

HOUSE BILL No. 4113

February 7, 1989, Introduced by Rep. Griffin and referred to the Committee on Towns and Counties.

A bill to amend sections 10 and 19 of chapter IV of Act No. 283 of the Public Acts of 1909, entitled as amended

"An act to revise, consolidate and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance and use of the public highways and private roads, the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; setting and protecting shade trees, drainage, cutting weeds and brush within this state, and providing for the election or appointment and defining the powers, duties and compensation of state, county, township and district highway officials,"

section 10 as amended by Act No. 133 of the Public Acts of 1984 and section 19 as amended by Act No. 381 of the Public Acts of 1980, being sections 224.10 and 224.19 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 10 and 19 of chapter IV of Act No. 283
2 of the Public Acts of 1909, section 10 as amended by Act No. 133
3 of the Public Acts of 1984 and section 19 as amended by Act

1 No. 381 of the Public Acts of 1980, being sections 224.10 and
2 224.19 of the Michigan Compiled Laws, are amended to read as
3 follows:

4 CHAPTER IV

5 Sec. 10. (1) The clerk and the members of a board of county
6 road commissioners ~~shall be~~ ARE subject to Act No. 317 of the
7 Public Acts of 1968, being sections 15.321 to 15.330 of the
8 Michigan Compiled Laws.

9 (2) The board of county road commissioners shall employ a
10 competent county highway engineer who shall make surveys ordered
11 by the board, prepare plans and specifications for roads,
12 bridges, and culverts, and exercise general supervision over con-
13 struction to insure that the plans and specifications are
14 strictly followed. Two or more adjoining counties may employ the
15 same engineer, if the work in 1 or more of the counties is not
16 enough to employ the whole time of the engineer. The engineer
17 employed by the board shall be known as the county highway
18 engineer.

19 (3) The board may also engage other professional and consul-
20 tant services as it considers necessary to implement this act and
21 promote efficiency and economy in the operation of the county
22 road system. The board may also employ other necessary laborers
23 and may purchase machines, tools, appliances, and materials which
24 it considers necessary or convenient for the performance of work
25 by the laborers. In cases involving the expenditure of an amount
26 greater than ~~\$5,000.00~~ \$10,000.00 for the purchase of machines,
27 tools, appliances, and materials, the board of county road

1 commissioners shall advertise for sealed proposals for the
2 machines, tools, appliances, and materials proposed to be pur-
3 chased, except under emergency conditions, in which case the
4 limit shall not exceed ~~-\$10,000.00-~~ \$20,000.00. The board shall
5 advertise for sealed proposals for the purchase of passenger
6 vehicles and trucks weighing less than 5,000 pounds. The board
7 may purchase surplus properties from the state and federal gov-
8 ernments without advertising for sealed proposals.

9 (4) Notwithstanding the provisions of section 21 of this
10 chapter, the board may enter into a contract or agreement for the
11 purchase of machines, tools, appliances, and materials to be used
12 for public purposes and to be paid for in installments over a
13 period not to exceed 5 years or the useful life of the property
14 acquired, whichever is less.

15 (5) Each county road commission shall take all reasonable
16 steps to ensure minority business enterprises have the equal
17 opportunity to compete and perform contracts ~~—~~ or purchases of
18 services, or both, for the county road commission. The county
19 road commission shall issue a plan for implementing this
20 subsection.

21 Sec. 19. (1) The board of county road commissioners may
22 grade, drain, construct, gravel, shale, or macadamize a road
23 under its control, make an improvement in the road, ~~which it~~
24 ~~considers best,~~ and may extend and enlarge an improvement. The
25 board may construct bridges and culverts on the line of the road,
26 and repair and maintain roads, bridges, and culverts.

1 (2) The commissioners shall take over, construct, and
2 maintain the bridges included in the proposed system of county
3 roads provided in section 18 of this chapter, except ~~with~~
4 ~~respect to~~ bridges ~~which may be~~ THAT ARE lawfully taken over
5 for construction and maintenance in whole or in part by the
6 state. When it is necessary to construct a bridge across a
7 navigable stream over which a road under the control of the board
8 of county road commissioners runs, the board may construct,
9 repair, and maintain a bridge across the navigable stream with
10 proper and adequate approaches to the bridge for the accommoda-
11 tion of traffic, and the bridge and the approaches to the bridge
12 shall be of a width, size, strength, material, pattern, and
13 design which the board considers suitable to meet the necessities
14 and requirements of traffic and the relevant conditions, despite
15 the fact that the bridge or the approaches to the bridge, or a
16 portion of either, is within the limits of an incorporated
17 municipality. The board of county road commissioners may borrow
18 money, enter into contracts, and pledge the credit of the county
19 in the manner and within the limitations provided by law for this
20 purpose. For money borrowed, an obligation assumed, or a pledge
21 of credit given, the bonds of the county may be issued and sold
22 when authorized by the electors in the manner provided by law.
23 The authority and powers granted in this section relative to
24 bridges over navigable streams and the grant of that authority
25 ~~shall be~~ ARE retroactive and all acts of boards of county road
26 commissioners, county boards of commissioners and other county
27 officers, and all elections held, indebtedness incurred or

1 authorized, and bonds approved or authorized by the electors of
2 the county, to be issued and sold for the purpose and with the
3 intent to provide for the construction, repair, and maintenance
4 of bridges over navigable streams and their approaches are valid
5 and binding acts and obligations. The obligations assumed,
6 indebtedness incurred, pledge of credit given, and bonds issued
7 or authorized by counties within this state for these purposes
8 are ~~declared~~ valid.

9 (3) The construction, improvement, and maintenance of roads,
10 bridges, and culverts, shall be in accordance with plans and
11 specifications furnished or approved by the county highway engi-
12 neer, who shall have supervision of the construction. The county
13 road commissioners ~~shall~~ have all the authority in respect to
14 the roads, bridges, and culverts which is vested in highway offi-
15 cers in townships, including the right to condemn gravel for road
16 purposes and to petition the county drain commissioner for an
17 outlet drain as provided in section 8 of chapter 15.

18 (4) The board of county road commissioners may maintain in
19 its own name an action for injury to a county road, ~~or~~ a part
20 of the road as laid out and established, or to an improvement on
21 the road. Money recovered in the action shall be paid to the
22 county treasurer ~~—~~ and shall be credited to the county road
23 fund.

24 (5) When the board of county road commissioners decides to
25 build or rebuild a road or bridge by a method other than by
26 employment of day labor and purchase of necessary materials, the
27 board shall advertise for sealed bids for the work, if the work

1 involves an expenditure of an amount greater than ~~\$10,000.00~~
2 \$20,000.00. The board may reject any and all bids ~~—~~ and may do
3 the work by day labor, purchasing the necessary materials and
4 employing the necessary labor. If the board decides to do the
5 work by day labor, the plans and specifications together with all
6 bids received on the plans and specifications, and the reason, in
7 writing, for not letting the job by contract, shall be filed in
8 the office of the county clerk. If a bridge is to be repaired or
9 built at a cost greater than \$500.00, the county road commission-
10 ers may apply to the state transportation department, which shall
11 assign a competent engineer to review and report on plans that
12 may have been prepared by the county highway engineer, or decide
13 regarding the merits of each plan on which tenders may have been
14 received before the contract was let, and pass on the completed
15 structure before the contractor for that contract is paid.