



HOUSE BILL No. 4689

April 4, 1995, Introduced by Reps. Hill, Cherry, Rhead, Bodem and Middleton and referred to the Committee on Local Government.

A bill to amend sections 6, 7, and 9 of chapter IV of Act No. 283 of the Public Acts of 1909, entitled as amended

"An act to revise, consolidate and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance and use of the public highways and private roads, the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; setting and protecting shade trees, drainage, cutting weeds and brush within this state, and providing for the election or appointment and defining the powers, duties and compensation of state, county, township and district highway officials,"

section 6 of chapter IV as amended by Act No. 299 of the Public Acts of 1982, being sections 224.6, 224.7, and 224.9 of the Michigan Compiled Laws; to add sections 7a, 7b, 7c, and 7d to chapter IV; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 6, 7, and 9 of chapter IV of Act
2 No. 283 of the Public Acts of 1909, section 6 of chapter IV as
3 amended by Act No. 299 of the Public Acts of 1982, being sections

1 224.6, 224.7, and 224.9 of the Michigan Compiled Laws, are
2 amended and sections 7a, 7b, 7c, and 7d are added to chapter IV
3 to read as follows:

4 CHAPTER IV

5 Sec. 6. (1) ~~In any~~ EXCEPT AS PROVIDED IN SUBSECTION (7),
6 IN A county where the county road system is adopted ~~—~~ THERE
7 SHALL BE a board of county road commissioners. ~~consisting of 3~~
8 ~~members shall be elected by the people of the county, except as~~
9 ~~provided in subsection (2). In the first instance, the commis-~~
10 ~~sioners shall be appointed by the county board of commissioners~~
11 ~~or elected at a general or special election called for that pur-~~
12 ~~pose, as shall be ordered by the county board of commissioners.~~
13 ~~If the road commissioners are appointed, they shall hold office~~
14 ~~only until January 1 of the first odd numbered year following the~~
15 ~~date of appointment. If the road commissioners are to be elected~~
16 ~~at a general election, notice of the election, embodying a copy~~
17 ~~of the resolutions of the county board of commissioners, giving~~
18 ~~the number and terms of the office of the road commissioners to~~
19 ~~be elected, shall be published by the clerk in the newspaper or~~
20 ~~newspapers selected by the county board of commissioners as~~
21 ~~required by section 3 of this chapter. If a special election is~~
22 ~~called for the election of the road commissioners, an identical~~
23 ~~notice shall be given by the clerk, which notice shall be posted~~
24 ~~and published in those newspapers as required by section 3 of~~
25 ~~this chapter.~~

26 (2) EXCEPT AS PROVIDED IN THIS SECTION, A MEMBER OF THE
27 BOARD OF COUNTY ROAD COMMISSIONERS ELECTED OR APPOINTED FOR A

1 TERM BEGINNING AFTER DECEMBER 31, 1996 SHALL SERVE FOR A 4-YEAR
2 TERM BEGINNING ON JANUARY 1 OF THE ODD NUMBERED YEAR FOLLOWING
3 HIS OR HER ELECTION OR APPOINTMENT AND CONTINUING UNTIL A SUCCES-
4 SOR IS ELECTED OR APPOINTED AND QUALIFIED.

