

HOUSE BILL No. 5945

September 25, 2012, Introduced by Rep. Somerville and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

A bill to amend 1966 PA 293, entitled

"An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,"

(MCL 45.501 to 45.521) by amending the title, as amended by 1998 PA 147, and by adding section 14a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter

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1 commission; to prescribe the mandatory and permissive provisions of
2 a charter; to provide for the exercise by a charter county of
3 certain powers whether or not authorized by its charter; **TO PROVIDE**
4 **FOR THE REMOVAL OF A COUNTY EXECUTIVE;** and to prescribe penalties
5 and provide remedies.

6 **SEC. 14A. (1) THE GOVERNOR SHALL REMOVE A COUNTY EXECUTIVE IF**
7 **THE GOVERNOR IS SATISFIED FROM THE EVIDENCE SUBMITTED THAT THE**
8 **COUNTY EXECUTIVE IS GUILTY OF OFFICIAL MISCONDUCT, WILLFUL NEGLECT**
9 **OF DUTY, EXTORTION, OR HABITUAL DRUNKENNESS, OR HAS BEEN CONVICTED**
10 **OF BEING A DRUNK, OR IF IT APPEARS BY A CERTIFIED COPY OF THE**
11 **JUDGMENT OF A COURT OF RECORD OF THIS STATE THAT THE COUNTY**
12 **EXECUTIVE, AFTER HIS OR HER ELECTION, HAS BEEN CONVICTED OF A**
13 **FELONY.**

14 **(2) BEFORE THE GOVERNOR REMOVES A COUNTY EXECUTIVE, ALL OF THE**
15 **FOLLOWING PROCEDURES SHALL BE FOLLOWED:**

16 **(A) CHARGES MUST BE EXHIBITED TO THE GOVERNOR IN WRITING**
17 **SPECIFYING THE GROUNDS FOR REMOVAL. THE CHARGES SHALL BE**
18 **ACCOMPANIED BY ANY SUPPORTING EVIDENCE AND BY THE AFFIDAVIT OF THE**
19 **PERSON MAKING THE CHARGES VERIFYING THAT THE PERSON BELIEVES THE**
20 **CHARGES TO BE TRUE.**

21 **(B) A COPY OF THE CHARGES MUST BE SERVED ON THE COUNTY**
22 **EXECUTIVE. SERVICE SHALL BE MADE AS FOLLOWS:**

23 **(i) IF THE COUNTY EXECUTIVE CAN BE FOUND, BY HANDING TO THE**
24 **COUNTY EXECUTIVE A COPY OF THE CHARGES, TOGETHER WITH ALL**
25 **AFFIDAVITS OR EXHIBITS THAT MAY BE ATTACHED TO THE CHARGES.**

26 **(ii) IF THE COUNTY EXECUTIVE CANNOT BE FOUND, BY LEAVING A COPY**
27 **OF THE CHARGES, TOGETHER WITH ALL AFFIDAVITS OR EXHIBITS THAT MAY**

1 BE ATTACHED TO THE CHARGES, WITH A PERSON OF SUITABLE AGE AT THE
2 COUNTY EXECUTIVE'S LAST KNOWN PLACE OF RESIDENCE OR, IF A PERSON OF
3 SUITABLE AGE IS NOT AVAILABLE, BY POSTING A COPY OR COPIES IN A
4 CONSPICUOUS PLACE AT THE COUNTY EXECUTIVE'S LAST KNOWN PLACE OF
5 RESIDENCE.

6 (C) THE COUNTY EXECUTIVE SHALL BE GIVEN AN OPPORTUNITY TO
7 RESPOND TO THE CHARGES.

8 (3) A COUNTY EXECUTIVE REMOVED FROM OFFICE UNDER THIS SECTION
9 IS NOT ELIGIBLE FOR ELECTION OR APPOINTMENT TO ANY OFFICE FOR A
10 PERIOD OF 3 YEARS FROM THE DATE OF THE REMOVAL.