

**DRAFT - Agenda**  
**Tuscola County Board of Commissioners**  
**Committee of the Whole**  
**Tuesday, November 24, 2009 – After Board Meeting**  
**Wells Township Hall - 2190 Frankford Road - Caro, MI**

**Non-Committee**

**Finance**

Committee Leaders-Commissioner Bardwell and Peterson

**Primary Finance Items**

1. **Abused, Neglected and Delinquent Child Care Fund – Recommended General Fund Appropriation Increase for 2009 (See A)**
2. **Dispatch Funding Update (See B)**

Secondary/On-Going Finance Items

1. Treasurer Bank Statement Reconciliation (Balanced through October)
2. Clerk/FOC Optical Imaging Update
3. Update Regarding Broadband Grant Application
4. SBCI – Great Lakes Restoration Initiative Grant Funds – Set Meeting Date with Bay County Executive
5. BCBSM Lawsuit Claim
6. Discussion of Tether Program Potentials
7. ATM, PayPal, Touch Pay Options for Courthouse
8. Mandated/Non-Mandated Service Breakdown Update
9. Red Flag Rule Policy
10. Update Related to County Health Insurance Quote

**Personnel**

Committee Leader-Commissioners Bardwell and Roggenbuck

**Primary Personnel Items**

1. **Road Commission Elected Versus Appointed (See C)**
2. **MSUe Reorganization Meeting**
3. **Employee Evaluations**
4. **Statistic Regarding the NACo Prescription Drug Card (See D)**

Secondary/On-Going Personnel Items

1. Employee Recognition

2. Open Meetings Act Discussion for Boards and Commissions – Corporate Council and County Prosecutor
3. Mosquito Abatement Committee – Policy Review
4. Farmland Preservation Committee
5. Job Descriptions
6. Incorporate County Personnel Policies and Other key Personnel Information on the County Web Site
7. Backup Computer Support for Sheriff Department
8. Electronic Time Recording System
9. Circuit/Family Court Personnel Policies
10. County Organizational Chart
11. RFP for Labor/Personnel Legal Services
12. EDC Appointment Requests

### **Building and Grounds**

Committee Leader-Commissioners Petzold and Kern

1. **Adult Probation Update Phase II Environmental**
2. **Building Codes Evaluation (See E)**

### **Primary Building and Grounds Items**

Secondary/On-Going Building and Grounds Items

1. Human Services Building Remodeling Update
2. Follow-Up Work for NACO Energy Star Program
3. Draft Airport Zoning Update
4. Energy Efficiency Grants Timeline and Application Procedures – Next Steps
5. Review of FOC Potential Relocation to the Courthouse

### **Correspondence/Other Business as Necessary**

1. Resolutions from Other Counties (**See F**)
2. National Flood Insurance Program
3. Economic Development
  - County EDC Strategic Planning and CAT Integration
  - Economic Gardening
  - RBEG 3<sup>rd</sup> Year Application Enterprise Facilitation
  - East Central Michigan Council of Governments Coastal Zone Management Grant
  - Regional Tourism

**Public Comment Period**

**Closed Session – If Necessary**

**Other Business as Necessary**

## 2009/2010 BUDGET PROJECTIONS

	Tuscola County	BFB	BFB	BFB	BFB
<b>Fund 292 CHILD CARE</b>					
<b>Department 662 PROBATE</b>	<b>\$ 159,485</b>	<b>\$ 45,081</b>	<b>\$ 45,081</b>	<b>\$ 36,577</b>	
<b>Account</b>	<b>2007 Actual</b>	<b>2008 Actual</b>	<b>2009 Total Budget</b>	<b>2009 Projected</b>	<b>2010 Estimate</b>
<b>Fund 292 CHILD CARE</b>					
<b>Revenues</b>					
662-562-000					
PROBATE-STATE REIMBURSEMENT	136,477.17	173,518.91	250,000.00	272,000.00	272,000.00
662-563-000					
BASIC GRANT - STATE	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00
662-611-000					
PROBATE-CHARGES FOR SERVICES	25,518.56	30,184.78	23,000.00	25,000.00	23,000.00
662-676-000					
REIMBURSEMENTS	2,621.00	4,983.50	6,000.00	3,700.00	6,000.00
662-677-000					
REIMBURSEMENT-RDSS	0.00	1,341.20	3,500.00	3,800.00	3,500.00
662-699-101					
TRANSFER IN - GENERAL FUND	410,000.00	440,000.00	465,000.00	500,000.00	500,000.00
<b>Revenues Total</b>	<b>589,616.73</b>	<b>665,028.39</b>	<b>762,500.00</b>	<b>819,500.00</b>	<b>819,500.00</b>
<b>Expenses</b>					
662-801-000					
PROF & CONT SERVICES	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00
662-832-000					
STATE WARD CHARGEBACKS	246,996.84	263,541.83	250,000.00	139,000.00	140,000.00
662-841-000					
COUNTY FOSTER CARE	0.00	0.00	15,000.00	0.00	15,000.00
662-842-000					
FOSTER CARE PAYMENT-PRIVATE	270.00	0.00	25,000.00	29,000.00	25,000.00

662-843-000						
PRIVATE INSTITUTION	145,571.48	339,066.73	300,000.00	479,104.00	440,000.00	
662-844-000						
OTHER COUNTY-DETENTION	29,841.00	33,315.25	35,000.00	35,000.00	35,000.00	
662-845-000						
INDEPENDENT LIVING	0.00	0.00	3,000.00	0.00	3,000.00	
662-846-000						
IN HOME CARE	114,473.56	118,351.49	140,000.00	120,000.00	120,000.00	
662-849-000						
NON-REIMBURSEABLE	18,143.00	6,428.00	15,000.00	7,000.00	15,000.00	
662-850-000						
REIMBURSEABLE	1,180.00	3,593.70	3,500.00	3,800.00	3,500.00	
662-955-000						
MISCELLANEOUS	183.19	135.25	1,000.00	100.00	1,000.00	
<b>Expenses Total</b>	<b>571,659.07</b>	<b>779,432.25</b>	<b>802,500.00</b>	<b>828,004.00</b>	<b>812,500.00</b>	
		<b>EFB</b>	<b>EFB</b>	<b>EFB</b>	<b>EFB</b>	
		<b>\$ 45,081</b>	<b>\$ 5,081</b>	<b>\$ 36,577</b>	<b>\$ 43,577</b>	



