

# HOUSE BILL NO. 4715

June 11, 2019, Introduced by Reps. Slagh, Brixie, Frederick, Green, Eisen and LaGrand and referred to the Committee on Local Government and Municipal Finance.

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:



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

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

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

11 (d) Erect the necessary buildings for jails, clerks' offices,  
12 and other county buildings, and prescribe the time and manner of  
13 erecting them.

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

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

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

29 (h) Direct and provide for the raising of money necessary to



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

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

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



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

29 (m) Establish rules and regulations in reference to the



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

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



1 given the officer or agent to be heard, either in person or by  
2 counsel.

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

24 (p) Establish rules consistent with the open meetings act,  
25 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding  
26 before the board.

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



1 needed for county purposes.

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

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



1 subdivision and the powers and duties of the office of county drain  
2 commissioner of that county had previously been transferred to the  
3 board of county road commissioners as provided in section 21(3) of  
4 the drain code of 1956, 1956 PA 40, MCL 280.21, then the county  
5 board of commissioners of that county shall reestablish, by  
6 resolution, the office of county drain commissioner as an elected  
7 office. The resolution reestablishing the office of county drain  
8 commissioner ~~shall~~**must** provide for the appointment of an acting  
9 county drain commissioner for that county who shall hold office  
10 until the next general election at which a county drain  
11 commissioner will be elected as provided in chapter X of the  
12 Michigan election law, 1954 PA 116, MCL 168.191 to 168.211.

13 (t) Before January 1, 2020, by majority vote of the members of  
14 the county board of commissioners elected and serving in a county  
15 with an elected board of county road commissioners, pass a  
16 resolution to submit to the qualified and registered electors of  
17 the county at the next regular election to be held in the county  
18 the question of transferring the powers, duties, and functions of  
19 the elected board of county road commissioners of that county to  
20 the county board of commissioners. The resolution is subject to the  
21 requirement in section 6(9) of chapter IV of 1909 PA 283, MCL  
22 224.6. If a majority of the qualified and registered electors of  
23 the county voting on the question vote in favor of transferring the  
24 powers, duties, and functions of the elected board of county road  
25 commissioners of that county to the county board of commissioners,  
26 the elected board of county road commissioners of that county is  
27 dissolved and the county board of commissioners is authorized to  
28 receive and expend ~~funds~~**money** as allowed under 1951 PA 51, MCL  
29 247.651 to 247.675. If the powers, duties, and functions of the





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2 the county board of commissioners of that county under this  
3 subdivision and the powers and duties of the office of county drain  
4 commissioner of that county had previously been transferred to the  
5 board of county road commissioners as provided in section 21(3) of  
6 the drain code of 1956, 1956 PA 40, MCL 280.21, then the county  
7 board of commissioners of that county shall reestablish, by  
8 resolution, the office of county drain commissioner as an elected  
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10 commissioner ~~shall~~**must** provide for the appointment of an acting  
11 county drain commissioner for that county who shall hold office  
12 until the next general election at which a county drain  
13 commissioner will be elected as provided in chapter X of the  
14 Michigan election law, 1954 PA 116, MCL 168.191 to 168.211.

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

22 (i) By majority vote of the members of the county board of  
23 commissioners, adopt a county road system with a board of county  
24 road commissioners as provided in chapter IV of 1909 PA 283, MCL  
25 224.1 to 224.32.

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

1 to 224.32.

2 (v) Loan ~~funds~~**money** to a township within the county for the  
3 purpose of funding a road construction project or providing  
4 matching ~~funds~~**money** for a joint project between the county and the  
5 township. A loan granted under this subdivision ~~shall~~**must** not  
6 exceed a term of 10 years.

