

Chapter 45

COUNTIES

Revised Statutes of 1846

R.S. of 1846

Chapter 13 Chapter 13. Of counties. COUNTIES.

45.1 Counties; boundaries.

Sec. 1.

The boundaries of the several counties in this state, shall remain as now established, unless the same shall hereafter be changed by the legislature.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 300 ;-- CL 1871, 431 ;-- How. 437 ;-- CL 1897, 2439 ;-- CL 1915, 2241 ;-- CL 1929, 1099 ;-- CL 1948, 45.1

45.2 Counties; powers, duties, privileges and immunities.

Sec. 2.

All the rights, powers, duties, privileges and immunities of the several counties, shall remain as now established, until the same shall be altered by law.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 301 ;-- CL 1871, 432 ;-- How. 438 ;-- CL 1897, 2440 ;-- CL 1915, 2242 ;-- CL 1929, 1100 ;-- CL 1948, 45.2

45.3 County; body corporate, purposes.

Sec. 3.

Each organized county shall be a body politic and corporate, for the following purposes, that is to say: To sue and be sued, to purchase and hold real and personal estate for the use of the county; to borrow money for the purpose of erecting and repairing county buildings, and for the building of bridges, to make all necessary contracts, and to do all other necessary acts in relation to the property and concerns of the county.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 302 ;-- CL 1871, 433 ;-- How. 439 ;-- CL 1897, 2441 ;-- CL 1915, 2243 ;-- CL 1929, 1101 ;-- CL 1948, 45.3

45.4 County property.

Sec. 4.

All real and personal estate, heretofore conveyed by any form of conveyance to the inhabitants of any county, or to the county treasurer, or the governor of the late territory of Michigan, or to any committee, trustees, or other persons, for the use and benefit of such county, shall be deemed to be the property of such county; and all such conveyances shall have the same force and effect as if they had been made to the inhabitants of such counties by their respective corporate names.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 303 ;-- CL 1871, 434 ;-- How. 440 ;-- CL 1897, 2442 ;-- CL 1915, 2244 ;-- CL 1929, 1102 ;-- CL 1948, 45.4

45.5 County lands; sale and conveyance.

Sec. 5.

The board of supervisors of each county, or other public officers having the charge and management of the county lands, may, by their order of record, appoint 1 or more agents to sell any real estate of their county not donated for any special purpose, and all deeds, made on behalf of such county, by such agents under their proper hands and seals, and duly acknowledged by them, shall be sufficient to convey all the right, title, interest and estate which the county may then have in and to the land so conveyed.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 304 ;-- CL 1871, 435 ;-- How. 441 ;-- CL 1897, 2443 ;-- CL 1915, 2245 ;-- CL 1929, 1103 ;-- CL 1948, 45.5

COMMON JURISDICTION OF CERTAIN COUNTIES.

45.6 Wayne and Monroe counties; common jurisdiction as to Lake Erie.

Sec. 6.

The counties of Wayne and Monroe shall have jurisdiction, in common, of all offences committed on that part of Lake Erie, which lies within the limits of this state; and such offences may be heard and tried in either of said counties in which legal process against the offender shall be first issued, and in like manner and to the same effect as if such offence had been committed in any other part of either of said counties.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 305 ;-- CL 1871, 436 ;-- How. 442 ;-- CL 1897, 2444 ;-- CL 1915, 2246 ;-- CL 1929, 1104 ;-- CL 1948, 45.6

45.8 Wayne, Macomb and St. Clair counties; common jurisdiction as to Lake St. Clair.

Sec. 8.

The counties of Wayne, Macomb and St. Clair, shall have jurisdiction, in common, of all offences committed on that part of Lake St. Clair which lies within the limits of this state; and such offences may be heard and tried in either of said counties in which legal process against the offender shall be first issued, in like manner, and to the same effect as if the offence had been committed in any part of either of said counties.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 307 ;-- CL 1871, 438 ;-- How. 444 ;-- CL 1897, 2446 ;-- CL 1915, 2247 ;-- CL 1929, 1105 ;-- CL 1948, 45.8

45.10 Counties bordering on Lake Michigan; common jurisdiction.

Sec. 10.

The counties now existing, or which may be hereafter organized, bordering upon the shore of Lake Michigan shall have jurisdiction of all offences committed on that part of Lake Michigan which lies within the limits of this state; and such offences shall be heard and tried in either of the 2 counties nearest the place where the alleged offence was committed.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 309 ;-- CL 1871, 440 ;-- How. 446 ;-- CL 1897, 2448 ;-- Am. 1909, Act 57, Eff. Sept. 1, 1909 ;-- CL 1915, 2248 ;-- CL 1929, 1106 ;-- CL 1948, 45.10

45.12 Counties bordering on Lake Huron; common jurisdiction.

Sec. 12.

The counties now existing, or which may be hereafter organized, bordering upon the shore of Lake Huron shall have jurisdiction of all offences committed on that part of Lake Huron which lies within the limits of this state; and such offences shall be heard and tried in either of the 2 counties nearest the place where the alleged offence was committed.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 311 ;-- CL 1871, 442 ;-- How. 448 ;-- Am. 1885, Act 98, Imd. Eff. May 14, 1885 ;-- CL 1897, 2450 ;-- CL 1915, 2249 ;-- Am. 1927, Act 157, Eff. Sept. 5, 1927 ;-- CL 1929, 1107 ;-- CL 1948, 45.12

45.14 Counties bordering on Lake Superior; common jurisdiction.

Sec. 14.

The county of Chippewa, and such other counties as may hereafter be organized upon the shore of Lake Superior, shall have jurisdiction, in common, of all offences committed on that part of Lake Superior which lies within the limits of this state, and such offences may be heard and tried in either of such counties in which legal process against the offender shall be first issued, in like manner and to the same effect as if the offence had been committed in any part of either of said counties.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 313 ;-- CL 1871, 444 ;-- How. 450 ;-- CL 1897, 2452 ;-- CL 1915, 2250 ;-- CL 1929, 1108 ;-- CL 1948, 45.14

COUNTY BUILDINGS.

45.16 County courthouse, jail, offices, and other buildings; location, construction, maintenance, and expense thereof; examination of plan for jail.

Sec. 16.

Each organized county shall, at its own cost and expense, provide at the county seat thereof a suitable courthouse, and a suitable and sufficient jail and fireproof offices and all other necessary public buildings, and keep the same in good repair. However, and notwithstanding the provisions of section 11 of Act No. 156 of the Public Acts of 1851, as amended, being section 46.11 of the Compiled Laws of 1948, a jail may be located anywhere in the county. Before the plan of any jail which has been duly authorized to be built shall be determined or accepted, or contracted for, the plan shall be submitted to the department of corrections for its examination and opinion, and

such department shall carefully examine and give the benefit of its study and experience in such matter to the counties submitting such plans and report its opinion to the county clerk of the county so submitting plans. No contract for the erection of any county jail shall be valid or binding, nor shall any money be paid out of the county treasury for the construction of a jail until such opinion has been filed with the county clerk of the county submitting such plans.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 315 ;-- CL 1871, 446 ;-- Am. 1877, Act 61, Eff. Aug. 21, 1877 ;-- How. 452 ;-- Am. 1897, Act 226, Eff. Aug. 30, 1897 ;-- CL 1897, 2454 ;-- CL 1915, 2251 ;-- CL 1929, 1109 ;-- CL 1948, 45.16 ;-- Am. 1971, Act 113, Imd. Eff. Sept. 21, 1971

Compiler's Notes: The board of corrections and charities, referred to in this section, was abolished by MCL 400.19 and its powers and duties transferred to the department of social services.

45.16a County jails; contracts for use; lockup required.

Sec. 16a.

In lieu of providing a jail, as required in section 16, each county may contract with other counties for the use of such counties' jails. However, each county shall maintain a lockup which meets the standards established by the department of corrections by rules promulgated in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

History: Add. 1968, Act 93, Imd. Eff. June 4, 1968

Admin Rule: R 791.701 et seq. of the Michigan Administrative Code.

45.17 County prison limits.

Sec. 17.

The prison limits of each county, shall extend to all places within the boundaries of the county.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 316 ;-- CL 1871, 447 ;-- How. 453 ;-- CL 1897, 2455 ;-- CL 1915, 2252 ;-- CL 1929, 1110 ;-- CL 1948, 45.17

45.18 Escape due to insufficiency of county jail; liability of sheriff.

Sec. 18.

In case of the escape of any prisoner, by reason of the insufficiency of the jail, whereby the sheriff, or other officer performing the duties of sheriff, shall be made liable to any party at whose suit such prisoner was committed, the county shall re-imburse and pay all sums of money recovered of the sheriff or such other officer by such party, by reason of such escape.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 317 ;-- CL 1871, 448 ;-- How. 454 ;-- CL 1897, 2456 ;-- CL 1915, 2253 ;-- CL 1929, 1111 ;-- CL 1948, 45.18

UNORGANIZED COUNTIES.

45.19 Unorganized counties; annexation, effect.

Sec. 19.

Unorganized counties and other districts, annexed, or hereafter to be annexed to any organized county for judicial purposes, shall, for every purpose, be deemed to be within the limits of the county to which they are or may be so annexed.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 318 ;-- CL 1871, 449 ;-- How. 455 ;-- CL 1897, 2457 ;-- CL 1915, 2254 ;-- CL 1929, 1112 ;-- CL 1948, 45.19

DIVISIONS OF COUNTIES, ETC.

45.20 Division or alteration of county; lands within county limits.

Sec. 20.

When a county seized of lands shall be divided into 2 or more counties, or shall be altered in its limits, by annexing a part of its territory to any other county or counties, each county shall become seized to its own use, of such part of said lands as shall be included within its limits, as settled by such division or alteration.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 319 ;-- CL 1871, 451 ;-- How. 457 ;-- CL 1897, 2459 ;-- CL 1915, 2256 ;-- CL 1929, 1113 ;-- CL 1948, 45.20

45.21 Division or alteration; apportionment of personalty.

Sec. 21.

When a county possessed of, or entitled to money, rights, credits, things in action or personal property, shall be so divided or altered, or when any unorganized county or district annexed to any county for judicial purposes, shall be organized into a separate county, such money, rights, credits, things in action or personal property, shall be adjusted and apportioned, and a settlement thereof made between the counties interested therein, by the supervisors thereof, as to them or a majority of them shall appear to be just and equitable.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 320 ;-- CL 1871, 452 ;-- How. 458 ;-- CL 1897, 2460 ;-- CL 1915, 2257 ;-- CL 1929, 1114 ;-- CL 1948, 45.21

45.22 Division or alteration; settlement by meeting of county supervisors.

Sec. 22.

The supervisors aforesaid shall meet for the purpose of such settlement, at such time as shall be prescribed by the law making such division or alteration; or if no time is prescribed by such law, at such time as the board of supervisors of either of the counties interested shall appoint, at the office of the treasurer of the county retaining the original name of the county so divided or altered.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 321 ;-- CL 1871, 453 ;-- How. 459 ;-- CL 1897, 2461 ;-- CL 1915, 2258 ;-- CL 1929, 1115 ;-- CL 1948, 45.22

45.23 Division or alteration; apportionment of debts.

Sec. 23.

Debts owing by a county so divided or altered, shall be apportioned in the manner prescribed in section 21 of this chapter, and each county shall thereafter be charged therewith, according to such equitable apportionment.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 322 ;-- CL 1871, 454 ;-- How. 460 ;-- CL 1897, 2462 ;-- CL 1915, 2259 ;-- CL 1929, 1116 ;-- CL 1948, 45.23

45.24 Disagreement over settlement; arbitration commissioners, appointment.

Sec. 24.

In case of the division or alteration of a county as aforesaid, if the supervisors cannot agree upon a settlement, as provided in this chapter, the supervisors of either of the counties interested may apply to the circuit court for any adjoining county, for the appointment of 5 judicious men residing within a county not interested, to be commissioners for the purpose of settling and determining the matters aforesaid between such counties; and upon such application, such circuit court shall appoint such commissioners for the purpose aforesaid.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 323 ;-- CL 1871, 455 ;-- How. 461 ;-- CL 1897, 2463 ;-- CL 1915, 2260 ;-- CL 1929, 1117 ;-- CL 1948, 45.24

45.25 Arbitration commissioners; meeting; determination, finality.

Sec. 25.

Such commissioners shall meet at such time as they may appoint, and after being duly sworn faithfully and impartially to perform their duties as such commissioners, shall proceed to examine into the merits of the matters aforesaid, and shall make such determination in relation thereto as to them, or a majority of them shall appear to be just and equitable, which determination shall be entered at length by the clerks of the respective counties so interested as aforesaid, upon the journals of the board of supervisors thereof, and shall be final and conclusive between such parties.

History: R.S. 1846, Ch. 13 ;-- CL 1857, 324 ;-- CL 1871, 456 ;-- How. 462 ;-- CL 1897, 2464 ;-- CL 1915, 2261 ;-- CL 1929, 1118 ;-- CL 1948, 45.25

ATTACHMENT OF UNORGANIZED TERRITORY

Act 178 of 1861

45.31 Repealed. 1962, Act 81, Eff. Mar. 28, 1963.

APPOINTMENT OF DEPUTIES

Act 74 of 1911

AN ACT to provide for the appointment of deputies by certain county officers, and for fixing their salaries.

History: 1911, Act 74, Eff. Aug. 1, 1911

The People of the State of Michigan enact:

45.41 Deputies of county officers in counties over 50,000; appointment, duties.

Sec. 1.

In all counties of this state having a population of more than 50,000 where it is provided by law that the county treasurer, county clerk and register of deeds shall receive salaries in lieu of fees, each of said officers may appoint a deputy or deputies who may perform all the official acts which the officer making such appointment might legally do, and who shall be paid therefor from the general fund of the county, such salaries as the board of supervisors of the county shall determine.

History: 1911, Act 74, Eff. Aug. 1, 1911 ;-- CL 1915, 2520 ;-- CL 1929, 1427 ;-- CL 1948, 45.41

DEPUTIES AND EMPLOYEES

Act 123 of 1933

AN ACT to regulate the appointment, number and salaries of deputies, clerks and employes of the county treasurer, the register of deeds, the coroners and drain commissioner in certain counties of this state and to repeal certain acts and parts of acts inconsistent with the provisions of this act.

History: 1933, Act 123, Imd. Eff. June 15, 1933

The People of the State of Michigan enact:

45.51 Deputies and employees of county officers in counties over 500,000; appointment, compensation.

Sec. 1.

In counties having a population of more than 500,000 the county treasurer, the register of deeds, the coroners and the drain commissioner shall and are hereby authorized to appoint a chief deputy, and all other deputies, clerks and employes employed in the departments of each of the said officers. The number and salaries of the said deputies, clerks and employes herein provided for shall be fixed in the same manner as they are fixed for deputies, clerks and employes of the other departments of the county government. The salaries of such deputies, clerks and employes shall be payable in the same manner and at the same time that other county employes are paid.

History: 1933, Act 123, Imd. Eff. June 15, 1933 ;-- CL 1948, 45.51

45.52 Repeal; effect on veterans' preference act.

Sec. 2.

All acts and parts of acts, whether general, local or special, contravening the provisions of this act are hereby repealed: Provided, however, That nothing herein contained shall be construed so as to affect or modify in any way the provisions of Act No. 205 of the Public Acts of 1897.

History: 1933, Act 123, Imd. Eff. June 15, 1933 ;-- CL 1948, 45.52

Compiler's Notes: For provisions of Act 205 of 1897, referred to in this section, see MCL 35.401 et seq.

PURCHASE OF SUPPLIES

Act 307 of 1917

AN ACT to provide for the purchase of all supplies, merchandise and articles of every description and character needed for the maintenance and operation of all county offices, departments and institutions, in counties adopting the provisions of this act.

History: 1917, Act 307, Eff. Aug. 10, 1917

The People of the State of Michigan enact:

45.81 County offices; departments or institutions; purchase of supplies.

Sec. 1.

In any county adopting this act, all supplies, merchandise and articles of every description and character necessary for the maintenance and operation of all county offices, departments or institutions shall hereafter be acquired and purchased, and paid and accounted for in the manner provided in this act.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1429 ;-- CL 1948, 45.81

45.82 County purchasing agent; appointment, term, compensation; interest in contracts or bids prohibited, penalty.

Sec. 2.

A county purchasing agent shall be appointed by the board of supervisors, who shall hold his office for the term of 2 years from the date of his qualification, and until his successor is appointed and qualified. Said purchasing agent shall receive an annual salary to be fixed by the board of supervisors, which shall not be increased or diminished during his term of office, and he shall not receive, directly or indirectly, any extra compensation in the way of commissions or otherwise. Said purchasing agent shall not be interested in or in any manner connected with, directly or indirectly, any contract or bid, for furnishing supplies or articles of any kind to any of the said offices, departments or institutions of the county, nor shall he collect or be paid his salary or any part thereof while he is in any manner or degree indebted to the county or in arrears in his accounts and report as such agent. Neither shall said agent accept or receive from any person, firm or corporation to whom any contract may be awarded, directly or indirectly, by rebate, gift or otherwise any money or other things of value whatever, nor shall he receive any promise, obligation or contract for future reward or compensation from any such party: Provided, That should said purchasing agent violate any of the provisions of this act, or should he receive any rebate, drawback, profit, or benefit from any contract either directly or indirectly, he shall be deemed guilty of a felony, and, upon conviction thereof shall be punished by imprisonment in the State Prison not less than 2 nor more than 5 years.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1430 ;-- CL 1948, 45.82

45.83 County purchasing agent; oath; bond; conditions; payment of premium; sales prohibited; accepting or receiving rebate, commission, or other thing of value.

Sec. 3.

The agent, before entering upon the duties of the agent's office, shall take the constitutional oath of office, and as determined by the county board of commissioners, either shall be covered by a blanket bond or shall be required to furnish a surety company bond, payable to the county, in a sum to be approved by the county board of commissioners, and conditioned for the faithful performance of his or her duties, and that he or she shall correctly and honestly pass upon and award all bids and contracts for supplies, and shall fully and accurately account to and pay over to the county or to the persons authorized to receive the same, all money, merchandise, and articles of value that shall come into and pass through his or her hands as the county purchasing agent, or for which he or she may be responsible; and also conditioned that he or she shall honestly, faithfully, and accurately disburse and account for all money controlled or handled by him or her in the performance of his or her duties. The premium on an individual bond shall be paid by the county. The agent shall not sell or be concerned in the sale of merchandise, supplies, or other articles to any of the offices, departments, or institutions of the county. The purchasing agent shall not accept or receive, directly or indirectly, by rebate, commission, or in any other manner money or other thing of value, directly or indirectly, from an individual, sole proprietorship, partnership, association, or corporation, to whom the agent awards a contract. The individual bond shall be filed in the office of the county clerk, and recoveries may be had on the bond until exhausted.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1431 ;-- CL 1948, 45.83 ;-- Am. 1978, Act 592, Imd. Eff. Jan. 4, 1979

45.84 Purchasing agent; advice of county officers.

Sec. 4.

All county officers and heads of county departments or institutions shall keep the purchasing agent constantly advised as to the amount and character of supplies on hand, and the amount and character required in order to keep the offices, departments or institutions constantly provided for. They shall also furnish any other information respecting such matters as may be desired or requested by said purchasing agent.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1432 ;-- CL 1948, 45.84

45.85 Purchasing agent; duties; estimates of county officers; advertisement for bids; manner of purchase, criteria.

Sec. 5.

It shall be the duty of the purchasing agent aforesaid to contract for all supplies, merchandise, printing and articles of every description needed for the maintenance and operation of each county office, department and institution, except those supplies that are of a strictly perishable character, basing his contract or contracts upon estimates to be furnished him by the county officers and heads of county departments and institutions. Such estimates shall be furnished by the first day of July of each year, for an entire year; and all such contracts shall be made after full notice by advertisement of not less than 4 weeks in at least 4 of the leading newspapers of the state to be selected by said agent. Such advertisements shall call for sealed bids or proposals to furnish the aggregate of the desired article and supplies as estimated for by such office, department or institution, naming the articles and supplies and the quantities and character required, and all such bids or proposals shall be for the entire period of 1 year; such supplies, articles, and merchandise to be delivered at such times and in such quantities as said agent may from time to time designate, and should the supplies, or any portion thereof, as contracted for, be not sufficient for

the year for which the contract or contracts shall be made, then the contractor or contractors shall be required to furnish such additional supplies at the prices named for similar articles under contract or contracts: Provided, That should said purchasing agent at any time discover that he could purchase the same supplies for less money for any 1 year by buying the same for less time than 1 year, he shall have the authority to make such purchase for a shorter length of time, but not less than 3 months, it being the purpose of this act to authorize and require said purchasing agent to make such contracts upon such terms as will secure the best and cheapest rates for the county in the purchase of articles and supplies of necessity for said offices, departments and institutions, and to that end he shall reserve the right to reject any and all bids, or to accept any bid in part or reject it in part; and if none of the bids and proposals are deemed advantageous and satisfactory, he may buy in the open market until a proper and satisfactory bid is offered. The period for which such bids or proposals are invited shall be clearly stated in said advertisements, as well as the terms and conditions contemplated by the provisions of this act. When the same article is estimated for by 2 or more offices, departments or institutions, but of different brands or grades, the purchasing agent may determine which of the brands or grades shall be purchased so as to produce uniformity in use by all the offices, departments and institutions: Provided, That other things being equal, supplies offered by bidders who have an established local business in the county shall have preference.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1433 ;-- CL 1948, 45.85

45.86 Bids; bond or certified check required; acceptance.

Sec. 6.

Any and all bids or proposals under this act shall be accompanied by a good and sufficient bond or a certified check in such sum as the said purchasing agent may require, the same to be stated in the advertisement as aforesaid, and the said agent may, if he deems it advisable, advertise for the various articles and supplies needed separately or together, and may accept the bid or bids for the same to be furnished separately or all by 1 bidder, as may be most advantageous to the county, and when purchases are made by the county purchasing agent preference shall be given to county or home products, all things being equal.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1434 ;-- CL 1948, 45.86

45.87 Bids; inspection by purchasing agent; quality of supplies, rejection; estimates, content, filing, public inspection.

Sec. 7.

All bids shall be opened on the date and at the place specified in the advertisement for the same and such opening and inspection of the bids shall be made by the purchasing agent in the presence of the board of supervisors or auditors or their representatives. The supplies and articles furnished under all bids and contracts shall be such as are called by requisition of the county officers or heads of county departments or institutions and equal to and of the same quality as the sample furnished the purchasing agent, and all supplies furnished by contract as provided herein shall be equal to the sample which may be required to accompany the bid. If the supplies delivered under contract do not come up to the sample, the purchasing agent shall refuse to accept the same. The estimates furnished said purchasing agent, as aforesaid, upon which he makes his advertisements and contracts, shall, as near as practicable, state the quantity and quality of the articles and supplies needed, and when possible, the brand of the same, and copies of such estimates shall be filed with the county clerk or, in counties having a board of county auditors, with such board, and be opened to public inspection.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1435 ;-- CL 1948, 45.87

45.88 Invoices; transmittal, approval, payment; rejection of supplies, replacement.

Sec. 8.

Invoices of all supplies of whatever kind shall be furnished in duplicate by the contractor or seller at the time of every delivery of said supplies, 1 of which shall be transmitted to the department or institution head to which supplies are sent, and 1 by the same mail to the purchasing agent. As soon as the supplies have been received and examined by the head of the institution or department to which the same shall have been shipped, and if he shall find them to correspond in every particular with the invoices transmitted him and the samples by which the supplies were sold, he shall transmit to the purchasing agent the said invoice with a certificate thereon that the supplies received correspond in every particular with the invoice and the sample by which the supplies were sold, and if the purchasing agent shall, upon further examination find such invoice to be correct, he shall transmit it with his approval to the board of supervisors or board of auditors, and when such invoice so approved by the head of the institution or department to which the supplies named therein have been furnished and by the purchasing agent, shall have been further approved by the board of supervisors or auditors it shall be the duty of the board to order their warrant for the amount due on the invoice, or upon so much thereof as has been allowed, upon the county treasurer. Whenever the department head shall reject any supplies, he shall immediately notify the purchasing agent and in such notification shall give his reasons for the rejection. All supplies shall be at the risk of the contractor or seller until accepted by the purchasing agent. Whenever any supplies shall be rejected, it shall be the duty of the contractor or seller to immediately take same away and replace such supplies with supplies that will conform to the provisions of the contract.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1436 ;-- CL 1948, 45.88

45.89 Bond of successful bidder; terms, filing, recoveries.

Sec. 9.

When any bid shall have been accepted, the purchasing agent may require of the successful bidder, a bond payable unto the county with good and sufficient surety, in the sum of not less than 1/3 of the amount of the bid, to be approved by the purchasing agent, conditioned that he will fully, faithfully and accurately execute the terms of the contract into which he has entered. Said bond shall be filed in the office of the purchasing agent and recoveries may be had on such bond until exhausted.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1437 ;-- CL 1948, 45.89

45.90 Emergency order; approval, purchase, report, payment; limitation.

Sec. 10.

In case any temporary or unforeseen exigency should arise in any of the county offices, departments or institutions and it shall be made to appear upon the written statement of the county officer, or head of the county department or institution that a serious detriment will be caused to the service if the method of purchase as hereinbefore defined shall be pursued, then such officer or head, if upon examination he shall deem an immediate purchase necessary, may by appropriate order to be approved by the purchasing agent and duly entered upon his records, authorize the purchase of such supplies as may be needed to meet such temporary and unforeseen exigency, and which are not embraced in any existing contract, and the county officer or head of a county department or institution may thereupon purchase the same in open market. A report of such purchase, together with a copy of the application of the officer or head, shall be transmitted by the purchasing agent, with his endorsement thereon, to the county auditors, and upon it the county auditors shall issue their warrant upon the treasury of the county for the amount so expended. The provisions of this section shall only apply to articles and supplies that are not of a strictly perishable character.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1438 ;-- CL 1948, 45.90

45.91 Purchases to be in accordance with appropriations.

Sec. 11.

All purchases by contract, or otherwise, as herein authorized, shall be in accordance with such appropriations as have been made by the supervisors for the support of the several institutions respectively.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1439 ;-- CL 1948, 45.91

45.92 Purchase of perishable supplies; rules and regulations.

Sec. 12.

The purchasing agent shall frame and transmit to each county institution a system of rules and regulations for the purchase of such supplies as are strictly perishable in their character, and to which conformity by all the county institutions is hereby required.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1440 ;-- CL 1948, 45.92

45.93 Clerks; appointment, compensation; annual report by purchasing agent to county supervisors.

Sec. 13.

The purchasing agent shall have the authority, with the consent of the board of supervisors, to appoint clerks to assist him in his duties, with such salaries as may be allowed by said board, and shall make an annual report to the supervisors at the end of each fiscal year covering all his acts and doings.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1441 ;-- CL 1948, 45.93

45.94 Purchasing agent and clerks; appropriation for compensation; personal use of county supplies, penalty.

Sec. 14.

Such sum of money as may be necessary is hereby appropriated out of the general fund in the county treasury, to pay the salary of the purchasing agent and the clerks aforesaid and contingent expenses for the first 2 years after the enactment and taking effect of this act: Provided, That no officer or employe created by this act shall ever use or receive for their own use any provisions, clothing, merchandise or other articles furnished by the county, but that the salaries herein fixed shall be their only compensation, and any person who violates this provision shall, upon conviction, be punished by imprisonment in the county jail for a term of not less than 2 nor more than 10 months.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1442 ;-- CL 1948, 45.94

45.95 Accounts; condition of payment; purchasing agent, offices, supplies and equipment.

Sec. 15.

No account for goods, wares or merchandise purchased by any officers created by this act, shall be paid, unless sworn to as required by law, which affidavit shall further state that no commission or other compensation has been or will be paid as a consideration for such purpose. The said purchasing agent shall be provided with offices at the county seat. It shall be the duty of the board of supervisors or board of auditors to provide the said agent with the necessary stationery and office equipment in the manner now in force in the various county departments.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1443 ;-- CL 1948, 45.95

45.96 Repeals; construction of act.

Sec. 16.

All acts or parts of acts in any wise contravening the provisions of this act are hereby repealed: Provided, however, That the provisions of this act shall not be construed to repeal any of the accounting laws, except where the provisions of this act are in conflict therewith.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1444 ;-- CL 1948, 45.96

45.97 Adoption of act by counties; scope.

Sec. 17.

The provisions of this act shall not apply to any county except where such county, by its board of supervisors, shall adopt the provisions hereof. Upon petition of not less than 25 electors of any county in this state, addressed to the board of supervisors, such board shall have power, by resolution, to adopt the provisions of this act in and for their respective counties. The provisions of this act shall not apply to counties having a population of less than 75,000 inhabitants.

History: 1917, Act 307, Eff. Aug. 10, 1917 ;-- CL 1929, 1445 ;-- Am. 1931, Act 144, Imd. Eff. May 21, 1931 ;-- CL 1948, 45.97

ADJUSTMENT OF COUNTY BOUNDARIES

Act 160 of 1974

AN ACT to provide for the adjustment of county boundaries; to provide for referendum thereon; to prescribe the powers and duties of the secretary of state; and to prescribe penalties and provide remedies.

History: 1974, Act 160, Imd. Eff. June 20, 1974 ;-- Am. 1998, Act 161, Eff. Mar. 23, 1999

The People of the State of Michigan enact:

45.101 Adjustment of county boundaries; resolution or petition; placing question on ballot.

Sec. 1.

A city situated in 2 or more counties may by resolution of its governing body or petition of 10% of its registered electors or 10,000 registered electors, whichever is the lesser have the question of adjusting the counties' boundaries so the entire city shall be included within 1 county placed on the ballot at the next general election held not earlier than 90 days from the certification of the resolution or receipt of the petition by the clerk of the local governing body.

History: 1974, Act 160, Imd. Eff. June 20, 1974

45.101a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 1a.

A petition under section 1, 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 161, Eff. Mar. 23, 1999

45.102 Effective date of question; notice of submission; form; certifying result of vote and adjustment.

Sec. 2.

The question shall not become effective unless it is approved by a majority of the qualified electors voting thereon in each county affected. Notice of the submission shall be given as required by law in the election of county officers and shall be submitted in substantially the following form:

"Shall the boundary of the county of be adjusted to include all of the(city).... of?"

Yes ()

No ()"

The result of the vote shall be certified by the secretary of state. If a majority of the electors of each county voting thereon vote in favor of the question, it shall be in full force and effect and the secretary of state shall certify the adjustment.

History: 1974, Act 160, Imd. Eff. June 20, 1974

FISCAL YEAR FOR COUNTIES

Act 174 of 1943

AN ACT to establish a fiscal year for and the time of filing annual reports based thereon of counties, county road commissions and other county agencies; and to declare the effect of this act.

History: 1943, Act 174, Eff. July 30, 1943

The People of the State of Michigan enact:

45.201 Fiscal year for certain counties; annual reports; filing; report of county road commission.

Sec. 1.

(1) Notwithstanding any provisions of law to the contrary, and except as provided in subsection (2), the fiscal year for a county with a population of less than 1,500,000 shall be the calendar year ending December 31, and annual reports of the county required by law and based in whole or part on accounting completed within the fiscal year shall be filed within 30 days after the April meeting of the county board of commissioners.

(2) If so determined by the county board of commissioners, a county may establish 1 of the following as its fiscal year and annual reports of the county required by law and based in whole or part on accounting completed within the fiscal year shall be filed 6 months from the end of the fiscal year:

- (a) Fiscal year beginning July 1 and ending June 30.
- (b) Fiscal year beginning October 1 and ending September 30.

(3) The county road commission of a county having a population of less than 1,500,000 may establish 1 of the following as its fiscal year:

- (a) Fiscal year beginning January 1 and ending December 31.
- (b) Fiscal year beginning July 1 and ending June 30.
- (c) Fiscal year beginning October 1 and ending September 30.

(4) The annual report of a county road commission shall be made within 5 months after the end of the fiscal year of the county road commission.

History: 1943, Act 174, Eff. July 30, 1943 ;-- CL 1948, 45.201 ;-- Am. 1960, Act 67, Eff. Aug. 17, 1960 ;-- Am. 1983, Act 2, Imd. Eff. Mar. 7, 1983 ;-- Am. 1983, Act 83, Imd. Eff. June 16, 1983 ;-- Am. 1994, Act 347, Imd. Eff. Dec. 15, 1994 ;-- Am. 2006, Act 555, Imd. Eff. Dec. 29, 2006

45.202 Inconsistent provisions of law superseded.

Sec. 2.

This act shall be construed as superseding any inconsistent provision of law, and shall be self-executing.

History: 1943, Act 174, Eff. July 30, 1943 ;-- CL 1948, 45.202

45.203 "County" defined.

Sec. 3.

As used in this act, "county" means a county or a county agency in that county, other than the county road commission.

History: Add. 1994, Act 347, Imd. Eff. Dec. 15, 1994

Revised Statutes of 1846

R.S. of 1846

Chapter 14
Chapter 14. Of county officers.
FILING OATHS AND BONDS BY COUNTY OFFICERS.

45.318 County officers; oaths of office, deposit, filing.

Sec. 118.

Each of the officers named in this chapter, except notaries public and prosecuting attorneys, shall before entering upon the duties of his office, and within 20 days after receiving official notice of his election, or within 20 days after the commencement of the term for which he was elected, take and subscribe the oath of office prescribed by the constitution of this state, before some officer authorized by law to administer oaths, and deposit the same with the clerk of the proper county, who shall file and preserve the same in his office.

History: R.S. 1846, Ch. 14 ;-- CL 1857, 466 ;-- CL 1871, 608 ;-- How. 638 ;-- CL 1897, 2641 ;-- CL 1915, 2505 ;-- CL 1929, 1417 ;-- CL 1948, 45.318

Compiler's Notes: This section, as originally enacted, was numbered section 119. In this section, "the constitution of this state" evidently refers to the Constitution of 1835. See now Const. 1963, Art. XI, Â§ 1.

45.319 County officers; deposit, filing, and preservation of bond.

Sec. 119.

Each officer required by the county board of commissioners to give an individual bond, except the treasurer, before entering upon the duties of office, and within the time limit described in section 118 of this chapter for depositing the officer's oath, shall deposit the bond with the treasurer, who shall file and preserve the same in the treasurer's office. Each treasurer required by a county board of commissioners to give an individual bond before entering upon the duties of office, and within the time limit described in section 118 of this chapter for depositing the treasurer's oath, shall deposit his or her bond with the clerk of the county, who shall file and preserve the same in the clerk's office.

History: R.S. 1846, Ch. 14 ;-- CL 1857, 467 ;-- CL 1871, 609 ;-- How. 639 ;-- CL 1897, 2642 ;-- CL 1915, 2506 ;-- CL 1929, 1418 ;-- CL 1948, 45.319 ;-- Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979

Compiler's Notes: This section, as originally enacted, was numbered section 120.

45.320 County officers; neglect to deposit oath or bond, penalty.

Sec. 120.

If either of the said officers shall neglect to deposit his oath or bond according to the provisions of the 2 last preceding sections, without giving the notice specified in the next section, or if he shall enter upon the execution of his office before he shall have so deposited his said oath or bond, he shall in either case, forfeit and pay 100 dollars.

History: R.S. 1846, Ch. 14 ;-- CL 1857, 468 ;-- CL 1871, 610 ;-- How. 640 ;-- CL 1897, 2643 ;-- CL 1915, 2507 ;-- CL 1929, 1419 ;-- CL 1948, 45.320

Compiler's Notes: This section, as originally enacted, was numbered section 121.

45.321 Neglect to deposit oath or bond; notice, effect.

Sec. 121.

No penalty shall attach on account of any neglect to deposit such oath or bond as aforesaid, in case such officer, before entering upon the execution of his office, and within the time limited for filing such oath or bond, shall give notice in writing to the officer or officers having the power by law to order an election to fill such office, or to fill the same by appointment, stating therein that he declines accepting such office.

History: R.S. 1846, Ch. 14 ;-- CL 1857, 469 ;-- CL 1871, 611 ;-- How. 641 ;-- CL 1897, 2644 ;-- CL 1915, 2508 ;-- CL 1929, 1420 ;-- CL 1948, 45.321

Compiler's Notes: This section, as originally enacted, was numbered section 122.

45.322 Prosecuting attorney; appointment, transmittal of commission, notice.

Sec. 122.

Whenever the governor shall appoint a prosecuting attorney, the secretary of state shall transmit his commission to the clerk of the county for which such prosecuting attorney was appointed, and the county clerk on receiving such commission, shall immediately give notice thereof to the person so appointed.

History: R.S. 1846, Ch. 14 ;-- CL 1857, 470 ;-- CL 1871, 612 ;-- How. 642 ;-- CL 1897, 2645 ;-- CL 1915, 2509 ;-- CL 1929, 1421 ;-- CL 1948, 45.322

Compiler's Notes: This section, as originally enacted, was numbered section 123.

45.323 Prosecuting attorney; oath of office, filing; delivery of commission.

Sec. 123.

The person so appointed shall, before entering upon the duties of his office, and within 20 days after receiving notice of his appointment, appear before the county clerk and take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, who shall thereupon deliver to the person so appointed the commission received by him for such person, and shall thereupon give notice to the secretary of state of the filing of such oath, and of the time of filing the same.

History: R.S. 1846, Ch. 14 ;-- CL 1857, 471 ;-- CL 1871, 613 ;-- How. 643 ;-- CL 1897, 2646 ;-- CL 1915, 2510 ;-- CL 1929, 1422 ;-- CL 1948, 45.323

Compiler's Notes: This section, as originally enacted, was numbered section 124.

45.324 County officers; commencement of terms.

Sec. 124.

The regular terms of office of the several county officers elected at the general election shall commence on the first day of January succeeding their election, but those elected at the general election, or at a special election, to fill vacancies, may qualify and enter upon the execution of their offices immediately after being notified of their election.

