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THE PROPOSED WAYNE COUNTY CHARTER

On November 3, 1981, Wayne County voters will be asked to decide whether Wayne County is to become a home rule county through adoption of one of two proposed charters. Although the issue has been raised in various ways for the last sixty years, this is the first time that a county charter has been actually drafted and put before the voters in Wayne County.

Background

The Michigan Constitution of 1963 provides basic authority for a county to adopt a form of government different from that specified in the Constitution by becoming a charter county. The legislature implemented this provision in Act No. 293, Public Acts of 1966 (Charter County Act), which was amended extensively in 1980. No Michigan county has yet adopted a charter.

In August 1980, the voters of Wayne County approved the calling of a county charter commission and in November 1980 elected 27 charter commissioners. The commission convened in November 28, 1980, and on June 16, 1981, voted to submit the charter to the voters. The Charter County Act requires the Wayne County Charter Commission to draft two county charters identical in every respect, except that one would provide for an elected county executive and the other would provide for a chief administrative officer appointed by the board of commissioners.

What the Charter Would Do

The proposed charter would change Wayne County government in several major ways:

- The charter provides for the separation of powers between the executive and legislative branches of county government and establishes a system of checks and balances between the two branches.
- The position of chief executive officer (either elected or appointed) would be created.
- The county commission would be changed into a strictly legislative body and would be reduced in size.
- Sound financial procedures would be required.

The charter would not change certain other elements of the county, however. Most importantly:

- Six elected executive branch officials would be retained (the five constitutional officers – sheriff, prosecuting attorney, clerk, register of deeds, and treasurer – and the drain commissioner). Their powers would either be continued or enlarged.
- Future reorganization would be limited by the inclusion of a number of mandated functions and organizational units.
- Taxing power of the county would remain unchanged.

Summary of Major Charter Provisions

CHIEF EXECUTIVE OFFICER

The charter would create a CEO who would be either elected by the voters or appointed by the county commission depending on which charter is adopted. The CEO would have a four-year term, would appoint most executive branch officials (except those in departments headed by elected officers), and would have the veto power, including line-item veto of appropriations.

Comment The CEO would have direct control only over basic staff functions, the health department, the public works department, and such other departments as are subject to the executive reorganization plan. The presence of the independently elected “row” officers, and extensive power of the county commission to confirm CEO appointments, and limitations on the CEO to reorganize the executive branch limit the CEO’s powers. In general, the charter grants the CEO adequate, but not exceptionally strong, powers to manage county affairs.

EXECUTIVE BRANCH ORGANIZATION

Executive branch organization is characterized by the separately-elected constitutional officers and drain commissioner, by creation of certain units that may not be abolished or diminished through reorganization, and by a road commission that is appointed by the CEO but which derives significant independence from state law. Other county agencies can be reorganized under an executive reorganization plan. The county would be required to provide hospital facilities.

Comment Partly because of limitations in state law and partly because of charter commission decisions, Wayne County would still have a multi-headed executive branch including the five constitutional officers mandated by the Charter County Act and the drain commissioner. Moreover, the charter does not set forth a comprehensive plan of organization for county government. Certain functions are singled out for special treatment (e.g., fixed terms for division heads or exemption from reorganization) while others of equal importance do not receive such treatment. The authority of the CEO to reorganize is significantly limited.

LEGISLATIVE BRANCH

The county commission would be reduced in size from 27 to 15 members elected for two-year terms and would be relieved of most of its appointment and administrative powers. It would have relatively extensive confirmation power over CEO appointments and could appoint a legislative auditor general to oversee executive branch operations.

Comment The proposed changes in the size, organization, and function of the county commission are aimed at strengthening its efficiency and effectiveness as the policymaking body of the county.

FINANCE

The county budget would be prepared by the CEO and would cover all expenditures and revenues of the county including, if state law permits, those of the county road commission. The county commission would make appropriations and would approve all transfers. Procedures to ensure that expenditures do not exceed revenues would be required. Accounts of the count would be required to be in accordance with generally accepted accounting principles. An annual audit by an independent CPA would be required.

Comment Inclusion of all county expenditures and revenues in the budget and the requirements for annual audit and adherence to accounting principles could result in significant improvement in managing and reporting county finances.

TAXATION

The county would have a ten mill property tax limit but would be limited to a 6.07 mill levy without separate voter approval. Other units of government in Wayne County would be limited to 8.93 mills from within the constitutional 15-mill limit.

Comment Wayne County would receive no additional taxing authority from the charter. The exemption of charter counties from the constitutional 15-mill limit led to legislative allocation of 6.07 mills to Wayne County if it assumes charter status. This legislative action was taken in order to prevent school districts and townships in the county from increasing their millage by the 6.07 mills currently allocated to the county. The constitutional validity of legislative allocation of millage from within the 15-mill limit to a charter county that is expressly excluded from the limit has been questioned and an opinion of the attorney general has been requested.

PERSONNEL

Labor relations and civil service are placed within a personnel department. The labor relations director and civil service commission are appointed by the CEO. An employment planning division is also placed in the personnel department.

Comment While the charter begins the process of reforming the personnel system of the county by including both personnel and labor relations functions in a single department and limiting the role of the civil service commission to an appeals function, a dedication to merit principles will be essential to accomplishment of the task.

The Ballot Question

The two separate charter proposals on the November ballot are identical except that one provides for an elected chief executive officer and the other provides for an appointed chief executive officer. A voter may vote yes or no on either or both of the charters. This means that a voter has eight ways of voting on the charter:

Voting Options on the Wayne County Charter

<u>Elected CEO</u>	<u>Appointed CEO</u>		<u>Elected CEO</u>	<u>Appointed CEO</u>
Yes	Yes		Don't Vote	Yes
No	No		Don't Vote	No
Yes	No		Yes	Don't Vote
No	Yes		No	Don't Vote

If one charter receives more “yes” votes than “no” votes, it will be adopted. If both receive more “yes” votes than “no” votes, the one receiving the larger number of “yes” votes will be adopted. If a charter is adopted, it will take effect on January 1, 1983.

If both charters are rejected (each receives more “no” votes than “yes” votes), the charter commission will have one more opportunity to present two charters to the electorate. Within 20 days, the president of the charter commission would reconvene the commission which would then have 60 days to revise or amend the original charters. If both charters are rejected a second time, the charter process is terminated.

Conclusion

In the election on the charter, voters will be voting on two different concepts, the charter as a plan for Wayne County government and the charter as the means of achieving home rule status. The charter itself does not represent a dramatic break with past organization or powers. The introduction of home rule status may, in the long run, be more significant, since the people of Wayne County by adopting and subsequently amending a home rule charter will have greater control over their county government. While state laws constrain the county in its efforts to reorganize, these laws can be amended in the future to provide more flexibility to the citizens.

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