

SENATE BILL No. 102

February 19, 1991, Introduced by Senators CONROY, KOIVISTO, CHERRY and BERRYMAN and referred to the Committee on Local Government and Reapportionment.

A bill to amend section 11 of Act No. 156 of the Public Acts of 1851, entitled as amended

"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,"

as amended by Act No. 227 of the Public Acts of 1988, being section 46.11 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 11 of Act No. 156 of the Public Acts of
2 1851, as amended by Act No. 227 of the Public Acts of 1988, being
3 section 46.11 of the Michigan Compiled Laws, is amended to read
4 as follows:

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

1 (a) Purchase, for the use of the county, real estate
2 necessary for the erection of buildings for the support of the
3 poor of that county and for a farm to be used in connection with
4 that support.

5 (b) Purchase or lease, for a term not to exceed 5 years,
6 real estate necessary for the site of a courthouse, jail, clerk's
7 office, or other county building in that county.

8 (c) Determine the site of a county building.

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

12 (e) Remove or designate a new site for a county building
13 required to be at the county seat, if the new site is not outside
14 the limits of the village or city in which the county seat is
15 situated, and remove or designate a new site for a county infir-
16 mary or medical care facility.

17 (f) Erect the necessary buildings for jails, clerks'
18 offices, and other county buildings, and prescribe the time and
19 manner of erecting them.

20 (g) Borrow or raise by tax upon the county those funds
21 authorized by law.

22 (h) Provide for the repayment of a loan made by the board,
23 by tax upon the county. The loan shall be repaid within 15 years
24 after the date of the loan, except that a loan to erect a county
25 building for a public function shall be repaid within 30 years
26 after the date of the loan.

1 (i) Prescribe and fix the salaries and compensation of
2 employees of the county if not fixed by law and, except in a
3 county having a board of county auditors, adjust claims against
4 the county. The sum allowed in the adjustment of a claim is
5 subject to appeal as provided by law.

6 (j) Direct and provide for the raising of money ~~which is~~
7 necessary to defray the current expenses and charges of the
8 county and the necessary charges incident to or arising from the
9 execution of the board's lawful authority, subject to the limita-
10 tions prescribed in this act. The county board of commissioners
11 may borrow in a year, in anticipation of the levy or collection
12 of taxes for the year, a sum of money, not exceeding 50% of the
13 tax to be levied or collected for the general fund of the county,
14 necessary to defray current expenses of the county. The money
15 borrowed shall be repaid from the tax when levied and collected.

16 (k) Abolish or revive the distinctions between township and
17 county poor.

18 (l) Authorize the making of a new tax roll.

19 (m) By majority vote of the members of the county board of
20 commissioners elected and serving, pass ~~regulations and~~ ordi-
21 nances relating to county affairs which the board considers
22 proper, but which ~~shall~~ DO not contravene the general laws of
23 this state or interfere with the local affairs of a township,
24 city, or village within the limits of the county, and provide
25 suitable ~~penalties~~ SANCTIONS for the violation of those
26 ~~regulations and ordinances. , but the penalties shall not~~
27 ~~exceed~~ IF A VIOLATION OF AN ORDINANCE IS A MUNICIPAL CIVIL

1 INFRACTION, AS DEFINED IN SECTION 113 OF THE REVISED JUDICATURE
2 ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING
3 SECTION 600.113 OF THE MICHIGAN COMPILED LAWS, THE ORDINANCE
4 SHALL PROVIDE A CIVIL FINE FOR ITS VIOLATION. A VIOLATION OF AN
5 ORDINANCE IS A MUNICIPAL CIVIL INFRACTION ONLY IF THE ORDINANCE
6 EXPLICITLY STATES THAT A VIOLATION IS A MUNICIPAL CIVIL
7 INFRACTION. IF A VIOLATION OF AN ORDINANCE IS NOT A MUNICIPAL
8 CIVIL INFRACTION, THE ORDINANCE MAY PROVIDE THAT A VIOLATION OF
9 THE ORDINANCE IS PUNISHABLE BY a fine of NOT MORE THAN \$500.00
10 ~~—~~ or BY imprisonment for NOT MORE THAN 90 days, or both. The
11 board may change the limits of a city, village, or school dis-
12 trict within the county as provided by law. If there is not a
13 general law governing the subject, or if a change cannot be made
14 pursuant to a general law, the board may change the limits of the
15 village upon petition of at least 10% of the resident taxpayers.
16 ~~A regulation,~~ AN ordinance ~~—~~ or act of incorporation provided
17 in this subdivision shall take effect when notice of the adoption
18 is published in a newspaper of general circulation in the
19 county. The clerk of the county board of commissioners shall
20 engross each ~~—regulation,~~ ordinance ~~—~~ or act, ~~—which—~~ AND IT
21 shall be signed by the chairperson of the county board of commis-
22 sioners and certified by the clerk of the county board of
23 commissioners. If, within 50 days after the county board of com-
24 missioners ~~has adopted a regulation,~~ ADOPTS AN ordinance ~~—~~ or
25 act, a petition signed by not less than 20% of the electors
26 residing in the district to be affected by the ~~—regulation,~~
27 ordinance ~~—~~ or act is filed with the county clerk asking that

