

HOUSE BILL No. 4316

February 15, 2005, Introduced by Rep. Gaffney and referred to the Committee on Transportation.

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 1982 PA 300.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) In a county having a population of less than 1,500,000,
4 for a salaried county executive, who shall be elected at large on a
5 partisan basis, and for the county executive's authority, duties,

1 and responsibilities. In a county having a population of 1,500,000,
2 or more, a county charter adopted under this act shall provide for
3 a form of executive government described and adopted ~~pursuant to~~
4 ~~the procedures prescribed in~~ **UNDER** section 11a.

5 (b) The election of a legislative body to be known as the
6 county board of commissioners, whose term of office shall be
7 concurrent with that of state representatives, and for their
8 authority, duties, responsibilities, and number which shall be not
9 less than 5 nor more than 21 in counties of less than 600,000, and
10 not less than 5 nor more than 27 in counties of 600,000 or more.
11 The county board of commissioners shall provide by ordinance for
12 their compensation and may increase or decrease their compensation.
13 ~~However, a~~ A change in compensation shall not be effective during
14 the term of office for which the legislative body making the change
15 was elected. The charter shall also provide for the partisan
16 election of members of the legislative body from single member
17 districts to be established by the county apportionment commission
18 as created in section 5 and pursuant to the standards and
19 guidelines established in section 5 for reapportionment based upon
20 the last official federal decennial census, effective at the first
21 regular general election of the members of the legislative body
22 occurring not less than 12 months after the completion and
23 certification of the federal census. Each city and township shall
24 be apportioned so that it has the largest possible number of
25 complete districts within its boundaries before any part of the
26 city or township is joined to territory outside the boundaries of
27 the city or township to form a district.

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

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

15 (i) ~~In~~ **EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (2), IN**
16 a county having a population of less than 1,500,000, the charter
17 shall not be in derogation of the powers and duties of the county
18 road commission in the exercise of their statutory duties
19 concerning the preservation of a county road system. The charter
20 for these counties shall provide for the creation of a ~~3-member~~
21 commission **CONSISTING OF NOT FEWER THAN 3 OR MORE THAN 5 MEMBERS.**
22 Not less than 1 member of the ~~3-member~~ commission shall be a
23 resident of a township within the county.

24 (ii) ~~In~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), IN** a
25 county having a population of 1,500,000 or more, the charter shall
26 provide for the continuation of a county road system within the
27 county. Notwithstanding any other provisions of this act, the

1 charter described in this subparagraph shall provide that
2 responsibility for the determination of the expenditure of all
3 funds for road construction and road maintenance, and for carrying
4 out the powers and duties pertaining to a county road system as
5 provided in sections 9 to 32 of chapter 4 of ~~Act No. 283 of the~~
6 ~~Public Acts of 1909, as amended, being sections 224.9 to 224.32 of~~
7 ~~the Michigan Compiled Laws~~ **1909 PA 283, MCL 224.9 TO 224.32**, shall
8 be vested in a ~~3-member~~ commission **CONSISTING OF NOT FEWER THAN 3**
9 **OR MORE THAN 5 MEMBERS**. The charter shall provide that 1 member of
10 the ~~3-member~~ commission shall be a resident of the most populous
11 city in the county, 1 member shall be a resident of a city other
12 than the most populous city within the county, and **THAT** 1 member
13 shall be a resident of a township within the county. The charter
14 shall provide that the ~~3-member~~ commission shall be appointed by
15 either the elected county executive or the chief administrative
16 officer. Appointment to the ~~3-member~~ commission shall require
17 advice and consent by a majority of the county board of
18 commissioners elected and serving not more than 60 days after the
19 appointment. If the county board of commissioners does not vote on
20 the appointment within 60 days, the appointment shall become final.
21 The charter may provide for **THE NUMBER OF MEMBERS AND** a fixed term
22 of years for the members of the ~~3-member~~ commission, but the
23 charter ~~—, however,~~ shall provide that the members of the ~~3-~~
24 ~~member~~ commission may be removed at the pleasure of the elected
25 county executive or the chief administrative officer. The charter
26 shall specify duties and procedures to assure that administrative
27 decisions made for road construction shall be coordinated with

1 administrative decisions made for other programs which relate to
2 roads. As used in this subparagraph, "road construction" means all
3 of the following:

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

7 (B) The building of bridges or grade separations and the
8 repair of these structures by strengthening, widening, and the
9 replacement of piers and abutments.

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

13 (e) The continuation and implementation of a system of
14 pensions and retirement for county officers and employees in those
15 counties having a system in effect at the time of the adoption of
16 the charter. The system provided under the charter shall recognize
17 the accrued rights and benefits of the officers and employees under
18 the system then in effect. The charter shall not infringe upon nor
19 be in derogation of those accrued rights and benefits. The charter
20 shall not preclude future modification of the system.

21 (f) The continuation and implementation of a system of civil
22 service in those counties having a system at the time of the
23 adoption of the charter. The system of civil service provided under
24 the charter shall recognize the rights and status of persons under
25 the civil service system then in effect. The charter shall not
26 infringe upon nor be in derogation of those rights and that status.
27 The charter shall not preclude future modification of the system.

1 Except as provided in subdivision (d), the charter shall provide
2 that the system of civil service be coordinated among the county
3 offices, boards, commissions, and departments.

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

8 (h) That all ordinances of the county shall remain in effect
9 unless changed by the charter or an ordinance adopted under the
10 charter.

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

14 (j) The power and authority to enter into any
15 intergovernmental contract which is not specifically prohibited by
16 law.

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

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

24 (m) The levy and collection of taxes, the fixing of an ad
25 valorem property tax limitation of not to exceed 1% of the state
26 equalized value of the taxable property within the county, and that
27 the levy of taxes from within this ad valorem property tax

1 limitation shall not exceed, unless otherwise approved by the
2 electors, the tax rate in mills, equal to the number of mills
3 allocated to the county either by a county tax allocation board or
4 by a separate tax limitation under the property tax limitation act,
5 ~~Act No. 62 of the Public Acts of 1933, as amended, being sections~~
6 ~~211.201 to 211.217a of the Michigan Compiled Laws~~ **1933 PA 62, MCL**
7 **211.201 TO 211.217A**, in the year immediately preceding the year in
8 which the county adopts a charter.

9 (n) Initiative and referendum on all matters within the scope
10 of the county's power and authority; and for the recall of all
11 county officials.

12 (o) Amendment or revision of the charter initiated either by
13 action of the legislative body of the county or by initiatory
14 process. An amendment or revision shall not become effective unless
15 the amendment or revision is submitted to the electorate of the
16 county and approved by a majority of those voting.

17 (p) That the acquisition, operation, and sale of public
18 utility facilities for furnishing light, heat, or power shall be
19 subject to the same restrictions as imposed on cities and villages
20 by the state constitution of 1963 and applicable law.

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

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

27 (s) That a county that incurs a budget deficit in any fiscal

1 year shall prepare and submit a detailed and specific 5-year plan
2 for short term financial recovery and long range financial
3 stability to the governor and the legislature, before adoption of
4 the next annual county budget, for review. The 5-year plan shall
5 include, but not be limited to, a projection of annual revenues and
6 expenditures, an employee classification and pay plan, a capital
7 improvements budget, and equipment replacement schedules.

8 (2) Subsection ~~(1)(d)(ii)~~ **(1)(D)** shall not apply to a county
9 in which the charter is amended to provide for an alternative
10 method of carrying out the powers and duties which are otherwise
11 provided by law for a board of county road commissioners.