

HOUSE BILL No. 5001

June 26, 1991, Introduced by Reps. Middaugh and Oxender and referred to the Committee on Towns and Counties.

A bill to amend section 9 of chapter IV of Act No. 283 of the Public Acts of 1909, entitled as amended

"An act to revise, consolidate and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance and use of the public highways and private roads, the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; setting and protecting shade trees, drainage, cutting weeds and brush within this state, and providing for the election or appointment and defining the powers, duties and compensation of state, county, township and district highway officials,"

being section 224.9 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 9 of chapter IV of Act No. 283 of the
2 Public Acts of 1909, being section 224.9 of the Michigan Compiled
3 Laws, is amended to read as follows:

CHAPTER IV

1
2 Sec. 9. (1) The board of county road commissioners shall
3 constitute and be a body corporate with the right of making,
4 ~~and~~ using, AND ALTERING a common seal. ~~and altering the same.~~
5 A majority of the members of the board shall constitute a quorum
6 for the transaction of business. The business which the board of
7 county road commissioners performs shall be conducted at a public
8 meeting of the board held in compliance with THE OPEN MEETINGS
9 ACT, Act No. 267 of the Public Acts of 1976, being sections
10 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of
11 the time, date, and place of the meeting of the board shall be
12 given in the manner required by Act No. 267 of the Public Acts
13 of 1976.

14 (2) The board shall annually appoint 1 member as chairperson
15 to serve during the pleasure of the board. The board of county
16 road commissioners shall act as an administrative board only and
17 the function of the board shall be limited to the formulation of
18 policy and the performance of official duties imposed by law and
19 delegated by the county board of commissioners, and a member of
20 the board of county road commissioners shall not be employed
21 individually in any other capacity by, or for other duties with,
22 the board of county road commissioners.

23 (3) Nothing in this act shall interfere with the work of a
24 commissioner during the commissioner's present term of office.
25 The board shall appoint a competent superintendent, skilled in
26 road building, who may be an engineer and who shall supervise
27 road building operations in the county under the direction of the

1 board. The board shall be known as the board of county road
2 commissioners of the county of _____ and by that name may sue
3 and be sued, and may hold in that name the title to land or an
4 interest in land, acquired in the manner authorized by law.
5 Process may be served on the chairperson or clerk of the board.
6 The board may also sell and convey land or an interest in land
7 held in the name of the board, or improvements located on the
8 land, INCLUDING UNIMPROVED OR UNDEVELOPED PLATTED ROADS AND
9 ALLEYS, when the land, interest in land, or improvements, are not
10 a part of a public street, highway, or park, or are not required
11 to be used for a public street, highway, or park. A conveyance
12 shall be signed by the chairperson and countersigned by the
13 clerk, or deputy clerk, of the board. The seal of the board
14 shall be attached and the conveyance shall be acknowledged by the
15 signers, as authorized by the board, and as the free act and deed
16 of the board. The clerk of the county shall be clerk of the
17 board of county road commissioners, and shall keep the records
18 and accounts of the board. When the record keeping is of suffi-
19 cient volume, the board may appoint a secretary, with the consent
20 of the county board of commissioners, who shall act as clerk of
21 the board, and whose salary, together with the salaries of the
22 members of the board of county road commissioners, shall be paid
23 by the board of county road commissioners from county road
24 funds.