governments, also from private individuals, foundations or agencies, if the grants are made for furtherance of the objectives for which the committee is established. Any application must be approved by the member county boards of supervisors.

ADMINISTRATIVE TASKS

Contracts for Assessing Services
Intergovernmental Agreements for Collection of Tax
Group Self-Insurance Pool Contracts

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

CONTRACTS FOR ASSESSING SERVICES

LEGAL CITATION:	Contracts for Assessing Services, Public Act 37 of 1967, MCL 123.621 www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-37-of-1961
SERVICE OR FUNCTION:	To make property appraisals or assist assessing officials.
APPLICABILITY:	Any two or more cities, villages or townships, or any combination thereof.
FORM OF COOPERATION:	May contract jointly for employing an independent appraisal firm to make appraisals or to assist the supervisors and assessing officials .
IMPLEMENTATION METHOD:	Created by approval of contract by legislative body.
GOVERNANCE:	To be directed by the contracting governing boards and councils.
FINANCIAL AUTHORITY:	Expenses shall be paid from the general funds of the contracting governing bodies pursuant to their contractual agreement.

INTERGOVERNMENTAL AGREEMENTS FOR COLLECTION OF TAXES

LEGAL CITATION:	Agreement for Assessment and Collection of Taxes, Public Act 160 of 1972, MCL 211.731 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-160-of-1972
SERVICE OR FUNCTION:	For the purpose of reducing duplication of effort and to provide for more effective tax administration.
APPLICABILITY:	Townships, villages, cities or counties, or any combination thereof.
FORM OF COOPERATION:	Contract for the assessment and collection of a tax levied by such jurisdictions. The agreement may provide for joint administration or for administration by one township, village, city or county on behalf of one or more townships, villages, cities or counties that are parties to the agreement.
IMPLEMENTATION METHOD:	Created by approval of agreement by legislative body.
GOVERNANCE:	To be directed by the contracting governing boards and councils.
FINANCIAL AUTHORITY:	The agreement should provide for the allocation of the cost of the administration among the parties.

GROUP SELF-INSURANCE POOL CONTRACTS

LEGAL CITATION: Intergovernmental Contracts between Municipal Corporations Act (See Above), Public Act 35 of 1951, Section 5, MCL 124.5 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-124-5

SERVICE OR FUNCTION: For the purpose of providing to participating municipal corporations risk management and coverage for pool members and employees of pool members for acts or omissions arising out of the scope of their employment.

APPLICABILITY: Any two or more municipal corporations.

FORM OF COOPERATION: Intergovernmental contract.

IMPLEMENTATION METHOD: Created by approval of contract by legislative body.

FINANCIAL AUTHORITY: For the purposes of carrying on the business of the group self-insurance pool, shall have the power to sue and be sued; to make contracts; to hold and dispose of real and personal property; and to borrow money, contract debts, and pledge assets in the name of the group self-insurance pool.

MANDATORY PROVISIONS: Such a self-insurance pool must contain provisions covering among other things, the type of coverage being offered, cash reserves, and management of the pool.

ECONOMIC DEVELOPMENT

Conditional Land Transfers
Joint Local Development Finance Authority
Promotion of Agricultural Interests in Township
County or Regional Economic Development Commissions

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

CONDITIONAL LAND TRANSFERS

Unlike other intergovernmental cooperation laws in this guide, conditional land transfers are not about performing functions for governmental units or providing services to residents and businesses. Instead, PA 425 deals with land issues between two governmental units, usually a township and a city or village. Rather than allowing annexation disputes to arise in efforts to accommodate economic development, usually a “win-lose” situation, this act attempts to create “win-win” situations by permitting municipal services (most importantly water and sewer) to be provided while the transferring governmental unit benefits from the development. Revenues from taxation of the “transferred” land are shared by the cooperating governmental units.

See *The Conditional Land Transfer Act: Research, Reflections and Policy Recommendations*, Michigan State University Extension’s State and Local Government program (web1.msue.msu.edu/slg/materials/PA_425_2005FINAL.pdf).

LEGAL CITATION: Intergovernmental Conditional Transfer of Property by Contract Act, Public Act 425 of 1984, MCL 124.21 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-425-of-1984

SERVICE OR FUNCTION: To provide for the conditional transfer of land between jurisdictions for the purpose of promoting economic development projects.

APPLICABILITY: Cities, villages, and townships.

FORM OF COOPERATION: Contract providing for the conditional transfer of land between municipalities.

IMPLEMENTATION METHOD: Requires a public hearing. Contracts are entered into by resolution adopted by the legislative body of each affected local unit. Question of entering into contract may be subject to a referendum, in which case contract may be entered into only with majority vote of the electors.

GOVERNANCE: Property is considered part of the jurisdiction to which the land is transferred. It is subject to the municipal ordinances and usually all of the planning and zoning controls of the receiving unit.

FINANCIAL AUTHORITY: No additional taxing power is obtained by cooperating through the provisions of this act.

AGREEMENT PROVISIONS: Agreements must provide for the length of the contract; specific authorization and terms for sharing of taxes and other revenues; methods of contract enforcement; and identification of which unit has jurisdiction of the transferred area upon expiration of the agreement.

Local governments may conditionally transfer property “for a period of not more than 50 years.” The agreements may be renewed for additional periods not to exceed 50 years upon approval of the legislative bodies and the acquiescence of their citizens.

EMPLOYEE PROTECTION: Section 6(b) provides: “An employee who is transferred by a local unit due to a contract under this act shall not by reason of the transfer be placed in any worse position with respect to worker’s compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other benefits that he or she enjoyed before the transfer.”

JOINT LOCAL DEVELOPMENT FINANCE AUTHORITIES

LEGAL CITATION:	Local Development Financing Act, Public Act 281 of 1986, MCL 125.2151 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-281-of-1986
SERVICE OR FUNCTION:	To create tax increment finance districts for economic development purposes. The act allows for establishment of a joint LDFA for purposes of supporting a certified technology park.
APPLICABILITY:	Any two or more cities, villages, and urban townships within the same county.
FORM OF COOPERATION:	Joint establishment of authority
IMPLEMENTATION METHOD:	Required to publish notice of a public hearing in a newspaper of general circulation and hold such public hearing. Resolutions adopted by legislative body of each affected local unit. County in which majority of the authority district will be located must approve a resolution for creation of the authority.
FINANCIAL AUTHORITY:	No additional taxing power is obtained by cooperating through the provisions of this act.
REQUIRED PROVISIONS:	Resolutions must include or approve an agreement including provisions governing the number of members on the board, the method of appointment, representation on the board, terms of appointment, manner of removal from the board, and the manner of dissolution and disposition of assets.

PROMOTION OF AGRICULTURAL INTERESTS IN TOWNSHIP

LEGAL CITATION:	Promoting Agricultural Interests of Townships, Public Act 197 of 1956, MCL 285.201 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-197-of-1956
SERVICE OR FUNCTION:	To promote the agricultural interests of the various townships.
APPLICABILITY:	A township and Michigan State University: two or more townships may act jointly in cooperation with Michigan State University.
FORM OF COOPERATION:	Cooperative effort.
IMPLEMENTATION METHOD:	May be initiated by reference to this act by township board or by petitions signed by at least 10 percent of registered voters in township. Must be submitted to township electors for ratification.
FINANCIAL AUTHORITY:	Township boards may appropriate money or raise money by taxation for this purpose. A township board may describe an extension area within any township and may levy a special tax from said area.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

COUNTY OR REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS

LEGAL CITATION: County or Regional Economic Development Commission, Public Act 46 of 1966, MCL 125.1231 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-46-of-1966

SERVICE OR FUNCTION: To plan and direct the carrying out of the economic development and expansion program.

APPLICABILITY: Two or more contiguous counties.

FORM OF COOPERATION: Joint commission.

IMPLEMENTATION METHOD: Just as a county would create any other board, commission, department or agency.

GOVERNANCE: Economic development commissions may consist of not less than three nor more than 35 members. Membership is to be apportioned according to the population of the respective counties.

FINANCIAL AUTHORITY: No additional taxing power is obtained by cooperating through the provisions of this act.

UTILITIES

Cable Television
Joint Agencies for Electric Power
Metropolitan Districts

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

CABLE TELEVISION

LEGAL CITATION: Intergovernmental Contracts between Municipal Corporations Act (See Above), Public Act 35 of 1951, Section 13, MCL 124.13

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-124-13

SERVICE OR FUNCTION: To provide for selection of a single cable television franchise to service participating municipalities (any contracts and ordinances are subject to inspection and review by the attorney general) and for proposing model ordinances establishing reasonable fees, rates and other regulations.

APPLICABILITY: Two or more municipal corporations, other than counties, in a county with a population of one million or more (Oakland and Wayne).

FORM OF COOPERATION: An intergovernmental contract to establish an authority.

IMPLEMENTATION METHOD: Created by approval of intergovernmental contract by legislative body.

GOVERNANCE: May be provided for in an interlocal agreement.

The contracts and ordinances authorized by this section shall be subject to inspection and review by the attorney general. The attorney general shall take such actions as are necessary to assure compliance with the provisions of this section.

FINANCIAL AUTHORITY: No additional taxing power is obtained by cooperating through the provisions of this act.

JOINT AGENCIES FOR ELECTRIC POWER

LEGAL CITATION: Michigan Energy Employment Act of 1976, Public Act 448 of 1976, MCL 460.801 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-448-of-1976

SERVICE OR FUNCTION: To provide for the purchase, acquisition, construction, improvement, enlargement, extension, or repair of a source or sources of electrical energy for distribution and sale by a municipal electric utility system.

APPLICABILITY: A city, county, incorporated village, township, or metropolitan district acting individually, in joint venture agreements, in joint agency agreements, and in cooperation with one or more other power utilities.

FORM OF COOPERATION: Joint venture agreement, joint agency agreement, or cooperative effort.

IMPLEMENTATION METHOD: *Joint Venture Agreement.* Before entering a joint venture agreement, the governing body of a municipality must determine the needs for power and energy based on engineering studies and reports, considering the following:

- (a) The economies and efficiencies to be achieved in a large scale facility for the generation and transmission of electric power and energy.
- (b) The municipality's need for reserve and peaking capacity.
- (c) The estimated useful life of the project.
- (d) The estimated time necessary for the project.
- (e) The reliability, availability, and cost of existing or alternative power supply sources.

Joint Agency Agreement. Before entering a joint agency, the governing body of each municipality must consider, but shall not be limited to, the following:

- (a) Whether a separate entity may be able to finance the cost of projects in a more economic and efficient manner.
- (b) Whether financial market acceptance may be enhanced if one entity is responsible for issuing and selling all of the bonds.
- (c) Whether savings and other advantages may be obtained by providing a separate entity.
- (d) Whether the existence of a separate entity will foster the continuation of joint planning and undertaking of projects, and the resulting economies and efficiencies to be realized from the joint planning and undertaking will serve the interests of the residents of the municipality.

