



HOUSE BILL No. 4829

May 16, 1995, Introduced by Reps. Mathieu, Voorhees and Jaye and referred to the Committee on Local Government.

A bill to amend section 14 of Act No. 293 of the Public Acts of 1966, entitled as amended

"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; and to provide for the exercise by a charter county of certain powers whether or not authorized by its charter,"

as amended by Act No. 300 of the Public Acts of 1982, being section 45.514 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 14 of Act No. 293 of the Public Acts of
2 1966, as amended by Act No. 300 of the Public Acts of 1982, being
3 section 45.514 of the Michigan Compiled Laws, is amended to read
4 as follows:

1 Sec. 14. ~~(+)~~ A county charter adopted under this act
2 shall 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~~ IS elected at
5 large on a partisan basis and ~~for~~ the county executive's
6 authority, duties, and responsibilities. In a county having a
7 population of 1,500,000 or more, a county charter adopted
8 under this act shall provide for a form of executive government
9 described and adopted pursuant to the procedures prescribed in
10 section 11a.

11 (b) ~~The election of~~ FOR a legislative body, to be known as
12 the county board of commissioners ~~, whose term of office shall~~
13 ~~be concurrent with that of state representatives, and for~~ AND
14 their authority, duties, responsibilities, and number, which
15 shall be not less than 5 ~~nor~~ OR more than 21 in counties of
16 less than 600,000, and not less than 5 ~~nor~~ OR more than 27 in
17 counties of 600,000 or more. The county board of commissioners
18 is subject to section 10 of Act No. 261 of the Public Acts of
19 1966, being section 46.410 of the Michigan Compiled Laws. The
20 county board of commissioners shall provide by ordinance for
21 their compensation and may increase or decrease their
22 compensation. However, a change in compensation shall not be
23 effective during the term of office for which the legislative
24 body making the change was elected. The charter shall also pro-
25 vide for the partisan election of members of the legislative body
26 from single member districts to be established by the county
27 apportionment commission as created in section 5 and pursuant to

1 the standards and guidelines established in section 5 for
2 reapportionment based upon the last official federal decennial
3 census, effective at the first regular general election of the
4 members of the legislative body occurring not less than 12 months
5 after the completion and certification of the federal DECENNIAL
6 census. Each city and township shall be apportioned so that it
7 has the largest possible number of complete districts within its
8 boundaries before any part of the city or township is joined to
9 territory outside the boundaries of the city or township to form
10 a district.

11 (c) ~~The~~ FOR THE partisan election of a sheriff, a prose-
12 cuting attorney, a county clerk, a county treasurer, and a regis-
13 ter of deeds, and ~~for~~ the authority of the county board of com-
14 missioners to combine the county clerk and register of deeds into
15 1 office as authorized by law.

16 (d) Except as provided in subdivision (c), FOR the continua-
17 tion of all existing county offices, boards, commissions, and
18 departments whether established by law or by action of the county
19 board of commissioners; the performance of their respective
20 duties by other county offices, boards, commissions, and depart-
21 ments; or ~~for~~ the discontinuance of these county offices,
22 boards, commissions, and departments. Notwithstanding the provi-
23 sions of this subdivision in relation to existing county offices,
24 boards, commissions, and departments, a county charter shall
25 ~~insure~~ SATISFY the following REQUIREMENTS:

26 (i) In a county having a population of less than 1,500,000,
27 the charter shall not be in derogation of the powers and duties

1 of the county road commission in the exercise of their statutory
2 duties concerning the preservation of a county road system. The
3 charter for these counties shall provide for the creation of a
4 3-member commission. ~~Not less than~~ AT LEAST 1 member of the
5 3-member commission shall be a resident of a township within the
6 county.

