

SENATE BILL NO. 1195

December 05, 2024, Introduced by Senator WOJNO and referred to the Committee on Elections and Ethics.

A bill to amend 1966 PA 293, entitled

"An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,"

by amending sections 4, 5, 12, and 14 (MCL 45.504, 45.505, 45.512, and 45.514), section 4 as amended by 2014 PA 309, section 5 as amended by 1980 PA 7, and section 14 as amended by 2021 PA 121.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The county apportionment commission shall set
2 forth the number of charter commissioners to be elected as follows:

3 County Population	Number of Charter Commissioners
4 Under 5,001 100,000	Not more than 75 to 9
5 5,001 100,000 to	Not more than 119 to 15
6 10,000 500,000	
7 10,001 to 50,000	Not more than 15
8 50,001 to 600,000	Not more than 21
9 Over 600,000 500,000	13-15 to 3521

10 (2) The resolution ~~shall~~**must** require that a candidate for
11 election to the office of charter commissioner ~~shall have been~~**be** a
12 qualified elector in the candidate's district for not less than 6
13 months.

14 (3) An elected county official shall not be a candidate for
15 election to the office of charter commissioner unless the ~~person~~
16 **individual** has resigned from the elected position.

17 (4) A member or former member of the county board of
18 commissioners shall not serve as chief administrative officer of
19 the county until at least 2 years after ~~his or her~~**the member or**
20 **former member's** termination from membership on the board.

21 Sec. 5. (1) The resolution ~~shall~~**must** provide for a partisan
22 election of a charter commission, for the nomination of candidates
23 for the charter commission by petitioning or filing a fee, and for
24 a primary election of charter commission candidates. A charter
25 commission candidate who elects to pay a filing fee shall pay the
26 fee not less than 3 days before the final day ~~upon which~~**that**
27 petitions may be filed. The resolution ~~shall~~**must** provide for the
28 election of charter commissioners from districts established by the

1 county apportionment commission. The county apportionment
2 commission shall consist of the county clerk, ~~the county treasurer,~~
3 ~~the prosecuting attorney,~~ and the statutory county chairperson of
4 each of the 2 **major** political parties, ~~receiving the greatest~~
5 ~~number of votes cast for the office of secretary of state in the~~
6 ~~last general election in which a secretary of state was elected.~~
7 **and 1 additional member from each major political party chosen by**
8 **the county board of commissioners from a list of 3 individuals**
9 **submitted by the statutory county chairperson of each major**
10 **political party.** If a county does not have a statutory **county**
11 chairperson of a **major** political party, the ~~2 additional members~~
12 ~~shall be a party representative from each of the 2 political~~
13 ~~parties receiving the greatest number of votes cast for the office~~
14 ~~of secretary of state in the last general election in which a~~
15 ~~secretary of state was elected and appointed by the chairperson of~~
16 ~~the state central committee for each of the political parties. The~~
17 ~~county clerk shall convene the county apportionment commission and~~
18 ~~the county apportionment commission shall adopt the rules of~~
19 ~~procedure. Three members of the county apportionment commission are~~
20 ~~a quorum sufficient to conduct its business.~~ **chairperson of the**
21 **major political party's state central committee shall appoint a**
22 **statutory county chairperson to perform the duties required under**
23 **this act. The county clerk shall convene the county apportionment**
24 **commission, and the commission shall adopt rules of procedure. A**
25 **majority of the members of the commission is a quorum sufficient to**
26 **conduct the commission's business.** All action of the **county**
27 apportionment commission shall ~~must~~ be by majority vote of the
28 apportionment commission.