5 (3) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE BOARD OF
6 COUNTY ROAD COMMISSIONERS SHALL CONSIST OF 3 MEMBERS. THE COUNTY
7 BOARD OF COMMISSIONERS MAY BY RESOLUTION ENLARGE THE SIZE OF THE
8 BOARD OF COUNTY ROAD COMMISSIONERS TO 5 MEMBERS AND MAY BY RESO-
9 LUTION SUBSEQUENTLY REDUCE THE SIZE OF THE BOARD OF COUNTY ROAD
10 COMMISSIONERS TO 3 MEMBERS. SUCH A RESOLUTION SHALL TAKE EFFECT
11 ON JANUARY 1 OF ANY ODD NUMBERED YEAR. IF THE ENLARGED OR
12 REDUCED BOARD OF COUNTY ROAD COMMISSIONERS IS TO BE ELECTED, THE
13 RESOLUTION SHALL BE ADOPTED NOT LATER THAN THE DECEMBER 1 THAT
14 OCCURS 13 MONTHS BEFORE THE RESOLUTION TAKES EFFECT. THE COUNTY
15 BOARD OF COMMISSIONERS SHALL NOT SHORTEN OR LENGTHEN A CURRENT
16 TERM OF OFFICE IN ORDER TO ENLARGE OR REDUCE THE SIZE OF THE
17 BOARD OF COUNTY ROAD COMMISSIONERS. HOWEVER, IF THE SIZE OF THE
18 BOARD OF COUNTY ROAD COMMISSIONERS IS TO BE ENLARGED EFFECTIVE ON
19 THE JANUARY 1 WHEN 2 MEMBERS WOULD OTHERWISE BEGIN NEW TERMS, 1
20 OF THE 2 ADDITIONAL MEMBERS SHALL BE APPOINTED FOR AN INITIAL
21 2-YEAR TERM. IF THE SIZE OF THE BOARD OF COUNTY ROAD COMMISSION-
22 ERS IS TO BE REDUCED EFFECTIVE ON THE JANUARY 1 WHEN 2 MEMBERS
23 WOULD OTHERWISE BEGIN NEW TERMS, THEN 1 OF THE 3 MEMBERS ELECTED
24 OR APPOINTED FOR TERMS BEGINNING ON JANUARY 1 OF THE NEXT ODD
25 NUMBERED YEAR SHALL BE ELECTED OR APPOINTED FOR A 2-YEAR TERM.
26 BY MARCH 1 IMMEDIATELY PRECEDING A GENERAL NOVEMBER ELECTION AT
27 WHICH A COUNTY ROAD COMMISSIONER WILL BE ELECTED FOR A 2-YEAR

1 TERM UNDER THIS SUBSECTION, THE COUNTY BOARD OF COMMISSIONERS
2 SHALL DESIGNATE THE SEAT THAT WILL INITIALLY BE HELD FOR A 2-YEAR
3 TERM.

4 (4) THE TERMS OF ALL COUNTY ROAD COMMISSIONERS SHALL EXPIRE
5 ON JANUARY 1, 1997. TO ACHIEVE STAGGERING OF TERMS, AS NEARLY AS
6 POSSIBLE 1/2 OF THE FULL COMPLEMENT OF COUNTY ROAD COMMISSIONERS
7 ELECTED OR APPOINTED FOR A TERM BEGINNING ON JANUARY 1, 1997
8 SHALL SERVE FOR 2-YEAR TERMS. IF COUNTY ROAD COMMISSIONERS ARE
9 TO BE ELECTED FOR TERMS BEGINNING ON JANUARY 1, 1997, THE COUNTY
10 BOARD OF COMMISSIONERS SHALL DESIGNATE BY MARCH 1, 1996 THE SEAT
11 OR SEATS THAT WILL INITIALLY BE HELD FOR A 2-YEAR TERM.

12 (5) EXCEPT AS PROVIDED IN SUBSECTION (6), COUNTY ROAD COM-
13 MISSIONERS SHALL BE ELECTED, FROM SINGLE-MEMBER DISTRICTS ESTAB-
14 LISHED AS PROVIDED IN SECTIONS 7B TO 7D. The regular election of
15 county road commissioners shall be held at the general NOVEMBER
16 election. ~~on the first Tuesday after the first Monday in~~
17 ~~November. The term of office of an elected county road commis-~~
18 ~~sioner shall commence on January 1 in the year following his or~~
19 ~~her election.~~ The notice of the election shall be given at the
20 time notice is given of the general election of county officers.
21 ~~However, the election of county road commissioners shall not be~~
22 ~~mandatory in any~~

