

MUNICIPAL PARTNERSHIP ACT (EXCERPT)
Act 258 of 2011

124.114 Contract to form joint endeavor; provisions.

Sec. 4.

(1) A contract to form a joint endeavor under this act shall include all of the following:

(a) The purpose of the joint endeavor with reference to the functions, services, powers, or privileges to be performed or exercised and the methods by which the purpose will be accomplished or the manner in which the joint endeavor will be exercised or performed.

(b) The duration of the contract, any method by which it may be terminated by any participating local government or public agency before the stated date of termination, and any method by which a participating local government or public agency may withdraw from participation in the joint endeavor.

(c) If an authority is created by the contract, the precise organization, composition, and nature of that authority and its board with the functions, duties, obligations, powers, and privileges given to that authority and board.

(d) If an authority is not created by the contract, the precise organization, composition, and nature of any separate legal or administrative entity created by the joint endeavor in the contract with the powers designated to that entity.

(e) The designation and selection of officers of an authority, board, or any legal or administrative entity created by the joint endeavor in the contract.

(f) The method of financing to be used and the amount to be paid by each participating local government or public agency in relation to the purpose of the joint endeavor involved.

(g) The method for submitting the question of a tax levy to the electors served by the joint endeavor.

(h) Unless a local government participating in the joint endeavor already provides a service, including, but not limited to, emergency medical services regulated under part 209 of the public health code, 1978 PA 368, MCL 333.20901 to 333.20979, the joint endeavor shall solicit competitive bids for those services that the joint endeavor intends to provide. The joint endeavor shall disclose to the public all competitive bids obtained for those services the joint endeavor provides.

(2) A contract to form a joint endeavor under this act may provide for 1 or more of the following:

(a) The acquisition of personal or real property by purchase, lease, or other method and the sale, lease, or disposal of personal or real property.

(b) The operation, maintenance, repair, replacement, construction, and improvement of personal or real property.

(c) The entity or entities that will function as the employer or employers of personnel and staff needed for the joint endeavor.

(d) The making and promulgating of necessary rules and regulations and the enforcement of those rules and regulations by or with the assistance of the parties to the contract.

(e) The manner of allocating risks and responding to any claims of liability that may result from the joint endeavor or being a party to the contract and for insuring against any such liability.

(f) The methods of addressing and resolving disputes among the parties to the contract.

(g) Any other matters agreed upon by the parties to the contract.

History: 2011, Act 258, Imd. Eff. Dec. 14, 2011