CHARTER COUNTIES

Act 293 of 1966

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.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980 ;-- Am. 1994, Act 20, Eff. May 1, 1994 ;-- Am. 1998, Act 147, Eff. Mar. 23, 1999

The People of the State of Michigan enact:

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45.501 Charter county; body corporate.

Sec. 1.

Every county adopting a charter under the provisions of this act shall be a body corporate.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.501a Authority of emergency financial manager; authority and responsibilities of local emergency financial assistance loan board.

Sec. 1a.

Notwithstanding any provision of this act, if an emergency financial manager has been appointed under the local government fiscal responsibility act, Act No. 101 of the Public Acts of 1988, being sections 141.1101 to 141.1118 of the Michigan Compiled Laws, with respect to a county governed by this act, then that emergency financial manager may exercise the authority and responsibilities provided in this act to the extent authorized by Act No. 101 of the Public Acts of 1988. Notwithstanding any provision of this, if approved by the board of commissioners in relation to a loan authorized under Act No. 243 of the Public Acts of 1980, being sections 141.931 to 141.942 of the Michigan Compiled Laws, the local emergency financial assistance loan board created by Act No. 243 of the Public Acts of 1980 may exercise the authority and responsibilities delineated by the terms of an order of the local emergency financial assistance loan board.

History: Add. 1988, Act 195, Imd. Eff. June 27, 1988
Compiler's Notes: In the second sentence of this section, the phrase “of this,” evidently should read “of this act,”.

45.502 Resolution for submission of question on election of charter commission; adoption by county board of supervisors.

Sec. 2.

The board of supervisors of any county, by a majority vote of its members elect may, or upon petition of 5% of the registered electors of the county shall, adopt a resolution providing

for the submission of the question of electing a charter commission for the purpose of framing and submitting to the electorate a county home rule charter. The petition shall be addressed to the board of supervisors and shall be filed with the clerk of the board not less than 30 days prior to the convening of a regular session of the board or to the convening of any special session called for the purpose of considering the petition.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.502a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 2a.

A petition under section 2, 5(1), or 19, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 147, Eff. Mar. 23, 1999

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45.503 Submission of question to qualified electors.

Sec. 3.

The resolution shall provide that the question shall be submitted to the qualified electors at the next regular primary, presidential primary, or general election occurring not less than 60 days after the adoption of the resolution. If there is not to be a regular primary, presidential primary, or general election in the county within 180 days, the county board of commissioners shall provide in the resolution for a special election on the question.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980

45.504 Number of charter commissioners to be elected; qualifications of candidate for election to office of charter commissioner; member of county board of commissioners as chief administrative officer.

Sec. 4.

(1) The county apportionment commission shall set forth the number of charter commissioners to be elected as follows:

County Population	Number of Charter Commissioners
Under 5,001	Not more than 7
5,001 to 10,000	Not more than 11
10,001 to 50,000	Not more than 15
50,001 to 600,000	Not more than 21
Over 600,000	13 to 35

(2) The resolution shall require that a candidate for election to the office of charter commissioner shall have been a qualified elector in the candidate's district for not less than 6 months.

(3) An elected county official shall not be a candidate for election to the office of charter commissioner unless the person has resigned from the elected position.

(4) A member or former member of the county board of commissioners shall not serve as chief administrative officer of the county until at least 2 years after his or her termination from membership on the board.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980 ;-- Am. 2014, Act 309, Imd. Eff. Oct. 10, 2014

45.505 Partisan election of charter commission; nomination of candidates; petition or filing fee; primary election; composition and convening of county apportionment commission; rules of procedure; quorum; majority vote; establishment of charter commission districts; requirements for districts; use of census figures; apportionment; division; date of primary; election of charter commission; filing and availability of apportionment plan and copies thereof; judicial review; appeal; submission and filing of plan by registered voter; official apportionment plan; duration; election of 1 charter commissioner for each district; limitation on representation.

Sec. 5.

(1) The resolution shall provide for a partisan election of a charter commission, for the nomination of candidates for the charter commission by petitioning or filing a fee, and for a primary election of charter commission candidates. A charter commission candidate who elects to pay a filing fee shall pay the fee not less than 3 days before the final day upon which petitions may be filed. The resolution shall provide for the election of charter commissioners from districts established by the county apportionment commission. The county apportionment commission shall consist of the county clerk, the county treasurer, the prosecuting attorney, and the statutory county chairperson of each of the 2 political parties receiving the greatest number of votes cast for the office of secretary of state in the last general election in which a secretary of state was elected. If a county does not have a statutory chairperson of a political party, the 2 additional members shall be a party representative from each of the 2 political parties receiving the greatest number of votes cast for the office of secretary of state in the last general election in which a secretary of state was elected and appointed by the chairperson of the state central committee for each of the political parties. The county clerk shall convene the county apportionment commission and the county apportionment commission shall adopt the rules of procedure. Three members of the county apportionment commission are a quorum sufficient to conduct its business. All action of the apportionment commission shall be by majority vote of the apportionment commission.