116 OTTAWA AVE. N.W.  
GRAND RAPIDS, MICHIGAN 49503  
616-988-5600  
FAX 616-988-5606

November 9, 2009

**CONFIDENTIAL**

Tuscola County Board of Commissioners  
and Central Dispatch Authority Board  
co/o Mr Robert Klenk  
1303 Cleaver Road  
Caro, MI 48723

**Re: Tuscola County 911 Surcharge**

Dear Bob:

This letter will respond to your questions regarding the 911 operational surcharge levied by the Tuscola County Board of Commissioners pursuant to MCL §484.1401b(1), which is Section 401b of the Emergency Telephone Service Enabling Act ("911 Act")

As you know, the "old" 911 Act, the Commissioners could levy up to \$.80 per month per landline phone without a vote and up to \$4.00 per month per landline upon a vote of the people. Such a vote was limited to 5 years in authorized duration and upon defeat, a county had to wait a second year before seeking another voted authorization. The Tuscola County electorate authorized up to \$4 per landline through 2010

You raise a number of questions, including: (1) when should Tuscola seek another voter authorization? (2) when would the authorization be effective? And, (3) should the County seek more than what it currently believes it needs? This letter will provide our response.

First, it should be noted that Tuscola County presently has *no* voter authorization in place, despite the fact that its last voter authorization has not expired by its terms. How could that happen? Well, when the state legislature amended the 911 Act through 2007 P.A. 164 to alter the surcharge from just a landline surcharge to a device surcharge, applying to wireless and VOIP devices, as well, it eliminated all of the then existing voter authorizations. As a result of Act 164, the nonvoted cap is now \$.42 per device per month and the voted cap, \$3.00 per month with authorization. Of course, as you know, Act 164 contained a provision that enabled the MPSC to set a higher nonvoted surcharge for 2008, and it then set Tuscola's nonvoted cap at \$1.80 per month per device. Through amendments made last year in 2008 PA 379, that MPSC adjustment to Tuscola's nonvoted cap was made permanent.<sup>1</sup>

<sup>1</sup> I am handling the appeal of that decision by 28 Michigan counties, including Tuscola. That appeal will be heard in oral argument on Friday. If successful, Tuscola's nonvoted cap could go even higher than \$1.80 per device per month

Mr Robert Klenk  
November 9, 2009  
Page 2

---

*Thus, Tuscola County may indefinitely continue to levy up to \$1.80 per communications device per month without a vote of the people.<sup>2</sup>*

Second, 2008 PA 379 also made permanent the requirement that a county submit its surcharge to the state by May 15 of each year, to be effective on July 1 of the year. Since the prior vote has already been extinguished as a voter authorization, *Tuscola may seek authorization at any time to exceed the \$1.80 per month surcharge. Any electoral approval must occur before the next May 15 to be effective the following July 1<sup>st</sup>.*

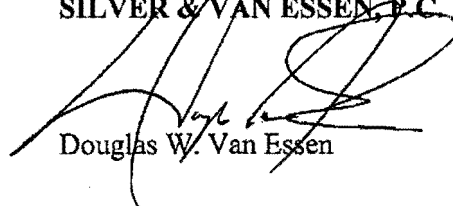
It is interesting to note that the 5 year limitation on voter authorizations has been eliminated, as has the requirement of a 1 year "sideline" rule if a ballot authorization fails. Of course, the effect of such a vote is not longer immediate, either if a surcharge authorization is approved.

As for what the ballot should look like if you go forward with a vote, you should seek a maximum authorization that is greater than your immediate need. After all, should you have a major equipment failure, it would take some time to be able to get a vote before the people and then up to a year to begin collecting the additional revenue even after authorization through a vote.

If there is a vote, we probably want a sentence in the ballot explaining that the voters previously authorized up to \$4.00 per month on landlines, and the then present authorization is to levy something less on landlines, wireless and VOIP customers

I hope this answers your questions and does not create more confusion. If you have additional questions, we stand ready to answer them. This letter is exempt from disclosure under FOIA because it is subject to the attorney/client privilege. Discussion of the contents of this letter may be held in closed session under Section 8(h) of the Open Meetings Act, because the letter is exempt from disclosure under FOIA.

Very truly yours,  
SILVER & VAN ESSEN, P.C.



Douglas W. Van Essen

---

<sup>2</sup> As you know from sitting in on my 911 seminars, I prefer to see the voters approve any authorization because there is a question as to whether a nonvoted surcharge is constitutional. However, as matters stand, the 911 Act authorizes Tuscola to levy \$1.80 without any vote.

**Mike Hoagland**

---

**From:** Eric Davis [Davis@micounties.org]  
**Sent:** Wednesday, November 18, 2009 9:35 AM  
**To:** MHoagland@TuscolaCounty.org  
**Subject:** Road Commission Information  
**Attachments:** Expansion of Road Commission - Legal Letter.pdf

Mike,

I have attached the guidance document I have regarding how a county alters the number of road commissioners it has. I think it is pretty straight forward, but please let me know if you have any questions on it. Also, I have the statutes that address how a county can more from an appointed to an elected road commission (and vice-versa), but I am waiting to hear back from our legal counsel as I have asked them to put together a similar guidance document on that procedure.

**In the meantime, this is what the law states:**

MCL 224.6 (2) If road commissioners are appointed, they shall hold office only until January 1 of the first odd numbered year following the date of the appointment. If the road commissioners are to be elected at a general or special elected, notice of the election, embodying a copy of the resolutions of the county board of commissioners, giving the number and terms of the office of the road commissioners to be elected, shall be published by the clerk as required by section 3 of this chapter.

**The aforementioned section 3 reads as follows:**

MCL 224.3 Said clerk shall cause such notice, printed in the form of a handbill, to be posted in 3 or more public places in each township and ward of such county, at least 2 weeks before the time of such election, and also to be published in such newspaper or newspapers published and circulated in said county as the board of supervisors may direct, once in each week for at least 2 weeks before said election. Proof of the posting and publication of such notice may be made by affidavit of any person or persons knowing the facts and be filed in the office of said clerk and shall be recorded in the records of the proceedings of the board of supervisors. Such affidavit or the record thereof, or a certified copy of such affidavit or the record thereof, shall be prima facie evidence of the facts stated therein. Ballots shall be prepared and distributed by the same officers prescribed by law for general elections. The questions shall be stated on such ballots as follows, viz.: Shall the county road system be adopted by the county of .....? and immediately below and on different lines shall be printed the word "yes" and the word "no." At the time mentioned in such resolution such election shall be held and the vote taken accordingly.