29 (2) The county apportionment commission, ~~within 30~~ **no later**

1 **than 60** days after the adoption of the resolution by the county
2 board of commissioners, shall establish charter commission
3 districts equal to the number of charter commissioners to be
4 elected. ~~All districts shall be single member districts and as~~
5 ~~equal in population as practicable. The latest official published~~
6 ~~figures of the United States official census shall be used in this~~
7 ~~determination, except that in cases requiring a division of~~
8 ~~official census units to meet the population standard, an actual~~
9 ~~population count may be used to make the division. Other~~
10 ~~governmental census figures of total population may be used if~~
11 ~~taken after the last decennial United States census and the United~~
12 ~~States census figures are not adequate for the purposes of this~~
13 ~~act. The secretary of state shall furnish the latest official~~
14 ~~published figures to the county apportionment commission within 15~~
15 ~~days after publication of subsequent United States official census~~
16 ~~figures. A contract may be entered into with the United States~~
17 ~~census bureau to conduct a special census if the latest United~~
18 ~~States decennial census figures are not adequate. Each district~~
19 ~~shall be contiguous, compact, and as nearly square in shape as is~~
20 ~~practicable, depending on the geography of the county area~~
21 ~~involved, and shall be drawn without regard to partisan political~~
22 ~~advantage. Each city and township shall be apportioned so that it~~
23 ~~shall have the largest possible number of complete districts within~~
24 ~~its boundaries before any part of the city or township is joined to~~
25 ~~territory outside the boundaries of the city or township to form a~~
26 ~~district. Townships, villages, cities, and precincts shall be~~
27 ~~divided only if necessary to meet the population standard.~~

28 **(3) If the apportionment of a county into charter commission**
29 **districts is not finalized within the 60-day time limit under this**

1 section, a panel of 3 judges who are selected as provided in this
2 subsection shall apportion the county into charter commission
3 districts. Five judges from the court of appeals in this state must
4 be randomly selected. The statutory county chairperson of each of
5 the 2 major political parties shall each strike 1 of the 5 selected
6 judges, and the remaining 3 judges constitute the panel under this
7 subsection. When apportioning a county into charter commission
8 districts, the panel of 3 judges must follow the guidelines under
9 this section and section 4.

10 (4) Except for a meeting or part of a meeting held in closed
11 session, a meeting of the county apportionment commission must be
12 transcribed or videorecorded with sound and picture and be made
13 available to the public.

14 (5) If the county apportionment commission is for a county
15 with a population greater than 250,000, the commission shall hold
16 at least 3 public hearings to inform the public about the
17 apportionment process and standards before preparing, considering,
18 or adopting an apportionment plan. The hearings must be held on 3
19 different dates at 3 different locations within the county.

20 (6) A county apportionment committee shall not adopt an
21 apportionment plan, partial apportionment plan, or district at the
22 meeting in which the plan, partial plan, or district was proposed.
23 Subject to subsection (5), before a proposed apportionment plan,
24 partial apportionment plan, or district may be adopted, the
25 proposed apportionment plan, partial apportionment plan, or
26 district must be published for public review and available to the
27 public for at least 7 days after the plan was proposed.

28 (7) In apportioning the county into charter commission
29 districts, the county apportionment commission is governed by the

1 following guidelines in the stated order of importance so that
2 higher ranked guidelines must be satisfied before lower ranked
3 guidelines may be considered:

4 (a) The plan and all districts must follow all applicable
5 federal laws, including, but not limited to, the voting rights act
6 of 1965, Public Law 89-110.

7 (b) All districts must be single-member districts contiguous
8 by land. An island is considered contiguous to the city or township
9 of which the island is a part. If an island constitutes its own
10 city or township, the island is considered contiguous to the
11 nearest city or township. Areas that meet only at the points of
12 adjoining corners are not contiguous.

13 (c) A district's population must not exceed a 5% deviation
14 from the target population, and the difference in population
15 between the most and least populous districts must not exceed 10%
16 of the target population. The secretary of state shall furnish to
17 each county apportionment commission the latest official published
18 figures by the United States Census Bureau. As used in this
19 subsection, "target population" means the sum of the individuals
20 counted in the United States Census for the county divided by the
21 total number of districts in the county.

22 (d) The apportionment of a county into charter commission
23 districts must not result in a partisan advantage to any major
24 political party. The standard under this subdivision requires that
25 the county apportionment commission adopt the best plan. The best
26 plan must apportion the county into charter commission districts in
27 such a way as to provide the least degree possible of partisan
28 advantage for a major political party without violating subdivision
29 (a), (b), or (c).

1 (e) A district must not be drawn to favor an incumbent elected
2 official or candidate.

3 (f) The commission may consider the compactness of districts
4 and the boundaries of cities and townships in preparing districts.

5 (8) Except as otherwise provided in subsection (9), partisan
6 advantage must be determined in the following manner:

7 (a) The difference between the actual number of minority party
8 districts and the target number of minority party districts must
9 not exceed 1.

