

How County Government Works*

*Compiled from The Guide to Michigan County Government by Kenneth VerBurg.

Background – Legal Authority and Function: Michigan constitution sets the ground rules for the exercise of county government, while the legal authority accorded to county government is scattered widely among the state statutes and court decisions. There are two major roles that county government fulfills. First, it exists to extend some powers of state government throughout the state. (For example, the state requires county prosecutors to enforce the state criminal laws. Registers of deeds receive and maintain proper land records and other property-related documents, and clerks administer elections for the state and exercise other duties that are of particular interest to the state). The second role is to carry out programs that benefit primarily the local population, such as health and welfare activities. These are not required, but rather ‘permissive’ functions. (For example, county parks and recreation programs, county water and sewer systems, or community crisis centers are supported by counties because of want and need). Although counties act as “agents of the state” for required functions, they remain separate and with their own legal identity. They have the right to sue and be sued, enter into their own contracts, hold real and personal property, borrow money for legal purposes, and perform acts necessary to safeguard county property and conduct county affairs.

Structure of County Government

There are 83 counties in Michigan. Fourteen are single county governments with their own county health departments, while the other 69 are clustered into multi-county districts ranging from two to ten, with district-wide health departments. The following discussion will focus primarily on single county governments, with the understanding that there will be some variations for in multi-county districts.

- **The County Boards of Commissioners** - Each County has a county board that serves as the legislative body. The board has limited authority as it relates to budgets and ordinance-making powers. However, it is responsible for setting policy (passing resolutions, the main device for stating their policies), providing legislative oversight and constituent services. The county board does not have police powers (health, safety and welfare) unless specifically stated in state statute. (See below – Authority with regard to smoke-free environments). Each county may have not fewer than 5 or more then 35 board members. Statute requires that the county board meet a minimum of four times per year. The meetings must be open to the public, be conducted in a public place and be in compliance with the open meetings requirements. The public must be informed a minimum of ten days prior to the meeting and must be able to offer testimony at the meetings.

- **The Board of Health**

The board of health is a required entity in multi-district health departments and optional in single county departments. The board of health is made up of two commissioners in each county under the district arrangement and functions in an advisory capacity to the board of commissioners. (MCL 333.2413 and 2415)

•The Local Health Department

Local health departments in Michigan are governmental entities that deliver state-required services locally. They also function as extensions of the state health department. They have the legal responsibility to ensure the public's health by carrying out regulations approved by the Board of Commissioners (See below – Authority with regard to smoke-free environments).

•The Health Officer

The Health Officer is a full-time administrator of local health department, appointed by the Board of Commissioners or the Board of Health and functions as the top administrator of the local health department. He or she is responsible to the Board of Commissioners for overseeing the duties and functions of the health department.

Authority with regard to smoke-free environments regulation:

County health departments have a substantial grant of regulatory power. They may adopt regulations necessary to carry out their statutory duties and functions. The process of establishing regulations involves the board of county commissioners because the board must vote on approving the regulation. Thus, the board of commissioners is the gatekeeper regarding county health regulatory policy. In PA 368 of the Michigan Public Health Code, local health departments are charged with the responsibility to “continually and diligently endeavor to prevent disease... including prevention and control of environmental health hazards...”(MCL 333.2433). In another section of the Code (MCL 333.2441) county health departments with approval of their local county commissions are allowed to “adopt regulations to safeguard public health and the spread of disease and contamination”.

Relationship Model for Single County Government

