

Legislative Analysis



COUNTY BOARD MINUTES: ELECTRONIC MAIL & POSTS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6124 without amendment

Sponsor: Rep. Vicki Barnett

Committee: Intergovernmental and Regional Affairs

First Analysis (6-1-10)

BRIEF SUMMARY: The bill would modify the ways in which county commissioners publicly post the minutes of their board meetings, so as to include the options of posting the minutes on the county website and of mailing copies of the minutes electronically upon request and free of charge.

FISCAL IMPACT: As written, the bill would have no significant state or local impact.

THE APPARENT PROBLEM:

The county commissioners elected in Michigan's 83 counties are required to make public the minutes of their meetings, in order to ensure that county taxpayers can be aware of their official actions.

Customarily the minutes are reported to the public by publishing them in the local newspaper, making copies available free of charge at the office of the county clerk, or mailing copies of the minutes to those who request them.

Another option has been proposed to distribute the county commissioners' minutes: electronic posting and dissemination, upon request, and at no charge. This option takes advantage of new communication technologies.

To that end, legislation has been introduced to allow county officials to post their county commission minutes on the county website, and in addition, to enable taxpayers to receive copies of the county commission minutes electronically, via email.

THE CONTENT OF THE BILL:

House Bill 6124 would amend Public Act 156 of 1851, which concerns the powers and duties of county boards of commissioners, to modify the ways in which county commissioners publicly post the minutes of their board meetings, so as to include the options of posting the minutes on the county website and of mailing copies of the minutes electronically upon request and free of charge.

Now under the law (at MCL 46.9), county commissioners must make a report of their proceedings immediately after each session, and do so in one of the following ways:

- Publish the full report in at least one well-established newspaper.
- Publish a synopsis of the proceedings in at least one well-established newspaper, including a statement that the full report is available from the office of the county clerk upon request.

- Make the report available, as soon as possible after each session, in the office of the county clerk for public inspection and copying without charge, mail copies of the report upon request without charge, and advertise in at least one well-established newspaper that the report is available from the office of the county clerk.

House Bill 6124 would retain these provisions, but expand the third option so that it would read:

- Make the report available, as soon as possible after each session, in the office of the county clerk for public inspection and copying without charge, *electronically mail copies of the report upon request without charge*, mail copies of the report upon request without charge, *post a copy of the report on the county's website, if available*, and advertise that the report is available from the office of the county clerk, in at least one well-established newspaper.

ARGUMENTS:

For:

This legislation can save county government officials money by allowing them to post on the 83 counties' websites, and to disseminate by electronic mail, the official minutes that record the actions of the county commissions. The bill offers this option to county decision-makers, in addition to their customary dissemination methods: newspaper publication; on-site review; and mail. As is true of the customary dissemination methods, the electronic posting and dissemination would be free-of-charge to the public.

Against:

Some local newspaper publishers point-out that cash-strapped weekly newspaper publishers rely on the payments made by local government officials when they publish their official notices—including the minutes of county commission meetings. They note that not all citizens have access to electronic websites and e-mail—a technology that is generally unavailable to those with limited financial resources, as well as to many elderly citizens without new-fangled computers. Consequently, newspaper publication and free mailings upon request are crucial dissemination methods that must not be discontinued.

Response:

The bill is voluntary; county officials need not adopt electronic dissemination methods unless they decide to do so. Further, the legislation permits county officials to retain their tradition dissemination methods, even when they adopt electronic posting and dissemination.

POSITIONS:

The Michigan Association of Counties supports the bill. (6-1-10)

The Michigan Association of County Clerks supports the bill. (6-1-10)

Oakland County supports the bill. (6-1-10)

Legislative Analyst: J. Hunault
Fiscal Analyst: Jim Stansell

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.