

NO. 963

October 1986

SIGNIFICANT LOCAL BALLOT ISSUES

Among local ballot issues to be decided on November 4, two have some statewide significance. Both deal with the subject of county home rule. Wayne County government now is in the 4th year of operation under a charter that separates legislative and executive powers into two branches. A Wayne County ballot proposal would further the move toward a unified executive and toward separation of powers in that county. Macomb County is voting on a proposal to create a charter commission to write a home rule charter for the county.

Wayne County Ballot Issue — Abolishing the Office of Drain Commissioner

The Wayne County Commission has placed on the November 4 ballot Proposal D, which would amend the Wayne County Charter to eliminate the elected office of drain commissioner and distribute the powers and duties of that office. The ballot question is as follows:

Shall the Wayne County Home Rule Charter as amended to eliminate the office of the Drain Commissioner effective January 1, 1987, and further to separate and distribute the powers and duties of a drain commissioner between the executive and legislative branches in accordance with the general design of the charter?

The Michigan Charter County Act (Act 293 of 1966 as amended) states that a charter **may** provide for "The election or appointment of a drain commissioner" (Sec. 15h); but it also provides that county offices, boards, commissions and departments (except the constitutional offices) may be discontinued or their respective duties performed by other county agencies (Sec. 14d). The charter adopted by Wayne County voters in 1981 provided for the election of the drain commissioner on a partisan ballot for a four-year term. Currently, the elected drain commissioner performs both executive functions such as engineering and cleaning drains and legislative functions such as levying special assessments for certain types of drainage work.

Proposal D would amend the charter to eliminate the elective office of drain commissioner and provide that the executive powers and duties of the drain commissioner be performed by the director of the department of public works (unless otherwise provided by any reorganization plan) and that the legislative powers of the drain commissioner be performed by the county commission. This would further the separation of legislative and executive powers that was begun with adoption of the charter in 1981.

The Wayne County Reorganization Commission in December 1982 noted that “The board of public works, road commission and drain commissioner have the authority to establish and supervise important functional areas on an independent basis in many closely related activities with overlapping programs and projects, which does not permit the best coordination of such programs.” The Reorganization Commission concluded that a single, integrated public services department responsible for all public works activities would better serve the county’s needs by making possible the coordination of projects and activities, the elimination of duplicate operational costs, and better utilization of resources.

The Reorganization Commission recommended that:

- “1. A comprehensive public services department should be created to administer all public works activities of the county. The department should plan, design, construct, and maintain county roads, drains (storm and sewer), parks and airports. The department should also be responsible for the maintenance of all county buildings and equipment.
2. Staff functions presently being performed within the department of public works, road commission, and office of drain commissioner such as personnel, purchasing, employee relations, legal, planning, financial, accounting, insurance, etc., should be performed by centralized units in the county under control of the chief executive.
3. The charter should be amended to abolish the department of the road commission and reassign the powers and duties to the executive branch.
4. The charter should be amended to abolish the department of drain commissioner and reassign the powers and duties to the executive branch.”

In August 1984 the voters approved a charter amendment abolishing the road commission and transferring its powers to the office of public services. Proposal D on the November 1986 ballot will complete the reorganization of public service functions proposed in 1982.

Macomb County Ballot Issue — Electing a Commission to Draft a Charter

At the general election on November 4, 1986, the voters of Macomb County will decide whether to elect a commission to draft a county charter. The county board of commissioners was required to place the proposal on the ballot after the requisite number of Macomb County voters had signed initiative petitions. The question will appear on the ballot as follows:

Shall the county of Macomb 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?

Approving the call for a charter commission is the initial step In the charter process. If the ballot proposal is approved, a primary election will be held in April 1987 to nominate partisan candidates for the charter commission, and charter commissioners will be elected in September 1987. The number of charter commissioners will be between 25 and 35 as determined by the county apportionment commission. The charter commission has 180 days after organizing to draft a county charter. The draft charter is reviewed by the governor and attorney general, and finally submitted to the voters for their approval. If a charter is ultimately approved by the voters, Macomb County would become the second home rule county in Michigan.

UNDER A MACOMB COUNTY CHARTER. . .

- * Executive and legislative powers would be vested in two separate branches of government with checks and balances to control the actions of each branch.
- * An elected county executive would provide executive-administrative leadership and direction and could veto actions of the legislative body.
- * Except for departments headed by elected officials, all county departments, boards, and commissions could be directed and controlled by the county executive. Except for the road commission, the charter may reorganize county government by either continuing or discontinuing existing county agencies (county departments, boards, and commissions) and transferring functions among existing county agencies or newly created county agencies.
- * The county's taxing and borrowing powers would remain unchanged.
- * Existing county services would continue to be provided as authorized by law, but services authorized solely by charter could be provided in a local unit only with that unit's consent.
- * The charter may be amended in the future by a vote of the Macomb County electorate.

See page 4 for a list of CRC publications on the subject of county home rule.

CITIZENS RESEARCH COUNCIL PUBLICATIONS ON COUNTY HOME RULE

County Home Rule Background Papers:

County Government in America -- I. Home Rule, Charters, & Reorganization,

(Report No. 263, July 1980; 24 pages)

County Government in America -- II. The Home Rule County in Michigan,

(Report No. 264, July 1980; 21 pages)

Wayne County Charter Issues series:

Elected County Executive/Chief Administrative Officer, (Report No. 265, February 1981; 16 pages)

The Historical & Present Role of County Government in Michigan, (Report No. 266, February 1981; 19 pages)

County Administrative Organization, (Report No. 267, March 1981; 15 pages)

Labor Relations Management, (Report No. 268, March 1981; 16 pages)

Financial Processes, (Report No. 269, March 1981; 22 pages)

The Legislative Branch, (Report No. 270, March 1981; 28 pages)

Personnel Management, (Report No. 271, March 1981; 14 pages)

Debt Concepts & Provisions for Michigan Charter County Government, (Report No. 272, April 1981; 12 pages)

Employee Retirement, (Report No. 273, April 1981; 18 pages)

County Services, (Report No. 274, April 1981; 39 pages)

The Proposed Wayne County Charter, (Report No. 275, September 1981; 45 pages)

Reorganizing Wayne County Government Under the 1981 Home Rule Charter,

(Report No. 277, December 1981; 49 pages)