COUNTY BOARDS OF COMMISSIONERS
Act 156 of 1851

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.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—Am. 1937, Act 199, Imd. Eff. July 20, 1937;—Am. 1978, Act 51, Eff. Mar. 30, 1979.

The People of the State of Michigan enact:

46.1 County board of commissioners; meetings; time; place; conducting business at public meeting; closed sessions; notice of meetings.

Sec. 1. (1) The commissioners of each county shall meet annually in that county for the transaction of business as a county board of commissioners. The county board of commissioners may also hold special meetings, when necessary, at the times and places it finds convenient, and may adjourn from time to time as it considers necessary. The annual meetings of the county boards of commissioners shall be held each year after September 14, but before October 16. When the term, October session, or other term used to designate the annual meeting, is used, it shall be construed to mean the annual meeting required by this section. The annual meetings of a county board of commissioners shall be held at a place in the county which the county clerk appoints with approval of the county board of commissioners, or at the place where regular meetings of the county board of commissioners are held.

(2) The business which a county board of commissioners may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

(3) The county board of commissioners may hold closed sessions as authorized by section 8 of Act No. 267 of the Public Acts of 1976, being section 15.268 of the Michigan Compiled Laws.

(4) Public notice of the time, date, and place of meetings of the county board of commissioners shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 335;—CL 1871, 467;—How. 473;—Am. 1887, Act 281, Eff. Sept. 28, 1887;—CL 1897, 2475;—Am. 1901, Act 26, Imd. Eff. Mar. 26, 1901;—Am. 1907, Act 25, Imd. Eff. Mar. 20, 1907;—Am. 1907, Act 147, Eff. Sept. 28, 1907;—Am. 1909, Act 161, Eff. Sept. 1, 1909;—CL 1915, 2265;—Am. 1925, Act 70, Eff. Aug. 27, 1925;—Am. 1929, Act 37, Eff. Aug. 28, 1929;—CL 1929, 1120;—Am. 1943, Act 125, Imd. Eff. Apr. 13, 1943;—CL 1948, 46.1;—Am. 1974, Act 87, Imd. Eff. Apr. 25, 1974;—Am. 1978, Act 51, Eff. Mar. 30, 1979;—Am. 1978, Act 366, Imd. Eff. July 22, 1978;—Am. 1980, Act 147, Imd. Eff. June 6, 1980;—Am. 1984, Act 71, Imd. Eff. Apr. 18, 1984.

46.1a Emergency financial manager; authority and responsibilities.

Sec. 1a. Notwithstanding any provision of this act, if an emergency financial manager has been appointed under the local government fiscal responsibility act, Act No. 101 of the Public Acts of 1988, being sections 141.1101 to 141.1118 of the Michigan Compiled Laws, with respect to a local government governed by this act, then that emergency financial manager may exercise the authority and responsibilities provided in this act to the extent authorized by Act No. 101 of the Public Acts of 1988.

History: Add. 1988, Act 194, Imd. Eff. June 27, 1988.

46.2 Board of supervisors; authority to offer rewards; appointment of county paid attendants and county jail attendants; compensation; bonds.

Sec. 2. The board of supervisors is hereby authorized to offer and pay out of the general fund of the county, not to exceed 1,000 dollars as a reward for the arrest and conviction or for information leading to the arrest and conviction of any person or persons having committed a crime within the county or having escaped from any penal institution therein: Provided, That the powers granted hereby may be exercised by the finance committee of the board of supervisors where said board of supervisors is not in session.

(a) The board of supervisors in any county containing a population of not less than 180,000 nor more than 250,000 according to the last United States census may, by a majority vote of members-elect at any regular or legally called special meeting thereof, provide by resolution for the appointment of a warden or other official and the necessary deputies and assistants to have full charge and control of the county jail and the prisoners therein, under the supervision of the board of supervisors. The board shall fix the salary or compensation and prescribe the duties of such official or officials. They may be required to furnish bonds in amounts and with sureties approved by the board of supervisors.

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History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 336;—CL 1871, 468;—How. 474;—CL 1897, 2475n;—CL 1915, 2265n;—Am. 1925, Act 262, Eff. Aug. 27, 1925;—Am. 1927, Act 310, Eff. Sept. 5, 1927;—CL 1929, 1121;—CL 1948, 46.2.

46.3 County board of commissioners; quorum; voting; electrical roll call system; electing chairperson and vice-chairperson; powers and duties of chairperson; signing documents; eligibility of member for other office.

Sec. 3. (1) A majority of the members of the county board of commissioners of a county constitutes a quorum for the transaction of the ordinary business of the county.

(2) The county board of commissioners of a county shall act by the votes of a majority of the members present. However, the final passage or adoption of a measure or resolution or the allowance of a claim against the county shall be determined by a majority of the members elected and serving. The county board of commissioners may require in its bylaws that the votes of 2/3 of the members present or a majority of the members elected and serving, whichever is greater, are required on final passage or adoption of a nonagenda item. The voting requirements of this subsection do not apply if section 11 or any other provision of law imposes a higher voting requirement.

(3) To take the yeas and nays on a question to be voted upon by the county board of commissioners of a county, an electrical roll call system may be used.

(4) The county board of commissioners of a county shall elect 1 member as chairperson and 1 member as vice-chairperson. The chairperson shall be elected each odd numbered year for a 2-year term, unless the county board of commissioners provides by resolution that the chairperson shall be elected annually for a 1-year term. The vice-chairperson shall be elected annually for a 1-year term. The election of a chairperson or vice-chairperson shall take place at the first meeting of the county board of commissioners in a year in which a chairperson or vice-chairperson, respectively, is to be elected. The term of a chairperson or vice-chairperson shall begin upon his or her election. A resolution providing for a 1-year term for the chairperson does not shorten the term of office of a sitting chairperson elected for a 2-year term.

(5) The chairperson shall preside at a meeting of the board, but if the chairperson is absent from a meeting, the vice-chairperson shall preside. A chairperson may administer an oath to a person concerning a matter submitted to the county board of commissioners or connected with the discharge of its duties, may issue subpoenas for witnesses, and may compel the attendance of a witness in the same manner as a court of law. The county board of commissioners may designate 1 member to affix his or her signature to contracts, bonds, and other documents requiring the signature of the chairperson, if the chairperson is unable to so do because of illness or other exigency which, in the opinion of the board, prevents the chairperson from performing the functions of the office.

(6) A member of the county board of commissioners of a county, while a member of the board, is not eligible for election to any other county office or position, the election of which is within the jurisdiction of the county board of commissioners.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 337;—Am. 1863, Act 195, Eff. June 22, 1863;—CL 1871, 469;—How. 475;—Am. 1897, Act 24, Eff. Aug. 30, 1897;—CL 1897, 2476;—CL 1915, 2266;—Am. 1919, Act 144, Eff. Aug. 14, 1919;—CL 1929, 1122;—CL 1948, 46.3;—Am. 1958, Act 109, Eff. Sept. 13, 1958;—Am. 1962, Act 144, Eff. Mar. 28, 1963;—Am. 1968, Act 56, Imd. Eff. May 28, 1968;—Am. 1969, Act 5, Imd. Eff. Apr. 11, 1969;—Am. 1978, Act 51, Eff. Mar. 30, 1979;—Am. 1978, Act 326, Imd. Eff. July 11, 1978;—Am. 1998, Act 97, Imd. Eff. May 15, 1998;—Am. 2000, Act 392, Imd. Eff. Jan. 4, 2001.

46.3a Recording names and votes of members; exception; public inspection of record.

Sec. 3a. The names and votes of members shall be recorded on an action taken by the board of county commissioners or by a committee of the board of county commissioners if the action is on an ordinance or the appointment or election of an officer, except the vote for chairperson may be by secret ballot. The vote and the name of the member voting on other questions or motions shall be recorded at the request of 1/5 of the members present if the question or motion is before the board, or 1/3 of the members present if the question or motion is before a committee of the board. A record that is made pursuant to this section shall be available for public inspection.

History: Add. 1973, Act 102, Imd. Eff. Aug. 16, 1973;—Am. 1998, Act 97, Imd. Eff. May 15, 1998.

46.4 County clerk; duties as clerk of board of supervisors.

Sec. 4. The county clerk of each county, or in his absence his deputy, shall be the clerk of the board of supervisors of such county. It shall be the duty of such clerk:

First, To record all the proceedings of such board in a book provided for that purpose;

Second, To make regular entries of all their resolutions and decisions upon all questions;

Third, To record the vote of each supervisor on any question submitted to the board, if required by any

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member present;

Fourth, To preserve and file all accounts acted upon by the board, and on no account to allow such accounts to be taken from his office;

Fifth, To certify, under the seal of the circuit court of his county, without charge, copies of any and all resolutions or decisions on any of the proceedings of such board, when required by such board or any member thereof, or when required by any other person upon payment of 6 cents per folio therefor; and such certificate shall be prima facie evidence of the matters therein set forth;

Sixth, To perform such other and further duties as such board may, by resolution, require.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 338;—CL 1871, 470;—Am. 1881, Act 262, Eff. Sept. 10, 1881;—How. 476;—CL 1897, 2477;—CL 1915, 2267;—CL 1929, 1123;—CL 1948, 46.4.

46.5 Deposit of books, records, and accounts with clerk; writings available to public; designating amounts audited and allowed, and charges therefor.

Sec. 5. The books, records, and accounts of the county board of commissioners shall be deposited with its clerk. A writing prepared, owned, used, in the possession of, or retained by the board or an official appointed pursuant to this act in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws. The clerk shall designate upon each account upon which a sum shall be audited and allowed by the board, the amount audited and allowed, and the charges for which the same was allowed.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 339;—CL 1871, 471;—How. 477;—CL 1897, 2478;—CL 1915, 2268;—CL 1929, 1124;—CL 1948, 46.5;—Am. 1978, Act 51, Eff. Mar. 30, 1979.

46.6 Accounts of county treasurer; annual examination by board of supervisors.

Sec. 6. It shall be the duty of every such board of supervisors, as often as once in each year, to examine the accounts of the treasurer of their county, and to ascertain and enter upon their records, a full statement of such account.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 340;—CL 1871, 472;—How. 478;—CL 1897, 2479;—CL 1915, 2269;—CL 1929, 1125;—CL 1948, 46.6.

46.7 Repair of courthouse, jail, and public buildings and offices; financing.

Sec. 7. It shall be the duty of the board, as often as shall be necessary, to cause the courthouse, jail, and all other public buildings and public offices of the county, to be duly repaired at the expense of the county. The county board of commissioners of a county may, subject to the limitations provided in Act No. 62 of the Public Acts of 1933, as amended, being sections 211.201 to 211.217a of the Michigan Compiled Laws, levy a tax on the taxable property in the county for the construction or repair of public buildings or bridges. The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidences of indebtedness or for the payment of assessments or contract obligations in anticipation of which bonds are issued, which taxes may be imposed without limitation as to rate or amount and in addition to any other taxes, even though the bonds or other evidences of indebtedness were issued for the foregoing purposes. The repair of the courthouse, jail, and all other public buildings and public offices of the county is hereby declared to be a current county operating expense for which the foregoing provisions are not to be considered as the exclusive means of financing; the county board of commissioners may authorize the use of any county collections not raised by taxation and under their control for current county operating expenses, for the repair of public buildings owned by the county. The amount of money spent for the repair of county buildings in any 1 fiscal year from funds not raised by taxation and under control of the county board of commissioners for current operating expenses, shall not exceed the total amount of such money collected in that year, except as otherwise provided by law unless submitted to the electors of the county and approved by a majority of those voting thereon.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 341;—CL 1871, 473;—How. 479;—CL 1897, 2480;—Am. 1913, Act 85, Eff. Aug. 14, 1913;—CL 1915, 2270;—CL 1929, 1126;—CL 1948, 46.7;—Am. 1952, Act 169, Eff. Sept. 18, 1952;—Am. 1973, Act 119, Imd. Eff. Aug. 21, 1973.

46.8 Convicts' cells; preparation, duty of board of supervisors.

Sec. 8. They shall also cause to be prepared within the jails of their respective counties, at the expense of such counties, so many cells for the reception of convicts, as they may deem necessary.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 342;—CL 1871, 474;—How. 480;—CL 1897, 2481;—CL 1915, 2271;—CL 1929, 1127;—CL 1948, 46.8.

46.9 Report of board proceedings; report of receipts and expenditures; annual report;

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publication; public inspection and copying.

Sec. 9. (1) The county board of commissioners shall cause to be made out immediately after each session a report of the proceedings of the board at that session and shall do 1 of the following:

(a) Publish the full report as soon as possible after each session in at least 1 well-established newspaper in the county or, if there is not a well-established newspaper in the county, in a newspaper published in a county adjacent to that county.

(b) Publish a synopsis of the proceedings of the board as soon as possible after each session in at least 1 well-established newspaper in the county or, if there is not a well-established newspaper in the county, in a newspaper published in a county adjacent to that county. A statement shall be included within the synopsis that a full report is available from the office of the county clerk upon request.

(c) Make the report available as soon as possible after each session in the office of the county clerk for public inspection and copying without charge, mail copies of the report upon request without charge, and advertise that the report is available from the office of the county clerk in at least 1 well-established newspaper in the county or, if there is not a well-established newspaper in the county, in a newspaper published in a county adjacent to that county.

(2) The board shall make available immediately after each session a report of receipts and expenditures which shall include a statement of the name of each claimant with the amount claimed and the amount allowed for that claimant, and a full statement of the amounts of the treasurer's account on the last settlement as found on the treasurer's balance sheet or account current to the last settlement. This report shall be available for public inspection and copying without charge at the office of the county clerk. The county clerk shall also send a copy of this report to the news media.

(3) The board may publish an annual report in pamphlet form containing the reports described in subsections (1) and (2). The number of copies as directed by the board shall be prepared and a copy shall be obtainable by a taxpayer without charge upon demand from the county clerk. Regardless of whether an annual report is published in pamphlet form, an annual report shall be prepared and shall be open to public inspection and copying at the office of the county clerk.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 343;—CL 1871, 475;—How. 481;—Am. 1887, Act 281, Eff. Sept. 28, 1887;—CL 1897, 2482;—CL 1915, 2272;—Am. 1929, Act 130, Eff. Aug. 28, 1929;—CL 1929, 1128;—CL 1948, 46.9;—Am. 1976, Act 86, Imd. Eff. Apr. 17, 1976;—Am. 1978, Act 51, Eff. Mar. 30, 1979;—Am. 1982, Act 344, Imd. Eff. Dec. 21, 1982.

46.10 Special meetings; request; notice.

Sec. 10. A special meeting of the county board of commissioners of a county shall be held only when requested by at least 1/3 of the members of the county board of commissioners of the county. The request shall be in writing, shall be addressed to the county clerk, and shall specify the time, date, place, and purpose of the meeting. Upon the reception of a request, the clerk shall give notice to each of the commissioners in the manner required by the bylaws or rules of the county board of commissioners or, if the bylaws or rules do not specify the manner for giving notice to each of the commissioners, by causing notice to be delivered to the commissioners personally, or by leaving the notice at the residence of the commissioner, or by mailing a copy of the notice to his or her post office address by certified mail with return receipt requested, at least 10 days before the time of the meeting. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 344;—CL 1871, 476;—How. 482;—CL 1897, 2483;—CL 1915, 2273;—Am. 1923, Act 49, Eff. Aug. 30, 1923;—CL 1929, 1129;—CL 1948, 46.10;—Am. 1955, Act 23, Imd. Eff. Apr. 7, 1955;—Am. 1960, Act 20, Eff. Aug. 17, 1960;—Am. 1978, Act 51, Eff. Mar. 30, 1979;—Am. 1996, Act 393, Imd. Eff. Oct. 3, 1996.

46.10b Violation of ordinances; penalty; designation as civil infraction; act or omission constituting crime.

Sec. 10b. (1) Except for an ordinance described in subsection (2) or (3), the violation of an ordinance adopted pursuant to section 11(j) shall be punishable by a fine of not more than $500.00 or imprisonment for not more than 90 days, or both.

(2) Consistent with 1945 PA 58, MCL 46.201, the county board of commissioners may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation.

(3) The county board of commissioners may adopt an ordinance that designates a violation of the ordinance as a municipal civil infraction and provides a civil fine for that violation. An ordinance may not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (2). A statute may provide that a violation of a specific type of ordinance is a municipal civil infraction whether or not the ordinance designates the violation as a municipal civil infraction.

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(4) An ordinance shall not make an act or omission a municipal civil infraction if that act or omission constitutes a crime under any of the following:

(a) Article 7 or section 17766a of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545 and 333.17766a.

(b) The Michigan penal code, 1931 PA 328, MCL 750.1 to 750.568.

(c) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(d) The Michigan liquor control act, 1933 (Ex Sess) PA 8, MCL 436.1 to 436.58.

(e) Part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199.

(f) The aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208.

(g) Part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82159.

(h) Part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150.

(i) Sections 351 to 365 of the railroad code of 1993, 1993 PA 354, MCL 462.351 to 462.365.

(j) A law of this state under which the act or omission is punishable by imprisonment for more than 90 days.

History: Add. 1994, Act 18, Eff. May 1, 1994;—Am. 1996, Act 40, Imd. Eff. Feb. 26, 1996;—Am. 1998, Act 97, Imd. Eff. May 15, 1998.

46.10c Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 10c. A petition under section 11(m) asking that an ordinance or act of incorporation be submitted to electors or under section 16b, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 146, Eff. Mar. 23, 1999.

46.11 Powers of county board of commissioners.

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

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

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

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

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

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

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

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

(h) Direct and provide for the raising of money necessary to defray the current expenses and charges of the county and the necessary charges incident to or arising from the execution of the board's lawful authority, subject to the limitations prescribed in this act. The county board of commissioners may borrow in a year, in anticipation of the levy or collection of taxes for the year, a sum of money, not exceeding 50% of the tax to be levied or collected for the general fund of the county, necessary to defray current expenses of the county. The money borrowed must be repaid from the tax when levied and collected.

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

(j) By majority vote of the members of the county board of commissioners elected and serving, pass ordinances that relate to county affairs and do not contravene the general laws of this state or interfere with

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the local affairs of a township, city, or village within the limits of the county, and pursuant to section 10b provide suitable sanctions for the violation of those ordinances. The board may change the limits of a city, village, or school district within the county as provided by law. If there is not a general law governing the subject, or if a change cannot be made pursuant to a general law, the board may change the limits of the village upon petition of at least 10% of the resident taxpayers. An ordinance or act of incorporation provided in this subdivision takes effect when notice of the adoption is published in a newspaper of general circulation in the county. The clerk of the county board of commissioners shall engross each ordinance or act, and it shall be signed by the chairperson of the county board of commissioners and certified by the clerk of the county board of commissioners. If, within 50 days after the county board of commissioners adopts an ordinance or act, a petition signed by not less than 20% of the electors residing in the district to be affected by the ordinance or act is filed with the county clerk asking that the ordinance or act be submitted to electors of the district to be affected by the ordinance or act for approval or rejection, then the ordinance or act does not take effect until it is approved by a majority of the electors of the district affected voting on that issue at a regular or special election called for that purpose. The county board of commissioners shall provide the manner of submitting the ordinance or act to the electors for their approval and of determining the result of the election.

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

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

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

(n) Subject to subdivision (o), remove an officer or agent appointed by the board if, in the board's opinion, the officer or agent is incompetent to execute properly the duties of the office or if, on charges and evidence, the board is satisfied that the officer or agent is guilty of official misconduct, or habitual or willful neglect of duty, and if the misconduct or neglect is a sufficient cause for removal. However, an officer or agent shall not be removed for that misconduct or neglect unless charges of misconduct or neglect are presented to the county board of commissioners or the chairperson of the county board of commissioners, notice of the hearing, with a copy of the charges, is delivered to the officer or agent, and a full opportunity is given the officer or agent to be heard, either in person or by counsel.

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

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

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

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

(s) By majority vote of the members of the county board of commissioners elected and serving in a county with an appointed board of county road commissioners, pass a resolution that transfers the powers, duties, and functions that are otherwise provided by law for the appointed board of county road commissioners of that county to the county board of commissioners. The resolution is subject to the requirement in section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. The appointed board of county road commissioners of that county is dissolved on the date specified in the resolution adopted under this subdivision, and the county board of commissioners is authorized to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675. If the powers, duties, and functions of the board of county road commissioners of a county are transferred to the county board of commissioners of that county under this subdivision and the powers and duties of the office of county drain commissioner of that county had previously been transferred to the board of county road commissioners as provided in section 21(3) of the drain code of 1956, 1956 PA 40, MCL 280.21, then the county board of commissioners of that county shall reestablish, by resolution, the office of county drain commissioner as an elected office. The resolution reestablishing the office of county drain commissioner must provide for the appointment of an acting county drain commissioner for that county who shall hold office until the next general election at which a county drain commissioner will be elected as provided in chapter X of the Michigan election law, 1954 PA 116, MCL 168.191 to 168.211.

(t) By majority vote of the members of the county board of commissioners elected and serving in a county with an elected board of county road commissioners, pass a resolution to submit to the qualified and registered electors of the county at the next regular election to be held in the county the question of transferring the powers, duties, and functions of the elected board of county road commissioners of that county to the county board of commissioners. The resolution is subject to the requirement in section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. If a majority of the qualified and registered electors of the county voting on the question vote in favor of transferring the powers, duties, and functions of the elected board of county road commissioners of that county to the county board of commissioners, the elected board of county road commissioners of that county is dissolved and the county board of commissioners is authorized to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675. If the powers, duties, and functions of the board of county road commissioners of a county are transferred to the county board of commissioners of that county under this subdivision and the powers and duties of the office of county drain commissioner of that county had previously been transferred to the board of county road commissioners as provided in section 21(3) of the drain code of 1956, 1956 PA 40, MCL 280.21, then the county board of commissioners of that county shall reestablish, by resolution, the office of county drain commissioner as an elected office. The resolution reestablishing the office of county drain commissioner must provide for the appointment of an acting county drain commissioner for that county who shall hold office until the next general election at which a county drain commissioner will be elected as provided in chapter X of the Michigan election law, 1954 PA 116, MCL 168.191 to 168.211.

(u) If, after a board of county road commissioners is dissolved as provided in subdivision (s) or (t), the county board of commissioners for a county determines that a board of county road commissioners would provide a cost savings to the county residents and would better meet the needs of the county residents, the county board of commissioners for that county may do either of the following:

(*i*) By majority vote of the members of the county board of commissioners, adopt a county road system with a board of county road commissioners as provided in chapter IV of 1909 PA 283, MCL 224.1 to 224.32.

(*ii*) By majority vote of the members of the county board of commissioners, submit the question of adopting a county road system with a board of county road commissioners to a vote of the electors of the county as provided in chapter IV of 1909 PA 283, MCL 224.1 to 224.32.

(v) Loan money to a township within the county for the purpose of funding a road construction project or

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providing matching funds for a joint project between the county and the township. A loan granted under this subdivision must not exceed a term of 10 years.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 345;—Am. 1859, Act 244, Eff. May 18, 1859;—Am. 1867, Act 81, Eff. June 27, 1867;—CL 1871, 477;—Am. 1877, Act 165, Eff. Aug. 21, 1877;—How. 483;—CL 1897, 2484;—Am. 1905, Act 98, Eff. Sept. 16, 1905;—Am. 1909, Act 322, Eff. Sept. 1, 1909;—Am. 1913, Act 397, Eff. Aug. 14, 1913;—CL 1915, 2274;—Am. 1925, Act 69, Eff. Aug. 27, 1925;—CL 1929, 1130;—CL 1948, 46.11;—Am. 1955, Act 108, Imd. Eff. June 3, 1955;—Am. 1956, Act 132, Imd. Eff. Apr. 13, 1956;—Am. 1958, Act 59, Eff. Sept. 13, 1958;—Am. 1959, Act 193, Imd. Eff. July 22, 1959;—Am. 1964, Act 182, Eff. Aug. 28, 1964;—Am. 1975, Act 206, Imd. Eff. Aug. 21, 1975;—Am. 1978, Act 51, Eff. Mar. 30, 1979;—Am. 1978, Act 278, Imd. Eff. July 6, 1978;—Am. 1978, Act 629, Imd. Eff. Jan. 8, 1979;—Am. 1980, Act 334, Eff. Dec. 30, 1980;—Am. 1985, Act 171, Eff. Mar. 31, 1986;—Am. 1988, Act 227, Imd. Eff. July 8, 1988;—Am. 1994, Act 18, Eff. May 1, 1994;—Am. 1996, Act 22, Imd. Eff. Feb. 16, 1996;—Am. 1996, Act 396, Imd. Eff. Oct. 8, 1996;—Am. 1998, Act 97, Imd. Eff. May 15, 1998;—Am. 2003, Act 94, Imd. Eff. July 24, 2003;—Am. 2012, Act 15, Imd. Eff. Feb. 21, 2012;—Am. 2015, Act 236, Imd. Eff. Dec. 22, 2015;—Am. 2016, Act 77, Imd. Eff. Apr. 12, 2016;—Am. 2020, Act 1, Imd. Eff. Jan. 27, 2020.

Compiler's note: Act 259 of 1937 purported to amend this section, but the effective date of that act depended on the approval of Act 258 of 1937, which was defeated by referendum.

46.11a Armistice day celebration; appropriation by board of supervisors.

Sec. 11a. The board of supervisors is hereby authorized to appropriate such sum as they deem fit for the purpose of a public celebration on Armistice day. The board shall provide for the expenditure of this money in any way they see fit.

History: Add. 1927, Act 280, Eff. Sept. 5, 1927;—CL 1929, 1131;—CL 1948, 46.11a.

46.11b Contract or agreement to purchase lands, property, or equipment; installment payments; limitations.

Sec. 11b. (1) A county, by resolution of the county board of commissioners, may enter into a contract or agreement for the purchase of lands, property, or equipment to be used for public purposes and, except as provided in subsection (6), to be paid for in installments over a period of not more than 10 years, or the useful life of the property, whichever is less. A contract or agreement described in this section made before August 21, 1975, is validated and made legal.

(2) The aggregate outstanding balance of purchases made by a county pursuant to this section, excluding interest, shall not exceed 1/2 of 1% of the equalized assessed value of real and personal property in the county at the date of the contract or agreement, except that a contract or lease entered into pursuant to Act No. 31 of the Public Acts of the First Extra Session of 1948, as amended, being sections 123.951 to 123.965 of the Michigan Compiled Laws, or a contract or lease entered into with a public corporation or municipality, shall not be included in a calculation of the aggregate outstanding balance.

(3) The county board of commissioners shall include in its budget and pay the sum or sums necessary each year to meet the payments of the installments, including interest, when they become due and overdue installments.

(4) This section shall not authorize the county board of commissioners to levy taxes in excess of statutory limitations without the approval of the electors.

(5) The limitations imposed in this section shall not be applicable to a contract for purchase of land declared surplus by the United States government or any of its agencies.

(6) The installments for a contract or agreement to purchase lands, property, or equipment may be for a period of not more than 15 years if all of the following conditions are satisfied:

(a) The lands, property, or equipment is entirely within the county.

(b) The lands, property, or equipment is purchased from a city which is entirely within the county.

(c) The lands, property, or equipment is used for airport purposes.

(d) The purchase is made after June 30, 1983, and before July 1, 1984.

History: Add. 1975, Act 206, Imd. Eff. Aug. 21, 1975;—Am. 1983, Act 142, Imd. Eff. July 18, 1983.

46.11c Energy conservation improvements; acquisition or financing; resolution; payment; acquisition by contract, lease-purchase agreement, or notes; reports; forms; terms of lease-purchase agreement.

Sec. 11c. (1) A county board of commissioners may provide by resolution for the acquisition or financing of energy conservation improvements to be made to county facilities or infrastructure and may pay for the improvements or the financing or refunding of the improvements from the general fund of the county or from the savings that result from the energy conservation improvements. Energy conservation improvements may include, but are not limited to, heating, ventilating, or air-conditioning system improvements, fenestration improvements, roof improvements, the installation of any insulation, the installation or repair of heating,

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ventilating, or air-conditioning controls, entrance or exit way closures, information technology improvements associated with an energy conservation improvement, and municipal utility improvements associated with an energy conservation improvement.

(2) The county board of commissioners of a county may acquire, finance, or refund 1 or more of the energy conservation improvements described in subsection (1) by installment contract, which may include a lease-purchase agreement described in subsection (5), or may borrow money and issue notes for the purpose of securing funds for the improvements or may enter into contracts in which the cost of the energy conservation improvements is paid from a portion of the savings that result from the energy conservation improvements. These contractual agreements may provide that the cost of the energy conservation improvements are paid only if the energy savings are sufficient to cover their cost. An installment contract, a lease-purchase agreement described in subsection (5), or notes issued pursuant to this subsection shall extend for a period of time not to exceed 20 years from the date of the final completion of the energy conservation improvements or the useful life of the aggregate energy conservation improvements, whichever is less. Notes issued pursuant to this subsection shall be full faith and credit, tax limited obligations of the county, payable from tax levies and the general fund as pledged by the county board of commissioners of the county. The notes are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. A lease-purchase agreement issued pursuant to this subsection shall not be subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and shall not be a municipal security or a debt as those terms are defined in that act. This subsection does not limit in any manner the borrowing or bonding authority of a county as provided by law.

(3) Prior to entering into a contract for energy conservation improvements under this section, the county board of commissioners shall determine the following information and, within 60 days of the completion of the improvements, shall report the following information to the department of treasury:

(a) Name of each facility to which an improvement is made and a description of the energy conservation improvement.

(b) Actual energy consumption during the 12-month period before commencement of the improvement.

(c) Project costs and expenditures, including the total of all lease payments over the duration of the lease-purchase agreement.

(d) Estimated annual energy savings, including projected savings over the duration of the installment contract.

(4) If energy conservation improvements are made as provided in this section, the county board of commissioners shall report to the department of treasury, by July 1 of each of the 5 years after the improvements are completed, only the actual annual energy consumption of each facility to which improvements are made. The forms for the reports required by this section shall be furnished by the department of treasury.

(5) An installment contract described in this section may include a lease-purchase agreement, which may be a multiyear contractual obligation that provides for automatic renewal unless positive action is taken by the legislative body to terminate that contract. Payments under a lease-purchase agreement shall be a current operating expense subject to annual appropriations of funds by the legislative body and shall obligate the legislative body only for those sums payable during the fiscal year of contract execution or any renewal year thereafter. The legislative body may make payments under a lease-purchase agreement from any legally available funds or from a combination of energy or operational savings, capital contributions, future replacement costs avoided, or billable revenue enhancements that result from energy conservation improvements, provided that the legislative body has determined that those funds are sufficient to cover, in aggregate over the full term of the contractual agreement, the cost of the energy conservation improvements. The lease-purchase agreement will terminate immediately and absolutely and without further obligation on the part of the legislative body at the close of the fiscal year in which it was executed or renewed or at such time as appropriated and otherwise unobligated funds are no longer available to satisfy the obligations of the legislative body under the lease-purchase agreement. During the term of the lease-purchase agreement, the legislative body shall be the vested owner of the energy conservation improvements and may grant a security interest in the energy conservation improvements to the provider of the lease-purchase agreement. Upon the termination of the lease-purchase agreement and the satisfaction of the obligations of the legislative body, the provider of the lease-purchase agreement shall release its security interest in the energy conservation improvements.

History: Add. 1984, Act 400, Imd. Eff. Dec. 28, 1984;—Am. 1989, Act 30, Imd. Eff. May 23, 1989;—Am. 2002, Act 275, Imd. Eff. May 9, 2002;—Am. 2016, Act 123, Eff. Aug. 17, 2016.

Compiler's note: For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at MCL 460.901 of the Michigan Compiled

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For transfer of powers and duties of the public service commission pertaining to energy conservation improvement reports from the public service commission to the state treasurer, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

46.11d Minimum staffing requirement; adoption of ordinance prohibited.

Sec. 11d. Beginning on the effective date of the amendatory act that added this section, a county board of commissioners shall not adopt an ordinance that includes any minimum staffing requirement for county employees. Except as otherwise provided in this section, any provision in an ordinance adopted by a county board of commissioners on or after the effective date of the amendatory act that added this section that contains a minimum staffing requirement for county employees is void and unenforceable.

History: Add. 2011, Act 134, Imd. Eff. Sept. 13, 2011.

46.11e Licensing requirements subject to the local government occupational licensing act.

Sec. 11e. Any occupational licensing requirements imposed under this act are subject to the local government occupational licensing act.

History: Add. 2018, Act 500, Imd. Eff. Dec. 27, 2018.

Compiler's note: Enacting section 1 of Act 500 of 2018 provides:
"Enacting section 1. This amendatory act is retroactive and takes effect January 1, 2018."

46.12 Repealed. 1998, Act 97, Imd. Eff. May 15, 1998.

Compiler's note: The repealed section pertained to vote required for exercise of certain powers.

46.12a Insurance; pension or retirement plan; effect of collective bargaining agreement; reemployment of retirant; adjusted pension or retirement benefit; payment of benefits subject to eligible domestic relations order; effect of divorce from spouse named as retirant's survivor beneficiary on election of reduced retirement allowance; employee of credit union as member of plan; written policy; pension or retirement benefit subject to protecting local government retirement and benefits act.

Sec. 12a. (1) Subject to subsection (34), a county board of commissioners at a lawfully held meeting may do 1 or more of the following:

(a) Provide group life, health, accident and hospitalization, and disability coverage for a county employee, a retired employee, or an employee of an office, board, or department of the county, including the board of county road commissioners, and a dependent of an employee, either with or without cost participation by the employee, and appropriate the necessary money for the insurance. For a county with 100 employees or more, the county may under this subsection self-insure for health, accident and hospitalization, and group disability coverage for a county employee, a retired employee, or an employee of an office, board, or department of the county, including the board of county road commissioners, and a dependent of an employee, either with or without cost participation by the employee, and appropriate the necessary funds.

(b) Adopt and establish a plan by which the county purchases or participates in the cost of an endowment policy or retirement annuity for a county employee or an employee of an office, board, or department of the county, including the board of county road commissioners, to provide monthly pension or retirement benefits for each employee 60 years of age or older in an amount not to exceed $150.00 per month or 2% of the average monthly earnings of the employee for 5 years immediately before retirement times the years of service of the employee, whichever is the lesser amount. As an option, a county board of commissioners may adopt and establish a plan by which the county pays pension or retirement benefits to a county employee or an employee of an office, board, or department of the county, including the board of county road commissioners, who has been employed for not less than 25 years, or who is 60 years of age or older and has been employed for not less than 5 years, in monthly payments not to exceed 2.5% of the employee's highest average monthly compensation or earnings received from the county or county road fund for 5 years of service times the total number of years of service of the employee, including a fraction of a year, not to exceed 3/4 of the average final compensation of the employee. A plan may also pay early retirement benefits at 55 years of age or older to the extent of actuarially equivalent benefits not increasing the costs of the plan. Except as provided in subsection (27), endowment policies, retirement benefits, pensions, or annuity retirement benefits in excess of the amounts provided in this subdivision may be provided for by a plan of employee participation to cover the cost of the excess. If the employment or the pension or retirement benefits of an employee who participated in the cost of pension or retirement benefits are terminated before the employee receives pension or retirement benefits equal to the total amount of the employee's participation, the balance of the total participation must be refunded to the employee at the time of termination, if living, or if deceased, to the employee's heir, estate, legal representative, or designated beneficiary as provided in the plan adopted and established by the county

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board of commissioners. If a terminated employee is rehired by the county, the employee may repay the amount of participation refunded to the employee on the employee's termination, plus compound interest from the date of refund to the dates of repayment at the rates provided in the plan. As conditions for repayment, the plan may require return to employment for a period not to exceed 3 years and may require that repayment be completed within a period of not less than 1 year following return to employment. A plan adopted for the payment of retirement benefits or a pension must grant benefits to an employee eligible for pension or retirement benefits according to a uniform scale for all persons in the same general class or classification. An employee must not be denied benefits by termination of his or her employment after the employee becomes eligible for benefits under the plan and this section. An endowment policy or annuity purchased under this section must be purchased from an insurer authorized to write endowment policies or annuities in this state.

(2) In a plan adopted under this section, at least 60% of the total pension or retirement benefit granted to an employee from county funds must consist of a percentage not to exceed 2.5% of the employee's average final compensation times the employee's years of service and must be granted to each employee eligible for retirement under the plan uniformly and without restriction or limitation other than those prescribed in this section. As used in this section:

(a) "Average final compensation" means the annual average of the highest actual compensation received by a county employee, other than a county employee who is a judge of a municipal court of record subject to subsection (20) or a judge subject to subsection (23), during a period of 5 consecutive years of service contained within the employee's 10 years of service immediately before the employee's retirement or a period of 5 years of service as specified in the plan. In a county that adopts a plan for granting longevity pay, the county board of commissioners may exclude this longevity pay from average final compensation for the purpose of computing the rate of employee contribution and the amount of benefits payable to an employee on retirement.

(b) "Longevity pay" means increments of compensation payable at annual or semiannual intervals and based on years of service to the county, exclusive of compensation provided for a given class of positions.

(3) A circuit court stenographer is eligible for membership in, and the benefits of, a pension or retirement benefit under a plan established under this section, or a social security plan established by the county or 1 of the counties that pays a portion of the compensation of a circuit court stenographer.

(4) If the employment of a county employee eligible to receive a pension or retirement benefit under a plan established under this section is terminated after the employee has completed 8 or more years of service in county employment, the employee must receive the amount of pension or retirement benefit to which the employee's service would have entitled the employee under the plan established, if the employee waives the employee's right to a refund of the employee's total participation on the termination of employment. The payment of pension or retirement benefits must begin, as provided in the plan, after the employee would have become eligible for retirement under the plan had the employee's employment not been terminated, but not later than 90 days after the employee becomes 65 years of age. The payment of pension or retirement benefits must not begin until the employee has applied for pension or retirement benefits in the manner prescribed in the plan established.

(5) A plan established under this section may provide for pension or retirement benefits for a county employee who becomes totally disabled for work in the county service from any cause, after not less than 10 years of county employment, to the extent of the limitations provided in this section. A plan may also provide for pension or retirement benefits to the extent of the limitations provided in this section or $400.00 per month, whichever is the greater amount, for an employee who becomes totally disabled for work in the county service from causes that are the direct and proximate result of county employment, to continue for the duration of the disability or until the employee becomes eligible for retirement under other provisions of the plan authorized by this section. A plan may also provide for pension or retirement benefits, to the extent of the limitations provided in this section, for the actual dependents of a county employee who dies while still employed by the county after not less than 10 years of county employment, or who dies after leaving county employment with not less than the number of years of service required to vest in the plan but before becoming eligible to receive a pension or retirement benefit. A plan may also provide for pension or retirement benefits to the extent of the limitations provided in this section or $400.00 per month, whichever is greater, for the actual dependents of a deceased county employee whose death is the direct and proximate result of county employment. The plan may provide that the period from the end of the deceased or disabled employee's period of service to the date that employee would have become eligible for retirement is used as service for the sole purpose of computing the amount of disability or death pension.

