

Section 1: Local Government

Chapter 2: Structure of Local Government

Villages

The basic difference between a city and a village is that whenever and wherever an area is incorporated as a village, it stays within the township. The villagers participate in township affairs and pay township taxes in addition to having their own village government. Incorporation as a city, however, removes an area from township government. City dwellers participate in county elections and pay county taxes as do villager residents but are removed from township units.

Villages in Michigan are organized primarily to establish local regulatory ordinances and to provide local services such as fire and police protection, public works, and utilities. Certain local duties required by the state are performed by the embracing township, including assessing property; collecting taxes for counties and school districts; and administering village, county, state, and national elections. Most villages (206 of 252) are still governed under the General Law Village Act. Charters for villages are the exception, although any village may adopt a home rule document under the Home Rule Village Act

Cities

Cities must perform the basic, state-required duties as well as provide their own services. In addition to being responsible for assessing property and collecting taxes for county and school purposes, cities are responsible for registering voters and conducting all elections within their boundaries. The greater independence of cities in maintaining local regulations and functions and state-imposed duties accounts for the creation of many small cities in Michigan. The trend has also developed in villages to seek incorporation

as cities whereby they achieve a separation of jurisdiction from the township. As of 2024, Michigan had 281 incorporated cities and 252 incorporated villages—a total of 533 municipalities. Of this total number, 323 had adopted home rule charters.

In 1895, adoption of the Fourth Class City Act created two types of cities: those of 3,000 to 10,000 population, which came under the Act, and all others which remained “special charter” cities. As of 2024, all but one “special charter” city (Mackinac Island) has reincorporated as home rule cities. As of 2024, four cities continue to be governed by the Fourth Class City Act.

Standards of Incorporation

For incorporation of a home rule village, a minimum population of 150 is required, but there must also be a minimum density of 100 persons per square mile. There is no statutory requirement that a village must become a city when it experiences a rapid growth in population. Once incorporated, villages may seek reincorporation as fifth class home rule cities, providing their population is between 750 and 2,000. Alternatively, they may seek reincorporation as home rule cities if their population exceeds 2,000 with a density of 500 per square mile. For many years, the Home Rule City Act required 2,000 population and density of 500 per square mile for city incorporation. A 1931 amendment permitted fifth class city incorporation at 750 to 2,000 population with the same 500 per square mile density requirement, but authorized villages within this range to reincorporate as cities regardless of density.

There is no basic difference between a fifth class home rule city and a home rule city,

other than the population differential and the statutory requirements that fifth class home rule cities hold their elections on an at-large basis (wards are not permitted). If all the territory of an organized township is included within the boundaries of a village or villages; the village or villages, without boundary changes, may incorporate as a city or cities as provided in 1982 PA 457.

Unincorporated territory may be incorporated as a fifth class home rule city provided the population ranges from 750 to 2,000 and there is a density of 500 persons per square mile. The same density rule applies to the incorporation of territory as a home rule city if the area has a population of more than 2,000. There are no other methods of city incorporation today. A new city must be incorporated under the Home Rule City Act.

State Boundary Commission

Under 1968 PA 191, the State Boundary Commission must approve all petitions for city and village incorporation. The Boundary Commission is composed of three members appointed by the governor. When the commission sits in any county, the three members are joined by two county representatives (one from a township and one from a city), appointed by the probate judge.

The process of incorporating as a city can originate either with the village council or with residents and is found in the Home Rule City Act (PA 279 of 1909) and the State Boundary Commission Act (PA 191 of 1968). A village must demonstrate to the State Boundary Commission (SBC) that good faith efforts have been made to resolve issues with the township. The SBC assumes a mutual agreement, or an Act 425 Conditional Transfer Agreement, has been discussed by the village and township to no final conclusion.

The first step in seeking incorporation is to submit a petition to the SBC, which triggers three separate meetings:

- A legal sufficiency meeting for the state-appointed SBC members to review the petition to determine if the adjustment is appropriate based on the merits of questionnaire responses and the facts;
- A public hearing held in the general area of the proposed adjustment; and
- A recommendation meeting of the full SBC to deliberate and make one of three potential decisions:
 - A recommendation to the LARA director to deny the petition.
 - recommendation to the LARA director to approve a modified petition.
 - A recommendation to the LARA director to approve the petition.

Within forty-five days of the LARA Director's decision, opponents could force a referendum on the incorporation.

City Charter Commission

If the LARA Director finds in favor of incorporation, the electorate of the proposed city elects a charter commission either at a regular or special election or at the same election as the vote on whether to incorporate. The charter commission shall be responsible for submitting a proposed charter to the governor after review by the attorney general. The proposed city charter is then presented to the electorate of the proposed city to approve or reject. Approval of a proposed city charter must be obtained within three years, or the process must start over.

Home Rule

Home rule generally refers to the authority of a city or village to draft and adopt a charter for its own government. Under Michigan’s Constitution, the Legislature must provide for the incorporation of cities and villages by general law. Michigan’s Legislature did this by enacting the Home Rule City Act and the Home Rule Village Act, both of 1909. These limit the rate of taxation and restrict the borrowing of money and contracting of debt. The voters of each city and village have the power to frame, adopt, and amend charters in accordance with these general laws. Through their established representative government, they may pass laws and ordinances pertaining to municipal concerns subject to the constitution and general laws.

By 2024, 277 cities and 46 villages had adopted home rule charters, making Michigan one of the leading home rule states in the nation.

