

HOUSE BILL No. 5718

February 21, 2006, Introduced by Reps. Shaffer, Jones, Nitz, Caswell, Booher, Schuitmaker, Ball, Cushingberry and Pastor and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1851 PA 156, entitled

"An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,"

by amending section 11 (MCL 46.11), as amended by 2003 PA 94.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. A county board of commissioners, at a lawfully held
2 meeting, may do 1 or more of the following:

3 (a) Purchase or lease for a term not to exceed 20 years, real
4 estate necessary for the site of a courthouse, jail, clerk's
5 office, or other county building in that county.

1 (b) Determine the site of, remove, or designate a new site for
2 a county building. The exercise of the authority granted by this
3 subdivision is subject to any requirement of law that the building
4 be located at the county seat.

5 (c) Authorize the sale or lease of real estate belonging to
6 the county, and prescribe the manner in which a conveyance of the
7 real estate is to be executed.

8 (d) Erect the necessary buildings for jails, clerks' offices,
9 and other county buildings, and prescribe the time and manner of
10 erecting them.

11 (e) Borrow or raise by tax upon the county those funds
12 authorized by law. The exercise of the authority granted by this
13 subdivision is subject to any voting requirement provided by the
14 law authorizing the borrowing or tax if different from the voting
15 requirement under section 3.

16 (f) Provide for the repayment of a loan made by the board, by
17 tax upon the county. The loan shall be repaid within 15 years after
18 the date of the loan, except that a loan to erect a county building
19 for a public function shall be repaid within 30 years after the
20 date of the loan.

21 (g) Prescribe and fix the salaries and compensation of
22 employees of the county if not fixed by law and, except in a county
23 having a board of county auditors, adjust claims against the
24 county. The sum allowed in the adjustment of a claim is subject to
25 appeal as provided by law.

26 (h) Direct and provide for the raising of money necessary to
27 defray the current expenses and charges of the county and the

1 necessary charges incident to or arising from the execution of the
2 board's lawful authority, subject to the limitations prescribed in
3 this act. The county board of commissioners may borrow in a year,
4 in anticipation of the levy or collection of taxes for the year, a
5 sum of money, not exceeding 50% of the tax to be levied or
6 collected for the general fund of the county, necessary to defray
7 current expenses of the county. The money borrowed shall be repaid
8 from the tax when levied and collected.

9 (i) Authorize the making of a new tax roll.

10 (j) By majority vote of the members of the county board of
11 commissioners elected and serving, pass ordinances that relate to
12 county affairs and do not contravene the general laws of this state
13 or interfere with the local affairs of a township, city, or village
14 within the limits of the county, and pursuant to section 10b
15 provide suitable sanctions for the violation of those ordinances.
16 The board may change the limits of a city, village, or school
17 district within the county as provided by law. If there is not a
18 general law governing the subject, or if a change cannot be made
19 pursuant to a general law, the board may change the limits of the
20 village upon petition of at least 10% of the resident taxpayers. An
21 ordinance or act of incorporation provided in this subdivision
22 shall take effect when notice of the adoption is published in a
23 newspaper of general circulation in the county. The clerk of the
24 county board of commissioners shall engross each ordinance or act,
25 and it shall be signed by the chairperson of the county board of
26 commissioners and certified by the clerk of the county board of
27 commissioners. If, within 50 days after the county board of

1 commissioners adopts an ordinance or act, a petition signed by not
2 less than 20% of the electors residing in the district to be
3 affected by the ordinance or act is filed with the county clerk
4 asking that the ordinance or act be submitted to electors of the
5 district to be affected by the ordinance or act for approval or
6 rejection, then the ordinance or act shall not take effect until it
7 is approved by a majority of the electors of the district affected
8 voting on that issue at a regular or special election called for
9 that purpose. The county board of commissioners shall provide the
10 manner of submitting the ordinance or act to the electors for their
11 approval and of determining the result of the election.

12 (k) Require a county officer whose salary or compensation is
13 paid by the county to make a report under oath to the county board
14 of commissioners on any subject connected with the duties of that
15 office and require the officer to give a bond reasonable or
16 necessary for the faithful performance of the duties of the office.
17 An officer who neglects or refuses either to make a report or give
18 a bond within a reasonable time after being required to do so may
19 be removed from office by the board by a vote of 2/3 of the members
20 elected or appointed, and the office declared vacant. The board may
21 fill the vacancy for the unexpired portion of the term for which
22 the officer was elected or appointed. If an election occurs before
23 the expiration of the unexpired term, and if the office is
24 elective, the vacancy shall be filled at that election. The board
25 shall give reasonable notice of the election to fill the vacancy.

26 (l) Represent the county and have the care and management of
27 the property and business of the county if other provisions are not

1 made.

