PERMANENT IMPROVEMENTS BY COUNTIES
Act 118 of 1923

AN ACT to authorize counties to raise by loan, expend from unallocated moneys on hand, or borrow money for permanent improvements, to issue bonds, and to levy taxes to the extent necessary for the repayment of the bonds.

History: 1923, Act 118, Eff. Aug. 30, 1923;—Am. 1941, Act 282, Eff. Jan. 10, 1942;—Am. 1973, Act 123, Imd. Eff. Aug. 21, 1973.

The People of the State of Michigan enact:

141.61 Borrowing money for permanent improvements; issuance, sale, and payment of bonds.

Sec. 1. When the county board of commissioners of any county within this state considers it expedient for the county or its lawful officers, agents, and servants to make or cause to be made any permanent improvement or improvements in or additions to or about roads, highways, bridges, boulevards, parks, buildings, courthouses, infirmaries, sanatoria, or any other permanent improvements, authorized by law, relating to county property or to public property under the control or management of county authorities, the county board of commissioners may, by resolution of a majority of the members-elect, authorize and direct the borrowing on the faith and credit of the county of the sums of money as in the judgment of the board may be needed, subject to the constitutional limitations upon county indebtedness, and the county board of commissioners may, in the resolution, authorize and direct the issue and sale of bonds of the county to secure the repayment of the sums borrowed, which bonds shall be paid from taxes levied without limitation as to rate or amount to the extent necessary for the repayment of the bonds. For any permanent improvement that may lawfully be made by the county authorities on the faith and credit of the county, the bonds of the county may be issued and sold to raise the money to pay for the improvement, or the bonds may be issued and negotiated to secure the payment of indebtedness incurred in making the permanent improvements. The bonds issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1923, Act 118, Eff. Aug. 30, 1923;—CL 1929, 2347;—Am. 1941, Act 282, Eff. Jan. 10, 1942;—CL 1948, 141.61;—Am. 1973, Act 123, Imd. Eff. Aug. 21, 1973;—Am. 2002, Act 286, Imd. Eff. May 9, 2002.

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141.61a Constructing, equipping, or making alterations in public buildings; authorization of expenditures.

Sec. 1a. The county board of commissioners without submitting the same to the vote of the electors may authorize annually the expenditure of any funds on hand not raised by taxation for the purpose of constructing, equipping, or making alterations in any of the public buildings in the county if the county board of commissioners shall by resolution of a majority of the total membership of the board authorize the same.

History: Add. 1941, Act 282, Eff. Jan. 10, 1942;—CL 1948, 141.61a;—Am. 1957, Act 186, Imd. Eff. June 4, 1957;—Am. 1973, Act 123, Imd. Eff. Aug. 21, 1973;—Am. 1975, Act 162, Imd. Eff. July 14, 1975.

141.62 Board's resolution; contents; referendum.

Sec. 2. The resolution of the board of supervisors shall contain a proviso that it shall not become effective or binding upon the county until it shall be approved by a majority of the electors voting at an election to be designated. The board of supervisors may submit the question of the issue and sale of said bonds at any regular election held under the general laws of the state of Michigan at which the electors of the entire county vote, or it may designate a special election to be called by the county clerk by direction of said board of supervisors for the purpose of submitting to the electors the question of issuing said bonds. The board of supervisors may call a special election for the purposes of this act upon a date coincident with any local or municipal election or primary election for any portion of the county.

History: 1923, Act 118, Eff. Aug. 30, 1923;—CL 1929, 2348;—CL 1948, 141.62.

141.63 Board's resolution; required notices; election procedure; construed.

Sec. 3. The county clerk shall, at least 30 days before any election at which the electors are to vote on any county bond issue, serve a copy of said resolution on the sheriff of the county and the sheriff shall, at least 20 days before said election, cause to be posted in 2 of the most public and conspicuous places in each election precinct or district in the county notices of said election containing the full text of the resolution aforesaid. The county clerk shall also cause to be published in at least 1 newspaper having a general circulation in the county, one published in the county, if such there be, a like notice for 3 successive weeks immediately prior to said election. The county clerk shall also cause to be served on the clerk of each city, village and township a

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copy of said resolution, at least 30 days before the time fixed for the holding of said election. All municipal and township authorities shall take such action relating to said election as shall be necessary to provide for the holding thereof but no election called under the provisions of this act shall be construed as a special municipal election within the limitations of Act No. 278 or Act No. 279 of the Public Acts of 1909 and amendments thereto. The notice required to be posted by the sheriff and published by the county clerk shall be deemed sufficient notice of said election. All elections herein provided for shall be conducted, all votes shall be received and counted, and all returns shall be made in accordance with the general election laws of the state of Michigan, unless herein otherwise provided: Provided, Where in any bond issues heretofore approved, the giving and posting of the notices required by this section have been made in accordance with the provisions of Act No. 351 of the Public Acts of 1925, rather than as heretofore provided for in this section, the said bond issues and all bonds issued thereunder are hereby validated, approved and confirmed as to the giving and posting of such notices.

History: 1923, Act 118, Eff. Aug. 30, 1923;—Am. 1929, Act 243, Imd. Eff. May 22, 1929;—CL 1929, 2349;—CL 1948, 141.63.

Compiler's note: For provisions of Act 278 of 1909 and Act 279 of 1909, referred to in this section, see MCL 78.1 et seq. and MCL 117.1 et seq., respectively. Act 351 of 1925, also referred to in this section, was repealed by Act 116 of 1954. See now MCL 168.1 et seq.

141.64 Election returns; certificate, recording; authorized acts.

Sec. 4. When the returns from the election herein provided for shall show that a majority of the electors of the county voting thereon have approved the resolution of the board of supervisors aforesaid, the county clerk shall make a certificate to this effect and shall record the same with the official record of the proceedings of the board of supervisors and thereupon said resolution shall become and be effective and binding upon the county, its officers, agents, servants and electors, and the authority delegated to and the duties imposed upon officers, agents and servants shall attach to and become and be binding upon such officers, agents and servants of the county and all who deal with them as representatives of the county; and all things provided for in said resolution may be done for, on behalf of, and on account of said county.

History: 1923, Act 118, Eff. Aug. 30, 1923;—CL 1929, 2350;—CL 1948, 141.64.

141.65 Provisions cumulative; election.

Sec. 5. This act and the powers and authority hereby granted shall be deemed cumulative and confirmatory of powers heretofore or hereafter granted to counties to borrow money or incur obligations for county purposes or issue bonds of the county or contract to secure repayment of moneys borrowed. If provision was heretofore or hereafter made for borrowing money, incurring obligations, or issuing bonds by counties, those provisions or the provisions of this act may be followed at the election of county authorities.

History: 1923, Act 118, Eff. Aug. 30, 1923;—CL 1929, 2351;—CL 1948, 141.65;—Am. 1973, Act 123, Imd. Eff. Aug. 21, 1973;—Am. 1975, Act 162, Imd. Eff. July 14, 1975.

141.66 Validation clause.

Sec. 6. Nothing in this act shall invalidate any bonds heretofore authorized or any proceedings heretofore taken to authorize the issuance of bonds by any county of the state, but all proceedings and elections heretofore since January 1, 1920, taken and held to authorize the issuance of bonds of any county, and all bonds heretofore issued under authority of a vote of a majority of the electors in said county, voting upon the question at an election held for that purpose are hereby validated, approved and confirmed.

History: 1923, Act 118, Eff. Aug. 30, 1923;—CL 1929, 2352;—CL 1948, 141.66.

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