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TO: Grand Traverse County Board of Commissioners
FROM: Matt Nordfjord
DATE: May 29, 2024

1. Sources of Authority.

- a. County Boards of Commissioners do not have “general police powers” to enact laws regarding the general health, safety, and welfare of the community. Need to review state statutes to determine Board Authority.
- b. Some general powers of the Board of Commissioners are found at MCL 46.11 (attached as **Exhibit 1**). There are limitations on the power of the Board of Commissioners to enact Ordinances. [MCL 46.11(j).]
- c. The County Board of Commissioners has the authority to contract for services but cannot “donate” money to non-profit entities/causes.
- d. The County Board of Commissioners also derives its authority from the Michigan Constitution and statutory law. Const 1963, Art. 7, §8 provides:

Boards of [Commissioners] shall have legislative, administrative and such other powers and duties as provided by law....
- e. Among the statutory duties of the County Board of Commissioners is the power to prescribe and fix the salaries and compensation of employees of the county if not fixed by law.... MCL 46.11(g). The Board also has the power

to represent the county, and have the care and management of the property and business of the county if other provisions are not made. MCL 46.11(l).

2. The role and relationship between the County Board of Commissioners and Elected County officers, including who has the authority to hire and fire; the collective bargaining process; the budgeting process.

- a. Michigan law recognizes a co-employer relationship between the Board of County Commissioners and each of the elected County officers. Each has distinct spheres of authority with regard to employment issues. The purpose of this outline is to summarize that co-employer relationship.
- b. Prosecutor, Treasurer, Sheriff, Register of Deeds, Clerk, Drain Commissioner (collectively the “Elected County officers”).
- c. Elected County officers derive their authority from the Michigan Constitution and statutory law. Const 1963, Art. 7, §4 provides:

There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds, and prosecuting attorney, whose duties and powers shall be provided by law....

- i. Statutory Authority to Hire and Fire.
- ii. Each elected County official has been given the power to select and appoint employees who serve at the pleasure of the elected official. See:
 - 1. MCL 50.63 (deputy clerks);
 - 2. MCL 48.37 (deputy treasurers and other employees of the county treasurer);
 - 3. MCL 51.70 (deputy sheriffs);
 - 4. MCL 49.31 and MCL 49.42 (assistant prosecuting attorneys and employees of the prosecuting attorney);
 - 5. MCL 53.91 (deputy register of deeds); and
 - 6. MCL 280.24 (deputy drain commissioner).
- iii. *See Branch Co and Branch Clerk, Register of Deeds, Treasurer v. UAW*, 260 Mich App 189 (2003).

In the above referenced Branch County case, the UAW filed an Unfair Labor Practice (ULP) when the elected officials and the Board of Commissioners demanded that the Union bargain with the officials

over the non-economic terms and conditions of employment of the employees in their respective offices. The UAW insisted that an elected official was the co-employer only of the official's chief deputy. When the MERC dismissed its ULP, the UAW appealed. Following a detailed review of statutory authority, the Court of Appeals agreed with the MERC that each official is a co-employer of all employees in each office with the unique exception of the Register of Deeds. The Court found that the Register is the co-employer of only the chief deputy. Leave to appeal that issue was denied by the Supreme Court, and 2004 PA 440 was enacted to address the anomaly in the Register of Deeds statute.

d. Funding.

- i. Historically, one of the potential problems in this working relationship is the funding level for the office of each elected County officer. Michigan Courts have determined that the County Board of Commissioners is legally required to provide the funds necessary to permit elected County officers to carry out their statutorily mandated duties at a "serviceable level." The Court of Appeals in 1979 defined "serviceable level":

We adopt "serviceability" as the standard to be applied in determining whether the Board of Commissioners has unlawfully underfunded the county executive officers so that they are unable to fulfill their statutory obligations. Serviceability must be defined in the context of Justice Black's opinion, i.e. "urgent," "extreme," "critical," and "vital" needs. A serviceable level of funding is the **minimum** budgetary appropriation at which statutorily mandated functions can be fulfilled. A serviceable level is not met when the failure to fund eliminates the function or creates an emergency immediately threatening the existence of the function. A serviceable level is not the optimal level. A function funded at a serviceable level will be carried out in a **barely adequate** manner, but it will be carried out. A function funded below a serviceable level, however, will not be fulfilled as required by statute.

