

SENATE BILL NO. 1051

May 19, 2022, Introduced by Senator MCBROOM and referred to the Committee on Elections.

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 2021 PA 121.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14. (1) A county charter adopted under this act must

1 provide for all of the following:

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

9 (b) The election of a legislative body to be known as the
10 county board of commissioners, and for their authority, duties,
11 responsibilities, and number, that must be not less than 5 or more
12 than 21. Until December 31, 2024, the term of office of members of
13 the county board of commissioners is concurrent with that of state
14 representatives. Beginning January 1, 2025, the term of office of
15 members of the county board of commissioners is as specified in
16 section 10(2) of 1966 PA 261, MCL 46.410. The county board of
17 commissioners shall provide by ordinance for their compensation and
18 may increase or decrease their compensation. A change in
19 compensation is not effective during the term of office for which
20 the legislative body making the change was elected. The charter
21 must also provide for the partisan election of members of the
22 legislative body from single-member districts to be established by
23 the county apportionment commission as created in section 5 and
24 under the standards and guidelines established in section 5 for
25 reapportionment based on the last official federal decennial
26 census, effective at the first regular general election of the
27 members of the legislative body occurring not less than 12 months
28 after the completion and certification of the federal decennial
29 census. Each city and township must be apportioned so that it has

1 the largest possible number of complete districts within its
 2 boundaries before any part of the city or township is joined to
 3 territory outside the boundaries of the city or township to form a
 4 district.

5 (c) ~~The~~ **Except as otherwise provided in section 192a of the**
 6 **Michigan election law, 1954 PA 116, MCL 168.192a, the** partisan
 7 election of a sheriff, a prosecuting attorney, a county clerk, a
 8 county treasurer, and a register of deeds, and for the authority of
 9 the county board of commissioners to combine the county clerk and
 10 register of deeds into 1 office as authorized by law.

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

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

29 (ii) Except as otherwise provided in subsection (2), in a

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

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

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

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

10 (e) Subject to section 15c, the continuation and
11 implementation of a system of pensions and retirement for county
12 officers and employees in those counties that have a system in
13 effect at the time of the adoption of the charter. The system
14 provided under the charter must recognize the accrued rights and
15 benefits of the officers and employees under the system then in
16 effect. The charter must not infringe on or be in derogation of
17 those accrued rights and benefits. Subject to section 15c, the
18 charter must not preclude future modification of the system.

19 (f) The continuation and implementation of a system of civil
20 service in those counties having a system at the time of the
21 adoption of the charter. The system of civil service provided under
22 the charter must recognize the rights and status of persons under
23 the civil service system then in effect. The charter must not
24 infringe on or be in derogation of those rights and that status.
25 The charter must not preclude future modification of the system.
26 Except as provided in subdivision (d), the charter must provide
27 that the system of civil service be coordinated among the county
28 offices, boards, commissions, and departments.

29 (g) That the general statutes and local acts of this state

1 regarding counties and county officers will continue in effect
2 except to the extent that this act permits the charter to provide
3 otherwise, if the charter does in fact provide otherwise.

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

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

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

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

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

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

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

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

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

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

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

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

27 (2) Subsection (1)(d) does not apply to a county in which the
28 charter is amended to provide for an alternative method of carrying
29 out the powers and duties that are otherwise provided by law for a

1 board of county road commissioners.

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

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.

8 Enacting section 2. This amendatory act does not take effect
9 unless Senate Bill No. 1050 of the 101st Legislature is enacted
10 into law.