



Public Policy Brief

State & Local Government Area of Expertise Team

Selected Constitutional and Legislative Provisions Promoting Local Government Cooperation In Chronological Order (Amendments not reflected)

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Constitutional Provisions

MI CONST Art. 3, § 5. *Agreements with Canada, other states and political subdivisions of other states.* Article 3, Section 5 of the Michigan constitution provides that 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.

MI CONST Art. 7, § 27. *Metropolitan governments and authorities.* Article 7, Section 27 of the Michigan constitution gives the legislature the power to directly create metropolitan authorities with powers, duties and jurisdiction as the legislature shall provide. The authorities may be authorized to perform multipurpose functions rather than a single function.

MI CONST Art. 7, § 28. *Governmental functions and powers; joint administration, costs and credits, transfers.* Article 7, Section 28 of the Michigan constitution gives the legislature the general power to:

“...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.”

Legislative Provisions

PA 1877, No. 164 (MCL 397.201 et seq.) *Municipal public libraries.* Permits, cities, villages and townships to establish free public libraries, and enter into contracts with other municipalities for the provision of library services.

PA 1917, No. 138 (MCL 397.301 et seq.) *County public libraries.* Permits counties to establish free public libraries, and to contract with other existing

public libraries within the county for the provision of library services.

PA 1917, No. 156 (MCL 123.51 et seq.) *Recreation facilities.* Authorizes cities, villages, townships, counties and school districts to cooperate in the operation of a system of public recreation and playgrounds. Authorizes governmental units to create a recreation board and delegate such responsibility to them.

PA 1923, No. 150 (MCL 123.921) *Public buildings.* Authorizes counties or townships to contract with any cities and/or villages located within their borders to jointly acquire and/or construct public buildings for the purpose of housing governmental offices.

PA 1925, No. 81 (MCL 123.71 et seq.) *Agreements for public improvements.* Allows adjoining cities and/or villages to enter an agreement for the joint development or maintenance of public improvements on or near the boundary between the municipalities; whether or not the improvement lies completely within the boundaries of one of the municipalities. Gives municipality power to assess property for the cost of the improvement to the same extent as if the land were entirely located within its own borders.

PA 1945, No. 281 (MCL 125.11 et seq.) *Regional planning commissions.* Authorizes governmental units “responsible for the exercise of governmental functions” to create a regional planning commission, the geographic boundaries of which are defined by resolution of the governing bodies. The regional planning commission is authorized to conduct research and studies, and to prepare plans for the physical, social and economic development of the region.

PA 1951, No. 33 (MCL 41.801 et seq.) *Police and fire services.* Allows cooperation between townships, and between townships and villages and cities under 15,000 for the purchase of equipment and the provision of police and fire services; authorizes the creation of special assessment districts, the creation of administrative boards, and the charging and collection of fees for such services.

PA 1951, No. 35 (MCL 124.1 et seq.) *Intergovernmental Contracts Between Municipal*

Corporations Act. Authorizes counties, townships, cities, villages and other governmental units to enter into contracts for the “ownership, operation, or performance, jointly, or by any 1 or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.” Also authorizes such governmental units to form group self-insurance pools to provide casualty insurance, property insurance, automobile insurance including motor vehicle liability, surety and fidelity insurance, umbrella and excess insurance; and coverage for hospital, medical, surgical, or dental benefits to the employees of member municipalities.

PA 1957, No. 200 (MCL 123.631 et seq.) *Inter municipal committees for the study of area problems.* Permits two or more municipalities to form a committee for “studying area governmental problems of mutual interest and concern, including 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 thereon by the member governing bodies.”

PA 1957, No. 217 (MCL 123.641 et seq.) *Inter county committees for the study of area problems.* Permits two or more counties to form a committee for “studying area governmental problems of mutual interest and concern,” similar to PA 1957, No. 200 listed above.

PA 1967, No. 37 (MCL 123.621) *Assessing services.* Permits cities, villages and townships to contract jointly with a firm for making or assisting in making appraisals.

PA 1967, No. 236 (MCL 123.811 et seq.) *Police services agreements.* Authorizes cities, villages, townships and counties to enter into agreements to provide mutual police assistance to one another in case of emergencies, and the terms of such agreements.

PA 1967, No. 7 (ex sess) (MCL 124.501 et seq.) *Urban Cooperation Act.* Provides that “A public agency of this state may exercise jointly with any other public agency of the state or with a public agency of any other state of the United States or with a public agency of the Dominion of Canada

or with any public agency of the United States government, any power, privilege or authority which such agencies share in common and which each might exercise separately.” Specifies items for inclusion in cooperative agreements and the manner of adoption. Permits tax revenue sharing, and allows the establishment of a separate administrative body to execute the cooperative agreement.