Hopefully this helps... And as soon as I get the document from our attorney I will forward it on to you.

Eric Davis, Legislative Coordinator  
Michigan Association of Counties  
935 N. Washington Avenue  
Lansing, MI 48906  
P- (517) 372-5374  
F- (517) 482-4599

11/18/2009

COHL, STOKER, TOSKEY & McGLINCHEY, P.C.

ATTORNEYS AND COUNSELORS

601 NORTH CAPITOL

LANSING, MICHIGAN 48933

PETER A. COHL  
DAVID G. STOKER  
ROBERT D. TOWNSEND  
BONNIE G. TOSKEY  
JOHN R. McGLINCHEY  
RICHARD D. McNULTY  
TIMOTHY M. PERRONE

January 26, 2007

(517) 372-9000  
FAX (517) 372-1026

Timothy McGuire, Executive Director  
Michigan Association of Counties  
935 N. Washington Avenue  
Lansing, Michigan 48906

Brad Comment, Legislative Coordinator  
Michigan Association of Counties  
935 N. Washington Avenue  
Lansing, Michigan 48906

Re: New Law on Composition of County Board of Road Commissioners

Dear Mr. McGuire & Mr. Comment:

This letter is to advise you of a recent amendment to the County Road Law, MCL 224.1 *et seq.*, which authorizes a County Board of Commissioners to increase the number of board members on the County Road Commission.

Expansion of Board of County Road Commissioners

For decades, the number of board members on a County Road Commission was statutorily limited to three members. Under Public Act 598 of 2006, effective January 3, 2007, a board of county road commissioners shall consist of not less than three members, nor more than five members. MCL 224.6(1). This provision applies regardless of whether the board members are appointed or elected.

This means that a County Board of Commissioners is now authorized to expand the number of board members on the Road Commission to four or five members. Conversely, if the board is expanded, the County Board may subsequently reduce the number of board members on the Road Commission to three or four members.

It has been argued that an expanded board could provide better representation for residents living in different areas of a county. A larger Road Commission board could provide a greater opportunity for residents to have their interests represented on the board.

On the other hand, an expanded board would increase the overall costs of the Road Commission, including the compensation and benefits payable to the additional board members.

Staggered Terms

The statutory amendment further provides that a County Board of Commissioners may by resolution provide for staggered terms of office for the Road Commission board members, so that no more than two board members' terms of office expire in the same year. MCL 224.6(1).



The regular term of office for a Road Commission board member is six years. MCL 224.7. Therefore, an expansion of the number of appointed Road Commission board members could include provision that the fourth member would be initially appointed for four years, and the fifth member for two years. Thereafter, all board members would be appointed for a full six year term. This would result in no more than two board members' terms of office expiring in the same year.

Similarly, for an expansion of an elected Road Commission, the new board members would initially be appointed by the County Board of Commissioners, but their terms would expire in January of the first odd-numbered year following their appointment. MCL 224.6(2). This means that they must stand for election in the November election, unless the County Board calls for a special election. In order to retain staggered terms, the initial elective terms could be limited to two years and four years, respectively, and then continued as six-year terms.

#### Procedure

If a County Board of Commissioners proposes to alter the number of Road Commission board members, the County Board must hold at least one public hearing on the proposed change. MCL 224.(6).

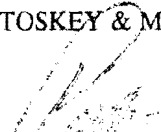
Notice of the time and place of the public hearing must be given as required under the Open Meetings Act not less than 28 days before the hearing. Written notice of the hearing must also be given to the County Road Commission, and posted on the County's website. *Id.*

The County Board of Commissioners may vote on whether to alter the number of board members on the County Road Commission at the same meeting in which the public hearing is held. *Id.*

If you have any questions regarding this recent statutory amendment, or if you need legal assistance in preparing a Resolution and notices, please contact us.

Very truly yours,

COHL, STOKER, TOSKEY & McGLINCHEY, P.C.



Peter A. Cohl



Timothy M. Perrone

PAC/TMP/nas

## **CHANGING COUNTY ROAD COMMISSION FROM APPOINTED BODY TO ELECTED BODY, AND VICE VERSA**

A County Board of Commissioners may change its Road Commission from an appointed body to an elected body, and vice versa. These changes may each be accomplished by a resolution passed by a majority vote of the County Board of Commissioners. MCL 224.6(1), (4); *Ebright v Buck*, 326 Mich 208; 40 NW2d 122 (1949); OAG 1952-54, No. 1976, p 405 (September 14, 1954) .

### Change from Appointed Body to Elected Body

The resolution changing the method of selection from appointment to election has no effect on those persons currently holding appointive office as road commissioners. That is, if a County Board of Commissioners changes the method of selection of county road commissioners from appointment to election as authorized by MCL 224.6(1), the appointed road commissioners continue to serve for the balance of their unexpired terms. OAG 1985-1986, No. 6322, p 170 (November 15, 1985). The term of office continues until a successor is elected. MCL 168.264.

Pursuant to MCL 224.7, the successor to each commissioner shall be elected at the general election preceding the expiration of his or her term. The three road commissioners may hold office for staggered terms of six (6) years, from the first day of January, so that only one (1) commissioner is elected biennially in every even numbered year for the full term of six (6) years. MCL 168.261. There may be more than one commissioner elected biennially if the road commission was expanded to four or five members as permitted by MCL 224.6(6).

A resolution of the County Board of Commissioners providing for the election of county road commissioners must be adopted sufficiently in advance of the date of holding of the primary election held for the nomination of candidates for the general election. This is needed to permit prospective candidates to comply with time limitations for the filing of nomination petitions. OAG 1952-54, No. 1580, p 38 (Sept. 12, 1952).

The actual election requirements for county road commissioners are set forth in MCL 168.251 *et seq.*, with regard to eligibility, nominating petitions, filing fees, nominations at the August primary election, and disqualification of a candidate.

### Change from Elected Body to Appointed Body

The resolution changing the method of selection from election to appointment lawfully abolishes elections as a method of filling the office of road commissioner. *Ebright, supra*. However, it has no effect on those persons currently holding elected office as road commissioners, who continue to serve for the balance of their unexpired terms, until their successors are appointed and qualified.



