

Board of County Road Commissioners, supra. We find here no action of direction and control of the expenditure from the funds of the university that is within the exclusive authority of the Regents of the University of Michigan.

Therefore, it is the opinion of the Attorney General that the employees of the University of Michigan may avail themselves of the provisions of Act 336, P.A. 1947, as last amended by Act 379, P.A. 1965, and Act 176, P.A. 1939, as last amended by Act 282, P.A. 1965, and may be represented by a collective bargaining representative for the purpose of meeting and conferring with respect to wages, hours and other terms and conditions of employment with the Regents of the University of Michigan. Neither act violates Article VIII, Section 5 of the Michigan Constitution of 1963.

FRANK J. KELLEY,
Attorney General.

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COUNTIES: Road Commission--Federal Contracts--Flood, Drainage and Beach Erosion Control

Board of county road commissioners when directed by the county board of supervisors may contract with federal government or an agency thereof for flood control, drainage control or beach erosion control projects under the provisions of Act 278, P.A. 1952, as amended.

No. 4275

November 24, 1965.

Mr. Russell G. Hill
Executive Secretary
Soil Conservation Committee
Wells Hall "E"
East Lansing, Michigan

Dear Mr. Hill:

You have requested my opinion concerning the authority of a county board of supervisors to contract with the federal government or any of its agencies for flood prevention and control and other water management projects. For purposes of this opinion it is assumed that the projects to which you refer are those authorized under Act 278 of the Public Acts of 1952, as amended.¹

Section 1 of Act 278 reads as follows:

"The township board of any township, the legislative body of any incorporated city or incorporated village, or the board of county road commissioners of any county when directed by the board of supervisors of the county, pursuant to a resolution adopted by a 2/3 vote of the members thereof, is hereby authorized to acquire any and all interests in lands necessary to any flood control, drainage or beach erosion control project and is hereby authorized to contract with the

¹ C.L.S. 1961 § 281.621; M.S.A. 1958 Rev. Vol. § 13.1821.

federal government or any agency thereof, whereby the federal government or such agency will pay the whole or any part of the cost of flood control, drainage control or beach erosion control projects and/or will perform the whole or any part of the work connected therewith, which contract may include any specific terms, including, but not by way of limitation, the holding and saving of the United States free from damages due to the construction works, required by act of congress or federal regulation as a condition for such participation on the part of the federal government.”

Although the foregoing statute does not authorize a county board of supervisors to contract directly with the federal government or any of its agencies for the projects set forth in Act 278, it does clearly authorize a county to participate in such projects by permitting its board of county road commissioners to make contracts with the federal government or its agencies when so directed by the board of supervisors.

It is noted that Opinion No. 2791 of the Attorney General² reaches an opposite conclusion on this question, but it is apparent that the opinion while citing section 1 of Act 278 as amended by Act 86 of the Public Acts of 1956 did not consider it in light of the relationship of the board of supervisors and the board of county road commissioners. Therefore, on the question presented herein, viz. whether a county may participate in projects under Act 278 and effectuate contracts with the federal government or its agencies, the former opinion is hereby superseded.

FRANK J. KELLEY,
Attorney General.

² Report of the Attorney General 1957-58, Vol. I. P. 72.