PA 1967, No. 8 (ex sess) (MCL 124.531 et seq.) *Transfers of intergovernmental functions.* Authorizes two or more political subdivisions to enter into a contract providing for the transfer of functions or responsibilities to one another or any combination thereof upon the consent of each political subdivision involved. Specifies items for inclusion in function transfer agreements and the manner of adoption, and allows the establishment of a separate administrative body to supervise the execution of the agreement.

PA 1967, No. 204 (MCL 124.401 et seq.) *Metropolitan Transportation Authorities Act.* Permits contiguous counties to establish or participate in a metropolitan transportation authority. An authority established under this act “shall plan, acquire, construct, operate, maintain, replace, improve, extend and contract for public transportation facilities.” An authority may contract with other units of government located within, and within ten miles of, the authority’s borders to provide services or construct facilities. An authority may establish charges for the use of transportation facilities, and may borrow money to carry out operation.

PA 1984, No. 425 (MCL 124.21 et seq.) *Conditional Land Transfer Act.* Authorizes local governments to contract for the conditional transfer of land between jurisdictions for the purpose of promoting economic development projects; requires certain contractual provisions.

PA 1988, No. 57 (MCL 124.601 et seq.) *Emergency services authorities.* Allows cities, villages and townships to incorporate an authority for the purpose of providing police, fire or emergency services. The jurisdiction of the authority must include the entire geographic area of all incorporating municipalities. The authority may levy property taxes for funds to carry out its objectives.

PA 1989, No. 24 (MCL 397.171 et seq.) *District Library Establishment Act.* Authorizes agreements between counties, townships, cities, villages and/or school boards to form district libraries. Provides for the election or appointment of a library board of trustees, the authority to borrow money for facilities, and the authorization to send a millage request to the voters.

PA 1989, No. 292 (MCL 124.651 et seq.) *Metropolitan Council Act.* Authorizes local governmental units to create metropolitan councils, and sets forth powers and duties of such councils; authorizes councils to levy tax. 1998 amendments also permit formation of Metropolitan Regional Councils with two or more “qualified counties” (population over 780,000 each) and one or more “qualified city” (population over 700,000) “solely to develop or enhance regional cultural institutions and local recreation and cultural facilities,” but not including professional sports facilities.

PA 1994, No. 425 (MCL 123.1061 et seq.) *Community Swimming Pool Authorities Act.* Authorizes two or more cities, villages and/or townships to form an authority with powers necessary to own and operate a community swimming pool. There must be a single school district in which all or part of the territory of each municipality is located in order to form the authority. The school district population must be at least 15,000, and the district must cross at least two county boundaries. Authorizes the assessment of fees, the levy of property taxes, and the issuance of bonds and notes by an authority; and provides for the composition of the board of the authority.

PA 2000, No. 321 (MCL 123.1131 et seq.) *Recreational Authorities Act.* Authorizes two or more cities, counties, villages and/or townships to establish a recreational authority to acquire, construct, operate, maintain or improve a public swimming pool, public recreation center, public auditorium, public conference center and/or public park. Authorizes the assessment of fees, the levy of property taxes, and the issuance of bonds and notes by an authority; and provides for the powers and duties of certain government officials.

Sewer Services – Several statutes authorize intergovernmental agreements, in various forms, for the ownership of sewerage systems and facilities, and/or the provision of municipal sewer services:

PA 1931, No. 316 (MCL 123.201 et seq.)
PA 1939, No. 342 (MCL 46.171 et seq.)
PA 1943, No. 129 (MCL 123.231 et seq.)
PA 1955, No. 233 (MCL 124.281 et seq.)
PA 1965, No. 76 (MCL 123.381 et seq.)
PA 1994, No. 451 (MCL 324.4301 et seq.)

Garbage and Solid Waste Disposal Service – Several statutes authorize intergovernmental agreements, in various forms, for the provision of municipal solid waste disposal services:

PA 1939, No. 342 (MCL 46.171 et seq.)
PA 1947, No. 179 (MCL 123.301 et seq.)
PA 1955, No. 233 (MCL 124.281 et seq.)
PA 1965, No. 76 (MCL 123.381 et seq.)
PA 1994, No. 451 (MCL 324.4301 et seq.)

Water Services – Several statutes authorize intergovernmental agreements, in various forms, for the provision of municipal water services and/or the ownership of facilities:

PA 1917, No. 34 (MCL 123.141 et seq.)

PA 1931, No. 316 (MCL 123.201 et seq.)
PA 1939, No. 342 (MCL 46.171 et seq.)
PA 1945, No. 130 (MCL 123.151 et seq.)
PA 1952, No. 196 (MCL 124.251 et seq.)
PA 1955, No. 233 (MCL 124.281 et seq.)
PA 1957, No. 4 (MCL 121.1 et seq.)
PA 1965, No. 76 (MCL 123.381 et seq.)
PA 1994, No. 451 (MCL 324.4301 et seq.)

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