10 (b) The proportional number of minority party districts must
11 be determined by multiplying the minority party vote share in the
12 county by the number of districts in the county and must not be
13 rounded to the nearest whole number.

14 (c) If at least 1 member of the county apportionment
15 commission demonstrates that it is possible to draw the
16 proportional number of minority party districts while complying
17 with the higher ranked criteria, the target number of minority
18 party districts is equal to the proportional number of minority
19 districts. If no member demonstrates that it is possible to draw
20 the proportional number of minority party districts while complying
21 with the higher ranked criteria, the target number of minority
22 party districts is the maximum number of demonstrably possible
23 minority party districts that comply with the higher ranked
24 criteria.

25 (9) In a county where the proportionality criterion results in
26 an apportionment plan that results in each major political party
27 having the same number of seats or that gives a major political
28 party a 1- or 2-seat majority, partisan advantage must be
29 determined by the mean-median difference. The apportionment plan

1 resulting in a mean-median difference with an absolute value
2 closest to zero is the best map under this criterion.

3 (10) The mean-median difference under subsection (9) must be
4 calculated in the following manner:

5 (a) Sum the votes cast for each major political party's
6 candidate for state board of education within each district for the
7 2 most recent general elections in which county commissioners were
8 elected, excluding special elections for partial terms.

9 (b) Find the district-level vote share in each district by
10 dividing the total votes cast for candidates of 1 major political
11 party in the district by the summed votes for both major political
12 parties in the district.

13 (c) Calculate the mean of the district-level vote share by
14 summing the district-level vote shares for all districts in the
15 county and dividing by the number of districts in the county. The
16 district-level vote share must be calculated in the following
17 manner:

18 (i) Sort the district vote shares from lowest to highest.

19 (ii) If the number of districts is odd, the median is the vote
20 share of the middle district, where an equal number of districts
21 have higher and lower vote shares.

22 (iii) If the number of districts is even, the median is the
23 average of the 2 middle district vote shares, where an equal number
24 of districts have higher and lower vote shares than the 2 middle
25 districts.

26 (d) Subtract the mean from the median.

27 (11) ~~(3)~~—In a county having a population of less than
28 1,500,000, the date of the primary election for charter
29 commissioners may be the same as the date for the ~~submission~~

1 **submission** of the question as provided in section 3. Otherwise, the
2 date of the primary election for charter commissioners ~~shall~~**must**
3 be the same as the date for the submission of the question as
4 provided in section 3. The election of the charter commission ~~shall~~
5 **must** be at the next primary or general election occurring not less
6 than 60 days after the primary election for charter commissioners.
7 If a regular primary or general election does not occur within 180
8 days after the date of the primary, the county board of
9 commissioners shall provide, in the resolution, for a date on which
10 the final election of the commission shall be held.

11 (12) ~~(4)~~The apportionment plan approved by the apportionment
12 commission ~~shall~~**must** be filed in the office of the county clerk.
13 ~~at which time~~**On filing**, the plan ~~shall become~~**becomes** effective,
14 and copies of the plan immediately ~~shall~~**must** be forwarded by the
15 county clerk to the secretary of state for filing. The plan ~~shall~~
16 **must** be made available at cost to any registered voter of the
17 county.

18 (13) ~~(5)~~Any registered voter of the county, ~~within no later~~
19 **than** 30 days after the filing of the plan for ~~his or her~~**the**
20 **registered voter's** county, may petition the court of appeals to
21 review the plan to determine if the plan meets the requirements of
22 the laws of this state. A finding of the court of appeals may be
23 appealed to the supreme court of this state as provided by law.

