

HOUSE BILL No. 6038

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

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 sections 9, 11, and 15 (MCL 46.9, 46.11, and 46.15), section 9 as amended by 1982 PA 344, section 11 as amended by 2012 PA 15, and section 15 as amended by 1988 PA 37.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) The county board of commissioners shall cause to
2 be made out immediately after each session a report of the
3 proceedings of the board at that session and shall do 1 of the
4 following:

1 (a) ~~Publish~~**BEFORE JANUARY 1, 2015, PUBLISH** the full report as
2 soon as possible after each session in at least 1 well-established
3 newspaper in the county or, if there is not a well-established
4 newspaper in the county, in a newspaper published in a county
5 adjacent to that county. **BEGINNING JANUARY 1, 2015, AS SOON AS**
6 **POSSIBLE AFTER EACH SESSION, PROVIDE TIER C PUBLIC NOTICE OF THE**
7 **FULL REPORT AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.**

8 (b) ~~Publish~~**BEFORE JANUARY 1, 2015, PUBLISH** a synopsis of the
9 proceedings of the board as soon as possible after each session in
10 at least 1 well-established newspaper in the county or, if there is
11 not a well-established newspaper in the county, in a newspaper
12 published in a county adjacent to that county. **BEGINNING JANUARY 1,**
13 **2015, AS SOON AS POSSIBLE AFTER EACH SESSION, PROVIDE TIER C PUBLIC**
14 **NOTICE OF A SYNOPSIS OF THE PROCEEDINGS OF THE BOARD AS SET FORTH**
15 **IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.** A statement shall be
16 included within the synopsis that a full report is available from
17 the office of the county clerk upon request.

18 (c) ~~Make~~**BEFORE JANUARY 1, 2015, MAKE** the report available as
19 soon as possible after each session in the office of the county
20 clerk for public inspection and copying without charge, mail copies
21 of the report upon request without charge, and advertise that the
22 report is available from the office of the county clerk in at least
23 1 well-established newspaper in the county or, if there is not a
24 well-established newspaper in the county, in a newspaper published
25 in a county adjacent to that county. **BEGINNING JANUARY 1, 2015,**
26 **MAKE THE REPORT AVAILABLE AS SOON AS POSSIBLE AFTER EACH SESSION IN**
27 **THE OFFICE OF THE COUNTY CLERK FOR PUBLIC INSPECTION AND COPYING**

1 WITHOUT CHARGE, MAIL COPIES OF THE REPORT UPON REQUEST WITHOUT
2 CHARGE, AND PROVIDE TIER C PUBLIC NOTICE THAT THE REPORT IS
3 AVAILABLE FROM THE OFFICE OF THE COUNTY CLERK AS SET FORTH IN THE
4 LOCAL GOVERNMENT PUBLIC NOTICE ACT.

5 (2) The board shall make available immediately after each
6 session a report of receipts and expenditures which shall include a
7 statement of the name of each claimant with the amount claimed and
8 the amount allowed for that claimant, and a full statement of the
9 amounts of the treasurer's account on the last settlement as found
10 on the treasurer's balance sheet or account current to the last
11 settlement. This report shall be available for public inspection
12 and copying without charge at the office of the county clerk. The
13 county clerk shall also send a copy of this report to the news
14 media.

15 (3) The board may publish an annual report in pamphlet form
16 containing the reports described in subsections (1) and (2). The
17 number of copies as directed by the board shall be prepared and a
18 copy shall be obtainable by a taxpayer without charge upon demand
19 from the county clerk. Regardless of whether an annual report is
20 published in pamphlet form, an annual report shall be prepared and
21 shall be open to public inspection and copying at the office of the
22 county clerk.

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

25 (a) Purchase or lease for a term not to exceed 20 years, real
26 estate necessary for the site of a courthouse, jail, clerk's
27 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 **BEFORE JANUARY 1, 2015, AN** ordinance or act of incorporation
22 provided in this subdivision ~~shall take~~ **TAKES** effect when notice of
23 the adoption is published in a newspaper of general circulation in
24 the county. **BEGINNING JANUARY 1, 2015, AN ORDINANCE OR ACT OF**
25 **INCORPORATION PROVIDED IN THIS SUBDIVISION TAKES EFFECT WHEN TIER B**
26 **PUBLIC NOTICE WITH A LINK OF THE ADOPTION IS PROVIDED AS SET FORTH**
27 **IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.** The clerk of the county

1 board of commissioners shall engross each ordinance or act, and it
2 shall be signed by the chairperson of the county board of
3 commissioners and certified by the clerk of the county board of
4 commissioners. If, within 50 days after the county board of
5 commissioners adopts an ordinance or act, a petition signed by not
6 less than 20% of the electors residing in the district to be
7 affected by the ordinance or act is filed with the county clerk
8 asking that the ordinance or act be submitted to electors of the
9 district to be affected by the ordinance or act for approval or
10 rejection, then the ordinance or act shall not take effect until it
11 is approved by a majority of the electors of the district affected
12 voting on that issue at a regular or special election called for
13 that purpose. The county board of commissioners shall provide the
14 manner of submitting the ordinance or act to the electors for their
15 approval and of determining the result of the election.

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

1 elective, the vacancy shall be filled at that election. The board
2 shall give reasonable notice of the election to fill the vacancy.

3 (l) Represent the county and have the care and management of
4 the property and business of the county if other provisions are not
5 made.

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

24 (n) Subject to subdivision (o), remove an officer or agent
25 appointed by the board if, in the board's opinion, the officer or
26 agent is incompetent to execute properly the duties of the office
27 or if, on charges and evidence, the board is satisfied that the

1 officer or agent is guilty of official misconduct, or habitual or
2 willful neglect of duty, and if the misconduct or neglect is a
3 sufficient cause for removal. However, an officer or agent shall
4 not be removed for that misconduct or neglect unless charges of
5 misconduct or neglect are preferred to the county board of
6 commissioners or the chairperson of the county board of
7 commissioners, notice of the hearing, with a copy of the charges,
8 is delivered to the officer or agent, and a full opportunity is
9 given the officer or agent to be heard, either in person or by
10 counsel.

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

1 the county board of commissioners, the contract shall so state and
2 may provide for severance pay or other benefits in the event the
3 employment of the officer is terminated at the pleasure of the
4 county board of commissioners.

5 (p) Establish rules consistent with the open meetings act,
6 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding
7 before the board.

8 (q) Acquire by exchange land needed for county purposes,
9 including the purchase of land to be used in exchange for other
10 land of approximate equal value owned by the federal government and
11 needed for county purposes.

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

25 (s) Before January 1, 2015, by majority vote of the members of
26 the county board of commissioners elected and serving in a county
27 with an appointed board of county road commissioners, pass a

1 resolution that transfers the powers, duties, and functions that
2 are otherwise provided by law for the appointed board of county
3 road commissioners of that county to the county board of
4 commissioners. The resolution is subject to the requirement in
5 section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. The appointed
6 board of county road commissioners of that county is dissolved on
7 the date specified in the resolution adopted under this
8 subdivision, and the county board of commissioners is authorized to
9 receive and expend funds as allowed under 1951 PA 51, MCL 247.651
10 to 247.675. If the powers, duties, and functions of the board of
11 county road commissioners of a county are transferred to the county
12 board of commissioners of that county under this subdivision and
13 the powers and duties of the office of county drain commissioner of
14 that county had previously been transferred to the board of county
15 road commissioners as provided in section 21(3) of the drain code
16 of 1956, 1956 PA 40, MCL 280.21, then the county board of
17 commissioners of that county shall reestablish, by resolution, the
18 office of county drain commissioner as an elected office. The
19 resolution reestablishing the office of county drain commissioner
20 shall provide for the appointment of an acting county drain
21 commissioner for that county who shall hold office until the next
22 general election at which a county drain commissioner will be
23 elected as provided in chapter X of the Michigan election law, 1954
24 PA 116, MCL 168.191 to 168.211.

25 (t) Before January 1, 2015, by majority vote of the members of
26 the county board of commissioners elected and serving in a county
27 with an elected board of county road commissioners, pass a

1 resolution to submit to the qualified and registered electors of
2 the county at the next regular election to be held in the county
3 the question of transferring the powers, duties, and functions of
4 the elected board of county road commissioners of that county to
5 the county board of commissioners. The resolution is subject to the
6 requirement in section 6(9) of chapter IV of 1909 PA 283, MCL
7 224.6. If a majority of the qualified and registered electors of
8 the county voting on the question vote in favor of transferring the
9 powers, duties, and functions of the elected board of county road
10 commissioners of that county to the county board of commissioners,
11 the elected board of county road commissioners of that county is
12 dissolved and the county board of commissioners is authorized to
13 receive and expend funds as allowed under 1951 PA 51, MCL 247.651
14 to 247.675. If the powers, duties, and functions of the board of
15 county road commissioners of a county are transferred to the county
16 board of commissioners of that county under this subdivision and
17 the powers and duties of the office of county drain commissioner of
18 that county had previously been transferred to the board of county
19 road commissioners as provided in section 21(3) of the drain code
20 of 1956, 1956 PA 40, MCL 280.21, then the county board of
21 commissioners of that county shall reestablish, by resolution, the
22 office of county drain commissioner as an elected office. The
23 resolution reestablishing the office of county drain commissioner
24 shall provide for the appointment of an acting county drain
25 commissioner for that county who shall hold office until the next
26 general election at which a county drain commissioner will be
27 elected as provided in chapter X of the Michigan election law, 1954

1 PA 116, MCL 168.191 to 168.211.

2 (u) If, after a board of county road commissioners is
3 dissolved as provided in subdivision (s) or (t), the county board
4 of commissioners for a county determines that a board of county
5 road commissioners would provide a cost savings to the county
6 residents and would better meet the needs of the county residents,
7 the county board of commissioners for that county may, upon
8 majority vote of the members of the county board of commissioners,
9 submit the question of adopting a county road system with a board
10 of county road commissioners to a vote of the electors of the
11 county as provided in chapter IV of 1909 PA 283, MCL 224.1 to
12 224.32.

13 Sec. 15. ~~Notice~~ **BEFORE JANUARY 1, 2015, NOTICE** in writing of
14 an intended application under section 14 subscribed by those
15 freeholders as required by section 14 shall be posted in 5 of the
16 most public places in each of the affected townships during the 4
17 weeks before submission of the application to the county board of
18 commissioners. ~~A~~ **BEFORE JANUARY 1, 2015, A** copy of the notice shall
19 also be published once each week for 4 successive weeks immediately
20 ~~preceding~~ **BEFORE** the meeting of the county board of commissioners
21 at which the application is to be made in a newspaper printed in
22 the county, if any are published in the county. **BEGINNING JANUARY**
23 **1, 2015, TIER A PUBLIC NOTICE OF AN INTENDED APPLICATION UNDER**
24 **SECTION 14 SHALL, BEFORE THE MEETING OF THE COUNTY BOARD OF**
25 **COMMISSIONERS AT WHICH THE APPLICATION IS TO BE MADE, BE PROVIDED**
26 **AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.**

27 Enacting section 1. This amendatory act does not take effect

1 unless Senate Bill No.____ or House Bill No. 5560 (request no.
2 03796'13) of the 97th Legislature is enacted into law.