(2) The county apportionment commission, within 30 days after the adoption of the resolution by the county board of commissioners, shall establish charter commission districts equal to the number of charter commissioners to be elected. All districts shall be single member districts and as equal in population as practicable. The latest official published figures of the United States official census shall be used in this determination, except that in cases requiring a division of official census units to meet the population standard, an actual population count may be used to make the division. Other governmental census figures of total population may be used if taken after the last decennial United States census and the United States census figures are not adequate for the purposes of this act. The secretary of state shall furnish the latest official published figures to the county apportionment commission within 15 days after publication of subsequent United States official census figures. A contract may be entered into with the United States census bureau to conduct a special census if the latest United States decennial census figures are not adequate. Each district shall be contiguous,

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compact, and as nearly square in shape as is practicable, depending on the geography of the county area involved, and shall be drawn without regard to partisan political advantage. Each city and township shall be apportioned so that it shall have the largest possible number of complete districts within its boundaries before any part of the city or township is joined to territory outside the boundaries of the city or township to form a district. Townships, villages, cities, and precincts shall be divided only if necessary to meet the population standard.

(3) In a county having a population of less than 1,500,000, the date of the primary election for charter commissioners may be the same as the date for the submisson of the question as provided in section 3. Otherwise, the date of the primary election for charter commissioners shall be the same as the date for the submission of the question as provided in section 3. The election of the charter commission shall be at the next primary or general election occurring not less than 60 days after the primary election for charter commissioners. If a regular primary or general election does not occur within 180 days after the date of the primary, the county board of commissioners shall provide, in the resolution, for a date on which the final election of the commission shall be held.

(4) The apportionment plan approved by the apportionment commission shall be filed in the office of the county clerk at which time the plan shall become effective, and copies of the plan immediately shall be forwarded by the county clerk to the secretary of state for filing. The plan shall be made available at cost to any registered voter of the county.

(5) Any registered voter of the county, within 30 days after the filing of the plan for his or her county, may petition the court of appeals to review the plan to determine if the plan meets the requirements of the laws of this state. A finding of the court of appeals may be appealed to the supreme court of this state as provided by law.

(6) If the apportionment commission has failed to submit a plan for its county within 60 days but not less than 30 days after the latest official published census figures are available or within an additional time as may be granted by the court of appeals for good cause shown on petition from the apportionment commission, any registered voter of the county may submit a plan to the commission for approval. The apportionment commission shall choose, from among those plans submitted, a plan meeting the requirements of the laws of this state and shall file the plan in the office of the county clerk as provided in this section within 30 days after the deadline for filing of the apportionment commission's own plan or any extension granted on the filing of the plan.

(7) Once an apportionment plan has been found constitutional and not in violation of this act and all appeals have been exhausted or, if an appeal has not been taken, when the time for appeal has expired, that plan shall be the official apportionment plan for the county until the next United States official decennial census figures are available. When the next United States official decennial census figures are available, a new apportionment plan under this act shall be established by the county apportionment commission.

(8) The electors of each district established pursuant to this act shall elect 1 charter commissioner. There shall not be representation other than that set forth by this act.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980

45.506 Compensation for charter commissioner; appropriations to defray certain costs.

Sec. 6.

Compensation for each charter commissioner shall not exceed $65.00 per day for a total of 90 meetings. Compensation shall not be paid for more than 1 meeting per day. The county board of commissioners shall provide, if necessary, a county appropriation sufficient to defray

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the cost of suitable office and meeting space; materials; supplies; personnel; the printing and distribution of documents, journals and records of proceedings; the dissemination of information about the proposed charter; and all other expenses necessary to permit the uninterrupted and orderly completion of the duties of the commission. The county board of commissioners shall also provide, if necessary, a sufficient appropriation to defray the cost of elections and compensation of the members of the charter commission.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980

45.507 Passage of resolution; transmittal of copies to city, village and township clerks; notice of election, publication, posting.

Sec. 7.

Upon the passage of the resolution, the county clerk, within 3 business days, shall transmit a certified copy thereof to the clerk of each city, village and township in his county. The county clerk shall publish a notice of election and the proposition and office to be voted upon in at least 1 newspaper having general circulation in the county. The first publication shall be not less than 10 days prior to the election. The county clerk shall also cause a notice of election, together with the proposition and office to be voted upon, to be posted in 2 or more conspicuous places in each precinct within the county. Upon the request of the county clerk the posting shall be done by the clerk of the local unit of government.

History: 1966, Act 293, Eff. Mar. 10, 1967

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45.508 Ballots; form, content, preparation.

Sec. 8.