24 (14) ~~(6)~~ If the apportionment commission has failed to submit
25 a plan for its county within 60 days but not less than 30 days
26 after the latest official published census figures are available or
27 within an additional time as may be granted by the court of appeals
28 for good cause shown on petition from the apportionment commission,
29 any registered voter of the county may submit a plan to the

1 ~~commission for approval. The apportionment commission shall choose,~~
 2 ~~from among those plans submitted, a plan meeting the requirements~~
 3 ~~of the laws of this state and shall file the plan in the office of~~
 4 ~~the county clerk as provided in this section within 30 days after~~
 5 ~~the deadline for filing of the apportionment commission's own plan~~
 6 ~~or any extension granted on the filing of the plan.~~ **A reviewing**
 7 **court shall review de novo the following county apportionment**
 8 **commission actions and decisions:**

9 **(a) The decisions as to how many districts a county has under**
 10 **section 4.**

11 **(b) Compliance with section 4.**

12 **(c) The adopted plan's compliance with this section.**

13 **(15) The county apportionment commission has the burden of**
 14 **proof on the issues to be considered under subsection (14).**

15 **(16) Except for federal court decisions concerning questions**
 16 **of federal law, a reviewing court shall not use or apply any**
 17 **standard of review, test, or analysis taken from, based on, or**
 18 **derived from a judicial decision made before the effective date of**
 19 **the amendatory act that added this subsection.**

20 **(17) ~~(7)~~—Once an apportionment plan has been found**
 21 **constitutional and not in violation of this act and all appeals**
 22 **have been exhausted or, if an appeal has not been taken, when the**
 23 **time for appeal has expired, that plan shall be ~~is~~ the official**
 24 **apportionment plan for the county until the next United States**
 25 **official decennial census figures are available. When the next**
 26 **United States official decennial census figures are available, a**
 27 **new apportionment plan under this act shall ~~must~~ be established by**
 28 **the county apportionment commission.**

29 **(18) ~~(8)~~—The electors of each district established pursuant to**

1 this act shall elect 1 charter commissioner. There ~~shall~~**must** not
2 be representation other than that set forth by this act.

3 (19) As used in this section:

4 (a) "Major political party" means each of the 2 political
5 parties receiving the greatest number of votes cast for the office
6 of secretary of state in the most recent preceding general
7 election.

8 (b) "Minority party" means the major political party in a
9 given county receiving the second highest number of total votes
10 cast for the party's candidates for state board of education in the
11 2 most recent general elections in which county commissioners were
12 elected, excluding any special elections for partial terms.

13 (c) "Minority party district" means a district in which total
14 number of votes cast for the minority party's candidates for state
15 board of education in the 2 most recent general elections in which
16 county commissioners were elected, excluding any special elections
17 for partial terms, exceeds the total number of votes cast for the
18 other major political party's candidates in the same elections.

19 Sec. 12. (1) ~~A vacancy in the office of any commissioner shall~~
20 ~~be filled by a qualified elector selected by the commission. If the~~
21 ~~commission fails to fill the vacancy within a period of 7 days, the~~
22 ~~chairman of the board of supervisors shall fill the vacancy~~
23 ~~forthwith. The new appointee shall be a qualified elector from the~~
24 ~~same district as the commissioner vacating the office and from the~~
25 ~~same party.~~**If a vacancy occurs in the office of commissioner by**
26 **death, resignation, removal from the district, or removal from**
27 **office, the vacancy must be filled by appointment within 30 days by**
28 **the charter commission of a resident and registered voter of that**
29 **district from a list of 3 individuals submitted by the statutory**

1 county chairperson of the same political party as the vacating
2 commissioner. Except as otherwise provided in this subsection, the
3 individual appointed to fill a vacancy shall serve for the
4 remainder of the unexpired term. If the remainder of the unexpired
5 term is greater than 2 years, the charter commission shall call a
6 special primary election at the next regular election date and a
7 special general election at the next regular election date after
8 the primary. The individual appointed to fill the vacancy may be a
9 candidate at the special election. The individual elected at the
10 special general election shall serve for the remainder of the
11 unexpired term.

12 (2) If the charter commission fails to fill the vacancy under
13 subsection (1), the charter commission shall call a special primary
14 election at the next regular election date and a special general
15 election at the next regular election date after the primary to
16 fill the vacancy. The individual elected at the special general
17 election shall serve for the remainder of the unexpired term.

18 Sec. 14. (1) A county charter adopted under this act must
19 provide for all of the following:

20 (a) In a county that has a population of less than 1,500,000,
21 for a salaried county executive, who is elected at large on a
22 partisan basis, and for the county executive's authority, duties,
23 and responsibilities. In a county that has a population of
24 1,500,000 or more, a county charter adopted under this act must
25 provide for a form of executive government described and adopted
26 under section 11a.

