



SENATE BILL No. 737

August 31, 1993, Introduced by Senator CONROY and referred to the Committee on Judiciary.

A bill to amend section 11 of Act No. 156 of the Public Acts of 1851, entitled as amended

"An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,"

as amended by Act No. 227 of the Public Acts of 1988, being section 46.11 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 11 of Act No. 156 of the Public Acts of
2 1851, as amended by Act No. 227 of the Public Acts of 1988, being
3 section 46.11 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 11. A county board of commissioners, at a lawfully
6 held meeting, may do 1 or more of the following:

1 (a) Purchase, for the use of the county, real estate
2 necessary for the erection of buildings for the support of the
3 poor of that county and for a farm to be used in connection with
4 that support.

5 (b) Purchase or lease, for a term not to exceed 5 years,
6 real estate necessary for the site of a courthouse, jail, clerk's
7 office, or other county building in that county.

8 (c) Determine the site of a county building.

9 (d) Authorize the sale or lease of real estate belonging to
10 the county, and prescribe the manner in which a conveyance of the
11 real estate is to be executed.

12 (e) Remove or designate a new site for a county building
13 required to be at the county seat, if the new site is not outside
14 the limits of the village or city in which the county seat is
15 situated, and remove or designate a new site for a county infir-
16 mary or medical care facility.

17 (f) Erect the necessary buildings for jails, clerks'
18 offices, and other county buildings, and prescribe the time and
19 manner of erecting them.

20 (g) Borrow or raise by tax upon the county those funds
21 authorized by law.

22 (h) Provide for the repayment of a loan made by the board,
23 by tax upon the county. The loan shall be repaid within 15 years
24 after the date of the loan, except that a loan to erect a county
25 building for a public function shall be repaid within 30 years
26 after the date of the loan.

1 (i) Prescribe and fix the salaries and compensation of
2 employees of the county if not fixed by law and, except in a
3 county having a board of county auditors, adjust claims against
4 the county. The sum allowed in the adjustment of a claim is
5 subject to appeal as provided by law.

6 (j) Direct and provide for the raising of money ~~which is~~
7 necessary to defray the current expenses and charges of the
8 county and the necessary charges incident to or arising from the
9 execution of the board's lawful authority, subject to the limita-
10 tions prescribed in this act. The county board of commissioners
11 may borrow in a year, in anticipation of the levy or collection
12 of taxes for the year, a sum of money, not exceeding 50% of the
13 tax to be levied or collected for the general fund of the county,
14 necessary to defray current expenses of the county. The money
15 borrowed shall be repaid from the tax when levied and collected.

16 (k) Abolish or revive the distinctions between township and
17 county poor.

18 (l) Authorize the making of a new tax roll.

19 (m) By majority vote of the members of the county board of
20 commissioners elected and serving, pass ~~regulations and ordi-~~
21 ~~nances relating~~ THAT RELATE to county affairs ~~which the board~~
22 ~~considers proper, but which shall~~ AND DO not contravene the gen-
23 eral laws of this state or interfere with the local affairs of a
24 township, city, or village within the limits of the county, and
25 provide suitable ~~penalties~~ SANCTIONS for the violation of those
26 ~~regulations and ordinances. , but the penalties shall not~~
27 ~~exceed~~ IF A VIOLATION OF AN ORDINANCE IS A MUNICIPAL CIVIL

1 INFRACTION, AS DEFINED IN SECTION 113 OF THE REVISED JUDICATURE
2 ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING
3 SECTION 600.113 OF THE MICHIGAN COMPILED LAWS, THE ORDINANCE
4 SHALL PROVIDE A CIVIL FINE FOR ITS VIOLATION. A VIOLATION OF AN
5 ORDINANCE IS A MUNICIPAL CIVIL INFRACTION ONLY IF THE ORDINANCE
6 EXPLICITLY STATES THAT A VIOLATION IS A MUNICIPAL CIVIL
7 INFRACTION. AN ORDINANCE SHALL NOT MAKE AN ACT OR OMISSION A
8 MUNICIPAL CIVIL INFRACTION IF THAT ACT OR OMISSION CONSTITUTES A
9 CRIME UNDER ARTICLE 7 OR SECTION 17766A OF THE PUBLIC HEALTH
10 CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING
11 SECTIONS 333.7101 TO 333.7545 AND 333.17766A OF THE MICHIGAN
12 COMPILED LAWS; THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC
13 ACTS OF 1931, BEING SECTIONS 750.1 TO 750.568 OF THE MICHIGAN
14 COMPILED LAWS; ACT NO. 158 OF THE PUBLIC ACTS OF 1966, BEING
15 SECTIONS 752.11 TO 752.12 OF THE MICHIGAN COMPILED LAWS; SECTION
16 1 OF ACT NO. 70 OF THE PUBLIC ACTS OF 1877, BEING SECTION 752.21
17 OF THE MICHIGAN COMPILED LAWS; ACT NO. 119 OF THE PUBLIC ACTS OF
18 1967, BEING SECTIONS 752.271 TO 752.274 OF THE MICHIGAN COMPILED
19 LAWS; SECTION 25 OF CHAPTER 158 OF THE REVISED STATUTES OF 1846,
20 BEING SECTION 752.525 OF THE MICHIGAN COMPILED LAWS; SECTION 2 OF
21 ACT NO. 26 OF THE PUBLIC ACTS OF 1970, BEING SECTION 752.582 OF
22 THE MICHIGAN COMPILED LAWS; SECTION 5 OF ACT NO. 105 OF THE
23 PUBLIC ACTS OF 1951, BEING SECTION 752.825 OF THE MICHIGAN
24 COMPILED LAWS; ACT NO. 10 OF THE PUBLIC ACTS OF 1952, BEING
25 SECTIONS 752.841 TO 752.845 OF THE MICHIGAN COMPILED LAWS; SEC-
26 TION 1 OF ACT NO. 45 OF THE PUBLIC ACTS OF 1952, BEING
27 SECTION 752.861 OF THE MICHIGAN COMPILED LAWS; SECTION 1 OF ACT

1 NO. 81 OF THE PUBLIC ACTS OF 1954, BEING SECTION 752.881 OF THE
2 MICHIGAN COMPILED LAWS; OR SECTION 3A OF ACT NO. 106 OF THE
3 PUBLIC ACTS OF 1963, BEING SECTION 752.903A OF THE MICHIGAN
4 COMPILED LAWS. IF A VIOLATION OF AN ORDINANCE IS NOT A MUNICIPAL
5 CIVIL INFRACTION, THE ORDINANCE MAY PROVIDE THAT A VIOLATION OF
6 THE ORDINANCE IS PUNISHABLE BY a fine of NOT MORE THAN \$500.00
7 ~~/~~ or BY imprisonment for NOT MORE THAN 90 days, or both. The
8 board may change the limits of a city, village, or school dis-
9 trict within the county as provided by law. If there is not a
10 general law governing the subject, or if a change cannot be made
11 pursuant to a general law, the board may change the limits of the
12 village upon petition of at least 10% of the resident taxpayers.
13 ~~A regulation,~~ AN ordinance ~~/~~ or act of incorporation provided
14 in this subdivision shall take effect when notice of the adoption
15 is published in a newspaper of general circulation in the
16 county. The clerk of the county board of commissioners shall
17 engross each ~~regulation,~~ ordinance ~~/~~ or act, ~~which~~ AND IT
18 shall be signed by the chairperson of the county board of commis-
19 sioners and certified by the clerk of the county board of
20 commissioners. If, within 50 days after the county board of com-
21 missioners ~~has adopted a regulation,~~ ADOPTS AN ordinance ~~/~~ or
22 act, a petition signed by not less than 20% of the electors
23 residing in the district to be affected by the ~~regulation,~~
24 ordinance ~~/~~ or act is filed with the county clerk asking that
25 the ~~regulation,~~ ordinance ~~/~~ or act be submitted to electors
26 of the district to be affected by the ~~regulation,~~ ordinance ~~/~~
27 or act for approval or rejection, then the ~~regulation,~~

1 ordinance ~~—~~ or act shall not take effect until it ~~has been~~ IS
2 approved by a majority of the electors of the district affected
3 voting on that issue at a regular or special election called for
4 that purpose. The county board of commissioners shall provide
5 the manner of submitting the ~~regulation,~~ ordinance ~~—~~ or act
6 to the electors for their approval and of determining the result
7 of the election.