Wayne County Prosecutor, et al v Wayne County Board of Commissioners, 93 Mich App 114, 124 (1979). (Emphasis added).

- ii. The Board of Commissioners determines the economic issues in the co-employer relationship, and the elected officer determines the non-economic issues in his or her office.

e. Economic Issues.

- i. Because the Board of Commissioners approves the County budget, it determines all economic employment issues, including, but not limited to:
 1. The number of employees in each office*;
 2. Pay ranges;
 3. Paid leave policies;
 4. Insurance coverage;
 5. All retirement plans and benefit levels;
 6. Workers' compensation economic policies;
 7. Unemployment policies;
 8. Travel reimbursement;
 9. Number of paid vacation days;
 10. Number of paid holidays;
 11. Number of paid sick days;
 12. Number of paid personal days;
 13. Overtime rates; and
 14. Grievance procedure regarding economic issues.

*With the exception of the number of employees, the above issues are subject to collective bargaining under PERA

f. Non-economic Issues.

- i. Each elected County officer determines *non-economic employment issues*, including, but not limited to:
 1. Whom to hire;
 2. "At-will" versus "just cause" standard for discipline and discharge;
 3. Management rights issues;
 4. Assignment of employees;
 5. Performance evaluations, if any;
 6. Work rules and regulations, if any;
 7. Control over employee conduct;
 8. Day-to-day operations of the office;
 9. Notice requirements for use of paid time off;
 10. Abuse of sick leave policy, if any;
 11. Transfer policy and procedures;
 12. Seniority and bumping rights into and within the office, if any;
 13. Discipline and discharge; and

14. Grievance procedure re: non-economic issues.

The above is subject to collective bargaining under PERA.

- g. Cooperation: It cannot be overstated that cooperation and communication between the elected officer and the Board as co-employers is essential in at least two areas where their respective interests intersect: (1) the development and implementation of effective personnel policies; and (2) effective bargaining with unions. For example, the Board cannot unilaterally impose the County personnel policy of a non-economic nature on elected officers without the officer's consent. OAG 1975-1976, No. 5046, p 484 (June 10, 1976). An example is a County nepotism policy cannot be imposed upon an elected official.

h. Bargaining Process.

- i. With regard to unions, the Public Employment Relations Act (PERA) requires the co-employers to negotiate in good faith on mandatory subjects of collective bargaining: wages, hours and other terms and conditions of employment. MCL 423.201 et seq. As co-employers, elected officers may not refuse to bargain where a demand to bargain is received by them from the Union. Elected County officers have the right to participate fully in the bargaining process, and are parties to the labor contract. *St Clair Prosecutor v AFSCME*, 425 Mich 204 (1986).
- ii. However, elected County officers may inadvertently waive their right to bargain if they fail to delegate their authority to bargain to a negotiator or fail or refuse to participate in bargaining. Bargaining at the table is difficult and elected officials may choose to delegate their authority to the County's negotiator. The elected County officers have a right to:
 - 1. Contribute to employer responses to Union proposals on non-economic issues or prepare their own responses;
 - 2. Contribute to employer contract proposals on non-economic issues or prepare their own proposals;
 - 3. Actively participate in bargaining;
 - 4. Ratify non-economic tentative agreements; and
 - 5. Execute a labor contract.

3. The role and relationship between the County Board of Commissioners and the Courts.

The Supreme Court in its revised Order of December 28, 1998, Administrative Order 1998-5, greatly enhanced the Counties' ability to maintain fiscal responsibility. The following are some provisions from that Administrative Order:

II. COURT BUDGETING

“... The budget submitted must be in conformity with a uniform chart of accounts. If the local funding unit requests that a proposed budget be submitted in line-item detail, the chief judge must comply with the request. If a budget has been appropriated in line-item detail, without prior approval of the funding unit, a court may not transfer between line-item accounts to: (a) create new personnel positions or to supplement existing wage scales or benefits, except to implement across the board increases that were granted to employees of the funding unit after the adoption of the court's budget at the same rate, or (b) reclassify an employee to a higher level of an existing category. A chief judge may not enter into a multiple-year commitment concerning any personnel economic issue unless: (1) the funding unit agrees, or (2) the agreement does not exceed the percentage increase or the duration of a multiple-year contract that the funding unit has negotiated for its employees. Courts must notify the funding unit or a local court management council of transfers between lines within 10 business days of the transfer. The requirements shall not be construed to restrict implementation of collective bargaining agreements.” [Emphasis added].

