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ELECTED COUNTY EXECUTIVE: LINE OF SUCCESSION

**Senate Bill 687 as passed by the Senate
First Analysis (11-5-03)**

**Sponsor: Sen. Michael D. Bishop
House Committee: Local Government
and Urban Policy
Senate Committee: Local, Urban and
State Affairs**

THE APPARENT PROBLEM:

There are three kinds of county government in Michigan: general law counties; charter (or home rule) counties; and optional unified counties. By the far the most prevalent are the general law counties—accounting for 80 of the 83 counties in the state. There is one charter (or home rule) county—Wayne. There are two optional unified counties—Bay and Oakland.

Bay and Oakland Counties are governed by a county board of commissioners and an elected county executive. If the county executive dies in office or resigns while in office, the county board of commissioners appoints the successor. That person then serves the balance of the term, and a new executive is elected at the next general election.

Both Bay and Oakland Counties have chief deputy executives who report to the county executive. If the county executive is absent or unable to perform his or her duties, the chief deputy executive generally takes over the administrative responsibilities. However, there is no provision in the law to provide for immediate succession. In contrast, immediate succession is provided for the county treasurer, county clerk, and sheriff.

Occasionally an emergency situation requires the chief deputy executive to assume administrative responsibilities when the executive is unavailable. For example, during the August blackout when electricity was unavailable for the eastern and midwestern regions of the country for several days, Oakland County's executive was traveling out-of-state, and was unable to return immediately in order to oversee the emergency operations of his county.

Legislation has been introduced, in order to provide a clear line of succession for the county executives in

Bay and Oakland Counties, most especially during times of emergency.

THE CONTENT OF THE BILL:

The bill would amend Public Act 139 of 1973, which provides for an optional unified form of county government, to do the following:

- Specify that if the county executive were absent or unable to perform the duties of his or her office, the chief deputy would have to perform the duties of the county executive until the county executive could resume them.
- Provide that if a vacancy occurred in the office of the elected county executive due to death or resignation of the executive, the chief deputy would serve as the county executive until the county board of commissioners appointed a successor to the elected county executive, or until a special election was held.

Currently, if the office of elected county executive becomes vacant due to death or resignation, the county board of commissioners must appoint a new county executive to serve until the next general election. The bill would delete this requirement.

The bill provides that if the county board of commissioners chose to appoint a successor, the appointment would have to be made within 30 days from the date of the death or resignation. An appointed county executive would serve until the next general election. If the board did not make an appointment within 30 days, a special election would have to be held at the earliest possible date allowed by law.

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The bill would require a county executive, within 10 days after being sworn in, to appoint a chief deputy. The county executive also could appoint additional deputies as he or she considered necessary. The county executive would have to file a statement with the county clerk identifying the individual appointed as chief deputy and all others appointed as a deputy or assistant deputy. The statement would have to identify the ranking order of the deputies. The county executive could revoke his or her appointments at any time.

Under the bill, if the chief deputy were unable to serve as the county executive due to his or her death or resignation, the next highest ranking deputy would have to serve as the county executive until the county board of commissioners appointed a successor, or until a special election was held.

MCL 45.559 and 45.560

HOUSE COMMITTEE ACTION:

The members of the House Committee on Local Government and Urban Policy reported out the Senate-passed version of the bill without amendments.

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that as written, Senate Bill 687 should have no state or local fiscal impact. (11-3-03)

ARGUMENTS:

For:

In times of emergency, it is important to have a clear line of succession for those with the authority to govern. That way, the public's health and safety can better be ensured. Currently the law allows other county officials—treasurers, clerks, and sheriffs—to designate deputies who can handle their tasks if an emergency occurs during an absence. County executives cannot. In August 2003, during the failure of the electrical power grid in the eastern and midwestern states, the airport that serves Detroit shut down. At the time, the Oakland County executive was out-of-state and a county-wide emergency needed to be declared—a declaration that must be made by the chief executive or his or her designee, under the Emergency Management Act. Although the deputy acted on the absent executive's behalf in this instance, the law does not authorize that succession of authority. This legislation is needed to

make the line of succession clear, in order to ensure the welfare of citizens during times of emergency.

POSITIONS:

The Oakland County Executive supports the bill. (11-04-03)

The Oakland County Board of Commissioners supports the bill. (11-04-03)

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.