

# SENATE BILL NO. 322

May 16, 2019, Introduced by Senator VICTORY 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 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:

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 be signed by the chairperson of the county board of  
27 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~~**must** be filled at that election. The  
25 board shall give reasonable notice of the election to fill the  
26 vacancy.

27 (l) Represent the county and have the care and management of  
28 the property and business of the county if other provisions are not  
29 made.

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

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

1 is delivered to the officer or agent, and a full opportunity is  
2 given the officer or agent to be heard, either in person or by  
3 counsel.

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

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

28 (q) Acquire by exchange land needed for county purposes,  
29 including the purchase of land to be used in exchange for other

1 land of approximate equal value owned by the federal government and  
2 needed for county purposes.

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

16 (s) Before January 1, ~~2020~~**2025**, by majority vote of the  
17 members of the county board of commissioners elected and serving in  
18 a county with an appointed board of county road commissioners, pass  
19 a resolution that transfers the powers, duties, and functions that  
20 are otherwise provided by law for the appointed board of county  
21 road commissioners of that county to the county board of  
22 commissioners. The resolution is subject to the requirement in  
23 section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. The appointed  
24 board of county road commissioners of that county is dissolved on  
25 the date specified in the resolution adopted under this  
26 subdivision, and the county board of commissioners is authorized to  
27 receive and expend funds as allowed under 1951 PA 51, MCL 247.651  
28 to 247.675. If the powers, duties, and functions of the board of  
29 county road commissioners of a county are transferred to the county

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

14 (t) Before January 1, ~~2020~~**2025**, by majority vote of the  
15 members of the county board of commissioners elected and serving in  
16 a county with an elected board of county road commissioners, pass a  
17 resolution to submit to the qualified and registered electors of  
18 the county at the next regular election to be held in the county  
19 the question of transferring the powers, duties, and functions of  
20 the elected board of county road commissioners of that county to  
21 the county board of commissioners. The resolution is subject to the  
22 requirement in section 6(9) of chapter IV of 1909 PA 283, MCL  
23 224.6. If a majority of the qualified and registered electors of  
24 the county voting on the question vote in favor of transferring the  
25 powers, duties, and functions of the elected board of county road  
26 commissioners of that county to the county board of commissioners,  
27 the elected board of county road commissioners of that county is  
28 dissolved and the county board of commissioners is authorized to  
29 receive and expend funds as allowed under 1951 PA 51, MCL 247.651



1 to 247.675. If the powers, duties, and functions of the board of  
2 county road commissioners of a county are transferred to the county  
3 board of commissioners of that county under this subdivision and  
4 the powers and duties of the office of county drain commissioner of  
5 that county had previously been transferred to the board of county  
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7 of 1956, 1956 PA 40, MCL 280.21, then the county board of  
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9 office of county drain commissioner as an elected office. The  
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12 commissioner for that county who shall hold office until the next  
13 general election at which a county drain commissioner will be  
14 elected as provided in chapter X of the Michigan election law, 1954  
15 PA 116, MCL 168.191 to 168.211.

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

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

27 (ii) By majority vote of the members of the county board of  
28 commissioners, submit the question of adopting a county road system  
29 with a board of county road commissioners to a vote of the electors

1 of the county as provided in chapter IV of 1909 PA 283, MCL 224.1  
2 to 224.32.

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

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