The contracts must be ratified by resolution of the governing body of each participating governmental unit.

GOVERNANCE: A board of commissioners is created to be composed of representatives of the participating governments.

FINANCIAL AUTHORITY: No additional taxing power is obtained by cooperating through the provisions of this act. May set rents, rates, and fees, and accept appropriations from participating governments. May issue general obligation bonds, revenue bonds, and mortgage bonds.

POWERS: May exercise the power of eminent domain except for the acquisition of an existing electrical generation or transmission facility or a part thereof held in private ownership.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

METROPOLITAN DISTRICTS

LEGAL CITATION: Metropolitan District Act, Public Act 312 of 1929, MCL 119.1 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-312-of-1929

SERVICE OR FUNCTION: To provide for the acquisition, ownership, and operation of parks or public utilities for supplying sewage disposal, drainage, water, or transportation, or any combination thereof.

APPLICABILITY: Any two or more cities, villages, or townships, or any combination or parts thereof.

FORM OF COOPERATION: Special districts established through incorporation.

IMPLEMENTATION METHOD: Created by a resolution adopted by its legislative body. If a part of a city, village or township desires to become a part of any proposed district, a resolution may be passed by the legislative body of such governmental unit upon petition signed by not less than five per cent of the registered voters in said part of a city, village or township.

GOVERNANCE: *Creation of a Charter.* Resolution of participation must designate a person as its representative on a charter commission. Cities with populations greater than 50,000 inhabitants are entitled to additional charter commissioners.

Governing Body. Among other provisions, a metropolitan district charter is to provide for a legislative body to govern the district, selection of members of that body, and election of officers.

FINANCIAL AUTHORITY: May levy taxes at a rate not to exceed 0.5 mills and collect rates, tolls, and excises. In lieu of the taxes, the district may prorate expenses among the participating governments.

PUBLIC SAFETY

Police and Fire Protection
Mutual Police Assistance Agreements
Automatic Assistance Agreements
Emergency Service Authorities
Diagnostic and Custodial Facilities for Minors

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

POLICE AND FIRE PROTECTION

LEGAL CITATION: Police and Fire Protection Act, Public Act 33 of 1951, MCL 41.801 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-33-of-1951

SERVICE OR FUNCTION: To provide for the purchase of police and fire motor vehicles, apparatus and equipment, for appropriation of general or contingent funds for the purpose of maintenance and operation of police and fire departments or for the provision of police or fire protection by contract.

APPLICABILITY: Primarily townships, but also incorporated villages, and qualified cities, which includes (a) cities with under 15,000 inhabitants (three-quarters of Michigan's cities) and (b) a city with a population of 15,000 or more and less than 70,000 located in a county with a population of more than 200,000 and less than 235,000 (City of Saginaw), if the question of raising money by special assessment and the amount of the special assessment to be levied annually under this act is approved by a majority of the electors in the special assessment district.

FORM OF COOPERATION: Contract with another municipality.

IMPLEMENTATION METHOD: Participation may be initiated by resolution of the governing bodies of the governmental units. The question of raising money by special assessment may be submitted to the electors of the participating units.

GOVERNANCE: Governing bodies may create a police administrative board, fire administrative board, or a police and fire administrative board. The boards consist of two members from each participating unit, the members of which are appointed by the respective governing bodies for terms of six years.

FINANCIAL AUTHORITY: Special assessment districts may be created to fund equipment needs and fees may be charged for services. The participating units, acting alone or jointly, may appropriate annually that sums necessary for the maintenance and operation of the police and fire departments.

Special assessment districts may be multi-jurisdictional in nature, may not exceed 10 mills of the assessed valuation of the area for which police and/or fire protection is to be furnished, and may be submitted to referendum by the township board, or township boards acting jointly, or upon petition by owners of 10 percent of the land to be made into a special assessment district.

BOARD POWERS: A joint administrative board prepares an annual police and/or fire department budget, for the police and/or fire departments of each participating municipality. The proposed budgets are submitted to and reviewed by the respective governing bodies and may be amended, adopted, or rejected by them.

Joint administrative boards may have other powers and duties as considered necessary by the participating governing bodies. Joint administrative boards, if authorized to employ and appoint a police chief, fire chief, or other police or fire officers, including detectives, employ and appoint the officers on behalf of the participating units and do not constitute a new employer.

MUTUAL POLICE ASSISTANCE AGREEMENTS

LEGAL CITATION:	Mutual Police Assistance Agreements Act, Public Act 236 of 1967, MCL 123.811 www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-236-of-1967
SERVICE OR FUNCTION:	To provide mutual police assistance in case of emergencies.
APPLICABILITY:	Counties, cities, villages, and townships, whether adjacent to each other or not.
FORM OF COOPERATION:	Mutual aid pacts.
IMPLEMENTATION METHOD:	May enter into agreements/contracts, subject to approval of the governing bodies of the participating units.
GOVERNANCE:	The agreements/contracts are administered by commissions established in accordance with the agreements.
FINANCIAL AUTHORITY:	The contracts contain provisions relative to apportionment of the costs of the services among the participating units.
CONTRACT REQUIREMENTS:	A contract must provide for the nature of the emergency, who shall declare the emergency, under what circumstances police assistance may be asked for, and by which county, city, village, or township officials; and it shall provide for the payment of the services and what powers, duties, and responsibilities, and under whose authority, policemen called to duty under the terms of the mutual aid assistance agreement shall serve. It must have provisions relative to compensation and disability payments, retirement and furlough payments and charges to be made for equipment, supplies and materials used or expended while rendering assistance under the agreement.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

EMERGENCY SERVICE AUTHORITIES

LEGAL CITATION:	Emergency Services to Municipalities, Public Act 57 of 1988, MCL 124.601 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-57-of-1988
SERVICE OR FUNCTION:	To provide emergency services, including police and fire protection, and ambulance service.
APPLICABILITY:	Any two or more counties, cities, villages, or townships. The jurisdiction of the authority must include the entire geographic area of all incorporating municipalities.
FORM OF COOPERATION:	Special authorities established through incorporation.
IMPLEMENTATION METHOD:	Established by resolution of the governing bodies of each participating unit. Any county, city, village, or township may join an existing emergency service authority by action of the legislative body or through a referendum initiated by a petition of not less than five percent of registered voters in the unit desiring to join.
GOVERNANCE:	It is left to the local governments establishing an authority to develop a method of selecting the authority's governing body.
FINANCIAL AUTHORITY:	May levy ad valorem property taxes at a rate not to exceed 20 mills upon voter approval, and assess fees to cover the costs of providing emergency services. (If, within 60 days from the date the ordinance is adopted, one-third or more of the municipalities vote to rescind the ordinance, they may override an ordinance enacted by the authority.) May apply for and accept grants, loans, or contributions from the federal government or any of its agencies, the state, or other public or private agencies.
BOARD POWERS:	An authority, in addition to its other powers and duties, may: adopt bylaws and rules of administration to accomplish its purposes; enter into contracts with other entities; investigate emergency services requirements, needs, and programs and engage, by contract, consultants as may be necessary and cooperate with the federal government, state, political subdivisions, and other authorities in those investigations; and hire employees, attorneys, accountants, and consultants as is considered necessary to carry out the purposes of the authority.
EMPLOYEE PROTECTION:	See all of Section 10. Specifically, Section 10(1) provides: "...employees of a municipal emergency service whose duties are transferred to an authority formed under this act shall be given comparable positions of employment with the emergency service established by the authority, and shall maintain their seniority status and all benefit rights of the position held in the municipal emergency response service before the transfer."

DIAGNOSTIC AND CUSTODIAL FACILITIES FOR MINORS

LEGAL CITATION: Regional Facilities for Delinquent and Neglected Minors, Public Act 214 of 1963, MCL 720.651 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-214-of-1963

SERVICE OR FUNCTION: To provide for the construction and operation of a regional facility for diagnostic and custodial treatment of delinquent and neglected minors.

APPLICABILITY: Two or more contiguous counties, with the approval of the proper state authorities.

FORM OF COOPERATION: Joint action

IMPLEMENTATION METHOD: The county board of commissioners of any county or any contiguous counties, by resolution, may authorize the chief judge of the circuit court in the county or in the contiguous counties to request the State Department of Human Services to survey the situation and determine the need for a detention home in the area, or whenever chief judge of the circuit court in a county is requested, in writing, by one percent but not less than 25 electors of the county to initiate proceedings for the organization of the district for the operation of a regional detention home.

GOVERNANCE Governed by a board of trustees consisting of a judge of the family division of the circuit court in each judicial circuit that includes a participating county, one member appointed by the county board of commissioners from each of participating county, and one member appointed from the electors residing in each of the participating counties by the other members of the board of trustees.

FINANCIAL AUTHORITY: May levy a tax of not more than one mill. May submit the question of additional assessment or tax for the operation of such homes to the voters for approval. Capital outlay and construction costs of facilities are borne by the counties comprising the region in the following manner: (a) Fifty percent of the estimated cost is borne by apportioning among the participating counties a percentage of the cost according to the proportion the county's state equalized valuation bears to the total state equalized valuation of the district; and (b) Fifty percent of the estimated cost is apportioned among the participating counties according to the proportion the individual county's school census bears to the total school census of the participating counties.

LIBRARIES

County Public Libraries
City, Village and Township Libraries
District Libraries
Consolidation of Township Libraries
Public Libraries

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

COUNTY PUBLIC LIBRARIES

LEGAL CITATION: County Libraries, Public Act 138 of 1917, MCL 397.301 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-138-of-1917

SERVICE OR FUNCTION: To establish free public libraries and to contract with other existing public libraries within the county for the provision of library services.

APPLICABILITY: Counties – who are authorized to contract with cities, villages, townships, and/or other municipalities.

FORM OF COOPERATION: Contract with an existing library for county use. Also allows other counties, townships, villages, cities, and/or other municipalities to contract with a county library for services.

IMPLEMENTATION METHOD: Created by action of the county board of commissioners.

GOVERNANCE: Library boards are established to administer county library funds. Boards, consisting of five members, are appointed by the county board of commissioners for terms of five years each. In counties with populations of one million or more (only Oakland and Wayne as of 2000 Census), the superintendent of the intermediate school district serving the county, or, in counties with populations of over 1.5 million (Wayne), his or her designee, is a member of the library board during the superintendent's term of office. Of the members appointed to the library board by the county board of commissioners in counties with a population of more than 700,000 but not more than 1.5 million (Macomb and Oakland), not more than one member may be a county commissioner, and that member has the same voting rights as other members of the library board.

The county board of commissioners in a county with a population of over one million (Oakland and Wayne), by resolution and only on the request of the county library board, may expand the library board to seven members.

FINANCIAL AUTHORITY: Counties may levy a tax to be paid into the library fund. Other counties, townships, villages, cities, and/or other municipalities may likewise levy a tax to meet contractual obligations to the county library. No additional taxing power is obtained by cooperating through the provisions of this act.

BOARD POWERS: Library boards are bodies corporate and are authorized to contract for the leasing, construction, or maintenance of buildings or quarters to house the county library service, and to do any other thing necessary for the conducting of the county library service.

CITY, VILLAGE AND TOWNSHIP LIBRARIES

LEGAL CITATION: City, Village and Township Libraries, Public Act 164 of 1877, MCL 397.201 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-164-of-1877

SERVICE OR FUNCTION: To provide for the establishment of free public libraries and reading rooms and entrance into contracts with other municipalities for the provision of library services.

APPLICABILITY: Cities, villages and townships – who are authorized to contract with counties.

FORM OF COOPERATION: Contract to provide library services to another unit of government or jointly provide library services.

IMPLEMENTATION METHOD: Created by action of legislative body. Vote of electorate necessary to levy tax.

GOVERNANCE: Governed by a board of five directors (may be expanded to seven or nine directors by ordinance after appointment of first five member board). Not more than one member of the city council may be a member of the board. The term of office for each member of the appointed board of directors may not be less than two years nor more than five years.

A joint board would be established if a county contracts to have a city library serve the county as authorized under the County Libraries Act (See Above).

FINANCIAL AUTHORITY: City councils may levy a tax of not to exceed one mill for a municipal library. City councils may increase the tax levied by not to exceed one additional mill if approved by a majority of the voters voting on the proposal. Each participating unit may levy this tax, but no additional taxing power is obtained by cooperating through the provisions of this act.

The library millage, at a rate not to exceed two mills, may be introduced in participating villages and townships by petition and is subject to approval by the qualified electors in that unit.

A township contracting to receive library services from a city is authorized to levy a tax for such purposes at a rate not to exceed one mill.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

DISTRICT LIBRARIES

LEGAL CITATION:	The District Library Establishment Act, Public Act 24 of 1989 (replaced Public Act 164 of 1955), MCL 397.171 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-24-of-1989
SERVICE OR FUNCTION:	To provide library services.
APPLICABILITY:	Counties, cities, villages, townships, and school districts.
FORM OF COOPERATION:	Any municipalities empowered by law to establish or maintain libraries or library services may develop a plan and unite with any other municipalities for the establishment and operation of a district library.
IMPLEMENTATION METHOD:	The legislative body of each municipality must adopt a resolution providing for the establishment of a district library and approving a district library agreement.
GOVERNANCE:	A district library board is to consist of between five and eight members as decided in the agreement creating the district.
FINANCIAL AUTHORITY:	Authorized to levy a tax of up to four mills. Portions of the library budget not funded through the tax millage are to be shared by the participating units.

CONSOLIDATION OF TOWNSHIP LIBRARIES

LEGAL CITATION:	Consolidation of Township Libraries, Public Act 165 of 1927; MCL 397.351 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-165-of-1927
SERVICE OR FUNCTION:	To provide for the consolidation of two or more township libraries into a single joint library.
APPLICABILITY:	Townships.
FORM OF COOPERATION:	Joint library service.
IMPLEMENTATION METHOD:	Adjoining townships of the same county upon joint action of the respective township boards may consolidate the libraries of each township into one library. Township boards presented with petitions of at least 25 percent of the registered electors of each township are to submit the question of consolidation of the libraries to the qualified electors of each township.
GOVERNANCE:	The library is under joint control of township boards. Any matters upon which the boards cannot agree is to be decided by the county school commissioner. Not more than two joint meetings of the township boards per year may be held.
FINANCIAL AUTHORITY:	Operating costs to be pro rated on state equalized value (SEV) basis.

PUBLIC LIBRARIES

LEGAL CITATION: Public Libraries Act, Public Act 92 of 1952, MCL 397471-472

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-92-of-1952

SERVICE OR FUNCTION: To avoid unnecessary duplication in the provision of public library services and at the same time promote the widest public use of books, manuscripts and other materials and facilities and bring about the supplementing of one library by the other, which may include the accumulating of books, manuscripts and other materials and facilities.

APPLICABILITY: Any public entity charged by law with maintenance and operation of a public library.

FORM OF COOPERATION: Contracts or other arrangements.

IMPLEMENTATION METHOD: Created by approval of contract by legislative body.

FINANCIAL AUTHORITY: No additional taxing power is obtained by cooperating through the provisions of this act.

EDUCATION

Vocational-Technical Education Programs
Employment Counseling or Placement Services
Michigan Virtual School
Intermediate School Districts
Community College Districts

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

VOCATIONAL-TECHNICAL EDUCATION PROGRAMS

LEGAL CITATION: The Revised School Code, Public Act 451 of 1976, MCL 380.690 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-380-690

SERVICE OR FUNCTION: To provide vocational-technical(votech) educational programs.

APPLICABILITY: School districts of not less than 18,000 pupils, a first class school district (Detroit Public Schools), or a school district offering or making available to its pupils a comprehensive vocational education program approved by the state board. Two or more contiguous school districts may cooperate to provide this program.

FORM OF COOPERATION: Joint provision of program. Joint acquisition, ownership, or leasing of buildings, sites, and equipment.

IMPLEMENTATION METHOD: Created by resolution of school boards and approval by intermediate district board. School electors equal to at least five percent of votes cast in most recent school election may petition for a referendum on the resolution to have the school district participate in the program.

Contiguous school districts desiring to become part of an area votech program may do so with approval of each participating school district, the intermediate school district, and the state board of education.

FINANCIAL AUTHORITY: Eligible to receive appropriate state and federal funding allocated by the state board on exactly the same basis as area votech programs and centers established by intermediate school districts. May designate specific amounts of either authorized operating millage or operating millage requested from the school electors to be utilized solely for the area votech program.

EMPLOYMENT COUNSELING OR PLACEMENT SERVICES

LEGAL CITATION: The Revised School Code, Public Act 451 of 1976, MCL 380.1233a et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-380-1233a

SERVICE OR FUNCTION: To provide employment counseling or placement services for high school age individuals.

APPLICABILITY: School districts, intermediate school districts, or any other appropriate unit of local government.

FORM OF COOPERATION: To establish joint or cooperative employment counseling or placement services.

IMPLEMENTATION METHOD: Interlocal agreement.

FINANCIAL AUTHORITY: No additional taxing power is obtained by cooperating through the provisions of this section.

MICHIGAN VIRTUAL SCHOOL

LEGAL CITATION:	The Revised School Code, Public Act 451 of 1976, MCL 380.1481 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-380-1481
SERVICE OR FUNCTION:	To provide school classes and instructional material using interactive multimedia tools delivered by electronic means (Internet, digital broadcast, satellite network, etc.).
APPLICABILITY:	School districts.
FORM OF COOPERATION:	Michigan Virtual University, a private, not-for-profit Michigan corporation created by the State, offers courses to local school districts.
IMPLEMENTATION METHOD:	Contract for course offerings and teacher instruction.
FINANCIAL AUTHORITY:	No additional taxing power is obtained by cooperating through the provisions of this section.

INTERMEDIATE SCHOOL DISTRICTS

LEGAL CITATION:	The Revised School Code, Public Act 451 of 1976, Part 7, MCL 380.601 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-451-of-1976
SERVICE OR FUNCTION:	To provide educational services to local school districts, to the state, and in some instances directly to individuals.
APPLICABILITY:	School districts.
FORM OF COOPERATION:	ISDs act as intermediaries between the local school districts and the state and provide support services for local school districts. They offer school districts wide latitude to work together for the provision of preschools, special education, lifelong education, adult education, community education programs, and training, enrichment, and recreation programs. They may provide workforce development programs, job training and development programs, school-to-work initiatives, and work first programs.
IMPLEMENTATION METHOD:	Organized by the State along county lines. Michigan is organized into 57 intermediate school districts covering the whole state and overlapping local school districts. Single county districts comprise 40 of the 57 ISDs; the other 17 are multi-county districts.
GOVERNANCE:	School boards consisting of five members are selected by representatives of the constituent school boards. Multi-county intermediate school districts are composed of seven members. Recent amendments allow for constituent school boards to move selection of intermediate school board members through popular elections.
FINANCIAL AUTHORITY:	May levy taxes for general operating purposes, special education programs, and vocational education. Also may charge tuition for some programs; receive grants, gifts, and bequests; and issue bonds.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

COMMUNITY COLLEGE DISTRICTS

LEGAL CITATION: Community College District Act of 1966, Public Act 331 of 1966, MCL 389.1 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-331-of-1966

SERVICE OR FUNCTION: To provide higher education, workforce training, and like services.

APPLICABILITY: One or more contiguous counties, a K-12 school district or two or more contiguous school districts, intermediate school districts or two or more contiguous intermediate school districts.

FORM OF COOPERATION: District created with state approval.

IMPLEMENTATION METHOD: *Michigan has 27 community college districts. Only Henry Ford Community College is operated as part of a local school district.*

Counties. A resolution of county commission is submitted to state board of education requesting approval of formation of a community college district and proposed maximum tax rate. The issue is then submitted to electors for approval of organization and maximum annual tax rate and election of first board of trustees.

K-12 School District(s). The school board of a single organizing district may file a resolution requesting organization of a community college district with the state board of education for approval. The school board of each participating school district must adopt a resolution requesting organization of a community college district. Those resolutions are filed with the secretary of the intermediate school district, who refers the questions of organizing the district and the proposed annual tax rate to the state board of education for approval. Issue submitted to electors for approval of organization and maximum annual tax rate and election of first board of trustees.

Intermediate School Districts. The board of an intermediate school district or the boards of two or more intermediate school districts acting as a single board may designate the territory of a proposed community college district and refer the question of organizing the district and proposed annual tax rate to the superintendent of public instruction for approval.

In addition to the actions by the legislative bodies of each type of governmental unit described above, proceedings for establishment of a community college may be initiated by petition of not less than 25 school electors in that unit.

Annexation. The board of trustees of the community college district may propose to annex contiguous intermediate school districts, local school districts, and/or counties. Approval from the superintendent of public instruction must be obtained before the question of annexation can be submitted to the electors in the governmental unit proposed for annexation.

GOVERNANCE: Board of trustees consisting of seven members elected to six-year terms in at-large elections from the territory of the district on a nonpartisan basis. In a community college district that is comprised of three counties, the board of trustees consists of nine members, three from each county, elected for six-year terms.

FINANCIAL AUTHORITY: May levy a property tax; charge tuition for classes; receive grants, gifts, and bequests; and issue bonds for capital and operating purposes.