V. PARTICIPATION BY FUNDING UNIT IN NEGOTIATING PROCESS

“If a court does not have a local court management council, the chief judge, in establishing personnel policies concerning compensation, fringe benefits, pensions, holidays, or leave, must consult regularly with the local funding unit and must permit a representative of the local funding unit to attend and participate in negotiating sessions with court employees, if desired by the local funding unit. The chief judge shall inform the funding unit at least 72 hours in advance of any negotiating sessions.” [Emphasis added].

VI. CONSISTENCY WITH FUNDING UNIT PERSONNEL POLICIES

“To the extent possible, consistent with the effective operation of the court, the chief judge must adopt personnel policies consistent with the written employment policies of the local funding unit...”

1. **“Unscheduled Court Closing Due to Weather Emergency.** If a chief judge opts to close a court and dismiss court employees because of a weather emergency, the dismissed court employees must use accumulated leave time or take unpaid leave if the funding unit has employees in the same facility who are not dismissed by the funding unit. If a collective bargaining agreement with court staff does not allow the use of accumulated leave time or unpaid leave in the event of court closure due to weather conditions, the chief judge shall not close the court unless the funding unit also dismisses its employees working at the same facility as the court. Within 90 days of the issuance of this order, a chief judge shall develop and submit to the State Court Administrative Office a local administrative order detailing the process for unscheduled court closing in the event of bad weather. In preparing the order, the chief judge shall consult with the court’s funding unit. The policy must be consistent with any collective bargaining agreements in effect for employees working the court.
2. **Court Staff Hours.** The standard working hours of court staff, including when they begin and end work, shall be consistent with the standard working hours of the funding unit. . .” [Emphasis added.]

VIII. COLLECTIVE BARGAINING

“. . . a chief judge of a trial court may designate a representative of a local funding unit or a local court management council to act on the court’s behalf for purposes of collective bargaining. . .”

IX. EFFECT ON EXISTING AGREEMENTS

“This order shall not be construed to impair existing collective bargaining agreements. Nothing in this order shall be construed to amend or abrogate agreements between chief judges and local funding units in effect on the date of this order. Any existing collective bargaining agreements that expire within 90 days may be extended for up to 12 months.”

4. **Open Meetings Act. 1976 PA 267; MCL 15.261, et seq.**
 - a. The following are some situations when a Board of Commissioners is permitted to go into a Closed Session:

Upon a two-thirds roll call vote of the members of a public body elected or appointed and serving, a public body **may** meet in closed session for any of the following reasons:

1. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained. [Section 8(d)] (Not sale).
2. To consult with its attorneys regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body. [Section 8(e).] The attorney must be present in person or by telephone.
3. To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. All interviews of a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this Act except as otherwise provided in this subdivision. This subdivision does not apply to the search for a president of an institution of higher education under section 8(j). [Section 8(f).]
4. To consider material exempt from discussion or disclosure by State or Federal statute. [Section 8(h)] Section 8(h) has been interpreted to permit a public body to hold a closed session for consideration of a written legal opinion within the attorney-client privilege, but a closed session may not be held for consideration of an oral opinion. [*Booth Newspapers v Wyoming*, 168 Mich App 459 (1988).] The attorney is not required to be present.

Closed sessions **may** also be held by public bodies for the following reasons without a two-thirds roll call vote:

1. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against or to consider a periodic personnel evaluation of, a public officer, employee, staff member or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered thereafter only in open sessions. [Section 8(a).]

2. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.¹ [Section 8(c).]
3. In the process of searching for and selecting a president of an institution of higher education established under the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate under certain conditions. [Section 8(i).]

