

# HOUSE BILL No. 4212

February 17, 2015, Introduced by Reps. Victory, Price, Garcia, Forlini and Poleski and referred to the Committee on Local Government.

A bill to amend 1851 PA 156, entitled

"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,"

by amending section 11 (MCL 46.11), as amended by 2012 PA 15.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

3           (a) Purchase or lease for a term not to exceed 20 years, real  
4 estate necessary for the site of a courthouse, jail, clerk's  
5 office, or other county building in that county.

6           (b) Determine the site of, remove, or designate a new site for  
7 a county building. The exercise of the authority granted by this  
8 subdivision is subject to any requirement of law that the building  
9 be located at the county seat.

1           (c) Authorize the sale or lease of real estate belonging to  
2 the county, and prescribe the manner in which a conveyance of the  
3 real estate is to be executed.

4           (d) Erect the necessary buildings for jails, clerks' offices,  
5 and other county buildings, and prescribe the time and manner of  
6 erecting them.

7           (e) Borrow or raise by tax upon the county those funds  
8 authorized by law. The exercise of the authority granted by this  
9 subdivision is subject to any voting requirement provided by the  
10 law authorizing the borrowing or tax if different from the voting  
11 requirement under section 3.

12           (f) Provide for the repayment of a loan made by the board, by  
13 tax upon the county. The loan shall be repaid within 15 years after  
14 the date of the loan, except that a loan to erect a county building  
15 for a public function shall be repaid within 30 years after the  
16 date of the loan.

17           (g) Prescribe and fix the salaries and compensation of  
18 employees of the county if not fixed by law and, except in a county  
19 having a board of county auditors, adjust claims against the  
20 county. The sum allowed in the adjustment of a claim is subject to  
21 appeal as provided by law.

22           (h) Direct and provide for the raising of money necessary to  
23 defray the current expenses and charges of the county and the  
24 necessary charges incident to or arising from the execution of the  
25 board's lawful authority, subject to the limitations prescribed in  
26 this act. The county board of commissioners may borrow in a year,  
27 in anticipation of the levy or collection of taxes for the year, a

1 sum of money, not exceeding 50% of the tax to be levied or  
2 collected for the general fund of the county, necessary to defray  
3 current expenses of the county. The money borrowed shall be repaid  
4 from the tax when levied and collected.

5 (i) Authorize the making of a new tax roll.

6 (j) By majority vote of the members of the county board of  
7 commissioners elected and serving, pass ordinances that relate to  
8 county affairs and do not contravene the general laws of this state  
9 or interfere with the local affairs of a township, city, or village  
10 within the limits of the county, and pursuant to section 10b  
11 provide suitable sanctions for the violation of those ordinances.  
12 The board may change the limits of a city, village, or school  
13 district within the county as provided by law. If there is not a  
14 general law governing the subject, or if a change cannot be made  
15 pursuant to a general law, the board may change the limits of the  
16 village upon petition of at least 10% of the resident taxpayers. An  
17 ordinance or act of incorporation provided in this subdivision  
18 ~~shall take~~ **TAKES** effect when notice of the adoption is published in  
19 a newspaper of general circulation in the county. The clerk of the  
20 county board of commissioners shall engross each ordinance or act,  
21 and it shall be signed by the chairperson of the county board of  
22 commissioners and certified by the clerk of the county board of  
23 commissioners. If, within 50 days after the county board of  
24 commissioners adopts an ordinance or act, a petition signed by not  
25 less than 20% of the electors residing in the district to be  
26 affected by the ordinance or act is filed with the county clerk  
27 asking that the ordinance or act be submitted to electors of the

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

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

22 (l) Represent the county and have the care and management of  
23 the property and business of the county if other provisions are not  
24 made.