PARKS AND RECREATION

*Huron Clinton Metropolitan Authority
Recreational Authorities
Community Swimming Pool Authorities
Recreation Facilities
Community Center
Township Parks and Places of Recreation*

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

HURON-CLINTON METROPOLITAN AUTHORITY

LEGAL CITATION:	Huron-Clinton Metropolitan Authority Act, Public Act 147 of 1939, MCL 119.51 et seq.
www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-147-of-1939	
SERVICE OR FUNCTION:	To plan or promote or to acquire, construct, own, develop, maintain and operate, either within or without their limits, parks, connecting drives, or limited access highways, or any combination of these activities.
APPLICABILITY:	The counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb.
FORM OF COOPERATION:	Metropolitan district incorporated by local act.
IMPLEMENTATION METHOD:	The authority was established by a majority vote of the electorate in the affected counties.
GOVERNANCE:	A seven-member Board of Commissioners governs the authority, with five members appointed by each of the participating county boards of commissioners and two members appointed by the governor.
FINANCIAL AUTHORITY:	The authority may levy a tax of not more than 0.25 mills (rolled back to 0.2146 as of 2006), and collect fees, tolls, and charges.
POWERS:	The authority is granted the power of eminent domain.

RECREATIONAL AUTHORITIES

LEGAL CITATION:	Recreational Authorities, Public Act 321 of 2000, MCL 123.1131 et seq.
www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-321-of-2000	
SERVICE OR FUNCTION:	To provide for public swimming pools, recreation centers, auditoriums, conference centers, parks, museums, historic farms.
APPLICABILITY:	Two or more counties, cities, villages, or townships.
FORM OF COOPERATION:	Special authorities established through incorporation.
IMPLEMENTATION METHOD:	The articles of incorporation must be adopted by a majority of the members serving on the legislative body of each participating municipality.
GOVERNANCE:	The articles of incorporation must provide for the appointment of board members by the participating municipalities or the election of said board members in at-large elections by the voters in the participating municipalities.
FINANCIAL AUTHORITY:	May levy a tax of not more than one mill for a period of not more than 20 years and collect fees and grants. An authority may borrow money and issue bonds or notes to finance the acquisition, construction, and improvement of a recreational facility.

CRC Report

COMMUNITY SWIMMING POOL AUTHORITIES

LEGAL CITATION:	Community Swimming Pool Authorities, Public Act 425 of 1994, MCL 123.1061 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-425-of-1994
SERVICE OR FUNCTION:	To own and operate a community swimming pool.
APPLICABILITY:	Two or more cities, villages, or townships located within a single school district (if one of those municipalities has a population of not less than 15,000 and whose territory is located in not less than two counties, each of which has at least 15 percent of the municipality's population) may jointly establish a community swimming pool authority (communities served at least in part by the Holland Public Schools).
FORM OF COOPERATION:	Special authorities established through incorporation.
IMPLEMENTATION METHOD:	The legislative body of each municipality must adopt a resolution of participation.
GOVERNANCE:	The authority is governed by a board appointed by the participating municipalities. The legislative body of the participating municipality with the greatest population in the district (City of Holland) appoints four members to the board. The legislative body of each of the other participating municipalities appoints one member to the board. Appointed members of the board serve four-year terms. The superintendent of the district or his or her designated representative serves on the board as an ex officio member without the right to vote.
FINANCIAL AUTHORITY:	The authority may assess and collect fees for service and maintenance. It may levy a tax not to exceed one mill for the purposes of owning or operating a community swimming pool. The authority may issue bonds and collect a tax sufficient to pay the principal and interest on all bonds.

RECREATION FACILITIES

LEGAL CITATION:	Recreation and Playgrounds, Public Act 156 of 1917, MCL 123.51 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-425-of-1994
SERVICE OR FUNCTION:	To operate systems of public recreation and playgrounds. May provide public recreation and playgrounds independently or they may cooperate in any manner in which they mutually agree. Alternatively, they may delegate the operation to a recreation board created by any or all of them.
APPLICABILITY:	Cities, villages, townships, counties and school districts.
FORM OF COOPERATION:	Special authority established by incorporation.
IMPLEMENTATION METHOD:	Established when its articles of incorporation are adopted by the board and are filed with the secretary of state.
GOVERNANCE:	Authorizes governmental units to create recreation boards and delegate such responsibility to them.
FINANCIAL AUTHORITY:	Cities, villages, and townships may appropriate money for recreational purposes. School districts may vote a tax to provide funds for operating public recreation and playgrounds.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

COMMUNITY CENTER

LEGAL CITATION:	Community Center, Public Act 199 of 1929, MCL 123.41 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-199-of-1929
SERVICE OR FUNCTION:	To provide for the maintenance or the purchase of lands and maintenance of property for a community center.
APPLICABILITY:	Any township or village or combinations thereof of less than 10,000 people.
FORM OF COOPERATION:	Joint ownership and operation of facility.
IMPLEMENTATION METHOD:	Upon petition of ten percent of the voters, a question may be submitted to the electors on establishment of a community center.
GOVERNANCE:	A seven-member board of directors is appointed to serve two or three year terms.
FINANCIAL AUTHORITY:	A tax not to exceed two mills may be imposed.
POWERS:	Board is authorized to employ a suitable community director and necessary assistants.

TOWNSHIP PARKS AND PLACES OF RECREATION

LEGAL CITATION: Township Parks and Places of Recreation, Public Act 157 of 1905, MCL 41.421 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-157-of-1905

SERVICE OR FUNCTION: To provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation. Also to provide for the acquisition, construction, and maintenance of wharves, piers, docks, and landing places for the use and benefit of the public.

APPLICABILITY: Townships

FORM OF COOPERATION: Joint provision of parks and recreation facilities.

IMPLEMENTATION METHOD: Upon receipt of a written petition signed by not less than eight percent of the registered voters, the township board submits the question of establishing a township park commission to the registered voters of the township.

GOVERNANCE: The supervisor of each of township comprises a board of commissioners for the control of such park or resort. In case there is only one township interested in such park, then the township board serves as the board of commissioners.

Petitions signed by not less than eight percent of the registered voters of a township may force a referendum on establishment of a township park commission. If establishment of a park commission is approved by the voters, the township board appoints six members (if established before 1989) or an odd number of not fewer than five or more than 9 (if established after 1989).

FINANCIAL AUTHORITY: A tax not to exceed 1.5 mills may be levied. A township parks commission may request that township bonds be issued on its behalf. A city or village may appropriate funds for the purpose of contributing toward the cost of the acquisition, support, maintenance, upkeep, and improvement of land acquired by a township, or two or more townships, for use as a free public park, resort, bathing beach, or other place of recreation.

POWERS: The commission has the authority in the name or names of the interested township or townships to condemn land.

HEALTH AND HOSPITALS

Community Mental Health Organization
Joint Hospital Authority
District Health Departments
Local Health Department Contracting
Joint County Medical Care Facilities

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

COMMUNITY MENTAL HEALTH ORGANIZATION

LEGAL CITATION: Mental Health Code, Public Act 258 of 1974, MCL 330.1001 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-258-1974-2

SERVICE OR FUNCTION: To provide mental health services.

APPLICABILITY: Two or more counties may organize a community mental health service program by creating a community mental health organization.

FORM OF COOPERATION: Special authorities established through incorporation.

IMPLEMENTATION METHOD: Create or join an existing mental health organization through an enabling resolution adopted by the board of commissioners of each creating county after at least three public hearings

According to the Michigan Association of Community Mental Health Boards (www.macmhb.org/directory06-072.pdf), Michigan currently has 42 community mental health organizations: 28 single county organizations and 14 multi-county organization. Several of the single county organizations are special authorities.

GOVERNANCE: A community mental health services board with 12 members appointed through a majority vote of each board of commissioners. When a single county establishes a board, all board members are representatives of that county. When a combination of counties establishes a board, unless otherwise agreed to by each of the participating counties, the board membership is divided among the counties in proportion to each county's population, except that each county is entitled to at least one board membership.

FINANCIAL AUTHORITY: No additional taxing, rate setting, or bonding powers are obtained by cooperating through the provisions of this act.

JOINT HOSPITAL AUTHORITY

LEGAL CITATION: Hospital Authority Act, Public Act 47 of 1945, MCL 331.1 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-47-of-1945

SERVICE OR FUNCTION: To provide for the planning, acquisition, construction, improvement, maintenance, and operation of community hospitals.

APPLICABILITY: Two or more cities, villages, and townships, or any combination of these municipalities.

FORM OF COOPERATION: Special authorities established through incorporation.

IMPLEMENTATION METHOD: Created by adoption of resolution of the respective legislative bodies.

A local government subsequently may become a member of a hospital authority, upon resolution adopted by the governing body of that unit approved by a majority vote of its qualified electors and acceptance thereof by resolution adopted by a two-thirds vote of the entire governing board of the hospital authority.

GOVERNANCE: Hospital boards have one member appointed by the legislative bodies for the first 20,000 inhabitants, one for each additional 40,000 inhabitants or fraction thereof, and seven members selected by these appointees.

FINANCIAL AUTHORITY: The authority itself may not levy a tax. The several legislative bodies of participating units may raise money within their separate jurisdictions for the authority. Such tax may not exceed 0.4 mills. Bonding is limited to self-liquidating revenue bonds.

CONTRACT ARRANGEMENTS: May enter into contract with participating members or with any county department of social welfare for the care of indigents or others entitled to care at public expense. It may also enter into contracts with any individual, firm or corporation for the purpose of providing hospital care to persons at the private expense of such individual, firm or corporation.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

DISTRICT HEALTH DEPARTMENTS

LEGAL CITATION:	Public Health Code, Public Act 368 of 1978, Part 24, Section 15, MCL 333.2415 www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-333-2415
SERVICE OR FUNCTION:	To provide health services.
APPLICABILITY:	Two or more counties or a city having a population of 750,000 or more (City of Detroit) and one or more counties.
FORM OF COOPERATION:	Special districts established by interlocal agreement.
IMPLEMENTATION METHOD:	Created by a majority vote of each local governing entity and with approval of the State Department of Community Health.
GOVERNANCE:	District boards of health are composed of two members from each county board of commissioners or in case of a city-county district two members from each county board of commissioners and two representatives appointed by the mayor of the city. With the consent of the local governing entities affected, a county or city may have a greater number of representatives.
FINANCIAL AUTHORITY:	No additional taxing power is obtained by cooperating through the provisions of this act.
EMPLOYEE PROTECTION:	Section 2424(2) provides: "...that an employee transferred under the plan shall not lose any benefit or right as a result of the transfer."

