



# HOUSE BILL No. 4603

March 14, 1995. Introduced by Reps. Law, Bankes, Bryant, Whyman and Ryan and referred to the Committee on Local Government.

A bill to amend sections 11a and 14 of Act No. 293 of the Public Acts of 1966, entitled as amended

"An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; and to provide for the exercise by a charter county of certain powers whether or not authorized by its charter,"

section 11a as added by Act No. 7 of the Public Acts of 1980 and section 14 as amended by Act No. 300 of the Public Acts of 1982, being sections 45.511a and 45.514 of the Michigan Compiled Laws; and to add section 22.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 11a and 14 of Act No. 293 of the Public  
2 Acts of 1966, section 11a as added by Act No. 7 of the Public  
3 Acts of 1980 and section 14 as amended by Act No. 300 of the

1 Public Acts of 1982, being sections 45.511a and 45.514 of the  
2 Michigan Compiled Laws, are amended and section 22 is added to  
3 read as follows:

4       Sec. 11a. (1) In a county with a population of 1,500,000 or  
5 more, the commission shall approve alternative charter proposals  
6 for simultaneous submission to the electors pursuant to ~~the pro-~~  
7 ~~visions of~~ this section.

8       (2) The commission shall approve for submission 2 alterna-  
9 tive charter proposals not more than 180 days after the date of  
10 completing its organization as provided in section 10. If the  
11 commission fails to approve for submission 2 charter proposals  
12 within the 180-day period, the charter commission shall be  
13 dissolved.

14       (3) Before either proposed charter is submitted to the elec-  
15 tors, each proposed charter shall be approved by a majority of  
16 the members elected to the commission with the vote and names of  
17 the members voting on each proposed charter entered in the  
18 journal.

19       (4) Except as to the method of selection of a chief adminis-  
20 trative officer or an elected county executive; the veto power of  
21 the chief administrative officer or the elected county executive;  
22 and the removal of the chief administrative officer or the  
23 elected county executive, the 2 alternative charter proposals  
24 shall not differ.

25       (5) One charter proposal shall provide for a county execu-  
26 tive elected at large. ~~on a partisan basis.~~

1 (6) One charter proposal shall provide for a chief  
2 administrative officer. The chief administrative officer shall  
3 be selected for a 4-year term of office by a majority of the  
4 county board of commissioners elected and serving, the chief  
5 administrative officer may only be removed from office for cause  
6 by a 2/3 vote of the county board of commissioners elected and  
7 serving.

8 (7) A charter shall be declared adopted by the electors if  
9 it receives more yes votes than no votes. If both charters  
10 receive more yes votes than no votes, the charter which receives  
11 the higher number of yes votes shall be declared adopted. An  
12 elector may vote yes or no on either, or both, of the charters.

13 (8) One charter proposal shall provide for the duties and  
14 responsibilities of the elected county executive. The other  
15 charter proposal shall provide for the duties and responsibili-  
16 ties of the chief administrative officer. Under each charter  
17 proposal, the duties and responsibilities of the elected county  
18 executive or chief administrative officer shall not differ,  
19 except as provided in subsection (4), and at a minimum, shall  
20 include the duty and responsibility to:

21 (a) Supervise, direct, and control the functions of all  
22 departments of the county except those headed by elected  
23 officials.

24 (b) Coordinate the various activities of the county and  
25 unify the management of its affairs.

1 (c) Enforce all orders, rules, and ordinances of the county  
2 board of commissioners and laws of the state required to be  
3 enforced by his or her office.

4 (d) Prepare and submit to the county board of commissioners  
5 a recommended annual county budget and work program, and adminis-  
6 ter the expenditure of funds in accordance with appropriations.  
7 An elected officer, county road commissioner, or a body which has  
8 the powers of a county road commission may appear before the  
9 board as to the officer's, commissioner's, or body's own budget.  
10 Not less than once each year the chief administrative officer or  
11 elected county executive shall submit to the county board of com-  
12 missioners a proposed long-range capital improvement program and  
13 capital budget.