## NACo Prescription Drug Discount Card Program

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	TOTAL	PLAN PRICED W/CARD	% OF PLAN PRICED	RETAIL PRICED W/OUT CARD	% OF RETAIL PRICED	COST W/CARD	AVERAGE MEMBER COST	RETAIL PRICE W/OUT CARD	AVERAGE RETAIL SUBMITTED PRICE	PRICE SAVINGS	AVERAGE PRICE SAVINGS	% OF PRICE SAVINGS	TOTAL UTILIZERS
<b>TUSCOLA COUNTY</b>													
<b>OCTOBER</b>	394	230	58.38%	164	41.62%	\$ 12,257.54	\$31.11	\$16,583.34	\$42.09	\$4,325.80	\$10.98	26.09%	209
<b>SEPTEMBER</b>	350	189	54.00%	161	46.00%	\$11,719.21	\$33.48	\$14,961.19	\$42.75	\$3,241.98	\$9.26	21.67%	159
<b>AUGUST</b>	258	140	54.26%	118	45.74%	\$9,390.77	\$36.40	\$11,879.94	\$46.05	\$2,489.17	\$9.65	20.95%	126
<b>JULY</b>	235	117	49.79%	118	50.21%	\$7,436.21	\$31.64	\$9,299.04	\$39.57	\$1,862.83	\$7.93	20.03%	117
<b>JUNE 2009</b> (6/22 - 6/30)	13	8	61.54%	5	38.46%	\$1,000.78	\$76.98	\$1,136.07	\$87.39	\$135.29	\$10.41	11.91%	10

Column Headers from left to right:

1. Total RX's - this is the total number of Rx's that were adjudicated or attempted to adjudicate through the use of the card
2. Plan Priced RX's - Caremark tracks all attempts to use the cards including when the pharmacy offers a lower price than the card can give.
3. % Plan Priced Rx's - what percentage of the total attempted Rx's adjudicated via best price with the card
4. Retail Price Rx's - how many prescriptions where the pharmacy had a lower price
5. % Retail Priced Rx's - percentage of prescriptions where the pharmacy had a lower price
6. Total Drug Cost - all prescriptions totaled together at their card discount price
8. Retail Submitted Price - what the price would have been if the prescriptions weren't filled with the card
9. Average Retail Submitted Price - average per prescription price if the card wasn't presented at a discount
10. Price Savings - total dollar savings for all Rx's filled with the card
11. Average Price Savings - average price savings per prescription
12. % Price Savings - percentage price savings per prescription
13. Total Utilizers - this is the total amount of people who represent the total amount of prescriptions. I.E. some people fill multiple prescriptions.



111 NORTH CANAL STREET SUITE 950 CHICAGO, IL 60606-7270  
TEL: (312) 930-0070 (800) 444-4554 FAX: (312) 930-0017



November 12, 2009

Board of Commissioners  
Commissioners  
Tuscola Co  
207 E Grant St.  
Caro, MI 48723

Re: Building Code Effectiveness Grading Schedule  
Tuscola Co, Tuscola County, Michigan

Dear Commissioners:

Insurance Services Office, Inc. (ISO) is responsible for evaluating all jurisdictions that have a building code enforcement department. Working on behalf of insurance companies around the country, ISO uses the Building Code Effectiveness Grading Schedule (BCEGS) to recognize the building codes in effect in your community and how your community enforces its building codes. The evaluations place special emphasis on mitigation of losses from natural hazards. ISO gives the information to insurers, which may use the evaluations in granting premium discounts for property insurance in the community.

The concept is simple: municipalities with well-enforced, up-to-date codes should demonstrate better loss experience, and insurance rates can reflect that. The prospect of reducing catastrophe-related damage and ultimately lowering insurance costs provides an incentive for communities to enforce their building codes rigorously — especially as they relate to windstorm and earthquake damage.

The anticipated upshot: safer buildings, less damage, and lower insured losses from catastrophes.

The BCEGS program assigns each municipality a BCEGS classification — a number from 1 to 10. Class 1 represents exemplary commitment to building-code enforcement. ISO also develops advisory rating credits — or discounts. The discounts apply to buildings constructed in or after the year that the community received its BCEGS classification.

Board of Commissioners  
November 12, 2009  
Page 2

ISO previously visited Tuscola Co to evaluate your building-code enforcement in 2004. Our survey resulted in a Class 4 for residential buildings and a Class 4 for commercial buildings constructed in or after that year.

ISO is now preparing to review your community once again to determine whether to revise your BCEGS gradings. We've prepared a questionnaire that will help us determine your community's appropriate classifications. We've already filled in the questionnaire with information from our last survey of your community.

We're sending the questionnaire — together with a copy of this letter — to your building official, Curtis Stowe. We'd appreciate that official's review of the questionnaire, making changes or additions as necessary. We would like to meet with the official on 12/15/09. ISO will contact Curtis Stowe shortly to find out if that is a convenient time. During the meeting, we will review the questionnaire and responses, as well as supporting documentation.

Additional information about the BCEGS program is available on our web site [www.isomitigation.com](http://www.isomitigation.com). We've enclosed a summary of program highlights that we hope will answer questions you may have.

Thank you for your cooperation in this important project. If you have any questions, please contact ISO.

Sincerely,

*Roger De Bruler*

Community Mitigation Field Representative  
(517) 262-8123 cell phone  
[rdebruler@iso.com](mailto:rdebruler@iso.com)

Copy (with attachments) to: Curtis Stowe, Building Official  
1309 Clever Rd., Suite A  
Caro, MI 48723

Mike Hoagland, Controller  
207 E. Grant St.  
Caro, MI 48723



COUNTY OF LAKE  
STATE OF MICHIGAN  
Resolution # 10/28/2009 1214

**Whereas**, Michigan State University Extension (MSUE) and the Michigan Agricultural Experiment Station (MAES) have had a valued partnership with county, state and federal government for 86 years; and

**Whereas**, state budget decisions related to our partnership are of extreme concern, with the potential of a line-item veto resulting in zero funding for MSUE and MAES; and

**Whereas**, the impact of our state partner's decision has devastating consequences for MSUE and our county partners, as more than 80 percent of state funding supports the staff members of MSUE; and

**Whereas**, every county and every legislative district will be affected by a veto of MAES and MSUE funding, which are outreach programs that make a significant impact on people's lives; and

**Whereas**, if funding lines are vetoed, MSUE will be forced to cancel all county- and campus-based programs and meetings immediately, and the MAES will immediately close 17 research stations across the state; and

**Whereas**, MAES and MSUE are providing the research for the green economy and translating that research into the creation of new jobs for Michigan; and

**Whereas**, in 2008, MAES and MSUE funds generated a total economic impact for the State of Michigan of \$1.062 billion; and, for every \$1 provided by the state, MAES and MSUE generated another \$2.33 for research and Extension work in Michigan, and, with a veto, this income would be lost, with much of it going to other states; and,

**Whereas**, the reputation of MSU will be damaged, and it will take years to restore the faith of federal and foundation funders and private donors. Now, therefore, be it

**Resolved**, that on this 28th day of October in the year of Two Thousand Nine, that Lake County urges the Governor to sign the Higher Education budget as passed by the Legislature.