A roll call vote and the purpose or purposes for calling the closed session is required to be entered into the minutes of the meeting at which the vote is taken. During the closed session, a separate set of minutes is required to be taken. Under most circumstances, any vote which is taken on a matter discussed in closed session should be made during the regular meeting. The minutes are required to be retained by the clerk of the public body. However, they are not to be made available to the public and shall only be disclosed as required by a civil action. The minutes are permitted to be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

5. **Board Rules.**

- a. MCL 46.3 - (2) Questions that arise at meetings of the county board of commissioners shall be determined by the votes of a majority of the members present. However, **the final passage or adoption of a measure or resolution *** or the allowance of a claim against the county shall be determined by a majority of the members elected and serving.** The county board of commissioners may require in its bylaws that the vote of 2/3 of the members present or a majority of the members elected and serving, whichever is greater, are required on final passage or adoption of a non-agenda item.
- b. MCL 46.3 - (4) The county board of commissioners of a county shall elect 1 member as chairperson and 1 member as vice-chairperson. The chairperson shall be elected each odd numbered year for a 2-year term, unless the county board of commissioners provides by resolution that the chairperson shall be elected annually for a 1-year term. The vice-chairperson shall be elected annually for a 1-year term. The election of a chairperson or vice-chairperson shall take place at the first meeting of the county board of commissioners in a year in which a chairperson or vice-chairperson,

¹ Section 8(c) has been interpreted to permit closed strategy sessions only when negotiation of a labor agreement is in progress or about to commence. *Wexford Prosecutor v Pranger*, 83 Mich App 197 (1978).

respectively, is to be elected. The term of a chairperson or vice-chairperson shall begin upon his or her election. A resolution providing for a 1-year term for the chairperson does not shorten the term of office of a sitting chairperson elected for a 2-year term.

c. Legal Requirements for calling a Special Board of Commissioners Meeting.

The following is a sample resolution which can be passed to implement provisions of MCL 46.10 as revised:

BE IT RESOLVED, the County Board of Commissioners changes its bylaws to include the following:

A special meeting of the County Board of Commissioners shall be held only when a written request from at least one third of the members of the county board of commissioners is provided to the county clerk. The written request of the special meeting must specify the time, date, place and purpose of the special meeting. Upon receipt of this request, the clerk shall give notice to each of the commissioners within _____ (hours/days to be determined by the Board of Commissioners, while still complying with the 18-hour prior notice requirement of the Open Meetings Act), in one of the manners provided as follows:

Via a confirmed facsimile transmission to the commissioner's residence;

Via personal delivery of the notice of the special meeting to the commissioners; or

Leaving the notice of the special meeting at the residence of the commissioner.

BE IT FURTHER RESOLVED that the clerk shall comply with all notice and posting requirements mandated by the Open Meetings Act.

d. Quorum. A quorum of the Board must be present in order for any business to be conducted, other than to adjourn the meeting. For Grand Traverse County, a quorum is five members.

e. Presiding Officer. The presiding officer is responsible for enforcing the rules and for the conduct of the meeting. For the Board of Commissioners, the Chairperson presides. Persons who are disruptive of the meeting may be gavelled out of order. If the disruption is severe such that it results in a breach

of the peace, the person may be asked to leave, or the meeting may be adjourned.

- f. **Discussion.** No member should speak until recognized for that purpose by the Board Chair. Once recognized, the member should confine discussion/argument to the issue at hand.
- g. **Motions.** There are numerous types of motions that may be made. The presiding officer is normally precluded from making a motion, but he or she may appropriately announce their willingness to entertain a certain motion. A member makes a motion by first seeking to be recognized, and then clearly articulating the motion. For example, a member may make a motion to approve a specific Resolution, or to deny an application for a variance, or to adjourn the meeting. Each and every motion must have support by a member who “seconds” the motion; otherwise, the motion dies for lack of a second. Once a motion has been made and seconded, only then is it ripe for discussion. Motions to table a matter to a later date are not subject to discussion. Motions may be amended by a motion to amend, which also must be seconded. A “friendly” amendment may be approved by the original movant and second. The motion to amend must be decided first, and then the main motion is to be decided.
- h. **Voting.** Each member, including the presiding officer has one vote. Votes should be taken by roll call, except where the vote is unanimous and the minutes reflect that fact. Financial matters should always be decided by roll call vote. The Open Meetings Act requires that the public have a way of determining how each member voted on each issue. There can be no secret ballots. A simple majority is required for passage of a matter voted upon, unless a larger majority is required by law. After each vote, the presiding officer should announce the result.
- i. **Abstention.** No member may abstain from voting on any issue, unless excused for cause by a majority of the remaining members, or where the member has a substantial direct or indirect financial interest (conflict of interest).
- j. **Closed session.** A closed session may only be called for one of the enumerated reasons set forth in the Open Meetings Act. A 2/3 roll call vote is required to go into closed session, unless a closed session is for one of the reasons by which an individual can request it, e.g., an employee evaluation.
- k. **Minutes.** It is vital that accurate minutes are taken at every meeting, and approved (with any necessary corrections) at the very next meeting.

