





# **County Government in Michigan**

**A Presentation by the Citizens  
Research Council of Michigan**





## **Citizens Research Council of Michigan**

**For over 90 years, the objective of the Citizens Research Council of Michigan has been to provide factual, unbiased, independent information on significant issues concerning state and local government organization and finance. CRC believes that the use of this information by policy makers will lead to sound, rational public policy in Michigan.**





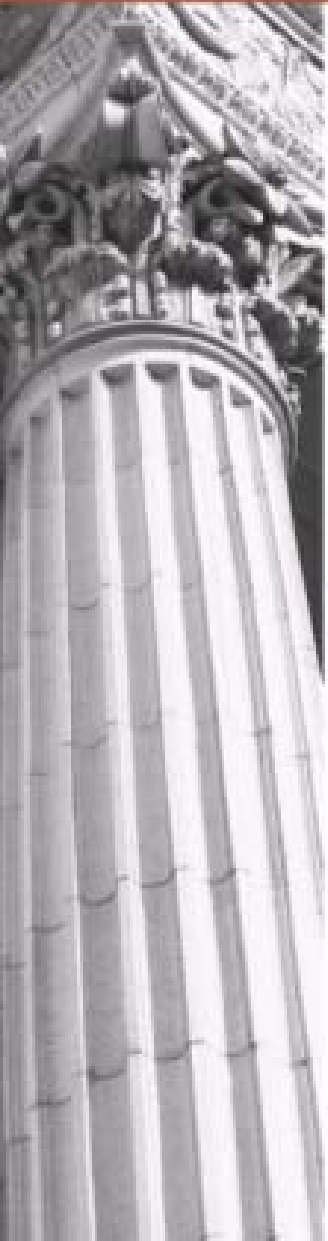
## Article VII, Sections 1-16 of the 1963 Michigan Constitution

- Section 2 provides for county charters, but requires implementing legislation.
- Section 4 provides for the election of a sheriff, county clerk, register of deeds, county treasurer, and prosecuting attorney.
- Section 7 provides for a board of supervisors consisting of one member from each township and representation from cities as provided by law (ruled in violation of 1-man, 1-vote provisions of U.S. Constitution in *Reynolds v Sims*).



## Mandated Functions of Counties

- **Conduct of elections**
- **Enforcement of state criminal laws**
- **Administration of justice**
- **Care of prisoners**
- **Recording of plats**
- **Registration of property deeds**
- **Issuance of birth and marriage certificates**
- **Maintenance of county roads**
- **Equalization of assessments**





## Permissive Functions

- Parks and recreation
- Water and sewerage
- Solid waste disposal
- Planning and zoning
- Airports
- Port facilities
- Libraries
- Hospitals
- Economic development
- Public health
- Mental health





## Michigan has 83 counties

- 80 (including Macomb) are general law counties.
- Oakland and Bay have adopted the optional unified form with an elected county executive.
- Only Wayne County has adopted a charter.



## General Law Counties

- **Multi-purpose commission with both legislative and administrative powers and duties.**
- **Multiple, directly elected, executive department heads: sheriff; clerk; treasurer; register of deeds; prosecuting attorney; drain commissioner; road commission may be elected or appointed.**
- **Multiple boards and commissions under state law.**





## Number of County Commissioners Is Based on Population

<b>Population</b>	<b># of Commissioners</b>
Under 5,001	Not more than 7
5,001-10,000	Not more than 10
10,001-50,000	Not more than 15
50,001-600,000	Not more than 21
600,001-1,000,000	17 to 35
Over 1,000,000	25 to 35

**Macomb (pop. 843,389) has 26 commissioners.**



## County Apportionment Commission

- **Five members: the county clerk, county treasurer, prosecuting attorney, and county chairperson of the two major political parties.**
- **Establishes county commissioner districts after each decennial census.**
- **Determines, within the legal limits, the number of seats a board will have.**
- **Also establishes charter commission districts.**



## **To Increase Administrative Control in General Law Counties:**

- County Administrator, Manager, or Coordinator (35 counties)
- Finance Committee
- Board of Auditors
- County Auditor
- County Controller
- Ways and Means Committee
- Purchasing Agent
- Board Secretary
- Administrative Assistant





## Charter Counties

- PA 293 of 1966 allowed a very limited form of charter county.
- Delta and Wayne tried and failed to adopt charters under PA 293.
- PA 7 of 1980 revised PA 293 in order to facilitate charter adoption by Wayne.





## Charter Adoption

- Board of Commissioners may place the election of a charter commission on the ballot.
- A petition signed by 5% of registered voters may place the issue before the voters.
- “Shall the county of \_\_\_\_\_ elect a charter commission for the purpose of framing and submitting to the electorate of the county a county home rule charter under the constitution and laws of Michigan?”



## The Charter Commission

- The number of charter commissioners is based on county population: 25 to 35 in counties of over 600,000 population.
- The primary election of charter commissioners may occur at the same election as the ballot question, but the Macomb Commission has scheduled it for August 5.
- Charter commissioner candidates must have been electors for six months and may not be elected county officials.
- Charter commissioners may receive \$65 per day for up to 90 meetings ( $\$65 \times 90 \times 26 = \$152,100$ )
- A charter commission cannot remain in existence for more than two years.



## The Charter Commission

- **“The county board of commissioners shall provide, if necessary, a county appropriation sufficient to defray the cost of suitable office and meeting space; materials; supplies; personnel; the printing and distribution of documents, journals and records of proceedings; the dissemination of information about the proposed charter; and all other expenses necessary to permit uninterrupted and orderly completion of the duties of the commission.”**





## Charter Commission Process

- The charter commission has 180 days after its organization to agree on a charter.
- A proposed charter must be approved by the Governor before being submitted to the voters.
- The commission has 60 days to revise a charter that is disapproved by the voters.
- If the second charter is disapproved, the charter commission is dissolved.
- If approved, a charter takes effect after the election of new charter officers.



## The County Charter

- In counties of less than 1.5 million people, the charter must include an elected executive.
- The multi-headed executive branch is retained; constitutional executive branch officials are protected.
- In counties having more than 600,000 people, a county commission of from 5 to 27 members (compared to 17-35).



## County Commissions

# of Commissioners	# of Counties
5	20
6	1
7	30
8	3
9	13
10	1
11	4
12-26	11





## **County Commissions in Counties Over 100,000 Population**

- 7** Calhoun, St. Clair
- 9** Bay, Genesee, Lenawee, Livingston, Monroe
- 11** Allegan, Muskegon, Ottawa, Washtenaw
- 12** Jackson
- 13** Berrien
- 15** Eaton, Saginaw, Wayne
- 16** Ingham
- 17** Kalamazoo
- 19** Kent
- 25** Oakland
- 26** Macomb



## Mandatory Provisions

- The charter cannot contradict existing state statutes unless the charter county act specifically allows a different rule.
- The powers and duties of the county executive and of the county commission must be defined in the charter.
- A county road commission of 3 to 5 members.
- Existing pension and civil service systems are protected.



## Mandatory Provisions

- Continuation of ordinances; The county has the authority to adopt, amend, and repeal ordinances.
- The county has authority to enter into intergovernmental contracts.
- Initiative and referendum
- Recall
- Amendment or revision of the charter
- Balanced budget and annual audit are required.
- Debt limit up to 10% of SEV of taxable property.



## County Road Commission

- **Sec 14,(1)(d)(i)** "Except as provided under subsection (2), in a county having a population of less than 1,500,000, the charter shall not be in derogation of the powers and duties of the county road commission in the exercise of their statutory duties concerning the preservation of a county road system."
- **Sec. 14 (2)** "Subsection (1)(d) shall not apply to a county in which the charter is amended to provide for an alternative method of carrying out the powers and duties which are otherwise provided by law for a board of county road commissioners."
- **Sec, 14 (1)(o)** "An amendment or revision shall not be come effective unless the amendment or revision is submitted to the electorate of the county and approved by a majority of those voting."



