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COUNTY MANAGER'S CONTRACT

House Bill 5088 (Substitute H-1)
First Analysis (10-26-95)

Sponsor: Rep. Mike Green
Committee: Local Government

THE APPARENT PROBLEM:

Reportedly, counties are not specifically authorized in statute to enter into contracts with administrators, and county boards or councils cannot obligate future boards or councils. Some counties are now using contracts, perhaps illegally. Legislation has been introduced that would allow counties to enter into employment contracts with top administrators.

THE CONTENT OF THE BILL:

The bill would amend Public Act 156 of 1851, which defines the powers and duties of county boards of commissioners, to specifically permit a county board to enter into an employment contract with an appointed county manager or other appointed chief administrative officer and with a county controller.

The term of the employment contract could extend beyond the terms of the members of the county board of commissioners, but could not exceed three years. However, if the employment contract was entered into on or after August 1 of an even-numbered year, the term of the employment contract would be one year or less. (Further, in a county that is organized under the Charter County Act, Public Act 293 of 1966, and that has an appointed chief administrative officer, the employment contract would be for the term provided for in that act.)

The contract would have to be in writing and specify the compensation to be paid, any procedure for changing compensation, any fringe benefits, and any other conditions of employment. If the officer served at the pleasure of the county board, the contract would have to say so, and could provide for severance pay or other benefits in the event the officer was terminated at the pleasure of the county board.

MCL 46.11

FISCAL IMPLICATIONS:

The bill would have no fiscal impact, according to the House Fiscal Agency. (Fiscal Note dated 10-23-95)

ARGUMENTS:

For:

The bill would simply grant county boards or councils the ability to enter into employment contracts with top administrators. It would put a three-year limit on such contracts (except in charter counties, which can make four-year appointments under their own statute). It also would prevent contracts of more than one year after August of election years, with the stated aim of preventing cronyism or mischief, such as defeated commissioners saddling a new board with an undesired long-term employment contract.

POSITIONS:

The Michigan Association of Counties has indicated support for the bill. (10-25-95)

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