

Act No. 439
Public Acts of 2004
Approved by the Governor
December 16, 2004
Filed with the Secretary of State
December 21, 2004
EFFECTIVE DATE: December 21, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Reps. Sheltroun, Brown, Gillard, Elkins, Rivet, Spade, McConico, Stewart, Rocca, Phillips, Minore, Richardville, Lipsey, Tabor, Meyer, Julian, Shackleton, Adamini, Palmer, Stallworth, Tobocman, Farrah, Paletko, Law, Bieda, Clack, Vagnozzi, Accavitti, Hune, Gleason, Milosch, Nofs, Sak, Stahl, Palsrok and Walker

ENROLLED HOUSE BILL No. 5194

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 9307 (MCL 324.9307), as amended by 2002 PA 107.

The People of the State of Michigan enact:

Sec. 9307. (1) A conservation district board shall consist of 5 directors, elected or appointed as provided in this part. The directors shall designate a chairperson annually.

(2) The term of office of each director shall be 4 years. All directors shall be elected at an annual meeting by residents of the district. The election shall be nonpartisan and the directors shall be elected by the residents of the district at large. At least 60 days prior to the annual meeting, a candidate for conservation district director must file at the conservation district office a petition signed by 5 residents of the district. A candidate must be a resident of the district. The annual meeting shall be held at a date determined by the board of directors of the district. Notice of the annual meeting shall be published in the official newspaper of record for the area in which the district is located at least 45 days prior to the date of the annual meeting. This notice shall include the date, time, and location of the annual meeting, an agenda of items to be considered at the meeting, and a list of all candidates for directors of the conservation district. A resident of a district who is unable to attend the annual meeting may vote for the directors of the conservation district by absentee ballot as follows:

(a) In person at the conservation district office, during regular business hours of the conservation district office, at any time after publication of the notice and prior to the annual meeting.

(b) By mail received at the conservation district office at any time after publication of the notice and prior to the annual meeting.

(3) Director elections shall be certified by the department. A director shall hold office until a successor has been elected and qualified. Vacancies shall be filled by appointment by the board until the next annual meeting.

(4) A majority of the directors constitutes a quorum, and the concurrence of a majority in any matter within their duties is required for its determination. A director is entitled to expenses, including traveling expenses necessarily incurred in the discharge of his or her duties. A director may be paid a per diem for time spent undertaking his or her duties as a director in an amount not to exceed the per diem paid to a member of the commission of agriculture.

(5) The directors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties, and compensation. The directors may call upon the attorney general of the state for legal services as they may require. The directors may delegate to their chairperson, to 1 or more directors, or to 1 or more agents or employees any powers and duties that they consider proper. The directors shall furnish to the department, upon request, copies of ordinances, rules, regulations, orders, contracts, forms, and other documents that they adopt or employ, and any other information concerning their activities that the department may require in the performance of its duties under this part.

(6) The directors shall do all of the following:

(a) Provide for the execution of surety bonds for all employees and officers who are entrusted with funds or property.

(b) Provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted.

(c) Determine the fiscal year of the district.

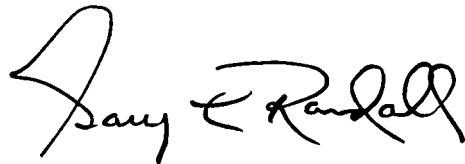
(d) Provide for an annual audit of the accounts of receipts and disbursements.

(e) Maintain accurate financial records of receipts and disbursements of state funds, which records shall be made available to the department.

(7) Any director may be removed by the department upon notice and hearing for neglect of duty or malfeasance in office, but for no other reason.

(8) The directors may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the directors of the district on all questions of program and policy that may affect the property, water supply, or other interests of the municipality or county.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor