

# HOUSE BILL No. 5595

February 24, 2004, Introduced by Reps. Gaffney, Hoogendyk and Lipsey and referred to the Committee on Transportation.

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 1982 PA 300.

**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  
5 a partisan basis, and for the county executive's authority,  
6 duties, and responsibilities. In a county having a population of  
7 1,500,000, or more, a county charter adopted under this act shall  
8 provide for a form of executive government described and adopted

1 ~~pursuant to the procedures prescribed in~~ **under** section 11a.

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

26 (c) The partisan election of a sheriff, a prosecuting  
27 attorney, a county clerk, a county treasurer, and a register of

1 deeds, and for the authority of the county board of commissioners  
2 to combine the county clerk and register of deeds into 1 office  
3 as authorized by law.

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

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

23 (ii) ~~In~~ **Except as otherwise provided in subsection (2), in**  
24 a county having a population of 1,500,000 or more, the charter  
25 shall provide for the continuation of a county road system within  
26 the county. Notwithstanding any other provisions of this act,  
27 the charter described in this subparagraph shall provide that

1 responsibility for the determination of the expenditure of all  
2 funds for road construction and road maintenance, and for  
3 carrying out the powers and duties pertaining to a county road  
4 system as provided in sections 9 to 32 of chapter 4 of ~~Act~~  
5 ~~No. 283 of the Public Acts of 1909, as amended, being sections~~  
6 ~~224.9 to 224.32 of the Michigan Compiled Laws 1909 PA 283, MCL~~  
7 **224.9 to 224.32**, shall be vested in a ~~3-member~~ commission  
8 **consisting of not fewer than 3 or more than 5 members**. The  
9 charter shall provide that 1 member of the ~~3-member~~ commission  
10 shall be a resident of the most populous city in the county, 1  
11 member shall be a resident of a city other than the most populous  
12 city within the county, and **that** 1 member shall be a resident of  
13 a township within the county. The charter shall provide that the  
14 ~~3-member~~ commission shall be appointed by either the elected  
15 county executive or the chief administrative officer.  
16 Appointment to the ~~3-member~~ commission shall require advice and  
17 consent by a majority of the county board of commissioners  
18 elected and serving not more than 60 days after the appointment.  
19 If the county board of commissioners does not vote on the  
20 appointment within 60 days, the appointment shall become final.  
21 The charter may provide for **the number of members and** a fixed  
22 term of years for the members of the ~~3-member~~ commission, but  
23 the charter ~~, however,~~ shall provide that the members of the  
24 ~~3-member~~ commission may be removed at the pleasure of the  
25 elected county executive or the chief administrative officer.  
26 The charter shall specify duties and procedures to assure that  
27 administrative decisions made for road construction shall be

1 coordinated with administrative decisions made for other programs  
2 which relate to roads. As used in this subparagraph, "road  
3 construction" means all of the following:

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

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

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

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

22 (f) The continuation and implementation of a system of civil  
23 service in those counties having a system at the time of the  
24 adoption of the charter. The system of civil service provided  
25 under the charter shall recognize the rights and status of  
26 persons under the civil service system then in effect. The  
27 charter shall not infringe upon nor be in derogation of those

1 rights and that status. The charter shall not preclude future  
2 modification of the system. Except as provided in subdivision  
3 (d), the charter shall provide that the system of civil service  
4 be coordinated among the county offices, boards, commissions, and  
5 departments.

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

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

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

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

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

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

26 (m) The levy and collection of taxes, the fixing of an ad  
27 valorem property tax limitation of not to exceed 1% of the state

1 equalized value of the taxable property within the county, and  
2 that the levy of taxes from within this ad valorem property tax  
3 limitation shall not exceed, unless otherwise approved by the  
4 electors, the tax rate in mills, equal to the number of mills  
5 allocated to the county either by a county tax allocation board  
6 or by a separate tax limitation under the property tax limitation  
7 act, ~~Act No. 62 of the Public Acts of 1933, as amended, being~~  
8 ~~sections 211.201 to 211.217a of the Michigan Compiled Laws 1933~~  
9 **PA 62, MCL 211.201 to 211.217a**, in the year immediately preceding  
10 the year in which the county adopts a charter.

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

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

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

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

27 (r) An annual audit by an independent certified public

1 accountant of all county funds.

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

11       (2) Subsection ~~—(1)(d)(ii)—~~ **(1)(d)** shall not apply to a  
12 county in which the charter is amended to provide for an  
13 alternative method of carrying out the powers and duties which  
14 are otherwise provided by law for a board of county road  
15 commissioners.