

HOUSE BILL NO. 5711

February 01, 2022, Introduced by Reps. Meerman, Carra, Markkanen, Borton, Maddock, Reilly, Allor, Beeler, LaFave, Outman, Steven Johnson, Martin, Eisen and Bezotte and referred to the Committee on Local Government and Municipal Finance.

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 2020 PA 1.

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

1 estate necessary for the site of a courthouse, jail, clerk's
2 office, or other county building in that county.

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

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

10 (d) Erect the necessary buildings for jails, clerks' offices,
11 and other county buildings, and prescribe the time and manner of
12 erecting them.

13 (e) Borrow or raise by tax upon the county those funds
14 authorized by law. The exercise of the authority granted by this
15 subdivision is subject to any voting requirement provided by the
16 law authorizing the borrowing or tax if different from the voting
17 requirement under section 3.

18 (f) Provide for the repayment of a loan made by the board, by
19 tax upon the county. The loan must be repaid within 15 years after
20 the date of the loan, except that a loan to erect a county building
21 for a public function must be repaid within 30 years after the date
22 of the loan.

23 (g) Prescribe and fix the salaries and compensation of
24 employees of the county if not fixed by law and, except in a county
25 having a board of county auditors, adjust claims against the
26 county. The sum allowed in the adjustment of a claim is subject to
27 appeal as provided by law.

28 (h) Direct and provide for the raising of money necessary to
29 defray the current expenses and charges of the county and the

1 necessary charges incident to or arising from the execution of the
2 board's lawful authority, subject to the limitations prescribed in
3 this act. The county board of commissioners may borrow in a year,
4 in anticipation of the levy or collection of taxes for the year, a
5 sum of money, not exceeding 50% of the tax to be levied or
6 collected for the general fund of the county, necessary to defray
7 current expenses of the county. The money borrowed must be repaid
8 from the tax when levied and collected.

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

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

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

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

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

27 (m) Establish rules and regulations in reference to the
28 management of the interest and business concerns of the county as
29 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, must be delivered to the
13 chairperson for the use of the board. At the October session, the
14 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 **must** not be removed for that misconduct or neglect unless charges
24 of misconduct or neglect are presented to the county board of
25 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
28 given the officer or agent to be heard, either in person or by
29 counsel.

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

22 (p) Establish rules consistent with the open meetings act,
23 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding
24 before the board.

25 (q) Acquire by exchange land needed for county purposes,
26 including the purchase of land to be used in exchange for other
27 land of approximate equal value owned by the federal government and
28 needed for county purposes.

29 (r) Grant or loan money to a nonprofit corporation organized

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

12 (s) By majority vote of the members of the county board of
13 commissioners elected and serving in a county with an appointed
14 board of county road commissioners, pass a resolution that
15 transfers the powers, duties, and functions that are otherwise
16 provided by law for the appointed board of county road
17 commissioners of that county to the county board of commissioners.
18 The resolution is subject to the requirement in section 6(9) of
19 chapter IV of 1909 PA 283, MCL 224.6. The appointed board of county
20 road commissioners of that county is dissolved on the date
21 specified in the resolution adopted under this subdivision, and the
22 county board of commissioners is authorized to receive and expend
23 funds as allowed under 1951 PA 51, MCL 247.651 to 247.675. If the
24 powers, duties, and functions of the board of county road
25 commissioners of a county are transferred to the county board of
26 commissioners of that county under this subdivision and the powers
27 and duties of the office of county drain commissioner of that
28 county had previously been transferred to the board of county road
29 commissioners as provided in section 21(3) of the drain code of

1 1956, 1956 PA 40, MCL 280.21, then the county board of
2 commissioners of that county shall reestablish, by resolution, the
3 office of county drain commissioner as an elected office. The
4 resolution reestablishing the office of county drain commissioner
5 must provide for the appointment of an acting county drain
6 commissioner for that county who shall hold office until the next
7 general election at which a county drain commissioner will be
8 elected as provided in chapter X of the Michigan election law, 1954
9 PA 116, MCL 168.191 to 168.211.

10 (t) By majority vote of the members of the county board of
11 commissioners elected and serving in a county with an elected board
12 of county road commissioners, pass a resolution to submit to the
13 qualified and registered electors of the county at the next regular
14 election to be held in the county the question of transferring the
15 powers, duties, and functions of the elected board of county road
16 commissioners of that county to the county board of commissioners.
17 The resolution is subject to the requirement in section 6(9) of
18 chapter IV of 1909 PA 283, MCL 224.6. If a majority of the
19 qualified and registered electors of the county voting on the
20 question vote in favor of transferring the powers, duties, and
21 functions of the elected board of county road commissioners of that
22 county to the county board of commissioners, the elected board of
23 county road commissioners of that county is dissolved and the
24 county board of commissioners is authorized to receive and expend
25 funds as allowed under 1951 PA 51, MCL 247.651 to 247.675. If the
26 powers, duties, and functions of the board of county road
27 commissioners of a county are transferred to the county board of
28 commissioners of that county under this subdivision and the powers
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4 commissioners of that county shall reestablish, by resolution, the
5 office of county drain commissioner as an elected office. The
6 resolution reestablishing the office of county drain commissioner
7 must provide for the appointment of an acting county drain
8 commissioner for that county who shall hold office until the next
9 general election at which a county drain commissioner will be
10 elected as provided in chapter X of the Michigan election law, 1954
11 PA 116, MCL 168.191 to 168.211.

12 (u) If, after a board of county road commissioners is
13 dissolved as provided in subdivision (s) or (t), the county board
14 of commissioners for a county determines that a board of county
15 road commissioners would provide a cost savings to the county
16 residents and would better meet the needs of the county residents,
17 the county board of commissioners for that county may do either of
18 the following:

19 (i) By majority vote of the members of the county board of
20 commissioners, adopt a county road system with a board of county
21 road commissioners as provided in chapter IV of 1909 PA 283, MCL
22 224.1 to 224.32.

23 (ii) By majority vote of the members of the county board of
24 commissioners, submit the question of adopting a county road system
25 with a board of county road commissioners to a vote of the electors
26 of the county as provided in chapter IV of 1909 PA 283, MCL 224.1
27 to 224.32.

28 (v) Loan money to a township within the county for the purpose
29 of funding a road construction project or providing matching funds

1 **money** for a joint project between the county and the township. A
2 loan granted under this subdivision must not exceed a term of 10
3 years.

4 **(w) By majority vote of the members of the county board of**
5 **commissioners, remove the appointed local health officer of that**
6 **county for any reason. As used in this subdivision, "local health**
7 **officer" means that term as defined in section 1105 of the public**
8 **health code, 1978 PA 368, MCL 333.1105.**

9 Enacting section 1. This amendatory act does not take effect
10 unless House Bill No. 5355 of the 101st Legislature is enacted into
11 law.