

HOUSE BILL No. 4900

June 7, 1989, Introduced by Reps Brown and Gilmer and referred to the Committee on Towns and Counties.

A bill to amend section 14 of Act No. 293 of the Public Acts of 1966, entitled as amended

"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; and to prescribe the mandatory and permissive provisions of a charter,"

as amended by Act No. 300 of the Public Acts of 1982, being section 45.514 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 14 of Act No. 293 of the Public Acts of
2 1966, as amended by Act No. 300 of the Public Acts of 1982, being
3 section 45.514 of the Michigan Compiled Laws, is amended to read
4 as follows:

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

1 (a) In a county having a population of less than 1,500,000,
2 for a salaried county executive, who shall be elected at large on
3 a partisan basis, and for the county executive's authority,
4 duties, and responsibilities. In a county having a population of
5 1,500,000, or more, a county charter adopted under this act shall
6 provide for a form of executive government described and adopted
7 pursuant to the procedures prescribed in section 11a.

8 (b) The election of a legislative body to be known as the
9 county board of commissioners, whose term of office shall be con-
10 current with that of state representatives, and for their author-
11 ity, duties, responsibilities, and number which shall be not less
12 than 5 ~~nor~~ OR more than 21 in ~~counties~~ A COUNTY WITH A
13 POPULATION of less than 600,000, and not less than 5 ~~nor~~ OR
14 more than 27 in ~~counties~~ A COUNTY WITH A POPULATION of 600,000
15 or more. The county board of commissioners shall provide by
16 ordinance for their compensation and may increase or decrease
17 their compensation. However, a change in compensation shall not
18 be effective during the term of office for which the legislative
19 body making the change was elected. The charter shall also pro-
20 vide for the partisan election of members of the legislative body
21 from single member districts to be established by the county
22 apportionment commission as created in section 5 and pursuant to
23 the standards and guidelines established in section 5 for reap-
24 portionment based upon the last official federal decennial
25 census, effective at the first regular general election of the
26 members of the legislative body occurring not less than 12 months
27 after the completion and certification of the federal census.

1 Each city and township shall be apportioned so that it has the
2 largest possible number of complete districts within its bounda-
3 ries before any part of the city or township is joined to terri-
4 tory outside the boundaries of the city or township to form a
5 district.

6 (c) The partisan election of a sheriff, a prosecuting attor-
7 ney, a county clerk, a county treasurer, and a register of deeds,
8 and for the authority of the county board of commissioners to
9 combine the county clerk and register of deeds into 1 office as
10 authorized by law.

11 (d) Except as provided in subdivision (c), the continuation
12 of all existing county offices, boards, commissions, and depart-
13 ments whether established by law or by action of the county board
14 of commissioners; the performance of their respective duties by
15 other county offices, boards, commissions, and departments; or
16 ~~for~~ the discontinuance of these county offices, boards, commis-
17 sions, and departments. Notwithstanding the provisions of this
18 subdivision in relation to existing county offices, boards, com-
19 missions, and departments, a county charter shall ~~insure~~ ENSURE
20 the following:

21 (i) In a county having a population of less than 1,500,000,
22 the charter shall not be in derogation of the powers and duties
23 of the county road commission in the exercise of their statutory
24 duties concerning the preservation of a county road system. The
25 charter for these counties shall provide for the creation of a
26 3-member commission. Not less than 1 member of the 3-member
27 commission shall be a resident of a township within the county.

1 (ii) In a county having a population of 1,500,000 or more,
2 the charter shall provide for the continuation of a county road
3 system within the county. Notwithstanding any other provisions
4 of this act, the charter described in this subparagraph shall
5 provide that responsibility for the determination of the expendi-
6 ture of all funds for road construction and road maintenance, and
7 for carrying out the powers and duties pertaining to a county
8 road system as provided in sections 9 to 32 of chapter 4 of Act
9 No. 283 of the Public Acts of 1909, as amended, being sections
10 224.9 to 224.32 of the Michigan Compiled Laws, shall be vested in
11 a 3-member commission. The charter shall provide that 1 member
12 of the 3-member commission shall be a resident of the most popu-
13 lous city in the county, 1 member shall be a resident of a city
14 other than the most populous city within the county, and 1 member
15 shall be a resident of a township within the county. The charter
16 shall provide that the 3-member commission shall be appointed by
17 either the elected county executive or the chief administrative
18 officer. Appointment to the 3-member commission shall require
19 advice and consent by a majority of the county board of commis-
20 sioners elected and serving not more than 60 days after the
21 appointment. If the county board of commissioners does not vote
22 on the appointment within 60 days, the appointment shall become
23 final. The charter may provide for a fixed term of years for the
24 members of the 3-member commission, but the charter ~~—, however,~~
25 shall provide that the members of the 3-member commission may be
26 removed at the pleasure of the elected county executive or the
27 chief administrative officer. The charter shall specify duties

1 and procedures to assure that administrative decisions made for
2 road construction shall be coordinated with administrative deci-
3 sions made for other programs which relate to roads. As used in
4 this subparagraph, "road construction" means all of the
5 following:

6 (A) The building of a new road or street and the improving
7 of an existing road or street by THE correction OF grades, THE
8 INSTALLATION, REPAIR, OR IMPROVEMENT OF drainage structures, THE
9 IMPROVEMENT OF width, THE CORRECTION OF alignment, or THE REPAIR
10 OR REPLACEMENT OF THE surface.

11 (B) The building of bridges or grade separations and the
12 repair of these structures by strengthening, widening, and the
13 replacement of piers and abutments.

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

17 (e) The continuation and implementation of a system of pen-
18 sions and retirement for county officers and employees in those
19 counties having a system in effect at the time of the adoption of
20 the charter. The system provided under the charter shall recog-
21 nize the accrued rights and benefits of the officers and employ-
22 ees under the system then in effect. The charter shall not
23 infringe upon ~~nor~~ OR be in derogation of those accrued rights
24 and benefits. The charter shall not preclude future modification
25 of the system.

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

1 adoption of the charter. The system of civil service provided
2 under the charter shall recognize the rights and status of per-
3 sons under the civil service system then in effect. The charter
4 shall not infringe upon nor be in derogation of those rights and
5 that status. The charter shall not preclude future modification
6 of the system. Except as provided in subdivision (d), the
7 charter shall provide that the system of civil service be coordi-
8 nated among the county offices, boards, commissions, and
9 departments.

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

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

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

20 (j) The power and authority to enter into any intergovern-
21 mental contract ~~which~~ THAT is not specifically prohibited by
22 law.

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

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

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

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

23 (p) That the acquisition, operation, and sale of public
24 utility facilities for furnishing light, heat, or power shall be
25 subject to the same restrictions as imposed on cities and vil-
26 lages by the state constitution of 1963 and applicable law.

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

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

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

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

21 Section 2. This amendatory act shall not take effect unless
 22 Senate Bill No. _____ or House Bill No. ⁴⁸⁹⁹ (request
 23 no. 03191'89) of the 85th Legislature is enacted into law.