LOCAL HEALTH DEPARTMENT CONTRACTING

LEGAL CITATION:	Public Health Code, Public Act 368 of 1978, Part 24, Section 48, MCL 333.2448 www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-333-2448
SERVICE OR FUNCTION:	To provide health services. Section 48 provide that a county or city health department or district board of health may enter into an intergovernmental contract as part of a reorganization or assumption or relinquishing of a health jurisdiction or function.
APPLICABILITY:	Cities, counties, districts, or parts thereof.
FORM OF COOPERATION:	Intergovernmental contracts
IMPLEMENTATION METHOD:	Approved by county board of commissioners, city council, or district board of health.
FINANCIAL AUTHORITY:	No additional taxing power is obtained by cooperating through the provisions of this act.

JOINT COUNTY MEDICAL CARE FACILITIES

LEGAL CITATION:	Joint County Medical Care Facilities, Public Act 178 of 1929, MCL 404.1 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-178-of-1929
SERVICE OR FUNCTION:	To establish, operate, and control county medical care facilities.
APPLICABILITY:	Two or more counties, none of which counties has a population of more than one million (every county except Oakland and Wayne).
FORM OF COOPERATION:	Joint provision of facilities.
IMPLEMENTATION METHOD:	Created by resolution of county boards of commissioners and appointment of representatives to joint committee.
GOVERNANCE:	The board of commissioners of a county may appoint a committee to meet with similar committees of other board of commissioners to form a joint committee. Upon recommendation of the joint committee the boards of commissioners may take action to establish and operate such joint medical care facility as meets the requirements of statutes relating to single county facilities insofar as such provisions are applicable.
FINANCIAL AUTHORITY:	Cost of establishment and operation is pro rated on basis of state equalized value. Counties may levy up to 0.1 mill to be designated a special tax usable only to pay obligations to the joint medical care facility.

PUBLIC BUILDINGS

Building Authority
Joint Public Improvements
Joint Public Buildings

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

BUILDING AUTHORITIES

LEGAL CITATION: Building Authorities, Public Act 31 of 1948 (1st Extra Session), MCL 123.951 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-31-of-1948-1st-Ex-Sess-

SERVICE OR FUNCTION: To provide for the acquisition, furnishing, equipping, ownership, improvement, enlargement, operation, and maintenance of buildings, parking lots or structures, recreational facilities, stadiums and the necessary site or sites therefore, for use for any legitimate public purpose of the governmental entity(ies) forming the authority.

APPLICABILITY: Counties, cities, villages, township, school districts, intermediate school districts.

An authority may be formed by:

- (1) Any county, city, village, or township,
- (2) Any combination of two or more counties, cities, villages, or townships,
- (3) Any school district and any city, village, or township wholly or partially within the district's boundaries,
- (4) Any school district and any combination of two or more cities, villages, or townships wholly or partially within the district's boundaries, or
- (5) Any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district's boundaries.

FORM OF COOPERATION: Incorporate special authorities

IMPLEMENTATION METHOD: Created by the adoption of articles of incorporation by the legislative body of each incorporating unit, which requires the affirmative vote of the majority of the members elect of each such legislative body.

GOVERNANCE: A joint building authority incorporated by a county and a city, township, or village is governed by a commission of three members, one elected by the county board of commissioners, one elected by the legislative body of the city, township, or village, and one to be elected by the joint action of the county board of commissioners and the legislative body of the city, township, or village. If the legislative bodies are unable to agree upon a choice for the third member within 60 days after the election of the first member, then the third member shall be appointed by the governor.

Joint building authorities are governed by commissions consisting of one member elected by the legislative body of each incorporating unit and such other members as may be provided by the articles of incorporation. The commissioners of joint building authorities serve for four-year terms.

FINANCIAL AUTHORITY: May issue bonds based on future revenues to be raised from use of facility or lease of facility to participating governmental units.

JOINT PUBLIC IMPROVEMENTS

LEGAL CITATION: Joint Public Improvements, Public Act 81 of 1925, MCL 123.71 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-81-of-1925

SERVICE OR FUNCTION: To make and maintain certain public improvements.

APPLICABILITY: Any two adjoining cities or villages, or one adjoining city and village, may unite in making and maintaining any public improvement located on or near the boundary line between such municipalities and located either entirely within or partly within each of such municipalities.

FORM OF COOPERATION: Joint effort.

IMPLEMENTATION METHOD: Created by three-fifths vote of each legislative body.

FINANCIAL AUTHORITY: May assess property for the cost of the improvement to the same extent as if the land were entirely located within its own borders.

POWERS: Property may be condemned in the joint name of the participating units.

JOINT PUBLIC BUILDINGS

LEGAL CITATION: Joint Public Buildings, Public Act 150 of 1923, MCL 123.921 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-150-of-1923

SERVICE OR FUNCTION: To singly or jointly acquire a site or sites and/or construct, erect, lease, sub-lease and maintain public buildings for the purpose of housing within the same buildings city, county, village or township offices, and/or for any other public uses and purposes, which may include a memorial hall for war veterans and for public assemblage.

APPLICABILITY: Counties, cities, villages and townships or any combination of them.

FORM OF COOPERATION: Joint action.

IMPLEMENTATION METHOD: Created by adoption of resolution of the legislative bodies of each participating unit.

FINANCIAL AUTHORITY: May issue self-liquidating revenue bonds. Cooperating units are authorized to raise by taxation or loan in sum or sums necessary for the payment of obligations entered into.

ROADS AND BRIDGES

Inter-Jurisdictional Bridges
Inter-County Super-and-Limited Access Highways

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

INTER-MUNICIPAL BRIDGES

LEGAL CITATION: Inter-Municipal Bridges, Public Act 354 of 1925, MCL 254.6 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-354-1925-INTER-MUNICIPAL-BRIDGES

SERVICE OR FUNCTION: To provide for the construction, rebuilding, or repair of bridges on or across the boundary lines over any stream or sink-hole, either crossing or running along the boundary line between two governmental units.

APPLICABILITY: Two adjoining county road commissions or two adjoining cities, villages, and/or townships.

FORM OF COOPERATION: Joint provision of capital asset.

IMPLEMENTATION METHOD: Either local governmental unit may request a meeting to discuss the need, plans and specifications, and funding of such a bridge. Upon failure to reach an agreement, either governmental unit may apply to the director of the Michigan Department of Transportation for assistance in matters such as specifications and funding.

FINANCIAL AUTHORITY: Sharing of costs is determined through an interlocal agreement between the cooperating units. No additional taxing power is obtained by cooperating through the provisions of this act for the provision of a bridge by two local governmental units within Michigan. A county may levy a special tax not to exceed one mill for its share of the cost of a bridge between such county and a county in another state.

INTER-COUNTY SUPER-AND-LIMITED ACCESS HIGHWAYS

LEGAL CITATION: Inter-County Highways, Super-Highways, and Limited Access Highways, Public Act 381 of 1925, MCL 252.1 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-381-of-1925

SERVICE OR FUNCTION: To plan a system of inter-county highways, super-highways, and limited access highways.

APPLICABILITY: Two or more counties.

FORM OF COOPERATION: Joint planning and provision of capital asset.

IMPLEMENTATION METHOD: Each participating county board of commissioners must approve a contract establishing an inter-county commission by a two-thirds vote.

GOVERNANCE: Establishment of inter-county highway commission.

FINANCIAL AUTHORITY: Each participating county pays annually into the treasury of the inter-county highway commission such sums as may have been agreed upon in a contract. Additional sums may be voted by a majority vote of the members elect of the board of commissioners of each county.

AIRPORTS

Community Airports
Airport Authorities
Acquisition and Operation of Airports

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

COMMUNITY AIRPORTS

LEGAL CITATION: Community Airports, Public Act 206 of 1957, MCL 259.621

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-206-of-1957

SERVICE OR FUNCTION: To provide for the planning, promotion, acquisition, construction, improvement, enlargement, extension, ownership, maintenance, and operation of the landing, navigational and building facilities of one or more community airports.

APPLICABILITY: Two or more counties, cities, townships, and incorporated villages, or any combination thereof.

FORM OF COOPERATION: Special authorities established through incorporation.

IMPLEMENTATION METHOD: Created by adoption of resolution by the respective legislative bodies.

GOVERNANCE: Directed and governed by an airport authority board consisting of not less than four members. A site for the physical facilities of the airport authority shall not be selected without the approval of two-thirds of the total membership of the airport authority board and shall be located within the boundaries of the airport authority.

FINANCIAL AUTHORITY: A sum not to exceed one mill may be requested and certified by the airport authority board annually for said purposes. Participating units may levy the requested tax or appropriate sufficient amounts to contribute their share. An airport authority board may issue self-liquidating bonds.

AIRPORT AUTHORITIES

LEGAL CITATION: Airport Authorities, Public Act 73 of 1970, MCL 259.801 et seq. (This statute was enacted specifically to create the Capital City Airport Authority in the Lansing area.)

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-73-of-1970

SERVICE OR FUNCTION: To provide for assumption of control of the formerly state-owned Lansing Airport. The authority has the power and duty of planning, promoting, extending, owning, maintaining, acquiring, purchasing, constructing, improving, enlarging and operating all publicly-owned airports and airport facilities hereinafter established to be operated within the territorial jurisdiction of the authority.

APPLICABILITY: Counties, any portion of whose boundaries are within 10 miles of any state-owned airport (Lansing Airport) and any city located within the boundaries of any such counties and having a population of over 100,000 (City of Lansing).

FORM OF COOPERATION: Special authorities established through incorporation.

IMPLEMENTATION METHOD: Created by a resolution passed by each of their legislative bodies by a majority of the entire membership of each board or council voting separately.

GOVERNANCE: The airport authority board consists of three members from the City of Lansing, appointed by the mayor with the advice and consent of the city council; three members from the balance of Ingham County, appointed by a majority of the county board of commissioners; and two members from each other county comprising the authority, appointed by their respective legislative bodies by a majority of the full membership of the appointing legislative body.

FINANCIAL AUTHORITY: May levy ad valorem taxes of up to 0.75 mills with voter approval, and determine other financial requirements, which are provided by the participating governments. The airport authority board may issue self-liquidating bonds.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

ACQUISITION AND OPERATION OF AIRPORTS

LEGAL CITATION: Aeronautics Code of the State of Michigan, Public Act 327 of 1945, MCL 259.134

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-259-134

SERVICE OR FUNCTION: To provide for the acquisition of property, real and personal, for the purpose of establishing, constructing, and enlarging airports, landing fields and other aeronautical facilities and for the operation of said aeronautical facilities.

APPLICABILITY: Every political subdivision in Michigan is authorized to engage in these activities under the Aeronautics Code. This statute provides that all powers, rights and authority granted to any one may be exercised and enjoyed by two or more of them acting jointly.

FORM OF COOPERATION: Joint service provision.

IMPLEMENTATION METHOD: Interlocal agreement agreed to by participating units.

GOVERNANCE: A board is to be created consisting of members to be appointed by each of the participating governments, the number of members to be provided for by the interlocal agreement for the joint venture.

