

Legislative Analysis



PUBLIC WORKS BOARD IN CERTAIN COUNTIES: EXPAND MEMBERSHIP & ADD TOWNSHIP SUPERVISOR

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Senate Bill 215 as passed the Senate

Sponsor: Sen. Howard Walker

House Committee: Local, Intergovernmental, and Regional Affairs

Senate Committee: Local Government and Elections

House Bill 4419

Sponsor: Rep. Wayne Schmidt

House Committee: Local, Intergovernmental, and Regional Affairs

Complete to 5-25-11

A SUMMARY OF SENATE BILL 215 AS PASSED BY THE SENATE 5-4-11 & HOUSE BILL 4419 AS INTRODUCED 3-15-11

Senate Bill 215 would amend Public Act 185 of 1957 (MCL 123.732) to modify the membership of a county board of public works in counties having a population of more than 85,000 and less than 90,000. [Two Michigan counties meet that population requirement: Grand Traverse and Lapeer.] In those counties, under the bill, the board of public works could consist of 11, 13, or 15 members (rather than 5, 7, or 9, as is currently required).

Also in these counties, a township supervisor within the county or the township supervisor of a township that received service from the department of public works could be appointed as a member of the board of public works. A township supervisor so appointed would not be deemed to be holding two incompatible offices at the same time.

House Bill 4419 would make a complementary amendment to Public Act 566 of 1978, which prescribes standards of ethical conduct for public officers and employees in order to avoid conflicts of interest. It would allow a township supervisor to serve as a member of a county board of public works. House Bill 4419 is tie-barred to Senate Bill 215 (and to House Bill 4418, a bill with the same content as Senate Bill 215), meaning it cannot take effect unless that bill is also enacted.

Currently under the law, a county board of commissioners may establish a department of public works for the administration and maintenance of the water supply system; a sewage disposal system; a refuse system; an erosion control system; and lake improvements.

While a department of public works falls under the general control of a county's board of commissioners, the department's day-to-day operations are under the immediate control of a board of public works. Generally under the law, the board of public works consists of 5, 7, or 9 members. Or, a county board of commissioners can designate the county

commission itself, the drain commissioner, or a public works commissioner to serve as the board of public works.

Senate Bill 215 would create an exception to the membership requirement (of 5, 7, or 9 members) for a county with a population of more than 85,000 and less than 90,000 according to the latest federal decennial census (i.e., Grand Traverse and Lapeer Counties). In those counties, the board of public works could consist of 11, 13, or 15 members.

Further, under current law, membership on a board of public works must include the county drain commissioner and 4, 6, or 8 other members appointed by the county board of commissioners. Members of the county board of commissioners may be appointed as members of the board of public works. Senate Bill 215 would retain these provisions. Similarly, under the bill, if a board of public works consisted of 11, 13, or 15 members, it would have to include the drain commissioner, and 10, 12, or 14 other members appointed by the county board of commissioners. Members of the county board of commissioners could be appointed as members of the board of public works. Further, the township supervisor within the county (or the township supervisor of a township that received service from the department) could be appointed to the board of public works. Senate Bill 215 specifies that in that instance, a township supervisor "shall not be deemed to hold two or more incompatible offices at the same time."

Now under the law, if a county department of public works serves another county (or a portion of another county), then each of the 4, 6, or 8 members must be a resident of the geographic areas served by the department. Senate Bill 215 would extend this requirement to public works departments having 10, 12, or 14 members.

FISCAL IMPACT:

As written, the bill would have no state fiscal impact, and could have an indeterminate fiscal impact for those counties that choose to expand their boards of public works. Increasing the number of board members would increase costs, but to the extent that other boards or committees would be reduced or eliminated, costs would decrease.

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