

**SUBSTITUTE FOR
HOUSE BILL NO. 5117**

A bill to amend 1851 PA 156, entitled

"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,"

by amending section 11 (MCL 46.11), as amended by 2012 PA 15.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) Purchase or lease for a term not to exceed 20 years, real
4 estate necessary for the site of a courthouse, jail, clerk's
5 office, or other county building in that county.

6 (b) Determine the site of, remove, or designate a new site for
7 a county building. The exercise of the authority granted by this
8 subdivision is subject to any requirement of law that the building

1 be located at the county seat.

2 (c) Authorize the sale or lease of real estate belonging to
3 the county, and prescribe the manner in which a conveyance of the
4 real estate is to be executed.

5 (d) Erect the necessary buildings for jails, clerks' offices,
6 and other county buildings, and prescribe the time and manner of
7 erecting them.

8 (e) Borrow or raise by tax upon the county those funds
9 authorized by law. The exercise of the authority granted by this
10 subdivision is subject to any voting requirement provided by the
11 law authorizing the borrowing or tax if different from the voting
12 requirement under section 3.

13 (f) Provide for the repayment of a loan made by the board, by
14 tax upon the county. The loan shall be repaid within 15 years after
15 the date of the loan, except that a loan to erect a county building
16 for a public function shall be repaid within 30 years after the
17 date of the loan.

18 (g) Prescribe and fix the salaries and compensation of
19 employees of the county if not fixed by law and, except in a county
20 having a board of county auditors, adjust claims against the
21 county. The sum allowed in the adjustment of a claim is subject to
22 appeal as provided by law.

23 (h) Direct and provide for the raising of money necessary to
24 defray the current expenses and charges of the county and the
25 necessary charges incident to or arising from the execution of the
26 board's lawful authority, subject to the limitations prescribed in
27 this act. The county board of commissioners may borrow in a year,

1 in anticipation of the levy or collection of taxes for the year, a
2 sum of money, not exceeding 50% of the tax to be levied or
3 collected for the general fund of the county, necessary to defray
4 current expenses of the county. The money borrowed shall be repaid
5 from the tax when levied and collected.

6 (i) Authorize the making of a new tax roll.

7 (j) By majority vote of the members of the county board of
8 commissioners elected and serving, pass ordinances that relate to
9 county affairs and do not contravene the general laws of this state
10 or interfere with the local affairs of a township, city, or village
11 within the limits of the county, and pursuant to section 10b
12 provide suitable sanctions for the violation of those ordinances.
13 The board may change the limits of a city, village, or school
14 district within the county as provided by law. If there is not a
15 general law governing the subject, or if a change cannot be made
16 pursuant to a general law, the board may change the limits of the
17 village upon petition of at least 10% of the resident taxpayers. An
18 ordinance or act of incorporation provided in this subdivision
19 shall take effect when notice of the adoption is published in a
20 newspaper of general circulation in the county. The clerk of the
21 county board of commissioners shall engross each ordinance or act,
22 and it shall be signed by the chairperson of the county board of
23 commissioners and certified by the clerk of the county board of
24 commissioners. If, within 50 days after the county board of
25 commissioners adopts an ordinance or act, a petition signed by not
26 less than 20% of the electors residing in the district to be
27 affected by the ordinance or act is filed with the county clerk

1 asking that the ordinance or act be submitted to electors of the
2 district to be affected by the ordinance or act for approval or
3 rejection, then the ordinance or act shall not take effect until it
4 is approved by a majority of the electors of the district affected
5 voting on that issue at a regular or special election called for
6 that purpose. The county board of commissioners shall provide the
7 manner of submitting the ordinance or act to the electors for their
8 approval and of determining the result of the election.

9 (k) Require a county officer whose salary or compensation is
10 paid by the county to make a report under oath to the county board
11 of commissioners on any subject connected with the duties of that
12 office and require the officer to give a bond reasonable or
13 necessary for the faithful performance of the duties of the office.
14 An officer who neglects or refuses either to make a report or give
15 a bond within a reasonable time after being required to do so may
16 be removed from office by the board by a vote of 2/3 of the members
17 elected or appointed, and the office declared vacant. The board may
18 fill the vacancy for the unexpired portion of the term for which
19 the officer was elected or appointed. If an election occurs before
20 the expiration of the unexpired term, and if the office is
21 elective, the vacancy shall be filled at that election. The board
22 shall give reasonable notice of the election to fill the vacancy.

23 (l) Represent the county and have the care and management of
24 the property and business of the county if other provisions are not
25 made.

26 (m) Establish rules and regulations in reference to the
27 management of the interest and business concerns of the county as

1 the board considers necessary and proper in all matters not
2 especially provided for in this act or under the laws of this
3 state. The county board of commissioners shall not audit or allow a
4 claim, including a bill or charge, against the county unless the
5 claim has been filed with the county clerk of the county before the
6 fourth day of a regular meeting of the board, or before the second
7 day of an adjourned or other meeting, the claim is contracted by
8 the board during the session of the board or the claim is for
9 mileage and per diem of the members of the board. The county clerk
10 shall keep a book of all claims in the order in which the claims
11 are presented, giving the name of each claimant and the amount and
12 date of presentation of each claim. The book, after the time
13 prescribed for the presentation of claims, shall be delivered to
14 the chairperson for the use of the board. At the October session,
15 the board, by a vote of 2/3 of the members, may receive and allow
16 accounts that have wholly accrued during the session.

17 (n) Subject to subdivision (o), remove an officer or agent
18 appointed by the board if, in the board's opinion, the officer or
19 agent is incompetent to execute properly the duties of the office
20 or if, on charges and evidence, the board is satisfied that the
21 officer or agent is guilty of official misconduct, or habitual or
22 willful neglect of duty, and if the misconduct or neglect is a
23 sufficient cause for removal. However, an officer or agent shall
24 not be removed for that misconduct or neglect unless charges of
25 misconduct or neglect are preferred to the county board of
26 commissioners or the chairperson of the county board of
27 commissioners, notice of the hearing, with a copy of the charges,

1 is delivered to the officer or agent, and a full opportunity is
2 given the officer or agent to be heard, either in person or by
3 counsel.

4 (o) If the county has an appointed county manager or other
5 appointed chief administrative officer or a county controller, the
6 county board of commissioners may enter into an employment contract
7 with that officer. The term of the employment contract may extend
8 beyond the terms of the members of the county board of
9 commissioners. The term of the employment contract shall be 3 years
10 or less, unless the employment contract is entered into on or after
11 August 1 of an even-numbered year, in which case the term of the
12 employment contract shall be 1 year or less. However, in a county
13 organized under 1966 PA 293, MCL 45.501 to 45.521, with an
14 appointed chief administrative officer, an employment contract with
15 the appointed chief administrative officer shall be for the term
16 provided by section 11a of 1966 PA 293, MCL 45.511a. An employment
17 contract under this subdivision shall be in writing and shall
18 specify the compensation to be paid to the officer, any procedure
19 for changing the compensation, any fringe benefits, and any other
20 conditions of employment. If the officer serves at the pleasure of
21 the county board of commissioners, the contract shall so state and
22 may provide for severance pay or other benefits in the event the
23 employment of the officer is terminated at the pleasure of the
24 county board of commissioners.

25 (p) Establish rules consistent with the open meetings act,
26 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding
27 before the board.

1 (q) Acquire by exchange land needed for county purposes,
2 including the purchase of land to be used in exchange for other
3 land of approximate equal value owned by the federal government and
4 needed for county purposes.

5 (r) Grant or loan funds to a nonprofit corporation organized
6 for the purpose of providing loans for private sector economic
7 development initiatives. A grant or loan under this subdivision
8 shall not be derived from ad valorem taxes except for ad valorem
9 taxes approved by a vote of the people for economic development.
10 The county shall establish an application process for proposals to
11 receive a grant or loan under this subdivision. The awarding of a
12 grant or loan under this subdivision shall be made at a public
13 hearing of the county board of commissioners. The grant or loan
14 contract shall require a report to the county board of
15 commissioners regarding the activities of the recipient and the
16 degree to which the recipient has met the stated public purpose of
17 the funding.

18 (s) Before January 1, ~~2015~~, **2018**, by majority vote of the
19 members of the county board of commissioners elected and serving in
20 a county with an appointed board of county road commissioners, pass
21 a resolution that transfers the powers, duties, and functions that
22 are otherwise provided by law for the appointed board of county
23 road commissioners of that county to the county board of
24 commissioners. The resolution is subject to the requirement in
25 section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. The appointed
26 board of county road commissioners of that county is dissolved on
27 the date specified in the resolution adopted under this

1 subdivision, and the county board of commissioners is authorized to
2 receive and expend funds as allowed under 1951 PA 51, MCL 247.651
3 to 247.675. If the powers, duties, and functions of the board of
4 county road commissioners of a county are transferred to the county
5 board of commissioners of that county under this subdivision and
6 the powers and duties of the office of county drain commissioner of
7 that county had previously been transferred to the board of county
8 road commissioners as provided in section 21(3) of the drain code
9 of 1956, 1956 PA 40, MCL 280.21, then the county board of
10 commissioners of that county shall reestablish, by resolution, the
11 office of county drain commissioner as an elected office. The
12 resolution reestablishing the office of county drain commissioner
13 shall provide for the appointment of an acting county drain
14 commissioner for that county who shall hold office until the next
15 general election at which a county drain commissioner will be
16 elected as provided in chapter X of the Michigan election law, 1954
17 PA 116, MCL 168.191 to 168.211.

18 (t) Before January 1, ~~2015~~, **2018**, by majority vote of the
19 members of the county board of commissioners elected and serving in
20 a county with an elected board of county road commissioners, pass a
21 resolution to submit to the qualified and registered electors of
22 the county at the next regular election to be held in the county
23 the question of transferring the powers, duties, and functions of
24 the elected board of county road commissioners of that county to
25 the county board of commissioners. The resolution is subject to the
26 requirement in section 6(9) of chapter IV of 1909 PA 283, MCL
27 224.6. If a majority of the qualified and registered electors of

1 the county voting on the question vote in favor of transferring the
2 powers, duties, and functions of the elected board of county road
3 commissioners of that county to the county board of commissioners,
4 the elected board of county road commissioners of that county is
5 dissolved and the county board of commissioners is authorized to
6 receive and expend funds as allowed under 1951 PA 51, MCL 247.651
7 to 247.675. If the powers, duties, and functions of the board of
8 county road commissioners of a county are transferred to the county
9 board of commissioners of that county under this subdivision and
10 the powers and duties of the office of county drain commissioner of
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14 commissioners of that county shall reestablish, by resolution, the
15 office of county drain commissioner as an elected office. The
16 resolution reestablishing the office of county drain commissioner
17 shall provide for the appointment of an acting county drain
18 commissioner for that county who shall hold office until the next
19 general election at which a county drain commissioner will be
20 elected as provided in chapter X of the Michigan election law, 1954
21 PA 116, MCL 168.191 to 168.211.

22 (u) If, after a board of county road commissioners is
23 dissolved as provided in subdivision (s) or (t), the county board
24 of commissioners for a county determines that a board of county
25 road commissioners would provide a cost savings to the county
26 residents and would better meet the needs of the county residents,
27 the county board of commissioners for that county may, upon

1 majority vote of the members of the county board of commissioners,
2 submit the question of adopting a county road system with a board
3 of county road commissioners to a vote of the electors of the
4 county as provided in chapter IV of 1909 PA 283, MCL 224.1 to
5 224.32.

6 Enacting section 1. This amendatory act does not take effect
7 unless House Bill No. 5118 of the 97th Legislature is enacted into
8 law.