FINANCIAL AUTHORITY: The interlocal agreement is to provide for a joint fund and the proportionate shares each participating governmental unit is to provide.

POWERS: Condemnation proceedings may be instituted in the names of the political subdivisions jointly, and the property acquired is held by the political subdivisions as tenants in common.

PORTS, HARBORS AND CHANNELS

Port Districts
Hertel-Law-T. Stopczynski Port Authority Act
Harbors, Channels and Other Navigational Facilities

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

PORT DISTRICTS

LEGAL CITATION: Port Districts, Public Act 234 of 1925, MCL 120.1 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-234-of-1925

SERVICE OR FUNCTION: To provide for the establishment of port districts which will be coextensive with the limits of any county government.

APPLICABILITY: Any county, independently or in combination with another county, may establish a port district. No more than five contiguous counties may combine to form a port district.

Any city or township, or any two or more whole contiguous cities or townships, or any combination thereof may establish a port district.

FORM OF COOPERATION: Joint service provision.

IMPLEMENTATION METHOD: *County Port Districts.* The board of county commissioners may act by resolution, or on petition of 10 per cent of the qualified electors of such county, the board of county commissioners may act to submit to the voters of such county the proposition of creating a port district.

Municipal Port Districts. The question of establishment of a municipal port district must also be submitted to the voters using the same procedures as establishment of county port districts.

GOVERNANCE: *County Port Districts.* A port commission consisting of five members appointed by the boards of commissioners. In any port district located in more than one county, representation is in proportion to the state equalized value of each county in relation to the total state equalized value of the port district

Municipal Port Districts. In any port district, the boundaries of which are coterminous with one or more whole cities or townships, the appointment of members of the port commission shall be made by the governing bodies of the cities or townships in which the port district is located.

FINANCIAL AUTHORITY: May fix and collect tolls, fees, rents and other charges. May levy a tax not exceed two mills. May borrow money and issue bonds to an amount not greater 0.2 percent of the total assessed valuation of such port district in any one year, nor to a total amount including all outstanding bonded indebtedness of such district exceeding two percent of the assessed valuation of such district.

APPLICATION: The Monroe Port Authority is the only authority that continues to operate under, and derive its power from this act. All other port authorities now operate under the Hertel-Law-T. Stopczynski Port Authority Act, Act 639 of 1978.

HERTEL-LAW-T. STOPCZYNSKI PORT AUTHORITIES

LEGAL CITATION: Hertel-Law-T. Stopczynski Port Authority Act, Public Act 639 of 1978, MCL 120.101 et seq. (Supersedes Public Act 234 of 1925 for the incorporation of port authorities.)

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-639-of-1978

SERVICE OR FUNCTION: To provide for the establishment of port authorities.

APPLICABILITY: A city and county, a combination of counties or a combination consisting of at least one city and one county.

FORM OF COOPERATION: Incorporation of special authority.

IMPLEMENTATION METHOD: Initiated by joint resolution of the respective governing bodies. Resolution requests the governor to authorize the incorporation of an authority. The governor is to consider the recommendations of the Department of Transportation and the Department of Labor and Economic Growth in authorizing the authority. The initial articles of incorporation must be approved by the governor and may thereafter be amended by resolution of the authority, subject to approval by the governor. After approval by the governor, the articles of incorporation and any amendments to those articles are effective upon filing with the secretary of state.

GOVERNANCE: An authority consists of five or seven members with one member appointed by the governor and the remaining members appointed by the governing body of each participating city and county. The interlocal agreement provides for representation on, and the number of members of, the authority.

An authority that is established in a county having a population of 1,500,000 or more (Wayne County) consists of five members with one member appointed by the governor; two members appointed by the county board of commissioners (The members appointed are to be nominated by the commissioners on the board who do not reside within the political boundaries of a city having a population of 750,000 or more (e.g., outside of the City of Detroit)); and two members appointed by the mayor of a city having a population of 750,000 or more that is located in the county (the City of Detroit).

FINANCIAL AUTHORITY: Participating units may enter contracts for the acquisition, improvement, enlargement, or extension of port facilities. Each contracting constituent unit pledges its full faith and credit for the payment of its obligations under the contract. If the constituent unit has taxing power, each year it must levy a tax upon all real and personal property within the constituent unit, which may be imposed without limitation as to rate or amount, to the extent necessary for the prompt payment of that part of the contract obligations. Contract may be settled also by service charge to users of the facilities, diversion of state shared revenues, special assessments upon lands benefited, or otherwise. The authority may issue revenue bonds.

The state is to provide 50 percent of the operating budget of the authority. Fifty percent of the operating budget of an authority in which not more than one county and not more than one city participate shall be funded equally by the

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

participating county and city. No additional taxing power is obtained for operating costs by cooperating through the provisions of this act.

POWERS: An authority may acquire by condemnation lands, property rights, rights of way, franchises, easements, and other property, or parts thereof or rights therein.

APPLICATION: All Michigan port authorities have transitioned to the provisions of this act, except that the Monroe Port Authority has not created an authority under the Hertel-Law-T. Stopczynski Port Authority Act and continues to operate under, and derive its power from, Act 234 of 1925, being MCL 120.1 to 120.35.

HARBORS, CHANNELS AND OTHER NAVIGATIONAL FACILITIES

LEGAL CITATION: Natural Resources and Environmental Protection Act, Public Act 451 of 1994, MCL 324.79301 (Public Act 66 of 1952, MCL 281.541 et seq. was repealed and replaced by this act.)

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-451-1994-III-4-4-HARBOR-DEVELOPMENT-793&queryid=17329998&highlight=harbors%20channels

SERVICE OR FUNCTION: To provide for the acquisition, establishment, construction, maintenance, improvement, and operation of harbors, channels, and other navigational facilities.

APPLICABILITY: Any local unit of government or port district and any other governmental agency or subdivision, public corporation, authority, or district, which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate harbors, channels, and other navigational facilities. Powers may be exercised individually or in combination with others authorized to engage in such activities.

FORM OF COOPERATION: Joint provision and operation of facilities.

IMPLEMENTATION METHOD: Not provided for in statute.

GOVERNANCE: Not provided for in statute.

FINANCIAL AUTHORITY: Not provided for in statute.

POWERS: May adopt rules, regulations, and ordinances for the management, government, and use of any waterways, harbors, channels, or other navigational facilities under its control.

MASS TRANSPORTATION

Mass Transportation Authorities
Metropolitan Transportation Authorities
Regional Transit Coordinating Council
Public Transportation Authorities

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

MASS TRANSPORTATION SYSTEM AUTHORITIES

LEGAL CITATION:	Mass Transportation System Authorities, Public Act 55 of 1963, MCL 124.351 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-55-of-1963
SERVICE OR FUNCTION:	To provide for the acquisition, ownership, operation, or cause to be provided the operation of a mass transportation system.
APPLICABILITY:	Any city having a population of not more than 300,000 and neighboring cities, villages, and townships.
FORM OF COOPERATION:	Special authorities established through incorporation.
IMPLEMENTATION METHOD:	Created by adoption of articles of incorporation by a majority of the members elect of the legislative body of the city. Others may request membership in the authority by a resolution adopted by a majority vote of the legislative body of the political subdivision, but only if a majority of the members of the board of the authority, by resolution, approve the request.
GOVERNANCE:	It is left to the local governments establishing an authority to develop a method of selecting the authority governing body.
FINANCIAL AUTHORITY:	May charge fares and enter into contracts for services. The authority may levy a tax which is may not exceed five mills. May issue self-liquidating revenue bonds.
POWERS:	The authority may use the power of condemnation, but only for property located within the corporate boundaries of the political subdivision or subdivisions by which the authority is incorporated.

METROPOLITAN TRANSPORTATION AUTHORITIES

LEGAL CITATION: Metropolitan Transportation Authorities Act of 1967, Public Act 204 of 1967, MCL 124.401 et seq. (This statute provided for the Southeast Michigan Transportation Authority – SEMTA – which was replaced by the Suburban Mobility Authority for Regional Transportation – SMART.)

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-204-of-1967

SERVICE OR FUNCTION: To provide for the planning, acquisition, construction, operation, maintenance, replacement, improvement, extension and contracting for public transportation facilities.

APPLICABILITY: The counties of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne and the City of Detroit. (The counties of Livingston, Monroe, St. Clair, and Washtenaw and the City of Detroit opted out of the authority.)

FORM OF COOPERATION: Special authorities established through incorporation.

IMPLEMENTATION METHOD: Majority vote of the county boards of commissioners necessary to establish or participate in an authority.

GOVERNANCE: Governed by a board consisting of nine members. Six members appointed by the governor with the advice and consent of the Senate, from lists of three or more names each submitted by the county boards of commissioners of member counties (Macomb, Oakland, and Wayne) and the mayor of cities within the authority with a population of more than 500,000 (Detroit). Three members appointed directly by the governor with the advice and consent of the Senate.

FINANCIAL AUTHORITY: May collect fares, rates, tolls and rents; other income or revenues, including appropriations or contributions from participating counties and political subdivisions; grants, loans or contributions from federal, state or other governmental units and grants, contributions, gifts, devises or bequests from public or private sources; and proceeds of taxes, special assessments or charges collected by the state or a political subdivision and returned or paid to the authority. May issue self-liquidating revenue bonds.

EMPLOYEE PROTECTION: Section 13(2) provides: "No employee of any acquired transportation system who is transferred to a position with the authority shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits that he enjoyed as an employee of such acquired transportation system."

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

REGIONAL TRANSIT COORDINATING COUNCIL

LEGAL CITATION: Metropolitan Transportation Authorities Act of 1967 – Public Act 204 of 1967, MCL 124.404 (.404a and .404b)

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-124-404

SERVICE OR FUNCTION: The sole purpose of this council is to receive transportation operating and capital assistance grants to be divided among mass transportation providers located within those units.

APPLICABILITY: The counties of Macomb, Oakland, and Wayne and the City of Detroit constitute the RTCC. The counties of Livingston, Monroe, St. Clair, Washtenaw would be represented by a single member had they not opted out of the RTCC.

FORM OF COOPERATION: Joint administrative body.

IMPLEMENTATION METHOD: Established by statute.

GOVERNANCE: The chief elected officer of the City of Detroit and the counties of Oakland and Wayne, and the Chairman of the Board of Commissioners of the County of Macomb.

FINANCIAL AUTHORITY: Receipt and disbursement of federal funding.

PUBLIC TRANSPORTATION AUTHORITIES

LEGAL CITATION: Public Transportation Authority Act, Public Act 196 of 1986, MCL 124.451 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-196-of-1986

SERVICE OR FUNCTION: To provide for the planning, promotion, finance, acquisition, improvement, enlargement, extension, ownership, construction, operation, maintenance, replacement, and contracting for public transportation service by means of one or more public transportation systems and public transportation facilities.