25 (m) Establish rules and regulations in reference to the  
26 management of the interest and business concerns of the county as  
27 the board considers necessary and proper in all matters not

1 especially provided for in this act or under the laws of this  
2 state. The county board of commissioners shall not audit or allow a  
3 claim, including a bill or charge, against the county unless the  
4 claim has been filed with the county clerk of the county before the  
5 fourth day of a regular meeting of the board, or before the second  
6 day of an adjourned or other meeting, the claim is contracted by  
7 the board during the session of the board or the claim is for  
8 mileage and per diem of the members of the board. The county clerk  
9 shall keep a book of all claims in the order in which the claims  
10 are presented, giving the name of each claimant and the amount and  
11 date of presentation of each claim. The book, after the time  
12 prescribed for the presentation of claims, shall be delivered to  
13 the chairperson for the use of the board. At the October session,  
14 the board, by a vote of 2/3 of the members, may receive and allow  
15 accounts that have wholly accrued during the session.

16 (n) Subject to subdivision (o), remove an officer or agent  
17 appointed by the board if, in the board's opinion, the officer or  
18 agent is incompetent to execute properly the duties of the office  
19 or if, on charges and evidence, the board is satisfied that the  
20 officer or agent is guilty of official misconduct, or habitual or  
21 willful neglect of duty, and if the misconduct or neglect is a  
22 sufficient cause for removal. However, an officer or agent shall  
23 not be removed for that misconduct or neglect unless charges of  
24 misconduct or neglect are ~~preferred~~ **PRESENTED** to the county board  
25 of commissioners or the chairperson of the county board of  
26 commissioners, notice of the hearing, with a copy of the charges,  
27 is delivered to the officer or agent, and a full opportunity is

1 given the officer or agent to be heard, either in person or by  
2 counsel.

3 (o) If the county has an appointed county manager or other  
4 appointed chief administrative officer or a county controller, the  
5 county board of commissioners may enter into an employment contract  
6 with that officer. The term of the employment contract may extend  
7 beyond the terms of the members of the county board of  
8 commissioners. The term of the employment contract shall be 3 years  
9 or less, unless the employment contract is entered into on or after  
10 August 1 of an even-numbered year, in which case the term of the  
11 employment contract shall be 1 year or less. However, in a county  
12 organized under 1966 PA 293, MCL 45.501 to 45.521, with an  
13 appointed chief administrative officer, an employment contract with  
14 the appointed chief administrative officer shall be for the term  
15 provided by section 11a of 1966 PA 293, MCL 45.511a. An employment  
16 contract under this subdivision shall be in writing and shall  
17 specify the compensation to be paid to the officer, any procedure  
18 for changing the compensation, any fringe benefits, and any other  
19 conditions of employment. If the officer serves at the pleasure of  
20 the county board of commissioners, the contract shall so state and  
21 may provide for severance pay or other benefits in the event the  
22 employment of the officer is terminated at the pleasure of the  
23 county board of commissioners.

24 (p) Establish rules consistent with the open meetings act,  
25 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding  
26 before the board.

27 (q) Acquire by exchange land needed for county purposes,

1 including the purchase of land to be used in exchange for other  
2 land of approximate equal value owned by the federal government and  
3 needed for county purposes.

4 (r) Grant or loan funds to a nonprofit corporation organized  
5 for the purpose of providing loans for private sector economic  
6 development initiatives. A grant or loan under this subdivision  
7 shall not be derived from ad valorem taxes except for ad valorem  
8 taxes approved by a vote of the people for economic development.  
9 The county shall establish an application process for proposals to  
10 receive a grant or loan under this subdivision. The awarding of a  
11 grant or loan under this subdivision shall be made at a public  
12 hearing of the county board of commissioners. The grant or loan  
13 contract shall require a report to the county board of  
14 commissioners regarding the activities of the recipient and the  
15 degree to which the recipient has met the stated public purpose of  
16 the funding.