(6) As used in this section, "county employee" includes a bailiff of the district court in the thirty-sixth district who serves under section 8322 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8322, and a person who receives more than 50% of all compensation for personal services, rendered to

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governmental units, from a county fund or county road fund, except a person, other than a bailiff of the district court in the thirty-sixth district, engaged for special services on a contract or fee basis. Until December 31, 1979, a plan adopted under this section may include as a county employee a person on leave of absence from county employment who is not a member of another retirement system except as a retirant and who pays or arranges payment of contributions equal to the contributions that would have been required to be paid under the plan by both the county and the employee, based on the compensation the employee would have received from the county, if the employee had not taken a leave of absence or a person who complies with the requirements of such a provision approved for inclusion in a plan by the county board of commissioners before January 1, 1976, who is considered a county employee during the period of compliance. A plan adopted under this section may exclude a person who is employed on a temporary basis and a person employed in a position normally requiring less than 1,000 hours, or some lesser specified number of hours, work per year. A bailiff serving in the district court in the thirty-sixth district is eligible to receive benefits under this section if a plan has been established by law by which the cost of benefits is payable from sources including charges on all legal instruments in which the service of process by a bailiff is required and earmarked by law for benefits, and contributions made by the city of Detroit and each bailiff under section 8322(6) of the revised judicature act of 1961, 1961 PA 236, MCL 600.8322. The plan must provide that a bailiff or former bailiff who served as bailiff as of January 1, 1967, may retire after 25 years of service regardless of age, with maximum benefits to be computed as follows: starting as of January 1, 1969, the average of any 5 years of earnings of the previous 10 years served in succession before retirement multiplied by 1.9% times the years of service; starting as of June 1, 1975, the average of any 5 years of earnings multiplied by 2% times the years of service. As used in this subsection, "earnings" means the salary and fees, other than mileage, received by a bailiff under section 8322(5) of the revised judicature act of 1961, 1961 PA 236, MCL 600.8322. The plan must provide that health, accident, and hospitalization insurance premiums may be paid out of the earnings of this fund. These payments must be made at the discretion of the pension board of trustees. A county that has a retirement fund for bailiffs under this section shall annually review the retirement fund and shall ensure that the fund is maintained in an actuarially sound condition. Copies of the actuarial reports must be provided to the employer designated under section 8274(2) or (3) of the revised judicature act of 1961, 1961 PA 236, MCL 600.8274, and to the state court administrator.

(7) An employee while receiving a pension or retirement benefit because of disability, under this section, may be considered as employed in the county service for the purpose of retirement under this section.

(8) A county employee who is included by law in another pension or retirement system by reason of the compensation the employee receives from the county may be excluded from a plan established under this section or included only to the extent of the difference between benefits granted under this section and the other pension or retirement system.

(9) The county board of commissioners, on the request of a county employee, by not less than a 3/5 vote may credit the county employee with the amount of government service resulting from employment with the United States government, except military service, employment with a state, or employment with any of their political subdivisions under the following conditions:

(a) Employment by the county occurred within 15 years following the county employee's separation from service of the last unit of government by which the county employee was employed.

(b) Service rendered before the last break in service of more than 15 years is not credited.

(c) Service that is recognized for the purpose of a deferred retirement allowance under a retirement system or other employer-funded retirement benefit plan, except for a retirement benefit plan under the social security act, chapter 531, 49 Stat. 620, of the United States government, a state, or a political subdivision of a state is not credited if the county employee retired under a retirement system of the United States government, a state, or any of their political subdivisions or until the county employee irrevocably forfeits the right to the deferred retirement allowance.

(d) The county employee deposits in the plan established under this section an amount equal to the aggregate amount of contributions the county employee would have made had the service been acquired while employed by the county, plus interest from the dates the contributions would have been made to the date of deposit, at rates determined by the county board of commissioners. If records are insufficient or unavailable to compute the exact amount of required deposit, the county board of commissioners may estimate the amount.

(e) The county employee has 8 or more years of credited service in county employment, is vested in the county plan, and deposits in the county employees' retirement system an amount equal to the aggregate amount of contributions the employer would have made had the government service being credited under this section been acquired while employed by the county.

(10) A plan adopted under this section may provide for annual or less frequent postretirement redetermination of a pension. The redetermined amount of pension must be not greater than the amount of

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pension otherwise payable multiplied by the sum of 100% and the percentage the county board of commissioners determines appropriate for each full year, excluding a fraction of a year, in the period from the effective date of payments of the pension and the date that the redetermination is being made. The redetermined amount must not be less than the amount of pension otherwise payable. A provision of this section that limits the amount of a pension does not apply to the operation of this subsection redetermining the amount of a pension. As used in this subsection, "the amount of pension otherwise payable" means the amount of pension that would be payable without regard to this subsection. The application of a provision redetermining pension amounts may be restricted to pensions that have an effective date of payment either before or after a specified date.

(11) The cost of pension or retirement benefits for a county employee under this section may be paid from the same fund from which the employee receives compensation, and the county board of commissioners may appropriate the necessary funds to carry out the purposes of this section. If a county establishes a plan by which the county pays pension or retirement benefits to an employee under this section, the county, under provisions for pension or retirement benefits that are incorporated in the plan, shall establish and maintain reserves on an actuarial basis in the manner provided in this subsection sufficient to finance the pension and retirement and death benefit liabilities under the plan and sufficient to pay the pension and retirement and death benefits as they become due. A county that adopts a retirement plan under this section and establishes reserves on an actuarial basis shall maintain the reserves as provided in this subsection. The reserves must be determined by an actuarial valuation and established and maintained by yearly appropriations by the county and contributions by employees. The reserves must be established, maintained, and funded to cover the pension and other benefits provided for in the plan in the same manner and within the same limits as to time as is provided for Benefit Program B in the municipal employees retirement system described in former section 14 of the municipal employees retirement act of 1984, 1984 PA 427. These reserves are trust funds and must not be used for any other purpose than the payment of pension, retirement, and other benefits and refunds of employee contributions pursuant to the plan established in a county. An employee's contributions must be kept and accumulated in a separate fund and used only for the payment of annuities and refunds to employees. This subsection does not apply to a county that adopted a retirement plan under this section and did not establish reserves on an actuarial basis before October 11, 1947.

(12) If a county establishes a plan for the payment of pension and retirement benefits to its employees under this section, the county board of commissioners may provide for a board of trustees to administer the plan and for the manner of election or appointment of the members of the board of trustees. The county board of commissioners may grant authority to the board of trustees to fully administer and operate the plan and to deposit, invest, and reinvest the funds and reserves of the plan within the limitations prescribed by the county board of commissioners in the plan. The county board of commissioners may authorize the investment of funds of a county retirement plan established under this section in anything in which the funds of the state employees' retirement system or the funds of the municipal employees retirement system may be invested, under the state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69, and the municipal employees retirement act of 1984, 1984 PA 427, MCL 38.1501 to 38.1555. A county retirement plan established under this section may provide for financing, funding, and the payment of benefits in the same manner and to the same extent as is provided for in the state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69, and the municipal employees retirement act of 1984, 1984 PA 427, MCL 38.1501 to 38.1555, may provide for and require contributions by county employees, and may permit additional employee contributions on a voluntary basis.

(13) On the approval of the county board of commissioners, a member who entered the Armed Service of the United States before June 1, 1980 or who entered the Armed Service of the United States after May 31, 1980 during a time of war or emergency condition as described in section 1 of 1965 PA 190, MCL 35.61, as that section read on September 19, 2016, may elect to receive credited service for not more than 5 years of active military service. Credit for military service must be given on request and payment to the retirement system of an amount equal to 5% of the member's full-time or equated full-time annual compensation for the year in which payment is made multiplied by the number of years, and fraction of a year, of credited service that the member elects to purchase up to the maximum. Service must not be credited if the service is or would be credited under any other federal, state, or local publicly supported retirement system, except for service that is or would be credited under the federal government for services in the reserve. Service must not be credited under this subsection until the member has the number of years of credited service needed to vest under the plan. Only completed years and months of armed service may be credited under this subsection.

(14) A member who enters or entered any Armed Service of the United States may purchase credited service for periods of continuous active duty lasting 30 days or more, subject to the following conditions:

(a) The county board of commissioners authorizes the purchase of credited service under this subsection by

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an affirmative vote of a majority of the members of the county board of commissioners. The county board of commissioners shall establish a written policy to implement this subsection to provide uniform application of this subsection to all members of the plan.

(b) The member has at least the number of years of credited service needed to vest under the plan, not including any credited service purchased under this subsection and subsection (13).

(c) The member pays the plan 5% of the member's annual compensation multiplied by the period of credited service being purchased. As used in this subdivision, "annual compensation" means the aggregate amount of compensation paid the member during the 4 most recent calendar quarters for each of which the member was credited 3/12 of a year of credited service.

(d) Fractional months of armed service is not recognized for the purposes of this subsection.

(e) Armed service credited a member under subsection (13) is not the basis of credited service under this section.

(f) Armed service credited a member under this subsection does not exceed either 5 years or the difference between 5 years and the armed service credited the member under subsection (13).

(g) Credited service is not granted for periods of armed service that are or could be used for obtaining or increasing a benefit from another retirement system, except for service that is or would be credited under the federal government for services in the reserve.

(15) As used in this subsection, "transitional public employment program" means a public service employment program in the area of environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, veterans' outreach, or any other area of human betterment and community improvement as part of a program of comprehensive manpower services authorized, undertaken, and financed under the former comprehensive employment and training act of 1973, Public Law 93-203. A person participating in a transitional public employment program is not eligible for membership in a retirement system or pension plan established under this section. If the person later becomes a member of a retirement system or pension plan established under this section within 12 months after the date of termination as a participant in a transitional public employment program, service credit must be given for employment in the transitional public employment program for purposes of determining a retirement allowance on the payment by the person and the person's employer under the transitional public employment program from money provided under the former comprehensive employment and training act of 1973, Public Law 93-203, as money permits, to the retirement system of the contributions, plus regular interest, the person and the employer would have paid had the employment been rendered in a position covered by this section. During the person's employment in the transitional public employment program, the person's employer shall provide an opportunity by payroll deduction for the person to make his or her employee contribution to the applicable pension system. To provide for the eventual payment of the employer's contribution, the person's employer shall during this same period place in reserve a reasonable but not necessarily an actuarially determined amount equal to the contributions that the employer would have paid to the retirement system for those employees in the transitional public employment program as if they were members under this section, but only for the number of employees that the employer determined would transfer from the transitional public employment program into positions covered by this section. If the money provided under the former comprehensive employment and training act of 1973, Public Law 93-203, is insufficient, the person's current employer shall pay the remainder of the employer contributions.

(16) Subsection (15) does not exclude the participant in a transitional public employment program from the accident, disability, or other benefits available to members of a retirement system covered by this section.

(17) If a probate judge who is a member of a plan established under this section contributes for 20 years or more, the county board of commissioners may allow the probate judge to cease further contributions.

(18) An employee of the circuit court in the third judicial circuit, the common pleas court of the city of Detroit, or the recorder's court of the city of Detroit who became an employee of the state judicial council on September 1, 1981, and who was 44 years of age or older as of that date, and who will have accumulated 25 or more years of service credit by September 1, 1987, continues to be eligible for membership in, and the benefits of, a pension or retirement benefit plan established under this section in the same manner as the employee was eligible before September 1, 1981. A person who was an employee of the circuit court in the third judicial circuit, the common pleas court of the city of Detroit, or the recorder's court of the city of Detroit on August 31, 1981, who last entered county employment before November 2, 1956, who became an employee of the state judicial council on September 1, 1981, and who accumulated not less than 24 years of service credit by August 31, 1981, continues to be eligible for membership in, and the benefits of, a pension or retirement benefit plan established under this section in the same manner as the employee was eligible

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before September 1, 1981. An election to continue to be a member of a pension or retirement benefit plan established under this section as authorized by section 594(2) of the revised judicature act of 1961, 1961 PA 236, MCL 600.594, as that section read on February 8, 1985, or section 36(2) of former 1919 PA 369, is not effective unless the employee has made the election in the manner prescribed by those sections and has made the payments required by those sections.

(19) A plan adopted under this section may provide that an employee of the circuit court in the third judicial circuit, the common pleas court of the city of Detroit, or the recorder's court of the city of Detroit who is a member of the Wayne County employees' retirement system on August 31, 1981, who becomes an employee of the state judicial council and a member of the state employees' retirement system on September 1, 1981, receive a benefit based on the annual average of the highest actual compensation received by the employee during a period of 5 years of county or state service.

(20) Beginning September 1, 1981, for determining the retirement benefit for a county employee who is a judge of a municipal court of record under subsection (2), "average final compensation" means the annual average of the highest actual compensation received by the judge as additional salary under section 13(2) of former 1919 PA 369, or section 9932(3) of the revised judicature act of 1961, 1961 PA 236, MCL 600.9932, during a period of 5 years of service as specified in the plan. This subsection must not be construed to diminish or impair an accrued financial benefit.

(21) Beginning September 1, 1981, for each county employee who is a judge of a municipal court of record, or of the circuit or district court, the sum of the average final compensation determined for that county employee under this section and the final salary determined for that county employee as a member of the state of Michigan judges' retirement system created by former 1951 PA 198, or as a member of the Michigan judges retirement system created by the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, must not exceed the employee's total annual judicial salary payable from all sources at the time of his or her retirement. This subsection must not be construed to diminish or impair an accrued financial benefit.

(22) Beginning September 1, 1981, for a county employee who is a judge of the probate court, the sum of the average final compensation calculated for the employee under this section and the final salary calculated for the employee as a member of the state of Michigan probate judges retirement system created by former 1954 PA 165 or as a member of the Michigan judges retirement system created by the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, must not exceed the employee's total annual judicial salary payable from all sources at the time of his or her retirement. This subsection must not be construed to diminish or impair an accrued financial benefit.

