

The Role of County Government

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Hope Academy of Senior Professionals (HASP)

Citizens Research Council

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- Statewide
- Non-partisan
- Private not-for-profit
- Promotes sound policy for state and local governments through factual research – accurate, independent and objective
- Relies on charitable contributions from Michigan foundations, businesses, and individuals
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My Role

1. Describe the structure and role of county governments
2. Establish what good county government looks like

Role of State Government



The basic functions of government

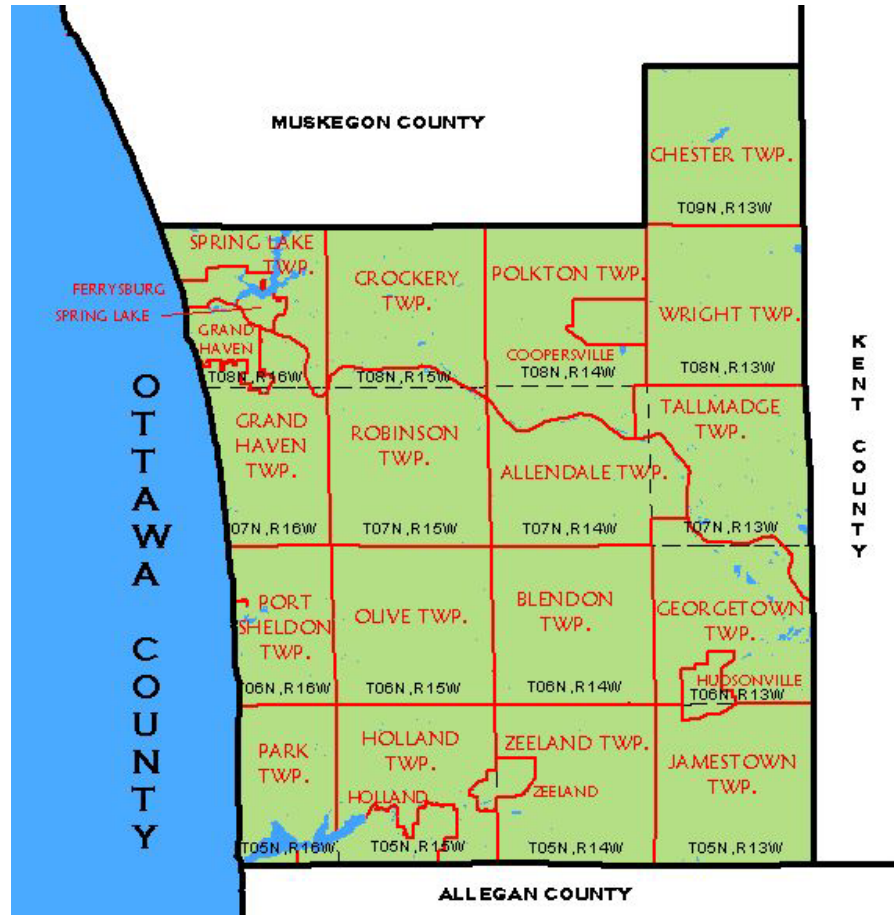
- Count people and businesses
 - Births, deaths, marriages
 - Business licenses
- Execute and enforce laws to manage the interaction among people
- Manage the use of land and create a transportation network

County government facilitate execution of those responsibilities



- Count people and businesses
 - County clerk
- Make and enforce laws
 - Sheriff, prosecuting attorney, courts
- Land use
 - Drain commission
- Transportation
 - Road commission

Counties subdivided into cities and townships



- Townships generally 36 square mile general purpose governments
 - Affected by geography
 - Often larger upstate
- Cities range
 - <1 sq. mile to Detroit with 138.7 sq. miles
 - ~300 to >600,000 people

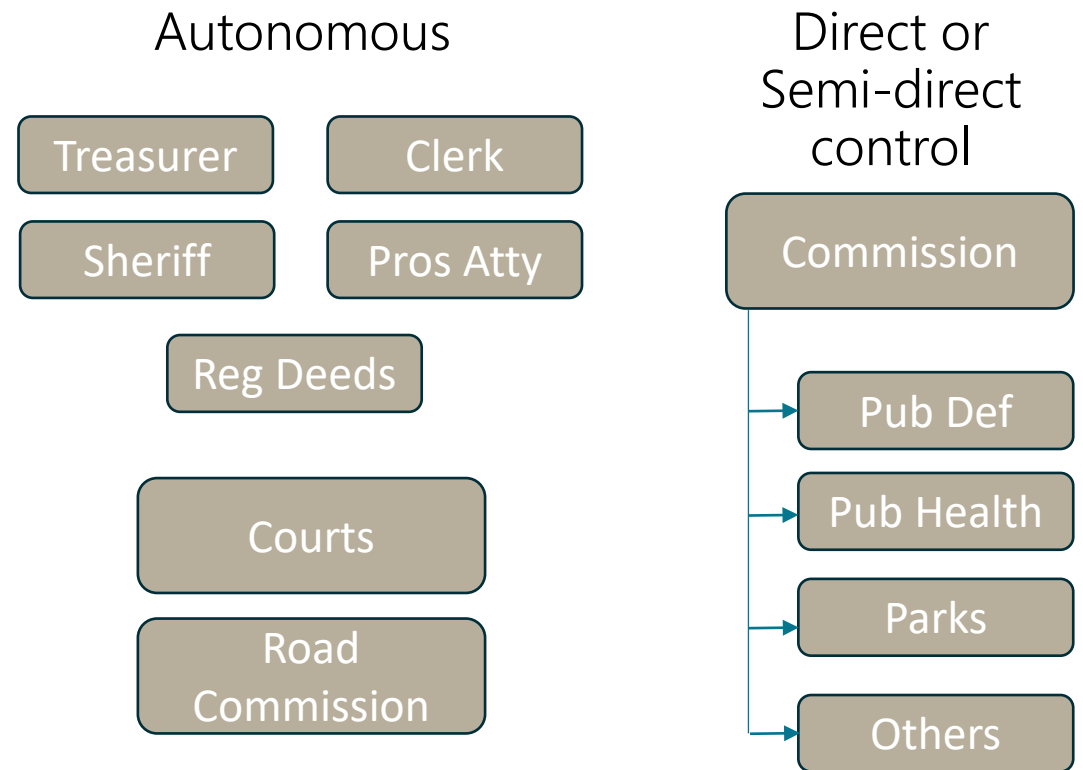
County Governments Lack Checks and Balances

- Federal and State governments



- Veto power
- Senate review of appointees
- Lawmaking powers
- Power to appropriate
- Judicial review

- Michigan county governments



Michigan Constitutional County Provisions

Executive Officers

- Enumerated in every version of the state constitution
- Autonomous in execution of specific tasks
- With some exceptions, little latitude to perform tasks in a big government or small government manner

Supervisors/Commissioners

- Perform both legislative and executive tasks
- **Power of the Purse** is only real power over constitutional (“row”) officers
- Entertains most power over other services
 - Legislatively assigned
 - Public Health
 - Public Defender
 - Discretionary
 - Parks
 - GIS
 - Community Assistance

County “Row” Officers

County Clerk

- Core Functions:
 - birth and death certificates
 - assumed (business) names
 - marriage licenses
 - articles of incorporation
- Maintaining expenditure records for the various county departments
- Secretary and record keeper for the board of commissioners
- Administers elections
- Member of the apportionment commission
- Clerk of the
 - board of canvassers
 - elections commission
 - concealed weapons licensing board
 - reapportionment board and the reapportionment commission
- Sits on the county plat board
- Clerk of the circuit court

County Treasurer

- Take custody of all money belonging to the county
- Issue tax collection warrants to local units
- Collect county revenues
- Disburse county funds
- Maintain a record of county receipts and disbursements
- Collect delinquent taxes and administers delinquent tax property sales
- Certify tax liens on instruments of title
- Inventory securities, deposits, and other assets of deceased persons
- Most treasurers administer the delinquent tax revolving fund and manage the investments of “idle cash”
- Member of apportionment commission

County “Row” Officers

County Sheriff

- Core Responsibilities
 - The operation and maintenance of the county jail
 - The provision of security and process service to the courts
- Other Services
 - Primary and secondary road patrol
 - Police investigations
 - Other general police duties
- Provided to those municipal jurisdictions that do not have their own police departments
- Offer backup and emergency assistance to cities, villages, and townships with their own police departments under formal or informal mutual aid agreements
- County sheriffs also provide additional services on a contract basis with townships

County Prosecuting Attorney

- Presents the people’s case against those who commit crimes
- Acts as attorney and legal counselor to the board of commissioners and the county departments
- Serves as a member of the apportionment commission
- Chief law enforcement officer of the county
 - Approve charges and to prosecute alleged violations of state laws and county ordinances
- The attorney general may also direct the prosecutor to serve as assistant attorney general on charges brought by the state.
- In most counties they serve as the civil counsel to county officers and the boards of county commissioners.