1 the ~~regulation,~~ ordinance ~~,~~ or act be submitted to electors
2 of the district to be affected by the ~~regulation,~~ ordinance ~~,~~
3 or act for approval or rejection, then the ~~regulation,~~ ordi-
4 nance ~~,~~ or act shall not take effect until it ~~has been~~ IS
5 approved by a majority of the electors of the district affected
6 voting on that issue at a regular or special election called for
7 that purpose. The county board of commissioners shall provide
8 the manner of submitting the ~~regulation,~~ ordinance ~~,~~ or act
9 to the electors for their approval and of determining the result
10 of the election.

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

26 (o) Authorize a township in ~~its respective~~ THE county, by
27 a vote of the electors of the township, to borrow or raise by tax

1 upon the township ~~—, a sum of~~ money ~~—,~~ to build or repair roads
 2 or bridges in the township, or in the use of which the township
 3 ~~may be~~ IS interested, and to prescribe the time for the repay-
 4 ment of a loan, which shall be within 15 years, and for assessing
 5 the principal and interest on the loan upon the township. If a
 6 road or bridge is situated partly in 1 township and partly in
 7 another, or on the line between townships, or if a township has a
 8 particular local interest in the construction or repair of a
 9 bridge, the county board of commissioners may determine, under
 10 the regulations the board establishes, the ~~relative~~ proportion
 11 which a township shall contribute in the building and repairing
 12 of the road or bridge. The amount apportioned to the township
 13 shall be assessed and collected in the same manner as other town-
 14 ship taxes are assessed and collected by law.

15 (p) Represent the county and have the care and management of
 16 the property and business of the county if other provisions are
 17 not made.

18 (q) Establish rules and regulations in reference to the man-
 19 agement of the interest and business concerns of the county ~~—~~
 20 as the board considers necessary and proper in all matters not
 21 especially provided for in this act or under the laws of this
 22 state. The county board of commissioners shall not audit or
 23 allow a bill, claim, or charge against ~~the people or~~ the county
 24 ~~which has~~ THAT IS not ~~been~~ filed with the county clerk of the
 25 county before the fourth day of a regular meeting of the board,
 26 or before the second day of an adjourned or other meeting, except
 27 ~~bills~~ A BILL or ~~claims which have been~~ CLAIM contracted by

1 the board during the session of the board ~~—, and—~~ OR A BILL OR
2 CLAIM for mileage and per diem of the members of the board. The
3 county clerk shall keep a book of all claims in the order in
4 which the claims are presented, giving the name of ~~—the—~~ EACH
5 claimant ~~—,~~ AND the amount AND DATE OF PRESENTATION of ~~—the—~~
6 EACH claim. ~~—, and the date when presented.~~ The book, after the
7 time prescribed for the presentation of claims, shall be placed
8 in the hands of the chairperson for the use of the board. At the
9 October session, the board, by a vote of 2/3 of the members, may
10 receive and allow accounts ~~—which—~~ THAT have wholly accrued
11 during the session. The county board of commissioners may remove
12 an officer or agent ~~—who has been or is—~~ appointed by the board
13 ~~—when—~~ IF, in the board's opinion, the officer or agent is incom-
14 petent to execute properly the duties of the office ~~—,~~ or ~~—when—~~
15 IF, on charges and evidence, the board is satisfied that the
16 officer or agent is guilty of official misconduct, or habitual or
17 willful neglect of duty, AND if the misconduct or neglect is a
18 sufficient cause for removal. However, an officer or agent shall
19 not be removed for that misconduct or neglect unless charges of
20 misconduct or neglect are preferred to the county board of com-
21 missioners or the chairperson of the county board of commission-
22 ers, notice of the hearing, with a copy of the charges, is deliv-
23 ered to the officer or agent, and a full opportunity is given the
24 officer or agent to be heard, either in person or by counsel.

25 (r) Establish rules consistent with the open meetings act,
26 Act No. 267 of the Public Acts of 1976, as amended, being

1 sections 15.261 to 15.275 of the Michigan Compiled Laws, for the
2 manner of proceeding before the board.

3 (s) Acquire by exchange land needed for county purposes,
4 including the purchase of ~~other~~ land ~~of approximate equal~~
5 ~~value~~ to be used in exchange for OTHER land OF APPROXIMATE EQUAL
6 VALUE owned by the federal government and needed for county
7 purposes.

8 Section 2. This amendatory act shall not take effect unless
9 Senate Bill No. 96

10 of the 86th Legislature is enacted into law.