Charters

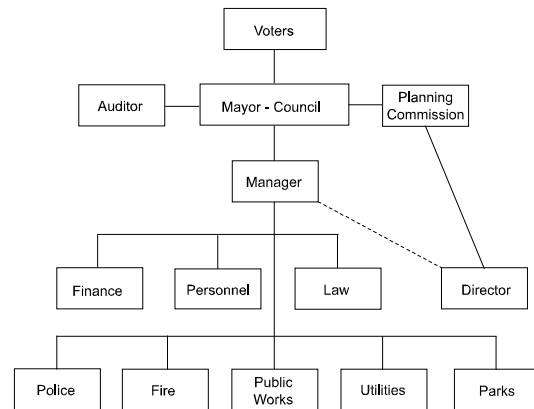
The responsibility for enacting charters lies with locally elected charter commissioners, subject to legal review by the governor under statutory requirements. Since charters may only be adopted by local referendum, the voters themselves make the final determination about the design of their government. The Michigan Municipal League renders informational assistance on charters through its inquiry service, and several municipal attorneys have become specialists in drafting charters.

Form of Government: Cities Council-Manager Form

Among Michigan home rule cities, close to 200 use the council-manager form, in which the elected council appoints a professionally trained and experienced manager to administer the day-to-day operations and make recommendations to the city council. The council makes all policy decisions,

including review, revision, and final approval of the proposed annual budget. The council may dismiss the manager if duties are not being performed satisfactorily.

Council-Manager Form

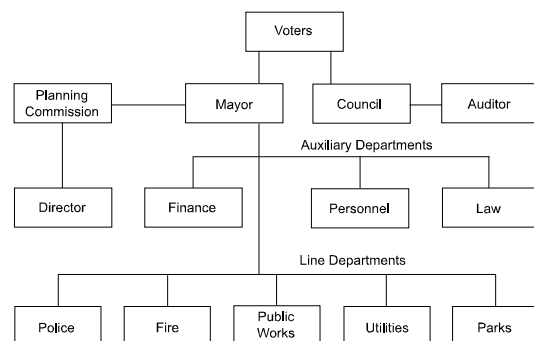


Mayor-Council Plan

Two forms of the mayor-council plan are used by a number of Michigan home rule cities:

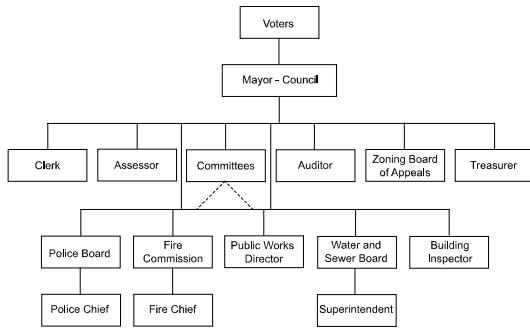
The “strong” mayor form is most often found in larger cities where the directly elected mayor, who is not a member of the governing body, appoints and removes the key administrative officials (those who, by charter, report directly to and assist the mayor); often has variations of veto power over council decisions; is usually salaried; and is expected to devote full-time to mayoral duties.

Strong Mayor Form



The “weak” mayor form is found generally in smaller cities and villages. The mayor (city) or president (village) is a member of the governing body, chairs council meetings, and normally is the municipality’s chief policy and ceremonial official by virtue of the position of mayor/president rather than through any specific authority extending beyond that of the trustees/councilmembers. The mayor also serves as chief administrative official, although department heads often operate more or less independently with only general coordination. There is no central administrator by formal title, such as city manager.

Weak Mayor Form



Election/Selection of Mayor

Mayors in about half of Michigan’s home rule cities are chosen directly by the people, in at-large, city-wide elections (including all strong mayor communities). In the remaining cities, council chooses the mayor from among its ranks to serve a one- or two-year term.

City councilmembers and village trustees are typically elected to two-year or four-year terms, about half at each election, to preserve some continuity of personnel, experience, and perhaps policy. Often a charter calls for electing half the council at each election, plus the mayor for a term half as long as the councilmembers, preserving continuity but making possible a shift of majority at any election.

Most Michigan cities have at-large elections for councilmembers, rather than ward elections where voters in each ward (geographic section of the city) elect a councilmember or members.

Selection of Administrative Officials

The trend in Michigan home rule charters is to appoint, rather than elect, administrative officials who must have technical competence. In council-manager cities and villages, the manager appoints and removes department heads, sometimes with council approval, depending on charter requirements. In the weak mayor form, council approval of appointments is generally required.

**Form of Government: Villages
General Law Villages**

Of the 252 villages in Michigan, 46 have home rule charters, and 206 are governed under the General Law Village Act (1895 PA 3). Under the GLVA, existing villages in Michigan were reincorporated and standards were set for future incorporations. The general law village, still the most common by far, has the typical weak mayor-council form of government.

The village president is elected at-large, serves a two-year term, and is a full voting member of the village council. In 1974, the Act was amended to provide for four-year terms for the six trustees—three of whom are elected biennially, unless a village exempted itself prior to January 1, 1974. Further significant amendments to the GLVA passed in 1998—the option to reduce council from seven to five members and to appoint the clerk and treasurer.

Home Rule Villages

The Home Rule Village Act requires that every village so incorporated provide for the election of a president, clerk, and legislative body, and for the election or appointment of such other officers and boards as may be

essential. However, the president and clerk need not be directly elected by the people but may be “elected” by the village council. The home rule village form of government offers flexibility that is not found in the GLVA provisions. Home rule village charters in

Michigan are as diverse as the communities that adopt them.

Chapter by League staff