23 (6) IN A county ~~which~~ THAT contains 12 surveyed townships
24 or more, either entire or fractional as determined by the govern-
25 ment survey of the county, THE COUNTY BOARD OF COMMISSIONERS MAY
26 DETERMINE BY RESOLUTION THAT A BOARD OF COUNTY ROAD COMMISSIONERS
27 THAT IS CURRENTLY ELECTED SHALL BE APPOINTED. ~~In such county or~~

1 ~~counties the~~ A RESOLUTION SHALL BE ADOPTED UNDER THIS SUBSECTION
2 NOT LATER THAN DECEMBER 1 IMMEDIATELY PRECEDING THE NEXT GENERAL
3 NOVEMBER ELECTION AT WHICH A COUNTY ROAD COMMISSIONER WOULD OTH-
4 ERWISE HAVE BEEN ELECTED. THE TERM OF EACH ELECTED COUNTY ROAD
5 COMMISSIONER SHALL EXPIRE ON DECEMBER 31 FOLLOWING THAT GENERAL
6 NOVEMBER ELECTION OR AS SOON AFTER DECEMBER 31 AS HIS OR HER SUC-
7 CESSOR IS APPOINTED AND QUALIFIED. THE county board of commis-
8 sioners ~~may, by a majority of its members elect,~~ SHALL appoint
9 the county road commissioners ~~, except as provided in subsection~~
10 ~~(2)~~ BY A MAJORITY VOTE OF THE MEMBERS ELECT OF THE COUNTY BOARD
11 OF COMMISSIONERS. TO ACHIEVE STAGGERING OF TERMS, AS NEARLY AS
12 POSSIBLE 1/2 OF THE FULL COMPLEMENT OF COUNTY ROAD COMMISSIONERS
13 INITIALLY APPOINTED SHALL SERVE FOR 2-YEAR TERMS. A county road
14 commissioner appointed in that county shall not be removed from
15 office before the expiration of his or her term of office without
16 being given due written notice of the charges made against him or
17 her and an opportunity to appear before the county board of com-
18 missioners for a hearing on the charges. ~~In any county in which~~
19 ~~the board of road commissioners consists on August 28, 1929, of~~
20 ~~less than 3 members, the county board of commissioners, at the~~
21 ~~first regular meeting of the board after August 28, 1929, or at a~~
22 ~~special meeting called for that purpose, shall appoint additional~~
23 ~~members as may be necessary. At the time of the appointment, the~~
24 ~~county board of commissioners shall designate the date of expira-~~
25 ~~tion of the initial term of each commissioner appointed in that~~
26 ~~county, so that the term of a commissioner shall expire on~~
27 ~~December 31 of each even year.~~ THE COUNTY BOARD OF COMMISSIONERS

1 IN A COUNTY IN WHICH COUNTY ROAD COMMISSIONERS ARE APPOINTED MAY
 2 BY RESOLUTION DETERMINE THAT COUNTY ROAD COMMISSIONERS SHALL BE
 3 ELECTED IN THAT COUNTY. THE RESOLUTION SHALL BE ADOPTED BY A
 4 MAJORITY OF THE MEMBERS ELECT OF THE COUNTY BOARD OF COMMISSION-
 5 ERS NOT LATER THAN THE DECEMBER 1 IMMEDIATELY PRECEDING THE FIRST
 6 GENERAL NOVEMBER ELECTION AT WHICH A COUNTY ROAD COMMISSIONER IS
 7 TO BE ELECTED. THE TERM OF EACH APPOINTED COUNTY ROAD COMMIS-
 8 SIONER SHALL EXPIRE ON THE DECEMBER 31 IMMEDIATELY FOLLOWING THAT
 9 GENERAL NOVEMBER ELECTION OR AS SOON AFTER DECEMBER 31 AS HIS OR
 10 HER SUCCESSOR IS QUALIFIED. TO ACHIEVE STAGGERING OF TERMS, AS
 11 NEARLY AS POSSIBLE 1/2 OF THE FULL COMPLEMENT OF COUNTY ROAD COM-
 12 MISSIONERS INITIALLY ELECTED SHALL SERVE FOR 2-YEAR TERMS. THE
 13 COUNTY BOARD OF COMMISSIONERS SHALL DESIGNATE BY MARCH 1 IMMEDI-
 14 ATELY PRECEDING THAT GENERAL NOVEMBER ELECTION THE SEAT OR SEATS
 15 THAT WILL INITIALLY BE HELD FOR A 2-YEAR TERM.

16 (7) ~~(2)~~ In a county having a population of 1,500,000 or
 17 more ~~which~~ THAT has adopted a charter under Act No. 293 of the
 18 Public Acts of 1966, being sections 45.501 to 45.521 of the
 19 Michigan Compiled Laws, the powers and duties ~~which~~ THAT are
 20 otherwise provided by law for a board of county road commission-
 21 ers may be reorganized by amendment to the charter. Funds pro-
 22 vided to the county pursuant to Act No. 51 of the Public Acts of
 23 1951, being sections 247.651 to ~~247.674~~ 247.675 of the Michigan
 24 Compiled Laws, shall only be expended for the purposes provided
 25 for in Act No. 51 of the Public Acts of 1951.

26 Sec. 7. ~~Any~~ A person elected or appointed county road
 27 commissioner shall, within 10 days after being notified in

1 writing by the clerk of ~~such~~ THE county of his OR HER election
2 or appointment, take and subscribe the constitutional oath of
3 office and file the ~~same~~ OATH with ~~said~~ THE clerk. Each ~~and~~
4 ~~every~~ county road commissioner shall ~~be required to~~ execute
5 and give official bond in ~~such~~ AN amount ~~as~~ DETERMINED BY the
6 COUNTY board of ~~supervisors of such county may determine, the~~
7 COMMISSIONERS. THE expense of securing ~~such~~ THE bond, if any,
8 ~~to~~ SHALL be paid from the county road fund. ~~The term of~~
9 ~~office of the first commissioners elected or appointed in any~~
10 ~~county under this act, shall commence immediately upon filing~~
11 ~~such oath of office and bond, and shall continue as herein~~
12 ~~provided. The successor to each such commissioner shall be~~
13 ~~elected at the general election on the first Tuesday after the~~
14 ~~first Monday in November preceding the expiration of his term.~~
15 ~~They shall hold office for 2, 4 and 6 years respectively, from~~
16 ~~the said first day of January, and thereafter 1 commissioner~~
17 ~~shall be elected or appointed biennially for the full term of 6~~
18 ~~years. No~~ THE BOND SHALL BE DEPOSITED WITH THE BOARD OF COUNTY
19 AUDITORS OR, IF THE COUNTY HAS NO BOARD OF COUNTY AUDITORS, WITH
20 THE COUNTY TREASURER. A member of the COUNTY board of
21 ~~supervisors shall be~~ COMMISSIONERS IS NOT eligible ~~to~~ FOR the
22 office of county road commissioner, and ~~such~~ THE offices shall
23 not be held by the same person at the same time.

24 SEC. 7A. (1) THE BOARD OF COUNTY ROAD COMMISSIONERS SHALL
25 ADOPT A POLICY DESCRIBING THE CIRCUMSTANCES UNDER WHICH THE
26 ABSENCE OF A COUNTY ROAD COMMISSIONER FROM A MEETING OF THE BOARD
27 OF COUNTY ROAD COMMISSIONERS SHALL BE EXCUSED. THE ILLNESS OF A

1 MEMBER OF THE BOARD OR THE SERIOUS ILLNESS OF AN INDIVIDUAL IN
2 THE IMMEDIATE FAMILY OF A MEMBER OF THE BOARD SHALL BE AMONG THE
3 CIRCUMSTANCES EXCUSING THE ABSENCE OF THAT MEMBER. ANY ABSENCE
4 NOT EXCUSED UNDER THE POLICY ADOPTED PURSUANT TO THIS SUBSECTION
5 SHALL BE UNEXCUSED.

6 (2) A VACANCY IN THE OFFICE OF COUNTY ROAD COMMISSIONER
7 OCCURS AS FOLLOWS:

8 (A) UPON UNEXCUSED ABSENCES FROM 3 CONSECUTIVE MEETINGS OF
9 THE BOARD OF COUNTY ROAD COMMISSIONERS.

10 (B) UNDER THE CIRCUMSTANCES PROVIDED IN SECTION 3 OF CHAPTER
11 15 OF THE REVISED STATUTES OF 1846, BEING SECTION 201.3 OF THE
12 MICHIGAN COMPILED LAWS.

13 (3) IF A VACANCY OCCURS IN THE OFFICE OF COUNTY ROAD COMMIS-
14 SIONER IN A COUNTY IN WHICH THE COUNTY ROAD COMMISSIONERS ARE
15 APPOINTED, OR IF A VACANCY OCCURS BEFORE JANUARY 1, 1997 IN A
16 COUNTY IN WHICH THE COUNTY ROAD COMMISSIONERS ARE ELECTED, THE
17 COUNTY BOARD OF COMMISSIONERS SHALL APPOINT A COUNTY ROAD COMMIS-
18 SIONER TO FILL THE VACANCY. THE COUNTY ROAD COMMISSIONER WHO IS
19 APPOINTED SHALL HOLD OFFICE FOR THE UNEXPIRED PORTION OF THE TERM
20 IN WHICH THE VACANCY OCCURS AND UNTIL A SUCCESSOR IS ELECTED OR
21 APPOINTED AND QUALIFIED.

22 (4) IF A VACANCY OCCURS IN THE OFFICE OF COUNTY ROAD COMMIS-
23 SIONER AFTER DECEMBER 31, 1996 IN A COUNTY IN WHICH THE COUNTY
24 ROAD COMMISSIONERS ARE ELECTED, A COMMITTEE CONSISTING OF THE
25 MAYOR OF EACH CITY AND THE TOWNSHIP SUPERVISOR OF EACH TOWNSHIP
26 ALL OR PART OF WHICH IS LOCATED WITHIN THE COUNTY ROAD
27 COMMISSIONER ELECTION DISTRICT WHERE THE VACANCY OCCURRED SHALL

1 APPOINT A COUNTY ROAD COMMISSIONER TO FILL THE VACANCY BY VOTE OF
2 A MAJORITY OF THE MEMBERS PRESENT AT A MEETING OF THE COMMITTEE.
3 THE COUNTY CLERK OF THE COUNTY SHALL CONVENE THE FIRST MEETING OF
4 THE COMMITTEE BY WRITTEN NOTICE TO EACH MEMBER OF THE COMMITTEE
5 NOT LESS THAN 1 WEEK BEFORE THAT MEETING AND SHALL ACT AS SECRE-
6 TARY OF THE COMMITTEE. A MAJORITY OF THE MEMBERS OF THE COMMIT-
7 TEE CONSTITUTES A QUORUM. THE COUNTY ROAD COMMISSIONER WHO IS
8 APPOINTED SHALL HOLD OFFICE FOR THE REMAINDER OF THE UNEXPIRED
9 TERM AND UNTIL A SUCCESSOR IS ELECTED OR APPOINTED AND
10 QUALIFIED. HOWEVER, IF THE NEXT GENERAL NOVEMBER ELECTION IS TO
11 BE HELD MORE THAN 182 DAYS AFTER THE VACANCY OCCURS, AND IT IS
12 NOT THE GENERAL NOVEMBER ELECTION AT WHICH COUNTY ROAD COMMIS-
13 SIONERS ARE TO BE ELECTED IN THIS STATE UNDER SECTION 6, THE
14 PERSON APPOINTED SHALL HOLD OFFICE ONLY UNTIL A SUCCESSOR IS
15 ELECTED AT THE NEXT GENERAL NOVEMBER ELECTION IN THE MANNER PRO-
16 VIDED BY LAW AND QUALIFIES FOR OFFICE. THE SUCCESSOR SHALL HOLD
17 THE OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL HIS
18 OR HER SUCCESSOR IS ELECTED OR APPOINTED AND QUALIFIED.

