

Macomb County Charter Commission

Questions and Answers about the Commission's Work

1. What is a county charter?

A county charter is a framework of government that the people of a county design and adopt for themselves. The Macomb County Charter being proposed is a "Home Rule" Charter. If adopted, it will be the County's Constitution.

Many cities in Michigan have charters. The cities of Warren and Sterling Heights are two examples in Macomb County. These are known as "Home Rule" cities. As the name implies, a charter provides home-rule officials a grant of authority to operate county government.

2. Do all counties have charters?

No. Currently of the eighty-three Michigan counties, only Wayne County has its own locally drafted charter. Oakland County and Bay County operate under what is called an optional unified form of government which is a plan of government under state law that includes an office of Chief Executive. The remaining 80 Michigan counties, including Macomb, are general law counties, whose powers and limitations have been set forth in state law since Michigan became a state in 1837.

3. Why is Macomb County considering a charter now?

Macomb County's population has more than doubled, from about 405,800 people in 1960, to an estimated 833,493 in 2009, and is becoming more diverse.¹ With the County's greater population and change in the original agricultural based economy to that of industry, technology, and education, the need for an executive with the power to avoid deficits and keep the County living within its means has become obvious. In recent years, county government has faced serious financial challenges, and has had to deal with difficult decisions, without the overall guidance of an executive who enforces the terms of a balanced budget.

4. Is this a new idea?

No. For over 20 years, the idea of changing to a strong leader form of government to achieve efficiencies and reduce demands upon property taxpayers has been debated. One major initiative available under the 1963 Michigan Constitution for the county's structure of government is conversion to home-rule under a locally drafted charter. The availability of that initiative led to the eventual formation of the Macomb County Charter Commission in late 2008 by a vote of the people.

¹ Population data source: SEMCOG website August 5, 2009.

5. Did we just copy the Wayne County Charter?

No. However, as the only county charter in the state, Wayne County was a reference to be sure. The Charter Commission looked at provisions in the Wayne County Charter and compared them to county and city charter provisions found throughout the United States. The idea was to develop a custom made Charter tailored to exactly what our County needs to be governed into the 21st Century and beyond. As specific provisions for governing were selected by the Charter Commissioners for county voter approval, this document is known as a Home Rule Charter.

6. Why didn't we follow the Oakland County model?

The drafting of a Charter by and for the people of Macomb County allowed the creation of a document specifically addressing the concerns of the people. Among other things, the ability to tailor the balance of powers between an Executive and a Board of Commissioners would not be available if we were to have followed the Oakland County model. Oakland County does not have a Home Rule Charter, but instead follows a pattern of government developed by state law.

7. How was this Charter proposed?

In November of 2008, a partisan commission of 26 citizens was elected to determine what the provisions of this Charter should be. This group is known as the Macomb County Charter Commission. With extensive study, public hearings and meetings, the Commission, through its five Committees², prepared a proposed document that covers the major points in the design of a county government charter. With the help of a team of attorneys knowledgeable in constitutional and charter law³, the Commission wrote an original Home Rule Charter.

8. What is necessary to adopt this Charter?

On June 17th, by a 25-0 vote of the Charter Commissioners present, a Charter draft was adopted for submission to the Governor. In making a decision as to whether the Charter should be approved for a vote of the people, the State Attorney General was also asked to do a legal review for the Governor. Because a county charter establishes the fundamental framework for government, in accord with democratic theory, it must be authorized directly by the people.

On July 21st, the Honorable Michigan Governor, Jennifer M. Granholm, approved the Charter draft for consideration at the polls by Macomb County voters.

As a result, the People of Macomb County will be asked to approve the County Charter at the polls on Tuesday, November 3, 2009.

² The Committees were: Drafting, Departmental, Ethics, Executive/Commissioner and Finance/Budget.

³ General Counsel is O'Reilly Rancilio, Sterling Heights, working with Special Counsel Miller Canfield, Detroit; Charter Attorney George Ward, Esq., Riverview; and Finance Counsel, John Axe, Esq., Grosse Pointe Farms.