County “Row” Officers

County Register of Deeds

- Primarily concerned with the integrity of property records
 - The repository of official records of real property.
 - Records property deeds and determines if properties have outstanding obligations against them.
 - Administers the Uniform Commercial Code (UCC) which governs records relating to various types of personal property.
- Serves the legal and business communities as well as owners of real and personal property.
 - Receives, files, and releases various commercial and legal documents such as liens, mortgages, land contracts, lis pendens and other instruments affecting the ownership of property
 - Provides a tract indexing system (In Wayne County the office also provides an abstracting service that in some counties is provided by private companies)
 - Is a member of the county plat board

* May be combined with the county clerk

Other County Responsibilities

- Public Defender
 - County Drain Commission
 - County Medical Examiner
 - County Surveyor
 - County Road Commission/Department of Public Works
 - County Health Department
 - Others – parks, veterans affairs
-
- Host some district and all circuit and probate courts

County Commission – History

- Until 1960s, Michigan had county boards of supervisors
 - 1 Supervisor from each township
 - Several supervisors from each city according to population
- People in county were indirectly represented to budget resources among departments and oversee row officers
- *Reynolds v Sims* and other court cases established one-person-one-vote requirements
 - Supervisor of a township of 1,000 people should not have the same strength of vote as a supervisor of a township with 10,000 people
 - 2020 population –
 - Chester Township (2,102)
 - Georgetown Charter Township (54,141)
- Solution was to transition from boards of supervisors to boards of commissioners

County Commission – Responsibilities

- 5 to 35 commission districts depending on county population
 - Ottawa has 11 commissioners
- County commissioners* have both legislative and administrative responsibilities
 - Legislative powers include:
 - Setting policy
 - Approving the budget
 - Passing regulations and ordinances
 - Responding to constituents
 - Administrative powers include:
 - Developing the budget
 - Overseeing department operations (for all departments except those that department heads are independently elected, such as Sheriff, Prosecuting Attorney, Clerk, Register of Deeds, Treasurer, Surveyor)
 - Personnel decisions

* Slightly different for commissioners in charter counties and optional-unified counties. In Wayne, Macomb, Bay, and Oakland counties where commissions serve a more traditional legislative function

