



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bills 215 and 216 (as introduced 3-2-11)  
Sponsor: Senator Howard C. Walker  
Committee: Local Government and Elections

Date Completed: 4-12-11

### **CONTENT**

**Senate Bill 215 would amend Public Act 185 of 1957, which authorizes a county to establish a department and board of public works, to increase the number of members who may serve on a board of public works in Grand Traverse County and Lapeer County; and allow a township supervisor to be appointed as a board member in those counties.**

**Senate Bill 216 would amend Public Act 566 of 1978, which prohibits a public officer from holding incompatible offices, to provide that the incompatible offices ban would not prohibit a township supervisor from being appointed to a county board of public works.**

Senate Bill 216 is tie-barred to Senate Bill 215.

### **Senate Bill 215**

Under Public Act 185 of 1957, a county board of commissioners may establish a department of public works for the administration of the acquisition, improvement, enlargement, extension, operation, and maintenance of the following:

- A water supply system.
- A sewage disposal system.
- A refuse system.
- An erosion control system.
- Lake improvements.

A department of public works is under the general control of the county board of commissioners and under the immediate control of a board of public works. Generally, the board of public works must consist of five, seven, or nine members, although the county board of commissioners may designate one of the following as the board of public works:

- The board of county road commissioners.
- The drain commissioner.
- The public works commissioner.

The bill would create an exception to the membership requirement 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 could consist of 11, 13, or 15 members.

Under the Act, membership on a board of public works must include the county drain commissioner and four, six, or eight other members appointed by the county board of commissioners, with the exception of the drain commissioner. Members of the county board of commissioners may be appointed as members of the board of public works.

Under the bill, if a board of public works consisted of 11, 13, or 15 members, it would have to include 10, 12, or 14 other members appointed by the county board of commissioners, with the exception of the drain commissioner. Members of the county board of commissioners could be appointed as members of the board of public works. In addition, on such a board, the township supervisor of a township within the county or a township that received service by the department of public works also could be appointed. A township supervisor appointed as a member of the board of public works would not be deemed to hold two or more incompatible offices at the same time.

### **Senate Bill 216**

Under Section 2 of Public Act 566 of 1978, a public officer or employee may not hold two or more incompatible offices at the same time, subject to specific exceptions. ("Incompatible offices" means public offices held by a public official which, when the official is performing the duties of any of those offices, results in any of the following: the subordination of one public office to another, the supervision of one public office by another, or a breach of duty of public office.)

The bill provides that Section 2 would not prohibit a township supervisor from being appointed as a member of a county board of public works.

MCL 123.732 (S.B. 215)  
15.183 (S.B. 216)

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

#### **Senate Bill 215**

The bill would increase local unit expenses by a negligible amount in a county that increased the number of members on the board of public works. The bill would only affect Grand Traverse and Lapeer Counties. The magnitude of any increased expense would depend on compensation a county board of commissioners set for members of the board of public works and the number of additional members.

The bill would have no fiscal impact on State government.

#### **Senate Bill 216**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.