APPLICABILITY: A political subdivision or a combination of two or more political subdivisions may form a public authority under this act. A city, village, or township forming a public authority by itself or in combination with one or more other political subdivisions may provide that only a portion of the city, village, or township shall become part of the public authority. The portion of the city, village, or township to become part of the public authority is bounded by precinct lines drawn for election purposes.

FORM OF COOPERATION: Special authorities established through incorporation.

GOVERNANCE: It is left to the local governments establishing an authority to develop a method of selecting the authority's governing body.

IMPLEMENTATION METHOD: Created by adoption of articles of incorporation and by amendment of the interlocal agreement by resolution by the governing body of each public entity which are parties to the interlocal agreement.

Special authorities incorporated to provide mass transportation services under the Mass Transportation Authorities Act, PA 55 of 1963, or the Metropolitan Transportation Authorities Act, PA 204 of 1967, may reincorporate under provisions of this act by adoption of articles of incorporation by resolution adopted by a majority of the members serving on the governing body of the authority.

FINANCIAL AUTHORITY: May collect fares, fees, rents, and charges, and receive appropriations from participating governments. Also may levy property taxes not exceed five mills and issue general obligation bonds with voter approval. May not pledge the credit of participating governments without approval from those governments.

WATER, SEWER, WASTE DISPOSAL SERVICES

Water Supply for Townships
County Public Improvement Act
Charter Water Authorities
Water Furnished Outside Territorial Limits
Inter-City Joint Water Supply
Sewage Contracts between Political Subdivisions
Garbage and Rubbish Disposal and Dog Pound Authorities
Joint Water Supply and Waste Disposal Systems
Municipal Water Supply Systems
Municipal Sewage and Water Supply Systems
Inter-County Drains
Waterworks Systems, Sewers, and Disposal Plants
Sewage Disposal and Water Supply Districts

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

TOWNSHIP WATER SUPPLY DISTRICTS

LEGAL CITATION: Township Water Supply and Sewage Disposal Services and Facilities, Public Act 107 of 1941; MCL 41.331 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-107-of-1941

SERVICE OR FUNCTION: To provide for township water supply and sewage disposal services and facilities for fire protection and domestic purposes.

APPLICABILITY: Townships or areas within townships – acquisition of water from another township, a city or village, or an authority.

FORM OF COOPERATION: Contract for water supply.

IMPLEMENTATION METHOD: Upon filing of petitions signed by 60 percent of the record owners of the land to be made into a township water supply district, the township board may contract with another township or a city, village, or authority.

GOVERNANCE: May create township water boards to oversee districts.

FINANCIAL AUTHORITY: May levy special assessments. May borrow money and issue notes.

COUNTY PUBLIC IMPROVEMENTS

LEGAL CITATION: County Public Improvement Act, Public Act 342 of 1939, MCL 46.171 et seq. (See MCL 46.175 for contract authority)

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-342-of-1939

SERVICE OR FUNCTION: To provide for the establishment and provision of water, sewer, or sewage disposal improvements and services; for the establishment and provision of garbage or rubbish collection and disposal facilities; for the acquisition, purchase, construction, ownership, maintenance, or operation of water mains and trunk and connecting lines, water pumping and purification plants, sewers, sewage interceptors, sewage disposal plants, settling basins, screens and meters, and incinerators and disposal grounds.

APPLICABILITY: Counties – to contract for service provision to cities, villages, and townships.

FORM OF COOPERATION: Special districts established through incorporation.

IMPLEMENTATION METHOD: Created by adoption of a resolution by the county board of commissioners.

FINANCIAL AUTHORITY: The authority may collect charges for services rendered (tapping fees, etc.) as would any other water or sewer agency. The county may issue self-liquidating bonds and refunding bonds. The board of commissioners may by majority vote of its members elect, pledge the full faith and credit of the county for bonding purposes.

AUTHORIZATION: The county may designate the agency to administer such a system. The amounts to be contributed by each city, village, or township are determined by the contract. When a separate agency is established to administer these systems, that agency is considered a special district government.

CHARTER WATER AUTHORITIES

LEGAL CITATION: Charter Water Authority Act, Public Act 4 of 1957, MCL 121.1 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-4-of-1957

SERVICE OR FUNCTION: To provide for a central water supply and transmission system to supply potable water in sufficient quantities to local governmental units for distribution and sale to their own customers and users.

APPLICABILITY: Any two or more cities, villages, and townships, in combination having current state equalized valuation (SEV) of not less than \$200 million.

FORM OF COOPERATION: Special authorities established through incorporation.

IMPLEMENTATION METHOD: Created by vote of their respective electors.

An additional municipality may join an existing charter water authority by resolution of its legislative body, which would initiate a process of submitting the proposition of becoming a part of the authority to a vote of its qualified electors.

GOVERNANCE: The act constitutes the charter of the municipal corporation.

The act provides for a board of commissioners composed of one member from each participating community appointed for four-year terms. The voting strength of each member is determined by the SEV of the property in each unit.

FINANCIAL AUTHORITY: The authority may levy a tax for the purpose of providing funds for administration expenses and such other purposes as may be determined to be necessary. The tax is levied uniformly throughout the authority and may not exceed 0.5 mills on the combined SEV for all governmental units comprising the authority.

The board may establish a schedule of rates and charges for the use of water to be furnished by the system to the governmental units within the corporate limits of the authority.

Board may issue revenue bonds and levy a property tax sufficient to pay the principal and interest on those bonds. The total principal amount of bonds may at no time exceed five percent of the total SEV of the governmental units comprising the authority.

BOARD POWERS: The board selects and employs officers and employees and engages in engineering, legal and other professional services as it deems necessary to effectuate its purposes. The authority has the power to acquire, construct, purchase, operate, and maintain a central water supply and transmission system.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

WATER FURNISHED OUTSIDE TERRITORIAL LIMITS

LEGAL CITATION:	Water Furnished Outside Territorial Limits, Public Act 34 of 1917, MCL 123.141 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-34-of-1917
SERVICE OR FUNCTION:	To provide for the furnishing of water outside the corporate limits of a municipality.
APPLICABILITY:	Municipal corporations authorized by law to sell water outside of their territorial limits.
FORM OF COOPERATION:	Contract for the sale of water with another city, village, township, or authority authorized to provide a water supply for its inhabitants.
IMPLEMENTATION METHOD:	Statute silent on initiation of contracts.
FINANCIAL AUTHORITY:	The retail rate charged to the inhabitants of a city, village, township, or authority which is a contractual customer may not exceed the actual cost of providing the service. No additional taxing power is obtained by cooperating through the provisions of this act.

INTER-CITY JOINT WATER SUPPLY

LEGAL CITATION:	Public Act 130 of 1945, MCL 123.151 www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-130-of-1945
SERVICE OR FUNCTION:	To provide that cities may extend and improve their municipally owned water systems through the acquisition and operation of a joint source of water supply.
APPLICABILITY:	Two or more cities.
FORM OF COOPERATION:	Jointly acquire, own and operate water supply, or any part thereof.
IMPLEMENTATION METHOD:	The governing bodies of such cities may enter into interlocal agreements for the acquisition, operation, control, management and improvement of sources of water supply.
GOVERNANCE:	Interlocal agreements may provide for and fix the membership, powers and duties of a joint board, agency or commission.
FINANCIAL AUTHORITY:	The expense of the operation, maintenance, management, control and improvement of the source of supply may be paid either through the sale of water by the operating board to the cities and other customers, or by contributions to be made by the respective cities, or both, all as may be provided in the agreements between the cities. May issue their revenue bonds as provided herein, without regard to any limitations or procedural requirements.
POWERS:	Participating cities have the authority in their joint names to purchase and condemn property necessary for the source of water supply.

SEWAGE CONTRACTS BETWEEN POLITICAL SUBDIVISIONS

LEGAL CITATION:	Sewers and Sewage Disposal, Public Act 129 of 1943, MCL 123.231 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-129-of-1943
SERVICE OR FUNCTION:	To provide for systems of sewers and sewage disposal.
APPLICABILITY:	Any two or more counties, metropolitan districts, cities, villages or townships.
FORM OF COOPERATION:	Contract for the joint ownership, use and/or operation. Provide for the contracting of the furnishing of sewage disposal services by one or more political subdivisions to the other political subdivision or subdivisions.
IMPLEMENTATION METHOD:	Must be authorized or approved by the legislative body of each contracting political subdivision. Contracts are effective for such term as shall be prescribed therein not exceeding 50 years.
FINANCIAL AUTHORITY:	May borrow money and issue revenue bonds in the name, and by authority, of said political subdivisions jointly, but payable solely from the revenues of such system.

GARBAGE AND RUBBISH DISPOSAL AND DOG POUND AUTHORITIES

(Authorities created under this act may also be titled landfill authorities, sanitation authorities, incinerator authorities, resource recovery authorities, or sanitary districts.)

LEGAL CITATION:	Joint Garbage and Rubbish Disposal, Public Act 179 of 1947, MCL 123.301 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-179-of-1947
SERVICE OR FUNCTION:	To provide for the collection or disposal, or both, of garbage or rubbish, or both, and for the establishment and operation of a dog pound.
APPLICABILITY:	Any two or more cities, villages, or townships or any combination thereof.
FORM OF COOPERATION:	Special authorities established through incorporation.
IMPLEMENTATION METHOD:	Created by the adoption of articles of incorporation by the legislative bodies of any two or more units.
GOVERNANCE:	It is left to the local governments establishing an authority to determine the size and develop a method of selecting a governing body for the authority.
FINANCIAL AUTHORITY:	No additional taxing power is obtained by cooperating through the provisions of this act. The participating governments provide for the authorities' fiscal needs in an interlocal agreement.
BOARD POWERS:	The authority has the power to contract with any person, firm or corporation, for collecting or disposing, or both of garbage or rubbish, or both.
POWERS:	May acquire private property by purchase, lease, gift, devise or condemnation.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

JOINT WATER SUPPLY AND WASTE DISPOSAL SYSTEMS

LEGAL CITATION: Joint Water Supply and Waste Disposal Systems, Public Act 76 of 1965, MCL 123.381 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-76-of-1965

SERVICE OR FUNCTION: To provide for the construction, maintenance, and operation of water supply systems and waste disposal systems.

APPLICABILITY: Any county, city, village, township, school district, port district, metropolitan district, or other governmental unit, either alone or jointly with another local unit or units of government.

FORM OF COOPERATION: Through agreements or contracts with governmental units located in another state.

FINANCIAL AUTHORITY: May finance such systems pursuant to any laws now existing in this state. No additional taxing power is obtained by cooperating through the provisions of this act.

MUNICIPAL WATER SUPPLY SYSTEMS

LEGAL CITATION: Public Act 196 of 1952, MCL 124.251 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-196-of-1952

SERVICE OR FUNCTION: To provide for the acquisition, ownership, and/or operation of a water supply system or systems.

