



HOUSE BILL No. 5088

September 20, 1995, Introduced by Reps. Green, Rhead, LeTarte, Kukuk, Pitoniak and Perricone and referred to the Committee on Local Government.

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. 18 of the Public Acts of 1994, 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. 18 of the Public Acts of 1994, 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 necessary to
7 defray the current expenses and charges of the county and the
8 necessary charges incident to or arising from the execution of
9 the board's lawful authority, subject to the limitations pre-
10 scribed in this act. The county board of commissioners may
11 borrow in a year, in anticipation of the levy or collection of
12 taxes for the year, a sum of money, not exceeding 50% of the tax
13 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 ordinances that relate to
21 county affairs and do not contravene the general laws of this
22 state or interfere with the local affairs of a township, city, or
23 village within the limits of the county, and pursuant to
24 section 10b provide suitable sanctions for the violation of those
25 ordinances. The board may change the limits of a city, village,
26 or school district within the county as provided by law. If
27 there is not a general law governing the subject, or if a change

1 cannot be made pursuant to a general law, the board may change
2 the limits of the village upon petition of at least 10% of the
3 resident taxpayers. An ordinance or act of incorporation pro-
4 vided in this subdivision shall take effect when notice of the
5 adoption is published in a newspaper of general circulation in
6 the county. The clerk of the county board of commissioners shall
7 engross each ordinance or act, and it shall be signed by the
8 chairperson of the county board of commissioners and certified by
9 the clerk of the county board of commissioners. If, within 50
10 days after the county board of commissioners adopts an ordinance
11 or act, a petition signed by not less than 20% of the electors
12 residing in the district to be affected by the ordinance or act
13 is filed with the county clerk asking that the ordinance or act
14 be submitted to electors of the district to be affected by the
15 ordinance or act for approval or rejection, then the ordinance or
16 act shall not take effect until it is approved by a majority of
17 the electors of the district affected voting on that issue at a
18 regular or special election called for that purpose. The county
19 board of commissioners shall provide the manner of submitting the
20 ordinance or act to the electors for their approval and of deter-
21 mining the result of the election.

22 (n) Require a county officer whose salary or compensation is
23 paid by the county to make a report under oath to the county
24 board of commissioners on any subject connected with the duties
25 of that office and require the officer to give a bond reasonable
26 or necessary for the faithful performance of the duties of the
27 office. An officer who neglects or refuses either to make a

1 report or give a bond within a reasonable time after being
2 required to do so may be removed from office by the board by a
3 vote of 2/3 of the members elected or appointed, and the office
4 declared vacant. The board may fill the vacancy for the unex-
5 pired portion of the term for which the officer was elected or
6 appointed. If an election occurs before the expiration of the
7 unexpired term, and if the office is elective, the vacancy shall
8 be filled at that election. The board shall give reasonable
9 notice of the election to fill the vacancy.

10 (o) Authorize a township in the county, by a vote of the
11 electors of the township, to borrow or raise by tax upon the
12 township money to build or repair roads or bridges in the town-
13 ship, or in the use of which the township is interested, and to
14 prescribe the time for the repayment of a loan, which shall be
15 within 15 years, and for assessing the principal and interest on
16 the loan upon the township. If a road or bridge is situated
17 partly in 1 township and partly in another, or on the line
18 between townships, or if a township has a particular local inter-
19 est in the construction or repair of a bridge, the county board
20 of commissioners may determine, under the regulations the board
21 establishes, the proportion that a township shall contribute in
22 the building and repairing of the road or bridge. The amount
23 apportioned to the township shall be assessed and collected in
24 the same manner as other township taxes are assessed and col-
25 lected by law.

1 (p) Represent the county and have the care and management of
2 the property and business of the county if other provisions are
3 not made.

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

23 (r) ~~Remove~~ SUBJECT TO SUBDIVISION (S), REMOVE an officer
24 or agent appointed by the board if, in the board's opinion, the
25 officer or agent is incompetent to execute properly the duties of
26 the office or if, on charges and evidence, the board is satisfied
27 that the officer or agent is guilty of official misconduct, or

1 habitual or willful neglect of duty, and if the misconduct or
2 neglect is a sufficient cause for removal. However, an officer
3 or agent shall not be removed for that misconduct or neglect
4 unless charges of misconduct or neglect are preferred to the
5 county board of commissioners or the chairperson of the county
6 board of commissioners, notice of the hearing, with a copy of the
7 charges, is delivered to the officer or agent, and a full oppor-
8 tunity is given the officer or agent to be heard, either in
9 person or by counsel.

10 (S) IF THE COUNTY HAS AN APPOINTED COUNTY MANAGER OR OTHER
11 APPOINTED CHIEF ADMINISTRATIVE OFFICER OR A COUNTY CONTROLLER,
12 THE COUNTY BOARD OF COMMISSIONERS MAY ENTER INTO AN EMPLOYMENT
13 CONTRACT WITH THAT OFFICER. THE TERM OF THE EMPLOYMENT CONTRACT
14 SHALL BE 5 YEARS OR LESS AND MAY EXTEND BEYOND THE TERMS OF THE
15 MEMBERS OF THE COUNTY BOARD OF COMMISSIONERS. HOWEVER, IN A
16 COUNTY ORGANIZED UNDER ACT NO. 293 OF THE PUBLIC ACTS OF 1966,
17 BEING SECTIONS 45.501 TO 45.521 OF THE MICHIGAN COMPILED LAWS,
18 WITH AN APPOINTED CHIEF ADMINISTRATIVE OFFICER, AN EMPLOYMENT
19 CONTRACT WITH THE APPOINTED CHIEF ADMINISTRATIVE OFFICER SHALL BE
20 FOR THE TERM PROVIDED BY SECTION 11A OF ACT NO. 293 OF THE PUBLIC
21 ACTS OF 1966, BEING SECTION 45.511A OF THE MICHIGAN COMPILED
22 LAWS. AN EMPLOYMENT CONTRACT UNDER THIS SUBDIVISION SHALL BE IN
23 WRITING AND SHALL SPECIFY THE COMPENSATION TO BE PAID TO THE
24 OFFICER, ANY PROCEDURE FOR CHANGING THE COMPENSATION, ANY FRINGE
25 BENEFITS, AND ANY OTHER CONDITIONS OF EMPLOYMENT. IF THE OFFICER
26 SERVES AT THE PLEASURE OF THE COUNTY BOARD OF COMMISSIONERS, THE
27 CONTRACT SHALL SO STATE AND MAY PROVIDE FOR SEVERANCE PAY OR

1 OTHER BENEFITS IN THE EVENT THE EMPLOYMENT OF THE OFFICER IS
2 TERMINATED AT THE PLEASURE OF THE COUNTY BOARD OF COMMISSIONERS.

3 (T) ~~(s)~~ Establish rules consistent with the open meetings
4 act, Act No. 267 of the Public Acts of 1976, ~~as amended,~~ being
5 sections 15.261 to 15.275 of the Michigan Compiled Laws, for the
6 manner of proceeding before the board.

7 (U) ~~(t)~~ Acquire by exchange land needed for county pur-
8 poses, including the purchase of land to be used in exchange for
9 other land of approximate equal value owned by the federal gov-
10 ernment and needed for county purposes.