14 (e) Except elected officials, appoint, supervise, and at  
15 pleasure remove heads of departments and all boards and  
16 commissions.

17 (f) Submit recommendations to the board for the efficient  
18 conduct of county business.

19 (g) Report to the county board of commissioners on the  
20 affairs of the county and its needs, and advise the board not  
21 less than once each 3 months on the financial condition of the  
22 county.

23 (9) The elected county executive may veto an ordinance or  
24 resolution adopted by the county board of commissioners including  
25 an item of an ordinance which appropriates funds. The veto shall  
26 be certified by the elected county executive to the board of  
27 county commissioners not more than 10 days from the date of

1 adoption of an ordinance or resolution. The county board of  
2 commissioners may override the veto by a 2/3 vote of the county  
3 board of commissioners elected and serving.

4 (10) The ballot shall contain voting instructions and a  
5 brief explanation of each charter presented.

6 Sec. 14. ~~(1)~~ A county charter adopted under this act  
7 shall provide ~~for~~ all of the following:

8 (A) SUBJECT TO SECTION 22, EITHER THAT THE ELECTION OF ALL  
9 ELECTIVE COUNTY OFFICERS IS PARTISAN OR THAT THE ELECTION OF ALL  
10 ELECTIVE COUNTY OFFICERS IS NONPARTISAN. IF A COUNTY IS ESTAB-  
11 LISHED AS A HOME RULE COUNTY AFTER JANUARY 1, 1995, AND THE  
12 CHARTER PROVIDES FOR THE PARTISAN ELECTION OF ELECTIVE COUNTY  
13 OFFICERS, THE CHARTER SHALL ALSO PROVIDE FOR THE PROCEDURES FOR  
14 THE NONPARTISAN ELECTIONS WHICH SHALL BE CONDUCTED AS NEARLY AS  
15 POSSIBLE IN THE SAME MANNER AS NONPARTISAN ELECTIONS UNDER THE  
16 MICHIGAN ELECTION LAW, ACT NO. 116 OF THE PUBLIC ACTS OF 1954,  
17 BEING SECTIONS 168.1 TO 168.992 OF THE MICHIGAN COMPILED LAWS.

18 (B) ~~(a)~~ In a county having a population of less than  
19 1,500,000, for a salaried county executive ~~—~~ who ~~shall be~~ IS  
20 elected at large ~~on a partisan basis, and for~~ AND the county  
21 executive's authority, duties, and responsibilities. In a county  
22 having a population of 1,500,000 ~~—~~ or more, a county charter  
23 adopted under this act shall provide for a form of executive gov-  
24 ernment described and adopted pursuant to the procedures pre-  
25 scribed in section 11a.

26 (C) ~~(b) The election of~~ FOR a legislative body, to be  
27 known as the county board of commissioners, whose term of office

1 ~~shall be~~ IS concurrent with that of state representatives, and  
2 ~~for~~ their authority, duties, responsibilities, and number,  
3 which shall be not less than 5 ~~nor~~ OR more than 21 in counties  
4 of less than 600,000, and not less than 5 ~~nor~~ OR more than 27  
5 in counties of 600,000 or more. The county board of commission-  
6 ers shall provide by ordinance for their compensation and may  
7 increase or decrease their compensation. However, a change in  
8 compensation shall not be effective during the term of office for  
9 which the legislative body making the change was elected. The  
10 charter shall also provide for the ~~partisan~~ election of members  
11 of the legislative body from single member districts to be estab-  
12 lished by the county apportionment commission as created in  
13 section 5 and pursuant to the standards and guidelines estab-  
14 lished in section 5 for reapportionment based upon the last offi-  
15 cial federal decennial census, effective at the first regular  
16 general election of the members of the legislative body occurring  
17 not less than 12 months after the completion and certification of  
18 the federal DECENNIAL census. Each city and township shall be  
19 apportioned so that it has the largest possible number of com-  
20 plete districts within its boundaries before any part of the city  
21 or township is joined to territory outside the boundaries of the  
22 city or township to form a district.

23 (D) ~~(c) The partisan~~ FOR THE election of a sheriff, a  
24 prosecuting attorney, a county clerk, a county treasurer, and a  
25 register of deeds, and ~~for~~ the authority of the county board of  
26 commissioners to combine the county clerk and register of deeds  
27 into 1 office as authorized by law.

1 (E) ~~(d)~~ Except as provided in subdivision ~~(e)~~ (D), FOR  
2 the continuation of all existing county offices, boards, commis-  
3 sions, and departments whether established by law or by action of  
4 the county board of commissioners; the performance of their  
5 respective duties by other county offices, boards, commissions,  
6 and departments; or ~~for~~ the discontinuance of these county  
7 offices, boards, commissions, and departments. Notwithstanding  
8 the provisions of this subdivision in relation to existing county  
9 offices, boards, commissions, and departments, a county charter  
10 shall ~~insure~~ SATISFY the following REQUIREMENTS:

11 (i) In a county having a population of less than 1,500,000,  
12 the charter shall not be in derogation of the powers and duties  
13 of the county road commission in the exercise of their statutory  
14 duties concerning the preservation of a county road system. The  
15 charter for these counties shall provide for the creation of a  
16 3-member commission. ~~Not less than~~ AT LEAST 1 member of the  
17 3-member commission shall be a resident of a township within the  
18 county.

19 (ii) In a county having a population of 1,500,000 or more,  
20 the charter shall provide for the continuation of a county road  
21 system within the county. Notwithstanding any other provisions  
22 of this act, the charter described in this subparagraph shall  
23 provide that responsibility for the determination of the expendi-  
24 ture of all funds for road construction and road maintenance, and  
25 for carrying out the powers and duties pertaining to a county  
26 road system as provided in sections 9 to 32 of chapter ~~4~~ IV of  
27 Act No. 283 of the Public Acts of 1909, ~~as amended,~~ being

1 sections 224.9 to 224.32 of the Michigan Compiled Laws, shall be  
2 vested in a 3-member commission. The charter shall provide that  
3 1 member of the 3-member commission shall be a resident of the  
4 most populous city in the county, 1 member shall be a resident of  
5 a city other than the most populous city within the county, and 1  
6 member shall be a resident of a township within the county. The  
7 charter shall provide that the 3-member commission shall be  
8 appointed by either the elected county executive or the chief  
9 administrative officer. Appointment to the 3-member commission  
10 shall require advice and consent by a majority of the county  
11 board of commissioners elected and serving not more than 60 days  
12 after the appointment. If the county board of commissioners does  
13 not vote on the appointment within 60 days, the appointment shall  
14 become final. The charter may provide for a fixed term of years  
15 for the members of the 3-member commission, but the charter ~~→~~  
16 ~~however,~~ shall provide that the members of the 3-member commis-  
17 sion may be removed at the pleasure of the elected county execu-  
18 tive or the chief administrative officer. The charter shall  
19 specify duties and procedures to assure that administrative deci-  
20 sions made for road construction shall be coordinated with admin-  
21 istrative decisions made for other programs ~~which~~ THAT relate  
22 to roads. THIS SUBPARAGRAPH SHALL NOT APPLY TO A COUNTY IN WHICH  
23 THE CHARTER IS AMENDED TO PROVIDE FOR AN ALTERNATIVE METHOD OF  
24 CARRYING OUT THE POWERS AND DUTIES THAT ARE OTHERWISE PROVIDED BY  
25 LAW FOR A BOARD OF COUNTY ROAD COMMISSIONERS. As used in this  
26 subparagraph, "road construction" means all of the following:

1 (A) The building of a new road or street and the improving  
2 of an existing road or street by THE correction OF grades, THE  
3 INSTALLATION, REPAIR, OR IMPROVEMENT OF drainage structures, THE  
4 ALTERATION OF width ~~—~~ OR alignment, or THE REPAIR OR REPLACE-  
5 MENT OF THE surface.

