

HOUSE BILL No. 6603

December 12, 2018, Introduced by Rep. Howrylak and referred to the Committee on Government Operations.

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,"

by amending section 14 (MCL 45.514), as amended by 2017 PA 210.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14. (1) A county charter adopted under this act must
2 provide for all of the following:

3 (a) In a county that has a population of less than 1,500,000,
4 for a salaried county executive, who shall be elected at large on a
5 partisan basis, and for the county executive's authority, duties,
6 and responsibilities. In a county that has a population of
7 1,500,000 or more, a county charter adopted under this act must

1 provide for a form of executive government described and adopted
2 under section 11a.

3 (b) The election of a legislative body to be known as the
4 county board of commissioners, whose term of office must be
5 concurrent with that of state representatives, and for their
6 authority, duties, responsibilities, and number, which must be not
7 less than 5 or more than 21. The county board of commissioners
8 shall provide by ordinance for their compensation and may increase
9 or decrease their compensation. A change in compensation is not
10 effective during the term of office for which the legislative body
11 making the change was elected. The charter must also provide for
12 the partisan election of members of the legislative body from
13 single-member districts to be established by the county
14 apportionment commission as created in section 5 and under the
15 standards and guidelines established in section 5 for
16 reapportionment based on the last official federal decennial
17 census, effective at the first regular general election of the
18 members of the legislative body occurring not less than 12 months
19 after the completion and certification of the federal census. Each
20 city and township must be apportioned so that it has the largest
21 possible number of complete districts within its boundaries before
22 any part of the city or township is joined to territory outside the
23 boundaries of the city or township to form a district.

24 (c) The partisan election of a ~~sheriff, a prosecuting~~
25 ~~attorney, a county clerk, a county treasurer, and a register of~~
26 ~~deeds, and for the authority of the county board of commissioners~~
27 to combine the county clerk and register of deeds into 1 office as

1 authorized by law. **IN ADDITION, A COUNTY CHARTER ADOPTED UNDER THIS**
2 **ACT MUST PROVIDE FOR THE NONPARTISAN ELECTION OF A SHERIFF AND A**
3 **PROSECUTING ATTORNEY.**

4 (d) Except as provided in subdivision (c), the continuation of
5 all existing county offices, boards, commissions, and departments
6 whether established by law or by action of the county board of
7 commissioners; the performance of their respective duties by other
8 county offices, boards, commissions, and departments; or the
9 discontinuance of these county offices, boards, commissions, and
10 departments. Notwithstanding this subdivision in relation to
11 existing county offices, boards, commissions, and departments, a
12 county charter must insure the following:

13 (i) Except as otherwise provided under subsection (2), in a
14 county that has a population of less than 1,500,000, the charter
15 must not be in derogation of the powers and duties of the county
16 road commission in the exercise of its statutory duties concerning
17 the preservation of a county road system. The charter for these
18 counties must provide for the creation of a commission that
19 consists of not fewer than 3 or more than 5 members. Not less than
20 1 member of the commission must be a resident of a township within
21 the county.

22 (ii) Except as otherwise provided in subsection (2), in a
23 county that has a population of 1,500,000 or more, the charter must
24 provide for the continuation of a county road system within the
25 county. Notwithstanding any other provisions of this act, the
26 charter described in this subparagraph must provide that
27 responsibility for the determination of the expenditure of all

1 funds for road construction and road maintenance and for carrying
2 out the powers and duties pertaining to a county road system as
3 provided in sections 9 to 32 of chapter IV of 1909 PA 283, MCL
4 224.9 to 224.32, is vested in a commission that consists of not
5 fewer than 3 or more than 5 members. The charter must provide that
6 1 member of the commission is a resident of the most populous city
7 in the county, 1 member is a resident of a city other than the most
8 populous city within the county, and 1 member is a resident of a
9 township within the county. The charter must provide that the
10 commission is appointed by either the elected county executive or
11 the chief administrative officer. Appointment to the commission
12 must require advice and consent by a majority of the county board
13 of commissioners elected and serving not more than 60 days after
14 the appointment. If the county board of commissioners does not vote
15 on the appointment within 60 days, the appointment is final. The
16 charter may provide for the number of members and a fixed term of
17 years for the members of the commission, but the charter must
18 provide that the members of the commission may be removed at the
19 pleasure of the elected county executive or the chief
20 administrative officer. The charter must specify duties and
21 procedures to assure that administrative decisions made for road
22 construction are coordinated with administrative decisions made for
23 other programs which relate to roads. As used in this subparagraph,
24 "road construction" means all of the following:

25 (A) The building of a new road or street and the improving of
26 an existing road or street by correction grades, drainage
27 structures, width, alignment, or surface.

1 (B) The building of bridges or grade separations and the
2 repair of these structures by strengthening, widening, and the
3 replacement of piers and abutments.

4 (C) The initial signing of newly constructed roads or streets,
5 major resigning of projects, and the installation, replacement, or
6 improvement of traffic signals.

7 (e) Subject to section 15c, the continuation and
8 implementation of a system of pensions and retirement for county
9 officers and employees in those counties that have a system in
10 effect at the time of the adoption of the charter. The system
11 provided under the charter must recognize the accrued rights and
12 benefits of the officers and employees under the system then in
13 effect. The charter must not infringe on nor be in derogation of
14 those accrued rights and benefits. Subject to section 15c, the
15 charter must not preclude future modification of the system.

16 (f) The continuation and implementation of a system of civil
17 service in those counties having a system at the time of the
18 adoption of the charter. The system of civil service provided under
19 the charter must recognize the rights and status of persons under
20 the civil service system then in effect. The charter must not
21 infringe on nor be in derogation of those rights and that status.
22 The charter must not preclude future modification of the system.
23 Except as provided in subdivision (d), the charter must provide
24 that the system of civil service be coordinated among the county
25 offices, boards, commissions, and departments.

26 (g) That the general statutes and local acts of this state
27 regarding counties and county officers will continue in effect

1 except to the extent that this act permits the charter to provide
2 otherwise, if the charter does in fact provide otherwise.

3 (h) That all ordinances of the county will remain in effect
4 unless changed by the charter or an ordinance adopted under the
5 charter.

6 (i) The power and authority to adopt, amend, and repeal any
7 ordinance authorized by law or necessary to carry out any power,
8 function, or service authorized by this act and by the charter.

9 (j) The power and authority to enter into any
10 intergovernmental contract which is not specifically prohibited by
11 law.

12 (k) The power and authority to join, establish, or form with
13 any other governmental unit an intergovernmental district or
14 authority for the purpose of performing a public function or
15 service, which each is authorized to perform separately, the
16 performance of which is not prohibited by law.

17 (l) A debt limit of not to exceed 10% of the state equalized
18 value of the taxable property within the county.

19 (m) The levy and collection of taxes, the fixing of an ad
20 valorem property tax limitation of not to exceed 1% of the state
21 equalized value of the taxable property within the county, and that
22 the levy of taxes from within this ad valorem property tax
23 limitation must not exceed, unless otherwise approved by the
24 electors, the tax rate in mills, equal to the number of mills
25 allocated to the county either by a county tax allocation board or
26 by a separate tax limitation under the property tax limitation act,
27 1933 PA 62, MCL 211.201 to 211.217a, in the year immediately

1 preceding the year in which the county adopts a charter.

2 (n) Initiative and referendum on all matters within the scope
3 of the county's power and authority; and for the recall of all
4 county officials.

5 (o) Amendment or revision of the charter initiated either by
6 action of the legislative body of the county or by initiatory
7 process. An amendment or revision ~~must~~**DOES** not become effective
8 unless the amendment or revision is submitted to the electorate of
9 the county and approved by a majority of those voting.

10 (p) That the acquisition, operation, and sale of public
11 utility facilities for furnishing light, heat, or power must be
12 subject to the same restrictions as imposed on cities and villages
13 by the state constitution of 1963 and applicable law.

14 (q) Annual preparation, review, approval, and adherence to a
15 balanced budget in a manner which assures coordination among the
16 county offices, boards, commissions, and departments, except as
17 provided in subdivision (d).

18 (r) An annual audit by an independent certified public
19 accountant of all county funds.

20 (s) That a county that incurs a budget deficit in any fiscal
21 year shall prepare and submit a detailed and specific 5-year plan
22 for short-term financial recovery and long-range financial
23 stability to the governor and the legislature, before adoption of
24 the next annual county budget, for review. The 5-year plan must
25 include, but not be limited to, a projection of annual revenues and
26 expenditures, an employee classification and pay plan, a capital
27 improvements budget, and equipment replacement schedules.

1 (2) Subsection (1)(d) does not apply to a county in which the
2 charter is amended to provide for an alternative method of carrying
3 out the powers and duties which are otherwise provided by law for a
4 board of county road commissioners.

5 (3) The county board of commissioners may by resolution
6 provide for staggered terms of office for the road commissioners
7 under subsection (1)(d) so that not more than 2 road commissioners'
8 terms of office expire in the same year.

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No. ____ or House Bill No. 6602 (request no.
11 06509'18) of the 99th Legislature is enacted into law.