



HOUSE BILL No. 5701

March 21, 1996, Introduced by Rep. Brackenridge and referred to the Committee on Local Government.

A bill to amend sections 10b and 11 of Act No. 156 of the Public Acts of 1851, entitled as amended

"An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,"

section 10b as amended by Act No. 40 of the Public Acts of 1996 and section 11 as amended by Act No. 22 of the Public Acts of 1996, being sections 46.10b and 46.11 of the Michigan Compiled Laws; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 10b and 11 of Act No. 156 of the Public
2 Acts of 1851, section 10b as amended by Act No. 40 of the Public
3 Acts of 1996 and section 11 as amended by Act No. 22 of the
4 Public Acts of 1996, being sections 46.10b and 46.11 of the
5 Michigan Compiled Laws, are amended to read as follows:

1 Sec. 10b. (1) Except for an ordinance described in
2 subsection (2) or (3), the violation of an ordinance adopted pur-
3 suant to section ~~11(m)~~ 11(K) shall be punishable by a fine of
4 not more than \$500.00 or imprisonment for not more than 90 days,
5 or both.

6 (2) Consistent with Act No. 58 of the Public Acts of 1945,
7 being section 46.201 of the Michigan Compiled Laws, the county
8 board of commissioners may adopt an ordinance that designates a
9 violation of the ordinance as a civil infraction and provides a
10 civil fine for that violation.

11 (3) The county board of commissioners may adopt an ordinance
12 that designates a violation of the ordinance as a municipal civil
13 infraction and provides a civil fine for that violation. An
14 ordinance may not designate a violation as a municipal civil
15 infraction if that violation may be designated as a civil infrac-
16 tion under subsection (2). A statute may provide that a viola-
17 tion of a specific type of ordinance is a municipal civil infrac-
18 tion whether or not the ordinance designates the violation as a
19 municipal civil infraction.

20 (4) An ordinance shall not make an act or omission a munici-
21 pal civil infraction if that act or omission constitutes a crime
22 under any of the following:

23 (a) Article 7 or section 17766a of the public health code,
24 Act No. 368 of the Public Acts of 1978, being sections 333.7101
25 to 333.7545 and 333.17766a of the Michigan Compiled Laws.

1 (b) The Michigan penal code, Act No. 328 of the Public Acts
2 of 1931, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws.

4 (c) The Michigan vehicle code, Act No. 300 of the Public
5 Acts of 1949, being sections 257.1 to 257.923 of the Michigan
6 Compiled Laws.

7 (d) The Michigan liquor control act, Act No. 8 of the Public
8 Acts of the Extra Session of 1933, being sections 436.1 to 436.58
9 of the Michigan Compiled Laws.

10 (e) Part 801 (marine safety) of the natural resources and
11 environmental protection act, Act No. 451 of the Public Acts of
12 1994, being sections 324.80101 to 324.80199 of the Michigan
13 Compiled Laws.

14 (f) The aeronautics code of the state of Michigan, Act
15 No. 327 of the Public Acts of 1945, being sections 259.1 to
16 259.208 of the Michigan Compiled Laws.

17 (g) Part 821 (snowmobiles) of Act No. 451 of the Public Acts
18 of 1994, being sections 324.82101 to 324.82159 of the Michigan
19 Compiled Laws.

20 (h) Part 811 (off-road recreation vehicles) of Act No. 451
21 of the Public Acts of 1994, being sections 324.81101 to 324.81150
22 of the Michigan Compiled Laws.

23 (i) Sections 351 to 365 of the railroad code of 1993, Act
24 No. 354 of the Public Acts of 1993, being sections 462.351 to
25 462.365 of the Michigan Compiled Laws.

26 (j) Any law of this state under which the act or omission is
27 punishable by imprisonment for more than 90 days.

1 Sec. 11. A county board of commissioners, at a lawfully
2 held meeting, may do 1 or more of the following:

3 ~~-(a) Purchase, for the use of the county, real estate neces-~~
4 ~~sary for the erection of buildings for the support of the poor of~~
5 ~~that county and for a farm to be used in connection with that~~
6 ~~support.~~

7 (A) ~~-(b)-~~ Purchase or lease, for a term not to exceed ~~-5-~~ 20
8 years, real estate necessary for the site of a courthouse, jail,
9 clerk's office, or other county building in that county.

10 (B) ~~-(c)-~~ Determine the site of a county building.

11 (C) ~~-(d)-~~ Authorize the sale or lease of real estate belong-
12 ing to the county, and prescribe the manner in which a conveyance
13 of the real estate is to be executed.

