

Preface

This Workbook for Charter Commissioners is the product of the efforts of a committee of the Michigan Association of Municipal Attorneys in cooperation with staff of the Michigan Municipal League, and has involved many individuals who have been active in charter revision work through the years. The particular focus of the Workbook, and much of the material, is drawn from a workshop for charter commissioners held jointly by the Attorneys Association and the League on November 23, 1991.

The format of the Workbook will facilitate periodic amendments, as necessary, and particularly as charter commissioners and others may make suggestions for additional resources.

Michigan municipalities are in a period of charter activism, driven by aging charters which are perhaps not wholly adequate to the times and circumstances at the close of the 20th and near the 21st century. Approximately 40 cities and villages since 1989 have been through or were at some stage in their charter revision process when this Workbook was prepared.

This current tide of charter revision activity will probably continue into the mid-1990's and possibly longer. From the 1930's through the 1960's most charters were from new municipal incorporations. Records show 33 new incorporations in the 1930's, 33 in the 1950's, and 42 in the 1960's. The charters written and adopted in those years, now anywhere from 40 to 70 years ago, are ready for retirement. So there has been a shift in charter activity as the twentieth century closes from new charters of brand new cities to charter revisions by older cities. This accounts for most of the current charter activity.

Charter revision in these municipalities must take into account the accumulated changes in state legislation and intervening court decisions which have made many charter provisions, once valid in their time, invalid or unenforceable. Many newly elected members of municipal governing bodies, and citizens, have wondered about these "dead letter" charter provisions which seem to be so much excess verbiage. In addition, fundamental economic and population changes in many communities have suggested the need for a fresh look at fundamental governmental arrangements in home rule cities. Charter revision has reduced the number of cities governed by the Fourth Class Cities Act (Act 215, P.A. 1895, as amended) as those communities opt for home rule charters.

The Legislature probably accelerated this trend when it amended the Fourth Class Cities Act in 1976 to declare them all home rule cities (MCL 81.1(c), effective January 1, 1980. The number of cities governed by the Fourth Class Cities Act as the local charter, now stands at seven (2003).

Another reason for charter activity has been the long term trends in village government in Michigan: movement from village to city status, and from general law to home rule village status. Until 1998, when the village of Lake Isabella was incorporated, the number of home rule villages had not changed in a quarter of a century. However, many home rule villages have reincorporated as cities, the Village of Clarkston being the most recent example. Many general law villages have opted for their own charters under the Home Rule Village Act (Act 278, P.A. 1908, as amended), and since 1961, 106 villages have reincorporated as home rule cities with home rule city charters.

Finally, townships have incorporated as cities, adding to the number of municipal incorporations and new city charters in recent years. The cities of Auburn Hills (1983) and Rochester Hills (1984) are most recent examples.

We hope that this Workbook will be a useful general resource for those now serving as elected charter commissioners, as appointed members of charter study groups, and who one day may find themselves on such bodies.

Special recognition and thanks are due to the members of a focus group of charter consultants, municipal attorneys, academicians, charter commissioners, and charter study committee members who contributed no small part to the events, materials, and thinking that went into this Workbook.

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