The ballot to be used for the submission of the question shall be prepared by the county clerk in accordance with the general election laws as follows:

"Shall the county of ..... elect a charter commission for the purpose of framing and submitting to the electorate of the county a county home rule charter under the constitution and laws of Michigan?

Yes ( )

No ( )"

The county clerk shall prepare at county expense the necessary ballots for the election of the charter commission. All ballots shall be prepared and all elections shall be conducted in accordance with the election laws of this state, except that the question may be submitted at a presidential election within any county of this state.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.509 Charter commission members; oath of office; first meeting, notice; presiding officer.

Sec. 9.

The members of the charter commission shall file their oath of office with the county clerk prior to the first meeting of the charter commission. The clerk shall give notice, by certified mail, to each member of the commission as to the time and place of the first meeting of the commission, which time shall be not less than 10 days nor more than 20 days after

certification of election. The county clerk shall be the acting presiding officer for the commission and shall serve until a permanent presiding officer shall have been chosen from among the members of the commission.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.510 Charter commission; organization; quorum; conducting business at public meeting; notice of meeting; record of meetings; journal of proceedings; availability of writings to public; prohibited action; duration of charter commission; ballot questions.

Sec. 10.

(1) The charter commission shall complete its organization within 20 days after the date of its first meeting. Its organization shall consist of seating its members, selecting its officers, and establishing its rules of procedure. A majority of the members elect of the charter commission constitutes a quorum to transact business, but a smaller number may adjourn a meeting of the charter commission. The business which the charter commission may perform shall be conducted at a public meeting of the charter commission held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

(2) A record shall be kept of all meetings of the charter commission and its subcommittees. The charter commission shall keep a journal of its proceedings. The record, the journal, and any other writing prepared, owned, used, in the possession of, or retained by the charter commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(3) Upon approval of the election of a charter commission by the electors and until the procedures described in sections 16 to 19 have been exhausted, the county board of commissioners shall not take any action which is designed to restructure or reorganize the county government which would have the effect of diminishing the mandate of the charter commission.

(4) A charter commission elected pursuant to this act shall not remain in existence for more than 2 years after the date the charter commission is elected.

(5) The question of charter adoption and the question of nomination or election of an elected county executive shall not appear on the same ballot.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1977, Act 183, Imd. Eff. Nov. 17, 1977 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980

45.511 Charter commission; draft of proposed charter, approval; dissolution upon failure to agree.

Sec. 11.

The commission shall draft a proposed charter within 180 days after the date of completing its organization as provided in section 10. If the commission has not agreed upon a proposed charter within the 180 days period the charter commission shall be dissolved. Before any proposed charter is submitted to the electors, it shall be approved by a majority of the members elected to the commission with the vote and names of the members voting thereon entered in the journal.

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History: 1966, Act 293, Eff. Mar. 10, 1967

45.511a Submission of 2 alternative charter proposals; dissolution of charter commission; approval of proposed charters; differences between charter proposals; election of county executive; selection, term, and removal of chief administrative officer; declaration of charter adoption; votes; duties and responsibilities of county executive or chief administrative officer; veto of ordinance or resolution; contents of ballot.

Sec. 11a.

(1) In a county with a population of 1,500,000 or more the commission shall approve alternative charter proposals for simultaneous submission to the electors pursuant to the provisions of this section.

(2) The commission shall approve for submission 2 alternative charter proposals not more than 180 days after the date of completing its organization as provided in section 10. If the commission fails to approve for submission 2 charter proposals within the 180-day period, the charter commission shall be dissolved.

(3) Before either proposed charter is submitted to the electors, each proposed charter shall be approved by a majority of the members elected to the commission with the vote and names of the members voting on each proposed charter entered in the journal.

(4) Except as to the method of selection of a chief administrative officer or an elected county executive; the veto power of the chief administrative officer or the elected county executive; and the removal of the chief administrative officer or the elected county executive, the 2 alternative charter proposals shall not differ.

(5) One charter proposal shall provide for a county executive elected at large on a partisan basis.

(6) One charter proposal shall provide for a chief administrative officer. The chief administrative officer shall be selected for a 4-year term of office by a majority of the county board of commissioners elected and serving, the chief administrative officer may only be removed from office for cause by a 2/3 vote of the county board of commissioners elected and serving.

(7) A charter shall be declared adopted by the electors if it receives more yes votes than no votes. If both charters receive more yes votes than no votes, the charter which receives the higher number of yes votes shall be declared adopted. An elector may vote yes or no on either, or both, of the charters.

(8) One charter proposal shall provide for the duties and responsibilities of the elected county executive. The other charter proposal shall provide for the duties and responsibilities of the chief administrative officer. Under each charter proposal, the duties and responsibilities of the elected county executive or chief administrative officer shall not differ, except as provided in subsection (4), and at a minimum, shall include the duty and responsibility to:

(a) Supervise, direct, and control the functions of all departments of the county except those headed by elected officials.

(b) Coordinate the various activities of the county and unify the management of its affairs.

(c) Enforce all orders, rules, and ordinances of the county board of commissioners and laws of the state required to be enforced by his or her office.

(d) Prepare and submit to the county board of commissioners a recommended annual county budget and work program, and administer the expenditure of funds in accordance with appropriations. An elected officer, county road commissioner, or a body which has the powers of a county road commission may appear before the board as to the officer's, commissioner's,

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or body's own budget. Not less than once each year the chief administrative officer or elected county executive shall submit to the county board of commissioners a proposed long-range capital improvement program and capital budget.

(e) Except elected officials, appoint, supervise, and at pleasure remove heads of departments and all boards and commissions.

(f) Submit recommendations to the board for the efficient conduct of county business.

(g) Report to the county board of commissioners on the affairs of the county and its needs, and advise the board not less than once each 3 months on the financial condition of the county.

(9) The elected county executive may veto an ordinance or resolution adopted by the county board of commissioners including an item of an ordinance which appropriates funds. The veto shall be certified by the elected county executive to the board of county commissioners not more than 10 days from the date of adoption of an ordinance or resolution. The county board of commissioners may override the veto by a 2/3 vote of the county board of commissioners elected and serving.

(10) The ballot shall contain voting instructions and a brief explanation of each charter presented.

History: Add. 1980, Act 7, Imd. Eff. Feb. 13, 1980

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45.512 Charter commission; vacancies.

Sec. 12.

A vacancy in the office of any commissioner shall be filled by a qualified elector selected by the commission. If the commission fails to fill the vacancy within a period of 7 days, the chairman of the board of supervisors shall fill the vacancy forthwith. The new appointee shall be a qualified elector from the same district as the commissioner vacating the office and from the same party.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.513 Charter commission; employees and assistants, appointment, compensation; use of county departmental personnel; powers and duties; expenses.

Sec. 13.

The commission may appoint employees and assistants as are necessary to perform its duties and shall fix the compensation of the employees and assistants so appointed. Upon the request of the commission, the board of supervisors may authorize the use, by the commission, of the services of any county departmental personnel. The commission shall provide for the printing and distribution of its official documents. It may disseminate information about the proposed charter and do all other things necessary to complete the business of the commission in an orderly manner. All expenses of the charter commission shall be within an adequate appropriation provided by the board of supervisors under the provisions of section 6.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.514 County charter; mandatory provisions; subsection(1)(d) inapplicable to certain counties; staggered terms of office.

Sec. 14.

(1) A county charter adopted under this act must provide for all of the following:

(a) In a county that has a population of less than 1,500,000, for a salaried county executive, who is elected at large on a partisan basis, and for the county executive's authority, duties, and responsibilities. In a county that has a population of 1,500,000 or more, a county charter adopted under this act must provide for a form of executive government described and adopted under section 11a.

(b) The election of a legislative body to be known as the county board of commissioners, and for their authority, duties, responsibilities, and number, that must be not less than 5 or more than 21. Until December 31, 2024, the term of office of members of the county board of commissioners is concurrent with that of state representatives. Beginning January 1, 2025, the term of office of members of the county board of commissioners is as specified in section 10(2) of 1966 PA 261, MCL 46.410. The county board of commissioners shall provide by ordinance for their compensation and may increase or decrease their compensation. A change in compensation is not effective during the term of office for which the legislative body making the change was elected. The charter must also provide for the partisan election of members of the legislative body from single-member districts to be established by the county apportionment commission as created in section 5 and under the standards and guidelines established in section 5 for reapportionment based on the last official federal decennial census, effective at the first regular general election of the members of the legislative body occurring not less than 12 months after the completion and certification of the federal decennial census. Each city and township must be apportioned so that it has the largest possible number of complete districts within its boundaries before any part of the city or township is joined to territory outside the boundaries of the city or township to form a district.

(c) The partisan election of a sheriff, a prosecuting attorney, a county clerk, a county treasurer, and a register of deeds, and for the authority of the county board of commissioners to combine the county clerk and register of deeds into 1 office as authorized by law.

(d) Except as provided in subdivision (c), the continuation of all existing county offices, boards, commissions, and departments whether established by law or by action of the county board of commissioners; the performance of their respective duties by other county offices, boards, commissions, and departments; or the discontinuance of these county offices, boards, commissions, and departments. Notwithstanding this subdivision in relation to existing county offices, boards, commissions, and departments, a county charter must insure the following:

(i) Except as otherwise provided under subsection (2), in a county that has a population of less than 1,500,000, the charter must not be in derogation of the powers and duties of the county road commission in the exercise of its statutory duties concerning the preservation of a county road system. The charter for these counties must provide for the creation of a commission that consists of not fewer than 3 or more than 5 members. Not less than 1 member of the commission must be a resident of a township within the county.