History: R.S. 1846, Ch. 14 ;-- CL 1857, 472 ;-- CL 1871, 614 ;-- How. 644 ;-- Am. 1889, Act 32, Eff. Oct. 2, 1889 ;-- CL 1897, 2647 ;-- CL 1915, 2511 ;-- CL 1929, 1423 ;-- CL 1948, 45.324

APPROVAL OF BONDS BY SUPERVISORS

Act 27 of 1873

45.351 Repealed. 1978, Act 588, Imd. Eff. Jan. 8, 1979.

COST OF BONDS

Act 251 of 1947

45.371 Repealed. 1978, Act 588, Eff. Jan. 8, 1979.

BOND COVERAGE FOR OFFICERS AND EMPLOYEES OF COUNTIES

Act 588 of 1978

AN ACT to provide bond coverage for officers and employees of counties; and to repeal certain acts and parts of acts.

History: 1978, Act 588, Eff. Jan. 8, 1979

The People of the State of Michigan enact:

45.381 Bond coverage for officers or employees of county; determination by county board of commissioners.

Sec. 1.

(1) Each officer or employee of a county that is required by statute to furnish a bond conditioned on the officer's or employee's honesty or faithful discharge of the officer's or employee's duties shall be covered by a blanket bond by a surety company approved by the county board of commissioners or by an individual bond by a surety company approved by the county board of commissioners for the officer or employee.

(2) The county board of commissioners shall determine whether a single bond for all officers and employees or individual bonds for all officers or employees or a combination of a blanket bond and individual bonds best serves the county.

(3) In determining adequate coverage, the county board of commissioners may obtain bond coverage with provisions relative to problems of a unique nature, including loss deductible or coinsurance provisions.

History: 1978, Act 588, Eff. Jan. 8, 1979

45.382 Notification of surety companies; contract.

Sec. 2.

In obtaining bond coverage under this act, the county board of commissioners shall notify all surety companies authorized to do business in the county of this act and shall contract for adequate coverage.

History: 1978, Act 588, Eff. Jan. 8, 1979

45.383 Completion of bonding requirement; termination of honesty and faithful discharge of duty bonds.

Sec. 3.

Within 1 year after the effective date of this act, the county board of commissioners shall complete the bonding requirement as required by this act and shall negotiate for the termination of all honesty and faithful discharge of duty bonds otherwise in full force and effect under any other law and secure all refunds provided by those terminations and deposit the refunds to the general fund of the county.

History: 1978, Act 588, Eff. Jan. 8, 1979

45.384 Repeal of MCL 45.351 and 45.371.

Sec. 4.

Act No. 27 of the Public Acts of 1873, being section 45.351 of the Compiled Laws of 1970, and Act No. 251 of the Public Acts of 1947, being section 45.371 of the Compiled Laws of 1970, are repealed.

History: 1978, Act 588, Eff. Jan. 8, 1979

45.385 Conditional effective date.

Sec. 5.

This act shall not take effect unless Senate Bills No. 1488, 1490, 1492, 1494 and 1493 of the 1978 regular session of the legislature are enacted into law.

History: 1978, Act 588, Eff. Jan. 8, 1979

Compiler's Notes: Senate Bill No. 1488, referred to in this section, was approved by the Governor on January 8, 1979, and became P.A. 1978, No. 635, Imd. Eff. Jan. 8, 1979. Senate Bill No. 1490 was approved by the Governor on January 4, 1979, and became P.A. 1978, No. 592, Imd. Eff. Jan. 4, 1979. Senate Bill No. 1492 was approved by the Governor on January 8, 1979, and became P.A. 1978, No. 633, Imd. Eff. Jan. 8, 1979. Senate Bill No. 1494 was approved by the Governor on January 3, 1979, and became P.A. 1978, No. 585, Imd. Eff. Jan. 3, 1979; and Senate Bill No. 1493 was approved by the Governor on January 2, 1979, and became P.A. 1978, No. 569, Imd. Eff. Jan. 2, 1979.

SALARIES IN LIEU OF FEES

Act 237 of 1919

AN ACT to authorize the payment of salaries to sheriffs, under-sheriffs and deputy sheriffs and to county clerks, county treasurers and registers of deeds and their deputies, and to make the same in lieu of fees.

History: 1919, Act 237, Eff. Aug. 14, 1919 ;-- Am. 1921, Act 193, Eff. Aug. 18, 1921

45.401 Salaries of county officers; determination; exception; change in compensation.

Sec. 1.

(1) The county board of commissioners of each county in this state may direct the payment to the sheriff, under-sheriff, and deputy sheriffs and to the county clerk, county treasurer, register of deeds, and their deputies out of the general fund in the treasury of the county, salaries as the board considers proper. The salaries may be fixed and determined by the county board of commissioners at its annual meeting held in October before the commencement of the terms of the officers. The salaries shall be compensation in full for all services performed by the sheriff, under-sheriff, and deputy sheriffs and by the county clerk, county treasurer, register of deeds, and their deputies. However, this section shall not apply to a county now operating under a local or special act, until the local or special act is repealed.

(2) Notwithstanding subsection (1), for a county which has a county officers compensation commission, the compensation of each nonjudicial elected officer of the county shall be determined by that commission. A change in compensation for those officers of a county which has a county officers compensation commission shall commence at the beginning of the first odd numbered year after the determination is made by the county officers compensation commission and is not rejected.

History: 1919, Act 237, Eff. Aug. 14, 1919 ;-- Am. 1921, Act 193, Eff. Aug. 18, 1921 ;-- CL 1929, 1346 ;-- Am. 1931, Act 60, Eff. Sept. 18, 1931 ;-- Am. 1931, Act 202, Eff. Sept. 18, 1931 ;-- CL 1948, 45.401 ;-- Am. 1978, Act 486, Imd. Eff. Dec. 1, 1978

45.402 County officers; statement of fees collected, disposition, receipts.

Sec. 2.

The sheriff, under-sheriff and deputy sheriffs and the county clerks, county treasurers and registers of deeds and their deputies who receive a salary shall collect and make itemized statements of all fees required by law for the service of any process other than that of the county, and of all other fees collected by them which said fees shall be paid by them when collected to the county treasurer, on or before the last day of each month taking duplicate receipts therefor.

History: 1919, Act 237, Eff. Aug. 14, 1919 ;-- Am. 1921, Act 193, Eff. Aug. 18, 1921 ;-- CL 1929, 1347 ;-- CL 1948, 45.402

45.403 Salaries of county officers; payment, condition.

Sec. 3.

The salaries aforesaid shall be paid monthly by the county treasurer, upon a warrant issued by the county clerk, but not until an itemized statement of all fees collected and paid over to the county treasurer, as aforesaid, has been sworn to and filed with the county treasurer and duplicate of the receipt thereof filed with the county clerk.

History: 1919, Act 237, Eff. Aug. 14, 1919 ;-- CL 1929, 1348 ;-- CL 1948, 45.403

45.404 Accounting of money received by county treasurer.

Sec. 4.

All money received by the county treasurer by virtue of this act shall be credited to the general fund of the county.

History: 1919, Act 237, Eff. Aug. 14, 1919 ;-- CL 1929, 1349 ;-- CL 1948, 45.404

45.405 Sheriffs; appointment of under-sheriff and deputies; contracts for board of prisoners; office supplies, claims of salaried officers for expenses, hearing.

Sec. 5.

The sheriff shall appoint an under-sheriff and may, in his discretion, appoint such deputy sheriffs as may be provided for by the board of supervisors. The board of supervisors is also hereby empowered to make contracts with the sheriff for the board and laundry of the prisoners lodged in the county jail: Provided, That the board of supervisors or the board of county auditors in counties having a board of county auditors, as the case may be, shall provide for all printing, stationery, postage, purchase of books, records and other papers and things necessary for the public service; and said board is hereby empowered to hear, determine and allow the claims of the sheriff and his deputies and under-sheriff and of the county clerks, county treasurers and registers of deeds and their deputies who receive a salary by virtue of this act, for any money actually expended by them in pursuance of their official duties, the same as other claims against the county.

History: 1919, Act 237, Eff. Aug. 14, 1919 ;-- Am. 1921, Act 193, Eff. Aug. 18, 1921 ;-- CL 1929, 1350 ;-- CL 1948, 45.405

45.406 Sheriff; emergency appointment of additional deputies, compensation; report of expenses, official acts and fees; appointment of deputies to protect private interests.

Sec. 6.

In times of emergency the sheriff, upon order of the circuit court for the county, made upon the petition of the sheriff or prosecuting attorney of the county, showing the necessity therefor, may appoint for such day or days as may be required, 1 or more additional deputies, who, for services actually rendered, shall receive an amount as determined by the board of supervisors. Upon completion of his service each deputy so appointed shall make and file with the county treasurer a full and detailed report, including his actual expense account, duly verified, of service rendered and official acts performed during the period of service, of all moneys received in fees, mileage, perquisites, and emoluments on account of such appointment, and at the same time shall pay over to the county treasurer all moneys so received, which shall thereupon become the money of the county. The sheriff may also appoint deputy sheriffs to protect private interests, who shall receive no compensation from the county for services on account of such appointment. Said deputies so appointed may be required by the board of supervisors to file a detailed statement with the county clerk of all their official acts.

History: 1919, Act 237, Eff. Aug. 14, 1919 ;-- CL 1929, 1351 ;-- CL 1948, 45.406 ;-- Am. 1967, Act 40, Imd. Eff. June 7, 1967

45.407 Sheriff, under-sheriff and deputy sheriff; duties.

Sec. 7.

It is hereby provided that this act shall be so construed as to require the sheriff, under-sheriff and deputy sheriffs to perform all reasonable services within the jurisdiction of their offices for which the county may be liable and to serve and execute all civil writs and processes that may be reasonably served and executed by said officers under salary.

History: 1919, Act 237, Eff. Aug. 14, 1919 ;-- CL 1929, 1352 ;-- CL 1948, 45.407

45.408 Violation of act; penalty.

Sec. 8.

If any sheriff, under-sheriff or deputy sheriffs or any county clerk, county treasurer, or register of deeds, or any deputy of any county clerk, county treasurer or register of deeds shall fail to comply with the provisions of this act, they shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not exceeding 500 dollars or by imprisonment in the county jail not exceeding 6 months, or by both such fine and imprisonment in the discretion of the court.

History: 1919, Act 237, Eff. Aug. 14, 1919 ;-- Am. 1921, Act 193, Eff. Aug. 18, 1921 ;-- CL 1929, 1353 ;-- CL 1948, 45.408

SALARIES OF COUNTY OFFICERS

Act 351 of 1968

AN ACT providing for the compensation of members of county boards, departments, authorities and commissions.

History: 1968, Act 351, Imd. Eff. July 30, 1968

The People of the State of Michigan enact:

45.411 Members of county boards, departments, authorities, and commissions; compensation.

Sec. 1.

Notwithstanding any other provisions of law, members of county boards, departments, authorities, and commissions receiving statutory compensation the same as members of the boards of commissioners shall receive compensation as determined by the county board of commissioners.

History: 1968, Act 351, Imd. Eff. July 30, 1968 ;-- Am. 1983, Act 4, Imd. Eff. Mar. 7, 1983

SALARIES OF COUNTY OFFICERS

Act 154 of 1879

AN ACT relative to the salaries of county officers.

History: 1879, Act 154, Eff. Aug. 30, 1879

The People of the State of Michigan enact:

45.421 Salaries of county officers; determination; change in compensation.

Sec. 1.

(1) The annual salary of each salaried county officer, which is by law fixed by the county board of commissioners, shall be fixed by the board before November 1 each year and shall not be diminished during the term for which the county officer has been elected or appointed, but may be increased by the board during the officer's term of office.

(2) Notwithstanding subsection (1), for a county which has a county officers compensation commission, the compensation of each nonjudicial elected officer of the county shall be determined by that commission. A change in compensation for those officers of a county which has a county officers compensation commission shall commence at the beginning of the first odd numbered year after the determination is made by the county officers compensation commission and is not rejected.

History: 1879, Act 154, Eff. Aug. 30, 1879 ;-- How. 508 ;-- CL 1897, 2649 ;-- CL 1915, 2514 ;-- CL 1929, 1426 ;-- CL 1948, 45.421 ;-- Am. 1967, Act 163, Eff. Nov. 2, 1967 ;-- Am. 1978, Act 487, Imd. Eff. Dec. 1, 1978

SALARIES; WAYNE COUNTY

Act 261 of 1947

AN ACT to authorize the board of supervisors in each of the counties of this state, now or hereafter having a population of 1,000,000 or more, to provide for and fix the compensation and prescribe the powers and duties of certain officers and employees of such county; and to provide for the deposit of funds by all county officers and officials with the county treasurer.

History: 1947, Act 261, Eff. Oct. 11, 1947 ;-- Am. 1949, Act 17, Eff. Sept. 23, 1949 ;-- Am. 1955, Act 24, Imd. Eff. Apr. 7, 1955

The People of the State of Michigan enact:

45.451 Salaries of county officers of county having population of 1,000,000 or more; determination; fees or commissions payable to county; change in compensation.

Sec. 1.

(1) The salary of the treasurer, prosecuting attorney, county clerk, register of deeds, and the county auditors, of a county having a population of 1,000,000 or more, shall be provided for, fixed, and determined for each of them by the county board of commissioners of the county at its annual meeting held in October before the commencement of the terms of the officers in the same proceedings and manner as all other budget appropriations are approved for county officers and employees. The salary of the county treasurer, prosecuting attorney, county clerk, register of deeds, and county auditors shall be full payment for services performed by the officers for the county or for the patrons of those offices. The salary shall be in place of all fees, commissions, or perquisites payable to the officers under the laws of this state for the performance and discharge of duties required by those offices, the duties of which the officers exercise by virtue of their offices, and in place of all fees or commissions collectible by the officers for the performance of the duties of their offices if the fees are not fixed by law. The officers shall not receive other or further compensation for the duties imposed upon them, or while acting as notary public or in any other capacity authorized by law in the matter of administering oaths or taking acknowledgment upon any instrument, document, or application prepared, issued, executed, recorded, or filed by or with the public office or officer relating to the official business of the public office or officer. However, all fees or commissions made payable to or that may be charged by them by virtue of their office or as notary public or in the matter of administering oaths or taking acknowledgments as provided in this section shall be received by them for and on account of the county.

(2) Notwithstanding subsection (1), for a county having a population of 1,000,000 or more which has a county officers compensation commission, the compensation of the elected county officers shall be determined by that commission. A change in compensation of the elected county officers of a county which has a county officers

compensation commission shall commence at the beginning of the first odd numbered year after the determination is made by the county officers compensation commission and is not rejected.

History: 1947, Act 261, Eff. Oct. 11, 1947 ;-- CL 1948, 45.451 ;-- Am. 1949, Act 17, Eff. Sept. 23, 1949 ;-- Am. 1955, Act 24, Imd. Eff. Apr. 7, 1955 ;-- Am. 1978, Act 488, Imd. Eff. Dec. 1, 1978

45.452 County officers; additional compensation for new duties prohibited.

Sec. 2.

No officer whose salary is fixed by this act shall be entitled to any fees, commissions or added compensation by reason of any new duties hereafter added to the office held by him.

History: 1947, Act 261, Eff. Oct. 11, 1947 ;-- CL 1948, 45.452

45.453 County officers; fees collected, payment to county treasurer, statement.

Sec. 3.

The said county clerk, circuit court commissioners, county auditors, prosecuting attorney, treasurer and register of deeds of any such county shall receive or collect no other compensation, except the salary above provided, for the performance or discharge of any of the duties of their respective offices, but they shall pay the fees, commissions or charges provided by law to be paid or that they may fix or charge for the performance or discharge of such duties or any duties in their said offices to the county treasurer on the last Saturday of every month, and the same shall be for the use of said county and placed to the credit of the general fund. Such payment shall in all cases be accompanied with a statement in writing of the respective officers, of the services rendered and fees collected, and that the same is true in every particular, which statement shall be verified by the oath of the officers making the same that such statement is true.

History: 1947, Act 261, Eff. Oct. 11, 1947 ;-- CL 1948, 45.453

45.454 County officers; record books and accounting forms for uniform system of accounts; audit of accounts; rules and regulations of board of county auditors for deposit and disbursement of funds; duties of county treasurer.

Sec. 4.

The board of auditors of said county shall prepare and provide said county treasurer, county clerk, register of deeds, circuit court commissioners, prosecuting attorney, friend of the court, clerk of the common pleas court, sheriff, and every other officer or official whose salary in whole or in part is paid by the county and who, in the course of his official duties, receives any funds either public or private, with the proper books, blanks and forms for the regular and systematic accounting of all moneys received by them from whatever source, in order that every officer and official shall maintain a system of accounting as nearly uniform as may be practicable. Said board shall provide each of said officers with blanks, each having a stub attached, bound in book form and consecutively numbered, for all certificates or certified copies of records on which a fee is collectible. Said blanks shall have entered on their face the amount of the fee collected and for what purpose paid, and shall be a record of the amounts collected by the officer issuing the same. Said board of county auditors shall also have the power and they are hereby authorized at least once each year or more frequently if necessary to examine the books and accounts of the county treasurer and other county officers, and they shall on demand be exhibited to them by said officers. And as often as said board may require, the accounts and vouchers of the said county officers shall be audited and

allowed by them, and after the same shall have been audited by said board it shall not be requisite that such accounts and vouchers be again audited by the board of supervisors.

The board of auditors may, by resolution, provide rules and regulations for: (1) the regular deposit of funds with the county treasurer or other recognized depositories approved by the board of auditors; and (2) for the method of disbursing or distributing private funds, by every officer or official whose salary in whole or in part is paid by the county and who, in the course of his official duties, receives any funds either public or private. Whenever any moneys are paid to the county treasurer by any officer or agent of said county, such officer or agent shall take a duplicate receipt therefor, which shall be filed in the office of said board. Said treasurer shall on each day report to said board the moneys received by him on that day, and after making his last report. They shall keep an account of all moneys which may be chargeable against the county treasurer and any other officer who may receive any moneys belonging to the county, and shall keep an account with said officers showing the amounts with which they should be credited, and their accounts shall be so kept that the financial affairs of the county may at any time be ascertained by inspection of the books of said board.

History: 1947, Act 261, Eff. Oct. 11, 1947 ;-- CL 1948, 45.454 ;-- Am. 1955, Act 24, Imd. Eff. Apr. 7, 1955

45.455 Incumbent county officers; salaries and fees.

Sec. 5.

The present county treasurer, county clerk, register of deeds and circuit court commissioners shall be entitled to receive the salaries, fees and perquisites now legally payable to them, during their present term of office, the provisions of this act notwithstanding.

History: 1947, Act 261, Eff. Oct. 11, 1947 ;-- CL 1948, 45.455

45.456 Violation of act; penalty.

Sec. 6.

Any officer who shall fail to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of not exceeding \$500.00 or imprisonment in the county jail not exceeding 6 months.