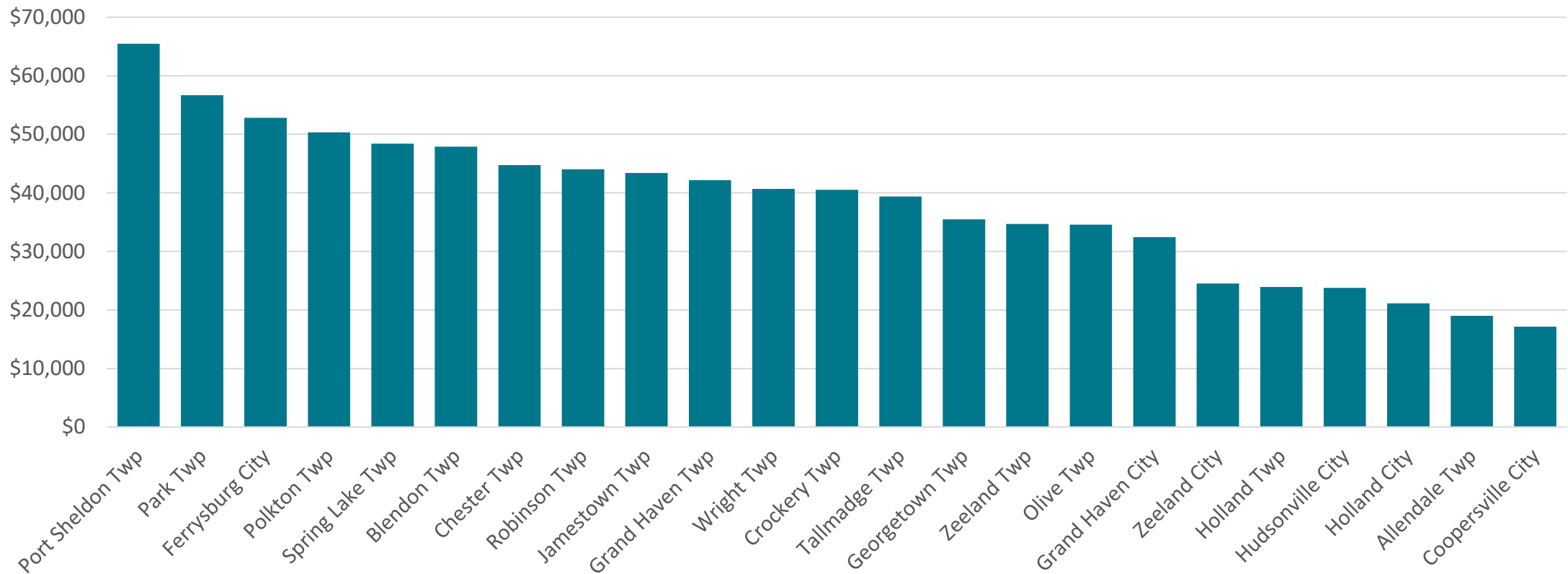
Defining Good County Government

Minimizing Duplication of Services

Function/Unit	State	Cities	Villages	Townships	Counties	Special Districts	School Districts
Parks & Recreation	X	X	X	X	X	X	X
Libraries	X	X	X	X	X		X
Roads & Highways	X	X	X	X	X		
Water		X	X	X	X	X	
Sewerage	+	X	X	X	X	X	
Police	X	X	X	X	X		
Public Transportation	+	X			X	X	
Refuse Disposal		X	X	X	X	X	
Refuse Collection		X	X	X			
Fire		X	X	X			
Corrections	X				X		

Equalize Service Delivery Capacity

Taxable Value per Capita, Ottawa County 2023



Proactive counties are minimizing duplication of services and functions

- By changing from supervisors to commissioners, the tie between counties and cities/townships has been diminished
 - Reduced opportunities for collaboration with cities and townships
- Any services that depend on expertise of provider
 - Accounting
 - Assessing
 - Information Technology
 - Police
- Or those that are regional in nature
 - Transit
 - Garbage dump
 - Public health

Makes the whole county attractive places to live and operate businesses

- Local Governments Face Structural Problem: Ongoing Revenue Not Sufficient to Meet Growing Expenditure Pressures
- One Potential Solution: Move More Local Government Services to County Level
- Before Counties Can Meet Additional Service Delivery and Cooperation Facilitation Needs:
 - Modernize County Government
 - Need Resources to Meet Additional Needs
 - Need to Change County Mindset to One of a Service Provider and Regional Unifier

Accountability

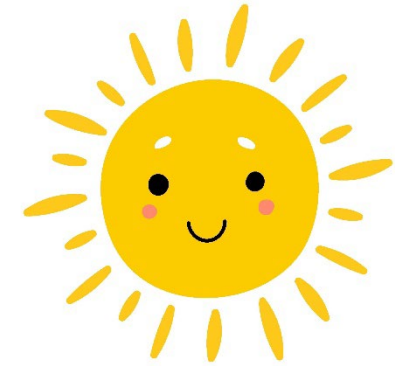
- Counties are often an invisible government
- We often only know how good they're doing if you need a document (birth certificate, marriage license, property deed, etc.) or interact with the criminal justice system (sheriff, prosecuting attorney, public defender, courts, jail)
- Maintain roads but we often see contractors instead of road commission
- Not a system we should be anxious to change
 - If they're not in the news, they're probably doing their job without controversy

Partisan elections unnecessarily interjects politics into administrative roles

- If I could magically change one aspect of Michigan local government, it would probably be to make the election of county and township officials nonpartisan
 - No Republican or Democratic way of recording births, deaths, marriages; recording property ownership; running county parks
 - Before four years ago I would have said there is not a Republican or Democratic way of running county sheriff's offices or county health departments
- Just like tension between state and local control, there is a tension between counties and local governments
 - This is complicated by partisan elections

Transparency

- Public hearings to listen to will of the people
- Decisions made in open meetings
- Public records available to all who ask



Charter County Government

- Charter county (or optional-unified) provides for county executive to provide leadership and balance the county commission
 - Politics of Ottawa County Commission magnified because they are the executive and legislative branches
- Elected Executive
 - Create checks and balances such as
 - Veto power
 - Budget creation and adoption
 - Hiring and appointments
 - Puts county commissions more squarely as legislative branch
 - Streamline county operations

Citizens Research Council of Michigan

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Do you have good county government?

- Is the sun shining on your county?
 - Are discussions held in public meetings?
 - Are records/documents available when sought?
 - Are commission and committee meetings streamed on cable or the Internet and the recorded sessions archived on YouTube?
- Are elected officials accountable?
 - Are they challenged in elections (primary and/or general)?
 - Do they attend meetings of township boards? city councils? school boards? Is their attendance advertised?
 - Are actions covered in newspapers? television? radio? blogs?
- What is the cost of county government relative to peers?
 - Spending, service levels, salaries, tax rates
- Are there signs of strife among departments? with commissioners? funding of courts?