8 (n) Require a county officer whose salary or compensation is
9 paid by the county to make a report under oath to the county
10 board of commissioners on any subject connected with the duties
11 of that office and require the officer to give a bond reasonable
12 or necessary for the faithful performance of the duties of the
13 office. An officer who neglects or refuses either to make a
14 report or give a bond within a reasonable time after being
15 required to do so may be removed from office by the board by a
16 vote of 2/3 of ~~all~~ the members ELECTED OR APPOINTED, and the
17 office declared vacant. The board may fill the vacancy for the
18 unexpired portion of the term for which the officer was elected
19 or appointed. If an election occurs before the expiration of the
20 unexpired term, and if the office is elective, the vacancy shall
21 be filled at that election. The board shall give reasonable
22 notice of the election to fill the vacancy.

23 (o) Authorize a township in ~~its respective~~ THE county, by
24 a vote of the electors of the township, to borrow or raise by tax
25 upon the township ~~— a sum of —~~ money ~~—~~ to build or repair roads
26 or bridges in the township, or in the use of which the township
27 ~~may be~~ IS interested, and to prescribe the time for the

1 repayment of a loan, which shall be within 15 years, and for
2 assessing the principal and interest on the loan upon the
3 township. If a road or bridge is situated partly in 1 township
4 and partly in another, or on the line between townships, or if a
5 township has a particular local interest in the construction or
6 repair of a bridge, the county board of commissioners may deter-
7 mine, under the regulations the board establishes, the ~~relative~~
8 proportion ~~which~~ THAT a township shall contribute in the build-
9 ing and repairing of the road or bridge. The amount apportioned
10 to the township shall be assessed and collected in the same
11 manner as other township taxes are assessed and collected by
12 law.

13 (p) Represent the county and have the care and management of
14 the property and business of the county if other provisions are
15 not made.

16 (q) Establish rules and regulations in reference to the man-
17 agement of the interest and business concerns of the county —
18 as the board considers necessary and proper in all matters not
19 especially provided for in this act or under the laws of this
20 state. The county board of commissioners shall not audit or
21 allow a ~~bill,~~ claim, INCLUDING A BILL or charge, against ~~the~~
22 ~~people or~~ the county ~~which~~ UNLESS THE CLAIM has ~~not~~ been
23 filed with the county clerk of the county before the fourth day
24 of a regular meeting of the board, or before the second day of an
25 adjourned or other meeting, ~~except bills or claims which have~~
26 ~~been~~ THE CLAIM IS contracted by the board during the session of
27 the board ~~, and~~ OR THE CLAIM IS for mileage and per diem of the

1 members of the board. The county clerk shall keep a book of all
2 claims in the order in which the claims are presented, giving the
3 name of ~~the~~ EACH claimant ~~,~~ AND the amount AND DATE OF
4 PRESENTATION of ~~the~~ EACH claim. ~~,~~ ~~and the date when~~
5 ~~presented.~~ The book, after the time prescribed for the presenta-
6 tion of claims, shall be placed in the hands of the chairperson
7 for the use of the board. At the October session, the board, by
8 a vote of 2/3 of the members, may receive and allow accounts
9 ~~which~~ THAT have wholly accrued during the session. ~~The county~~
10 ~~board of commissioners may remove~~

11 (R) REMOVE an officer or agent ~~who has been or is~~
12 appointed by the board ~~when~~ IF, in the board's opinion, the
13 officer or agent is incompetent to execute properly the duties of
14 the office ~~,~~ or ~~when~~ IF, on charges and evidence, the board
15 is satisfied that the officer or agent is guilty of official mis-
16 conduct, or habitual or willful neglect of duty, AND if the mis-
17 conduct or neglect is a sufficient cause for removal. However,
18 an officer or agent shall not be removed for that misconduct or
19 neglect unless charges of misconduct or neglect are preferred to
20 the county board of commissioners or the chairperson of the
21 county board of commissioners, notice of the hearing, with a copy
22 of the charges, is delivered to the officer or agent, and a full
23 opportunity is given the officer or agent to be heard, either in
24 person or by counsel.

25 (S) ~~(r)~~ Establish rules consistent with the open meetings
26 act, Act No. 267 of the Public Acts of 1976, as amended, being

1 sections 15.261 to 15.275 of the Michigan Compiled Laws, for the
2 manner of proceeding before the board.

3 (T) ~~(s)~~ Acquire by exchange land needed for county
4 purposes, including the purchase of ~~other~~ land ~~of approximate~~
5 ~~equal value~~ to be used in exchange for OTHER LAND OF APPROXIMATE
6 EQUAL VALUE owned by the federal government and needed for county
7 purposes.

8 Section 2. This amendatory act shall not take effect unless
9 Senate Bill No. 731

10 of the 87th Legislature is enacted into law.