STATE OF MICHIGAN)  
  )SS  
COUNTY OF LAKE        )

I, Shari Gibbs, Deputy Clerk of the Board of Commissioners for the County of Lake, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the Board at its regular meeting on October 28, 2009.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the County of Lake this 28th day of October, 2009 at Baldwin, Michigan.

---

Shari Gibbs, Deputy Clerk of the Board



**Ruth Johnson**  
**Oakland County Clerk/Register of Deeds**  
[www.oakgov.com/clerkrod](http://www.oakgov.com/clerkrod)

---

November 6, 2009

To Whom It May Concern:

Enclosed please find a certified copy of Miscellaneous Resolution #09180 – BOARD OF COMMISSIONERS – REQUIRING OAKLAND COUNTY TO PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM which was adopted by the Oakland County Board of Commissioners on October 29, 2009.

As the County Clerk/Register, I have been instructed to provide you with a certified copy of this adopted resolution. Please forward Miscellaneous Resolution #09180 to the appropriate person(s). Thank you for your cooperation.

Sincerely,

Ruth Johnson  
Clerk/Register of Deeds  
County of Oakland

Enclosure (1)

Administrative Offices  
1200 N Telegraph, Dept 415  
Pontiac MI 48341-0415  
(248) 858-0560  
[clerk@oakgov.com](mailto:clerk@oakgov.com)

Elections Division  
1200 N Telegraph, Dept 417  
Pontiac MI 48341-0417  
(248) 858-0564  
[elections@oakgov.com](mailto:elections@oakgov.com)

Legal & Vital Records  
1200 N Telegraph, Dept 413  
Pontiac MI 48341-0413  
(248) 858-0581  
[clerklegal@oakgov.com](mailto:clerklegal@oakgov.com)

Register of Deeds Office  
1200 N Telegraph, Dept 480  
Pontiac MI 48341-0480  
(248) 858-0605  
[deeds@oakgov.com](mailto:deeds@oakgov.com)



October 29, 2009

**REPORT MR #09180**

**BY:** Human Resources Committee, Sue Ann Douglas, Chairperson

**RE: BOARD OF COMMISSIONERS – REQUIRING OAKLAND COUNTY TO PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM**

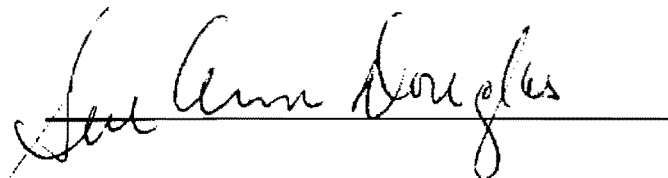
**TO:** Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The Human Resources Committee having reviewed MR #09180 on October 21, 2009 Reports with the recommendation the resolution be adopted.

Chairperson, on behalf of the Human Resources Committee, I move the acceptance of the foregoing Report.

HUMAN RESOURCES COMMITTEE

A handwritten signature in cursive script, reading "Sue Ann Douglas", is written over a horizontal line.

Human Resources Committee Vote:  
Motion carried unanimously on a roll call vote

REPORT (MISC. #09180)

October 14, 2009

BY: GENERAL GOVERNMENT COMMITTEE – Christine Long, Chairperson

RE: **MR #09180 – BOARD OF COMMISSIONERS – REQUIRING OAKLAND COUNTY TO PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM**

To the Oakland County Board of Commissioners  
Chairperson, Ladies and Gentlemen:

The General Government Committee, having considered the above titled resolution on October 5, 2009, recommends that the resolution be adopted with the following amendments.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby establishes a county policy that Oakland County shall register with, participate in, and utilize the E-Verify Program (or any successor program implemented by the federal Department of Homeland Security and/or the federal Social Security Administration) when hiring new employees after ~~September 8, 2009~~ **February 1, 2010**.

~~BE IT FURTHER RESOLVED that Oakland County shall not hire any new employees after September 8, 2009 unless it utilizes the E-Verify Program (or any successor program implemented by the federal Department of Homeland Security and/or the federal Social Security Administration) to verify the work authorization status of the newly hired employees.~~

~~BE IT FURTHER RESOLVED that the County Executive-County's Human Resources Department shall formulate rules and procedures that include a clause that the County's Human Resources Department must implement the provisions of this resolution to implement the provisions of this resolution.~~

~~BE IT FURTHER RESOLVED that said rules and procedures be presented to the Board of Commissioners by October 1, 2009 for approval before implementation.~~  
**Human Resources Committee on or before February 1, 2010**

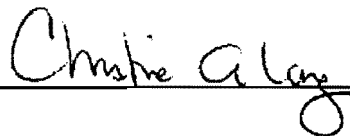
~~BE IT FURTHER RESOLVED that the administration shall report to the General Government Human Resources Committee on the anniversary of the implementation of this E-Verify policy for employees as to its effectiveness, accuracy, and burden and that upon receipt of this report and the review and approval by the General Government Committee that the Oakland County Board of Commissioners' approval be required for continued effect.~~

BE IT FURTHER RESOLVED that copies of this resolution approving implementation of the E-Verify program be sent to Michigan's Congressional delegation, its State Legislative delegation, and all its local units of government in support of our nation's immigration laws.

Chairperson, we move the foregoing resolution.

Chairperson, on behalf of the General Government Committee, I move the acceptance of the foregoing report.

GENERAL GOVERNMENT COMMITTEE

  
\_\_\_\_\_

GENERAL GOVERNMENT COMMITTEE

Motion carried unanimously on a roll call vote.