(ii) Except as otherwise provided in subsection (2), in a county that has a population of 1,500,000 or more, the charter must provide for the continuation of a county road system within the county. Notwithstanding any other provisions of this act, the charter described in this subparagraph must provide that responsibility for the determination of the expenditure of all funds for road construction and road maintenance and for carrying out the powers and duties pertaining to a county road system as provided in sections 9 to 32 of chapter IV of 1909 PA 283, MCL 224.9 to 224.32, is vested in a commission that consists of not fewer than 3 or more than 5 members. The charter must provide that 1 member of the commission is a resident of the most populous city in the county, 1 member is a resident of a city other than the most populous city within the county, and 1 member is a resident of a township within the county.

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The charter must provide that the commission is appointed by either the elected county executive or the chief administrative officer. Appointment to the commission requires advice and consent by a majority of the county board of commissioners elected and serving not more than 60 days after the appointment. If the county board of commissioners does not vote on the appointment within 60 days, the appointment is final. The charter may provide for the number of members and a fixed term of years for the members of the commission, but the charter must provide that the members of the commission may be removed at the pleasure of the elected county executive or the chief administrative officer. The charter must specify duties and procedures to assure that administrative decisions made for road construction are coordinated with administrative decisions made for other programs which relate to roads. As used in this subparagraph, "road construction" means all of the following:

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

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

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

(e) Subject to section 15c, the continuation and implementation of a system of pensions and retirement for county officers and employees in those counties that have a system in effect at the time of the adoption of the charter. The system provided under the charter must recognize the accrued rights and benefits of the officers and employees under the system then in effect. The charter must not infringe on or be in derogation of those accrued rights and benefits. Subject to section 15c, the charter must not preclude future modification of the system.

(f) The continuation and implementation of a system of civil service in those counties having a system at the time of the adoption of the charter. The system of civil service provided under the charter must recognize the rights and status of persons under the civil service system then in effect. The charter must not infringe on or be in derogation of those rights and that status. The charter must not preclude future modification of the system. Except as provided in subdivision (d), the charter must provide that the system of civil service be coordinated among the county offices, boards, commissions, and departments.

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

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

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

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

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

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

(m) The levy and collection of taxes, the fixing of an ad valorem property tax limitation of not to exceed 1% of the state equalized value of the taxable property within the county, and that the levy of taxes from within this ad valorem property tax limitation must not exceed,

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

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

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

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

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

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

(s) That a county that incurs a budget deficit in any fiscal year shall prepare and submit a detailed and specific 5-year plan for short-term financial recovery and long-range financial stability to the governor and the legislature, before adoption of the next annual county budget, for review. The 5-year plan must include, but not be limited to, a projection of annual revenues and expenditures, an employee classification and pay plan, a capital improvements budget, and equipment replacement schedules.

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

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

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History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980 ;-- Am. 1982, Act 300, Imd. Eff. Oct. 11, 1982 ;-- Am. 2005, Act 208, Imd. Eff. Nov. 14, 2005 ;-- Am. 2017, Act 210, Imd. Eff. Dec. 20, 2017 ;-- Am. 2021, Act 121, Eff. Mar. 30, 2022

45.514a Satisfaction of condition with respect to transportation employees; certification by county road agency; failure of county road agency to make certification; maintenance of website; posting information; definitions.

Sec. 14a.

(1) Beginning September 30, 2014, each county road agency shall annually certify to the department that it satisfies 1 of the following conditions with respect to transportation employees:

(a) The county road agency has developed and publicized a transportation employee compensation plan that the county road agency intends to implement with any new, modified, or extended contract or employment agreements for transportation employees not covered under contract or employment agreement. The transportation employee compensation plan that each county road agency plans to achieve must be posted on a publicly accessible internet site

and must be submitted to the department. Subject to section 15c, at a minimum, the transportation employee compensation plan must include all of the following:

(i) New transportation employee hires who are eligible for retirement plans are placed on retirement plans that cap annual employer contributions at 10% of base salary for transportation employees who are eligible for social security benefits. For transportation employees who are not eligible for social security benefits, the annual employer contribution is capped at 16.2% of base salary.

(ii) For defined benefit pension plans, a maximum multiplier of 1.5% for all transportation employees who are eligible for social security benefits, except, if postemployment health care is not provided, the maximum multiplier shall be 2.25%. For all transportation employees who are not eligible for social security benefits, a maximum multiplier of 2.25%, except, if postemployment health care is not provided, the maximum multiplier must be 3.0%. This subparagraph does not apply to years of service accrued before September 30, 2013, or to contracts entered into before September 30, 2013.

(iii) For defined benefit pension plans, final average compensation for all transportation employees is calculated using a minimum of 3 years of compensation and must not include more than a total of 240 hours of paid leave. Overtime hours must not be used in computing the final average compensation for a transportation employee. This subparagraph does not apply to years of service accrued before September 30, 2013, or to contracts entered into before September 30, 2013.

(iv) Health care premium costs for new transportation employee hires must include a minimum transportation employee share of 20%; or, an employer's share of the local health care plan costs must be cost competitive with the new state preferred provider organization health plan, on a per-transportation-employee basis.

(b) The county road agency complies with 1 of the following:

(i) A county road agency that offers medical benefits to its transportation employees or elected public officials shall certify to the department by September 30, 2014 that it is in compliance with the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.561 to 15.569. For purposes of this subparagraph, dental and vision coverages are not considered medical benefits. The department shall develop a certification process and method for county road agencies to follow.

(ii) A county road agency that does not offer medical benefits to its transportation employees or elected public officials shall certify to the department by September 30, 2014 that it does not offer medical benefits to its transportation employees or elected public officials. For purposes of this subparagraph, dental and vision coverages are not considered medical benefits. The department shall develop a certification process and method for county road agencies to follow.

(2) If a county road agency does not make the certification required under subsection (1), the department may withhold all or part of the distributions to the county road agency from the Michigan transportation fund under 1951 PA 51, MCL 247.651 to 247.675. A withholding under this subsection must continue for the period of noncompliance with subsection (1) by the county road agency.

(3) A county road agency shall maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

(a) Current fiscal year budget.

(b) The number of active transportation employees of the county road agency by job classification and wage rate.

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(c) A financial performance dashboard that contains information on revenues, expenditures, and unfunded liabilities. The county road agency may link to financial information provided by the Michigan transportation asset management council.

(d) The names and contact information for the governing body of the county road agency.

(e) A copy of the certification required by subsection (1).

(4) A county road agency may develop and operate its own website to provide the information required under subsection (3), or the county road agency may reference this state's central transparency website as the source for the information required under subsection (3). If a county road agency does not have a website, the county road agency may post the information required under subsection (3) on the website for the county within which the county road agency is located or on the website of a statewide road association of which the county road agency is a member.

(5) As used in this section:

(a) "County road agency" means a county road commission or a body that has the powers of a county road commission in a county that adopts a charter under this act. In addition, if a board of county road commissioners of a county is dissolved as provided in section 6 of chapter IV of 1909 PA 283, MCL 224.6, county road commission includes the county board of commissioners of that county.

(b) "Department" means the state transportation department.

(c) "Transportation employee" means an employee paid in whole or in part through revenues distributed under sections 12 to 13 of 1951 PA 51, MCL 247.662 to 247.663, or an employee who is engaged primarily in work funded through revenues distributed under sections 12 to 13 of 1951 PA 51, MCL 247.662 to 247.663.

History: Add. 2012, Act 466, Imd. Eff. Dec. 27, 2012 ;-- Am. 2017, Act 210, Imd. Eff. Dec. 20, 2017

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45.515 County charter; permissible provisions.

Sec. 15.

A county charter adopted under this act may provide for 1 or more of the following:

(a) The office of corporation counsel, public defender, auditor general, and all other offices, boards, commissions, or departments necessary for the efficient operation of county government. The charter may also provide for the power and authority to establish, by ordinance, other offices, boards, commissions, and departments as may become necessary.

(b) That the legislative body of any unit of government that is wholly or partially within the county may transfer, subject to the approval of the legislative body of the county and on mutually agreed conditions, a municipal function or service to the county if the performance of the function or service by the county is not specifically prohibited by law, and if the function or service is offered on a countywide basis.

(c) The authority to perform at the county level any function or service not prohibited by law, including, but not limited to, police protection, fire protection, planning, zoning, education, health, welfare, recreation, water, sewer, waste disposal, transportation, abatement of air and water pollution, civil defense, and any other function or service necessary or beneficial to the public health, safety, and general welfare of the county. Powers granted solely by charter may not be exercised by the charter county in a local unit of government that is exercising a similar power without the consent of the local legislative body. The cost of a service authorized by charter to be performed by the county, may be determined by negotiation between the local unit of government and the charter county and the cost must be charged to the local unit of government or area benefited by the service, unless it is rendered

on a countywide basis in which event the cost may be paid from the general fund of the county. If a function exercised by a local unit of government is transferred to the county and becomes a county function financed through the general fund of the county, the county shall reimburse a local unit of government a negotiated sum representing the value of the transferred capital assets of the function owned by and paid for by the local unit of government, including outstanding bonded indebtedness of the local unit of government.

