

HOUSE BILL No. 5907

September 13, 2012, Introduced by Reps. Slavens, Bledsoe and Lipton and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

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,"

(MCL 45.501 to 45.521) by amending the title, as amended by 1998 PA 147, and by adding section 14a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

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

1 a charter; to provide for the exercise by a charter county of
2 certain powers whether or not authorized by its charter; **TO PROVIDE**
3 **FOR THE REMOVAL OF A COUNTY EXECUTIVE;** and to prescribe penalties
4 and provide remedies.

5 SEC. 14A. (1) THE GOVERNOR MAY REMOVE A COUNTY EXECUTIVE IF
6 THE GOVERNOR IS SATISFIED FROM THE EVIDENCE SUBMITTED THAT THE
7 COUNTY EXECUTIVE IS GUILTY OF OFFICIAL MISCONDUCT, WILLFUL NEGLECT
8 OF DUTY, EXTORTION, OR HABITUAL DRUNKENNESS, OR HAS BEEN CONVICTED
9 OF BEING A DRUNK, OR IF IT APPEARS BY A CERTIFIED COPY OF THE
10 JUDGMENT OF A COURT OF RECORD OF THIS STATE THAT THE COUNTY
11 EXECUTIVE, AFTER HIS OR HER ELECTION, HAS BEEN CONVICTED OF A
12 FELONY.

13 (2) BEFORE THE GOVERNOR REMOVES A COUNTY EXECUTIVE, ALL OF THE
14 FOLLOWING PROCEDURES SHALL BE FOLLOWED:

15 (A) CHARGES MUST BE EXHIBITED TO THE GOVERNOR IN WRITING
16 SPECIFYING THE GROUNDS FOR REMOVAL. THE CHARGES SHALL BE
17 ACCOMPANIED BY ANY SUPPORTING EVIDENCE AND BY THE AFFIDAVIT OF THE
18 PERSON MAKING THE CHARGES VERIFYING THAT THE PERSON BELIEVES THE
19 CHARGES TO BE TRUE.

20 (B) A COPY OF THE CHARGES MUST BE SERVED ON THE COUNTY
21 EXECUTIVE. SERVICE SHALL BE MADE AS FOLLOWS:

22 (i) IF THE COUNTY EXECUTIVE CAN BE FOUND, BY HANDING TO THE
23 COUNTY EXECUTIVE A COPY OF THE CHARGES, TOGETHER WITH ALL
24 AFFIDAVITS OR EXHIBITS THAT MAY BE ATTACHED TO THE CHARGES.

25 (ii) IF THE COUNTY EXECUTIVE CANNOT BE FOUND, BY LEAVING A COPY
26 OF THE CHARGES, TOGETHER WITH ALL AFFIDAVITS OR EXHIBITS THAT MAY
27 BE ATTACHED TO THE CHARGES, WITH A PERSON OF SUITABLE AGE AT THE

1 COUNTY EXECUTIVE'S LAST KNOWN PLACE OF RESIDENCE OR, IF A PERSON OF
2 SUITABLE AGE IS NOT AVAILABLE, BY POSTING A COPY OR COPIES IN A
3 CONSPICUOUS PLACE AT THE COUNTY EXECUTIVE'S LAST KNOWN PLACE OF
4 RESIDENCE.

5 (C) THE COUNTY EXECUTIVE SHALL BE GIVEN AN OPPORTUNITY TO
6 RESPOND TO THE CHARGES.

7 (3) A COUNTY EXECUTIVE REMOVED FROM OFFICE UNDER THIS SECTION
8 IS NOT ELIGIBLE FOR ELECTION OR APPOINTMENT TO ANY OFFICE FOR A
9 PERIOD OF 3 YEARS FROM THE DATE OF THE REMOVAL.

10 (4) IF THE GOVERNOR REMOVES A COUNTY EXECUTIVE UNDER THIS
11 SECTION, THE OFFICE OF COUNTY EXECUTIVE BECOMES VACANT AND THE
12 PRESIDING OR SENIOR JUDGE OF PROBATE, THE COUNTY CLERK, AND THE
13 PROSECUTING ATTORNEY OF THAT COUNTY SHALL APPOINT A SUITABLE PERSON
14 TO FILL THE VACANCY. A PERSON APPOINTED SHALL TAKE AND SUBSCRIBE TO
15 THE OATH AS PROVIDED IN SECTION 1 OF ARTICLE XI OF THE STATE
16 CONSTITUTION OF 1963, GIVE BOND IN THE MANNER REQUIRED BY LAW, AND
17 HOLD OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A
18 SUCCESSOR IS ELECTED AND QUALIFIED. HOWEVER, IF THE NEXT GENERAL
19 NOVEMBER ELECTION IS TO BE HELD MORE THAN 182 DAYS AFTER THE
20 VACANCY OCCURS, AND IT IS NOT THE GENERAL NOVEMBER ELECTION AT
21 WHICH A SUCCESSOR IN OFFICE WOULD BE ELECTED IF THERE WERE NO
22 VACANCY, THE PERSON APPOINTED SHALL HOLD OFFICE ONLY UNTIL A
23 SUCCESSOR IS ELECTED AT THE NEXT GENERAL NOVEMBER ELECTION IN THE
24 MANNER PROVIDED BY LAW AND QUALIFIES FOR OFFICE. THE SUCCESSOR
25 SHALL HOLD THE OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM.