

HOUSE BILL NO. 6379

November 12, 2020, Introduced by Reps. Coleman, Meerman and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1851 PA 156, entitled

"An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,"

by amending sections 9, 11, and 15 (MCL 46.9, 46.11, and 46.15), section 9 as amended by 1982 PA 344, section 11 as amended by 2020 PA 1, and section 15 as amended by 1988 PA 37.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) The county board of commissioners shall cause to
2 be made out immediately after each session a report of the
3 proceedings of the board at that session and shall do 1 of the
4 following:

5 (a) ~~Publish~~**Before January 1, 2022, publish** the full report as
6 soon as possible after each session in at least 1 well-established
7 newspaper in the county or, if there is not a well-established
8 newspaper in the county, in a newspaper published in a county
9 adjacent to that county, **and beginning January 1, 2022, as soon as**
10 **possible after each session, post public notice of the full report**
11 **as set forth in the local government public notice act.**

12 (b) ~~Publish~~**Before January 1, 2022, publish** a synopsis of the
13 proceedings of the board as soon as possible after each session in
14 at least 1 well-established newspaper in the county or, if there is
15 not a well-established newspaper in the county, in a newspaper
16 published in a county adjacent to that county, **and beginning**
17 **January 1, 2022, as soon as possible after each session, post**
18 **public notice of a synopsis of the proceedings of the board as set**
19 **forth in the local government public notice act.** A statement ~~shall~~
20 **must** be included within the synopsis that a full report is
21 available from the office of the county clerk upon request.

22 (c) ~~Make~~**Before January 1, 2022, make** the report available as
23 soon as possible after each session in the office of the county
24 clerk for public inspection and copying without charge, mail copies
25 of the report upon request without charge, and advertise that the
26 report is available from the office of the county clerk in at least
27 1 well-established newspaper in the county or, if there is not a
28 well-established newspaper in the county, in a newspaper published

1 in a county adjacent to that county, and beginning January 1, 2022,
 2 make the report available as soon as possible after each session in
 3 the office of the county clerk for public inspection and copying
 4 without charge, mail copies of the report upon request without
 5 charge, and post public notice as set forth in the local government
 6 public notice act that the report is available from the office of
 7 the county clerk.

8 (2) The board shall make available immediately after each
 9 session a report of receipts and expenditures ~~which shall include~~
 10 **that includes** a statement of the name of each claimant with the
 11 amount claimed and the amount allowed for that claimant, and a full
 12 statement of the amounts of the treasurer's account on the last
 13 settlement as found on the treasurer's balance sheet or account
 14 current to the last settlement. This report ~~shall~~**must** be available
 15 for public inspection and copying without charge at the office of
 16 the county clerk. The county clerk shall also send a copy of this
 17 report to the news media.

18 (3) The board may publish an annual report in pamphlet form
 19 containing the reports described in subsections (1) and (2). The
 20 number of copies as directed by the board ~~shall~~**must** be prepared
 21 and a copy ~~shall~~**must** be obtainable by a taxpayer without charge
 22 upon demand from the county clerk. Regardless of whether an annual
 23 report is published in pamphlet form, an annual report ~~shall~~**must**
 24 be prepared and ~~shall~~**must** be open to public inspection and copying
 25 at the office of the county clerk.

26 Sec. 11. A county board of commissioners, at a lawfully held
 27 meeting, may do 1 or more of the following:

28 (a) Purchase or lease for a term not to exceed 20 years, real
 29 estate necessary for the site of a courthouse, jail, clerk's

1 office, or other county building in that county.

2 (b) Determine the site of, remove, or designate a new site for
3 a county building. The exercise of the authority granted by this
4 subdivision is subject to any requirement of law that the building
5 be located at the county seat.

6 (c) Authorize the sale or lease of real estate belonging to
7 the county, and prescribe the manner in which a conveyance of the
8 real estate is to be executed.

9 (d) Erect the necessary buildings for jails, clerks' offices,
10 and other county buildings, and prescribe the time and manner of
11 erecting them.

12 (e) Borrow or raise by tax upon the county those funds
13 authorized by law. The exercise of the authority granted by this
14 subdivision is subject to any voting requirement provided by the
15 law authorizing the borrowing or tax if different from the voting
16 requirement under section 3.

17 (f) Provide for the repayment of a loan made by the board, by
18 tax upon the county. The loan must be repaid within 15 years after
19 the date of the loan, except that a loan to erect a county building
20 for a public function must be repaid within 30 years after the date
21 of the loan.

22 (g) Prescribe and fix the salaries and compensation of
23 employees of the county if not fixed by law and, except in a county
24 having a board of county auditors, adjust claims against the
25 county. The sum allowed in the adjustment of a claim is subject to
26 appeal as provided by law.

27 (h) Direct and provide for the raising of money necessary to
28 defray the current expenses and charges of the county and the
29 necessary charges incident to or arising from the execution of the

board's lawful authority, subject to the limitations prescribed in this act. The county board of commissioners may borrow in a year, in anticipation of the levy or collection of taxes for the year, a sum of money, not exceeding 50% of the tax to be levied or collected for the general fund of the county, necessary to defray current expenses of the county. The money borrowed must be repaid from the tax when levied and collected.

(i) Authorize the making of a new tax roll.

(j) By majority vote of the members of the county board of commissioners elected and serving, pass ordinances that relate to county affairs and do not contravene the general laws of this state or interfere with the local affairs of a township, city, or village within the limits of the county, and pursuant to section 10b provide suitable sanctions for the violation of those ordinances. The board may change the limits of a city, village, or school district within the county as provided by law. If there is not a general law governing the subject, or if a change cannot be made pursuant to a general law, the board may change the limits of the village upon petition of at least 10% of the resident taxpayers. ~~An~~
Before January 1, 2022, an ordinance or act of incorporation
 provided in this subdivision takes effect when notice of the adoption is published in a newspaper of general circulation in the county. **Beginning January 1, 2022, an ordinance or act of**
incorporation provided in this subdivision takes effect when public
notice of the adoption is posted as set forth in the local
government public notice act. The clerk of the county board of commissioners shall engross each ordinance or act, and it ~~shall~~
must be signed by the chairperson of the county board of commissioners and certified by the clerk of the county board of

1 commissioners. If, within 50 days after the county board of
2 commissioners adopts an ordinance or act, a petition signed by not
3 less than 20% of the electors residing in the district to be
4 affected by the ordinance or act is filed with the county clerk
5 asking that the ordinance or act be submitted to electors of the
6 district to be affected by the ordinance or act for approval or
7 rejection, then the ordinance or act does not take effect until it
8 is approved by a majority of the electors of the district affected
9 voting on that issue at a regular or special election called for
10 that purpose. The county board of commissioners shall provide the
11 manner of submitting the ordinance or act to the electors for their
12 approval and of determining the result of the election.

13 (k) Require a county officer whose salary or compensation is
14 paid by the county to make a report under oath to the county board
15 of commissioners on any subject connected with the duties of that
16 office and require the officer to give a bond reasonable or
17 necessary for the faithful performance of the duties of the office.
18 An officer who neglects or refuses either to make a report or give
19 a bond within a reasonable time after being required to do so may
20 be removed from office by the board by a vote of 2/3 of the members
21 elected or appointed, and the office declared vacant. The board may
22 fill the vacancy for the unexpired portion of the term for which
23 the officer was elected or appointed. If an election occurs before
24 the expiration of the unexpired term, and if the office is
25 elective, the vacancy must be filled at that election. The board
26 shall give reasonable notice of the election to fill the vacancy.

27 (l) Represent the county and have the care and management of
28 the property and business of the county if other provisions are not
29 made.

(m) Establish rules and regulations in reference to the management of the interest and business concerns of the county as the board considers necessary and proper in all matters not especially provided for in this act or under the laws of this state. The county board of commissioners shall not audit or allow a claim, including a bill or charge, against the county unless the claim has been filed with the county clerk of the county before the fourth day of a regular meeting of the board, or before the second day of an adjourned or other meeting, the claim is contracted by the board during the session of the board or the claim is for mileage and per diem of the members of the board. The county clerk shall keep a book of all claims in the order in which the claims are presented, giving the name of each claimant and the amount and date of presentation of each claim. The book, after the time prescribed for the presentation of claims, must be delivered to the chairperson for the use of the board. At the October session, the board, by a vote of 2/3 of the members, may receive and allow accounts that have wholly accrued during the session.

(n) Subject to subdivision (o), remove an officer or agent appointed by the board if, in the board's opinion, the officer or agent is incompetent to execute properly the duties of the office or if, on charges and evidence, the board is satisfied that the officer or agent is guilty of official misconduct, or habitual or willful neglect of duty, and if the misconduct or neglect is a sufficient cause for removal. However, an officer or agent shall not be removed for that misconduct or neglect unless charges of misconduct or neglect are presented to the county board of commissioners or the chairperson of the county board of commissioners, notice of the hearing, with a copy of the charges,

1 is delivered to the officer or agent, and a full opportunity is
2 given the officer or agent to be heard, either in person or by
3 counsel.

4 (o) If the county has an appointed county manager or other
5 appointed chief administrative officer or a county controller, the
6 county board of commissioners may enter into an employment contract
7 with that officer. The term of the employment contract may extend
8 beyond the terms of the members of the county board of
9 commissioners. The term of the employment contract must be 3 years
10 or less, unless the employment contract is entered into on or after
11 August 1 of an even-numbered year, in which case the term of the
12 employment contract must be 1 year or less. However, in a county
13 organized under 1966 PA 293, MCL 45.501 to 45.521, with an
14 appointed chief administrative officer, an employment contract with
15 the appointed chief administrative officer must be for the term
16 provided by section 11a of 1966 PA 293, MCL 45.511a. An employment
17 contract under this subdivision must be in writing and must specify
18 the compensation to be paid to the officer, any procedure for
19 changing the compensation, any fringe benefits, and any other
20 conditions of employment. If the officer serves at the pleasure of
21 the county board of commissioners, the contract must so state and
22 may provide for severance pay or other benefits in the event the
23 employment of the officer is terminated at the pleasure of the
24 county board of commissioners.

25 (p) Establish rules consistent with the open meetings act,
26 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding
27 before the board.

28 (q) Acquire by exchange land needed for county purposes,
29 including the purchase of land to be used in exchange for other

1 land of approximate equal value owned by the federal government and
2 needed for county purposes.

3 (r) Grant or loan money to a nonprofit corporation organized
4 for the purpose of providing loans for private sector economic
5 development initiatives. A grant or loan under this subdivision
6 must not be derived from ad valorem taxes except for ad valorem
7 taxes approved by a vote of the people for economic development.
8 The county shall establish an application process for proposals to
9 receive a grant or loan under this subdivision. The awarding of a
10 grant or loan under this subdivision must be made at a public
11 hearing of the county board of commissioners. The grant or loan
12 contract must require a report to the county board of commissioners
13 regarding the activities of the recipient and the degree to which
14 the recipient has met the stated public purpose of the funding.

15 (s) By majority vote of the members of the county board of
16 commissioners elected and serving in a county with an appointed
17 board of county road commissioners, pass a resolution that
18 transfers the powers, duties, and functions that are otherwise
19 provided by law for the appointed board of county road
20 commissioners of that county to the county board of commissioners.
21 The resolution is subject to the requirement in section 6(9) of
22 chapter IV of 1909 PA 283, MCL 224.6. The appointed board of county
23 road commissioners of that county is dissolved on the date
24 specified in the resolution adopted under this subdivision, and the
25 county board of commissioners is authorized to receive and expend
26 funds as allowed under 1951 PA 51, MCL 247.651 to 247.675. If the
27 powers, duties, and functions of the board of county road
28 commissioners of a county are transferred to the county board of
29 commissioners of that county under this subdivision and the powers

1 and duties of the office of county drain commissioner of that
2 county had previously been transferred to the board of county road
3 commissioners as provided in section 21(3) of the drain code of
4 1956, 1956 PA 40, MCL 280.21, then the county board of
5 commissioners of that county shall reestablish, by resolution, the
6 office of county drain commissioner as an elected office. The
7 resolution reestablishing the office of county drain commissioner
8 must provide for the appointment of an acting county drain
9 commissioner for that county who shall hold office until the next
10 general election at which a county drain commissioner will be
11 elected as provided in chapter X of the Michigan election law, 1954
12 PA 116, MCL 168.191 to 168.211.

13 (t) By majority vote of the members of the county board of
14 commissioners elected and serving in a county with an elected board
15 of county road commissioners, pass a resolution to submit to the
16 qualified and registered electors of the county at the next regular
17 election to be held in the county the question of transferring the
18 powers, duties, and functions of the elected board of county road
19 commissioners of that county to the county board of commissioners.
20 The resolution is subject to the requirement in section 6(9) of
21 chapter IV of 1909 PA 283, MCL 224.6. If a majority of the
22 qualified and registered electors of the county voting on the
23 question vote in favor of transferring the powers, duties, and
24 functions of the elected board of county road commissioners of that
25 county to the county board of commissioners, the elected board of
26 county road commissioners of that county is dissolved and the
27 county board of commissioners is authorized to receive and expend
28 funds as allowed under 1951 PA 51, MCL 247.651 to 247.675. If the
29 powers, duties, and functions of the board of county road

1 commissioners of a county are transferred to the county board of
2 commissioners of that county under this subdivision and the powers
3 and duties of the office of county drain commissioner of that
4 county had previously been transferred to the board of county road
5 commissioners as provided in section 21(3) of the drain code of
6 1956, 1956 PA 40, MCL 280.21, then the county board of
7 commissioners of that county shall reestablish, by resolution, the
8 office of county drain commissioner as an elected office. The
9 resolution reestablishing the office of county drain commissioner
10 must provide for the appointment of an acting county drain
11 commissioner for that county who shall hold office until the next
12 general election at which a county drain commissioner will be
13 elected as provided in chapter X of the Michigan election law, 1954
14 PA 116, MCL 168.191 to 168.211.

15 (u) If, after a board of county road commissioners is
16 dissolved as provided in subdivision (s) or (t), the county board
17 of commissioners for a county determines that a board of county
18 road commissioners would provide a cost savings to the county
19 residents and would better meet the needs of the county residents,
20 the county board of commissioners for that county may do either of
21 the following:

22 (i) By majority vote of the members of the county board of
23 commissioners, adopt a county road system with a board of county
24 road commissioners as provided in chapter IV of 1909 PA 283, MCL
25 224.1 to 224.32.

26 (ii) By majority vote of the members of the county board of
27 commissioners, submit the question of adopting a county road system
28 with a board of county road commissioners to a vote of the electors
29 of the county as provided in chapter IV of 1909 PA 283, MCL 224.1

1 to 224.32.

2 (v) Loan money to a township within the county for the purpose
3 of funding a road construction project or providing matching funds
4 for a joint project between the county and the township. A loan
5 granted under this subdivision must not exceed a term of 10 years.

6 Sec. 15. ~~Notice~~**Before January 1, 2022, notice** in writing of
7 an intended application under section 14 subscribed by those
8 freeholders as required by section 14 ~~shall~~**must** be posted in 5 of
9 the most public places in each of the affected townships during the
10 4 weeks before submission of the application to the county board of
11 commissioners. ~~A~~**Before January 1, 2022, a** copy of the notice ~~shall~~
12 **must** also be published once each week for 4 successive weeks
13 immediately ~~preceding~~**before** the meeting of the county board of
14 commissioners at which the application is to be made in a newspaper
15 printed in the county, if any are published in the county.

16 **Beginning January 1, 2022, before the meeting of the county board**
17 **of commissioners at which the application is to be made, public**
18 **notice of an intended application under section 14 must be posted**
19 **as set forth in the local government public notice act.**

20 Enacting section 1. This amendatory act does not take effect
21 unless Senate Bill No. ____ or House Bill No. 6440 (request no.
22 02449'19) of the 100th Legislature is enacted into law.