

**SUBSTITUTE FOR
SENATE BILL NO. 239**

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 ~~—~~ 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' offices,
5 and other county buildings, and prescribe the time and manner of
6 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, by
13 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
26 prescribed 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 section
11 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
18 provided 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
8 determining 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
19 unexpired portion of the term for which the officer was elected
20 or 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.

27 (m) Establish rules and regulations in reference to the

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

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

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

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

Senate Bill No. 239 as amended March 19, 2003

1 (p) Establish rules consistent with the open meetings act,
2 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding
3 before the board.

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

8 (r) Grant or loan funds that are not derived from ad valorem
9 taxes to a nonprofit corporation organized for the purpose of
10 providing loans for private sector economic development
11 initiatives. A nonprofit corporation that receives funds under
12 this subdivision is subject to the freedom of information act,
13 1976 PA 442, MCL 15.231 to 15.246, for all activities relating to
14 the funds. <<The county shall establish an application process for
proposals to receive a grant or loan under this subparagraph. The
application process shall require adequate public notice that the funds
are available, what the criteria is for awarding the funding, and a
specific statement of the public purpose for which the funding is being
made available. The awarding of a grant or loan under this subparagraph
shall be made at a public hearing of the county board of commissioners.
The grant or loan contract shall require a report to the county board of
commissioners not less than annually regarding the activities of the
recipient and the degree to which the recipient has met the stated public
purpose of the funding.>>