- I. Public comment. Public comment is afforded at all public meetings. Depending on the number wishing to speak, and the similarity of comments, the length of the public comment may be limited accordingly. There is no reason to allow public comment to dominate a meeting, or to usurp the time reserved for the board to conduct its business. Argument between the Board and the public is inappropriate. If substantial time is necessary for public comment on an issue, a public hearing should be scheduled for that purpose.
- m. Decorum. All meetings should be conducted with an air of formality. Common courtesy and civility should be extended to all persons, including those who are disagreeable or impolite. Profanity or personal attacks should not be tolerated. Only one person should speak at a time. No one should interrupt a speaker, except to address the presiding officer on a point of order. The presiding officer must maintain control of the meeting at all times.

6. **Collective bargaining process.**

- a. Non-Act 312:
 - i. Negotiation;
 - ii. Mediation; and
 - iii. Fact-Finding.
- b. Act 312 (Public Safety):
 - i. Negotiation;
 - ii. Mediation; and
 - iii. Binding Arbitration.

Corrections Officers may not be eligible

Dispatchers, if not connected with Sheriff's Department - not eligible

- c. PA 54 of 2011 (bar's retroactive wage increases and deals with employee contribution requirement for fringe benefits after a labor contract expires, prohibits step increases, etc.)
- d. PA 152 of 2011 (limits what counties can pay towards health insurance – 80/20 or hard cap - unless two-thirds vote of the governing body exempts themselves from the requirements each year)

EXHIBIT 1

COUNTY BOARDS OF COMMISSIONERS (EXCERPT)
Act 156 of 1851

46.11 Powers of county board of commissioners.

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

(a) Purchase or lease for a term not to exceed 20 years, real estate necessary for the site of a courthouse, jail, clerk's office, or other county building in that county.

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

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

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

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

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

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

(h) Direct and provide for the raising of money necessary to defray the current expenses and charges of the county and the 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 shall 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 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. The clerk of the county board of commissioners shall engross each ordinance or act, and it shall be signed by the chairperson of the county board of commissioners and certified by the clerk of the county board of commissioners. If, within 50 days after the county board of commissioners adopts an ordinance or act, a petition signed by not less than 20% of the electors residing in the district to be affected by the ordinance or act is filed with the county clerk asking that the ordinance or act be submitted to electors of the district to be affected by the ordinance or act for approval or rejection, then the ordinance or act shall not take effect until it is approved by a majority of the electors of the district affected voting on that issue at a regular or special election called for that purpose. The county board of commissioners shall provide the manner of submitting the ordinance or act to the electors for their approval and of determining the result of the election.

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

(l) Represent the county and have the care and management of the property and business of the county if other provisions are not 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, shall 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, is delivered to the officer or agent, and a full opportunity is given the officer or agent to be heard, either in person or by counsel.

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

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

(q) Acquire by exchange land needed for county purposes, including the purchase of land to be used in exchange for other land of approximate equal value owned by the federal government and needed for county purposes.

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

(s) Before January 1, 2020, by majority vote of the members of the county board of commissioners elected and serving in a county with an appointed board of county road commissioners, pass a resolution that transfers the powers, duties, and functions that are otherwise provided by law for the appointed board of county road commissioners of that county to the county board of commissioners. The resolution is subject to the requirement in section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. The appointed board of county road commissioners of that county is dissolved on the date specified in the resolution adopted under this subdivision, and the county board of commissioners is authorized to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675. If the powers, duties, and functions of the board of county road commissioners of a county are transferred to the county board of commissioners of that county under this subdivision and the powers and duties of the office of county drain commissioner of that county had previously been transferred to the board of county road commissioners as provided in section 21(3) of the drain code of 1956, 1956 PA 40, MCL 280.21, then the county board of commissioners of that county shall reestablish, by resolution, the office of county drain commissioner as an elected office. The resolution

reestablishing the office of county drain commissioner shall provide for the appointment of an acting county drain commissioner for that county who shall hold office until the next general election at which a county drain commissioner will be elected as provided in chapter X of the Michigan election law, 1954 PA 116, MCL 168.191 to 168.211.