**MISCELLANEOUS RESOLUTION # 09180**

BY: Commissioners Tim Greimel, Jim Runestad, Tim Burns, Steven H. Schwartz

**IN RE: BOARD OF COMMISSIONERS – REQUIRING OAKLAND COUNTY TO PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM**

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS according to the Pew Hispanic Center, a non-profit, non-partisan research organization, there are approximately 7.2 million undocumented workers in the United States, and Michigan has an estimated 150,000 immigrants living within the state illegally; and

WHEREAS according to the United States Department of Labor, Michigan has the highest unemployment rate in the nation at 12.6% (Bureau of Labor Statistics Report 4/17/2009), including Oakland County at almost 12% and climbing; and

WHEREAS research by the Mackinac Center for Public Policy suggests the true unemployment rate, including those who have been reduced to part-time work, stopped looking for work, or have dropped off the unemployment rolls may be significantly higher than that reported by the U.S. Department of Labor; and

WHEREAS the Detroit News (4/2/2009) has reported that Michigan has lost nearly half a million residents to other states over the last 8 years looking for employment; and

WHEREAS Michigan and Oakland County are suffering from an economic recession with citizens and legal aliens having difficulty gaining employment within the state; and

WHEREAS the Wall Street Journal (7/30/2008) reported that more than \$11 billion in wages last year earned by unauthorized foreign workers in the United States was sent back to their home countries and therefore was not spent to stimulate the United States economy; and

WHEREAS businesses that hire illegal workers undercut honest competitors, contribute to increased unemployment for U.S. citizens and legal aliens, and financially burden local communities with additional health and social services costs; and

WHEREAS it is in the best interests for the security and economic well-being of Oakland County residents for the county government to be proactive in upholding federal immigration and employment laws; and

WHEREAS according to U.S. Citizenship and Immigration Services (USCIS), the federal E-Verify program is 99.6% accurate, instantaneous, and free, and its use by government vendors is required by all federal agencies and 15 states effective September 8, 2009.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby establishes a county policy that Oakland County shall register with, participate in, and utilize the E-Verify Program (or any successor program implemented by the federal Department of Homeland Security and/or the federal Social Security Administration) when hiring new employees after September 8, 2009.

BE IT FURTHER RESOLVED that Oakland County shall not hire any new employees after September 8, 2009 unless it utilizes the E-Verify Program (or any successor program implemented by the federal Department of Homeland Security and/or the federal Social Security Administration) to verify the work authorization status of the newly hired employees.

BE IT FURTHER RESOLVED that the County Executive shall formulate rules and procedures that include a clause that the County's Human Resources Department must implement the provisions of this resolution.

BE IT FURTHER RESOLVED that said rules and procedures be presented to the Board of Commissioners by October 1, 2009 for approval before implementation.

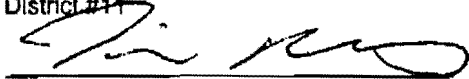
BE IT FURTHER RESOLVED that the administration shall report to the General Government Committee on the anniversary of the implementation of this E-Verify policy for employees as to its effectiveness, accuracy, and burden and that upon receipt of this report and the review and approval by the General Government Committee that the Oakland County Board of Commissioners' approval be required for continued effect.

BE IT FURTHER RESOLVED that copies of this resolution approving implementation of the E-Verify program be sent to Michigan's Congressional delegation, its State Legislative delegation, and all its local units of government in support of our nation's immigration laws.


Chairperson, we move the foregoing resolution.



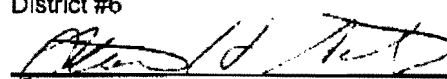
Commissioner Tim Greimel  
District #11



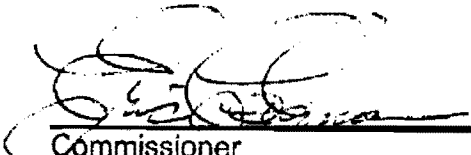
Commissioner Tim Burns  
District #19



Commissioner Jim Runestad  
District #6



Commissioner Steven H. Schwartz  
District #14


  
Commissioner  
District # 33

  
Commissioner  
District # 25

  
Commissioner  
District # 22

  
Commissioner  
District # 2

  
Commissioner  
District # 6

  
Commissioner  
District # 21

  
Commissioner  
District #

Commissioner  
District #

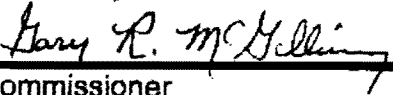
Commissioner  
District #


Commissioner  
District #

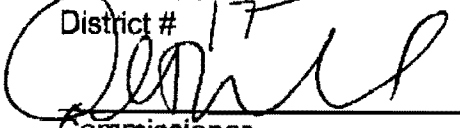
Commissioner  
District #

Commissioner  
District #

  
Commissioner  
District # 15

  
Commissioner  
District # 24

  
Commissioner  
District # 17

  
Commissioner  
District # 8

Commissioner  
District #

Commissioner  
District #

Commissioner  
District #

Commissioner  
District #

Commissioner  
District #

Commissioner  
District #

Commissioner  
District #

Commissioner  
District #

# TUSCOLA COUNTY BOARD OF COMMISSIONERS

207 E. Grant Street  
Caro, MI 48723

Telephone: 989-672-3700  
Fax: 989-672-4011

## RESOLUTION

- WHEREAS,** each county government primarily acts as an “agent” of the state, with the majority of budgeted activity performed to extend various powers of state government throughout the state, providing state mandated services for the benefit of Michigan residents; and
- WHEREAS,** state legislators pass into law various provisions as to how these state mandated services performed by the county are to be proportionately funded by the state; and
- WHEREAS,** over time, many state elected officials have apparently lost an understanding of this interconnected relationship between the two levels of Michigan government and of the laws in place that require certain levels of state funding to counties and prohibit unfunded mandates; and
- WHEREAS,** recent examples which are crippling county governments’ ability to provide necessary and mandated services, include the following:
- In 1978, the voters of Michigan approved the “Headlee Amendment” which protects counties from unfunded mandates from the state legislature; yet despite this constitutional limit placed upon the state government, the legislature has continued to add more mandates for counties, while cutting funding year after year to county governments;
  - PA 140 “Glenn Steil state revenue sharing act of 1971”, whereas for the past several years the state has not followed the statutory formula (MCL 141.911) that requires 21.3% of the 4% of sales tax be directed to local governments and 25% of that local government revenue sharing going to counties;
  - PA 356 of 2004 “County Revenue Sharing Reserve Fund” (MCL 141.911) *temporarily* suspended the above law, taxed all Michigan residents earlier than previously scheduled for property taxes, and utilized these revenues as a temporary replacement to the statutory revenue sharing for counties, with a stipulation to return counties in full to their previous revenue sharing when this alternate source of revenue is depleted, yet state proposals now call for ignoring that statutory mandate as well;
  - PA 245 of 2008, Part 1, Line Item Appropriations, Section 103, Planning and Community Support, County Jail Reimbursement Program (MCL 769.35), whereas the county *once again* has been notified by the state that they will not make a fourth quarter reimbursement payment to the county for diverted felons,

under a most disingenuously crafted provision of state law that states  
*"expenditures shall not exceed the amount appropriated"*.

- PA 513 of 2004 "Payment in Lieu of Taxes on Certain State Lands" (PILT),  
whereas payment to counties for certain real property owned by the state and  
controlled by the DNR in lieu of paying local property taxes (MCL 141.911) have  
not been made; and

**WHEREAS,** state officials must follow their own state laws if they expect the  
citizens to do so, must pass appropriate legislation that properly funds  
mandates and not disingenuous laws that provide loopholes for the  
state government to shift their burden when desired, and must not  
balance their budget by withholding required payments to counties  
while expecting to receive revenues back from the counties in full; and

**WHEREAS,** it is the right and duty of citizens to hold their government accountable  
to follow the law, and the TUSCOLA COUNTY BOARD OF  
COMMISSIONERS, as duly elected citizens, insists that the state  
government adhere to ALL the laws passed by the state legislature  
and pay ALL payments in FULL to the counties.

**NOW, THEREFORE BE IT RESOLVED,** that this Board of Commissioners of Tuscola  
County intends to explore every legal means of withholding, dollar for dollar, any  
payment due to the State of Michigan where the state has withheld payments to the  
County of Tuscola that are mandated, utilizing the same criteria as state legislation, in  
which the county will direct that "expenditures shall not exceed the amount  
appropriated", wherein to ensure a balanced budget as required by law, the amount  
appropriated for various payments to the state shall be decreased if state mandated  
payments to the county are decreased; and

**BE IT FURTHER RESOLVED,** that this Board of Commissioners of Tuscola County  
does so begrudgingly, as we and all citizens expect better from our government that  
serves us; we hope that we will not have to resort to such a measure, but rather that the  
state will find a way to balance its revenues and expenditures the same way counties do  
– through appropriate cuts that do not include withholding payments that have been  
legally agreed to be made for services directed to be provided.

Date \_\_\_\_\_

\_\_\_\_\_  
Jerry Peterson, Chairperson  
Tuscola County Board of Commissioners

I, Margie White-Cormier, do hereby certify that the foregoing is a true and complete copy of  
a Resolution adopted by the Tuscola County Board of Commissioners on November 24, 2009.

Date \_\_\_\_\_

\_\_\_\_\_  
Margie White-Cormier  
Tuscola County Clerk

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

**OPPOSE SB 0787(2009) TO REDUCE CIRCUIT JUDGESHIPS**

**WHEREAS**, Senate Bill No. 787 (2009) to amend 1961 PA 236, Revised Judicature Act of 1961, if passed, could result in a temporary reduction in Circuit Judgeships from two to one in Allegan County (MCL 600.549) beginning January 1, 2011 and ending January 1, 2015; and

**WHEREAS**, such a reduction, even on a temporary basis, would not be feasible for this Circuit and County (Forty-eighth Judicial Circuit, the County of Allegan); and

**WHEREAS**, such a reduction would result in significant and inconceivable delays in the administration of justice and would most certainly result in the Court being unable to meet mandated time frames for the disposition of cases, particularly in the criminal and domestic caseloads.


**THEREFORE BE IT RESOLVED** that the Allegan County Board of Commissioners strongly opposes the prospect and/or passage of Senate Bill 787 as it pertains to Allegan County; and

**BE IT FURTHER RESOLVED** that the Allegan County Clerk be directed to forward copies of this resolution to Governor Jennifer Granholm, Senator Michael Switalski, Senator Patty Birkholz, Representative Robert Genetski, Representative Tonya Schuitmaker, the Michigan Association of Counties and the other

82 Michigan Counties.

Moved by Commissioner McNeal, seconded by Commissioner  
Kapenga to adopt the resolution as presented. Motion carried.

ATTEST, A TRUE COPY

 \_\_\_\_\_, Clerk-Register

APPROVED: November 12, 2009

cc: Admin. - Finance - Human Resources - Governor Jennifer  
Granholm, State Capitol, P.O. Box 30013, Lansing, MI, 48909  
- Senator Michael Switalski - Senator Patricia Birkholz,  
P.O. Box 30036, 805 Farnum Building, Lansing, MI, 48909 -  
Representative Robert Genetski, 88<sup>th</sup> District, N1192 House  
Office Building, P.O. Box 30014, Lansing, MI, 48909 -  
Representative Tonya Schuitmaker, 80<sup>th</sup> District, N1099 House  
Office Building, P.O. Box 30014, Lansing, MI, 48909 -  
Michigan Townships Association, P.O. Box 80078, Lansing,  
MI, 48909-0078 - Michigan Association of Counties, 935 N.  
Washington, Ave, Lansing, MI, 48906 - 82 Michigan Counties  
(through Clerk) - Allegan County Municipalities (through  
Clerk)



S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

SUPPORT ROUTE 31/BLUE STAR HIGHWAY HERITAGE ROUTE NOMINATION

**WHEREAS** the Michigan Department of Transportation (MDOT), pursuant to the Heritage Route Act of 1993 (P.A. 69 of 1993), is empowered to designate scenic, recreational and historic highways in the state; and

**WHEREAS** the public highway known as Route 31/Blue Star Highway extending from the Michigan-Indiana border to within the City of Saugatuck exhibits scenic/recreational/historic qualities and passes through an area of significant regional importance; and

**WHEREAS** a study has been undertaken by the Michigan Beachtowns Association and the Michigan History Center, a division of the Department of History, Arts and Libraries which assesses the quality of, and documents the character and features of, the historical assets of the highway corridor; and

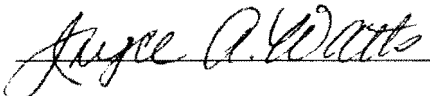
**WHEREAS** it is intended that the study shall be forwarded to MDOT in order to nominate Route 31/Blue Star Highway as a Heritage Route.

**NOW THEREFORE BE IT RESOLVED** that the Allegan County Board of Commissioners enthusiastically supports the nomination of Route 31/Blue Star Highway as a Heritage Route and authorizes inclusion of this resolution with the nomination documents; and

**BE IT FURTHER RESOLVED** that the Allegan County Board of Commissioners hereby requests and encourages the Michigan Department of Transportation to quickly designate Route 31/Blue Star Highway as a Heritage Route.

Moved by Commissioner Burns, seconded by Commissioner VanEck to adopt the resolution as presented. Motion carried.

ATTEST, A TRUE COPY

 \_\_\_\_\_, Clerk-Register

APPROVED: November 12, 2009

cc: Admin. - Finance - Human Resources - Governor Jennifer Granholm, State Capitol, P.O. Box 30013, Lansing, MI, 48909 - Senator Patricia Birkholz, P.O. Box 30036, 805 Farnum Building, Lansing, MI, 48909 - Representative Robert Genetski, 88<sup>th</sup> District, N1192 House Office Building, P.O. Box 30014, Lansing, MI, 48909 - Representative Tonya Schuitmaker, 80<sup>th</sup> District, N1099 House Office Building, P.O. Box 30014, Lansing, MI, 48909 - Michigan Townships Association, P.O. Box 80078, Lansing, MI, 48909-0078 - Michigan Association of Counties, 935 N. Washington, Ave, Lansing, MI, 48906 - 82 Michigan Counties (through Clerk) - Allegan County Municipalities (through Clerk)

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

FUNDING OBLIGATIONS - STATE MANDATED SERVICES

**WHEREAS**, with much of the budgeted activity performed by them, each county government acts primarily as an "agent" of the State to extend throughout the State the various powers of State government to provide State mandated services for the benefit of Michigan residents; and,

**WHEREAS**, the State legislators pass into law various provisions as to how these State mandated services performed by the county are to be proportionately funded by the state; and,

**WHEREAS**, over time, many elected State officials seem to have lost an understanding of this interconnected relationship between the two levels of Michigan government, and of the laws in place that prohibit unfunded mandates and that require certain levels of State funding to the counties; and,

**WHEREAS**, recent examples, which are crippling county governments' ability to provide necessary and mandated services, include the following:

- In 1978, the voters of Michigan approved the "Headlee Amendment", which protects counties from unfunded mandates from the State legislature; yet despite this constitutional limit placed upon the State government, the legislature has continued to add more mandates for counties, while cutting funding to county governments year after year; and
- For the past several years the State has not followed

the statutory formula of PA 140 "Glenn Steil State Revenue Sharing Act of 1971", (MCL 141.911) that requires 21.3% of the 4% of sales tax be directed to local governments and 25% of that local government revenue sharing go to counties; and

- PA 356 of 2004 "County Revenue Sharing Reserve Fund" (MCL 141.911) *temporarily* suspended the above law, taxed all Michigan residents earlier than previously scheduled for property taxes, and utilized these revenues as a *temporary* replacement to the statutory revenue sharing for counties, with a stipulation to return counties to their previous revenue sharing in full when this alternate source of revenue is depleted, yet State proposals now call for ignoring that statutory mandate as well; and
- In regard to PA 245 of 2008, Part 1, Line Item Appropriations, Section 103, Planning and Community Support, County Jail Reimbursement Program (MCL 769.35), under a most disingenuously crafted provision of State law that states "*expenditures shall not exceed the amount appropriated,*" counties have *once again* been notified by the State that the State will not make a fourth quarter reimbursement payment to the county for diverted felons; and
- In regard to PA 513 of 2004 "Payment in Lieu of Taxes on Certain State Lands" (PILT) (MCL 141.911) payment to counties for certain real property owned by the State and controlled by the Department of Natural Resources, the payments have not been made; and

**WHEREAS**, it is the right and duty of citizens to hold their government accountable to follow the law, and of the Allegan County Board of Commissioners, as duly elected citizens, to insist that the State government adhere to all of the laws passed by the State legislature, and that the State pay all payments in full to the counties; and

**WHEREAS**, State officials must follow their own State laws if they expect the citizens to do so; and

**WHEREAS**, State officials must pass appropriate legislation that properly funds mandates, not disingenuous laws that provide loopholes for the State government to shift their portion of the burden when desired; and

**WHEREAS**, State officials must not balance their budget by withholding required payments to counties while expecting to receive revenues in full from the counties.

**NOW, THEREFORE BE IT RESOLVED** that where the State has withheld payments to Allegan County that are mandated, the Allegan County Board of Commissioners intends to explore every legal means to withhold any payment due to the State of Michigan, dollar for dollar, utilizing the same criteria as State legislation, in which the County will direct that *"expenditures shall not exceed the amount appropriated"* wherein to ensure a balanced budget as required by law, the amount appropriated for various payments to the State shall be decreased if State mandated payments to the County are decreased; and

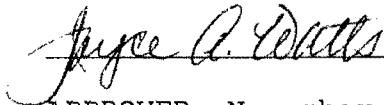
**BE IT FURTHER RESOLVED**, that this Board of Commissioners does so begrudgingly, as we and all citizens expect better from the State government that serves us and we hope that we will not have to resort to such a measure, but rather that the State will find a way to balance its revenues and expenditures in the same way the counties do, through appropriate cuts that do not

include withholding payments that have legally been agreed upon to be made for services directed to be provided; and

**BE IT FINALLY RESOLVED** that the Allegan County Clerk be directed to forward copies of this resolution to Governor Jennifer Granholm, Senator Patty Birkholz, Representative Robert Genetski, Representative Tonya Schuitmaker, the Michigan Association of Counties and the other 82 Michigan Counties.

Moved by Commissioner Thiele, seconded by Commissioner Campbell to adopt the resolution as presented. Motion carried.

ATTEST, A TRUE COPY

 \_\_\_\_\_, Clerk-Register

APPROVED: November 12, 2009

cc: Admin. - Finance - Human Resources - Governor Granholm,  
Senator Birkholz, Reps. Genetski and Schuitmaker - MAC - 82  
Counties