

SENATE BILL No. 602

June 26, 2003, Introduced by Senators SWITALSKI and OLSHOVE and referred to the Committee on Local, Urban and State Affairs.

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~~ **county board of commissioners** from single
15 member districts to be established by the county apportionment
16 commission ~~as created in section 5 and~~ pursuant to the
17 standards and guidelines established in section 5. ~~for~~
18 ~~reapportionment based upon the last official federal decennial~~
19 ~~census, effective at the first regular general election of the~~
20 ~~members of the legislative body occurring not less than 12 months~~
21 ~~after the completion and certification of the federal census.~~
22 Each city and township shall be apportioned so that it has the
23 largest possible number of complete districts within its
24 boundaries before any part of the city or township is joined to
25 territory outside the boundaries of the city or township to form
26 a district.

27 (c) The partisan election of a sheriff, a prosecuting

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

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

16 (i) In a county having a population of less than 1,500,000,
17 the charter shall not ~~be in derogation of~~ **derogate** the powers
18 and duties of the county road commission in the exercise of their
19 statutory duties concerning the preservation of ~~a~~ **the** county
20 road system. The charter for these counties shall provide for
21 the creation of a 3-member commission. Not less than 1 member of
22 the 3-member commission shall be a resident of a township within
23 the county.

24 (ii) In a county having a population of 1,500,000 or more,
25 the charter shall provide for the continuation of a county road
26 system within the county. Notwithstanding any other provisions
27 of this act, the charter described in this subparagraph shall

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

1 **that** relate to roads. As used in this subparagraph, "road
2 construction" means all of the following:

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

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

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

12 **(iii) That a county road commission under either subparagraph**
13 **(i) or (ii) has the authority to purchase or sell real property**
14 **as may be necessary in the exercise of its statutory duties**
15 **concerning the preservation of the county road system.**

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

25 (f) The continuation and implementation of a system of civil
26 service in those counties having a system at the time of the
27 adoption of the charter. The system of civil service provided

1 under the charter shall recognize the rights and status of
2 persons under the civil service system then in effect. The
3 charter shall not infringe upon ~~nor be in derogation of~~ or
4 **derogate** those rights and that status. The charter shall not
5 preclude future modification of the system. Except as provided
6 in subdivision (d), the charter shall provide that the system of
7 civil service ~~be~~ **is** coordinated among the county offices,
8 boards, commissions, and departments.

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

13 (h) That all ordinances of the county shall remain in effect
14 unless changed by the charter or an ordinance adopted under the
15 charter.

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

19 (j) The power and authority to enter into any
20 intergovernmental contract which is not specifically prohibited
21 by law.

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

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

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

16 (n) Initiative and referendum on all matters within the scope
17 of the county's power and authority ~~;~~ and for the recall of all
18 county officials.

19 (o) Amendment or revision of the charter initiated either by
20 action of the ~~legislative body of the~~ county **board of**
21 **commissioners** or by initiatory process. An amendment or revision
22 ~~shall not become~~ **is not** effective unless the amendment or
23 revision is submitted to the electorate of the county and
24 approved by a majority of those voting.

25 (p) That the acquisition, operation, and sale of public
26 utility facilities for furnishing light, heat, or power ~~shall~~
27 ~~be~~ **are** subject to the same restrictions as imposed on cities and

1 villages by the state constitution of 1963 and applicable law.

2 (q) Annual preparation, review, approval, and adherence to a
3 balanced budget in a manner ~~which~~ **that** assures coordination
4 among the county offices, boards, commissions, and departments,
5 except as provided in subdivision (d).

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

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

17 (2) Subsection (1)(d)(ii) shall not apply to a county in
18 which the charter is amended to provide for an alternative method
19 of carrying out the powers and duties which are otherwise
20 provided by law for a board of county road commissioners.