APPLICABILITY: Two or more cities, villages, or townships or any combination thereof.

FORM OF COOPERATION: Special authorities established through incorporation.

IMPLEMENTATION METHOD: Created by adoption of articles of incorporation by the legislative body of each municipality.

GOVERNANCE: It is left to participating units to provide in the articles of incorporation for the duties and limitations of the authority and its officers, the method of selecting its governing body, officers and employees.

FINANCIAL AUTHORITY: The authority has no direct taxing power. The legislative body of each city, village or township which is a part of such authority is authorized to raise by tax or pay from its general funds, any moneys required to be paid by the articles of incorporation or by the terms of any contract between it and the authority.

The authority may issue self-liquidating revenue bonds, provided that no such bonds are a general obligation of the authority, but are payable solely from the revenues of the water supply system.

CONTRACTUAL AUTHORITY: The authority has power to contract with participating members for the sale and purchase of water. The authority may contract with non-members for sale and purchase and may charge a higher rate than to its members.

No change in the jurisdiction over any territory in any city, village or township, which has contracted for supply of water from the authority, may in any manner alter existing contracts.

POWERS: Condemnation powers.

MUNICIPAL SEWAGE AND WATER SUPPLY SYSTEMS

LEGAL CITATION: Municipal Sewage and Water Supply Systems, Public Act 233 of 1955, MCL 124.281 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-Act-233-of-1955

SERVICE OR FUNCTION: To provide for a sewage disposal system, a water supply system, a solid waste management system, or a combination thereof.

APPLICABILITY: Two or more counties, townships, cities, and villages, or any combination thereof.

FORM OF COOPERATION: Special authorities established through incorporation.

IMPLEMENTATION METHOD: Created by adoption of articles of incorporation by the legislative bodies of participating units.

GOVERNANCE: It is left to participating units to provide in the articles of incorporation for the duties and limitations of the authority and its officers, the method of selecting its governing body, officers and employees.

FINANCIAL AUTHORITY: No additional taxing power is obtained by cooperating through the provisions of this act. The authority may issue negotiable bonds secured by the full faith and credit pledges made by each contracting municipality. Also may issue revenue bonds payable from the revenues of the system or systems.

CONTRACTUAL AUTHORITY: The authority may contract with non-member municipalities to furnish sewage disposal or water services.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

INTER-COUNTY DRAINS

LEGAL CITATION:	The Drain Code of 1956, Public Act 40 of 1956, Section 23, MCL 280.23 www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-280-23
SERVICE OR FUNCTION:	Drains extending into more than one county, or affecting lands in more than one county, may be established and constructed.
APPLICABILITY:	Counties
FORM OF COOPERATION:	Joint management of drains or lands by county drain commissioners.
IMPLEMENTATION METHOD:	Must be approved by the drain commissioners and the board of commissioners of each affected county.
FINANCIAL AUTHORITY:	No additional taxing power is obtained by cooperating through the provisions of this act.

WATERWORKS SYSTEMS, SEWERS, AND DISPOSAL PLANTS

LEGAL CITATION:	Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 43, MCL 324.4301 et seq. www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-451-1994-II-1-SEWAGE-DISPOSAL-AND-WATERWORKS-SYSTEMS-43
SERVICE OR FUNCTION:	To provide for the ownership, acquisition, construction, equipment, operation, and maintenance of intercepting sewers, other sanitary and storm sewers, pumping stations, and a plant or plants for the treatment, processing, purification, and disposal in a sanitary manner of the liquid and solid wastes, refuse, sewage and night soil, storm water, and garbage of the local unit or units of government.
APPLICABILITY:	A local unit of government, either individually or jointly by agreement with another local unit of government
FORM OF COOPERATION:	Joint ownership and operation.
IMPLEMENTATION METHOD:	Created by approval, by a vote of the majority of the members elect, of each of the respective legislative bodies of the local units of government.
GOVERNANCE:	May create a separate board or designate certain officials of the local unit or units of government to have the supervision and control.
FINANCIAL AUTHORITY:	No additional taxing power is obtained by cooperating through the provisions of this act. May issue full faith and credit bonds or mortgage bonds.
CONTRACTING AUTHORITY:	Instead of owning and operating a sewer system and sewage disposal plant, transfer station, garbage or refuse collection, processing, and disposal plant or system, a local unit of government may contract with a person or grant a franchise for a period not to exceed 30 years to a private corporation to engage in such business, to build, construct, own, and operate a sewage or garbage and refuse processing or disposal system for the purpose of receiving and treating sewage and night soil, refuse, and garbage from the local unit or units of government.

SEWAGE DISPOSAL AND WATER SUPPLY DISTRICTS

LEGAL CITATION: Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 47, MCL 324.4703 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-451-1994-II-1-SEWAGE-DISPOSAL-AND-WATERWORKS-SYSTEMS-47

SERVICE OR FUNCTION: To provide for the construction and operation of sewage disposal systems and water supply systems.

APPLICABILITY: Two or more metropolitan districts, water and/or sewer authorities, counties, townships, charter townships, incorporated cities, or incorporated villages or any combination thereof.

FORM OF COOPERATION: Special districts established through incorporation.

IMPLEMENTATION METHOD: Created by resolution of their legislative bodies, participating municipalities may file a petition with the Department of Natural Resources requesting that a sewage disposal district or a water supply district or a combination of both be organized to function in the area described in the petition. If the Department finds that there is need for such a district, it causes a referendum to be held within the proposed district.

GOVERNANCE: A board of five directors is elected by the voters of the district.

FINANCIAL AUTHORITY: Each district municipality may pledge its full faith and credit for the payment of its obligations of the district, in which event each district unit must levy a tax sufficient to meet its obligations.

CONTRACTUAL AUTHORITY: The district may enter into contract with any unit within its territorial limits to provide for the allocation of costs, and the district may contract for the furnishing of sewer and/or water services to units outside the district.

WATER CONTROL

These water control districts do not provide for intergovernmental cooperation in the same sense as other laws listed in this outline. These districts are established by state government action. State action in soil conservation and irrigation districts are initiated by petition of the landowners within a proposed district. They are included because they do not conform to the boundaries of a single general-purpose unit of government and serve single special purposes.

Water Management Districts
Soil Conservation Districts
Irrigation Districts

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

WATER MANAGEMENT DISTRICTS

LEGAL CITATION: The Drain Code of 1956, Public Act 40 of 1956, MCL 280.551 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-40-1956-22

SERVICE OR FUNCTION: To provide for flood control or drainage.

APPLICABILITY: The State of Michigan, counties, cities, villages, townships, metropolitan districts and authorities (referred to in the statute and below as public corporations).

FORM OF COOPERATION: Special districts established by Department of Agriculture action.

IMPLEMENTATION METHOD: Three or more public corporations may petition the Department of Agriculture to create water management districts to provide flood control and drainage facilities.

GOVERNANCE: Water management commissions are established consisting of the drain commissioner of each county within the district; one representative of each county within the district (appointed by the county board of commissioners; one representative of each city or village within the district with a population of 5,000 or more, and one additional representative for each 20,000 of population or any major fraction thereof by which the population of such city or village exceeds 10,000, (appointed by the governing body); one director of a soil conservation district (designated by the directors of all such districts within a water management district); and the Director of Agriculture, who shall serve as chairman of the commission.

FINANCIAL AUTHORITY: Costs of drainage and flood control projects are assessed against each public corporation in the district and against the State and counties. The district may issue bonds in anticipation of the collection of any or all installments of assessments, and pledge the full faith and credit of the water management district for the prompt payment of the principal thereof and the interest thereon.

SOIL CONSERVATION DISTRICTS

LEGAL CITATION: Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 93, MCL 324.9301 et seq. (Originally authorized by the *Soil Conservation District Law*, Public Act 297 of 1937 (MCL 282.1 et seq.). In 1994, the *Conservation District Law* was made part of the Compiled Environmental Code. PA 451 continues to provide for the powers and governance of soil conservation districts, but is silent on the creation of new districts.)

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-451-1994-II-2-SOIL-CONSERVATION-EROSION-AND-SEDIMENTATION-CONTROL-93

For more information see Conservation Districts Operations Handbook (www.michigan.gov/documents/MDA_OperationsHandbook_120097_7.pdf).

SERVICE OR FUNCTION: To provide for the formulation of programs by open land occupiers for water and soil conservation.

According to the Conservation Districts Operations Handbook, these districts are to:

- Reduce wind and water erosion, and control sedimentation in waters.
- Encourage conversion of all mismanaged land to a productive use.
- Encourage use of effective methods of surface and groundwater management.
- Facilitate land use and land use changes based on land capabilities and user goals.
- Enhance and protect the basic ability of land to produce food and fiber.
- Promote the maintenance of aesthetic values of land and its related resources.
- Control non-point sources of pollution to surface water, groundwater, and air.

APPLICABILITY: Land owners, which may be located in multiple cities, townships, and villages.

FORM OF COOPERATION: Special districts established by State action.

IMPLEMENTATION METHOD: PA 297 of 1937 provided that any 25 occupiers of land proposed to be organized into a district may file a petition with the State soil conservation committee. After holding a public hearing, the committee is to subject the question to a referendum within the proposed district.

GOVERNANCE: Five directors elected at an annual meeting by residents of the district. Each serves a four-year term.

TAXING AUTHORITY: No additional taxing, special assessment, or bonding power is obtained by cooperating through the provisions of this act. May require contributions from benefited landowners.

AUTHORIZATION FOR INTERLOCAL AGREEMENTS AND INTERGOVERNMENTAL COOPERATION IN MICHIGAN

IRRIGATION DISTRICTS

LEGAL CITATION: Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 341, MCL 324.34101 et seq.

www.legislature.mi.gov/mileg.aspx?page=getObject&objectName=mcl-451-1994-III-1-THE-GREAT-LAKES-341

SERVICE OR FUNCTION: To provide for the location, design, lay out, and planning of irrigation facilities.

APPLICABILITY: Anywhere the need for irrigation exists and land owners agree to participate for betterment of the district.

FORM OF COOPERATION: Special districts established by State action.

IMPLEMENTATION METHOD: Petitions by "a majority of freeholders owning lands in a proposed irrigation district who represent 1/3 or more of the area of lands within the district, or whenever freeholders owning lands who represent more than 1/2 the area of lands within the district" may be filed in the office of the county drain commissioner of the county that embraces the largest acreage of the district.

GOVERNANCE: These districts are governed by a board consisting of the drain commissioner of each constituent county, the director of the State Department of Agriculture or a designated representative, and the chairperson, or representative thereof, of each soil conservation district in the district.

FINANCIAL AUTHORITY: May accept grants, fix and collect charges, and levy special assessments. May borrow money and issue the bonds in anticipation of the collection of special assessments.