

HOUSE BILL No. 4132

January 30, 2013, Introduced by Rep. Pettalia and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9307 (MCL 324.9307), as amended by 2004 PA 439.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9307. (1) A conservation district board shall consist of
2 5 directors, elected or appointed as provided in this part. The
3 directors shall designate a chairperson annually.

4 (2) ~~The~~**EXCEPT AS PROVIDED IN SUBSECTION (6), THE** term of
5 office of each director shall be 4 years. ~~All~~**EXCEPT AS OTHERWISE**
6 **PROVIDED IN THIS SECTION, ALL** directors shall be elected at an
7 annual meeting by residents of the district. The election shall be
8 nonpartisan and the directors shall be elected by the residents of
9 the district at large. ~~At~~**TO BECOME A CANDIDATE FOR CONSERVATION**
10 **DISTRICT DIRECTOR, AT** least 60 days prior to the annual meeting, a
11 ~~candidate for conservation district director must~~**AN INDIVIDUAL**

1 **SHALL** file at the conservation district office a petition signed by
2 5 residents of the district. A candidate must be a resident of the
3 district. The annual meeting shall be held at a date determined by
4 the board of directors of the district. Notice of the annual
5 meeting shall be published in the official newspaper of record for
6 the area in which the district is located at least 45 days prior to
7 the date of the annual meeting. This notice shall include the date,
8 time, and location of the annual meeting, an agenda of items to be
9 considered at the meeting, and a list of all candidates for
10 directors of the conservation district. A resident of a district
11 who is unable to attend the annual meeting may vote for the
12 directors of the conservation district by absentee ballot as
13 follows:

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

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

21 (3) ~~Director~~**FOLLOWING THE ANNUAL MEETING, DIRECTOR** elections
22 shall be certified by the department. A director shall hold office
23 until a successor has been elected and qualified. Vacancies shall
24 be filled by appointment by the board until the next annual
25 meeting.

26 (4) **THE DEPARTMENT SHALL NOTIFY THE CONSERVATION DISTRICT OF**
27 **ITS DETERMINATION ON ELECTION CERTIFICATION WITHIN 90 DAYS AFTER**

1 THE ELECTION. IF THE DEPARTMENT DOES NOT CERTIFY THE DIRECTOR
2 ELECTION, THE CONSERVATION DISTRICT BOARD SHALL CALL A SPECIAL
3 ELECTION. THE PROCEDURES FOR THE SPECIAL ELECTION SHALL BE THE SAME
4 AS THOSE FOR AN ELECTION AT THE ANNUAL MEETING. HOWEVER, IF THE
5 BOARD RECEIVED NOTIFICATION THAT THE DEPARTMENT WOULD NOT BE ABLE
6 TO CERTIFY THE DIRECTOR ELECTIONS FROM A SPECIAL ELECTION AT LEAST
7 120 DAYS BEFORE THE NEXT ANNUAL MEETING, THE VACANCIES SHALL BE
8 FILLED AT THE NEXT ANNUAL MEETING.

9 (5) ~~(4)~~—A majority of the directors constitutes a quorum, and
10 the concurrence of a majority in any matter within their duties is
11 required for its determination. A director is entitled to expenses,
12 including traveling expenses necessarily incurred in the discharge
13 of his or her duties. A director may be paid a per diem for time
14 spent undertaking his or her duties as a director. ~~in an amount not~~
15 ~~to exceed the per diem paid to a member of the commission of~~
16 ~~agriculture.~~

17 (6) IF AT ANY TIME A CONSERVATION DISTRICT BOARD HAS
18 INSUFFICIENT DIRECTORS TO CONSTITUTE A QUORUM, THE DEPARTMENT SHALL
19 APPOINT DIRECTORS TO FILL THE VACANCIES ON THE DISTRICT BOARD. THE
20 APPOINTED DIRECTORS SHALL SERVE UNTIL NEW BOARD MEMBERS ARE ELECTED
21 AS PROVIDED FOR IN THIS SECTION AT THE NEXT ANNUAL MEETING AND THE
22 ELECTION IS CERTIFIED BY THE DEPARTMENT. HOWEVER, NEW MEMBERS WHO
23 ARE ELECTED TO FILL VACANCIES SHALL SERVE FOR THE REMAINDER OF THE
24 VACATED TERMS.

25 (7) ~~(5)~~—The directors may employ a secretary, technical
26 experts, and such other officers, agents, and employees, permanent
27 and temporary, as they may require, and shall determine their

1 qualifications, duties, and compensation. ~~The directors may call~~
2 ~~upon the attorney general of the state for legal services as they~~
3 ~~may require.~~ The directors may delegate to their chairperson, to 1
4 or more directors, or to 1 or more agents or employees any powers
5 and duties that they consider proper. The directors shall furnish
6 to the department, upon request, copies of ordinances, rules,
7 regulations, orders, contracts, forms, and other documents that
8 they adopt or employ, and any other information concerning their
9 activities that the department may require in the performance of
10 its duties under this part.

11 (8) ~~(6)~~—The directors shall do all of the following:

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

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

17 (c) Determine the fiscal year of the district.

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

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

23 (9) ~~(7)~~—Any director may be removed by the department upon
24 notice and hearing for neglect of duty or malfeasance in office,
25 but for no other reason.

26 (10) ~~(8)~~—The directors may invite the legislative body of any
27 municipality or county located near the territory comprised within

1 the district to designate a representative to advise and consult
2 with the directors of the district on all questions of program and
3 policy that may affect the property, water supply, or other
4 interests of the municipality or county.