(t) Before January 1, 2020, by majority vote of the members of the county board of commissioners elected and serving in a county with an elected board of county road commissioners, pass a resolution to submit to the qualified and registered electors of the county at the next regular election to be held in the county the question of transferring the powers, duties, and functions of the elected board of county road commissioners of that county to the county board of commissioners. The resolution is subject to the requirement in section 6(9) of chapter IV of 1909 PA 283, MCL 224.6. If a majority of the qualified and registered electors of the county voting on the question vote in favor of transferring the powers, duties, and functions of the elected board of county road commissioners of that county to the county board of commissioners, the elected board of county road commissioners of that county is dissolved and the county board of commissioners is authorized to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675. If the powers, duties, and functions of the board of county road commissioners of a county are transferred to the county board of commissioners of that county under this subdivision and the powers and duties of the office of county drain commissioner of that county had previously been transferred to the board of county road commissioners as provided in section 21(3) of the drain code of 1956, 1956 PA 40, MCL 280.21, then the county board of commissioners of that county shall reestablish, by resolution, the office of county drain commissioner as an elected office. The resolution reestablishing the office of county drain commissioner shall provide for the appointment of an acting county drain commissioner for that county who shall hold office until the next general election at which a county drain commissioner will be elected as provided in chapter X of the Michigan election law, 1954 PA 116, MCL 168.191 to 168.211.

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

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

(ii) By majority vote of the members of the county board of commissioners, submit the question of adopting a county road system with a board of county road commissioners to a vote of the electors of the county as provided in chapter IV of 1909 PA 283, MCL 224.1 to 224.32.

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

History: 1851, Act 156, Imd. Eff. Apr. 8, 1851;—CL 1857, 345;—Am. 1859, Act 244, Eff. May 18, 1859;—Am. 1867, Act 81, Eff. June 27, 1867;—CL 1871, 477;—Am. 1877, Act 165, Eff. Aug. 21, 1877;—How. 483;—CL 1897, 2484;—Am. 1905, Act 98, Eff. Sept. 16, 1905;—Am. 1909, Act 322, Eff. Sept. 1, 1909;—Am. 1913, Act 397, Eff. Aug. 14, 1913;—CL 1915, 2274;—Am. 1925, Act 69, Eff. Aug. 27, 1925;—CL 1929, 1130;—CL 1948, 46.11;—Am. 1955, Act 108, Imd. Eff. June 3, 1955;—Am. 1956, Act 132, Imd. Eff. Apr. 13, 1956;—Am. 1958, Act 59, Eff. Sept. 13, 1958;—Am. 1959, Act 193, Imd. Eff. July 22, 1959;—Am. 1964, Act 182, Eff. Aug. 28, 1964;—Am. 1975, Act 206, Imd. Eff. Aug. 21, 1975;—Am. 1978, Act 51, Eff. Mar. 30, 1979;—Am. 1978, Act 278, Imd. Eff. July 6, 1978;—Am. 1978, Act 629, Imd. Eff. Jan. 8, 1979;—Am. 1980, Act 334, Eff. Dec. 30, 1980;—Am. 1985, Act 171, Eff. Mar. 31, 1986;—Am. 1988, Act 227, Imd. Eff. July 8, 1988;—Am. 1994, Act 18, Eff. May 1, 1994;—Am. 1996, Act 22, Imd. Eff. Feb. 16, 1996;—Am. 1996, Act 396, Imd. Eff. Oct. 8, 1996;—Am. 1998, Act 97, Imd. Eff. May 15, 1998;—Am. 2003, Act 94, Imd. Eff. July 24, 2003;—Am. 2012, Act 15, Imd. Eff. Feb. 21, 2012;—Am. 2015, Act 236, Imd. Eff. Dec. 22, 2015;—Am. 2016, Act 77, Imd. Eff. Apr. 12, 2016.

Compiler's note: Act 259 of 1937 purported to amend this section, but the effective date of that act depended on the approval of Act 258 of 1937, which was defeated by referendum.