9. What are the main changes in county government that will result if the Charter is adopted?

A. Separation of Powers. It will create a separation of legislative and executive powers similar to our Constitution at the state and national level. By contrast, we currently have only a legislative (similar to a parliamentary) system, with the legislature (County Commissioners) having both executive and legislative powers.

B. Elected Executive. The Charter will provide for a full-time Executive, elected for a four-year term by the voters of Macomb County. It will make that single person accountable to the people for managing the County.

Macomb County is currently managed through legislative committees of the Board of Commissioners that report to a chairman or chairwoman. The Commissioners are elected from legislative districts, not countywide, and the chair is then selected by the Commissioners from among their number.

The County Charter plan combines legitimacy (by virtue of election), authority (given by the charter), and accountability (to the voters).

C. Independent Legislative Districts. Commissioners will continue to be elected to two-year terms from single member districts designed by an apportionment commission created by state law.⁴ The number of Commissioners will be reduced to 13 from its present 26 members.

D. Board of Commissioners Role in Policy Making. Although the Charter will remove the Commissioners' authority over day-to-day administration, they will retain policy making powers. For example, the Executive's budget proposals will require approval by the Board of Commissioners. In addition, department head appointments will require Commission approval.

E. Board of Ethics. This body, being created for the first time in Macomb County, will seek to assure ethical practices in county government. Its 5 members will be unpaid volunteers who will serve staggered terms. They will be nominated by the County Executive and confirmed by the 13 member County Commission. They will operate independently as provided by law.

F. Intergovernmental Collaboration. The Charter will also empower the Executive to engage in greater cooperation with other local governments, helping to work toward greater efficiency and effectiveness in government.

G. Charter Revision. If and when it becomes necessary, the Charter may be amended by a vote of the people. Unless called for sooner, the first opportunity to do so will be 3 years after it takes effect and then, provided not called for sooner, at least every 10 years thereafter.

⁴ State law creates an Apportionment Commission to set elected district boundaries after each U.S. Census and in the event of a county charter adoption. The outlines of these districts are to be kept as close to community boundaries as possible.

10. Isn't local government already too complicated? Won't this Charter add another layer of government?

Cities, Townships, and Villages make up three forms of local government covering the entire county. County government supporting them will continue to exist with or without a Charter. This is not another layer; it is a change in the structure of government at the county level.

11. Won't this Charter make county government more expensive?

No, the charter is revenue-neutral; it does not change the County's current tax structure. The wording of the Charter was carefully drawn up to be certain that a vote of the people would be necessary to raise the current voter approved millage rate. Macomb County continues to have one of the lowest county millage rates in the state. Further, the Executive's administrative powers should make government operate more efficiently. One position will be added – the position of County Executive – and the Executive will have a Deputy and up to 3 staff members. But a number of positions will be eliminated, including 13 County Commissioners.

Under the Charter, the elected Executive will have the authority to streamline our County's government through reorganization approved by a smaller Board of Commissioners. An elected Executive, accountable to the people, will also be individually responsible to find economies in county government, reduce the rate of operating costs, and avoid tax increases in the future.

12. Where can I learn more about the history of the Charter Commission's work?

A record of the work of the Charter Commission and its Committees, including audio and some video rebroadcasts of their meetings may be found on the Macomb County website at:

www.macombcountymi.gov/clerksoffice/charter

13. What else can I expect to decide at the polls on November 3rd?

A new state law allows the People of Macomb County to separately decide the question of whether the Board of County Road Commissioners should be reorganized into an appointed Director, who will answer to the County Executive, with the duties and functions of the county Road Commission to be assumed by a newly created county Department of Roads.

14. Where can I learn more?

The Charter Commission website www.macombcountymi.gov/clerksoffice/charter has a host of information for you to consider, including contact information for your Charter Commissioner.

15. Where can I find a copy of the Charter?

This guide should be followed by a reading of the Charter that is on our website listed above.