



**House
Legislative
Analysis
Section**

Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

SPECIAL COUNTY MEETINGS

**House Bill 5129 (Substitute H-1)
First Analysis (10-26-95)**

**Sponsor: Rep. Charles Perricone
Committee: Local Government**

THE APPARENT PROBLEM:

Public Act 156 of 1851, which defines the powers and duties of county boards of commissioners, allows for special meetings of county boards upon the request of at least one-third of the members and specifies how commissioners are to be notified of the requested meeting. The act says notice is to be delivered personally, to be left at the commissioner's residence, or sent by certified mail with return receipt requested, at least 10 days before the time of the meeting. Critics say this requirement is overly restrictive and out-of-date, given today's technologies. Further, no similar requirement is imposed on other kinds of legislative bodies, they say. Indeed, with the passage of the Open Meetings Act in 1976, some counties have followed that as their guide for meeting notices and have ignored the notification provisions of Public Act 156. The 10-day notice requirement has caused difficulty, moreover, on a number of occasions when county boards needed to act more quickly; for example, when a federal grant needed to be accepted on much shorter notice. Legislation has been introduced that would allow each county board to establish its own rules for notifying board members of special meetings.

THE CONTENT OF THE BILL:

The bill would amend Public Act 156 of 1851 to require that notice of special meetings be given to county commissioners "in the manner required by the bylaws or rules of the county board of commissioners." However, if the bylaws or rules did not specify how notice was to be given, the current statutory requirement would remain. (The act says notice is to be delivered personally, to be left at the commissioner's residence, or sent by certified mail with return receipt requested, at least ten days before the time of the meeting.)

MCL 46.10

FISCAL IMPLICATIONS:

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

ARGUMENTS:

For:

The bill would provide county boards of commissioner with the flexibility to design their own provisions regarding how board members are to be notified of a special meeting. Boards would still have to comply with requirements of the Open Meetings Act. The current statutory requirements are antiquated; they require 10 days' notice and do not permit notification by telephone or fax, for example. This is often impractical. Indeed, for a board that already meets twice each month, there is little point in having a special meeting if 10-days' notice is required. Some counties have, in fact, ignored the notification requirement, relying instead on the Open Meetings Act. Representatives of counties say other local units do not face such statutory requirements.

Response:

An earlier version of the bill would have deleted the current requirements and simply allowed county boards to determine the notification process. If the concern is that some counties will fail to develop any rules at all regarding notification, perhaps the bill should mandate the development of such rules, with their content left to local discretion.

Against:

Some county commissioners could have difficulty re-arranging their work schedules to attend hastily called special meetings. The current requirement allows sufficient time. Under the bill, a meeting could be called within 18 hours, even if no emergency existed. Some thought needs to be given to providing a decent amount of notification to board members, so that they will not be inconvenienced or disenfranchised.

POSITIONS:

The Michigan Association of Counties supports the bill. (10-25-95)

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