

HOUSE BILL No. 5351

December 4, 2003, Introduced by Reps. DeRoche, Shulman, Pappageorge, Taub, Amos, Ward, Stakoe, LaJoy and Pastor and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1973 PA 139, entitled

"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,"

by amending sections 9 and 10 (MCL 45.559 and 45.560), section 9 as amended by 1980 PA 100, and by adding section 9a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) A county executive who is a qualified elector
2 in the county shall be elected on a partisan basis for a term of
3 4 years concurrent with ~~that~~ **the term** of the county prosecuting
4 attorney, county clerk, county register of deeds, county
5 treasurer, county sheriff, elected county auditors, and county
6 drain commissioner. ~~The first term of office of~~ **If** a county

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1 executive ~~—, when~~ **is** elected at an election different than the
2 election for county officers, **his or her first term** shall extend
3 only until the January following the election ~~—at which—~~ **for**
4 county officers. ~~—are elected—~~

5 (2) The first county executive may be nominated in the same
6 or next primary or general election held after the election in
7 which alternate B is approved. The county executive shall then
8 be elected in the next regular primary or general election
9 occurring not less than 30 days nor more than 90 days after the
10 date of the election in which alternate B is approved or in which
11 he or she was nominated. If a primary or general election is not
12 scheduled during ~~the~~ **that** period, the ~~county executive shall~~
13 ~~be elected at a special election called by the~~ board of county
14 commissioners ~~for this purpose within the period. Thereafter,~~
15 ~~the~~ **shall call a special election to elect a county executive.**
16 **The** county executive shall be nominated and elected ~~in~~
17 ~~accordance with and subject~~ **pursuant** to the laws applicable to
18 the nomination and election of other county officials.

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

25 ~~(4) The office of elected county executive which becomes~~
26 ~~vacant due to resignation or death shall be filled by appointment~~
27 ~~of the board of county commissioners until the next general~~

1 election. ~~A new county executive shall be elected at the next~~
2 ~~general election after the resignation or death of a county~~
3 ~~executive and in the manner provided in this section for the~~
4 ~~election of county executives. The newly elected county~~
5 ~~executive shall serve a term equal to the balance of the term for~~
6 ~~which the county executive who resigned or died was elected.~~

7 (4) ~~-(5)-~~ The salary of the county executive for the initial
8 term shall be established by the board of county commissioners
9 ~~not less than~~ **at least** 6 months before the **effective** date of
10 the optional unified form of county government, containing
11 alternate B. ~~becomes effective.~~ The salary shall be established
12 by the board consistent with the procedures established for other
13 elected officials. The county executive's salary shall be
14 commensurate with the duties and responsibilities of the office.
15 The salary of a county executive shall not be reduced during his
16 or her term of office except as part of a general salary
17 reduction.

18 Sec. 9a. (1) If a vacancy occurs in the office of the
19 elected county executive due to death or resignation of the
20 elected county executive, the chief deputy shall take the
21 constitutional oath of office and serve as the county executive
22 until the county board of commissioners appoints a successor to
23 the elected county executive or until a special election is held
24 as provided by law.

25 (2) If the county board of commissioners elects to appoint a
26 successor, the appointment shall be made no later than 30 days
27 from the date of the death or resignation. A county executive

1 appointed by the county board of commissioners shall serve until
2 the next general election. If the county board of commissioners
3 does not make an appointment within the required 30 days under
4 this subsection, a special election shall be held at the earliest
5 possible date allowed by law.

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

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

19 Sec. 10. (1) Within 10 days after being sworn in, the
20 county executive shall appoint a chief deputy. The county
21 executive may also appoint additional deputies whom he or she
22 considers necessary to perform the functions and duties of the
23 office of elected county executive.

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

1 the deputies.

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

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

9 (5) The county executive shall be responsible for the overall
10 supervision of all county departments not headed by other elected
11 officials.