

# SENATE BILL No. 687

September 16, 2003, Introduced by Senator BISHOP and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1973 PA 139, entitled

"An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,"

by amending sections 9 and 10 (MCL 45.559 and 45.560), section 9 as amended by 1980 PA 100, and by adding section 9a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 9. (1) A county executive who is a qualified elector  
2 in the county shall be elected on a partisan basis for a term of  
3 4 years concurrent with ~~that~~ **the term** of the county prosecuting  
4 attorney, county clerk, county register of deeds, county  
5 treasurer, county sheriff, elected county auditors, and county  
6 drain commissioner. ~~The first term of office of~~ **If** a county

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1 executive ~~, when~~ **is** elected at an election different than the  
2 election for county officers, **his or her first term** shall extend  
3 only until the January following the election ~~at which~~ **for**  
4 county officers. ~~are elected.~~

5 (2) The first county executive may be nominated in the same  
6 or next primary or general election held after the election in  
7 which alternate B is approved. The county executive shall then  
8 be elected in the next regular primary or general election  
9 occurring not less than 30 days nor more than 90 days after the  
10 date of the election in which alternate B is approved or in which  
11 he or she was nominated. If a primary or general election is not  
12 scheduled during ~~the~~ **that** period, the ~~county executive shall~~  
13 ~~be elected at a special election called by the~~ board of county  
14 commissioners ~~for this purpose within the period. Thereafter,~~  
15 ~~the~~ **shall call a special election to elect a county executive.**  
16 **The** county executive shall be nominated and elected ~~in~~  
17 ~~accordance with and subject~~ **pursuant** to the laws applicable to  
18 the nomination and election of other county officials.

19 (3) If the first election of a county executive is a special  
20 election for that purpose only, and ~~not more than~~ **only** 1  
21 candidate for each political party qualifies to have his or her  
22 name appear on the primary ballot, a primary election shall not  
23 be held, and the candidate qualifying shall be certified as the  
24 nominee of the political party for which he or she filed.

25 ~~(4) The office of elected county executive which becomes~~  
26 ~~vacant due to resignation or death shall be filled by appointment~~  
27 ~~of the board of county commissioners until the next general~~

1 ~~election. A new county executive shall be elected at the next~~  
2 ~~general election after the resignation or death of a county~~  
3 ~~executive and in the manner provided in this section for the~~  
4 ~~election of county executives. The newly elected county~~  
5 ~~executive shall serve a term equal to the balance of the term for~~  
6 ~~which the county executive who resigned or died was elected.~~

7       (4) ~~—(5)—~~ The salary of the county executive for the initial  
8 term shall be established by the board of county commissioners  
9 ~~not less than~~ **at least** 6 months before the **effective** date of  
10 the optional unified form of county government, containing  
11 alternate B. ~~becomes effective.~~ The salary shall be established  
12 by the board consistent with the procedures established for other  
13 elected officials. The county executive's salary shall be  
14 commensurate with the duties and responsibilities of the office.  
15 The salary of a county executive shall not be reduced during his  
16 or her term of office except as part of a general salary  
17 reduction.

18       Sec. 9a. (1) If a vacancy occurs in the office of the  
19 elected county executive due to death or resignation of the  
20 elected county executive, the chief deputy shall take the  
21 constitutional oath of office and serve as the county executive  
22 until the county board of commissioners appoints a successor to  
23 the elected county executive or until a special election is held  
24 as provided by law.

25       (2) If the county board of commissioners elects to appoint a  
26 successor, the appointment shall be made no later than 30 days  
27 from the date of the death or resignation. A county executive

1 appointed by the county board of commissioners shall serve until  
2 the next general election. If the county board of commissioners  
3 does not make an appointment within the required 30 days under  
4 this subsection, a special election shall be held at the earliest  
5 possible date allowed by law.

6 (3) If the chief deputy is unable to serve as the county  
7 executive due to death or resignation of the chief deputy, the  
8 next highest ranking deputy shall take the constitutional oath of  
9 office and serve as the county executive until the county board  
10 of commissioners appoints a successor as provided under  
11 subsection (1) or until a special election is held as provided by  
12 law.

13 (4) A new county executive shall be elected at the next  
14 general election after the death or resignation of a county  
15 executive as provided in section 9 for the election of county  
16 executives. The newly elected county executive shall serve a  
17 term equal to the balance of the term for which the county  
18 executive who died or resigned was elected.

19 Sec. 10. (1) Within 10 days after being elected, the county  
20 executive shall appoint a chief deputy. The county executive may  
21 also appoint additional deputies who he or she considers  
22 necessary to perform the functions and duties of the office of  
23 elected county executive.

24 (2) The county executive shall file a statement with the  
25 county clerk identifying the individual appointed as chief deputy  
26 and all other individuals appointed as a deputy. The statement  
27 shall also identify the ranking order of the deputies.

1           (3) If the county executive is absent or unable to perform  
2 the duties of his or her office, the chief deputy shall perform  
3 the duties of the county executive until such time that the  
4 elected county executive can resume the duties of his or her  
5 office.

6           (4) The county executive may revoke his or her appointments  
7 at any time.

8           (5) The county executive shall be responsible for the overall  
9 supervision of all county departments not headed by other elected  
10 officials.