(23) Beginning September 1, 1981, for determining a retirement benefit under subsection (2) for a county employee who is a judge who receives an annuity under section 14(5) of former 1951 PA 198 or under section 503(2)(c) of the judges retirement act of 1992, 1992 PA 234, MCL 38.2503, "average final compensation" means the difference between the judge's total annual salary payable from all sources on August 31, 1981, and the judge's state base salary payable on August 31, 1981. This subsection must not be construed to diminish or impair an accrued financial benefit.

(24) Beginning January 1, 1983, the sum of the final salary determined for a county employee who is a judge of the probate court used as the basis for determining the judge's retirement allowance as a member of a retirement system established under this section and the salary or compensation figure used as the basis for determining the judge's retirement allowance as a member of the state of Michigan judges' retirement system created by former 1951 PA 198 or as a member of the Michigan judges retirement system created by the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, must not exceed the judge's total annual salary payable from all sources at the time of his or her retirement. This subsection must not be construed to diminish or impair an accrued financial benefit.

(25) The county board of commissioners, on the request of a county employee, by not less than a 3/5 vote may credit the county employee with the amount of membership service that the county employee was previously credited with by the retirement system established under this section under the following conditions:

(a) The membership service previously credited to the county employee was service rendered for the same county.

(b) Service that is recognized for the purpose of a deferred retirement allowance under a retirement system or other employer-funded retirement benefit plan, except for a retirement benefit plan under the social security act, chapter 531, 49 Stat. 620, of the United States government, a state, or a political subdivision of a state is not credited if the county employee retired under a retirement system of the United States government, a state, or any of their political subdivisions or until the county employee irrevocably forfeits the right to the deferred retirement allowance.

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(c) The county employee deposits in the plan established under this section an amount equal to the aggregate amount of contributions the county employee made at the time of the previous membership service plus interest from the date of withdrawal of the accumulated contributions to the date of deposit, at rates determined by the county board of commissioners. If records are insufficient or unavailable to compute the exact amount of required deposit, the county board of commissioners may estimate the amount.

(d) The county employee deposits in the county employees' retirement system an amount equal to the aggregate amount of contributions the employer made at the time of the previous membership service plus interest from the date of separation to the date of deposit, at rates determined by the county board of commissioners.

(26) A person participating in a program described in this subsection is not eligible for membership in a retirement system or pension plan established under this section. In addition, the person must not receive service credit for the employment described in this subsection even though the person subsequently becomes or has been a member of the retirement system. This subsection applies to all of the following:

(a) A person, not regularly employed by the county, who is employed by the county through participation in a program established pursuant to the job training partnership act, Public Law 97-300, 96 Stat. 1322.

(b) A person, not regularly employed by the county, who is employed by the county through participation in a program established under the Michigan opportunity and skills training program, first established under sections 12 to 23 of former 1983 PA 259.

(c) A person, not regularly employed by the county, who is employed by the county through participation in a program established under the Michigan community service corps program, first established under sections 25 to 35 of former 1983 PA 259 and sections 148 to 160 of former 1984 PA 246.

(d) A person, not regularly employed by the county, who is hired by the county to administer a program described in subdivision (a), (b), or (c).

(27) If a county enters into a collective bargaining agreement under 1947 PA 336, MCL 423.201 to 423.217, that provides for retirement benefits that are in excess of the retirement benefits otherwise authorized under this section for employees of the county who are covered by a plan under this section, the county board of commissioners may amend or adopt a plan under this section to provide those benefits to employees who are members of the bargaining unit covered by the agreement, and may, after December 31, 1987, amend or adopt a plan under this section to provide those benefits to other employees of the county.

(28) One of the following conditions applies to a retirant who is receiving a pension or retirement benefit from a plan under this section if the retirant becomes employed by a county that has established a plan under this section:

(a) Payment of the pension or retirement benefit to the retirant must be suspended if the retirant is employed by the county from which the retirant retired and the retirant does not meet the requirements of subdivision (b) or (d). Suspension of the payment of the pension or retirement benefit is effective the first day of the calendar month that follows the sixtieth day after the retirant is employed by the county. Payment of the pension or retirement benefit must resume on the first day of the calendar month that follows termination of the employment. Payment of the pension or retirement benefit must resume without change in amount or conditions by reason of the employment. The retirant must not be a member of the plan during the period of employment.

(b) Payment of the pension or retirement benefit to the retirant continues without change in amount or conditions by reason of employment by the county from which the retirant retired if all of the following requirements are met:

(*i*) The retirant meets 1 of the following requirements:

(A) For any retirant, is employed by the county for not more than 1,000 hours in any 12-month period.

(B) For a retirant who was not an elected or appointed county official at retirement, is elected or appointed as a county official for a term of office that begins after the retirant's retirement allowance effective date.

(C) For a retirant who was an elected or appointed county official at retirement, is elected or appointed as a county official to a different office from which the retirant retired for a term of office that begins after the retirant's retirement allowance effective date.

(D) For a retirant who was an elected or appointed county official at retirement, is elected or appointed as a county official to the same office from which the retirant retired for a term of office that begins 2 years or more after the retirant's retirement allowance effective date.

(*ii*) The retirant is not eligible for any benefits from the county other than those required by law or otherwise provided to the retirant because of his or her being a retirant.

(*iii*) The retirant is not a member of the plan during the period of reemployment, does not receive additional retirement credits during the period of reemployment, and does not receive an increase in pension or retirement benefits because of the employment under this subdivision.

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(c) Payment of the pension or retirement benefit to the retirant continues without change in amount or conditions by reason of the employment if the retirant becomes employed by a county other than the county from which the retirant retired. For the purposes of membership and potential benefit entitlement under the plan of the other county, the retirant is considered in the same manner as an individual with no previous record of employment by that county.

(d) Payment of the pension or retirement benefit to the retirant continues without change in amount or conditions by reason of employment by the county from which the retirant retired if the retirant was an employee of the state judicial council on September 30, 1996, and becomes a county-paid employee of the recorder's court of the city of Detroit or the third judicial circuit of the circuit court on October 1, 1996.

(29) A county may increase the percentage of the highest average monthly compensation or earnings that was used to calculate the pension or retirement benefit under subsection (1)(b) of an individual receiving a pension or retirement benefit under this section on the date the county increases the percentage of compensation or earnings. The county shall recalculate the pension or retirement benefit using the increased percentage of compensation or earnings. The person receiving the pension or retirement benefit is eligible to receive an adjusted pension or retirement benefit based on the recalculation effective the first day of the month following the date the county increases the percentage of compensation or earnings under this subsection.

(30) The payment of pension or retirement benefits under a plan established under this section is subject to an eligible domestic relations order under the eligible domestic relations order act, 1991 PA 46, MCL 38.1701 to 38.1711.

(31) If a county retirement plan established under this section provides an optional form of payment of a retirement allowance and if a retirant receiving a reduced retirement allowance under that plan is divorced from the spouse who had been named the retirant's survivor beneficiary, the election of a reduced retirement allowance form of payment must be considered void by the retirement system if the judgment of divorce or award or order of the court, or an amended judgment of divorce or award or order of the court dated after July 18, 1991 provides that the election of a reduced retirement allowance form of payment is to be considered void by the retirement system and the retirant provides a certified copy of the judgment of divorce or award or order of the court, or an amended judgment of divorce or award or order of the court, to the retirement system. If the election of a reduced retirement allowance form of payment is considered void by the retirement system under this subsection, the retirant's retirement allowance must revert to a straight life retirement allowance, including postretirement adjustments, if any, subject to an award or order of the court. The retirement allowance must revert to a straight life retirement allowance under this subsection effective the first of the month after the date the retirement system receives a certified copy of the judgment of divorce or award or order of the court. This subsection does not supersede a judgment of divorce or award or order of the court in effect on July 18, 1991. This subsection does not require the retirement system to distribute or pay retirement assets on behalf of a retirant in an amount that exceeds the actuarially determined amount that would otherwise become payable if a judgment of divorce had not been rendered.

(32) If a county board of commissioners of a county that has a population of more than 400,000 but less than 800,000 has an employee credit union organized under the credit union act, 2003 PA 215, MCL 490.101 to 490.601, or former 1925 PA 285, the county board of commissioners may include as a member of a plan under this section a past or present employee of the credit union, if that past or present employee has 5 or more years of service credit with that credit union on or before June 30, 1990.

(33) The county board of commissioners shall establish a written policy to implement the provisions of this section to provide uniform application of this section to all members of the plan.

(34) Notwithstanding anything in this act to the contrary, a pension or retirement benefit under this section is subject to the protecting local government retirement and benefits act.

History: Add. 1943, Act 249, Imd. Eff. Apr. 23, 1943;—Am. 1945, Act 68, Imd. Eff. Apr. 6, 1945;—Am. 1947, Act 111, Eff. Oct. 11, 1947;—CL 1948, 46.12a;—Am. 1949, Act 201, Eff. Sept. 23, 1949;—Am. 1951, Act 95, Eff. Sept. 28, 1951;—Am. 1953, Act 205, Eff. Oct. 2, 1953;—Am. 1954, Act 149, Eff. Aug. 13, 1954;—Am. 1955, Act 69, Eff. Oct. 14, 1955;—Am. 1957, Act 280, Eff. Sept. 27, 1957;—Am. 1962, Act 173, Eff. Mar. 28, 1963;—Am. 1963, Act 151, Eff. Sept. 6, 1963;—Am. 1964, Act 165, Imd. Eff. May 19, 1964;—Am. 1966, Act 231, Imd. Eff. July 11, 1966;—Am. 1967, Act 222, Eff. Nov. 2, 1967;—Am. 1969, Act 262, Imd. Eff. Aug. 11, 1969;—Am. 1972, Act 373, Eff. Mar. 30, 1973;—Am. 1975, Act 182, Imd. Eff. July 29, 1975;—Am. 1975, Act 240, Imd. Eff. Sept. 2, 1975;—Am. 1976, Act 181, Imd. Eff. July 1, 1976;—Am. 1978, Act 24, Imd. Eff. Feb. 21, 1978;—Am. 1978, Act 425, Imd. Eff. Sept. 30, 1978;—Am. 1980, Act 439, Imd. Eff. Jan. 15, 1981;—Am. 1981, Act 9, Eff. Sept. 1, 1981;—Am. 1982, Act 507, Imd. Eff. Dec. 31, 1982;—Am. 1984, Act 177, Imd. Eff. July 3, 1984;—Am. 1984, Act 395, Imd. Eff. Dec. 28, 1984;—Am. 1988, Act 93, Imd. Eff. Apr. 6, 1988;—Am. 1988, Act 499, Imd. Eff. Dec. 29, 1988;—Am. 1990, Act 70, Imd. Eff. Apr. 30, 1990;—Am. 1990, Act 123, Imd. Eff. June 26, 1990;—Am. 1990, Act 176, Imd. Eff. July 2, 1990;—Am. 1990, Act 178, Imd. Eff. July 2, 1990;—Am. 1991, Act 26, Imd. Eff. May 24, 1991;—Am. 1991, Act 49, Imd. Eff. June 27, 1991;—Am. 1991, Act 84, Imd. Eff. July 18, 1991;—Am. 1991, Act 195, Imd. Eff. Dec.

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30, 1991;—Am. 1996, Act 221, Eff. Aug. 15, 1996;—Am. 1996, Act 390, Imd. Eff. Sept. 30, 1996;—Am. 1998, Act 502, Imd. Eff. Jan. 5, 1999;—Am. 2002, Act 730, Imd. Eff. Dec. 30, 2002;—Am. 2003, Act 219, Imd. Eff. Dec. 2, 2003;—Am. 2017, Act 204, Imd. Eff. Dec. 20, 2017.

Compiler's note: Act 249 of 1943 was presented to the governor on Apr. 12, 1943, at 2:15 p.m., and became law without his approval upon the expiration of 10 days, Sundays excepted, after presentation.

46.12b Local councils of veterans' affairs; appropriation by board of supervisors for operation.

Sec. 12b. The board of supervisors may appropriate, from time to time, such sums of moneys as it may determine, for the operation of local councils of veterans' affairs.

History: Add. 1945, Act 54, Imd. Eff. Mar. 21, 1945;—CL 1948, 46.12b;—Am. 1949, Act 92, Imd. Eff. May 16, 1949.

46.12c Assessment of metallic mining properties; appointment of county representative by board of supervisors; information confidential.

Sec. 12c. The board of supervisors of any county or the boards of several counties acting jointly may employ, upon such terms as they approve, any person competent therefor, except any member of a local legislative body or city or village official, to represent such county or counties in regard to the assessment of metallic mining properties including proceedings to review such assessments. Information furnished such employe in his official capacity shall be confidential and shall not be divulged by him except in accordance with judicial order or as required in the proper discharge of his duties.

History: Add. 1945, Act 192, Imd. Eff. May 17, 1945;—CL 1948, 46.12c.

46.12d Transfer of functions of governmental unit to county; service credit for retirement benefit purposes.

Sec. 12d. Subject to the protecting local government retirement and benefits act, if the functions of a governmental unit are transferred to the county, and if all or part of the employees of the functions are transferred from the employ of a governmental unit to the employ of the county, the board of supervisors may regard for the purposes of retirement benefits as set forth in section 12a the service rendered to the governmental unit by the employees transferred as county service to the extent and under such reasonable terms and conditions as are mutually agreeable between the board of supervisors and the governing body of the governmental unit. As used in this section, "governmental unit" means a department, board, or commission of this state, or any political subdivision of this state.

History: Add. 1959, Act 163, Imd. Eff. July 16, 1959;—Am. 2017, Act 204, Imd. Eff. Dec. 20, 2017.

46.12e Transfer of county employee to state; employees' retirement benefits.

Sec. 12e. Subject to the protecting local government retirement and benefits act, if an employee of a county department of a county that has adopted a retirement system providing for the payment of benefits in the event of a nonduty disability or nonduty death is transferred to the employ of this state because of a function of the department is transferred to this state, the transferred employee who does not withdraw his or her accumulated contributions from the county's retirement system, and who while employed by this state sustains nonduty total disability or nonduty death, must have the credited period of service while employed by this state added to the credited period of service with the county before the transfer for the purpose of determining eligibility for nonduty disability retirement pension or benefits or, for nonduty death benefits payable to the dependents of deceased employees under the plan adopted by the county. Subject to the protecting local government retirement and benefits act, all pension or retirement benefits of a transferred employee described in this section or his or her dependents must be based on the service credit and compensation earned while employed by the county. Subject to the protecting local government and retirement benefits act, the board of commissioners by ordinance may provide that all pension or retirement benefits of transferred employees or their dependents must be based on the highest 5 years of service credit and compensation earned while employed by either the county or this state.

History: Add. 1966, Act 123, Imd. Eff. June 23, 1966;—Am. 1970, Act 116, Imd. Eff. July 23, 1970;—Am. 2017, Act 204, Imd. Eff. Dec. 20, 2017.

46.13 Board of supervisors; division of county into state legislature representative districts.

Sec. 13. The said respective boards of supervisors in each county, entitled to more than 1 representative in the state legislature, shall have power and it shall be their duty, at their annual meeting in the year 1851, and at their annual meeting next after each subsequent apportionment of such representatives by the legislature, to divide their respective counties into representative districts, equal in number to the number of representatives to which such county is entitled by law, in accordance with section 3 of article 4 of the constitution of this

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state; and they shall cause to be filed in the office of the secretary of state, and in the office of the clerk of such county, within 30 days after such division, a description of such representative districts, specifying the number of each district, and the population thereof, according to the last preceding enumeration.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 347;—CL 1871, 479;—How. 485;—CL 1897, 2486;—CL 1915, 2276;—CL 1929, 1133;—CL 1948, 46.13.

Compiler's note: In this section, "section 3 of article 4 of the constitution" refers to the Constitution of 1850. See now Const. 1963, Art. IV, § 3.

46.13a County purchasing agent and other county representatives, agents and employees; appointment by board of supervisors.

Sec. 13a. The board of supervisors in each of the several counties may appoint a county purchasing agent and such other representatives, agents and employes for its county as may be deemed necessary by it, to carry out any of the powers granted by this act, or by any other law of the state: Provided, That the provisions of this section shall not apply to any county in which county purchasing agents and other county representatives, agents and employes are now appointed or elected under the provisions of any general or local act.

History: Add. 1921, Act 58, Imd. Eff. Apr. 15, 1921;—CL 1929, 1134;—CL 1948, 46.13a.

46.13b County controller or board of auditors; appointment by board of supervisors, compensation, tenure, removal; controller as chief accounting officer, powers and duties.

Sec. 13b. The board of supervisors in any county other than counties operating under elected boards of auditors unless presently operating with a county controller, by a majority vote of its members-elect, may appoint a county controller or board of auditors and fix the salary, to be paid in like manner as the salaries of other county officers are paid. The controller or board of auditors after appointment shall hold the office at the pleasure of the board of supervisors and may be removed in the manner provided by law for the removal of county officers, or by a 2/3 vote of all the supervisors elected to office. The controller shall be the chief accounting officer of the county and shall have charge and supervision of the accounts and accounting of every office, officer and department of the county, the whole or any part of the expense of which are borne by the county. The controller shall see that a system of accounting is installed and properly kept by every office, officer and department of the county in strict accord with the provisions of law, and in addition to which he may prescribe and direct the keeping of such other accounts and records and the making of such reports as in his judgment are necessary to properly record and report the financial transactions of the county. All county officers or employees shall furnish such information respecting all county matters in their charge as the controller shall require. The controller shall keep in his office a general ledger in which shall be set up controlling accounts which shall show at all times the assets and liabilities of the county, and of each and every of its funds. The controller shall examine regularly the books and accounts of the several officers, agents and departments of the county and report his findings to the board of supervisors at such times as they shall prescribe. The controller shall make all purchases of books, stationery, materials and supplies which may be required by the county or its officers and agents, the purchase of which is not otherwise provided for by law, and no contract or order for the purchase of any such materials or supplies shall be valid or binding upon the county, nor shall the county be liable for the purchase price thereof, except upon the written order of the controller. This provision shall not apply to any contract or purchase which may be ordered by the board of supervisors at any regular, adjourned or special session thereof, wherein payment is provided by the resolution authorizing such contract or purchase. The controller shall be the custodian of and have charge of the operation, maintenance and repairs of the county courthouse and grounds, including any power, heating or lighting plant in connection therewith, and in like manner the repairs to the county jail. He shall not create any liability in excess of the appropriations theretofore made by the board of supervisors. The controller shall perform such other duties as the board of supervisors may impose.

History: Add. 1927, Act 257, Imd. Eff. May 23, 1927;—Am. 1929, Act 132, Imd. Eff. May 7, 1929;—CL 1929, 1135;—CL 1948, 46.13b;—Am. 1969, Act 49, Imd. Eff. July 17, 1969.

46.14 Vacating, dividing, or altering township, establishing new township, or organizing or consolidating townships; application; map; certified statement; indebtedness to state; tax levy.

Sec. 14. (1) By a vote of 3/5 of all the members elected, a county board of commissioners may vacate, divide, or alter a township within the county, whether the boundaries of the township were fixed by a special act of the legislature or by action of the county board of commissioners, or may establish a new township or organize or consolidate townships, upon application to the board, as provided in this act, of at least 20% of freeholders who are actually residents of each of the townships to be affected by the alteration. If a township

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had 30 or less electors at the last general election, then the application may be made by not less than 5 electors of that township voting at the last general election.

(2) After receipt of a map of all the affected townships that shows the proposed alterations and if the county board of commissioners grants the application, a copy of the map with a certified statement of the action of the county board attached shall be filed in the office of the county clerk. A certified statement of the action of the county board shall also be filed in the office of the secretary of state. After filing the statement, the secretary of state shall publish that statement with the laws of the next legislature in the same manner as other laws are published.

(3) If it appears that a county is indebted to the state of Michigan, judicially or otherwise, and the amount of the indebtedness is determined and properly certified to the proper officers of the county, within 20 days after the certification, the county board of commissioners shall meet and consider the indebtedness or judgment. At that meeting, the board may submit to a vote of the electors of the county a proposition to issue bonds or to levy a tax to pay the indebtedness or judgment, as provided in this act.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—Am. 1855, Act 59, Imd. Eff. Feb. 10, 1855;—Am. 1857, Act 181, Imd. Eff. Feb. 17, 1857;—CL 1857, 348;—Am. 1867, Act 46, Eff. June 27, 1867;—CL 1871, 480;—How. 486;—Am. 1895, Act 254, Imd. Eff. June 1, 1895;—CL 1897, 2487;—Am. 1905, Act 46, Imd. Eff. Apr. 6, 1905;—Am. 1909, Act 36, Eff. Sept. 1, 1909;—Am. 1911, Act 96, Eff. Aug. 1, 1911;—Am. 1913, Act 3, Imd. Eff. Feb. 28, 1913;—CL 1915, 2277;—Am. 1917, Act 312, Eff. Aug. 10, 1917;—Am. 1927, Act 204, Imd. Eff. May 19, 1927;—Am. 1929, Act 55, Eff. Aug. 28, 1929;—CL 1929, 1136;—CL 1948, 46.14;—Am. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

46.15 Posting and publishing notice of intended application.

Sec. 15. Notice in writing of an intended application under section 14 subscribed by those freeholders as required by section 14 shall be posted in 5 of the most public places in each of the affected townships during the 4 weeks before submission of the application to the county board of commissioners. A copy of the notice shall also be published once each week for 4 successive weeks immediately preceding the meeting of the county board of commissioners at which the application is to be made in a newspaper printed in the county, if any are published in the county.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—Am. 1855, Act 59, Imd. Eff. Feb. 10, 1855;—Am. 1857, Act 181, Imd. Eff. Feb. 17, 1857;—CL 1857, 349;—CL 1871, 481;—How. 487;—CL 1897, 2488;—Am. 1913, Act 4, Imd. Eff. Feb. 28, 1913;—CL 1915, 2278;—Am. 1917, Act 312, Eff. Aug. 10, 1917;—Am. 1927, Act 204, Imd. Eff. May 19, 1927;—Am. 1929, Act 305, Eff. Aug. 28, 1929;—CL 1929, 1137;—CL 1948, 46.15;—Am. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

46.16 Establishment of new township; designating name, first annual meeting, and electors; powers and duties of electors; conducting business at public meeting; notice and location of first township meetings; rights and terms of township officers.

Sec. 16. (1) If a county board of commissioners establishes a new township in the county, other than by consolidation as provided in sections 16a to 16j, the board shall designate the name of the township, the time and place of holding the first annual township meeting in the township, and 3 electors of the township, whose duty it shall be to preside at the meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at a township meeting. If 1 of the 3 electors refuses or neglects to serve, the electors of the township present at the meeting may substitute any other elector of the township for each elector who neglects or refuses to serve.

(2) The business that the electors may perform shall be conducted at a public meeting held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting signed by the chairperson or clerk of the county board of commissioners shall be given in the manner required by Act No. 267 of the Public Acts of 1976 in 4 of the most public places in the new township, by the persons designated to preside at the meeting or by some person appointed by the county board of commissioners for that purpose, and in each of the townships whose boundaries may have been altered by the erection of the new township, at least 14 days before holding the meeting. The county board of commissioners shall fix the place for holding the first township meetings in the town or towns from which the new township shall be taken.

(3) Nothing in this act shall affect the rights, or abridge or enlarge the term of office, of a township officer in the township. A township officer who resides within the limits of the new township shall continue to be an officer of the new township, until the expiration of the time for which the officer was elected, in the manner as if originally elected in the new township. The terms of office of each township officer elected at the first township meeting shall expire on the first Monday of April after the meeting or as soon as a successor is elected and qualified.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 350;—CL 1871, 482;—Am. 1881, Act 27, Eff. Sept. 10, 1881;—How.

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488;—CL 1897, 2489;—CL 1915, 2279;—CL 1929, 1138;—CL 1948, 46.16;—Am. 1978, Act 51, Eff. Mar. 30, 1979;—Am. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

46.16a Definitions.

Sec. 16a. As used in this act:

(a) "Consolidated township" means a general law or charter township formed by the consolidation of 2 or more townships as prescribed by sections 16b to 16j.

(b) "Coordinating committee" means the committee designated and elected as provided in section 16d in connection with a township consolidation.

History: Add. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

46.16b Proceedings for consolidation of 2 or more townships; petition; rejection; return of petition; submission of proposition to vote of electors; date for election.

Sec. 16b. (1) Proceedings for consolidation of 2 or more townships within the same county may be initiated by filing a petition with the county board of commissioners signed by a number of registered electors who are residents of the area to be consolidated equal to at least 5% of the total population of each of the affected townships. A petition under this section shall name the townships proposed to be consolidated, state the name of the consolidated township, designate the maximum initial authorized millage levy if the proposed consolidated township is to be incorporated as a charter township, and request that the county board of commissioners initiate proceedings necessary for consolidation under this act.

(2) The county board of commissioners shall reject a petition for consolidation under this section if a proposition to consolidate the identical townships has been voted on within the 2 years immediately preceding the filing of the petition. This subsection does not prevent the consolidation of 2 or more townships that were included in a proposed consolidation voted on in the preceding 2 years, with or without additional territory, if the prior proposition included 1 or more townships that are not included in the later proposition.

(3) If the county board of commissioners finds that a petition does not conform to this act, the county board shall return the petition to the person from whom it was received together with a certified copy of the county board's resolution rejecting the petition. If the county board of commissioners finds that the petition is proper, the county board shall submit the proposition to a vote of the electors of the affected townships and shall specify a date for the election.

History: Add. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

46.16c Notice of date for election and question to be submitted; arrangement for election; form of ballot; election expenses; canvass; return of results; approval of consolidation by resolution; effective date; election of township board; termination of proceedings.

Sec. 16c. (1) The county clerk shall notify the clerk of each township affected by a consolidation petitioned for under section 16b of the date for the election and the question to be submitted. The date for the election on the issue of consolidation shall be set on or before May 1 in the year of a general November election. Each township clerk shall arrange for an election on the question of the proposed consolidation.

