

**SUBSTITUTE FOR
SENATE BILL NO. 322**

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 2016 PA 77.

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.

6 (b) Determine the site of, remove, or designate a new site for



1 a county building. The exercise of the authority granted by this
2 subdivision is subject to any requirement of law that the building
3 be located at the county seat.

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

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

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

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

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

25 (h) Direct and provide for the raising of money necessary to
26 defray the current expenses and charges of the county and the
27 necessary charges incident to or arising from the execution of the
28 board's lawful authority, subject to the limitations prescribed in
29 this act. The county board of commissioners may borrow in a year,



1 in anticipation of the levy or collection of taxes for the year, a
2 sum of money, not exceeding 50% of the tax to be levied or
3 collected for the general fund of the county, necessary to defray
4 current expenses of the county. The money borrowed ~~shall~~**must** be
5 repaid from the tax when levied and collected.

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

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



1 rejection, then the ordinance or act ~~shall~~**does** not take effect
2 until it is approved by a majority of the electors of the district
3 affected voting on that issue at a regular or special election
4 called for that purpose. The county board of commissioners shall
5 provide the manner of submitting the ordinance or act to the
6 electors for their approval and of determining the result of the
7 election.

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

23 (l) Represent the county and have the care and management of
24 the property and business of the county if other provisions are not
25 made.

26 (m) Establish rules and regulations in reference to the
27 management of the interest and business concerns of the county as
28 the board considers necessary and proper in all matters not
29 especially provided for in this act or under the laws of this



1 state. The county board of commissioners shall not audit or allow a
2 claim, including a bill or charge, against the county unless the
3 claim has been filed with the county clerk of the county before the
4 fourth day of a regular meeting of the board, or before the second
5 day of an adjourned or other meeting, the claim is contracted by
6 the board during the session of the board or the claim is for
7 mileage and per diem of the members of the board. The county clerk
8 shall keep a book of all claims in the order in which the claims
9 are presented, giving the name of each claimant and the amount and
10 date of presentation of each claim. The book, after the time
11 prescribed for the presentation of claims, ~~shall~~**must** be delivered
12 to the chairperson for the use of the board. At the October
13 session, the board, by a vote of 2/3 of the members, may receive
14 and allow accounts that have wholly accrued during the session.

15 (n) Subject to subdivision (o), remove an officer or agent
16 appointed by the board if, in the board's opinion, the officer or
17 agent is incompetent to execute properly the duties of the office
18 or if, on charges and evidence, the board is satisfied that the
19 officer or agent is guilty of official misconduct, or habitual or
20 willful neglect of duty, and if the misconduct or neglect is a
21 sufficient cause for removal. However, an officer or agent shall
22 not be removed for that misconduct or neglect unless charges of
23 misconduct or neglect are presented to the county board of
24 commissioners or the chairperson of the county board of
25 commissioners, notice of the hearing, with a copy of the charges,
26 is delivered to the officer or agent, and a full opportunity is
27 given the officer or agent to be heard, either in person or by
28 counsel.

29 (o) If the county has an appointed county manager or other



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

21 (p) Establish rules consistent with the open meetings act,
22 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding
23 before the board.

24 (q) Acquire by exchange land needed for county purposes,
25 including the purchase of land to be used in exchange for other
26 land of approximate equal value owned by the federal government and
27 needed for county purposes.

28 (r) Grant or loan ~~funds~~**money** to a nonprofit corporation
29 organized for the purpose of providing loans for private sector



1 economic development initiatives. A grant or loan under this
2 subdivision ~~shall~~**must** not be derived from ad valorem taxes except
3 for ad valorem taxes approved by a vote of the people for economic
4 development. The county shall establish an application process for
5 proposals to receive a grant or loan under this subdivision. The
6 awarding of a grant or loan under this subdivision ~~shall~~**must** be
7 made at a public hearing of the county board of commissioners. The
8 grant or loan contract ~~shall~~**must** require a report to the county
9 board of commissioners regarding the activities of the recipient
10 and the degree to which the recipient has met the stated public
11 purpose of the funding.

12 (s) ~~Before January 1, 2020, by~~**By** majority vote of the members
13 of the county board of commissioners elected and serving in a
14 county with an appointed board of county road commissioners, pass a
15 resolution that transfers the powers, duties, and functions that
16 are otherwise provided by law for the appointed board of county
17 road commissioners of that county to the county board of
18 commissioners. The resolution is subject to the requirement in
19 section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. The appointed
20 board of county road commissioners of that county is dissolved on
21 the date specified in the resolution adopted under this
22 subdivision, and the county board of commissioners is authorized to
23 receive and expend funds as allowed under 1951 PA 51, MCL 247.651
24 to 247.675. If the powers, duties, and functions of the board of
25 county road commissioners of a county are transferred to the county
26 board of commissioners of that county under this subdivision and
27 the powers and duties of the office of county drain commissioner of
28 that county had previously been transferred to the board of county
29 road commissioners as provided in section 21(3) of the drain code



1 of 1956, 1956 PA 40, MCL 280.21, then the county board of
2 commissioners of that county shall reestablish, by resolution, the
3 office of county drain commissioner as an elected office. The
4 resolution reestablishing the office of county drain commissioner
5 ~~shall~~**must** provide for the appointment of an acting county drain
6 commissioner for that county who shall hold office until the next
7 general election at which a county drain commissioner will be
8 elected as provided in chapter X of the Michigan election law, 1954
9 PA 116, MCL 168.191 to 168.211.

10 (t) ~~Before January 1, 2020, by~~ **By** majority vote of the members
11 of the county board of commissioners elected and serving in a
12 county with an elected board of county road commissioners, pass a
13 resolution to submit to the qualified and registered electors of
14 the county at the next regular election to be held in the county
15 the question of transferring the powers, duties, and functions of
16 the elected board of county road commissioners of that county to
17 the county board of commissioners. The resolution is subject to the
18 requirement in section 6(9) of chapter IV of 1909 PA 283, MCL
19 224.6. If a majority of the qualified and registered electors of
20 the county voting on the question vote in favor of transferring the
21 powers, duties, and functions of the elected board of county road
22 commissioners of that county to the county board of commissioners,
23 the elected board of county road commissioners of that county is
24 dissolved and the county board of commissioners is authorized to
25 receive and expend funds as allowed under 1951 PA 51, MCL 247.651
26 to 247.675. If the powers, duties, and functions of the board of
27 county road commissioners of a county are transferred to the county
28 board of commissioners of that county under this subdivision and
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6 resolution reestablishing the office of county drain commissioner
7 shall ~~must~~ provide for the appointment of an acting county drain
8 commissioner for that county who shall hold office until the next
9 general election at which a county drain commissioner will be
10 elected as provided in chapter X of the Michigan election law, 1954
11 PA 116, MCL 168.191 to 168.211.

12 (u) If, after a board of county road commissioners is
13 dissolved as provided in subdivision (s) or (t), the county board
14 of commissioners for a county determines that a board of county
15 road commissioners would provide a cost savings to the county
16 residents and would better meet the needs of the county residents,
17 the county board of commissioners for that county may do either of
18 the following:

19 (i) By majority vote of the members of the county board of
20 commissioners, adopt a county road system with a board of county
21 road commissioners as provided in chapter IV of 1909 PA 283, MCL
22 224.1 to 224.32.

23 (ii) By majority vote of the members of the county board of
24 commissioners, submit the question of adopting a county road system
25 with a board of county road commissioners to a vote of the electors
26 of the county as provided in chapter IV of 1909 PA 283, MCL 224.1
27 to 224.32.

28 (v) Loan ~~funds~~ **money** to a township within the county for the
29 purpose of funding a road construction project or providing



1 matching funds for a joint project between the county and the
2 township. A loan granted under this subdivision ~~shall~~**must** not
3 exceed a term of 10 years.

4 Enacting section 1. This amendatory act does not take effect
5 unless Senate Bill No. 323 of the 100th Legislature is enacted into
6 law.

