

CHARTER COMMISSIONERS FOR COUNTIES WITH POPULATION OVER 600,000

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5457 as enrolled
Public Act 309 of 2014
Sponsor: Rep. Marilyn Lane
House Committee: Local Government
Senate Committee: Local Government and Elections

Second Analysis (1-29-15)

BRIEF SUMMARY: The bill would modify the number of charter commissioners required for counties having a population greater than 600,000, changing the requirement from "25 to 35" to "not more than 35." This would allow for fewer than 25 charter commissioners.

FISCAL IMPACT: The bill would not have a significant fiscal impact.

THE APPARENT PROBLEM:

In 2009, the voters in Macomb County (population 833,493) adopted a county charter which serves as a "constitution" to describe the form and functions of their county government. Only two of Michigan's 83 counties—Macomb and Wayne—have elected to adopt county charters, although any county could do so.

When a county's leaders decide to develop a charter, they follow the guidelines in a state statute known as the Michigan Charter Counties Act. First, a broadly representative group of charter commissioners must be elected to constitute a volunteer charter commission whose members disband when the voters approve or reject the commission's proposed charter.

State statute sets the size of the charter commission, and that size varies depending upon the population in a county. In Michigan's most populous counties having more than 600,000 people—Kent, Wayne, Oakland, and Macomb—a charter commission must have between 25 and 35 charter commissioners.

For example, Macomb county voters elected 26 charter commissioners on November 4, 2008; the commissioners met regularly for about six months to research and write the county charter, advised by expert legal drafters. The voters adopted their proposed charter on November 3, 2009, (after the governor signed off on a draft in July 2009). See *Background Information*.

The 26 temporary, volunteer Macomb County charter commissioners were elected from the same 26 geographic districts as the County's 26 longer-term county commissioners.

In 2009, among the changes Macomb voters adopted in their new county charter was a reduction in the size of the Macomb county commission from 26 to 13 commissioners. As a result, county commission districts were doubled in size, as the number of commissioners was cut in half.

According to committee testimony, Macomb County will again have a charter question on its 2014 November ballot: whether to elect a new charter commission to revise the charter. If a charter commission is once again elected, county officials would like to use the 13 existing county commission districts to also demarcate the 13 charter commission districts. Then, 13 volunteer, temporary charter commissioners could be elected from those districts.

Consequently, legislation was introduced to change the state statute that governs Michigan charter counties, to eliminate the requirement that the most populous counties elect between 25 and 35 charter commissioners. Instead, under the bill, voters can elect any number of charter commissioners, up to 35.

THE CONTENT OF THE BILL:

House Bill 5457 amended the Michigan Charter Counties Act to modify the number of charter commissioners required for counties having a population greater than 600,000 people, changing the requirement from "25 to 35" to "not more than 35." (Four Michigan counties meet this population threshold: Macomb, Oakland, Wayne, and Kent. However, only Macomb and Wayne counties have voted to adopt locally drafted county charters.) A more detailed description of the bill follows.

Under the law, a county's apportionment commission sets the number of charter commissioners to be elected for a county. The resolution must specify that a candidate for election be a qualified elector in the charter commission candidate's district, having lived there for not less than six months. House Bill 5457 would retain these provisions. When a county's apportionment commission sets the number of charter commissioners the law requires they meet the following requirements:

- counties having a population under 5,001 are limited to not more than seven charter commissioners;
- counties having 5,001 to 10,000 people are limited to not more than 11;
- counties having 10,001 to 50,000 people are limited to not more than 15;
- counties having 50,001 to 600,000 people are limited to not more than 21; and,
- counties having a population over 600,000 people must have between 25 and 35 charter commissioners (prior to enactment of this bill).

House Bill 5457 modified this final provision to require that counties having a population over 600,000 have ***not more than 35*** charter commissioners.

MCL 45.504

BACKGROUND INFORMATION:

For more information about the Macomb County Charter Commission, or to read the county's charter, visit <http://www.macombcountymi.gov/clerksoffice/charter/index.htm>

ARGUMENTS:

For:

The bill allowed the taxpayers of Macomb County to elect a smaller number of charter commissioners. County officials would like to use the 13 existing county commission districts to also demarcate the 13 charter commission districts. Then, the 13 volunteer, temporary charter commissioners could be elected from those districts.

[Note: After this bill was enacted, Macomb County voters rejected the creation of a new charter commission, 64% to 36% at the November 2014 election.]

Legislative Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.