

# HOUSE BILL No. 4151

January 31, 2013, Introduced by Reps. Johnson, Brown, Daley and Howrylak and referred to the Committee on Elections and Ethics.

A bill to amend 1966 PA 293, entitled

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

by amending section 14 (MCL 45.514), as amended by 2005 PA 208.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

3           (a) In a county having a population of less than 1,500,000,  
4 for a salaried county executive, who shall be elected at large on a  
5 partisan basis, and for the county executive's authority, duties,  
6 and responsibilities. In a county having a population of 1,500,000  
7 or more, a county charter adopted under this act shall provide

1 for a form of executive government described and adopted under  
2 section 11a.

3 (b) The election of a legislative body to be known as the  
4 county board of commissioners, whose term of office shall be  
5 concurrent with that of state representatives, and for their  
6 authority, duties, responsibilities, and number, which shall be not  
7 less than 5 ~~nor OR~~ more than 21. ~~in counties of less than 600,000,~~  
8 ~~and not less than 5 nor more than 27 in counties of 600,000 or~~  
9 ~~more.~~ The county board of commissioners shall provide by ordinance  
10 for their compensation and may increase or decrease their  
11 compensation. A change in compensation shall not be effective  
12 during the term of office for which the legislative body making the  
13 change was elected. The charter shall also provide for the partisan  
14 election of members of the legislative body from ~~single~~ **SINGLE-**  
15 member districts to be established by the county apportionment  
16 commission as created in section 5 and pursuant to the standards  
17 and guidelines established in section 5 for reapportionment based  
18 upon the last official federal decennial census, effective at the  
19 first regular general election of the members of the legislative  
20 body occurring not less than 12 months after the completion and  
21 certification of the federal census. Each city and township shall  
22 be apportioned so that it has the largest possible number of  
23 complete districts within its boundaries before any part of the  
24 city or township is joined to territory outside the boundaries of  
25 the city or township to form a district.

26 (c) The partisan election of a ~~sheriff, a prosecuting~~  
27 ~~attorney, a county clerk, a county treasurer, and a register of~~

1 deeds, and for the authority of the county board of commissioners  
2 to combine the county clerk and register of deeds into 1 office as  
3 authorized by law. **IN ADDITION, A COUNTY CHARTER ADOPTED UNDER THIS**  
4 **ACT SHALL PROVIDE FOR THE NONPARTISAN ELECTION OF A SHERIFF AND A**  
5 **PROSECUTING ATTORNEY.**

6 (d) Except as provided in subdivision (c), the continuation of  
7 all existing county offices, boards, commissions, and departments  
8 whether established by law or by action of the county board of  
9 commissioners; the performance of their respective duties by other  
10 county offices, boards, commissions, and departments; or ~~for~~ the  
11 discontinuance of these county offices, boards, commissions, and  
12 departments. Notwithstanding this subdivision in relation to  
13 existing county offices, boards, commissions, and departments, a  
14 county charter shall insure the following:

15 (i) Except as otherwise provided under subsection (2), in a  
16 county having a population of less than 1,500,000, the charter  
17 shall not be in derogation of the powers and duties of the county  
18 road commission in the exercise of ~~their~~ **ITS** statutory duties  
19 concerning the preservation of a county road system. The charter  
20 for these counties shall provide for the creation of a commission  
21 consisting of not fewer than 3 or more than 5 members. Not less  
22 than 1 member of the commission shall be a resident of a township  
23 within the county.

24 (ii) Except as otherwise provided in subsection (2), in a  
25 county having a population of 1,500,000 or more, the charter shall  
26 provide for the continuation of a county road system within the  
27 county. Notwithstanding any other provisions of this act, the

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

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

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

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

10 (e) The continuation and implementation of a system of  
11 pensions and retirement for county officers and employees in those  
12 counties having a system in effect at the time of the adoption of  
13 the charter. The system provided under the charter shall recognize  
14 the accrued rights and benefits of the officers and employees under  
15 the system then in effect. The charter shall not infringe upon nor  
16 be in derogation of those accrued rights and benefits. The charter  
17 shall not preclude future modification of the system.

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

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

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

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

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

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

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

21 (m) The levy and collection of taxes, the fixing of an ad  
22 valorem property tax limitation of not to exceed 1% of the state  
23 equalized value of the taxable property within the county, and that  
24 the levy of taxes from within this ad valorem property tax  
25 limitation shall not exceed, unless otherwise approved by the  
26 electors, the tax rate in mills, equal to the number of mills  
27 allocated to the county either by a county tax allocation board or

1 by a separate tax limitation under the property tax limitation act,  
2 1933 PA 62, MCL 211.201 to 211.217a, in the year immediately  
3 preceding the year in which the county adopts a charter.

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

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

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

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

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

22 (s) That a county that incurs a budget deficit in any fiscal  
23 year shall prepare and submit a detailed and specific 5-year plan  
24 for ~~short~~**SHORT**-term financial recovery and ~~long~~**LONG**-range  
25 financial stability to the governor and the legislature, before  
26 adoption of the next annual county budget, for review. The 5-year  
27 plan shall include, but not be limited to, a projection of annual

1 revenues and expenditures, an employee classification and pay plan,  
2 a capital improvements budget, and equipment replacement schedules.

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

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

11 Enacting section 1. This amendatory act does not take effect  
12 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4150 (request no.  
13 00113'13) of the 97th Legislature is enacted into law.