

HOUSE BILL NO. 4938

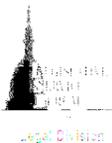
September 10, 2019, Introduced by Reps. Lightner, Hornberger, Bollin, Allor, Crawford, Calley, Sabo, Vaupel and Yaroach and referred to the Committee on Elections and Ethics.

A bill to amend 1966 PA 293, entitled

"An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,"

by amending section 14 (MCL 45.514), as amended by 2017 PA 210.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



STM



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1 Sec. 14. (1) A county charter adopted under this act must
2 provide for all of the following:

3 (a) In a county that has a population of less than 1,500,000,
4 for a salaried county executive, who ~~shall be~~ **is** elected at large
5 on a partisan basis, and for the county executive's authority,
6 duties, and responsibilities. In a county that has a population of
7 1,500,000 or more, a county charter adopted under this act must
8 provide for a form of executive government described and adopted
9 under section 11a.

10 (b) The election of a legislative body to be known as the
11 county board of commissioners, ~~whose term of office must be~~
12 ~~concurrent with that of state representatives,~~ and for their
13 authority, duties, responsibilities, and number, ~~which~~ **that** must be
14 not less than 5 or more than 21. **Until December 31, 2022, the term**
15 **of office of members of the county board of commissioners is**
16 **concurrent with that of state representatives. Beginning January 1,**
17 **2023, the term of office of members of the county board of**
18 **commissioners is as specified in section 10(2) of 1966 PA 261, MCL**
19 **46.410.** The county board of commissioners shall provide by
20 ordinance for their compensation and may increase or decrease their
21 compensation. A change in compensation is not effective during the
22 term of office for which the legislative body making the change was
23 elected. The charter must also provide for the partisan election of
24 members of the legislative body from single-member districts to be
25 established by the county apportionment commission as created in
26 section 5 and under the standards and guidelines established in
27 section 5 for reapportionment based on the last official federal
28 decennial census, effective at the first regular general election
29 of the members of the legislative body occurring not less than 12



1 months after the completion and certification of the federal
2 **decennial** census. Each city and township must be apportioned so
3 that it has the largest possible number of complete districts
4 within its boundaries before any part of the city or township is
5 joined to territory outside the boundaries of the city or township
6 to form a district.

7 (c) The partisan election of a sheriff, a prosecuting
8 attorney, a county clerk, a county treasurer, and a register of
9 deeds, and for the authority of the county board of commissioners
10 to combine the county clerk and register of deeds into 1 office as
11 authorized by law.

12 (d) Except as provided in subdivision (c), the continuation of
13 all existing county offices, boards, commissions, and departments
14 whether established by law or by action of the county board of
15 commissioners; the performance of their respective duties by other
16 county offices, boards, commissions, and departments; or the
17 discontinuance of these county offices, boards, commissions, and
18 departments. Notwithstanding this subdivision in relation to
19 existing county offices, boards, commissions, and departments, a
20 county charter must insure the following:

21 (i) Except as otherwise provided under subsection (2), in a
22 county that has a population of less than 1,500,000, the charter
23 must not be in derogation of the powers and duties of the county
24 road commission in the exercise of its statutory duties concerning
25 the preservation of a county road system. The charter for these
26 counties must provide for the creation of a commission that
27 consists of not fewer than 3 or more than 5 members. Not less than
28 1 member of the commission must be a resident of a township within
29 the county.



1 (ii) Except as otherwise provided in subsection (2), in a
2 county that has a population of 1,500,000 or more, the charter must
3 provide for the continuation of a county road system within the
4 county. Notwithstanding any other provisions of this act, the
5 charter described in this subparagraph must provide that
6 responsibility for the determination of the expenditure of all
7 funds for road construction and road maintenance and for carrying
8 out the powers and duties pertaining to a county road system as
9 provided in sections 9 to 32 of chapter IV of 1909 PA 283, MCL
10 224.9 to 224.32, is vested in a commission that consists of not
11 fewer than 3 or more than 5 members. The charter must provide that
12 1 member of the commission is a resident of the most populous city
13 in the county, 1 member is a resident of a city other than the most
14 populous city within the county, and 1 member is a resident of a
15 township within the county. The charter must provide that the
16 commission is appointed by either the elected county executive or
17 the chief administrative officer. Appointment to the commission
18 ~~must require~~ **requires** advice and consent by a majority of the
19 county board of commissioners elected and serving not more than 60
20 days after the appointment. If the county board of commissioners
21 does not vote on the appointment within 60 days, the appointment is
22 final. The charter may provide for the number of members and a
23 fixed term of years for the members of the commission, but the
24 charter must provide that the members of the commission may be
25 removed at the pleasure of the elected county executive or the
26 chief administrative officer. The charter must specify duties and
27 procedures to assure that administrative decisions made for road
28 construction are coordinated with administrative decisions made for
29 other programs which relate to roads. As used in this subparagraph,



1 "road construction" means all of the following:

2 (A) The building of a new road or street and the improving of
3 an existing road or street by correction grades, drainage
4 structures, width, alignment, or surface.

