

HOUSE BILL No. 5117

October 31, 2013, Introduced by Reps. Victory, Price and Haveman and referred to the Committee on Transportation and Infrastructure.

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

1 subdivision is subject to any requirement of law that the building
2 be located at the county seat.

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

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

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

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

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

24 (h) Direct and provide for the raising of money necessary to
25 defray the current expenses and charges of the county and the
26 necessary charges incident to or arising from the execution of the
27 board's lawful authority, subject to the limitations prescribed in

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

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

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

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

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

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

27 (m) Establish rules and regulations in reference to the

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

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

1 commissioners, notice of the hearing, with a copy of the charges,
2 is delivered to the officer or agent, and a full opportunity is
3 given the officer or agent to be heard, either in person or by
4 counsel.

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

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

1 before the board.

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

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

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

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

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

1 224.6. If a majority of the qualified and registered electors of
2 the county voting on the question vote in favor of transferring the
3 powers, duties, and functions of the elected board of county road
4 commissioners of that county to the county board of commissioners,
5 the elected board of county road commissioners of that county is
6 dissolved and the county board of commissioners is authorized to
7 receive and expend funds as allowed under 1951 PA 51, MCL 247.651
8 to 247.675. If the powers, duties, and functions of the board of
9 county road commissioners of a county are transferred to the county
10 board of commissioners of that county under this subdivision and
11 the powers and duties of the office of county drain commissioner of
12 that county had previously been transferred to the board of county
13 road commissioners as provided in section 21(3) of the drain code
14 of 1956, 1956 PA 40, MCL 280.21, then the county board of
15 commissioners of that county shall reestablish, by resolution, the
16 office of county drain commissioner as an elected office. The
17 resolution reestablishing the office of county drain commissioner
18 shall provide for the appointment of an acting county drain
19 commissioner for that county who shall hold office until the next
20 general election at which a county drain commissioner will be
21 elected as provided in chapter X of the Michigan election law, 1954
22 PA 116, MCL 168.191 to 168.211.

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

1 the county board of commissioners for that county may, upon
2 majority vote of the members of the county board of commissioners,
3 submit the question of adopting a county road system with a board
4 of county road commissioners to a vote of the electors of the
5 county as provided in chapter IV of 1909 PA 283, MCL 224.1 to
6 224.32.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No.____ or House Bill No. 5118 (request no.
9 03749'13 a) of the 97th Legislature is enacted into law.