History: 1947, Act 261, Eff. Oct. 11, 1947 ;-- CL 1948, 45.456

45.457 Repeals.

Sec. 7.

All acts or parts of acts, so far as contrary to the provisions of this act, whether local or general, are hereby repealed.

History: 1947, Act 261, Eff. Oct. 11, 1947 ;-- CL 1948, 45.457

COUNTY OFFICERS COMPENSATION COMMISSION

Act 485 of 1978

AN ACT to permit the creation of a county officers compensation commission; to prescribe the powers and duties of the commission and other public officers; and to prescribe penalties and provide remedies.

History: 1978, Act 485, Imd. Eff. Dec. 1, 1978 ;-- Am. 1998, Act 158, Eff. Mar. 23, 1999

The People of the State of Michigan enact:

45.471 County officers compensation commission; establishment; purpose; resolution.

Sec. 1.

A county board of commissioners may establish a county officers compensation commission to determine the compensation for the nonjudicial elected officials of the county. A resolution establishing a county officers compensation commission shall comply with the requirements of this act.

History: 1978, Act 485, Imd. Eff. Dec. 1, 1978

45.472 County officers compensation commission; appointment, qualifications and terms of members.

Sec. 2.

(1) The county officers compensation commission shall consist of 7 members who are registered electors residing in the county. Upon recommendations from the members of the board, the chairperson of the county board of commissioners shall appoint the members of the compensation commission subject to confirmation by a majority of the members elected to and serving on the county board of commissioners.

(2) The term of office for members of the compensation commission shall be 4 years, except that of the members first appointed, 2 each shall be appointed for a term of 1 year, 2 shall be appointed for a term of 2 years, 2 shall be appointed for a term of 3 years, and 1 shall be appointed for a term of 4 years. The initial members shall be appointed within 30 days after the effective date of the resolution establishing the commission. Thereafter, members shall be appointed before October 1 of the year of appointment. A vacancy shall be filled for the remainder of the unexpired term.

(3) A person who is a member or employee of the legislative, judicial, or executive branch of any level of government or a member of that person's immediate family shall not be appointed to the compensation commission.

History: 1978, Act 485, Imd. Eff. Dec. 1, 1978

45.473 Compensation of elected officials; determination; expenses.

Sec. 3.

The county officers compensation commission shall determine the compensation of the elected officials of the county, other than judges, which determination shall be the compensation of those officials unless the county board of commissioners rejects the determination by resolution adopted by 2/3 of the members elected to and serving on the board. Unless rejected, the determination shall be effective at the beginning of the first odd numbered year after the determination is made. If the determination is rejected, the compensation then in effect for those officials shall continue. An expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of county business and accounted for to the county.

History: 1978, Act 485, Imd. Eff. Dec. 1, 1978

45.474 County officers compensation commission; meetings; determination; quorum; concurrence of majority; chairperson; expenses.

Sec. 4.

(1) The county officers compensation commission shall meet for not more than 15 session days each even numbered year and shall make its determination within 45 calendar days after its first meeting of the year. "Session day" as used in this subsection, means a calendar day on which the compensation commission meets and a quorum is present.

(2) A majority of the members of the compensation commission constitutes a quorum for conducting the business of the commission. The commission shall not take action or make a determination without a concurrence of a majority of the members appointed and serving on the commission.

(3) The commission shall elect a chairperson from among its members.

(4) Members of the compensation commission shall not receive compensation for their service on the commission, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

History: 1978, Act 485, Imd. Eff. Dec. 1, 1978

45.475 Conducting business at public meeting; notice.

Sec. 5.

The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with 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 shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

History: 1978, Act 485, Imd. Eff. Dec. 1, 1978

45.476 Resolution subject to referendum; petition; placing proposition on ballot; effect of defeat of proposition; effect of determination.

Sec. 6.

If a resolution is adopted establishing a county officers compensation commission pursuant to this act, the resolution may be subject to referendum if a petition requesting the referendum, signed by not less than 5% of the registered electors of the county, is filed with the county clerk within 60 days after the adoption of the resolution. If the clerk determines the petition to be valid, a proposition to approve or disapprove the resolution shall be placed upon the ballot in the next general election. If the proposition is defeated, the commission shall not be created, or if created, shall be abolished. If a valid referendum petition is filed, a determination of the commission shall not take effect until the resolution has been approved by the electors.

History: 1978, Act 485, Imd. Eff. Dec. 1, 1978

45.476a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 6a.

A petition under section 6, 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 158, Eff. Mar. 23, 1999

45.477 Conditional effective date.

Sec. 7.

This act shall not take effect unless House Bill No. 6200 of the 1978 regular session of the legislature is enacted into law.

History: 1978, Act 485, Imd. Eff. Dec. 1, 1978

Compiler's Notes: House Bill No. 6200, referred to in this section, was approved by the Governor on October 20, 1978, and became P.A. 1978, No. 476, Eff. Dec. 1, 1978.

MONEY FOR FLOOD CONTROL

Act 34 of 1960

AN ACT to appropriate certain money received from the United States for leases of land owned by the United States for flood control, navigation and allied purposes to the county in which the land is situated; to provide for the expenditure of such appropriations; and to prescribe the duties of the state treasurer.

History: 1960, Act 34, Imd. Eff. Apr. 14, 1960

The People of the State of Michigan enact:

45.491 Leased United States lands; appropriation of moneys received for flood control, navigation and allied purposes; payment to county treasurer.

Sec. 1.

All sums of money heretofore or hereafter received from the United States, or any department thereof, under an act of congress approved August 18, 1941, being an act providing for the payment to the several states of 75% of all moneys received for leases of land situated in the various states to which the United States owns fee simple title for flood control, navigation and allied purposes, as amended or supplemented, is hereby appropriated to the board of supervisors of the county in which the land is situated. The board of supervisors shall expend such sums in accordance with the provisions and regulations of the acts of congress providing for the distribution to states and counties. Within a reasonable time after receipt of the money from the federal government, the state treasurer shall issue his warrant to the treasurer of the county entitled thereto.

History: 1960, Act 34, Imd. Eff. Apr. 14, 1960

CHARTER COUNTIES

Act 293 of 1966

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

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980 ;-- Am. 1994, Act 20, Eff. May 1, 1994 ;-- Am. 1998, Act 147, Eff. Mar. 23, 1999

The People of the State of Michigan enact:

45.501 Charter county; body corporate.

Sec. 1.

Every county adopting a charter under the provisions of this act shall be a body corporate.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.501a Authority of emergency financial manager; authority and responsibilities of local emergency financial assistance loan board.

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 county 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. Notwithstanding any provision of this, if approved by the board of commissioners in relation to a loan authorized under Act No. 243 of the Public Acts of 1980, being sections 141.931 to 141.942 of the Michigan Compiled Laws, the local emergency financial assistance loan board created by Act No. 243 of the Public Acts of 1980 may exercise the authority and responsibilities delineated by the terms of an order of the local emergency financial assistance loan board.

History: Add. 1988, Act 195, Imd. Eff. June 27, 1988

Compiler's Notes: In the second sentence of this section, the phrase "of this," evidently should read "of this act."

45.502 Resolution for submission of question on election of charter commission; adoption by county board of supervisors.

Sec. 2.

The board of supervisors of any county, by a majority vote of its members elect may, or upon petition of 5% of the registered electors of the county shall, adopt a resolution providing for the submission of the question of

electing a charter commission for the purpose of framing and submitting to the electorate a county home rule charter. The petition shall be addressed to the board of supervisors and shall be filed with the clerk of the board not less than 30 days prior to the convening of a regular session of the board or to the convening of any special session called for the purpose of considering the petition.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.502a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 2a.

A petition under section 2, 5(1), or 19, 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 147, Eff. Mar. 23, 1999

45.503 Submission of question to qualified electors.

Sec. 3.

The resolution shall provide that the question shall be submitted to the qualified electors at the next regular primary, presidential primary, or general election occurring not less than 60 days after the adoption of the resolution. If there is not to be a regular primary, presidential primary, or general election in the county within 180 days, the county board of commissioners shall provide in the resolution for a special election on the question.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980

45.504 Number of charter commissioners to be elected; qualifications of candidate for election to office of charter commissioner; member of county board of commissioners as chief administrative officer.

Sec. 4.

(1) The county apportionment commission shall set forth the number of charter commissioners to be elected as follows:

County Population Number of Charter Commissioners

Under 5,001 Not more than 7

5,001 to 10,000 Not more than 11

10,001 to 50,000 Not more than 15

50,001 to 600,000 Not more than 21

Over 600,000 13 to 35

(2) The resolution shall require that a candidate for election to the office of charter commissioner shall have been a qualified elector in the candidate's district for not less than 6 months.

(3) An elected county official shall not be a candidate for election to the office of charter commissioner unless the person has resigned from the elected position.

(4) A member or former member of the county board of commissioners shall not serve as chief administrative officer of the county until at least 2 years after his or her termination from membership on the board.

45.505 Partisan election of charter commission; nomination of candidates; petition or filing fee; primary election; composition and convening of county apportionment commission; rules of procedure; quorum; majority vote; establishment of charter commission districts; requirements for districts; use of census figures; apportionment; division; date of primary; election of charter commission; filing and availability of apportionment plan and copies thereof; judicial review; appeal; submission and filing of plan by registered voter; official apportionment plan; duration; election of 1 charter commissioner for each district; limitation on representation.

Sec. 5.

(1) The resolution shall provide for a partisan election of a charter commission, for the nomination of candidates for the charter commission by petitioning or filing a fee, and for a primary election of charter commission candidates. A charter commission candidate who elects to pay a filing fee shall pay the fee not less than 3 days before the final day upon which petitions may be filed. The resolution shall provide for the election of charter commissioners from districts established by the county apportionment commission. The county apportionment commission shall consist of the county clerk, the county treasurer, the prosecuting attorney, and the statutory county chairperson of each of the 2 political parties receiving the greatest number of votes cast for the office of secretary of state in the last general election in which a secretary of state was elected. If a county does not have a statutory chairperson of a political party, the 2 additional members shall be a party representative from each of the 2 political parties receiving the greatest number of votes cast for the office of secretary of state in the last general election in which a secretary of state was elected and appointed by the chairperson of the state central committee for each of the political parties. The county clerk shall convene the county apportionment commission and the county apportionment commission shall adopt the rules of procedure. Three members of the county apportionment commission are a quorum sufficient to conduct its business. All action of the apportionment commission shall be by majority vote of the apportionment commission.

(2) The county apportionment commission, within 30 days after the adoption of the resolution by the county board of commissioners, shall establish charter commission districts equal to the number of charter commissioners to be elected. All districts shall be single member districts and as equal in population as practicable. The latest official published figures of the United States official census shall be used in this determination, except that in cases requiring a division of official census units to meet the population standard, an actual population count may be used to make the division. Other governmental census figures of total population may be used if taken after the last decennial United States census and the United States census figures are not adequate for the purposes of this act. The secretary of state shall furnish the latest official published figures to the county apportionment commission within 15 days after publication of subsequent United States official census figures. A contract may be entered into with the United States census bureau to conduct a special census if the latest United States decennial census figures are not adequate. Each district shall be contiguous, compact, and as nearly square in shape as is practicable, depending on the geography of the county area involved, and shall be drawn without regard to partisan political advantage. Each city and township shall be apportioned so that it shall have the largest possible number of complete districts within its boundaries before any part of the city or township is joined to territory outside the boundaries of the city or township to form a district. Townships, villages, cities, and precincts shall be divided only if necessary to meet the population standard.

(3) In a county having a population of less than 1,500,000, the date of the primary election for charter commissioners may be the same as the date for the submission of the question as provided in section 3. Otherwise, the date of the primary election for charter commissioners shall be the same as the date for the submission of the question as provided in section 3. The election of the charter commission shall be at the next primary or general election occurring not less than 60 days after the primary election for charter commissioners. If a regular primary or general election does not occur within 180 days after the date of the primary, the county board of commissioners shall provide, in the resolution, for a date on which the final election of the commission shall be held.

(4) The apportionment plan approved by the apportionment commission shall be filed in the office of the county clerk at which time the plan shall become effective, and copies of the plan immediately shall be forwarded by the county clerk to the secretary of state for filing. The plan shall be made available at cost to any registered voter of the county.

(5) Any registered voter of the county, within 30 days after the filing of the plan for his or her county, may petition the court of appeals to review the plan to determine if the plan meets the requirements of the laws of this state. A finding of the court of appeals may be appealed to the supreme court of this state as provided by law.

(6) If the apportionment commission has failed to submit a plan for its county within 60 days but not less than 30 days after the latest official published census figures are available or within an additional time as may be granted by the court of appeals for good cause shown on petition from the apportionment commission, any registered voter of the county may submit a plan to the commission for approval. The apportionment commission shall choose, from among those plans submitted, a plan meeting the requirements of the laws of this state and shall file the plan in the office of the county clerk as provided in this section within 30 days after the deadline for filing of the apportionment commission's own plan or any extension granted on the filing of the plan.

(7) Once an apportionment plan has been found constitutional and not in violation of this act and all appeals have been exhausted or, if an appeal has not been taken, when the time for appeal has expired, that plan shall be the official apportionment plan for the county until the next United States official decennial census figures are available. When the next United States official decennial census figures are available, a new apportionment plan under this act shall be established by the county apportionment commission.

(8) The electors of each district established pursuant to this act shall elect 1 charter commissioner. There shall not be representation other than that set forth by this act.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980

45.506 Compensation for charter commissioner; appropriations to defray certain costs.

Sec. 6.

Compensation for each charter commissioner shall not exceed \$65.00 per day for a total of 90 meetings. Compensation shall not be paid for more than 1 meeting per day. The county board of commissioners shall provide, if necessary, a county appropriation sufficient to defray the cost of suitable office and meeting space; materials; supplies; personnel; the printing and distribution of documents, journals and records of proceedings; the dissemination of information about the proposed charter; and all other expenses necessary to permit the uninterrupted and orderly completion of the duties of the commission. The county board of commissioners shall also provide, if necessary, a sufficient appropriation to defray the cost of elections and compensation of the members of the charter commission.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980

45.507 Passage of resolution; transmittal of copies to city, village and township clerks; notice of election, publication, posting.

Sec. 7.

Upon the passage of the resolution, the county clerk, within 3 business days, shall transmit a certified copy thereof to the clerk of each city, village and township in his county. The county clerk shall publish a notice of election and the proposition and office to be voted upon in at least 1 newspaper having general circulation in the county. The first publication shall be not less than 10 days prior to the election. The county clerk shall also cause a notice of election, together with the proposition and office to be voted upon, to be posted in 2 or more conspicuous places in each precinct within the county. Upon the request of the county clerk the posting shall be done by the clerk of the local unit of government.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.508 Ballots; form, content, preparation.

Sec. 8.

The ballot to be used for the submission of the question shall be prepared by the county clerk in accordance with the general election laws as follows:

"Shall the county of elect a charter commission for the purpose of framing and submitting to the electorate of the county a county home rule charter under the constitution and laws of Michigan?

Yes ()

No ()"

The county clerk shall prepare at county expense the necessary ballots for the election of the charter commission. All ballots shall be prepared and all elections shall be conducted in accordance with the election laws of this state, except that the question may be submitted at a presidential election within any county of this state.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.509 Charter commission members; oath of office; first meeting, notice; presiding officer.

Sec. 9.

The members of the charter commission shall file their oath of office with the county clerk prior to the first meeting of the charter commission. The clerk shall give notice, by certified mail, to each member of the commission as to the time and place of the first meeting of the commission, which time shall be not less than 10 days nor more than 20 days after certification of election. The county clerk shall be the acting presiding officer for the commission and shall serve until a permanent presiding officer shall have been chosen from among the members of the commission.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.510 Charter commission; organization; quorum; conducting business at public meeting; notice of meeting; record of meetings; journal of proceedings; availability of writings to public; prohibited action; duration of charter commission; ballot questions.

Sec. 10.

(1) The charter commission shall complete its organization within 20 days after the date of its first meeting. Its organization shall consist of seating its members, selecting its officers, and establishing its rules of procedure. A majority of the members elect of the charter commission constitutes a quorum to transact business, but a smaller number may adjourn a meeting of the charter commission. The business which the charter commission may perform shall be conducted at a public meeting of the charter commission held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

(2) A record shall be kept of all meetings of the charter commission and its subcommittees. The charter commission shall keep a journal of its proceedings. The record, the journal, and any other writing prepared, owned, used, in the possession of, or retained by the charter commission 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, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(3) Upon approval of the election of a charter commission by the electors and until the procedures described in sections 16 to 19 have been exhausted, the county board of commissioners shall not take any action which is designed to restructure or reorganize the county government which would have the effect of diminishing the mandate of the charter commission.

(4) A charter commission elected pursuant to this act shall not remain in existence for more than 2 years after the date the charter commission is elected.

(5) The question of charter adoption and the question of nomination or election of an elected county executive shall not appear on the same ballot.

45.511 Charter commission; draft of proposed charter, approval; dissolution upon failure to agree.

Sec. 11.

The commission shall draft a proposed charter within 180 days after the date of completing its organization as provided in section 10. If the commission has not agreed upon a proposed charter within the 180 days period the charter commission shall be dissolved. Before any proposed charter is submitted to the electors, it shall be approved by a majority of the members elected to the commission with the vote and names of the members voting thereon entered in the journal.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.511a Submission of 2 alternative charter proposals; dissolution of charter commission; approval of proposed charters; differences between charter proposals; election of county executive; selection, term, and removal of chief administrative officer; declaration of charter adoption; votes; duties and responsibilities of county executive or chief administrative officer; veto of ordinance or resolution; contents of ballot.

Sec. 11a.

(1) In a county with a population of 1,500,000 or more the commission shall approve alternative charter proposals for simultaneous submission to the electors pursuant to the provisions of this section.

(2) The commission shall approve for submission 2 alternative charter proposals not more than 180 days after the date of completing its organization as provided in section 10. If the commission fails to approve for submission 2 charter proposals within the 180-day period, the charter commission shall be dissolved.

(3) Before either proposed charter is submitted to the electors, each proposed charter shall be approved by a majority of the members elected to the commission with the vote and names of the members voting on each proposed charter entered in the journal.

(4) Except as to the method of selection of a chief administrative officer or an elected county executive; the veto power of the chief administrative officer or the elected county executive; and the removal of the chief administrative officer or the elected county executive, the 2 alternative charter proposals shall not differ.

(5) One charter proposal shall provide for a county executive elected at large on a partisan basis.

(6) One charter proposal shall provide for a chief administrative officer. The chief administrative officer shall be selected for a 4-year term of office by a majority of the county board of commissioners elected and serving, the chief administrative officer may only be removed from office for cause by a 2/3 vote of the county board of commissioners elected and serving.

(7) A charter shall be declared adopted by the electors if it receives more yes votes than no votes. If both charters receive more yes votes than no votes, the charter which receives the higher number of yes votes shall be declared adopted. An elector may vote yes or no on either, or both, of the charters.