(d) The establishment and maintenance, either within or outside of the county corporate limits, of roads, parks, cemeteries, hospitals, medical facilities, airports, ports, jails, water supply and transmission facilities, sewage transmission and disposal systems, all public works, or other types of facilities necessary to preserve and provide effectively for the public health, safety, and general welfare of the county.

(e) The power and authority to levy and collect taxes, fees, rents, tolls, or excises, the levy and collection of which is authorized by law. The county may not levy a tax on income unless authorized by law.

(f) Subject to section 15c, a system of retirement for county officers and employees.

(g) A classified civil service or merit system for county officers and employees, except those officers and employees who are expressly exempted from civil service by either the state constitution of 1963 or law.

(h) The election or appointment of a drain commissioner.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980 ;-- Am. 2017, Act 210, Imd. Eff. Dec. 20, 2017

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45.515a Ordinance; designation of violation as civil infraction; civil fine; act or omission constituting crime.

Sec. 15a.

(1) Consistent with Act No. 58 of the Public Acts of 1945, being section 46.201 of the Michigan Compiled Laws, and whether or not authorized by the county charter, the county board of commissioners of a county established under this act may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation.

(2) Whether or not authorized by the county charter, the county board of commissioners may adopt an ordinance that designates a violation of the ordinance as a municipal civil infraction and provides a civil fine for that violation. An ordinance may not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (1). A statute may provide that a violation of a specific type of ordinance is a municipal civil infraction whether or not the ordinance designates the violation as a municipal civil infraction.

(3) An ordinance shall not make an act or omission a municipal civil infraction if that act or omission constitutes a crime under any of the following:

(a) Article 7 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7101 to 333.7545 and 333.17766a of the Michigan Compiled Laws.

(b) The Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.1 to 750.568 of the Michigan Compiled Laws.

(c) The Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(d) The Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.

(e) Part 801 (marine safety) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199 of the Michigan Compiled Laws.

(f) The aeronautics code of the state of Michigan, Act No. 327 of the Public Acts of 1945, being sections 259.1 to 259.208 of the Michigan Compiled Laws.

(g) Part 821 (snowmobiles) of Act No. 451 of the Public Acts of 1994, being sections 324.82101 to 324.82159 of the Michigan Compiled Laws.

(h) Part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being sections 324.81101 to 324.81150 of the Michigan Compiled Laws.

(i) Sections 351 to 365 of the railroad code of 1993, Act No. 354 of the Public Acts of 1993, being sections 462.351 to 462.365 of the Michigan Compiled Laws.

(j) Any law of this state under which the act or omission is punishable by imprisonment for more than 90 days.

History: Add. 1994, Act 20, Eff. May 1, 1994 ;-- Am. 1996, Act 37, Imd. Eff. Feb. 26, 1996

45.515b Minimum staffing requirement; adoption of county charter or ordinance prohibited.

Sec. 15b.

Beginning on the effective date of the amendatory act that added this section, a charter county shall not adopt a county charter or ordinance that includes any minimum staffing requirement for county employees. Except as otherwise provided in this section, any provision in a county charter or ordinance adopted on or after the effective date of the amendatory act that added this section that contains a minimum staffing requirement for county employees is void and unenforceable.

History: Add. 2011, Act 135, Imd. Eff. Sept. 13, 2011

45.515c Retirement system subject to protecting local government retirement and benefits act.

Sec. 15c.

If a county provides a system of retirement for its officers and employees under this act, the system of retirement is subject to the protecting local government retirement and benefits act.

History: Add. 2017, Act 210, Imd. Eff. Dec. 20, 2017

45.515d Licensing requirements subject to the local government occupational licensing act.

Sec. 15d.

Any occupational licensing requirements imposed under this act are subject to the local government occupational licensing act.

History: Add. 2018, Act 503, Imd. Eff. Dec. 27, 2018
Compiler's Notes: Enacting section 1 of Act 503 of 2018 provides:"Enacting section 1. This amendatory act is retroactive and takes effect January 1, 2018."

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45.516 Proposed charter; submission to governor; rejection, revision, resubmission; approval; referendum on adoption and election of officers; incumbent county officers, continuation.

Sec. 16.

