

Act No. 121
Public Acts of 2021
Approved by the Governor
December 16, 2021
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**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Senators Moss and McBroom

ENROLLED SENATE BILL No. 245

AN ACT 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 2017 PA 210.

The People of the State of Michigan enact:

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. 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, 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).

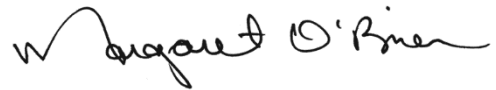
(r) An annual audit by an independent certified public accountant of all county funds.

(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.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 242 of the 101st Legislature is enacted into law.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor