

HOUSE BILL NO. 5546

February 25, 2020, Introduced by Reps. LaGrand, Paquette, Eisen, Mueller and Berman and referred to the Committee on Local Government and Municipal Finance.

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 2017 PA 210.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



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1 Sec. 14. (1) A county charter adopted under this act must
2 provide for all of the following:

3 (a) In a county that has a population of less than 1,500,000,
4 for a salaried county executive, who ~~shall be~~ **is** elected at large
5 on a partisan basis, and for the county executive's authority,
6 duties, and responsibilities. In a county that has a population of
7 1,500,000 or more, a county charter adopted under this act must
8 provide for a form of executive government described and adopted
9 under section 11a.

10 (b) The election of a legislative body to be known as the
11 county board of commissioners, whose term of office must be
12 concurrent with that of state representatives, and for their
13 authority, duties, responsibilities, and number, which must be not
14 less than 5 or more than 21. The county board of commissioners
15 shall provide by ordinance for their compensation and may increase
16 or decrease their compensation. A change in compensation is not
17 effective during the term of office for which the legislative body
18 making the change was elected. The charter must also provide for
19 the partisan election of members of the legislative body from
20 single-member districts to be established by the county
21 apportionment commission as created in section 5 and under the
22 standards and guidelines established in section 5 for
23 reapportionment based on the last official federal decennial
24 census, effective at the first regular general election of the
25 members of the legislative body occurring not less than 12 months
26 after the completion and certification of the federal census. Each
27 city and township must be apportioned so that it has the largest
28 possible number of complete districts within its boundaries before
29 any part of the city or township is joined to territory outside the



1 boundaries of the city or township to form a district.

2 (c) The ~~partisan~~**nonpartisan** election of a sheriff, a
3 prosecuting attorney, a county clerk, a county treasurer, and a
4 register of deeds, and for the authority of the county board of
5 commissioners to combine the county clerk and register of deeds
6 into 1 office as authorized by law.

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

16 (i) Except as otherwise provided under subsection (2), in a
17 county that has a population of less than 1,500,000, the charter
18 must not be in derogation of the powers and duties of the county
19 road commission in the exercise of its statutory duties concerning
20 the preservation of a county road system. The charter for these
21 counties must provide for the creation of a commission that
22 consists of not fewer than 3 or more than 5 members. Not less than
23 1 member of the commission must be a resident of a township within
24 the county.

25 (ii) Except as otherwise provided in subsection (2), in a
26 county that has a population of 1,500,000 or more, the charter must
27 provide for the continuation of a county road system within the
28 county. Notwithstanding any other provisions of this act, the
29 charter described in this subparagraph must provide that



1 responsibility for the determination of the expenditure of all
2 funds for road construction and road maintenance and for carrying
3 out the powers and duties pertaining to a county road system as
4 provided in sections 9 to 32 of chapter IV of 1909 PA 283, MCL
5 224.9 to 224.32, is vested in a commission that consists of not
6 fewer than 3 or more than 5 members. The charter must provide that
7 1 member of the commission is a resident of the most populous city
8 in the county, 1 member is a resident of a city other than the most
9 populous city within the county, and 1 member is a resident of a
10 township within the county. The charter must provide that the
11 commission is appointed by either the elected county executive or
12 the chief administrative officer. Appointment to the commission
13 must require advice and consent by a majority of the county board
14 of commissioners elected and serving not more than 60 days after
15 the appointment. If the county board of commissioners does not vote
16 on the appointment within 60 days, the appointment is final. The
17 charter may provide for the number of members and a fixed term of
18 years for the members of the commission, but the charter must
19 provide that the members of the commission may be removed at the
20 pleasure of the elected county executive or the chief
21 administrative officer. The charter must specify duties and
22 procedures to assure that administrative decisions made for road
23 construction are coordinated with administrative decisions made for
24 other programs ~~which~~**that** relate to roads. As used in this
25 subparagraph, "road construction" means all of the following:

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

29 (B) The building of bridges or grade separations and the



1 repair of these structures by strengthening, widening, and the
2 replacement of piers and abutments.

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

6 (e) Subject to section 15c, the continuation and
7 implementation of a system of pensions and retirement for county
8 officers and employees in those counties that have a system in
9 effect at the time of the adoption of the charter. The system
10 provided under the charter must recognize the accrued rights and
11 benefits of the officers and employees under the system then in
12 effect. The charter must not infringe on nor be in derogation of
13 those accrued rights and benefits. Subject to section 15c, the
14 charter must not preclude future modification of the system.

15 (f) The continuation and implementation of a system of civil
16 service in those counties having a system at the time of the
17 adoption of the charter. The system of civil service provided under
18 the charter must recognize the rights and status of persons under
19 the civil service system then in effect. The charter must not
20 infringe on nor be in derogation of those rights and that status.
21 The charter must not preclude future modification of the system.
22 Except as provided in subdivision (d), the charter must provide
23 that the system of civil service be coordinated among the county
24 offices, boards, commissions, and departments.

25 (g) That the general statutes and local acts of this state
26 regarding counties and county officers will continue in effect
27 except to the extent that this act permits the charter to provide
28 otherwise, if the charter does in fact provide otherwise.

29 (h) That all ordinances of the county will remain in effect



1 unless changed by the charter or an ordinance adopted under the
2 charter.

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

6 (j) The power and authority to enter into any
7 intergovernmental contract which is not specifically prohibited by
8 law.

9 (k) The power and authority to join, establish, or form with
10 any other governmental unit an intergovernmental district or
11 authority for the purpose of performing a public function or
12 service, which each is authorized to perform separately, the
13 performance of which is not prohibited by law.

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

16 (m) The levy and collection of taxes, the fixing of an ad
17 valorem property tax limitation of not to exceed 1% of the state
18 equalized value of the taxable property within the county, and that
19 the levy of taxes from within this ad valorem property tax
20 limitation must not exceed, unless otherwise approved by the
21 electors, the tax rate in mills, equal to the number of mills
22 allocated to the county either by a county tax allocation board or
23 by a separate tax limitation under the property tax limitation act,
24 1933 PA 62, MCL 211.201 to 211.217a, in the year immediately
25 preceding the year in which the county adopts a charter.

26 (n) Initiative and referendum on all matters within the scope
27 of the county's power and authority; and for the recall of all
28 county officials.

29 (o) Amendment or revision of the charter initiated either by



1 action of the legislative body of the county or by initiatory
2 process. An amendment or revision ~~must~~**does** not become effective
3 unless the amendment or revision is submitted to the electorate of
4 the county and approved by a majority of those voting.

5 (p) That the acquisition, operation, and sale of public
6 utility facilities for furnishing light, heat, or power must be
7 subject to the same restrictions as imposed on cities and villages
8 by the state constitution of 1963 and applicable law.

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

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

15 (s) That a county that incurs a budget deficit in any fiscal
16 year shall prepare and submit a detailed and specific 5-year plan
17 for short-term financial recovery and long-range financial
18 stability to the governor and the legislature, before adoption of
19 the next annual county budget, for review. The 5-year plan must
20 include, but not be limited to, a projection of annual revenues and
21 expenditures, an employee classification and pay plan, a capital
22 improvements budget, and equipment replacement schedules.

23 (2) Subsection (1)(d) does not apply to a county in which the
24 charter is amended to provide for an alternative method of carrying
25 out the powers and duties ~~which~~**that** are otherwise provided by law
26 for a board of county road commissioners.

27 (3) The county board of commissioners may by resolution
28 provide for staggered terms of office for the road commissioners
29 under subsection (1)(d) so that not more than 2 road commissioners'



1 terms of office expire in the same year.

2 Enacting section 1. This amendatory act does not take effect
3 unless Senate Bill No. _____ or House Bill No. 5545 (request no.
4 01384'19) of the 100th Legislature is enacted into law.