14 (D) ~~-(e)-~~ Remove or designate a new site for a county build-
15 ing required to be at the county seat, if the new site is not
16 outside the limits of the village or city in which the county
17 seat is situated, and remove or designate a new site for a county
18 infirmary or medical care facility. THE POWERS UNDER THIS SUBDI-
19 VISION SHALL BE EXERCISED BY AN AFFIRMATIVE VOTE OF 2/3 OF THE
20 MEMBERS ELECTED TO THE COUNTY BOARD OF COMMISSIONERS.

21 (E) ~~-(f)-~~ Erect the necessary buildings for jails, clerks'
22 offices, and other county buildings, and prescribe the time and
23 manner of erecting them.

24 (F) ~~-(g)-~~ Borrow or raise by tax upon the county those funds
25 authorized by law.

26 (G) ~~-(h)-~~ Provide for the repayment of a loan made by the
27 board, by tax upon the county. The loan shall be repaid within

1 15 years after the date of the loan, except that a loan to erect
2 a county building for a public function shall be repaid within 30
3 years after the date of the loan.

4 (H) ~~-(i)-~~ Prescribe and fix the salaries and compensation of
5 employees of the county if not fixed by law and, except in a
6 county having a board of county auditors, adjust claims against
7 the county. The sum allowed in the adjustment of a claim is
8 subject to appeal as provided by law.

9 (I) ~~-(j)-~~ Direct and provide for the raising of money neces-
10 sary to defray the current expenses and charges of the county and
11 the necessary charges incident to or arising from the execution
12 of the board's lawful authority, subject to the limitations pre-
13 scribed in this act. The county board of commissioners may
14 borrow in a year, in anticipation of the levy or collection of
15 taxes for the year, a sum of money, not exceeding 50% of the tax
16 to be levied or collected for the general fund of the county,
17 necessary to defray current expenses of the county. The money
18 borrowed shall be repaid from the tax when levied and collected.

19 ~~-(k)- Abolish or revive the distinctions between township and~~
20 ~~county poor.~~

21 (J) ~~-(l)-~~ Authorize the making of a new tax roll.

22 (K) ~~-(m)-~~ By majority vote of the members of the county
23 board of commissioners elected and serving, pass ordinances that
24 relate to county affairs and do not contravene the general laws
25 of this state or interfere with the local affairs of a township,
26 city, or village within the limits of the county, and pursuant to
27 section 10b provide suitable sanctions for the violation of those

1 ordinances. The board may change the limits of a city, village,
2 or school district within the county as provided by law. If
3 there is not a general law governing the subject, or if a change
4 cannot be made pursuant to a general law, the board may change
5 the limits of the village upon petition of at least 10% of the
6 resident taxpayers. An ordinance or act of incorporation pro-
7 vided in this subdivision shall take effect when notice of the
8 adoption is published in a newspaper of general circulation in
9 the county. The clerk of the county board of commissioners shall
10 engross each ordinance or act, and it shall be signed by the
11 chairperson of the county board of commissioners and certified by
12 the clerk of the county board of commissioners. If, within 50
13 days after the county board of commissioners adopts an ordinance
14 or act, a petition signed by not less than 20% of the electors
15 residing in the district to be affected by the ordinance or act
16 is filed with the county clerk asking that the ordinance or act
17 be submitted to electors of the district to be affected by the
18 ordinance or act for approval or rejection, then the ordinance or
19 act shall not take effect until it is approved by a majority of
20 the electors of the district affected voting on that issue at a
21 regular or special election called for that purpose. The county
22 board of commissioners shall provide the manner of submitting the
23 ordinance or act to the electors for their approval and of deter-
24 mining the result of the election.

25 (l) ~~(n)~~ Require a county officer whose salary or compensa-
26 tion is paid by the county to make a report under oath to the
27 county board of commissioners on any subject connected with the

1 duties of that office and require the officer to give a bond
2 reasonable or necessary for the faithful performance of the
3 duties of the office. An officer who neglects or refuses either
4 to make a report or give a bond within a reasonable time after
5 being required to do so may be removed from office by the board
6 by a vote of 2/3 of the members elected or appointed, and the
7 office declared vacant. The board may fill the vacancy for the
8 unexpired portion of the term for which the officer was elected
9 or appointed. If an election occurs before the expiration of the
10 unexpired term, and if the office is elective, the vacancy shall
11 be filled at that election. The board shall give reasonable
12 notice of the election to fill the vacancy.