7 (ii) In a county having a population of 1,500,000 or more,
8 the charter shall provide for the continuation of a county road
9 system within the county. Notwithstanding any other provisions
10 of this act, the charter described in this subparagraph shall
11 provide that responsibility for the determination of the expendi-
12 ture of all funds for road construction and road maintenance, and
13 for carrying out the powers and duties pertaining to a county
14 road system as provided in sections 9 to 32 of chapter 4 of Act
15 No. 283 of the Public Acts of 1909, ~~as amended,~~ being
16 sections 224.9 to 224.32 of the Michigan Compiled Laws, shall be
17 vested in a 3-member commission. The charter shall provide that
18 1 member of the 3-member commission shall be a resident of the
19 most populous city in the county, 1 member shall be a resident of
20 a city other than the most populous city within the county, and 1
21 member shall be a resident of a township within the county. The
22 charter shall provide that the 3-member commission shall be
23 appointed by either the elected county executive or the chief
24 administrative officer. Appointment to the 3-member commission
25 shall require advice and consent by a majority of the county
26 board of commissioners elected and serving not more than 60 days
27 after the appointment. If the county board of commissioners does

1 not vote on the appointment within 60 days, the appointment shall
2 become final. The charter may provide for a fixed term of years
3 for the members of the 3-member commission, but the charter ~~—~~
4 ~~however,~~ shall provide that the members of the 3-member commis-
5 sion may be removed at the pleasure of the elected county execu-
6 tive or the chief administrative officer. The charter shall
7 specify duties and procedures to assure that administrative deci-
8 sions made for road construction shall be coordinated with admin-
9 istrative decisions made for other programs ~~—which—~~ THAT relate
10 to roads. THIS SUBPARAGRAPH DOES NOT APPLY TO A COUNTY IN WHICH
11 THE CHARTER IS AMENDED TO PROVIDE FOR AN ALTERNATIVE METHOD OF
12 CARRYING OUT THE POWERS AND DUTIES THAT ARE OTHERWISE PROVIDED BY
13 LAW FOR A BOARD OF COUNTY ROAD COMMISSIONERS. As used in this
14 subparagraph, "road construction" means all of the following:

15 (A) The building of a new road or street and the improving
16 of an existing road or street by THE correction OF grades, THE
17 INSTALLATION, REPAIR, OR IMPROVEMENT OF drainage structures, THE
18 ALTERATION OF width ~~—~~ OR alignment, or THE REPAIR OR REPLACE-
19 MENT OF THE surface.

20 (B) The building of bridges or grade separations and the
21 repair of these structures by strengthening, widening, ~~—and—~~ OR
22 the replacement of piers and abutments.

23 (C) The initial signing of newly constructed roads or
24 streets, major resigning of projects, ~~—and—~~ OR the installation,
25 replacement, or improvement of traffic signals.

26 (e) ~~—The—~~ FOR THE continuation and implementation of a
27 system of pensions and retirement for county officers and

1 employees, in ~~those counties~~ A COUNTY having a system in effect
2 at the time of the adoption of the charter. The system provided
3 under the charter shall recognize the accrued rights and benefits
4 of the officers and employees under the system ~~then~~ in effect
5 AT THE TIME OF THE ADOPTION OF THE CHARTER. The charter shall
6 not infringe upon ~~nor~~ OR be in derogation of those accrued
7 rights and benefits. The charter shall not preclude future modi-
8 fication of the system.

9 (f) ~~The~~ FOR THE continuation and implementation of a
10 system of civil service, in ~~those counties~~ A COUNTY having a
11 system at the time of the adoption of the charter. The system of
12 civil service provided under the charter shall recognize the
13 rights and status of persons under the civil service system
14 ~~then~~ in effect AT THE TIME OF THE ADOPTION OF THE CHARTER. The
15 charter shall not infringe upon ~~nor~~ OR be in derogation of
16 those rights and that status. The charter shall not preclude
17 future modification of the system. Except as provided in subdi-
18 vision (d), the charter shall provide that the system of civil
19 service be coordinated among the county offices, boards, commis-
20 sions, and departments.

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

25 (h) That all ordinances of the county shall remain in effect
26 unless changed by the charter or an ordinance adopted under the
27 charter.

1 (i) ~~The~~ FOR THE power and authority to adopt, amend, and
2 repeal any ordinance authorized by law, or necessary to carry out
3 any power, function, or service authorized by this act and by the
4 charter.

5 (j) ~~The~~ FOR THE power and authority to enter into any
6 intergovernmental contract ~~which~~ THAT is not specifically pro-
7 hibited by law.

8 (k) ~~The~~ FOR THE power and authority to join, establish, or
9 form with any other governmental unit an intergovernmental dis-
10 trict or authority for the purpose of performing a public func-
11 tion or service ~~, which~~ THAT each is authorized to perform sep-
12 arately ~~,~~ AND the performance of which is not prohibited by
13 law.

14 (l) ~~A~~ FOR A debt limit of not to exceed 10% of the state
15 equalized value of the taxable property within the county.

16 (m) ~~The~~ FOR THE levy and collection of taxes, FOR the
17 fixing of an ad valorem property tax limitation of not to exceed
18 1% of the state equalized value of the taxable property within
19 the county, and that the levy of taxes from within this ad
20 valorem property tax limitation shall not exceed, unless other-
21 wise approved by the electors, the tax rate in mills, equal to
22 the number of mills allocated to the county either by a county
23 tax allocation board or by a separate tax limitation under the
24 property tax limitation act, Act No. 62 of the Public Acts of
25 1933, ~~as amended,~~ being sections 211.201 to 211.217a of the
26 Michigan Compiled Laws, in the year immediately preceding the
27 year in which the county adopts a charter.

1 (n) ~~Initiative~~ FOR INITIATIVE and referendum on all
2 matters within the scope of the county's power and authority ~~—~~
3 and ~~for~~ the recall of all county officials.

4 (o) ~~Amendment~~ FOR AMENDMENT or revision of the charter
5 initiated either by action of the legislative body of the county
6 or by initiatory process. An amendment or revision shall not
7 become effective unless the amendment or revision is submitted to
8 the electorate of the county and approved by a majority of those
9 voting.

10 (p) That the acquisition, operation, and sale of public
11 utility facilities for furnishing light, heat, or power shall be
12 subject to the same restrictions as imposed on cities and vil-
13 lages by the state constitution of 1963 and applicable law.

14 (q) ~~Annual~~ FOR ANNUAL preparation, review, approval, and
15 adherence to a balanced budget in a manner ~~which assures~~ THAT
16 ENSURES coordination among the county offices, boards, commis-
17 sions, and departments, except as provided in subdivision (d).

18 (r) ~~An~~ FOR AN annual audit by an independent certified
19 public accountant of all county funds.

20 (s) That, ~~a~~ IF THE county ~~that~~ incurs a budget deficit
21 in any fiscal year, IT shall prepare ~~and submit~~ a detailed and
22 specific 5-year plan for short term financial recovery and long
23 range financial stability AND, BEFORE ADOPTION OF THE NEXT ANNUAL
24 COUNTY BUDGET, SUBMIT THE PLAN to the governor and the legisla-
25 ture ~~— before adoption of the next annual county budget, —~~ for
26 review. The ~~5-year~~ plan shall include, but not be limited to,
27 a projection of annual revenues and expenditures, an employee

1 classification and pay plan, a capital improvements budget, and
2 equipment replacement schedules.

3 ~~(2) Subsection (1)(d)(ii) shall not apply to a county in~~
4 ~~which the charter is amended to provide for an alternative method~~
5 ~~of carrying out the powers and duties which are otherwise pro-~~
6 ~~vided by law for a board of county road commissioners.~~

7 Section 2. This amendatory act shall not take effect unless
8 Senate Bill No. _____ or House Bill No. 4828 (request
9 no. 03850'95) of the 88th Legislature is enacted into law.