17 (s) ~~Before January 1, 2015, by~~ **BY** majority vote of the members  
18 of the county board of commissioners elected and serving in a  
19 county with an appointed board of county road commissioners, pass a  
20 resolution that transfers the powers, duties, and functions that  
21 are otherwise provided by law for the appointed board of county  
22 road commissioners of that county to the county board of  
23 commissioners. The resolution is subject to the requirement in  
24 section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. The appointed  
25 board of county road commissioners of that county is dissolved on  
26 the date specified in the resolution adopted under this  
27 subdivision, and the county board of commissioners is authorized to

1 receive and expend funds as allowed under 1951 PA 51, MCL 247.651  
2 to 247.675. If the powers, duties, and functions of the board of  
3 county road commissioners of a county are transferred to the county  
4 board of commissioners of that county under this subdivision and  
5 the powers and duties of the office of county drain commissioner of  
6 that county had previously been transferred to the board of county  
7 road commissioners as provided in section 21(3) of the drain code  
8 of 1956, 1956 PA 40, MCL 280.21, then the county board of  
9 commissioners of that county shall reestablish, by resolution, the  
10 office of county drain commissioner as an elected office. The  
11 resolution reestablishing the office of county drain commissioner  
12 shall provide for the appointment of an acting county drain  
13 commissioner for that county who shall hold office until the next  
14 general election at which a county drain commissioner will be  
15 elected as provided in chapter X of the Michigan election law, 1954  
16 PA 116, MCL 168.191 to 168.211.

17 (t) ~~Before January 1, 2015, by~~ **BY** majority vote of the members  
18 of the county board of commissioners elected and serving in a  
19 county with an elected board of county road commissioners, pass a  
20 resolution to submit to the qualified and registered electors of  
21 the county at the next regular election to be held in the county  
22 the question of transferring the powers, duties, and functions of  
23 the elected board of county road commissioners of that county to  
24 the county board of commissioners. The resolution is subject to the  
25 requirement in section 6(9) of chapter IV of 1909 PA 283, MCL  
26 224.6. If a majority of the qualified and registered electors of  
27 the county voting on the question vote in favor of transferring the



1 powers, duties, and functions of the elected board of county road  
2 commissioners of that county to the county board of commissioners,  
3 the elected board of county road commissioners of that county is  
4 dissolved and the county board of commissioners is authorized to  
5 receive and expend funds as allowed under 1951 PA 51, MCL 247.651  
6 to 247.675. If the powers, duties, and functions of the board of  
7 county road commissioners of a county are transferred to the county  
8 board of commissioners of that county under this subdivision and  
9 the powers and duties of the office of county drain commissioner of  
10 that county had previously been transferred to the board of county  
11 road commissioners as provided in section 21(3) of the drain code  
12 of 1956, 1956 PA 40, MCL 280.21, then the county board of  
13 commissioners of that county shall reestablish, by resolution, the  
14 office of county drain commissioner as an elected office. The  
15 resolution reestablishing the office of county drain commissioner  
16 shall provide for the appointment of an acting county drain  
17 commissioner for that county who shall hold office until the next  
18 general election at which a county drain commissioner will be  
19 elected as provided in chapter X of the Michigan election law, 1954  
20 PA 116, MCL 168.191 to 168.211.

21 (u) If, after a board of county road commissioners is  
22 dissolved as provided in subdivision (s) or (t), the county board  
23 of commissioners for a county determines that a board of county  
24 road commissioners would provide a cost savings to the county  
25 residents and would better meet the needs of the county residents,  
26 the county board of commissioners for that county may, upon  
27 majority vote of the members of the county board of commissioners,

1 submit the question of adopting a county road system with a board  
2 of county road commissioners to a vote of the electors of the  
3 county as provided in chapter IV of 1909 PA 283, MCL 224.1 to  
4 224.32.

5 Enacting section 1. This amendatory act does not take effect  
6 unless Senate Bill No.\_\_\_\_ or House Bill No. 4215 (request no.  
7 01321'15 a) of the 98th Legislature is enacted into law.