13 (M) ~~(O) Authorize~~ BY AN AFFIRMATIVE VOTE OF 2/3 OF THE
14 MEMBERS ELECTED TO THE COUNTY BOARD OF COMMISSIONERS, AUTHORIZE a
15 township in the county, by a vote of the electors of the town-
16 ship, to borrow or raise by tax upon the township money to build
17 or repair roads or bridges in the township, or in the use of
18 which the township is interested, and to prescribe the time for
19 the repayment of a loan, which shall be within 15 years, and for
20 assessing the principal and interest on the loan upon the
21 township. If a road or bridge is situated partly in 1 township
22 and partly in another, or on the line between townships, or if a
23 township has a particular local interest in the construction or
24 repair of a bridge, the county board of commissioners may deter-
25 mine, under the regulations the board establishes, AND BY AN
26 AFFIRMATIVE VOTE OF 2/3 OF THE MEMBERS ELECTED TO THE BOARD, the
27 proportion that a township shall contribute in the building and

1 repairing of the road or bridge. The amount apportioned to the
2 township shall be assessed and collected in the same manner as
3 other township taxes are assessed and collected by law.

4 (N) ~~(P)~~ Represent the county and have the care and manage-
5 ment of the property and business of the county if other provi-
6 sions are not made.

7 (O) ~~(Q)~~ Establish rules and regulations in reference to
8 the management of the interest and business concerns of the
9 county as the board considers necessary and proper in all matters
10 not especially provided for in this act or under the laws of this
11 state. The county board of commissioners shall not audit or
12 allow a claim, including a bill or charge, against the county
13 unless the claim has been filed with the county clerk of the
14 county before the fourth day of a regular meeting of the board,
15 or before the second day of an adjourned or other meeting, the
16 claim is contracted by the board during the session of the board
17 or the claim is for mileage and per diem of the members of the
18 board. The county clerk shall keep a book of all claims in the
19 order in which the claims are presented, giving the name of each
20 claimant and the amount and date of presentation of each claim.
21 The book, after the time prescribed for the presentation of
22 claims, shall be delivered to the chairperson for the use of the
23 board. At the October session, the board, by a vote of 2/3 of
24 the members, may receive and allow accounts that have wholly
25 accrued during the session.

26 (P) ~~(R)~~ Subject to subdivision ~~(S)~~ (Q), remove an
27 officer or agent appointed by the board if, in the board's

1 opinion, the officer or agent is incompetent to execute properly
2 the duties of the office or if, on charges and evidence, the
3 board is satisfied that the officer or agent is guilty of offi-
4 cial misconduct, or habitual or willful neglect of duty, and if
5 the misconduct or neglect is a sufficient cause for removal.
6 However, an officer or agent shall not be removed for that mis-
7 conduct or neglect unless charges of misconduct or neglect are
8 preferred to the county board of commissioners or the chairperson
9 of the county board of commissioners, notice of the hearing, with
10 a copy of the charges, is delivered to the officer or agent, and
11 a full opportunity is given the officer or agent to be heard,
12 either in person or by counsel.

13 (Q) ~~-(s)-~~ If the county has an appointed county manager or
14 other appointed chief administrative officer or a county control-
15 ler, the county board of commissioners may enter into an employ-
16 ment contract with that officer. The term of the employment con-
17 tract may extend beyond the terms of the members of the county
18 board of commissioners. The term of the employment contract
19 shall be 3 years or less, unless the employment contract is
20 entered into on or after August 1 of an even-numbered year, in
21 which case the term of the employment contract shall be 1 year or
22 less. However, in a county organized under Act No. 293 of the
23 Public Acts of 1966, being sections 45.501 to 45.521 of the
24 Michigan Compiled Laws, with an appointed chief administrative
25 officer, an employment contract with the appointed chief adminis-
26 trative officer shall be for the term provided by section 11a of
27 Act No. 293 of the Public Acts of 1966, being section 45.511a of

1 the Michigan Compiled Laws. An employment contract under this
2 subdivision shall be in writing and shall specify the compensa-
3 tion to be paid to the officer, any procedure for changing the
4 compensation, any fringe benefits, and any other conditions of
5 employment. If the officer serves at the pleasure of the county
6 board of commissioners, the contract shall so state and may pro-
7 vide for severance pay or other benefits in the event the employ-
8 ment of the officer is terminated at the pleasure of the county
9 board of commissioners.

10 (R) ~~-(t)-~~ Establish rules consistent with the open meetings
11 act, Act No. 267 of the Public Acts of 1976, being sections
12 15.261 to 15.275 of the Michigan Compiled Laws, for the manner of
13 proceeding before the board.

14 (S) ~~-(u)-~~ Acquire by exchange land needed for county pur-
15 poses, including the purchase of land to be used in exchange for
16 other land of approximate equal value owned by the federal gov-
17 ernment and needed for county purposes.

18 Section 2. Section 12 of Act No. 156 of the Public Acts of
19 1851, being section 46.12 of the Michigan Compiled Laws, is
20 repealed.