2 (m) Establish rules and regulations in reference to the
3 management of the interest and business concerns of the county as
4 the board considers necessary and proper in all matters not
5 especially provided for in this act or under the laws of this
6 state. The county board of commissioners shall not audit or allow a
7 claim, including a bill or charge, against the county unless the
8 claim has been filed with the county clerk of the county before the
9 fourth day of a regular meeting of the board, or before the second
10 day of an adjourned or other meeting, the claim is contracted by
11 the board during the session of the board or the claim is for
12 mileage and per diem of the members of the board. The county clerk
13 shall keep a book of all claims in the order in which the claims
14 are presented, giving the name of each claimant and the amount and
15 date of presentation of each claim. The book, after the time
16 prescribed for the presentation of claims, shall be delivered to
17 the chairperson for the use of the board. At the October session,
18 the board, by a vote of 2/3 of the members, may receive and allow
19 accounts that have wholly accrued during the session.

20 (n) Subject to subdivision (o), remove an officer or agent
21 appointed by the board if, in the board's opinion, the officer or
22 agent is incompetent to execute properly the duties of the office
23 or if, on charges and evidence, the board is satisfied that the
24 officer or agent is guilty of official misconduct, or habitual or
25 willful neglect of duty, and if the misconduct or neglect is a
26 sufficient cause for removal. However, an officer or agent shall
27 not be removed for that misconduct or neglect unless charges of

1 misconduct or neglect are preferred to the county board of
2 commissioners or the chairperson of the county board of
3 commissioners, notice of the hearing, with a copy of the charges,
4 is delivered to the officer or agent, and a full opportunity is
5 given the officer or agent to be heard, either in person or by
6 counsel.

7 (o) If the county has an appointed county manager or other
8 appointed chief administrative officer or a county controller, the
9 county board of commissioners may enter into an employment contract
10 with that officer. The term of the employment contract may extend
11 beyond the terms of the members of the county board of
12 commissioners. The term of the employment contract shall be 3 years
13 or less, unless the employment contract is entered into on or after
14 August 1 of an even-numbered year, in which case the term of the
15 employment contract shall be 1 year or less. However, in a county
16 organized under 1966 PA 293, MCL 45.501 to 45.521, with an
17 appointed chief administrative officer, an employment contract with
18 the appointed chief administrative officer shall be for the term
19 provided by section 11a of 1966 PA 293, MCL 45.511a. An employment
20 contract under this subdivision shall be in writing and shall
21 specify the compensation to be paid to the officer, any procedure
22 for changing the compensation, any fringe benefits, and any other
23 conditions of employment. If the officer serves at the pleasure of
24 the county board of commissioners, the contract shall so state and
25 may provide for severance pay or other benefits in the event the
26 employment of the officer is terminated at the pleasure of the
27 county board of commissioners.

1 (p) Establish rules consistent with the open meetings act,
2 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding
3 before the board.

4 (q) Acquire by exchange land needed for county purposes,
5 including the purchase of land to be used in exchange for other
6 land of approximate equal value owned by the federal government and
7 needed for county purposes.

8 (r) Grant or loan funds to a nonprofit corporation organized
9 for the purpose of providing loans for private sector economic
10 development initiatives. A grant or loan under this subdivision
11 shall not be derived from ad valorem taxes except for ad valorem
12 taxes approved by a vote of the people for economic development.
13 The county shall establish an application process for proposals to
14 receive a grant or loan under this subdivision. The awarding of a
15 grant or loan under this subdivision shall be made at a public
16 hearing of the county board of commissioners. The grant or loan
17 contract shall require a report to the county board of
18 commissioners regarding the activities of the recipient and the
19 degree to which the recipient has met the stated public purpose of
20 the funding.

21 (S) BY PROPER RESOLUTION SUBMIT TO THE ELECTORATE OF THE
22 COUNTY AT ANY GENERAL OR SPECIAL ELECTION THE QUESTION OF A TAX FOR
23 LAW ENFORCEMENT PURPOSES. THE COUNTY BOARD OF COMMISSIONERS MAY
24 ELECT TO HAVE THE REVENUES DERIVED FROM THE TAX LEVY AUTHORIZED BY
25 THIS SUBDIVISION ALLOCATED AND DISTRIBUTED BY THE COUNTY TREASURER
26 TO EACH CITY AND VILLAGE WITHIN THE COUNTY IN THE PROPORTION THAT
27 THE POPULATION OF EACH CITY OR VILLAGE BEARS TO THE TOTAL

1 POPULATION OF THE COUNTY. THE REVENUES ALLOCATED TO THE CITIES AND
2 VILLAGES UNDER THIS SUBDIVISION SHALL BE EXPENDED EXCLUSIVELY FOR
3 LAW ENFORCEMENT PURPOSES.