(8) One charter proposal shall provide for the duties and responsibilities of the elected county executive. The other charter proposal shall provide for the duties and responsibilities of the chief administrative officer. Under each charter proposal, the duties and responsibilities of the elected county executive or chief administrative officer shall not differ, except as provided in subsection (4), and at a minimum, shall include the duty and responsibility to:

(a) Supervise, direct, and control the functions of all departments of the county except those headed by elected officials.

(b) Coordinate the various activities of the county and unify the management of its affairs.

(c) Enforce all orders, rules, and ordinances of the county board of commissioners and laws of the state required to be enforced by his or her office.

(d) Prepare and submit to the county board of commissioners a recommended annual county budget and work program, and administer the expenditure of funds in accordance with appropriations. An elected officer, county road commissioner, or a body which has the powers of a county road commission may appear before the board as to the officer's, commissioner's, or body's own budget. Not less than once each year the chief administrative officer or elected county executive shall submit to the county board of commissioners a proposed long-range capital

improvement program and capital budget.

(e) Except elected officials, appoint, supervise, and at pleasure remove heads of departments and all boards and commissions.

(f) Submit recommendations to the board for the efficient conduct of county business.

(g) Report to the county board of commissioners on the affairs of the county and its needs, and advise the board not less than once each 3 months on the financial condition of the county.

(9) The elected county executive may veto an ordinance or resolution adopted by the county board of commissioners including an item of an ordinance which appropriates funds. The veto shall be certified by the elected county executive to the board of county commissioners not more than 10 days from the date of adoption of an ordinance or resolution. The county board of commissioners may override the veto by a 2/3 vote of the county board of commissioners elected and serving.

(10) The ballot shall contain voting instructions and a brief explanation of each charter presented.

History: Add. 1980, Act 7, Imd. Eff. Feb. 13, 1980

45.512 Charter commission; vacancies.

Sec. 12.

A vacancy in the office of any commissioner shall be filled by a qualified elector selected by the commission. If the commission fails to fill the vacancy within a period of 7 days, the chairman of the board of supervisors shall fill the vacancy forthwith. The new appointee shall be a qualified elector from the same district as the commissioner vacating the office and from the same party.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.513 Charter commission; employees and assistants, appointment, compensation; use of county departmental personnel; powers and duties; expenses.

Sec. 13.

The commission may appoint employees and assistants as are necessary to perform its duties and shall fix the compensation of the employees and assistants so appointed. Upon the request of the commission, the board of supervisors may authorize the use, by the commission, of the services of any county departmental personnel. The commission shall provide for the printing and distribution of its official documents. It may disseminate information about the proposed charter and do all other things necessary to complete the business of the commission in an orderly manner. All expenses of the charter commission shall be within an adequate appropriation provided by the board of supervisors under the provisions of section 6.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.514 County charter; mandatory provisions; subsection(1)(d) inapplicable to certain counties; staggered terms of office.

Sec. 14.

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

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

government described and adopted under section 11a.

(b) The election of a legislative body to be known as the county board of commissioners, and for their authority, duties, responsibilities, and number, that must be not less than 5 or more than 21. Until December 31, 2024, the term of office of members of the county board of commissioners is concurrent with that of state representatives. Beginning January 1, 2025, the term of office of members of the county board of commissioners is as specified in section 10(2) of 1966 PA 261, MCL 46.410. The county board of commissioners shall provide by ordinance for their compensation and may increase or decrease their compensation. A change in compensation is not effective during the term of office for which the legislative body making the change was elected. The charter must also provide for the partisan election of members of the legislative body from single-member districts to be established by the county apportionment commission as created in section 5 and under the standards and guidelines established in section 5 for reapportionment based on the last official federal decennial census, effective at the first regular general election of the members of the legislative body occurring not less than 12 months after the completion and certification of the federal decennial census. Each city and township must be apportioned so that it has the largest possible number of complete districts within its boundaries before any part of the city or township is joined to territory outside the boundaries of the city or township to form a district.

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

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

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

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

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

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

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

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

(f) The continuation and implementation of a system of civil service in those counties having a system at the time of the adoption of the charter. The system of civil service provided under the charter must recognize the rights and status of persons under the civil service system then in effect. The charter must not infringe on or be in derogation of those rights and that status. The charter must not preclude future modification of the system. Except as provided in subdivision (d), the charter must provide that the system of civil service be coordinated among the county

offices, boards, commissions, and departments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History: 1966, Act 293, Eff. Mar. 10, 1967; -- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980; -- Am. 1982, Act 300, Imd. Eff. Oct. 11, 1982; -- Am. 2005, Act 208, Imd. Eff. Nov. 14, 2005; -- Am. 2017, Act 210, Imd. Eff. Dec. 20, 2017; -- Am. 2021, Act 121, Eff. Mar. 30, 2022

45.514a Satisfaction of condition with respect to transportation employees; certification by county road agency; failure of county road agency to make certification; maintenance of website; posting information; definitions.

Sec. 14a.

(1) Beginning September 30, 2014, each county road agency shall annually certify to the department that it satisfies 1 of the following conditions with respect to transportation employees:

(a) The county road agency has developed and publicized a transportation employee compensation plan that the county road agency intends to implement with any new, modified, or extended contract or employment agreements for transportation employees not covered under contract or employment agreement. The transportation employee compensation plan that each county road agency plans to achieve must be posted on a publicly accessible internet site and must be submitted to the department. Subject to section 15c, at a minimum, the transportation employee compensation plan must include all of the following:

(i) New transportation employee hires who are eligible for retirement plans are placed on retirement plans that cap annual employer contributions at 10% of base salary for transportation employees who are eligible for social security benefits. For transportation employees who are not eligible for social security benefits, the annual employer contribution is capped at 16.2% of base salary.

(ii) For defined benefit pension plans, a maximum multiplier of 1.5% for all transportation employees who are eligible for social security benefits, except, if postemployment health care is not provided, the maximum multiplier shall be 2.25%. For all transportation employees who are not eligible for social security benefits, a maximum multiplier of 2.25%, except, if postemployment health care is not provided, the maximum multiplier must be 3.0%. This subparagraph does not apply to years of service accrued before September 30, 2013, or to contracts entered into before September 30, 2013.

(iii) For defined benefit pension plans, final average compensation for all transportation employees is calculated using a minimum of 3 years of compensation and must not include more than a total of 240 hours of paid leave. Overtime hours must not be used in computing the final average compensation for a transportation employee. This subparagraph does not apply to years of service accrued before September 30, 2013, or to contracts entered into before September 30, 2013.

(iv) Health care premium costs for new transportation employee hires must include a minimum transportation employee share of 20%; or, an employer's share of the local health care plan costs must be cost competitive with the new state preferred provider organization health plan, on a per-transportation-employee basis.

(b) The county road agency complies with 1 of the following:

(i) A county road agency that offers medical benefits to its transportation employees or elected public officials shall certify to the department by September 30, 2014 that it is in compliance with the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.561 to 15.569. For purposes of this subparagraph, dental and vision coverages are not considered medical benefits. The department shall develop a certification process and method for county road agencies to follow.

(ii) A county road agency that does not offer medical benefits to its transportation employees or elected public officials shall certify to the department by September 30, 2014 that it does not offer medical benefits to its transportation employees or elected public officials. For purposes of this subparagraph, dental and vision coverages are not considered medical benefits. The department shall develop a certification process and method for county road agencies to follow.

(2) If a county road agency does not make the certification required under subsection (1), the department may withhold all or part of the distributions to the county road agency from the Michigan transportation fund under 1951 PA 51, MCL 247.651 to 247.675. A withholding under this subsection must continue for the period of noncompliance with subsection (1) by the county road agency.

(3) A county road agency shall maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

(a) Current fiscal year budget.

(b) The number of active transportation employees of the county road agency by job classification and wage rate.

(c) A financial performance dashboard that contains information on revenues, expenditures, and unfunded liabilities. The county road agency may link to financial information provided by the Michigan transportation asset management council.

(d) The names and contact information for the governing body of the county road agency.

(e) A copy of the certification required by subsection (1).

(4) A county road agency may develop and operate its own website to provide the information required under subsection (3), or the county road agency may reference this state's central transparency website as the source for the information required under subsection (3). If a county road agency does not have a website, the county road agency may post the information required under subsection (3) on the website for the county within which the county road agency is located or on the website of a statewide road association of which the county road agency is a member.

(5) As used in this section:

(a) "County road agency" means a county road commission or a body that has the powers of a county road commission in a county that adopts a charter under this act. In addition, if a board of county road commissioners of a county is dissolved as provided in section 6 of chapter IV of 1909 PA 283, MCL 224.6, county road commission includes the county board of commissioners of that county.

(b) "Department" means the state transportation department.

(c) "Transportation employee" means an employee paid in whole or in part through revenues distributed under

sections 12 to 13 of 1951 PA 51, MCL 247.662 to 247.663, or an employee who is engaged primarily in work funded through revenues distributed under sections 12 to 13 of 1951 PA 51, MCL 247.662 to 247.663.

History: Add. 2012, Act 466, Imd. Eff. Dec. 27, 2012 ;-- Am. 2017, Act 210, Imd. Eff. Dec. 20, 2017

45.515 County charter; permissible provisions.

Sec. 15.

A county charter adopted under this act may provide for 1 or more of the following:

(a) The office of corporation counsel, public defender, auditor general, and all other offices, boards, commissions, or departments necessary for the efficient operation of county government. The charter may also provide for the power and authority to establish, by ordinance, other offices, boards, commissions, and departments as may become necessary.

(b) That the legislative body of any unit of government that is wholly or partially within the county may transfer, subject to the approval of the legislative body of the county and on mutually agreed conditions, a municipal function or service to the county if the performance of the function or service by the county is not specifically prohibited by law, and if the function or service is offered on a countywide basis.

(c) The authority to perform at the county level any function or service not prohibited by law, including, but not limited to, police protection, fire protection, planning, zoning, education, health, welfare, recreation, water, sewer, waste disposal, transportation, abatement of air and water pollution, civil defense, and any other function or service necessary or beneficial to the public health, safety, and general welfare of the county. Powers granted solely by charter may not be exercised by the charter county in a local unit of government that is exercising a similar power without the consent of the local legislative body. The cost of a service authorized by charter to be performed by the county, may be determined by negotiation between the local unit of government and the charter county and the cost must be charged to the local unit of government or area benefited by the service, unless it is rendered on a countywide basis in which event the cost may be paid from the general fund of the county. If a function exercised by a local unit of government is transferred to the county and becomes a county function financed through the general fund of the county, the county shall reimburse a local unit of government a negotiated sum representing the value of the transferred capital assets of the function owned by and paid for by the local unit of government, including outstanding bonded indebtedness of the local unit of government.

(d) The establishment and maintenance, either within or outside of the county corporate limits, of roads, parks, cemeteries, hospitals, medical facilities, airports, ports, jails, water supply and transmission facilities, sewage transmission and disposal systems, all public works, or other types of facilities necessary to preserve and provide effectively for the public health, safety, and general welfare of the county.

(e) The power and authority to levy and collect taxes, fees, rents, tolls, or excises, the levy and collection of which is authorized by law. The county may not levy a tax on income unless authorized by law.

(f) Subject to section 15c, a system of retirement for county officers and employees.

(g) A classified civil service or merit system for county officers and employees, except those officers and employees who are expressly exempted from civil service by either the state constitution of 1963 or law.

(h) The election or appointment of a drain commissioner.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980 ;-- Am. 2017, Act 210, Imd. Eff. Dec. 20, 2017

45.515a Ordinance; designation of violation as civil infraction; civil fine; act or omission constituting crime.

Sec. 15a.

(1) Consistent with Act No. 58 of the Public Acts of 1945, being section 46.201 of the Michigan Compiled Laws, and whether or not authorized by the county charter, the county board of commissioners of a county established under this act may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation.

(2) Whether or not authorized by the county charter, 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 (1). 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.

(3) 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, Act No. 368 of the Public Acts of 1978, being sections 333.7101 to 333.7545 and 333.17766a of the Michigan Compiled Laws.

(b) The Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.1 to 750.568 of the Michigan Compiled Laws.

(c) The Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(d) The Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.

(e) Part 801 (marine safety) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199 of the Michigan Compiled Laws.

(f) The aeronautics code of the state of Michigan, Act No. 327 of the Public Acts of 1945, being sections 259.1 to 259.208 of the Michigan Compiled Laws.

(g) Part 821 (snowmobiles) of Act No. 451 of the Public Acts of 1994, being sections 324.82101 to 324.82159 of the Michigan Compiled Laws.

(h) Part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being sections 324.81101 to 324.81150 of the Michigan Compiled Laws.

(i) Sections 351 to 365 of the railroad code of 1993, Act No. 354 of the Public Acts of 1993, being sections 462.351 to 462.365 of the Michigan Compiled Laws.

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

History: Add. 1994, Act 20, Eff. May 1, 1994 ;-- Am. 1996, Act 37, Imd. Eff. Feb. 26, 1996

45.515b Minimum staffing requirement; adoption of county charter or ordinance prohibited.

Sec. 15b.

Beginning on the effective date of the amendatory act that added this section, a charter county shall not adopt a county charter or ordinance that includes any minimum staffing requirement for county employees. Except as otherwise provided in this section, any provision in a county charter or ordinance adopted 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 135, Imd. Eff. Sept. 13, 2011

45.515c Retirement system subject to protecting local government retirement and benefits act.

Sec. 15c.

If a county provides a system of retirement for its officers and employees under this act, the system of retirement is subject to the protecting local government retirement and benefits act.

History: Add. 2017, Act 210, Imd. Eff. Dec. 20, 2017

45.515d Licensing requirements subject to the local government occupational licensing act.

Sec. 15d.

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

History: Add. 2018, Act 503, Imd. Eff. Dec. 27, 2018

Compiler's Notes: Enacting section 1 of Act 503 of 2018 provides: "Enacting section 1. This amendatory act is retroactive and takes effect January 1, 2018."

45.516 Proposed charter; submission to governor; rejection, revision, resubmission; approval; referendum on adoption and election of officers; incumbent county officers, continuation.

Sec. 16.

The charter shall be submitted to the governor for approval within 30 days after its completion. The charter may be approved by the governor upon written recommendation of the attorney general that it conforms to the provisions of the constitution and the statutes of this state. The governor either shall approve or reject the charter within 30 days of its submission. If the governor rejects the charter, he shall return it to the charter commission together with a copy of his reasons therefor. Upon the return of the unapproved charter, the commission shall reconvene, consider the reasons for rejection, revise the proposed charter and submit the revised charter to the governor within a period of 45 days. Upon resubmission, the governor either shall approve or reject the charter within 30 days of its resubmission. If the governor rejects the charter, he shall notify the commission of his action and his reasons therefor. Upon the second rejection of the charter, the commission, within 30 days, either shall reconvene and revise the charter to comply with the governor's objections or it shall take all steps necessary to obtain a judicial interpretation to determine whether the charter conforms to the provisions of the constitution and statutes of this state. Upon approval of the charter by the governor or upon a final favorable judicial interpretation, the commission, within 10 days, shall fix the date, by resolution, for the submission of the proposed charter to the electorate for its adoption. The submission shall be at the time of the next regular primary election occurring not less than 60 days from the adoption of the resolution. If there is not to be a regular primary election within 180 days, the charter commission may provide in the resolution for a special election on the question of the adoption or rejection of the charter. The resolution shall also establish the date for a primary and general election of officers for the newly created elective offices, whose first term shall be for a period ending at the same time as that of the incumbent governor. Thereafter, they shall be elected for 4-year terms concurrent with the terms of the governor. The manner of nomination and election of home rule county officers shall be in all respects the same as that heretofore established for regular county officers. If the charter is submitted to the electors for approval or rejection at any time prior to the regular primary election, at which time such elective county officers as there shall be in the county are regularly nominated prior to the effective date of this act, then all incumbent elective county officers whose offices are retained in the charter shall continue in office until the expiration of the term for which they were last elected, respectively.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.517 Proposed charter; publication; notice of election.

Sec. 17.

Upon the passage of the resolution by the charter commission fixing the date for the submission and election, the county clerk, within 3 business days, shall transmit a certified copy of the resolution together with a copy of the proposed charter to the clerk of each city, village and township within his county. The county clerk shall cause the proposed charter to be published in at least 1 newspaper having general circulation within the county. The charter shall be published not less than 2 weeks nor more than 4 weeks prior to the election. The county clerk shall also cause to be published a notice of election in accordance with section 7.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.518 Proposed charter; rejection, revision, resubmission to electorate; dissolution of charter commission.

Sec. 18.

If the proposed county charter be rejected, the election of officers therein newly created is void, and the chairman of the charter commission shall require it to reconvene within 20 days and provide for revision or amendment to the original draft of the charter previously prepared by it. The commission shall complete its work within 60 days. The charter shall be submitted to the governor under the provisions of section 16. The revised charter shall be resubmitted to the electorate of the county in the same manner as in the first instance. In no case, however, shall a proposed charter be presented to the electorate by a charter commission more than twice. Whenever a charter commission has twice submitted a charter and a charter has been twice rejected by the electorate, that charter commission shall be dissolved.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.519 Second charter commission; election procedures; provisions governing; rejection; dissolution of commission.

Sec. 19.

Whenever a charter commission has been dissolved, the county board of supervisors may and upon petitions of 5% of the registered electors shall adopt a resolution providing for the election of a second charter commission. The petition shall be filed with the clerk of the board within 60 days after the dissolution of the first charter commission. The board of supervisors shall provide, by resolution, for the election of a second charter commission. The resolution shall conform with the provisions of sections 3 to 6. The second charter commission shall be elected in the same manner as the first charter commission. Any member of the first charter commission shall be ineligible for election to the second charter commission. The authority, duties, responsibilities and term of office of the second charter commission shall be the same as of the first charter commission. If the proposed county charter submitted by the second charter commission is rejected, that charter commission shall be dissolved, and all subsequent charter commissions shall be elected under the provisions of sections 2 to 6.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.520 Home rule county status; when change occurs; incumbent officers.

Sec. 20.

A county is not deemed to have changed its status from that of a regular county to a home rule county until the charter has been adopted by the electorate and the officers provided for therein have been elected. Each incumbent officer having been elected prior to the adoption of the charter and whose office has not been abolished or duties transferred to another office or department by the charter, for all purposes, shall be deemed to be a home rule county officer duly elected and qualified.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.521 Home rule county; succession to and vesting of property; continuation of rights, liabilities, suits, or prosecutions; debts, liabilities, tax rates, and uncollected taxes and assessments.

Sec. 21.

A home rule county created under this act shall succeed to and be vested with the property, real and personal, money, rights, credits and effects, and the records, files, books, and papers belonging to the county as it formerly existed. Neither the rights or liabilities of the county which existed at the time it became a home rule county, nor a suit or prosecution of any kind commenced before and continuing at the time the county becomes a home rule county, shall be, in any manner, affected by the change, but shall continue, stand, or progress as if the change had not been made. The debts and liabilities of the county, the authorized tax rates approved by the voters, and taxes and assessments levied and uncollected at the time of the change shall stand until expired, discharged, or collected the same as if the change had not been made.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980

OPTIONAL UNIFIED FORM OF COUNTY GOVERNMENT

Act 139 of 1973

AN ACT to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 1998, Act 201, Eff. Mar. 23, 1999

The People of the State of Michigan enact:

45.551 Optional unified form of county government; authorization; effect of adoption.

Sec. 1.