## Permissive Provisions

- **Centralization of staff functions (budgeting, accounting, personnel, purchasing, property management).**
- **Definition of departments under the county executive.**
- **Provision that any unit of government in the county may transfer any municipal service to the county with conditions.**
- **The county may perform any function not prohibited by law.**



## Permissive Provisions

- **Authority to establish and maintain various facilities.**
- **Authority to levy and collect any taxes, fees, rents, tolls, or excises authorized by law.**
- **Election or appointment of a drain commissioner.**
- **A system of retirement for county employees and officers.**





## Tax Limitation

- Existing property tax millage rate remains in effect.
- Rate is limited to the number of mills levied by the county in the year immediately preceding the year in which the county adopts a charter, unless approved by the voters.
- 10 mill statutory limit.



## Elections Required

- **Vote to have a charter commission (may be combined with primary for charter commission)**
- **Primary for charter commissioners (if not combined with initial vote)**
- **Election of charter commissioners**
- **Approval of charter (or Rejection of charter)**
- **(Approval of revised charter)**
- **Primary election for county executive**
- **General election for county executive**



## Wayne County Charter

- Wayne County voters rejected proposals to elect a charter commission in 1968 and 1972.
- The County Board of Commissioners placed the issue on the ballot in 1980.
- Voters approved the proposal, elected charter commissioners, and adopted a charter with an elected executive in 1981.
- The county tax rate was 7.82 in 1978-1980; 7.32 in 1981-at least 1986.
- Wayne has 15 county commissioners.
- Wayne has had three county executives.



## **The Optional Unified Form PA 139 of 1973**

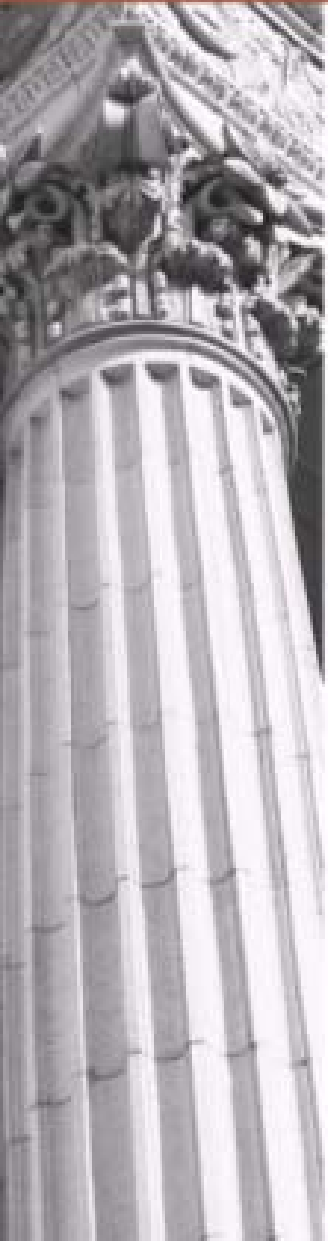
- **May be adopted with either an appointed manager or an elected executive.**
- **May be implemented with two elections.**
- **No charter commission is required.**





## The Optional Unified County Charter Is Contained in the Statute

- Authority and role of the county commission
- Authority and role of the county administrator or county executive.
- County departments and their responsibilities (upon the recommendation of the county administrator or executive, the county commission can consolidate departments, transfer functions among departments, and create new departments)
- Provisions on civil service and merit systems, retirement and pension programs, county property, ordinances.





## Oakland County

- The Oakland County Board of Commissioners placed both alternates A and B on the ballot in 1974.
- The vote was 2 to 1 in favor of the optional unified form, and favored an elected executive.
- The county tax rate remained 5.51 mills.
- Oakland has 25 county commissioners.
- Oakland has had two county executives.



## Bay County

- A political activist initiated a petition to place both alternates on the ballot in Bay County in 1978.
- Voters approved the form and adopted an elected executive.
- Tax rates were 6.60 in 1978, 6.57 in 1979, 6.77 in 1980.
- A proposal to abolish the form was defeated in 1984.
- Bay has nine county commissioners.
- Bay has had three county executives.



**Thank You**

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