5 (B) The building of bridges or grade separations and the
6 repair of these structures by strengthening, widening, and the
7 replacement of piers and abutments.

8 (C) The initial signing of newly constructed roads or streets,
9 major resigning of projects, and the installation, replacement, or
10 improvement of traffic signals.

11 (e) Subject to section 15c, the continuation and
12 implementation of a system of pensions and retirement for county
13 officers and employees in those counties that have a system in
14 effect at the time of the adoption of the charter. The system
15 provided under the charter must recognize the accrued rights and
16 benefits of the officers and employees under the system then in
17 effect. The charter must not infringe on ~~nor~~**or** be in derogation of
18 those accrued rights and benefits. Subject to section 15c, the
19 charter must not preclude future modification of the system.

20 (f) The continuation and implementation of a system of civil
21 service in those counties having a system at the time of the
22 adoption of the charter. The system of civil service provided under
23 the charter must recognize the rights and status of persons under
24 the civil service system then in effect. The charter must not
25 infringe on ~~nor~~**or** be in derogation of those rights and that
26 status. The charter must not preclude future modification of the
27 system. Except as provided in subdivision (d), the charter must
28 provide that the system of civil service be coordinated among the
29 county offices, boards, commissions, and departments.



1 (g) That the general statutes and local acts of this state
2 regarding counties and county officers will continue in effect
3 except to the extent that this act permits the charter to provide
4 otherwise, if the charter does in fact provide otherwise.

5 (h) That all ordinances of the county will remain in effect
6 unless changed by the charter or an ordinance adopted under the
7 charter.

8 (i) The power and authority to adopt, amend, and repeal any
9 ordinance authorized by law or necessary to carry out any power,
10 function, or service authorized by this act and by the charter.

11 (j) The power and authority to enter into any
12 intergovernmental contract ~~which~~**that** is not specifically
13 prohibited by law.

14 (k) The power and authority to join, establish, or form with
15 any other governmental unit an intergovernmental district or
16 authority for the purpose of performing a public function or
17 service, ~~which~~**that** each is authorized to perform separately ~~and~~
18 the performance of which is not prohibited by law.

19 (l) A debt limit of not to exceed 10% of the state equalized
20 value of the taxable property within the county.

21 (m) The levy and collection of taxes, the fixing of an ad
22 valorem property tax limitation of not to exceed 1% of the state
23 equalized value of the taxable property within the county, and that
24 the levy of taxes from within this ad valorem property tax
25 limitation must not exceed, unless otherwise approved by the
26 electors, the tax rate in mills, equal to the number of mills
27 allocated to the county either by a county tax allocation board or
28 by a separate tax limitation under the property tax limitation act,
29 1933 PA 62, MCL 211.201 to 211.217a, in the year immediately



1 preceding the year in which the county adopts a charter.

2 (n) Initiative and referendum on all matters within the scope
3 of the county's power and authority; and for the recall of all
4 county officials.

5 (o) Amendment or revision of the charter initiated either by
6 action of the legislative body of the county or by initiatory
7 process. An amendment or revision ~~must is~~ not ~~become~~ effective
8 unless the amendment or revision is submitted to the electorate of
9 the county and approved by a majority of those voting.

10 (p) That the acquisition, operation, and sale of public
11 utility facilities for furnishing light, heat, or power ~~must be~~ **are**
12 subject to the same restrictions as imposed on cities and villages
13 by the state constitution of 1963 and applicable law.

14 (q) Annual preparation, review, approval, and adherence to a
15 balanced budget in a manner which assures coordination among the
16 county offices, boards, commissions, and departments, except as
17 provided in subdivision (d).

18 (r) An annual audit by an independent certified public
19 accountant of all county funds.

20 (s) That a county that incurs a budget deficit in any fiscal
21 year shall prepare and submit a detailed and specific 5-year plan
22 for short-term financial recovery and long-range financial
23 stability to the governor and the legislature, before adoption of
24 the next annual county budget, for review. The 5-year plan must
25 include, but not be limited to, a projection of annual revenues and
26 expenditures, an employee classification and pay plan, a capital
27 improvements budget, and equipment replacement schedules.

28 (2) Subsection (1)(d) does not apply to a county in which the
29 charter is amended to provide for an alternative method of carrying



1 out the powers and duties ~~which~~**that** are otherwise provided by law
2 for a board of county road commissioners.

3 (3) The county board of commissioners may by resolution
4 provide for staggered terms of office for the road commissioners
5 under subsection (1)(d) so that not more than 2 road commissioners'
6 terms of office expire in the same year.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No. _____ or House Bill No. 4937 (request no.
9 03591'19) of the 100th Legislature is enacted into law.