6 (B) The building of bridges or grade separations and the  
7 repair of these structures by strengthening, widening, ~~and~~ OR  
8 the replacement of piers and abutments.

9 (C) The initial signing of newly constructed roads or  
10 streets, major resigning of projects, ~~and~~ OR the installation,  
11 replacement, or improvement of traffic signals.

12 (F) ~~(e) The~~ FOR THE continuation and implementation of a  
13 system of pensions and retirement for county officers and  
14 employees, in ~~those counties~~ A COUNTY having a system in effect  
15 at the time of the adoption of the charter. The system provided  
16 under the charter shall recognize the accrued rights and benefits  
17 of the officers and employees under the system ~~then~~ in effect  
18 AT THE TIME OF THE ADOPTION OF THE CHARTER. The charter shall  
19 not infringe upon ~~nor~~ OR be in derogation of those accrued  
20 rights and benefits. The charter shall not preclude future modi-  
21 fication of the system.

22 (G) ~~(f) The~~ FOR THE continuation and implementation of a  
23 system of civil service, in ~~those counties~~ A COUNTY having a  
24 system at the time of the adoption of the charter. The system of  
25 civil service provided under the charter shall recognize the  
26 rights and status of persons under the civil service system  
27 ~~then~~ in effect AT THE TIME OF THE ADOPTION OF THE CHARTER. The

1 charter shall not infringe upon ~~nor~~ OR be in derogation of  
 2 those rights and that status. The charter shall not preclude  
 3 future modification of the system. Except as provided in subdi-  
 4 vision ~~(d)~~ (E), the charter shall provide that the system of  
 5 civil service be coordinated among the county offices, boards,  
 6 commissions, and departments.

7 (H) ~~(g)~~ That the general statutes and local acts of this  
 8 state regarding counties and county officers shall continue in  
 9 effect except to the extent that this act permits the charter to  
 10 provide otherwise, if the charter does in fact provide  
 11 otherwise.

12 (I) ~~(h)~~ That all ordinances of the county shall remain in  
 13 effect unless changed by the charter or an ordinance adopted  
 14 under the charter.

15 (J) ~~(i) The~~ FOR THE power and authority to adopt, amend,  
 16 and repeal any ordinance authorized by law, or necessary to carry  
 17 out any power, function, or service authorized by this act and by  
 18 the charter.

19 (K) ~~(j) The~~ FOR THE power and authority to enter into any  
 20 intergovernmental contract ~~which~~ THAT is not specifically pro-  
 21 hibited by law.

22 (L) ~~(k) The~~ FOR THE power and authority to join, estab-  
 23 lish, or form with any other governmental unit an intergovernmen-  
 24 tal district or authority for the purpose of performing a public  
 25 function or service ~~, which~~ THAT each is authorized to perform  
 26 separately ~~,~~ AND the performance of which is not prohibited by  
 27 law.

1 (M) ~~(L) A~~ FOR A debt limit of not to exceed 10% of the  
2 state equalized value of the taxable property within the county.

3 (N) ~~(m) The~~ FOR THE levy and collection of taxes, FOR the  
4 fixing of an ad valorem property tax limitation of not to exceed  
5 1% of the state equalized value of the taxable property within  
6 the county, and that the levy of taxes from within this ad  
7 valorem property tax limitation shall not exceed, unless other-  
8 wise approved by the electors, the tax rate in mills, equal to  
9 the number of mills allocated to the county either by a county  
10 tax allocation board or by a separate tax limitation under the  
11 property tax limitation act, Act No. 62 of the Public Acts of  
12 1933, ~~as amended,~~ being sections 211.201 to 211.217a of the  
13 Michigan Compiled Laws, in the year immediately preceding the  
14 year in which the county adopts a charter.

15 (O) ~~(n) Initiative~~ FOR INITIATIVE and referendum on all  
16 matters within the scope of the county's power and authority ~~→~~  
17 and ~~for~~ the recall of all county officials.

18 (P) ~~(o) Amendment~~ FOR AMENDMENT or revision of the charter  
19 initiated either by action of the legislative body of the county  
20 or by initiatory process. An amendment or revision shall not  
21 become effective unless the amendment or revision is submitted to  
22 the electorate of the county and approved by a majority of those  
23 voting.

24 (Q) ~~(p)~~ That the acquisition, operation, and sale of  
25 public utility facilities for furnishing light, heat, or power  
26 shall be subject to the same restrictions as imposed on cities

1 and villages by the state constitution of 1963 and applicable  
2 law.

3 (R) ~~(g) Annual~~ FOR ANNUAL preparation, review, approval,  
4 and adherence to a balanced budget in a manner ~~which assures~~  
5 THAT ENSURES coordination among the county offices, boards, com-  
6 missions, and departments, except as provided in subdivision  
7 ~~(d)~~ (E).

8 (S) ~~(r) An~~ FOR AN annual audit by an independent certified  
9 public accountant of all county funds.

10 (T) ~~(s)~~ That, ~~a~~ IF THE county ~~that~~ incurs a budget  
11 deficit in any fiscal year, BEFORE ADOPTION OF THE NEXT ANNUAL  
12 COUNTY BUDGET, IT shall prepare ~~and submit~~ a detailed and spe-  
13 cific 5-year plan for short term financial recovery and long  
14 range financial stability AND SUBMIT THE PLAN to the governor and  
15 the legislature ~~, before adoption of the next annual county~~  
16 ~~budget,~~ for review. The ~~5-year~~ plan shall include, but not be  
17 limited to, a projection of annual revenues and expenditures, an  
18 employee classification and pay plan, a capital improvements  
19 budget, and equipment replacement schedules.

20 ~~(2) Subsection (1)(d)(ii) shall not apply to a county in~~  
21 ~~which the charter is amended to provide for an alternative method~~  
22 ~~of carrying out the powers and duties which are otherwise pro-~~  
23 ~~vided by law for a board of county road commissioners.~~

24 SEC. 22. (1) IF A COUNTY WAS ESTABLISHED AS A HOME RULE  
25 COUNTY BEFORE JANUARY 1, 1995, AT THE FIRST COUNTYWIDE ELECTION  
26 TO BE HELD NOT LESS THAN 70 DAYS AFTER THE GOVERNOR SIGNS THE

1 AMENDATORY ACT THAT ADDED THIS SECTION, THE FOLLOWING QUESTION  
2 SHALL APPEAR ON THE BALLOT:

3 "SHALL THE PROCESS IN THE COUNTY CHARTER FOR ELECTING ELEC-  
4 TIVE COUNTY OFFICERS BE CHANGED FROM PARTISAN ELECTIONS TO NON-  
5 PARTISAN ELECTIONS?

6 YES ( )

7 NO ( ) ."

8 (2) IF A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION  
9 VOTE "YES", THE ELECTION OF COUNTY OFFICERS IN THAT COUNTY SHALL  
10 BE NONPARTISAN, BEGINNING WITH THE FIRST REGULAR PRIMARY ELECTION  
11 TO BE HELD NOT LESS THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE  
12 AMENDATORY ACT THAT ADDED THIS SECTION OR THE ELECTION PROVIDED  
13 FOR IN SUBSECTION (1), WHICHEVER IS LATER, AND THE CHARTER SHALL  
14 BE AUTOMATICALLY AMENDED BY THE ADDITION OF THE FOLLOWING  
15 PROVISION: "NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHARTER,  
16 FOR EACH ELECTIVE COUNTY OFFICE, A PRIMARY ELECTION SHALL BE CON-  
17 DUCTED AND THE TWO CANDIDATES RECEIVING THE HIGHEST VOTE IN THE  
18 PRIMARY ELECTION SHALL BE CANDIDATES IN THE GENERAL ELECTION".