A county which has not adopted a charter, or elected a charter commission which has not been dissolved pursuant to Act No. 293 of the Public Acts of 1966, being sections 45.501 to 45.521 of the Michigan Compiled Laws, may adopt an optional unified form of county government. A unified form of government adopted pursuant to this act shall supersede the existing form of government of the county.

History: 1973, Act 139, Eff. Mar. 29, 1974

45.552 Optional unified form of county government; alternate A; alternate B.

Sec. 2.

(1) An optional unified form of county government shall include either:

(a) An appointed county manager, who shall comply with the qualifications and exercise the responsibilities detailed in sections 7 and 8. This form of county government shall be known as alternate A.

(b) An elected county executive, who shall comply with the qualifications and exercise the responsibilities detailed in sections 8, 9, 10, and 11. This form of county government shall be known as alternate B.

(2) A provision of this act not specifically designated as applicable to alternate A or alternate B is applicable to the unified form of county government adopted.

History: 1973, Act 139, Eff. Mar. 29, 1974

45.553 Optional unified form of county government; procedure for adoption; effective date.

Sec. 3.

(1) An optional unified form of county government shall be adopted and become effective in the following manner:

(a) The county board of commissioners, by a majority vote of the members elected and serving, may adopt an optional unified form of county government with an appointed manager. The adoption shall be submitted to the electors pursuant to subdivisions (d) and (e). A vote of disapproval by the electors shall not limit the power of the county board of commissioners to subsequently adopt an optional unified form of county government with an elected county executive pursuant to subdivision (b). A county board of commissioners shall not adopt an optional unified form of county government with an appointed manager within 2 years after an optional unified form of county government with an appointed manager is disapproved by the electors.

(b) The county board of commissioners, by a majority vote of the members elected and serving, may adopt an optional unified form of county government with an elected county executive. The adoption shall be submitted to the electors pursuant to subdivisions (d) and (e). A vote of disapproval by the electors shall not limit the power of the county board of commissioners to subsequently adopt an optional unified form of county government with an appointed manager pursuant to subdivision (a). A county board of commissioners shall not adopt an optional unified form of county government with an elected executive within 2 years after an optional unified form of county government with an elected executive is disapproved by the electors.

(c) Within 90 days after the adoption of an optional unified form of county government by the county board of commissioners, petitions bearing the signatures of registered electors of the county equal to not less than 5% of the total number of votes cast for governor in the county in the last election at which a governor was elected, requesting adoption of the other optional unified form of county government may be filed with the county clerk. The county clerk shall canvass and certify the sufficiency of the petitions within 14 days after the filing.

(d) The election to be held on the question of an optional unified form of county government pursuant to the action of the county board of commissioners or pursuant to that action and the filing of petitions, shall be held at the next regular primary election occurring not less than 49 days nor more than 180 days following the date of the action of the county board of commissioners or the date of the certification of the petition, whichever is later. If a regular primary election is not scheduled during that period, the board of county commissioners shall call a special election for the purpose of voting on the issue within that period.

(e) If a valid petition is not filed, the question presented to the voters shall be on whether the alternate set forth in the board action shall be adopted. If a majority of the electors voting on the question vote in favor of the question, the optional unified form of county government set forth in the question shall be effective on January 1 following the certification of the election by the board of county canvassers.

(f) If a valid petition is filed, the questions presented to the voters shall be on whether to adopt an optional unified form of county government, and then whether to adopt alternate A or alternate B. If a majority of the electors voting on the question of whether to adopt an optional unified form of county government vote in favor of the question, the alternate receiving the highest number of votes shall prevail and shall be effective on January 1 following the certification of the election by the board of county canvassers. A county board of commissioners, by majority vote, may place both alternate A and alternate B on the ballot at the same time. The alternate receiving the highest number of votes by the electors shall prevail.

(g) If the question of adopting an optional unified form of county government is not approved, approval of either alternate is void and the subsequent adoption of an optional unified form of county government shall be pursuant to subdivisions (a) and (b).

(h) If the county board of commissioners does not adopt an optional unified form of county government, petitions bearing the signatures of registered electors of the county equal to not less than 10% of the total number of votes cast for governor in the county in the last previous election at which a governor was elected, may be filed with the county clerk requesting adoption of alternate A or alternate B. Two separate petitions or sets of petitions may be filed if each petition or set of petitions requests the adoption of a different alternate. Upon the clerk

certifying to the county board of commissioners that a proper petition is filed, the question of adopting an optional unified form of county government with the alternate specified in the petition, or both alternates if 2 separate petitions or sets of petitions are filed and certified and each petition or set of petitions requests the adoption of a different alternate, shall be submitted by the board to the electorate of the county for approval or disapproval at the next regular primary election occurring not less than 90 days nor more than 180 days after the date the clerk certifies the petitions to the county board of commissioners. If a primary election is not scheduled during this period, the question shall be submitted at a special election called by the county board of commissioners for that purpose within this period. If a majority of the votes cast on the proposal approve the adoption, the optional unified form of county government containing the alternate specified in the original petition shall become effective in the county on January 1 after the date of the election. If both alternates are on the ballot and a majority of the votes cast on the proposal approve the adoption of an optional unified form of county government, the alternate receiving the highest number of votes shall prevail and shall become effective in the county on January 1 after the date of the election. If the question of adopting an optional unified form of county government is not approved, approval of either alternate is void and the subsequent adoption of an optional unified form of county government shall be pursuant to subdivision (a) or (b).

(2) An election held pursuant to this section shall be subject to and in accordance with the general election laws.

(3) Except as otherwise provided by law, an election which is requested by a county board of commissioners or pursuant to petitions filed by the electors for purposes of implementing this act shall be paid by the county.

(4) This section shall not apply to a petition requesting adoption of an optional unified form of county government which received signatures before May 23, 1974, and the adoption of an optional unified form of county government by a county board of commissioners before May 23, 1974 shall not be construed as being invalid or to require further action.

(5) A petition requesting adoption of an optional unified form of county government which received signatures before the effective date of this subsection or the adoption of an optional unified form of county government by a county board of commissioners before the effective date of this subsection shall not be construed as being invalid or to require any further action as a result of this act, and the optional unified form of county government requested by the petition or adopted by a county board of commissioners or both shall be placed on the ballot as provided in this act.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 1974, Act 120, Imd. Eff. May 23, 1974 ;-- Am. 1980, Act 100, Imd. Eff. Apr. 19, 1980

Compiler's Notes: Section 2 of Act 100 of 1980 provides: "Act No. 599 of the Local Acts of 1907, as amended, is repealed."

45.553a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 3a.

A petition under section 3 or 23, 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 201, Eff. Mar. 23, 1999

45.554 Abolition of certain offices, boards, commissions, authorities, or departments; termination of tenure; former powers as general county government powers; powers and duties of excepted boards or commissions; certain powers neither minimized nor divested; method of appointing veterans; powers vested in county department of veterans' affairs administrative committee or soldiers' relief commission.

Sec. 4.

(1) On the date the optional unified form of county government becomes effective, all appointed boards, commissions, and authorities except the apportionment commission, airport zoning board of appeals, board of county canvassers, board of determination for a drainage district, civil service commission, county drainage board, county department of veterans' affairs administrative committee or soldiers' relief commission, concealed weapons

licensing board, election commission, jury commission, library commission, parks and recreation commission, social services board, tax allocation board, a board established to oversee retirement programs, a plat board, a mental health board, a hospital board, an intercounty drainage board, and a building authority established by the county individually or in conjunction with another unit of government and the boards of county road commissioners; and all elective county offices except those of county commissioner, prosecuting attorney, clerk, register of deeds, treasurer, sheriff, and drain commissioner are abolished and the tenure of persons holding the office or appointment is terminated. Termination shall take effect whether or not it coincides with the end of a term of office or appointment. All county departments in conflict with the departmental organization established by this act are abolished. As used in this act, "department" or "county department" shall not include boards of county road commissioners.

(2) On the date the optional unified form of county government becomes effective, powers vested in an abolished office, board, commission, authority, or department shall become general county government powers, and functions performed by the abolished office, board, commission, authority, or department shall be administered by the county executive or county manager in the manner determined by the county board of commissioners.

(3) A board or commission which is excepted from this act pursuant to subsection (1) shall exercise the powers and duties as provided by law.

(4) The power vested in the office of county prosecuting attorney, county sheriff, county register of deeds, county clerk, county treasurer, county drain commissioner, or the board of county road commissioners, shall not be minimized or divested by this act.

(5) The method of appointing veterans to and the power vested in a county department of veterans' affairs administrative committee pursuant to Act No. 192 of the Public Acts of 1953, as amended, being sections 35.621 to 35.624 of the Michigan Compiled Laws, or a soldiers' relief commission pursuant to Act No. 214 of the Public Acts of 1899, as amended, being sections 35.21 to 35.27 of the Michigan Compiled Laws, shall not be affected, minimized, or divested, except as follows:

(a) Budgeting, procurement, office facilities and equipment, employment, and related management functions shall be performed under the direction and supervision of the county manager or executive.

(b) The employment of veterans' service officer shall be subject to approval of the department of veterans' affairs administrative committee or soldiers' relief commission.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 1978, Act 9, Imd. Eff. Feb. 7, 1978 ;-- Am. 1980, Act 100, Imd. Eff. Apr. 19, 1980

45.554a Annual certification that certain employee-related conditions satisfied; failure to make certification; withholding distributions to county road agency; website; definitions.

Sec. 4a.

(1) Beginning September 30, 2014, each county road agency shall annually certify to the department that it satisfies 1 of the following conditions with respect to transportation employees:

(a) The county road agency has developed and publicized a transportation employee compensation plan that the county road agency intends to implement with any new, modified, or extended contract or employment agreements for transportation employees not covered under contract or employment agreement. The transportation employee compensation plan that each county road agency plans to achieve must be posted on a publicly accessible internet site and must be submitted to the department. Subject to section 22a, at a minimum, the transportation employee compensation plan must include all of the following:

(i) New transportation employee hires who are eligible for retirement plans are placed on retirement plans that cap annual employer contributions at 10% of base salary for transportation employees who are eligible for social security benefits. For transportation employees who are not eligible for social security benefits, the annual employer contribution is capped at 16.2% of base salary.

(ii) For defined benefit pension plans, a maximum multiplier of 1.5% for all transportation employees who are eligible for social security benefits, except, if postemployment health care is not provided, the maximum multiplier is 2.25%. For all transportation employees who are not eligible for social security benefits, a maximum multiplier of 2.25%, except, if postemployment health care is not provided, the maximum multiplier is 3.0%. This subparagraph does not apply to years of service accrued before September 30, 2013, or to contracts entered into before September 30, 2013.

(iii) For defined benefit pension plans, final average compensation for all transportation employees is calculated using a minimum of 3 years of compensation and must not include more than a total of 240 hours of paid leave. Overtime hours must not be used in computing the final average compensation for a transportation employee. This

subparagraph does not apply to years of service accrued before September 30, 2013, or to contracts entered into before September 30, 2013.

(iv) Health care premium costs for new transportation employee hires must include a minimum transportation employee share of 20%; or, an employer's share of the local health care plan costs must be cost competitive with the new state preferred provider organization health plan, on a per-transportation-employee basis.

(b) The county road agency complies with 1 of the following:

(i) A county road agency that offers medical benefits to its transportation employees or elected public officials shall certify to the department by September 30, 2014 that it is in compliance with the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.561 to 15.569. For purposes of this subparagraph, dental and vision coverages are not considered medical benefits. The department shall develop a certification process and method for county road agencies to follow.

(ii) A county road agency that does not offer medical benefits to its transportation employees or elected public officials shall certify to the department by September 30, 2014 that it does not offer medical benefits to its transportation employees or elected public officials. For purposes of this subparagraph, dental and vision coverages are not considered medical benefits. The department shall develop a certification process and method for county road agencies to follow.

(2) If a county road agency does not make the certification required under subsection (1), the department may withhold all or a part of the distributions to the county road agency from the Michigan transportation fund under 1951 PA 51, MCL 247.651 to 247.675. A withholding under this subsection must continue for the period of noncompliance with subsection (1) by the county road agency.

(3) A county road agency shall maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

(a) Current fiscal year budget.

(b) The number of active transportation employees of the county road agency by job classification and wage rate.

(c) A financial performance dashboard that contains information on revenues, expenditures, and unfunded liabilities. The county road agency may link to financial information provided by the Michigan transportation asset management council.

(d) The names and contact information for the governing body of the county road agency.

(e) A copy of the certification required by subsection (1).

(4) A county road agency may develop and operate its own website to provide the information required under subsection (3), or the county road agency may reference this state's central transparency website as the source for the information required under subsection (3). If a county road agency does not have a website, the county road agency may post the information required under subsection (3) on the website for the county within which the county road agency is located or on the website of a statewide road association of which the county road agency is a member.

(5) As used in this section:

(a) "County road agency" means a county road commission in a county that adopts an optional unified form of county government under this act. In addition, if a board of county road commissioners of a county is dissolved as provided in section 6 of chapter IV of 1909 PA 283, MCL 224.6, county road commission includes the county board of commissioners of that county.

(b) "Department" means the state transportation department.

(c) "Transportation employee" means an employee paid in whole or in part through revenues distributed under sections 12 to 13 of 1951 PA 51, MCL 247.662 to 247.663, or an employee who is engaged primarily in work funded through revenues distributed under sections 12 to 13 of 1951 PA 51, MCL 247.662 to 247.663.

History: Add. 2012, Act 507, Imd. Eff. Dec. 28, 2012 ;-- Am. 2017, Act 205, Imd. Eff. Dec. 20, 2017

45.555 Board of county commissioners as governing body of county; election, organization, and procedures.

Sec. 5.

Upon the date an optional unified form of county government becomes effective, the board of county commissioners shall be the governing body of the county. The board shall be elected in the manner and number and for terms as provided by law. Its organization and procedures shall be as provided by law, except as modified by this act.

History: 1973, Act 139, Eff. Mar. 29, 1974

45.556 Board of county commissioners; powers.

Sec. 6.

The board may:

- (a) Establish policies to be followed by the government of the county in the conduct of its affairs and exercise all powers and duties vested in boards of county commissioners not inconsistent with this act.
- (b) Adopt ordinances and rules necessary for the conduct of county business and exercise all other powers in the area of legislation authorized by this act or by law.
- (c) Establish committees of the board necessary for the efficient conduct of business.
- (d) Adopt the annual county budget and work program, and adopt, revise, and update a long range capital improvement program and capital budget.
- (e) Make appropriations, levy taxes, and incur indebtedness in the manner authorized by law for the carrying out of functions, powers, and duties granted or imposed upon the county or upon an office or department of the county as provided by law.
- (f) Establish salaries of elected officials and heads of boards, commissions, and departments unless otherwise fixed by law. Adopt a classification and pay plan for positions in the county service, which shall provide uniform compensation for like service.
- (g) Adopt, following a public hearing, personnel rules governing county employment and operation of a merit system if adopted as provided by law.
- (h) Appoint members of a board, commission, or authority.
- (i) Appoint, when alternate A of this act is applicable, a county manager to serve as chief administrative officer of the county.
- (j) Inquire into and investigate the official conduct and audit the accounts of a county office. For the purpose of an investigation under this act, the board may authorize the chairperson to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of records or other documents which the board deems relevant or material to the inquiry. Before any subpoena is issued, the board shall obtain an order of the circuit court by a showing that there is good cause.
- (k) Appoint a staff to assist the board in postaudit and investigative functions.
- (l) Appoint necessary personnel to assist the board.
- (m) Adopt and revise a comprehensive plan for county development as provided by law.
- (n) Adopt and enforce rules establishing and defining the authority, duties, and responsibilities of county departments and offices.
- (o) Consolidate county departments or transfer functions from 1 department to another pursuant to section 14.
- (p) Enter into agreements with other governmental or quasi-governmental entities for the performance of services jointly.
- (q) Accept gifts and grants-in-aid from a government or private source.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 1980, Act 100, Imd. Eff. Apr. 19, 1980

45.556a Ordinance; designation of violation as certain civil infraction; civil fine; act or omission constituting crime.

Sec. 6a.

- (1) Consistent with Act No. 58 of the Public Acts of 1945, being section 46.201 of the Michigan Compiled Laws, 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.
- (2) 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 (1). 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.
- (3) 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, Act No. 368 of the Public Acts of 1978, being sections 333.7101 to 333.7545 and 333.17766a of the Michigan Compiled Laws.

(b) The Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.1 to 750.568 of the Michigan Compiled Laws.

(c) The Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(d) The Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.

(e) Part 801 (marine safety) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199 of the Michigan Compiled Laws.

(f) The aeronautics code of the state of Michigan, Act No. 327 of the Public Acts of 1945, being sections 259.1 to 259.208 of the Michigan Compiled Laws.

(g) Part 821 (snowmobiles) of Act No. 451 of the Public Acts of 1994, being sections 324.82101 to 324.82159 of the Michigan Compiled Laws.

(h) Part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being sections 324.81101 to 324.81150 of the Michigan Compiled Laws.

(i) Sections 351 to 365 of the railroad code of 1993, Act No. 354 of the Public Acts of 1993, being sections 462.351 to 462.365 of the Michigan Compiled Laws.

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

History: Add. 1994, Act 21, Eff. May 1, 1994 ;-- Am. 1996, Act 38, Imd. Eff. Feb. 26, 1996

45.556b Minimum staffing requirement; adoption of ordinance prohibited.

Sec. 6b.

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 136, Imd. Eff. Sept. 13, 2011

45.556c Licensing requirements subject to the local government occupational licensing act.

Sec. 6c.

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

History: Add. 2018, Act 502, Imd. Eff. Dec. 27, 2018

Compiler's Notes: Enacting section 1 of Act 502 of 2018 provides: "Enacting section 1. This amendatory act is retroactive and takes effect January 1, 2018."

45.557 County manager; appointment, qualifications, compensation, term, and removal.

Sec. 7.

Within 60 days after an optional unified form of county government containing alternate A becomes effective, the board of county commissioners by a majority vote of all members elected and serving shall appoint a county manager. The manager shall be the administrative head of the county government and shall be responsible for the overall supervision of all county departments not headed by elected officers. He shall be appointed on the basis of merit only. He need not be a resident of the county at the time of his appointment but shall assume and maintain residence in the county following appointment except in counties of 1,000,000 or more he shall also be a resident at the time of his appointment. He shall be paid a compensation as the board determines. A member of the board during his term of office and for 1 year thereafter is not eligible for appointment as county manager. The county manager shall hold office at the pleasure of the board and may be removed by a majority vote of all members elected and serving.

History: 1973, Act 139, Eff. Mar. 29, 1974

45.558 County manager or county executive; powers and duties.

Sec. 8.