27 (b) The election of a legislative body to be known as the
28 county board of commissioners, and for their authority, duties,
29 responsibilities, and number, that ~~must be not less than 5 or more~~

1 ~~than 21.~~ **complies with the number of charter commissioners for that**
2 **county as provided in section 4.** Until December 31, 2024, the term
3 of office of members of the county board of commissioners is
4 concurrent with that of state representatives. Beginning January 1,
5 2025, the term of office of members of the county board of
6 commissioners is as specified in section 10(2) of 1966 PA 261, MCL
7 46.410. The county board of commissioners shall provide by
8 ordinance for their compensation and may increase or decrease their
9 compensation. A change in compensation is not effective during the
10 term of office for which the legislative body making the change was
11 elected. The charter must also provide for the partisan election of
12 members of the legislative body from single-member districts to be
13 established by the county apportionment commission as created in
14 section 5 and under the standards and guidelines established in
15 section 5 for reapportionment based on the last official federal
16 decennial census, effective at the first regular general election
17 of the members of the legislative body occurring not less than 12
18 months after the completion and certification of the federal
19 decennial census. Each city and township must be apportioned so
20 that it has the largest possible number of complete districts
21 within its boundaries before any part of the city or township is
22 joined to territory outside the boundaries of the city or township
23 to form a district.

24 (c) The partisan election of a sheriff, a prosecuting
25 attorney, a county clerk, a county treasurer, and a register of
26 deeds, and for the authority of the county board of commissioners
27 to combine the county clerk and register of deeds into 1 office as
28 authorized by law.

29 (d) Except as provided in subdivision (c), the continuation of

1 all existing county offices, boards, commissions, and departments
2 whether established by law or by action of the county board of
3 commissioners; the performance of their respective duties by other
4 county offices, boards, commissions, and departments; or the
5 discontinuance of these county offices, boards, commissions, and
6 departments. Notwithstanding this subdivision in relation to
7 existing county offices, boards, commissions, and departments, a
8 county charter must insure the following:

9 (i) Except as otherwise provided under subsection (2), in a
10 county that has a population of less than 1,500,000, the charter
11 must not be in derogation of the powers and duties of the county
12 road commission in the exercise of its statutory duties concerning
13 the preservation of a county road system. The charter for these
14 counties must provide for the creation of a commission that
15 consists of not fewer than 3 or more than 5 members. Not less than
16 1 member of the commission must be a resident of a township within
17 the county.

18 (ii) Except as otherwise provided in subsection (2), in a
19 county that has a population of 1,500,000 or more, the charter must
20 provide for the continuation of a county road system within the
21 county. Notwithstanding any other provisions of this act, the
22 charter described in this subparagraph must provide that
23 responsibility for the determination of the expenditure of all
24 funds for road construction and road maintenance and for carrying
25 out the powers and duties pertaining to a county road system as
26 provided in sections 9 to 32 of chapter IV of 1909 PA 283, MCL
27 224.9 to 224.32, is vested in a commission that consists of not
28 fewer than 3 or more than 5 members. The charter must provide that
29 1 member of the commission is a resident of the most populous city

1 in the county, 1 member is a resident of a city other than the most
2 populous city within the county, and 1 member is a resident of a
3 township within the county. The charter must provide that the
4 commission is appointed by either the elected county executive or
5 the chief administrative officer. Appointment to the commission
6 requires advice and consent by a majority of the county board of
7 commissioners elected and serving not more than 60 days after the
8 appointment. If the county board of commissioners does not vote on
9 the appointment within 60 days, the appointment is final. The
10 charter may provide for the number of members and a fixed term of
11 years for the members of the commission, but the charter must
12 provide that the members of the commission may be removed at the
13 pleasure of the elected county executive or the chief
14 administrative officer. The charter must specify duties and
15 procedures to assure that administrative decisions made for road
16 construction are coordinated with administrative decisions made for
17 other programs ~~which~~**that** relate to roads. As used in this
18 subparagraph, "road construction" means all of the following:

19 (A) The building of a new road or street and the improving of
20 an existing road or street by correction grades, drainage
21 structures, width, alignment, or surface.

22 (B) The building of bridges or grade separations and the
23 repair of these structures by strengthening, widening, and the
24 replacement of piers and abutments.