(2) The ballot to be used in an election for consolidation shall be substantially in the following form:

"For consolidation of the townships of _____ and _____ (naming each township) as the (charter) township of _____" (insert one of the following) (for a charter township) "that will be a municipal corporation subject to Act No. 359 of the Public Acts of 1947, being sections 42.1 to 42.34 of the Michigan Compiled Laws, which act will constitute the charter of the municipal corporation, and that will have an authorized millage rate of _____.

[ ] Yes

[ ] No"

or

(For a general law township with extra voted millage) "with extra voted millage of _____ mills for _____ years.

[ ] Yes

[ ] No"

(3) A township proposed for consolidation shall bear its own election expenses. The county board of canvassers shall canvass an election held under this section and shall return the results to the county board of commissioners.

(4) If a majority of the electors voting on the question in each township counted separately approve the consolidation, the county board of commissioners shall approve the consolidation by resolution. An approved consolidation is effective at 12 p.m. on November 20 following the election.

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(5) In the resolution approving the consolidation, the county board of commissioners shall call an election of the township board for the consolidated township at the next August primary and November general elections, which elections replace the elections of the boards of the townships that are consolidated. The consolidated township board is composed of a supervisor, clerk, treasurer, and 2 or 4 trustees, as provided by law.

(6) If the consolidation is not approved by the electors in each township, the proceedings on the consolidation petition terminate.

History: Add. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

46.16d Coordinating committee; duty; composition; election of members; eligibility.

Sec. 16d. (1) A coordinating committee shall assist in the planning and implementation of a consolidation under sections 16b and 16c. The coordinating committee is composed of the supervisor, clerk, and treasurer of each affected township and a number of residents of each affected township as specified and elected under this section. If 2 townships are being consolidated, the township with the larger population may elect not more than 2 residents to the coordinating committee, and the township with the smaller population may elect not more than 1 resident. If 3 or more townships are being consolidated, each township with a larger population may elect not more than 2 residents to the coordinating committee, and the township with the smallest population may elect not more than 1 resident.

(2) In an order submitting a proposed consolidation to the electors of the affected townships, the county board of commissioners shall order an election to be held at the same time for the resident members of the coordinating committee. If the proposed consolidation is not approved, the election of members to the coordinating committee is void.

(3) A resident member of a coordinating committee shall be a registered elector of the township that the member represents. An elected or appointed township officer or employee is not eligible to be a resident member of a coordinating committee.

History: Add. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

46.16e Coordinating committee; duties generally.

Sec. 16e. If a consolidation proposed under sections 16b and 16c is approved, the coordinating committee shall do all of the following:

(a) Prepare and adopt an interim budget for the consolidated township for the period commencing at the time the consolidation is effective and, if the consolidated township is a charter township, ending December 31 of the following calendar year, or, if the consolidated township is a general law township, ending March 31 or June 30 of the following calendar year, as determined by the coordinating committee.

(b) Before July 1 of the year of the election, establish salaries for the officers of the consolidated township for the period from the time the consolidation is effective until the beginning of the first fiscal year that begins after 12 months after the effective date of the consolidation.

(c) Recommend individuals for appointment by the consolidated township board to positions on the boards and commissions of the consolidated township.

(d) Study and make recommendations concerning the coordination, consolidation, repeal, and reenactment of the ordinances, resolutions, rules, and regulations of the former townships for the consolidated township.

History: Add. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

46.16f Ordinance, resolution, rule, or regulation of affected township.

Sec. 16f. An ordinance, resolution, rule, or regulation of an affected township in effect at the time a consolidation under sections 16b and 16c is effective continues in full force as an ordinance, resolution, rule, or regulation of the territory that comprised the former township to which it applied until it is repealed or amended by the consolidated township board.

History: Add. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

46.16g Succession of consolidated township to property, money, rights, credits, and records, files, books, and papers; rights, liabilities, suits, or prosecutions; tax or assessment.

Sec. 16g. A township consolidated as provided in sections 16b and 16c succeeds to the real and personal property, money, rights, credits, and records, files, books, and papers belonging to each affected township as it formerly existed. A right or liability of a former township that exists, or a suit or prosecution of a former township that commenced before and continues, at the time the consolidation is effective is not in any manner affected by the consolidation, but continues, stands, or progresses as if the consolidation had not taken place.

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A tax or assessment levied and uncollected at the time the consolidation is effective stands until discharged or collected as if the consolidation had not taken place.

History: Add. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

46.16h Bonded indebtedness and pledge of full faith and credit or limited full faith and credit; special assessment district; millage levy.

Sec. 16h. (1) Bonded indebtedness and a pledge of full faith and credit or limited full faith and credit by a former township consolidated as provided in sections 16b and 16c continue as obligations of the consolidated township and of the taxable territory of the former township that contracted the indebtedness or made the pledge. A special assessment district of a former township continues in full force and effect as a special assessment district of the consolidated township.

(2) The millage levy for a township consolidated as provided in sections 16b and 16c may be billed and becomes a lien on December 1 following the effective date of the consolidation.

History: Add. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

46.16i Charter township; charter; continuation of incorporated village.

Sec. 16i. (1) If a consolidated township is a charter township, the election under section 16c shall be considered the election required under section 2 of Act No. 359 of the Public Acts of 1947, being section 42.2 of the Michigan Compiled Laws, and Act No. 359 of the Public Acts of 1947, being sections 42.1 to 42.34 of the Michigan Compiled Laws, is the charter of that charter township.

(2) If an incorporated village is located within the boundaries of a township that becomes part of a consolidated township, the village continues to be an incorporated village within the boundaries of the consolidated township.

History: Add. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

46.16j Rights of township employees; layoff status; determination of necessary positions; collective bargaining; labor agreements; pension or retirement system; representative of employees or group of employees; effect of military service.

Sec. 16j. (1) Except as provided in subsection (2), an employee of a township whose duties are transferred to a consolidated township shall be given a comparable position of employment with the consolidated township and shall maintain his or her seniority status and all other benefit rights of the position held in the township before the consolidation.

(2) If sufficient positions of comparable employment are not available for all employees at the time of consolidation, a less senior employee who is not transferred to a comparable position shall be placed on layoff status with the consolidated township and shall be recalled to any position for which he or she may qualify, which recall may occur after a reasonable training period or as soon as a vacancy exists. The layoff status, or any layoff list, shall not be mandatorily honored beyond 3 years from the date of layoff. The coordinating committee or township board of the consolidated township shall determine the number of positions necessary in the consolidated township and is not required to create or maintain unnecessary positions.

(3) A consolidated township may bargain collectively and enter into agreements with labor organizations pursuant to Act No. 336 of the Public Acts of 1947, being sections 423.201 to 423.216 of the Michigan Compiled Laws. When a township becomes part of a consolidated township, the consolidated township shall immediately assume and be bound by any existing labor agreements applicable to employees of that township for the remainder of the term of the labor agreement. Subject to the provisions of subsection (2), the members and beneficiaries of any pension or retirement system or other benefits established by a township that becomes part of a consolidated township shall have the same rights, privileges, benefits, obligations, and status with respect to the comparable systems established by the consolidated township. A representative of the employees or any group of employees in a township who represents or is entitled to represent the employees or a group of employees of the township, pursuant to Act No. 336 of the Public Acts of 1947, shall continue to represent the employee or group of employees after the employees are transferred to the consolidated township. This subsection does not limit the rights of employees, pursuant to applicable law, to assert that a bargaining representative protected by this subsection is no longer their representative.

(4) An employee who left the employ of a township to enter the military service of the United States shall have the same employment rights as to the consolidated township as he or she would have had as to the township as provided in Act No. 263 of the Public Acts of 1951, being sections 35.351 to 35.356 of the Michigan Compiled Laws.

History: Add. 1988, Act 37, Imd. Eff. Mar. 4, 1988.

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46.17 County seat; removal; relocation.

Sec. 17. The county seat may be relocated to a new location if the removal and new location are approved by a 2/3 vote of the elected county board of commissioners and by the majority of the qualified electors within the county. The election required under this section shall be conducted under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 351;—CL 1871, 483;—How. 489;—CL 1897, 2490;—CL 1915, 2280;—CL 1929, 1139;—CL 1948, 46.17;—Am. 2004, Act 85, Imd. Eff. Apr. 22, 2004.

46.18, 46.19 Repealed. 2004, Act 85, Imd. Eff. Apr. 22, 2004.

Compiler's note: The repealed sections pertained to removal of county seat.

46.20 Money raising; referendum, notice, ballots.

Sec. 20. Whenever it shall become necessary, under the provisions of this act, to submit to a vote of the electors of any county, the question of raising any sum of money by loan or by tax, the said board, after having determined the sum necessary to be raised, whether the same shall be made by loan or by tax, shall proceed to give the notice of such determination, and of the time when the question will be submitted to the electors of such county in the several townships, which notice shall be for the same length of time and posted in the same manner as required by the eighteenth section of this act; and the votes shall be taken, canvassed, certified and returned, in the same manner as required by the nineteenth section of this act, except that those voting for such tax or loan shall have written or printed on their ballots the words "for the tax," or "for the loan," as the case may be; and those voting against the tax or loan, shall have written or printed on their ballots, the words "against the tax," or "against the loan," as the case may be.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 354;—CL 1871, 486;—How. 492;—CL 1897, 2493;—CL 1915, 2283;—CL 1929, 1142;—CL 1948, 46.20.

46.21 Construction of bridges over or across navigable streams; removal of obstructions; enforcement.

Sec. 21. A county board of commissioners may permit or prohibit within that county the construction of any bridge over or across any navigable stream. They shall also have power to provide for the removal of any obstruction arising from the erection of booms or the collecting of logs or rafts in such streams, by any individual; and to direct the time in which, and places where, persons having logs, rafts and boats in such streams shall be allowed to remain, and when the logs, rafts, and boats shall be removed. A county board of commissioners may impose any penalties as they consider necessary to enforce regulations issued under this section, and may authorize the sheriffs or their deputies to carry into effect the regulations made under this act.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—Am. 1851, Act 165, Imd. Eff. June 21, 1851;—CL 1857, 355;—CL 1871, 487;—How. 493;—CL 1897, 2494;—CL 1915, 2284;—CL 1929, 1143;—CL 1948, 46.21;—Am. 1989, Act 301, Eff. June 1, 1990.

46.22 Tax levy and remittance to conservation district.

Sec. 22. (1) As provided in this section, a county may levy a tax and remit the proceeds of that tax to a conservation district.

(2) A county described in subsection (1), by resolution of the county board of commissioners, may place on the ballot at a regular or primary election in even numbered years the question to levy upon all taxable property in the county a tax of not more than 1 mill for not more than 20 years and to remit the proceeds of that tax to a conservation district established in that county. If a millage is approved under this subsection, the county shall remit the proceeds of that tax to the conservation district.

(3) If a conservation district is established in more than 1 county and the counties in which it is established approve different millage rates as provided in this section, the lowest millage rate approved shall be the millage rate levied in each county.

(4) As used in this section, "conservation district" means a conservation district created under part 93 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.9301 to 324.9313.

History: Add. 1998, Act 462, Imd. Eff. Jan. 4, 1999.

Compiler's note: Former MCL 46.22, which pertained to construction of dams, was repealed by Act 301 of 1989, Eff. June 1, 1990.

46.23 Construction of bridges; petition, contents; notice; proceedings.

Sec. 23. Whenever any person or persons, township officers or corporation, shall wish to construct any bridge across any stream at a point where the same is navigable for boats or vessels of 15 tons burden or more, they shall apply to the board of supervisors by petition, and shall give notice of the same in like

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manner, as near as may be, as provided in section 22 of this act; and the powers and the mode of proceeding of such board, shall be the same, as near as may be, as provided in the last named section. Every such petition shall set forth the kind and description of the bridge proposed to be constructed, and whether the same is to be constructed with a draw, or whether any and what provision is to be made for the passage of vessels or boats; and such board shall have the power to grant or refuse the prayer of such petition, upon such terms as they may deem just and reasonable, and to prescribe what description of bridge may be constructed, or to prohibit the construction of any bridge on the proposed location, as in their judgment the public interest shall require.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 357;—CL 1871, 489;—How. 495;—CL 1897, 2496;—CL 1915, 2286;—CL 1929, 1145;—CL 1948, 46.23.

46.23a Reconstruction, renovation, or replacement of certain bridges; approval exception.

Sec. 23a. Notwithstanding sections 21 and 23, if a county board of commissioners previously approved the construction of a bridge across a navigable stream in the county in compliance with section 23, then any reconstruction, renovation, or replacement of that bridge that continues to provide for the passage of vessels or boats in compliance with the original approval does not require any further approval by the county board of commissioners of that county.

History: Add. 2020, Act 354, Eff. Mar. 24, 2021.

46.24 Construction of bridges over unnavigable streams; authority of board of supervisors.

Sec. 24. Every such board of supervisors shall have power to make general rules and regulations as to the kind of bridges, and the mode of constructing the same over any such stream, as mentioned in section 21 of this act, when such stream shall not be navigable for boats or vessels of 15 tons burden, or to grant permission for building the same, without the notice or hearing above provided, in such manner as shall be judged proper with reference to the passage of boats, rafts and timber.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 360;—CL 1871, 490;—How. 496;—CL 1897, 2497;—CL 1915, 2287;—CL 1929, 1146;—CL 1948, 46.24.

