

HOUSE BILL No. 5337

February 1, 2012, Introduced by Reps. Johnson, MacMaster, Daley and Haveman and referred to the Committee on Redistricting and Elections.

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,

1 and responsibilities. In a county having a population of 1,500,000
2 ~~—~~or more, a county charter adopted under this act shall provide
3 for a form of executive government described and adopted under
4 section 11a.

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

1 (c) The partisan election of a ~~sheriff, a prosecuting~~
2 ~~attorney, a~~ county clerk, a county treasurer, and a register of
3 deeds, and for the authority of the county board of commissioners
4 to combine the county clerk and register of deeds into 1 office as
5 authorized by law. **IN ADDITION, A COUNTY CHARTER ADOPTED UNDER THIS**
6 **ACT SHALL PROVIDE FOR THE NONPARTISAN ELECTION OF A SHERIFF AND A**
7 **PROSECUTING ATTORNEY.**

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

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

26 (ii) Except as otherwise provided in subsection (2), in a
27 county having a population of 1,500,000 or more, the charter shall

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

1 roads. As used in this subparagraph, "road construction" means all
2 of the following:

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

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

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

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

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

1 that the system of civil service be coordinated among the county
2 offices, boards, commissions, and departments.

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

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

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

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

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

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

23 (m) The levy and collection of taxes, the fixing of an ad
24 valorem property tax limitation of not to exceed 1% of the state
25 equalized value of the taxable property within the county, and that
26 the levy of taxes from within this ad valorem property tax
27 limitation shall not exceed, unless otherwise approved by the

1 electors, the tax rate in mills, equal to the number of mills
2 allocated to the county either by a county tax allocation board or
3 by a separate tax limitation under the property tax limitation act,
4 1933 PA 62, MCL 211.201 to 211.217a, in the year immediately
5 preceding the year in which the county adopts a charter.

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

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

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

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

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

24 (s) That a county that incurs a budget deficit in any fiscal
25 year shall prepare and submit a detailed and specific 5-year plan
26 for ~~short~~-**SHORT**-term financial recovery and ~~long~~-**LONG**-range
27 financial stability to the governor and the legislature, before

1 adoption of the next annual county budget, for review. The 5-year
2 plan shall include, but not be limited to, a projection of annual
3 revenues and expenditures, an employee classification and pay plan,
4 a capital improvements budget, and equipment replacement schedules.

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

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

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No.____ or House Bill No. 5336(request no.
15 03383'11) of the 96th Legislature is enacted into law.