

HOUSE BILL No. 5369

(As amended May 2, 2002)

October 31, 2001, Introduced by Reps. George, Vander Roest, Lipsey, Kuipers, Julian, Stewart, Schauer, Pappageorge and Mead and referred to the Committee on Commerce.

A bill to amend 1851 PA 156, entitled

"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,"

by amending section 11 (MCL 46.11), as amended by 1998 PA 97.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) Purchase or lease [7] for a term not to exceed 20 years,
4 real estate necessary for the site of a courthouse, jail, clerk's
5 office, or other county building in that county.

6 (b) Determine the site of, remove, or designate a new site
7 for a county building. The exercise of the authority granted by
8 this subdivision is subject to any requirement of law that the
9 building be located at the county seat.

1 (c) Authorize the sale or lease of real estate belonging to
2 the county, and prescribe the manner in which a conveyance of the
3 real estate is to be executed.

4 (d) Erect the necessary buildings for jails, clerks'
5 offices, and other county buildings, and prescribe the time and
6 manner of erecting them.

7 (e) Borrow or raise by tax upon the county those funds
8 authorized by law. The exercise of the authority granted by this
9 subdivision is subject to any voting requirement provided by the
10 law authorizing the borrowing or tax if different from the voting
11 requirement under section 3.

12 (f) Provide for the repayment of a loan made by the board,
13 by tax upon the county. The loan shall be repaid within 15 years
14 after the date of the loan, except that a loan to erect a county
15 building for a public function shall be repaid within 30 years
16 after the date of the loan.

17 (g) Prescribe and fix the salaries and compensation of
18 employees of the county if not fixed by law and, except in a
19 county having a board of county auditors, adjust claims against
20 the county. The sum allowed in the adjustment of a claim is
21 subject to appeal as provided by law.

22 (h) Direct and provide for the raising of money necessary to
23 defray the current expenses and charges of the county and the
24 necessary charges incident to or arising from the execution of
25 the board's lawful authority, subject to the limitations pre-
26 scribed in this act. The county board of commissioners may
27 borrow in a year, in anticipation of the levy or collection of

1 taxes for the year, a sum of money, not exceeding 50% of the tax
2 to be levied or collected for the general fund of the county,
3 necessary to defray current expenses of the county. The money
4 borrowed shall be repaid from the tax when levied and collected.

5 (i) Authorize the making of a new tax roll.

6 (j) By majority vote of the members of the county board of
7 commissioners elected and serving, pass ordinances that relate to
8 county affairs and do not contravene the general laws of this
9 state or interfere with the local affairs of a township, city, or
10 village within the limits of the county, and pursuant to
11 section 10b provide suitable sanctions for the violation of those
12 ordinances. The board may change the limits of a city, village,
13 or school district within the county as provided by law. If
14 there is not a general law governing the subject, or if a change
15 cannot be made pursuant to a general law, the board may change
16 the limits of the village upon petition of at least 10% of the
17 resident taxpayers. An ordinance or act of incorporation pro-
18 vided in this subdivision shall take effect when notice of the
19 adoption is published in a newspaper of general circulation in
20 the county. The clerk of the county board of commissioners shall
21 engross each ordinance or act, and it shall be signed by the
22 chairperson of the county board of commissioners and certified by
23 the clerk of the county board of commissioners. If, within 50
24 days after the county board of commissioners adopts an ordinance
25 or act, a petition signed by not less than 20% of the electors
26 residing in the district to be affected by the ordinance or act
27 is filed with the county clerk asking that the ordinance or act

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

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

24 (l) Represent the county and have the care and management of
25 the property and business of the county if other provisions are
26 not made.

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

20 (n) Subject to subdivision (o), remove an officer or agent
21 appointed by the board if, in the board's opinion, the officer or
22 agent is incompetent to execute properly the duties of the office
23 or if, on charges and evidence, the board is satisfied that the
24 officer or agent is guilty of official misconduct, or habitual or
25 willful neglect of duty, and if the misconduct or neglect is a
26 sufficient cause for removal. However, an officer or agent shall
27 not be removed for that misconduct or neglect unless charges of

1 misconduct or neglect are preferred to the county board of
2 commissioners or the chairperson of the county board of commis-
3 sioners, notice of the hearing, with a copy of the charges, is
4 delivered to the officer or agent, and a full opportunity is
5 given the officer or agent to be heard, either in person or by
6 counsel.

7 (o) If the county has an appointed county manager or other
8 appointed chief administrative officer or a county controller,
9 the county board of commissioners may enter into an employment
10 contract with that officer. The term of the employment contract
11 may extend beyond the terms of the members of the county board of
12 commissioners. The term of the employment contract shall be 3
13 years or less, unless the employment contract is entered into on
14 or after August 1 of an even-numbered year, in which case the
15 term of the employment contract shall be 1 year or less.
16 However, in a county organized under 1966 PA 293, MCL 45.501 to
17 45.521, with an appointed chief administrative officer, an
18 employment contract with the appointed chief administrative offi-
19 cer shall be for the term provided by section 11a of 1966 PA 293,
20 MCL 45.511a. An employment contract under this subdivision shall
21 be in writing and shall specify the compensation to be paid to
22 the officer, any procedure for changing the compensation, any
23 fringe benefits, and any other conditions of employment. If the
24 officer serves at the pleasure of the county board of commission-
25 ers, the contract shall so state and may provide for severance
26 pay or other benefits in the event the employment of the officer

1 is terminated at the pleasure of the county board of
2 commissioners.

3 (p) Establish rules consistent with the open meetings act,
4 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding
5 before the board.

6 (q) Acquire by exchange land needed for county purposes,
7 including the purchase of land to be used in exchange for other
8 land of approximate equal value owned by the federal government
9 and needed for county purposes.

10 (R) GRANT OR LOAN FUNDS THAT ARE NOT DERIVED FROM AD VALOREM
11 TAXES TO A NONPROFIT CORPORATION ORGANIZED FOR THE PURPOSE OF
12 PROVIDING LOANS FOR PRIVATE SECTOR ECONOMIC DEVELOPMENT
13 INITIATIVES.