19 SEC. 7B. IN EACH COUNTY OF THIS STATE IN WHICH A COUNTY
20 ROAD COMMISSIONER WILL BE ELECTED AT THE NEXT GENERAL NOVEMBER
21 ELECTION, THE COUNTY BOARD OF COMMISSIONERS SHALL APPORTION THE
22 COUNTY INTO 3 OR 5 COUNTY ROAD COMMISSIONER DISTRICTS AS PROVIDED
23 UNDER SECTION 6 ACCORDING TO THE FOLLOWING SCHEDULE:

24 (A) NOT LATER THAN 60 DAYS AFTER THE PUBLICATION OF THE
25 LATEST UNITED STATES OFFICIAL DECENNIAL CENSUS FIGURES, UNLESS A
26 LATER DATE APPLIES UNDER SUBDIVISION (B).

1 (B) IF THE NEXT GENERAL NOVEMBER ELECTION IS THE 1996
2 GENERAL NOVEMBER ELECTION, OR IF THE COUNTY WILL BE ELECTING
3 COUNTY ROAD COMMISSIONERS AT THE NEXT GENERAL NOVEMBER ELECTION
4 BUT CURRENTLY APPOINTS COUNTY ROAD COMMISSIONERS, NOT LATER THAN
5 FEBRUARY 1 OF THE YEAR OF THE NEXT GENERAL NOVEMBER ELECTION.

6 SEC. 7C. IN APPORTIONING THE COUNTY INTO COUNTY ROAD COM-
7 MISSIONER DISTRICTS, THE COUNTY BOARD OF COMMISSIONERS SHALL BE
8 GOVERNED BY THE FOLLOWING GUIDELINES IN THE STATED ORDER OF
9 IMPORTANCE:

10 (A) DISTRICTS SHALL BE SINGLE-MEMBER DISTRICTS AND AS NEARLY
11 OF EQUAL POPULATION AS IS PRACTICABLE. THE LATEST OFFICIAL PUB-
12 LISHED FIGURES OF THE UNITED STATES OFFICIAL CENSUS SHALL BE USED
13 IN THIS DETERMINATION, EXCEPT THAT IN CASES REQUIRING DIVISION OF
14 OFFICIAL CENSUS UNITS TO MEET THE POPULATION STANDARD, AN ACTUAL
15 POPULATION COUNT MAY BE USED TO MAKE THE DIVISION. OTHER GOVERN-
16 MENTAL CENSUS FIGURES OF TOTAL POPULATION TAKEN SUBSEQUENT TO THE
17 LAST DECENNIAL UNITED STATES CENSUS MAY BE USED IF THE UNITED
18 STATES CENSUS FIGURES ARE NOT ADEQUATE FOR THE PURPOSES OF THIS
19 ACT. THE SECRETARY OF STATE SHALL FURNISH THE LATEST OFFICIAL
20 PUBLISHED FIGURES TO THE COUNTY BOARD OF COMMISSIONERS NOT MORE
21 THAN 15 DAYS AFTER PUBLICATION OF THE UNITED STATES OFFICIAL
22 CENSUS FIGURES. A CONTRACT MAY BE ENTERED INTO WITH THE UNITED
23 STATES CENSUS BUREAU TO MAKE ANY SPECIAL CENSUS IF THE LATEST
24 UNITED STATES DECENNIAL CENSUS FIGURES ARE NOT ADEQUATE.

25 (B) DISTRICTS SHALL BE CONTIGUOUS.

26 (C) TOWNSHIPS, VILLAGES, AND CITIES SHALL BE DIVIDED ONLY IF
27 NECESSARY TO MEET THE POPULATION STANDARD.

1 (D) A TOWNSHIP OR PART OF A TOWNSHIP SHALL NOT BE COMBINED
2 WITH A CITY OR PART OF A CITY FOR A SINGLE DISTRICT, UNLESS THE
3 COMBINATION IS NEEDED TO MEET THE POPULATION STANDARD.

4 (E) DISTRICTS SHALL BE AS COMPACT AND OF AS NEARLY SQUARE
5 SHAPE AS IS PRACTICABLE, DEPENDING ON THE GEOGRAPHY OF THE COUNTY
6 AREA INVOLVED.

7 (F) PRECINCTS SHALL BE DIVIDED ONLY IF NECESSARY TO MEET THE
8 POPULATION STANDARD.

9 (G) RESIDENTS OF STATE INSTITUTIONS WHO CANNOT BY LAW REGIS-
10 TER IN THE COUNTY AS ELECTORS SHALL BE EXCLUDED FROM ANY CONSID-
11 ERATION OF REPRESENTATION.

12 SEC. 7D. (1) IF THE COUNTY BOARD OF COMMISSIONERS FAILS TO
13 SUBMIT A PLAN TO APPORTION THE BOARD OF COUNTY ROAD COMMISSIONERS
14 WITHIN THE TIME REQUIRED BY SECTION 7B OR WITHIN SUCH ADDITIONAL
15 TIME AS MAY BE GRANTED BY THE COURT OF APPEALS FOR GOOD CAUSE
16 SHOWN ON PETITION FROM THE COUNTY BOARD OF COMMISSIONERS, A REG-
17 ISTERED VOTER OF THE COUNTY MAY SUBMIT A PLAN TO THE COUNTY BOARD
18 OF COMMISSIONERS FOR APPROVAL. THE COUNTY BOARD OF COMMISSIONERS
19 SHALL CHOOSE, FROM AMONG THE PLANS SUBMITTED TO IT, A PLAN MEET-
20 ING THE REQUIREMENTS OF LAW NOT MORE THAN 30 DAYS AFTER THE DEAD-
21 LINE FOR THE FILING OF THE COUNTY BOARD OF COMMISSIONERS' OWN
22 PLAN OR ANY EXTENSION GRANTED ON THAT DEADLINE.

23 (2) THE APPORTIONMENT PLAN TAKES EFFECT UPON APPROVAL BY THE
24 COUNTY BOARD OF COMMISSIONERS. THE COUNTY CLERK SHALL PROVIDE
25 COPIES OF THE APPORTIONMENT PLAN TO THE PUBLIC AT COST AND SHALL
26 FILE A COPY WITH THE SECRETARY OF STATE.

1 Sec. 9. (1) The board of county road commissioners ~~shall~~
2 ~~constitute and be~~ IS a body corporate with the right of making
3 and using a common seal and altering the ~~same~~ SEAL. A majority
4 of the members of the board ~~shall constitute~~ CONSTITUTES a
5 quorum for the transaction of business. The business ~~which~~
6 THAT the board of county road commissioners performs shall be
7 conducted at a public meeting of the board held in compliance
8 with THE OPEN MEETINGS ACT, Act No. 267 of the Public Acts of
9 1976, being sections 15.261 to 15.275 of the Michigan Compiled
10 Laws. Public notice of the time, date, and place of the meeting
11 of the board shall be given in the manner required by Act No. 267
12 of the Public Acts of 1976. THE BOARD SHALL MEET AT LEAST ONCE
13 EACH MONTH.

14 (2) The board shall annually appoint 1 member as chairperson
15 to serve during the pleasure of the board.

16 (3) The board of county road commissioners shall act as an
17 administrative board only and the function of the board shall be
18 limited to the formulation of policy and the performance of offi-
19 cial duties imposed by law and delegated by the county board of
20 commissioners. ~~and a~~

21 (4) A member of the board of county road commissioners shall
22 not be employed individually in any other capacity by, or for
23 other duties with, the board of county road commissioners.

24 (5) ~~(3)~~ Nothing in this act shall interfere with the work
25 of a commissioner during the commissioner's present term of
26 office.

1 (6) The board OF COUNTY ROAD COMMISSIONERS shall appoint a
2 competent superintendent, skilled in road building, who may be an
3 engineer and who shall supervise road building operations in the
4 county under the direction of the board.

5 (7) The board shall be known as "the board of county road
6 commissioners of the county of _____" and by that name may sue
7 and be sued, and ~~may hold in that name~~ the title to land or
8 an interest in land, acquired in the manner authorized by law.
9 Process may be served on the chairperson or clerk of the board.
10 The board may also sell and convey land or an interest in land
11 held in the name of the board, or improvements located on the
12 land, ~~when~~ IF the land, interest in land, or improvements ~~are~~
13 are not a part of a public street, highway, or park, or are not
14 required to be used for a public street, highway, or park. A
15 conveyance shall be signed by the chairperson and countersigned
16 by the clerk, or deputy clerk, of the board. The seal of the
17 board shall be attached and the conveyance shall be acknowledged
18 by the signers ~~as~~ as authorized by the board ~~and~~ and as the free
19 act ~~and deed~~ of the board.

20 (8) The clerk of the county shall be clerk of the board of
21 county road commissioners, and shall keep the records and
22 accounts of the board. When the record keeping is of sufficient
23 volume, the board OF COUNTY ROAD COMMISSIONERS may appoint a sec-
24 retary, with the consent of the county board of commissioners,
25 who shall act as clerk of the board OF COUNTY ROAD COMMISSIONERS.
26 ~~and whose salary, together with the salaries of the members of~~
27 ~~the board of county road commissioners,~~ THE SECRETARY'S SALARY

1 shall be paid by the board of county road commissioners from
2 county road funds.

3 (9) THE COUNTY BOARD OF COMMISSIONERS SHALL FIX A PER DIEM
4 COMPENSATION FOR COUNTY ROAD COMMISSIONERS. A COUNTY ROAD COM-
5 MISSIONER SHALL RECEIVE ONLY 1 PER DIEM FOR MEETINGS ATTENDED ON
6 A SINGLE DAY IN HIS OR HER CAPACITY AS COUNTY ROAD COMMISSIONER.
7 A COUNTY ROAD COMMISSIONER SHALL BE REIMBURSED FOR REASONABLE
8 TRANSPORTATION AND OTHER EXPENSES INCURRED IN HIS OR HER CAPACITY
9 AS A COUNTY ROAD COMMISSIONER IF THE COUNTY BOARD OF COMMISSION-
10 ERS HAS ADOPTED A POLICY AUTHORIZING REIMBURSEMENT FOR SUCH
11 EXPENSES. PER DIEM COMPENSATION AND EXPENSE REIMBURSEMENTS FOR
12 COUNTY ROAD COMMISSIONERS SHALL BE PAID FROM COUNTY ROAD FUNDS.

13 (10) THE COUNTY BOARD OF COMMISSIONERS MAY AUTHORIZE THE
14 PARTICIPATION OF COUNTY ROAD COMMISSIONERS IN AN INSURANCE OR
15 RETIREMENT PROGRAM ESTABLISHED UNDER SECTION 10A. ANY SUCH
16 AUTHORIZATION GRANTED BY A COUNTY BOARD OF COMMISSIONERS BEFORE
17 THIS SUBSECTION WAS ADDED IS VALID. THE COST OF PARTICIPATION IN
18 THE INSURANCE OR RETIREMENT PROGRAM SHALL BE PAID BY THE COUNTY
19 ROAD COMMISSION FROM COUNTY ROAD FUNDS.

20 Section 2. Section 8 of chapter IV of Act No. 283 of the
21 Public Acts of 1909, being section 224.8 of the Michigan Compiled
22 Laws, is repealed.

23 Section 3. This amendatory act shall not take effect unless
24 Senate Bill No. _____ or House Bill No. 4690 (request
25 no. 02099'95 a *) of the 88th Legislature is enacted into law.