

HOUSE BILL No. 4760

June 8, 1999, Introduced by Reps. Rick Johnson, Sheltroun, Kuipers, Allen, Bovin, Rivet and DeHart and referred to the Committee on Local Government and Urban Policy.

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 1982 PA 300.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14. ~~—(1)—~~ A county charter adopted under this act
2 shall 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~~ IS elected at
5 large on a partisan basis ~~—, and for~~ the county executive's
6 authority, duties, and responsibilities. In a county having a
7 population of 1,500,000 ~~—, or more~~, a county charter adopted

1 under this act shall provide for a form of executive government
2 described and adopted pursuant to the procedures prescribed in
3 section 11a.

4 (b) ~~The election of~~ FOR a legislative body, to be known as
5 the county board of commissioners ~~, whose term of office shall~~
6 ~~be concurrent with that of state representatives, and for~~ AND
7 their authority, duties, responsibilities, and number, which
8 shall be not less than 5 ~~nor~~ OR more than 21 in counties of
9 less than 600,000, and not less than 5 ~~nor~~ OR more than 27 in
10 counties of 600,000 or more. The TERM OF OFFICE OF MEMBERS OF
11 THE county board of commissioners ~~is subject to~~ SHALL BE AS
12 SPECIFIED IN section 10 of ~~Act No. 261 of the Public Acts of~~
13 ~~1966, being section 46.410 of the Michigan Compiled Laws~~ 1966 PA
14 261, MCL 46.410. The county board of commissioners shall provide
15 by ordinance for their compensation and may increase or decrease
16 their compensation. However, a change in compensation shall not
17 be effective during the term of office for which the legislative
18 body making the change was elected. The charter shall also pro-
19 vide for the partisan election of members of the legislative body
20 from single member districts to be established by the county
21 apportionment commission as created in section 5 and pursuant to
22 the standards and guidelines established in section 5 for reap-
23 portionment based upon the last official federal decennial
24 census, effective at the first regular general election of the
25 members of the legislative body occurring not less than 12 months
26 after the completion and certification of the federal DECENNIAL
27 census. Each city and township shall be apportioned so that it

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

5 (c) ~~The~~ FOR THE partisan election of a sheriff, a prose-
6 cuting attorney, a county clerk, a county treasurer, and a regis-
7 ter of deeds, and ~~for~~ the authority of the county board of com-
8 missioners to combine the county clerk and register of deeds into
9 1 office as authorized by law.

10 (d) Except as provided in subdivision (c), FOR the continua-
11 tion of all existing county offices, boards, commissions, and
12 departments whether established by law or by action of the county
13 board of commissioners; the performance of their respective
14 duties by other county offices, boards, commissions, and depart-
15 ments; or ~~for~~ the discontinuance of these county offices,
16 boards, commissions, and departments. Notwithstanding the provi-
17 sions of this subdivision in relation to existing county offices,
18 boards, commissions, and departments, a county charter shall
19 ~~insure~~ SATISFY the following REQUIREMENTS:

20 (i) In a county having a population of less than 1,500,000,
21 the charter shall not be in derogation of the powers and duties
22 of the county road commission in the exercise of their statutory
23 duties concerning the preservation of a county road system. The
24 charter for these counties shall provide for the creation of a
25 3-member commission. ~~Not less than~~ AT LEAST 1 member of the
26 3-member commission shall be a resident of a township within the
27 county.

1 (ii) In a county having a population of 1,500,000 or more,
2 the charter shall provide for the continuation of a county road
3 system within the county. Notwithstanding any other provisions
4 of this act, the charter described in this subparagraph shall
5 provide that responsibility for the determination of the expendi-
6 ture of all funds for road construction and road maintenance, and
7 for carrying out the powers and duties pertaining to a county
8 road system as provided in sections 9 to 32 of chapter ~~4~~ IV of
9 ~~Act No. 283 of the Public Acts of 1909, as amended, being~~
10 ~~sections 224.9 to 224.32 of the Michigan Compiled Laws~~ 1909 PA
11 283, MCL 224.9 TO 224.32, shall be vested in a 3-member
12 commission. The charter shall provide that 1 member of the
13 3-member commission shall be a resident of the most populous city
14 in the county, 1 member shall be a resident of a city other than
15 the most populous city within the county, and 1 member shall be a
16 resident of a township within the county. The charter shall pro-
17 vide that the 3-member commission shall be appointed by either
18 the elected county executive or the chief administrative
19 officer. Appointment to the 3-member commission shall require
20 advice and consent by a majority of the county board of commis-
21 sioners elected and serving not more than 60 days after the
22 appointment. If the county board of commissioners does not vote
23 on the appointment within 60 days, the appointment shall become
24 final. The charter may provide for a fixed term of years for the
25 members of the 3-member commission, but the charter ~~—, however,—~~
26 shall provide that the members of the 3-member commission may be
27 removed at the pleasure of the elected county executive or the

1 chief administrative officer. The charter shall specify duties
2 and procedures to ~~assure~~ ENSURE that administrative decisions
3 made for road construction ~~shall be~~ ARE coordinated with admin-
4 istrative decisions made for other programs ~~which~~ THAT relate
5 to roads. THIS SUBPARAGRAPH DOES NOT APPLY TO A COUNTY IN WHICH
6 THE CHARTER IS AMENDED TO PROVIDE FOR AN ALTERNATIVE METHOD OF
7 CARRYING OUT THE POWERS AND DUTIES THAT ARE OTHERWISE PROVIDED BY
8 LAW FOR A BOARD OF COUNTY ROAD COMMISSIONERS. As used in this
9 subparagraph, "road construction" means all of the following:

10 (A) The building of a new road or street and the improving
11 of an existing road or street by THE correction OF grades, THE
12 INSTALLATION, REPAIR, OR IMPROVEMENT OF drainage structures, THE
13 ALTERATION OF width ~~—~~ OR alignment, or THE REPAIR OR REPLACE-
14 MENT OF THE surface.

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

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

21 (e) ~~The~~ FOR THE continuation and implementation of a
22 system of pensions and retirement for county officers and
23 employees, in ~~those counties~~ A COUNTY having a system in effect
24 at the time of the adoption of the charter. The system provided
25 under the charter shall recognize the accrued rights and benefits
26 of the officers and employees under the system ~~then~~ in effect
27 AT THE TIME OF THE ADOPTION OF THE CHARTER. The charter shall

1 not infringe upon ~~nor~~ OR be in derogation of those accrued
2 rights and benefits. The charter shall not preclude future modi-
3 fication of the system.

4 (f) ~~The~~ FOR THE continuation and implementation of a
5 system of civil service, in ~~those counties~~ A COUNTY having a
6 system at the time of the adoption of the charter. The system of
7 civil service provided under the charter shall recognize the
8 rights and status of persons under the civil service system
9 ~~then~~ in effect AT THE TIME OF THE ADOPTION OF THE CHARTER. The
10 charter shall not infringe upon ~~nor~~ OR be in derogation of
11 those rights and that status. The charter shall not preclude
12 future modification of the system. Except as provided in subdi-
13 vision (d), the charter shall provide that the system of civil
14 service be coordinated among the county offices, boards, commis-
15 sions, and departments.

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

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

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

1 (j) ~~The~~ FOR THE power and authority to enter into any
2 intergovernmental contract ~~which~~ THAT is not specifically
3 prohibited by law.

4 (k) ~~The~~ FOR THE power and authority to join, establish, or
5 form with any other governmental unit an intergovernmental dis-
6 trict or authority for the purpose of performing a public func-
7 tion or service ~~, which~~ THAT each is authorized to perform sep-
8 arately ~~,~~ AND the performance of which is not prohibited by
9 law.

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

12 (m) ~~The~~ FOR THE levy and collection of taxes, FOR the
13 fixing of an ad valorem property tax limitation of not to exceed
14 1% of the state equalized value of the taxable property within
15 the county, and that the levy of taxes from within this ad
16 valorem property tax limitation shall not exceed, unless other-
17 wise approved by the electors, the tax rate in mills, equal to
18 the number of mills allocated to the county either by a county
19 tax allocation board or by a separate tax limitation under the
20 property tax limitation act, ~~Act No. 62 of the Public Acts of~~
21 ~~1933, as amended, being sections 211.201 to 211.217a of the~~
22 ~~Michigan Compiled Laws~~ 1933 PA 62, MCL 211.201 TO 211.217A, in
23 the year immediately preceding the year in which the county
24 adopts a charter.

25 (n) ~~Initiative~~ FOR INITIATIVE and referendum on all mat-
26 ters within the scope of the county's power and authority ~~+~~ and
27 ~~for~~ the recall of all county officials.

1 (o) ~~Amendment~~ FOR AMENDMENT or revision of the charter
2 initiated either by action of the legislative body of the county
3 or by initiatory process. An amendment or revision shall not
4 become effective unless the amendment or revision is submitted to
5 the electorate of the county and approved by a majority of those
6 voting.

7 (p) That the acquisition, operation, and sale of public
8 utility facilities for furnishing light, heat, or power shall be
9 subject to the same restrictions as imposed on cities and vil-
10 lages by the state constitution of 1963 and applicable law.

11 (q) ~~Annual~~ FOR ANNUAL preparation, review, approval, and
12 adherence to a balanced budget in a manner ~~which assures~~ THAT
13 ENSURES coordination among the county offices, boards, commis-
14 sions, and departments, except as provided in subdivision (d).

15 (r) ~~An~~ FOR AN annual audit by an independent certified
16 public accountant of all county funds.

17 (s) That, ~~a~~ IF THE county ~~that~~ incurs a budget deficit
18 in any fiscal year, IT shall prepare ~~and submit~~ a detailed and
19 specific 5-year plan for short term financial recovery and long
20 range financial stability AND, BEFORE ADOPTION OF THE NEXT ANNUAL
21 COUNTY BUDGET, SUBMIT THE PLAN to the governor and the legisla-
22 ture ~~, before adoption of the next annual county budget,~~ for
23 review. The ~~5-year~~ plan shall include, but not be limited to,
24 a projection of annual revenues and expenditures, an employee
25 classification and pay plan, a capital improvements budget, and
26 equipment replacement schedules.

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