The charter shall be submitted to the governor for approval within 30 days after its completion. The charter may be approved by the governor upon written recommendation of the attorney general that it conforms to the provisions of the constitution and the statutes of this state. The governor either shall approve or reject the charter within 30 days of its submission. If the governor rejects the charter, he shall return it to the charter commission together with a copy of his reasons therefor. Upon the return of the unapproved charter, the commission shall reconvene, consider the reasons for rejection, revise the proposed charter and submit the revised charter to the governor within a period of 45 days. Upon resubmission, the governor either shall approve or reject the charter within 30 days of its resubmission. If the governor rejects the charter, he shall notify the commission of his action and his reasons therefor. Upon the second rejection of the charter, the commission, within 30 days, either shall reconvene and revise the charter to comply with the governor's objections or it shall take all steps necessary to obtain a judicial interpretation to determine whether the charter conforms to the provisions of the constitution and statutes of this state. Upon approval of the charter by the governor or upon a final favorable judicial interpretation, the commission, within 10 days, shall fix the date, by resolution, for the submission of the proposed charter to the electorate for its adoption. The submission shall be at the time of the next regular primary election occurring not less than 60 days from the adoption of the resolution. If there is not to be a regular primary election within 180 days, the charter commission may provide in the resolution for a special election on the question of the adoption or rejection of the charter. The resolution shall also establish the date for a primary and general election of officers for the newly created elective offices, whose first term shall be for a period ending at the same time as that of the incumbent governor. Thereafter, they shall be elected for 4-year terms concurrent with the terms of the governor. The manner of nomination and election of home rule county officers shall be in all respects the same as that heretofore established for regular county officers. If the charter is submitted to the electors for approval or rejection at any time prior to the regular primary election, at which time such elective county officers as there shall be in the county are regularly nominated prior to the effective date of this act, then all incumbent elective county officers whose offices are retained in the charter shall continue in office until the expiration of the term for which they were last elected, respectively.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.517 Proposed charter; publication; notice of election.

Sec. 17.

Upon the passage of the resolution by the charter commission fixing the date for the submission and election, the county clerk, within 3 business days, shall transmit a certified copy of the resolution together with a copy of the proposed charter to the clerk of each city, village and township within his county. The county clerk shall cause the proposed charter to be published in at least 1 newspaper having general circulation within the county. The charter shall be published not less than 2 weeks nor more than 4 weeks prior to the election. The county clerk shall also cause to be published a notice of election in accordance with section 7.

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History: 1966, Act 293, Eff. Mar. 10, 1967

45.518 Proposed charter; rejection, revision, resubmission to electorate; dissolution of charter commission.

Sec. 18.

If the proposed county charter be rejected, the election of officers therein newly created is void, and the chairman of the charter commission shall require it to reconvene within 20 days and provide for revision or amendment to the original draft of the charter previously prepared by it. The commission shall complete its work within 60 days. The charter shall be submitted to the governor under the provisions of section 16. The revised charter shall be resubmitted to the electorate of the county in the same manner as in the first instance. In no case, however, shall a proposed charter be presented to the electorate by a charter commission more than twice. Whenever a charter commission has twice submitted a charter and a charter has been twice rejected by the electorate, that charter commission shall be dissolved.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.519 Second charter commission; election procedures; provisions governing; rejection; dissolution of commission.

Sec. 19.

Whenever a charter commission has been dissolved, the county board of supervisors may and upon petitions of 5% of the registered electors shall adopt a resolution providing for the election of a second charter commission. The petition shall be filed with the clerk of the board within 60 days after the dissolution of the first charter commission. The board of supervisors shall provide, by resolution, for the election of a second charter commission. The resolution shall conform with the provisions of sections 3 to 6. The second charter commission shall be elected in the same manner as the first charter commission. Any member of the first charter commission shall be ineligible for election to the second charter commission. The authority, duties, responsibilities and term of office of the second charter commission shall be the same as of the first charter commission. If the proposed county charter submitted by the second charter commission is rejected, that charter commission shall be dissolved, and all subsequent charter commissions shall be elected under the provisions of sections 2 to 6.

History: 1966, Act 293, Eff. Mar. 10, 1967

45.520 Home rule county status; when change occurs; incumbent officers.

Sec. 20.

A county is not deemed to have changed its status from that of a regular county to a home rule county until the charter has been adopted by the electorate and the officers provided for therein have been elected. Each incumbent officer having been elected prior to the adoption of the charter and whose office has not been abolished or duties transferred to another office or department by the charter, for all purposes, shall be deemed to be a home rule county officer duly elected and qualified.

History: 1966, Act 293, Eff. Mar. 10, 1967

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45.521 Home rule county; succession to and vesting of property; continuation of rights, liabilities, suits, or prosecutions; debts, liabilities, tax rates, and uncollected taxes and assessments.

Sec. 21.

A home rule county created under this act shall succeed to and be vested with the property, real and personal, money, rights, credits and effects, and the records, files, books, and papers belonging to the county as it formerly existed. Neither the rights or liabilities of the county which existed at the time it became a home rule county, nor a suit or prosecution of any kind commenced before and continuing at the time the county becomes a home rule county, shall be, in any manner, affected by the change, but shall continue, stand, or progress as if the change had not been made. The debts and liabilities of the county, the authorized tax rates approved by the voters, and taxes and assessments levied and uncollected at the time of the change shall stand until expired, discharged, or collected the same as if the change had not been made.

History: 1966, Act 293, Eff. Mar. 10, 1967 ;-- Am. 1980, Act 7, Imd. Eff. Feb. 13, 1980

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