- (1) A county manager or county executive shall:
 - (a) Supervise, direct, and control the functions of the departments of the county except those headed by elected officials.
 - (b) Coordinate the various activities of the county and unify the management of its affairs.
 - (c) Enforce all orders, rules, and ordinances of the board and laws of this state required to be enforced by his or her office.
 - (d) Not less than 90 days before the next succeeding fiscal year, prepare and submit to the board a recommended annual county budget and work program, and administer the expenditure of funds in accordance with appropriations. An elected officer or county road commissioner may appear before the board as to his or her own budget. Not less than once each year the appointed manager or county executive shall submit to the board a proposed long-range capital improvement program and capital budget.
 - (e) Appoint, supervise, and, at pleasure, remove heads of departments other than elected officials. The appointment of heads of departments shall require the concurrence of a majority of the county board of commissioners.
 - (f) Submit recommendations to the board for the efficient conduct of county business.
 - (g) Report to the board on the affairs of the county and its needs, and advise the board not less than every 3 months on the financial condition of the county.
 - (h) Perform other duties and activities as the board directs.
 - (i) Audit all claims which are chargeable against the county. A warrant shall not be drawn for a claim, nor shall the claim be paid, until the claim has been audited by the county executive, the county manager, or a designated representative of the county executive or county manager.
- (2) The county executive or county manager may attend meetings of the board of commissioners, and may participate in accordance with the rules of the board, which shall allow for his or her participation.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 1980, Act 100, Imd. Eff. Apr. 19, 1980

45.559 County executive; nomination, election, and term; vacancy; salary.

Sec. 9.

- (1) A county executive who is a qualified elector in the county shall be elected on a partisan basis for a term of 4 years concurrent with the term of the county prosecuting attorney, county clerk, county register of deeds, county treasurer, county sheriff, elected county auditors, and county drain commissioner. If a county executive is elected at an election different than the election for county officers, his or her first term shall extend only until the January following the election for county officers.
- (2) The first county executive may be nominated in the same or next primary or general election held after the election in which alternate B is approved. The county executive shall then be elected in the next regular primary or

general election occurring not less than 30 days nor more than 90 days after the date of the election in which alternate B is approved or in which he or she was nominated. If a primary or general election is not scheduled during that period, the board of county commissioners shall call a special election to elect a county executive. The county executive shall be nominated and elected pursuant to the laws applicable to the nomination and election of other county officials.

(3) If the first election of a county executive is a special election for that purpose only, and only 1 candidate for each political party qualifies to have his or her name appear on the primary ballot, a primary election shall not be held, and the candidate qualifying shall be certified as the nominee of the political party for which he or she filed.

(4) Except as provided under section 9a, if the office of elected county executive becomes vacant due to resignation or death, the vacancy shall be filled by appointment of the board of county commissioners until the next general election. A new county executive shall be elected at the next general election after the resignation or death of a county executive and in the manner provided in this section for the election of county executives. The newly elected county executive shall serve a term equal to the balance of the term for which the county executive who resigned or died was elected.

(5) The salary of the county executive for the initial term shall be established by the board of county commissioners at least 6 months before the effective date of the optional unified form of county government, containing alternate B. The salary shall be established by the board consistent with the procedures established for other elected officials. The county executive's salary shall be commensurate with the duties and responsibilities of the office. The salary of a county executive shall not be reduced during his or her term of office except as part of a general salary reduction.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 1976, Act 85, Imd. Eff. Apr. 17, 1976 ;-- Am. 1980, Act 100, Imd. Eff. Apr. 19, 1980 ;-- Am. 2003, Act 281, Imd. Eff. Jan. 8, 2004

45.559a Death or resignation of elected county executive; successor.

Sec. 9a.

(1) For counties with a population of more than 1,000,000, if a vacancy occurs in the office of the elected county executive due to death or resignation of the elected county executive, the chief deputy shall take the constitutional oath of office and serve as the county executive until the county board of commissioners appoints a successor to the elected county executive or until a special election is held as provided by law.

(2) If the county board of commissioners elects to appoint a successor, the appointment shall be made no later than 30 days from the date of the death or resignation. A county executive appointed by the county board of commissioners shall serve until the next general election. If the county board of commissioners does not make an appointment within the required 30 days under this subsection, a special election shall be held at the earliest possible date allowed by law.

(3) If the chief deputy is unable to serve as the county executive due to death or resignation of the chief deputy, the next highest ranking deputy shall take the constitutional oath of office and serve as the county executive until the county board of commissioners appoints a successor as provided under subsection (1) or until a special election is held as provided by law.

(4) A new county executive shall be elected at the next general election after the death or resignation of a county executive as provided in section 9 for the election of county executives. The newly elected county executive shall serve a term equal to the balance of the term for which the county executive who died or resigned was elected.

(5) Within 10 days after being sworn in, the county executive shall appoint a chief deputy. The county executive may also appoint additional deputies whom he or she considers necessary to perform the functions and duties of the office of elected county executive.

(6) The county executive shall file a statement with the county clerk identifying the individual appointed as chief deputy and all other individuals appointed as a deputy or assistant deputy. The statement shall also identify the ranking order of the deputies.

(7) If the county executive is absent or unable to perform the duties of his or her office, the chief deputy shall perform the duties of the county executive until such time that the elected county executive can resume the duties of his or her office.

(8) The county executive may revoke his or her appointments at any time.

History: Add. 2003, Act 281, Imd. Eff. Jan. 8, 2004

45.560 County executive; responsibility.

Sec. 10.

The county executive shall be responsible for the overall supervision of all county departments not headed by other elected officials.

History: 1973, Act 139, Eff. Mar. 29, 1974

45.561 County executive; veto of ordinance or resolution; certification; overriding veto; certain resolutions or motions not to be approved or disapproved; effective date of ordinance or resolution.

Sec. 11.

(1) Except as provided in this section, the county executive may veto an ordinance or resolution adopted by the board, including items of an ordinance appropriating funds. The veto shall be certified by the county executive to the board of county commissioners within 10 days after date of adoption of the ordinance or resolution and the board may override the veto by a 2/3 vote of all members elected and serving. The county board of commissioners shall override a veto by the second meeting following deliverance to the county board of commissioners of the message of veto. The county executive may not approve or disapprove resolutions or motions pertaining to any of the following:

- (a) The organizational structure of the county board of commissioners.
- (b) Appointments by the county board of commissioners.
- (c) Resolutions concerning the county board of commissioners' policy positions as to pending legislation.
- (d) The abolishment of the optional unified form of county government under section 23.

(2) Under the unified form of county government containing alternate B, an ordinance or resolution shall become effective on approval of the county executive, on expiration of 10 days, measured in hours and minutes from the time presented to the county executive, without approval or veto, or on the overriding of a veto in the manner above described.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 1980, Act 100, Imd. Eff. Apr. 19, 1980

45.562 Officials; powers; functions; manner of election or appointment; term.

Sec. 12.

(1) Upon the date an optional unified form of county government becomes effective, the following officials shall exercise the powers and functions as provided by law, unless other powers or functions are delegated to an official by the board of county commissioners:

- (a) The sheriff.
- (b) The clerk-register or clerk and the register of deeds.
- (c) The treasurer.
- (d) The prosecuting attorney. If a county employs an attorney under 1941 PA 15, MCL 49.71 to 49.73, the prosecuting attorney shall not act relative to 1941 PA 15, MCL 49.71 to 49.73.
- (e) The drain commissioner.
- (f) The boards of county road commissioners. Members of the county road commission shall be appointed as provided under section 6 of 1909 PA 283, MCL 224.6. In a county with a population of 1,000,000 or more, the board of county road commissioners shall not exceed 3 members.

(2) The officials named in subsection (1) shall be elected or appointed in the manner and for a term as provided by law.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 2006, Act 499, Imd. Eff. Dec. 29, 2006

45.563 Departments; establishment; directors; functions.

Sec. 13.

An optional unified form of county government shall have all functions, except when otherwise allocated by this act, performed by 1 or more departments of the county or by the remaining boards, commissions, or authorities. Each department shall be headed by a director. Subject to the authority of the county manager or elected county executive the following departments and their respective directors may be established and designated to be responsible for performance of the functions enumerated:

(a) The department of administrative services shall perform general administrative and service functions for the county government; carry on public relations and information activities and deal with citizen complaints; plan for, assign, manage, and maintain all county building space; and manage a central motor pool.

(b) The department of finance shall supervise the execution of the annual county budget and maintain expenditure control; perform all central accounting functions; collect moneys owing the county not particularly within the jurisdiction of the county treasurer; purchase supplies and equipment required by county departments; and perform all investment, borrowing, and debt management functions except as done by the county treasurer.

(c) The department of planning and development shall prepare comprehensive plans for the overall development of the county; coordinate the preparation of county capital improvement programs; supervise economic development functions; and represent the county in joint planning activities with other jurisdictions.

(d) The department of medical examiners shall coordinate and supervise medical investigative activities.

(e) The department of corporation counsel if adopted shall perform as provided by law all civil law functions and provide property acquisition services for the county as provided by law.

(f) The department of parks and recreation shall develop, maintain, and operate all county park and recreation facilities and supervise all recreation programs except where the same is under a board of county road commissioners, or a parks and recreation commission.

(g) The department of personnel and employee relations shall perform all personnel and labor relations functions for the county.

(h) The department of health and environmental protection shall perform all public health services for the county and carry on environmental upgrading programs.

(i) The department of libraries shall operate a general library program for the county if no library board or commission exists and may operate libraries for other governmental and semi-governmental entities.

(j) The department of public works shall construct, maintain, and operate all county storm and sanitary sewer, sewage disposal, general drainage, and flood control facilities except as the same are performed by the county drain commissioner; may perform general engineering, construction, and maintenance functions for all county departments and, upon approval of the board, for other governmental and semigovernmental entities; may operate the county airport except where the airport is operated by a board of county road commissioners; may construct, maintain, and operate county solid waste systems including resource recovery and distribution; and may construct, maintain, and operate water processing and distribution systems.

(k) The department of institutional and human services shall supervise county human service programs including hospitals and child care institutions.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 1982, Act 420, Eff. Mar. 30, 1983

45.564 Departments; consolidation; transfer of functions; creation of additional departments; county manager or county executive as director.

Sec. 14.

Except as to a department headed by elected county officials or the board of county road commissioners, the board of county commissioners may:

(a) Upon a majority vote and the affirmative recommendation of the county manager or elected county

executive, and following a public hearing, the board may consolidate departments completely or in part, or may transfer a function from 1 department to another; or the board may, upon the affirmative vote of 2/3 of its members and following a public hearing, consolidate departments completely or in part, or may transfer a function from 1 department to another.

(b) Create additional departments.

(c) Require the county manager or elected county executive to serve as director of a department.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 1980, Act 100, Imd. Eff. Apr. 19, 1980

45.565 Deputy; appointment; department head and deputy exempt from civil service.

Sec. 15.

(1) Each department head may appoint 1 deputy.

(2) A department head and any deputy appointed thereunder is exempt from civil service.

History: 1973, Act 139, Eff. Mar. 29, 1974

45.566 Civil service commission; appeals; secretarial and clerical assistance; personnel and employee relations.

Sec. 16.

The civil service commission, if existing, shall hear and decide appeals from any disciplinary action, suspension, or removal of county employees who are within the classified service, and shall perform no other function. The commission in exercising its duties shall be authorized to employ such secretarial and clerical assistance as may be approved by the board of county commissioners. All other personnel and employee relations functions of the county shall be performed by the department of personnel and employee relations, the county manager or elected county executive and the board of county commissioners. The civil service commission shall have no authority over the performance of such functions.

History: 1973, Act 139, Eff. Mar. 29, 1974

45.567 Employee retirement and pension programs; retirement board.

Sec. 17.

Subject to the protecting local government retirement and benefits act, the board of county commissioners shall continue, without diminution of function or authority, any board previously established to administer employee retirement and pension programs or may create a retirement board if none exists. A retirement board may invest or reinvest the money of the employee retirement and pension programs.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 2017, Act 205, Imd. Eff. Dec. 20, 2017

45.568 Title to property to be held in name of county.

Sec. 18.

Upon the date an optional unified form of county government becomes effective, title to all property, real or personal, formerly held in the name of any office, board, commission, authority or department which is abolished shall be held in the name of the county.

History: 1973, Act 139, Eff. Mar. 29, 1974

45.569 Ordinances previously enacted.

Sec. 19.

When an optional unified form of county government becomes effective all ordinances previously enacted by the board of county commissioners and unrepealed, to the extent not inconsistent with this act, remain in full force and effect.

History: 1973, Act 139, Eff. Mar. 29, 1974

45.570 Provisions of act controlling.

Sec. 20.

When an optional unified form of county government becomes effective, this act is controlling as to all matters to which it relates, and provisions of law not in conflict continue in full force and effect.

History: 1973, Act 139, Eff. Mar. 29, 1974

45.571 Rights under civil service and merit system continued.

Sec. 21.

Under an optional unified form of county government all rights secured employees by existing civil service and merit system legislation are continued in full force and effect, except as specifically modified by this act.

History: 1973, Act 139, Eff. Mar. 29, 1974

45.572 Retirement and pension rights.

Sec. 22.

Subject to the protecting local government retirement and benefits act, under an optional unified form of county government all retirement and pension rights of employees provided by existing law remain in full force and effect.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 2017, Act 205, Imd. Eff. Dec. 20, 2017

45.572a Retirement system subject to protecting local government retirement and benefits act; "retirement system" defined.

Sec. 22a.

For a county that has adopted an optional unified form of county government and that provides a retirement system for the county's employees, the retirement system is subject to the protecting local government retirement and benefits act. As used in this section, "retirement system" means that term as defined in section 3 of the protecting local government retirement and benefits act.

History: Add. 2017, Act 205, Imd. Eff. Dec. 20, 2017

45.573 Procedures for abolishing optional unified form of county government.

Sec. 23.

An optional unified form of county government may be abolished in the following manner:

(a) After a period of 4 years from the date an optional unified form of county government originally becomes effective, the board of county commissioners of the county, by a 2/3 vote of those members elected and serving, may abolish the form and elect to be governed by the provisions of the general county law then in force. The abolition then shall be submitted to the electorate of the county for approval or disapproval at the next regular primary or general election occurring within the county. If a majority of votes cast on the proposal at the election approve the abolition, the optional unified form of county government shall be abolished in the county effective 180 days after the date of the election.

(b) Upon adoption by the voters of the county of a home rule charter.

(c) After a period of 4 years from the date an optional unified form of county government containing alternate A or alternate B originally becomes effective, if the board of county commissioners of the county does not exercise its discretion to abolish the form, a petition, signed by registered electors of the county equal to not less than 10% of the total number of persons voting in the last previous election for which votes were cast for governor, may be filed with the clerk-register or clerk requesting abolition of the form. Upon the clerk-register or clerk certifying to the board that a proper petition has been filed, the board shall submit the question of abolishing the optional unified form of county government to the electorate of the county for approval or disapproval at the next regular primary or general election occurring within the county. If a majority of votes cast on the proposal at the election approve the abolition, the optional unified form of county government shall be abolished in the county effective 180 days after the date of the election.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 1980, Act 100, Imd. Eff. Apr. 19, 1980 ;-- Am. 1998, Act 201, Eff. Mar. 23, 1999

COUNTY DEPARTMENT OF SOLID WASTE MANAGEMENT ACT

Act 186 of 1989

AN ACT to provide for the establishment of a department of solid waste management in certain counties; to prescribe the powers and duties of certain public corporations; to provide for the incurring of certain contract obligations and the issuance and payment of certain bonds and notes by certain public corporations; to provide for a public corporation to pledge its full faith and credit and to levy taxes; and to prescribe a procedure for condemnation.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

45.581 Short title.

Sec. 1.

This act shall be known and may be cited as the "county department of solid waste management act".

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

45.582 Definitions.

Sec. 2.

As used in this act:

- (a) "Acquire" means acquisition by any method described in section 12 or by any other method permitted by law.
- (b) "County" means a county organized under Act No. 139 of the Public Acts of 1973, being sections 45.551 to 45.573 of the Michigan Compiled Laws, except where the context provides otherwise.
- (c) "Department of solid waste management" means the department of solid waste management provided for in section 3.
- (d) "Governing body" means, for a county, the county board of commissioners; for a city, the council, commission, or other body having legislative powers; for a village, the council, commission board of trustees, or other body having legislative powers; for a general law or charter township, the township board; and for a district or an authority, the body having general governing powers.
- (e) "Public corporation" means any county however organized, a city, village, township, charter township, district, or authority existing under the laws of this state.
- (f) "Solid waste system" or "system" means all plants, works, instrumentalities, properties, rights, processes, and contracts used or useful in connection with the collection, transportation, recycling, processing, storing, or disposing, by treatment, incineration, or otherwise, of solid waste, or as may be provided in a solid waste management plan or update of a solid waste management plan approved for a county pursuant to part 115 (solid waste management) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.11501 to 324.11549 of the Michigan Compiled Laws.
- (g) "Solid waste" means putrescible and nonputrescible solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, commercial and industrial wastes, and any other wastes described in a solid waste management plan or an update of a solid waste management plan approved pursuant to part 115 of Act No. 451 of the Public Acts of 1994, for a county.
- (h) "Solid waste management plan" means the solid waste management plan of a county provided for in part 115 of Act No. 451 of the Public Acts of 1994.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989 ;-- Am. 1996, Act 39, Imd. Eff. Feb. 26, 1996

45.583 Department of solid waste management; establishment; function; control; annual budget; appointment of director.

Sec. 3.

(1) The county board of commissioners of a county may establish a department of solid waste management as an additional department pursuant to section 14 of Act No. 139 of the Public Acts of 1973, being section 45.564 of the Michigan Compiled Laws. The department of solid waste management shall function as provided in section 13 of Act No. 139 of the Public Acts of 1973, being section 45.563 of the Michigan Compiled Laws, and as provided in and subject to the resolution of the county board of commissioners establishing a solid waste system as provided

in this act. The department of solid waste management is under the control of the county manager or the elected county executive in the same manner and extent as other departments of the county.

(2) The county manager or elected county executive shall prepare an annual budget for the department of solid waste management and shall submit this budget to the county board of commissioners for approval.

(3) The county manager or the elected county executive shall appoint a director of the department of solid waste management in accordance with section 8(1) of Act No. 139 of the Public Acts of 1973, being section 45.558 of the Michigan Compiled Laws.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

45.584 Solid waste system; acquisition, construction, improvement, enlargement, or extension; operation and maintenance; acquisitions outside corporate boundaries; consent; contract.

Sec. 4.

(1) A county that establishes a department of solid waste management under this act may acquire, construct, improve, enlarge, or extend a solid waste system within 1 or more areas of the county, and may operate and maintain the system. A county and a public or private corporation may contract for the construction, operation, and maintenance of a solid waste system by the corporation on behalf of the county.

(2) A county may acquire outside its corporate boundaries any part of a solid waste system that is determined by the board of commissioners to be necessary for the purpose of collecting, transporting, recycling, processing, storing, or disposing, by treatment, incineration, or otherwise, of the county's solid waste, but only if the acquisition is consistent with the solid waste management plan for the county in which the portion of the solid waste management system being acquired is located.

(3) A county may acquire, for the purpose of providing solid waste disposal services, any part of a solid waste system in 1 or more public corporations outside its corporate boundaries. However, the acquisition shall be consistent with the solid waste management plan of the county in which the portion of the solid waste system being acquired is located. Before making an acquisition under this subsection, a county shall obtain the consent of each public corporation in the county where part of the system is to be located or that is to be served by part of the system through resolution of the governing body of the public corporation or through a contract with the public corporation.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

45.585 Solid waste service; consent of public corporation.

Sec. 5.

A county shall not furnish solid waste service to any users within a public corporation without the consent of the public corporation.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

45.586 Financing and contracts; resolution; merger.

Sec. 6.

For a public corporation that is a county, the establishment of a solid waste system, the method of financing the system, and all contracts relating to the financing, acquisition, operation, maintenance, and administration of the system, including all contracts between the county and a public corporation, including itself, relating to the system,

shall be approved by a resolution adopted by a majority of the members elect of the county board of commissioners. The department of solid waste management may, as provided in the resolution of the county board of commissioners, acquire the system or make improvements and improve, enlarge, extend, operate, and maintain the system, subject to any restrictions placed on the department by the county board of commissioners in a resolution or by this act. A county may merge 2 or more systems established by that county by resolution adopted by a majority of the members elect of its county board of commissioners. After such a resolution is adopted, the merged system may be improved, enlarged, extended, operated, and maintained under this section as a single system serving the total areas of the separate systems. However, a merger under this subsection does not affect either the rights or obligations acquired by a public corporation under contract with respect to an established system or the security of bonds or the prompt payment of the principal of or the interest on the bonds.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

45.587 Methods of financing.

Sec. 7.

The acquisition, improvement, enlargement, or extension of a solid waste system under this act may be financed by 1 or more of the following methods:

(a) The issuance of revenue bonds under the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140, or any other applicable act.

(b) The issuance of bonds in anticipation of payments to become due under 1 or more contracts whereby 1 or more public corporations, including the county itself, agree to pay to the county certain sums toward the cost of the acquisition, improvement, enlargement, or extension of a system instituted under this act.

(c) Through money advanced by a county under agreements with 1 or more public corporations for the repayment of the money.

(d) Through money advanced, periodically, before or during construction of a system, by a public corporation, in which event the county shall reimburse the corporation, with interest not to exceed 10% per annum or without interest as may be agreed, when funds are available. The obligation of the county to make this reimbursement may be evidenced by a contract or note that may be made payable out of the payments to be made by public corporations under a contract described in section 9 or 13, out of the proceeds of bonds issued pursuant to this act by the county, or out of any other available money. However, the contract or note shall not be considered an obligation within the meaning of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989 ;-- Am. 2002, Act 238, Imd. Eff. Apr. 29, 2002

45.588 Bonds generally.

Sec. 8.

Bonds issued under this act shall be authorized by a resolution or ordinance adopted by the county board of commissioners. The county board of commissioners may, by a majority vote of its members elect, pledge the full faith and credit of the county for the prompt payment of the principal of and interest on any bonds, including revenue bonds, issued pursuant to this act. If it becomes necessary for the county to advance money, other than its share of the cost of the project for the payment of principal and interest, then the county is entitled to reimbursement from any surplus from time to time existing in the fund from which the principal and interest are primarily payable. If the full faith and credit of the county are pledged for the payment of principal of and interest on any bonds issued pursuant to this act, the county may, in the case of insufficiency of funds primarily pledged for the payment, pay the principal and interest from its general fund or levy taxes, but not in excess of the rate or amount necessary to make up the deficiency and not in excess of, or contrary to, constitutional limitations. The bonds shall be issued in the name of the county and shall be executed by the manual or facsimile signatures of the chairperson of the county board of commissioners and the county clerk, and the seal of the county shall be impressed or imprinted on the bonds. The bonds issued under this act shall be negotiable instruments and shall have a last maturity date of not more than 40 years. The bonds shall be issued pursuant to the revenue bond act of 1933,

1933 PA 94, MCL 141.101 to 141.140, or the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and in all cases where required by article IX of the constitution of 1963, shall be subject to a vote of the people. Bonds issued under this act are exempt from all taxation by this state or by any taxing authority within the state.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989 ;-- Am. 2002, Act 238, Imd. Eff. Apr. 29, 2002

45.589 Contract between county and public corporation; purpose; payment of obligations; tax levy; methods of raising money; pledge; powers.

Sec. 9.

(1) A county may contract with 1 or more public corporations, including the county itself, for the acquisition, improvement, enlargement, or extension of a solid waste system and for the payment of the cost of the system by the contracting public corporations, with interest, over a period not exceeding 40 years.

(2) In a contract entered into under subsection (1), each contracting public corporation shall pledge its full faith and credit for the payment of its obligations under the contract. If the public corporation has taxing power, it may each year levy a tax in an amount that is sufficient for the prompt payment of all or part of the contract obligations due before the following year's tax collection. The contract is not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. If the contract or an unlimited tax pledge in support of the contract has been approved by the electors, the tax may be in addition to any tax that the public corporation otherwise may be authorized to levy and may be imposed without limitation as to rate or amount, but shall not be in excess of the rate or amount necessary to pay the contract obligation. For the payment of contractual obligations incurred pursuant to this section, a township shall levy a tax only on the taxable property of the township not incorporated as a village unless the township and a village have agreed that a part of the capacity in the county system allocated to the township by contract pursuant to this act will be used to serve areas in a village located wholly or partly within the township and the village has not itself agreed to purchase that capacity in the county system. If a contracting public corporation at the time of its annual tax levy has on hand in cash or has budgeted any amount pledged to the payment of the current obligations for which the tax levy is to be made, then the annual tax levy may be reduced by that amount. For the purpose of obtaining the credit, money may be raised by a public corporation by 1 or more of the following methods:

(a) Service or availability charges to users or customers of the system in an amount no greater than that needed to pay the current operating costs of the system.

(b) Special assessments upon lands benefited, directly or indirectly or at a present or future time.

(c) Setting aside state collected money disbursed to the public corporation and usable for this purpose.

(d) Setting aside other available money.

(3) Money raised or to be raised by a public corporation by a method described in subsection (2) may be pledged to secure the payment of its obligations under a contract entered into under subsection (1).

(4) A public corporation may agree to raise all or any part of its contract obligation by a method provided in this section or by another legally available method. The governing body of a public corporation shall exercise the powers granted to the public corporation under this act.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989 ;-- Am. 2002, Act 238, Imd. Eff. Apr. 29, 2002

45.590 Special assessment roll; objection to special assessment district.

Sec. 10.

If a public corporation other than a county that has established a department of solid waste management under this act elects to raise money to pay all or any portion of its share of the cost of a system by assessing the cost of the system upon benefited lands, its governing body shall make this determination by resolution and fix the district for the assessment. The governing body shall then cause a special assessment roll to be prepared and thereafter the proceedings in respect to the special assessment roll and the making and collection of the special assessments shall be in accordance with the provisions of the statute or charter governing special assessments in the public

corporation. However, the total assessment may be divided into any number of installments not exceeding 30. A person assessed has the right at the hearing upon the special assessment roll to object to the special assessment district previously established, and due consideration shall be given to the objections.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

45.591 Validity of bonds or notes.

Sec. 11.

A county or a public corporation, including the county, shall not contest the validity of bonds or notes issued by the county under this act or a contract that provides the security for the bonds or notes after the bonds or notes have been sold and delivered and the county has received the consideration for the bonds or notes.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

45.592 Acquisition of tangible or intangible property, rights, or processes.

Sec. 12.

(1) A county may acquire tangible or intangible property, rights, or processes, within its corporate limits, for a solid waste system by purchase, grant, assignment, construction, lease, gift, devise, or condemnation and may hold, manage, control, sell, grant, assign, exchange, or lease the property, rights, or processes. For the purpose of condemnation, the county may proceed as provided in section 16.

(2) A county may acquire tangible or intangible property, rights, or processes outside its corporate limits for a solid waste system by purchase, grant, assignment, construction, lease, gift, or devise, but only if the acquisition is consistent with the solid waste management plan of the county in which the property, rights, or processes are located. Following the acquisition, the county may hold, manage, control, sell, grant, assign, exchange, or lease the property, rights, or processes.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

45.593 Contract for furnishing solid waste services to public corporation; charges subject to increase; contract for purchase or sale of solid waste services or acquisition, operation, management, or use of solid waste systems; term of contract; contract as general obligation of public corporation.

Sec. 13.

A county and 1 or more public corporations, either within or outside of the county, may contract for the furnishing of solid waste services by the county to the public corporation or corporations. Charges specified in a contract entered into under this section are subject to increase by the county for the purposes, in the manner, and at the time or times set forth in the contract. A county and a public or private corporation may enter into a contract for the purchase by the county from or for the sale by the county to the corporation of solid waste services or for any aspect of the acquisition, operation, management, or use of 1 or more solid waste systems. A contract authorized under this section shall be for a period not to exceed 50 years. A contract authorized under this section is a general obligation of the public corporation, and each public corporation may raise money to pay its obligations under the contract by any method provided in section 9(2).

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

45.594 Cost of system.

Sec. 14.

The following may be included as part of the cost of a system funded under this act:

- (a) Engineering fees.
- (b) Legal fees.
- (c) Administration expenses before and during the period of construction.
- (d) Feasibility study costs.
- (e) Grant application costs.
- (f) Financing costs.
- (g) A reasonable amount for contingencies or reserves, or both.
- (h) Interest on bonds to be issued.
- (i) Expenses of operation and management.
- (j) Other costs incident to the acquisition and financing of the project.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

45.595 Failure to pay county; notice; deduction or transfer of money; legal remedies for reimbursement.

Sec. 15.

(1) A contract made under this act may provide that if a public corporation fails to pay to a county an amount required to be paid under the contract when due, then the county treasurer shall notify the state treasurer, or other appropriate disbursing official, who shall deduct the amount from money in the treasurer's possession belonging to the public corporation that is not pledged to the payment of debts. Upon the giving of notice in writing to the state treasurer, a public corporation itself may authorize, in a contract with a county, the deduction and transfer of money derived from unrestricted state funds returnable to the public corporation.

(2) The right of deduction given by this act does not limit the county's right to pursue other legal remedies for the reimbursement of money paid by the county under this act on behalf of a public corporation other than the county. The county board of commissioners of a county that pays money on behalf of a public corporation under this act and that is not reimbursed for the payment may order the public corporation and its officers to levy upon its next tax roll an amount sufficient to make the reimbursement on or before the date when its taxes become delinquent. The public corporation and its tax levying and collecting officials shall levy and collect the taxes that are ordered and reimburse the county.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

45.596 Proceedings to take private property.

Sec. 16.

(1) A county may take private property within its corporate boundaries that is necessary for a purpose within the scope of this act for the use or benefit of the public and may institute proceedings for that purpose.

(2) Proceedings to take private property under subsection (1) shall be commenced under the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws, whenever the county, by resolution of its board of commissioners, determines that it is necessary to take certain private property for a designated public improvement and that the improvement is for the use or benefit of the public.

History: 1989, Act 186, Imd. Eff. Aug. 24, 1989

COUNTY JUVENILE AGENCY ACT

Act 518 of 1998

AN ACT to allow counties to authorize acceptance of certain juveniles committed to their care and responsibility; to prescribe the procedure and effect of that authorization; and to prescribe powers, duties, and obligations of those counties.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

The People of the State of Michigan enact:

45.621 Short title.

Sec. 1.

This act shall be known and may be cited as the "county juvenile agency act".

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

45.622 Definitions.

Sec. 2.

As used in this act:

- (a) "County juvenile agency" means a county that has approved a resolution in accordance with section 3.
- (b) "County juvenile agency services" means that term as defined in section 117a of the social welfare act, 1939 PA 280, MCL 400.117a.
- (c) "Juvenile" means an individual who is any of the following:
 - (i) Within or likely to come within the jurisdiction of the court for the county under section 2(a) or (d) of chapter XIA of 1939 PA 288, MCL 712A.2.
 - (ii) Within the jurisdiction of the circuit court in the county under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606.
- (d) "Juvenile justice service" means that term as defined in section 117a of the social welfare act, 1939 PA 280, MCL 400.117a.
- (e) "Public ward" means that term as defined in section 2 of the youth rehabilitation services act, 1974 PA 150, MCL 803.302.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

45.623 County juvenile agency; resolution; approval; adoption; powers and duties of county.

Sec. 3.

- (1) A majority of the board of commissioners of a county may approve a resolution authorizing the county to

become a county juvenile agency.

(2) Subject to subsection (3), the county shall become a county juvenile agency on October 1 following adoption of the resolution.

(3) A resolution under this section is not effective until the county and the state enter into a written agreement containing all of the following:

(a) Outcome criteria and reporting requirements necessary to comply with all applicable federal regulations.

(b) An agreement that any federal penalty related to the county juvenile agency's failure to meet the outcome criteria and reporting requirements necessary to comply with applicable federal regulations are the county's obligation.

(c) Authorization for the state to offset the federal penalties described in subdivision (b) against amounts due to the county from distributions of the county block grant authorized under section 117a(4)(b) of the social welfare act, 1939 PA 280, MCL 400.117a.

(4) Becoming a county juvenile agency under this act constitutes an exercise of the county's option to provide a new activity or service or to increase the level of activity or service offered beyond that required by existing law as of the effective date on which the county becomes a county juvenile agency, as the elements of that option are defined by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary acceptance by the county of all expenses and capital improvements initiated and approved by the county that may result from becoming a county juvenile agency. This subsection applies only for the period during which the county is a county juvenile agency.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

45.624 Resolution of approval; revocation by subsequent resolution.

Sec. 4.

(1) A majority of the board of commissioners who approved a resolution under section 3 may revoke it by a subsequent resolution adopted before December 31.

(2) Except as otherwise provided, revocation is effective October 1 of the next year. If a county revokes authorization within 5 years after it becomes a county juvenile agency under section 3, the revocation is not effective until the earlier of the following:

(a) October 1 of the fifth year after the year in which the county became a county juvenile agency.

(b) October 1 of the state fiscal year for which the state fails to appropriate the amount required to be distributed to the county under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, and for which a loan has not been authorized for the deficiency under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, on terms acceptable to the county.

(3) The county shall cease to be a county juvenile agency on the effective date of the resolution.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

45.625 Request by county executive, chief executive officer, or manager required.

Sec. 5.

(1) The board of commissioners of a county that has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, shall not proceed under section 3 or 4 unless requested by the county executive or chief administrative officer.

(2) The board of commissioners of a county that has adopted an optional unified form of county government under 1973 PA 139, MCL 45.551 to 45.573, shall not proceed under section 3 or 4 unless requested by the county executive or county manager.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

45.626 Applicability of act; eligibility requirements.

Sec. 6.

This act does not apply to a county unless that county is eligible for a transfer of title IV-E funds from the state under the waiver granted in 1997 by the United States department of health and human services for part 3 of the family independence agency's request under the child welfare demonstration project.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

45.627 County juvenile agency; powers and duties.

Sec. 7.

- (1) A county juvenile agency shall provide or contract for provision of all of the following:
 - (a) An effective program of supervision and care for juveniles committed to the county juvenile agency by the family division of circuit court or court of general criminal jurisdiction.
 - (b) Appropriate county juvenile agency services.
 - (c) Appropriate services and facilities necessary for public wards it is responsible for.
- (2) A county juvenile agency may do any of the following:
 - (a) Operate training schools or programs, halfway houses, youth camps, diagnostic centers, detention facilities, short-term treatment centers, group homes, or other facilities.
 - (b) Provide institutional care, boarding care, halfway house care, supervision in the community, or other juvenile programs or services.
 - (c) Obtain appropriate services from state, local, or private agencies, if those services meet all applicable state and local government licensing standards.
 - (d) Provide appropriate juvenile justice services to any juvenile.
- (3) Except as otherwise provided, a county juvenile agency shall pay the providers of services or materials for which it has contracted within 45 days after receiving a request for payment as provided in the contract.
- (4) A county juvenile agency shall negotiate with providers for prepayment contract clauses that do not exceed 33%.
- (5) Unless a county juvenile agency has negotiated a different prepayment contract clause as provided in subsection (4), payments for residential care services shall be not less than 1/4 of the anticipated total cost when care is first provided, not less than 1/4 of the anticipated total cost when 1/3 of the care is provided, not less than 1/4 of the anticipated total cost when 2/3 of the care is provided, and the balance owed when care is completed.
- (6) If 1 or more appropriate juvenile residential care providers located or doing business in this state have bed space available, a county juvenile agency shall use that space rather than a space available by a provider located or doing business in another state. This requirement does not apply if the provider located or doing business in another state offers a specialized program that is not available in this state.
- (7) A county juvenile agency shall not use religion, race, color, national origin, or sex as a criterion for discriminating against or granting preferential treatment in contracting with providers.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

45.628 Maintenance of block grant account.

Sec. 8.

A county shall maintain the account for the county juvenile agency's block grant under section 117a of the social welfare act, 1939 PA 280, MCL 400.117a, separately from all other accounts of the county's funds. Expenditures of those funds shall be shown as separate line items or appropriations in the county's budget.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

45.629 Annual state audit.

Sec. 9.

An annual state audit shall be conducted of all state money provided to a county for programs under this act as a county juvenile agency to insure the funds are expended as provided by law.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

45.630 Placement of public wards and juveniles.

Sec. 10.

When a county becomes a county juvenile agency as provided in section 3, public wards and juveniles transferred to the county juvenile agency's responsibility shall remain in their existing placements, under the same terms and conditions, until the court approves a change in placement.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

45.630a County as successor employer; conditions of employment.

Sec. 10a.

If the county assumes the operation of any facility operated by the family independence agency, the county shall be a successor employer. Employees under a successor employer agreement shall not be placed in any worse position with respect to worker's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other terms and conditions of employment that the employee enjoyed as a family independence agency employee. This provision shall also apply if the county leases such a facility to a private agency or a public agency other than the state.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

45.630b Plan to aid displaced employees.

Sec. 10b.

The family independence agency shall adopt a plan to aid employees of the family independence agency not described in section 10a who are negatively impacted as a result of this act. The plan shall be developed in conjunction with employee collective bargaining units and shall address and recommend remedies for displaced employees including, but not limited to, interdepartmental transfers, intradepartmental transfers, employee retraining, appropriate severance packages, and job placement aid. The plan, including the recommendations, shall be submitted to the house and senate appropriations committees, the state employer, and the affected collective bargaining units no later than September 1, 1999.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999

45.631 Existing agreements between family independence agency and private providers.

Sec. 11.

A county becoming a county juvenile agency in accordance with this act does not affect existing agreements between the family independence agency and private providers, which are guaranteed enforceable at the per diem rates as of the effective date of this act. This section shall not limit the powers and authority granted under this act to a county juvenile agency, including the discretion to select and contract with providers of juvenile residential care.

History: 1998, Act 518, Imd. Eff. Jan. 12, 1999