



Charter Amendment—HRV Legislative Body Resolution

Home rule villages may amend their charters in accordance with procedures found in MCL 78.11-78.20 of the Home Rule Village Act (Act 278 of 1909). The amendment process may be used to change details in the charter. It is not permissible to change the form of government by charter amendment (e.g. providing for a city-manager system in place of a mayor-council form). Examples of changes that can be made by amendment are changes to increase or decrease the number of councilmembers, changing the position of clerk or treasurer from an elected to an appointed one, setting the purchasing dollar amount limit that can be spent before the municipality is required to establish a bid process, and establishing pension plans.

1. **Proposal.** Charter amendments may be initiated in one of two ways, either by resolution of 2/3 of the legislative body (MCL 78.17) or by initiatory petition (MCL 78.17).

2. **Publication.** When the amendment originates in the legislative body, it shall be published and remain on the table for 30 days before action is taken. The proposed amendment must be published in one or more newspapers published in the village, if one is published therein, and if not, then in a newspaper published in the same or an adjoining county and circulating in the village, at least once, not less than 2 weeks and not more than 4 weeks preceding the election, together with a notice of the election (MCL 78.11).

3. **Submission to the Governor.** All proposed charter amendments must be submitted to the Governor for approval. This should be done immediately after the council resolution to submit the amendment to a vote of the electors is adopted. The amendment is approved by the Governor if it is found to be legally unobjectionable.

4. **Election Procedure.**

(a) *Election Date.* The proposed amendment shall be submitted to the electors at the next general or special election (MCL 78.17).

(b) *Election Notice.* Notice of the proposition to be voted shall be included in the election notice, by adding a caption or brief description of the proposal along with the location where an elector can obtain the full text (MCL 168.653a). The publication of the election notice must be at least 7 days before election day, while the publication of the notice of last day of registration must be at least 7 days before the last day for receiving registrations. In addition, the Home Rule Village Act requires that the notice of election be posted in at least 10 public places within the village not less than 2 weeks prior to such election (MCL 78.11) (See Appendix C for suggested election notice form).

(c) *Form of Ballot.* The form in which a proposed village charter amendment shall be submitted on the ballot shall be determined by resolution of the legislative body.

5. **Filing.** If the amendment is approved by the electors, two printed copies must be filed within 30 days after the election with the Secretary of State and two copies with the county clerk, together with a statement of the vote for and against, duly certified by the village clerk. Upon such filing, the amendment becomes law (MCL 78.20).

APPENDIX A

CHECK LIST

PROCEDURE FOR CHARTER AMENDMENT PROPOSED BY LEGISLATIVE BODY

MCL Reference

- | | |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MCL 78.17 | 1. A resolution proposing the amendment is adopted by a 2/3 vote of the legislative body. It shall be published and remain on the table for 30 days before action is taken. |
| MCL 78.18 | 2. Village clerk sends copy of the proposed amendment to the Governor for approval. |
| MCL 168.498 | 3. Village clerk publishes notices of last day for registration (at least 7 days before the last day for receiving registrations). The notice shall include a caption or brief description of the ballot proposal, along with the location where the full text can be obtained. |
| MCL 78.11 | 4. Village clerk publishes the proposed amendment in one or more newspapers at least once, not less than 2 weeks and not more than 4 weeks preceding the election, together with a notice of said election, and the date of the election. |
| MCL 168.653a | 5. Village clerk publishes the election notice (at least 7 days before the election). The notice shall include a caption or brief description of the proposal along with the location where the full text can be obtained. The clerk also posts the notice of election in 10 public places in the village. |
| MCL 78.17 | 6. Election day (the next regular or special election following adoption of the Resolution). |
| MCL 78.20 | 7. Village clerk will file 2 copies of the approved amendment with the Secretary of State and 2 copies with the county clerk (within 30 days after election day). |

APPENDIX B

SUGGESTED RESOLUTION FORM

BE IT RESOLVED, by the village council of the village of _____, Michigan as follows:

1. By a 2/3 vote of its legislative body, pursuant to the authority granted by Public Act 278 of 1909, as amended, proposes [that section _____ of the charter of the village of _____ shall be amended to read as follows:] or [that a new section _____ be added to the charter of the village of _____, to read as follows:]

[Insert the section in the proposed form.]

2. The village clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for approval, as required by law.

3. The proposed charter amendment shall be submitted to the qualified electors of this village at a special election to be held in _____ on _____, and the village clerk is hereby directed to give notice of the election and notice of registration in the manner prescribed by law.

4. The proposed amendment shall be submitted to the electors in the following format:
PROPOSED AMENDMENT TO SECTION _____ of the CHARTER OF THE VILLAGE OF _____ TO _____.

[Insert brief title (caption) of amendment.]

Shall section _____ of the charter of the village of _____ be amended to _____

[Insert the brief title, as above, or, if the amendment is short and not too complex, it may be desirable to insert the proposed amended section in full.]

[YES] [NO]

6. The proposed amendment shall be published in one or more newspapers not less than 2 weeks and not more than 4 weeks prior to the election, together with the notice of election. Notice of the election shall also be posted in at least 10 public places within the village not less than 2 weeks prior to the election.

7. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the charter of the village of _____.

APPENDIX C

SUGGESTED FORM FOR ELECTION NOTICE

ELECTION NOTICE

To the qualified electors of the village of _____,

Notice is hereby given that a _____ election
(indicate whether regular, special, or primary)

will be held in _____, on _____ (date),
from 7 a.m. to 8 p.m. for the purpose of voting on the following proposals:

(list all proposals to be submitted to voters)

Proposal No. 1

Insert the form of the proposal as it will appear on ballot.]

List of polling place locations _____

(clerk)