46.25 Construction, alteration or discontinuance of state or territorial roads; authority of board of supervisors.

Sec. 25. That the board of supervisors of the several counties within this state, are hereby authorized and empowered to cause to be laid out, established, altered, discontinued or opened all state and territorial roads heretofore or now laid out, or hereafter to be laid through or within their respective counties whenever they may deem it for the interest of the public.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 359;—CL 1871, 491;—How. 497;—CL 1897, 2498;—CL 1915, 2288;—CL 1929, 1147;—CL 1948, 46.25.

46.26 Construction, alteration or discontinuance of roads; petition, road survey, declaration of board of supervisors.

Sec. 26. Whenever the board of supervisors of any county are petitioned to by at least 12 freeholders of each of the townships through which any such road or roads may pass, they shall upon such petition authorize the commissioners of highways of such townships to cause the line of said road or roads, within their respective townships, to be surveyed and located therein, and such commissioners shall report such survey and location to the board of supervisors of their county. And upon examination of said survey and report said board may declare such road or roads duly laid out, established, discontinued, opened or altered, as the case may be.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 360;—CL 1871, 492;—How. 498;—CL 1897, 2499;—CL 1915, 2289;—CL 1929, 1148;—CL 1948, 46.26.

46.27 Construction, alteration or discontinuance of roads; road survey minutes, recording.

Sec. 27. Whenever said road or roads shall be surveyed, laid out, altered or established under the provisions of this act, it shall be the duty of the board of supervisors to whom such petition and report may have been made as aforesaid, to notify and require the commissioners of highways of the several townships through which said road or roads may pass, to furnish to the several township clerks of such townships, the minutes of all surveys, within their respective townships, and the same shall be recorded by said clerks in the same manner that township roads are recorded.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 361;—CL 1871, 493;—How. 499;—CL 1897, 2500;—CL 1915, 2290;—CL 1929, 1149;—CL 1948, 46.27.

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46.28 Construction, alteration or discontinuance of roads; aggrieved landowner, petition, jury trial, proceedings; verdict, notice; apportionment of damages; bond, costs; resubmission.

Sec. 28. Any person feeling himself aggrieved by the action of the board of supervisors by the laying out, altering or discontinuing any road designated by this act, may have his damage assessed by a jury composed of 12 freeholders residing in the township where the land through which said road has been laid out, altered or discontinued is situated. Such person so complaining as against the action of such board, may, within 30 days after receiving notice in writing from the clerk of such board of supervisors of any county that any road has been laid out, altered or discontinued across lands owned by him, go before any justice of the peace in said township where such land is located and file with such justice a petition setting forth the fact of the laying out, altering or discontinuing of such road running through lands owned by him, whereby he has been, or is likely to be damaged, and further praying the court that a venire be issued summoning a jury of 12 freeholders of said township to determine the necessity of laying out, altering or discontinuing said highway, and the taking of private property therefor, and the amount of such damage he has sustained, or is likely to sustain from the action of such board as aforesaid. On the receipt of such petition the said justice shall at once give notice to the petitioner in writing of the date when said petition will be heard before him, and shall also notify in writing the supervisor of said township of the time and place when the same will be heard, which shall not be less than 6 days from the date of the petition, nor more than 12. And on the date and at the hour mentioned in said notice the justice shall direct any constable of said township then present to write the names of 24 freeholders from which to select a jury of 12 persons. On the compliance with such order by the constable, the supervisor, if he be present, and if not present, then the justice aforesaid, together with the person filing such petition, shall proceed to strike each alternately from such list, the names of 6 persons, and the remaining 12 names on said list shall constitute a jury for the purposes aforesaid. But in case any of such jurors on the original list shall be unable to sit, then the court shall direct the officer present to summon talesmen to take their places until such panel is full. When such panel is completed, the justice shall swear said jurors to well and truly determine as to the matters set forth in the petition of the person making the same. Said justice shall have full power to issue subpoenas and to compel the attendance of witnesses, the same as he would have in matters triable before him; and all proceedings on the hearing of said petition shall be conducted as nearly as may be as are trials before justices of the peace. If the jury, on hearing all of the evidence both for and against the allowance of damages, and the necessity for the taking of said lands for private purposes, shall determine that the person claiming to be grieved is entitled to damages, then they shall determine as to the amount, and the necessity for the taking of said lands, and under their hands certify to the justice such sum, and the necessity aforesaid, and, in case they determine that such person is not so entitled, they shall certify this fact to said justice, who shall, upon the rendition of such verdict, file the same, and within 10 days from the date of its rendition, transmit the same to the clerk of said county, and shall also serve a copy of the verdict and notice of all proceedings, in relation to said application upon all persons whose lands are affected by said application, which notice shall be full and explicit as to any and all proceedings had therein, and shall at the next regular meeting of the board of supervisors of his county, present the same to such board and cause it to be entered upon the minutes of such board. In case damages have been awarded, as aforesaid, then such board of supervisors shall apportion the amount to the several townships in said county, and the same when so raised shall go into and become a part of the general fund of such county, and they shall at the same time issue an order to the person or his representatives or assigns, as the case may be, for such sum on the county treasurer, and payable out of any fund in the county treasury not otherwise appropriated: Provided, That the person thus claiming damage shall file with such justice at the time he files his petition a bond in the penal sum of 50 dollars conditioned to pay all costs of such justice, officer and jury; but in case damages are awarded, then the costs of such proceedings shall be certified by said justice along with the award and become a part and parcel thereof, and payable to said petitioner in addition to the award of the jury: And provided further, That in case the jury first summoned shall not agree, then the said cause or hearing shall stand adjourned to some day fixed by said justice, but not for a longer period than 10 days; and on the day to which the same shall be continued a jury shall be empaneled and the matter submitted as hereinbefore directed.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 362;—CL 1871, 494;—How. 500;—Am. 1887, Act 179, Eff. Sept. 28, 1887;—Am. 1889, Act 250, Eff. Oct. 2, 1889;—CL 1897, 2501;—CL 1915, 2291;—CL 1929, 1150;—CL 1948, 46.28.

46.29 Board of supervisors; orders, resolutions and determinations; recording.

Sec. 29. Every order, resolution and determination of such board of supervisors, made in pursuance of this act, shall be recorded in the records of such board, and signed by the chairman and clerk of such board.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 363;—CL 1871, 495;—How. 501;—CL 1897, 2502;—CL 1915, 2292;—

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CL 1929, 1151;—CL 1948, 46.29.

46.30 Interest of member in contract or business transaction prohibited; prohibition inapplicable to appointments and employment.

Sec. 30. A member of the county board of commissioners shall not be interested directly or indirectly in any contract or other business transaction with the county, or a board, office, or commission thereof, during the time for which he is elected or appointed, nor for one year thereafter unless the contract or transaction has been approved by 3/4 of the members of the county board of commissioners and so shown on the minutes of the board together with a showing that the board is cognizant of the member's interest. This prohibition is not intended to apply to appointments or employment by the county, or its officers, boards, committees, or other authority, which appointments and employment shall be governed by the provisions of section 30a of this act.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 364;—Am. 1869, Act 44, Imd. Eff. Mar. 22, 1869;—CL 1871, 496;—Am. 1873, Act 88, Imd. Eff. Apr. 15, 1873;—Am. 1879, Act 102, Imd. Eff. May 24, 1879;—How. 502;—Am. 1897, Act 18, Eff. Aug. 30, 1897;—CL 1897, 2503;—Am. 1903, Act 255, Eff. Sept. 17, 1903;—Am. 1905, Act 237, Eff. Sept. 16, 1905;—Am. 1907, Act 319, Imd. Eff. June 28, 1907;—Am. 1909, Act 161, Eff. Sept. 1, 1909;—Am. 1915, Act 247, Eff. Aug. 24, 1915;—CL 1915, 2293;—Am. 1926, Ex. Sess., Act 5, Imd. Eff. Mar. 13, 1926;—Am. 1929, Act 40, Imd. Eff. Apr. 8, 1929;—CL 1929, 1152;—Am. 1933, Act 84, Eff. Oct. 17, 1933;—Am. 1937, Act 199, Imd. Eff. July 20, 1937;—Am. 1943, Act 125, Imd. Eff. Apr. 13, 1943;—Am. 1945, Act 313, Eff. Sept. 6, 1945;—CL 1948, 46.30;—Am. 1949, Act 34, Imd. Eff. Mar. 30, 1949;—Am. 1952, Act 158, Eff. Sept. 18, 1952;—Am. 1957, Act 270, Eff. Sept. 27, 1957;—Am. 1960, Act 89, Eff. Aug. 17, 1960;—Am. 1962, Act 136, Eff. Mar. 28, 1963;—Am. 1964, Act 79, Imd. Eff. May 12, 1964;—Am. 1965, Act 366, Imd. Eff. July 23, 1965;—Am. 1966, Act 211, Imd. Eff. July 11, 1966;—Am. 1966, Act 334, Imd. Eff. Sept. 14, 1966;—Am. 1974, Act 51, Imd. Eff. Mar. 26, 1974;—Am. 1975, Act 206, Imd. Eff. Aug. 21, 1975.

46.30a County board of commissioners; member ineligible for other county appointment or employment; liability for compensation; action for recovery of compensation; disposition of moneys recovered; duty of prosecuting attorney; violation; penalty; certain offices or appointments not prohibited.

Sec. 30a. (1) A member of the county board of commissioners of any county shall not be eligible to receive, or shall not receive, an appointment from, or be employed by an officer, board, committee, or other authority of that county except as otherwise provided by law.

(2) In case of an appointment or employment made in violation of this section, both the person making the appointment or employment and the person appointed or employed shall be liable for moneys paid to the person as salary, wages, or compensation in connection with the appointment or employment. In case the appointment or employment is made by a committee or board, a member of the committee or board at the time the appointment was made or contract of employment entered into shall be liable. An action for the recovery of salary, wages, or compensation paid in connection with any appointment or employment made in contravention of this section, may be maintained by a taxpayer of the county. The moneys recovered in the action shall be deposited in the county treasury to the credit of the general fund.

(3) The prosecuting attorney of the county, upon the request of the taxpayer, shall prosecute the action in the taxpayer's behalf.

(4) A member of the county board of commissioners accepting an appointment or employment in violation of this section is guilty of a misdemeanor, punishable by a fine of not more than $100.00 or imprisonment for not more than 90 days, or both. An officer or other official, or a member of a board or committee making an appointment or employment in violation of this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both.

(5) This act does not limit or prohibit the right of a member of the county board of commissioners of a county from becoming a candidate for an elective office at a general or special election, or from accepting from the county board of commissioners an office or appointment for which a salary is not paid for the services. A member of the county board of commissioners may act on a board of determination or as a special commissioner in connection with all drainage matters calling for a board of determination. As used in this section, "salary", "wages", and "compensation" do not include per diem compensation.

(6) This act does not prohibit a member of the county board of commissioners of a county from accepting compensation as an administrator of the federal emergency employment program, 29 U.S.C. 841 to 851, for that county. This subsection shall apply to compensation received by a member for services rendered as an administrator after July 12, 1971 and prior to December 1, 1974.

History: Add. 1937, Act 199, Imd. Eff. July 20, 1937;—Am. 1941, Act 124, Eff. Jan. 10, 1942;—Am. 1945, Act 172, Eff. Sept. 6, 1945;—CL 1948, 46.30a;—Am. 1978, Act 326, Imd. Eff. July 11, 1978.

46.30b County board of commissioners; compensation of chairperson; advancing funds to

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county officer for anticipated expenses; accounting; return of unused funds.

Sec. 30b. (1) The county board of commissioners by resolution adopted by an affirmative vote of 2/3 of the members, may provide a per diem rate of compensation for the chairperson in an amount larger than the amount established for other members of the board.

(2) Notwithstanding subsection (1), for a county which has a county officers compensation commission, the compensation of the chairperson of the county board of commissioners shall be determined by that commission.

(3) The county board of commissioners, by resolution, may authorize the county treasurer to advance funds to a county officer for anticipated expenses in connection with county business. The county officer shall make a complete accounting of all funds advanced and return the unused funds.

History: Add. 1962, Act 77, Eff. Mar. 28, 1963;—Am. 1963, Act 27, Imd. Eff. Apr. 25, 1963;—Am. 1978, Act 477, Eff. Dec. 1, 1978.

46.31 Neglecting or refusing to perform duties; violations; penalties.

Sec. 31. (1) Except as provided in subsections (2) and (3), if a member of the county board of commissioners neglects or refuses to perform the duties which are required of the member by law, without just cause, the member shall for each offense forfeit $100.00.

(2) A member of the county board of commissioners who intentionally violates section 1(2), (3), or (4) shall be subject to the penalties prescribed in Act No. 267 of the Public Acts of 1976.

(3) If the county board of commissioners arbitrarily and capriciously violates section 5, the county board of commissioners shall be subject to the penalties prescribed in Act No. 442 of the Public Acts of 1976.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 365;—CL 1871, 497;—How. 503;—CL 1897, 2504;—CL 1915, 2294;—CL 1929, 1153;—CL 1948, 46.31;—Am. 1978, Act 51, Eff. Mar. 30, 1979.

46.32 Construction of act.

Sec. 32. Nothing in this act contained shall abridge the powers or duties of any board of supervisors, which they now or hereafter may possess under any other law of this state, and which are not provided for in this act.

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 366;—CL 1871, 498;—How. 504;—CL 1897, 2505;—CL 1915, 2295;—CL 1929, 1154;—CL 1948, 46.32.

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