25 (C) The initial signing of newly constructed roads or streets,
26 major resigning of projects, and the installation, replacement, or
27 improvement of traffic signals.

28 (e) Subject to section 15c, the continuation and
29 implementation of a system of pensions and retirement for county

1 officers and employees in those counties that have a system in
2 effect at the time of the adoption of the charter. The system
3 provided under the charter must recognize the accrued rights and
4 benefits of the officers and employees under the system then in
5 effect. The charter must not infringe on or be in derogation of
6 those accrued rights and benefits. Subject to section 15c, the
7 charter must not preclude future modification of the system.

8 (f) The continuation and implementation of a system of civil
9 service in those counties having a system at the time of the
10 adoption of the charter. The system of civil service provided under
11 the charter must recognize the rights and status of persons under
12 the civil service system then in effect. The charter must not
13 infringe on or be in derogation of those rights and that status.
14 The charter must not preclude future modification of the system.
15 Except as provided in subdivision (d), the charter must provide
16 that the system of civil service be coordinated among the county
17 offices, boards, commissions, and departments.

18 (g) That the general statutes and local acts of this state
19 regarding counties and county officers will continue in effect
20 except to the extent that this act permits the charter to provide
21 otherwise, if the charter does in fact provide otherwise.

22 (h) That all ordinances of the county will remain in effect
23 unless changed by the charter or an ordinance adopted under the
24 charter.

25 (i) The power and authority to adopt, amend, and repeal any
26 ordinance authorized by law or necessary to carry out any power,
27 function, or service authorized by this act and by the charter.

28 (j) The power and authority to enter into any
29 intergovernmental contract that is not specifically prohibited by

1 law.

2 (k) The power and authority to join, establish, or form with
3 any other governmental unit an intergovernmental district or
4 authority for the purpose of performing a public function or
5 service, that each is authorized to perform separately and the
6 performance of which is not prohibited by law.

7 (l) A debt limit of not to exceed 10% of the state equalized
8 value of the taxable property within the county.

9 (m) The levy and collection of taxes, the fixing of an ad
10 valorem property tax limitation of not to exceed 1% of the state
11 equalized value of the taxable property within the county, and that
12 the levy of taxes from within this ad valorem property tax
13 limitation must not exceed, unless otherwise approved by the
14 electors, the tax rate in mills, equal to the number of mills
15 allocated to the county either by a county tax allocation board or
16 by a separate tax limitation under the property tax limitation act,
17 1933 PA 62, MCL 211.201 to 211.217a, in the year immediately
18 preceding the year in which the county adopts a charter.

19 (n) Initiative and referendum on all matters within the scope
20 of the county's power and authority; and for the recall of all
21 county officials.

22 (o) Amendment or revision of the charter initiated either by
23 action of the legislative body of the county or by initiatory
24 process. An amendment or revision is not effective unless the
25 amendment or revision is submitted to the electorate of the county
26 and approved by a majority of those voting.

27 (p) That the acquisition, operation, and sale of public
28 utility facilities for furnishing light, heat, or power are subject
29 to the same restrictions as imposed on cities and villages by the

1 state constitution of 1963 and applicable law.

2 (q) Annual preparation, review, approval, and adherence to a
3 balanced budget in a manner ~~which~~**that** assures coordination among
4 the county offices, boards, commissions, and departments, except as
5 provided in subdivision (d).

6 (r) An annual audit by an independent certified public
7 accountant of all county funds.

8 (s) That a county that incurs a budget deficit in any fiscal
9 year shall prepare and submit a detailed and specific 5-year plan
10 for short-term financial recovery and long-range financial
11 stability to the governor and the legislature, before adoption of
12 the next annual county budget, for review. The 5-year plan must
13 include, but not be limited to, a projection of annual revenues and
14 expenditures, an employee classification and pay plan, a capital
15 improvements budget, and equipment replacement schedules.

16 (2) Subsection (1)(d) does not apply to a county in which the
17 charter is amended to provide for an alternative method of carrying
18 out the powers and duties that are otherwise provided by law for a
19 board of county road commissioners.

20 (3) The county board of commissioners may by resolution
21 provide for staggered terms of office for the road commissioners
22 under subsection (1)(d) so that not more than 2 road commissioners'
23 terms of office expire in the same year.