

**TUSCOLA COUNTY BOARD OF COMMISSIONERS
MEETING AGENDA**

THURSDAY, JANUARY 17, 2019 – 8:00 A.M.

**H. H. PURDY BUILDING BOARD ROOM
125 W. Lincoln Street
Caro, MI**

125 W. Lincoln Street
Caro, MI 48723

Phone: 989-672-3700
Fax : 989-672-4011

- 8:00 A.M. Call to Order – Chairperson Bardwell
Prayer – Pastor William Sanders, Watrousville United Methodist Church
Pledge of Allegiance – Commissioner Young
Roll Call – Clerk Fetting
Adoption of Agenda
Action on Previous Meeting Minutes 12/27/18 & 1/02/19
(See Correspondence #1)
Brief Public Comment Period for Agenda Items Only
Consent Agenda Resolution (See Correspondence #2)
New Business
-Resolution Honoring Retiring Deputy Drain Commissioner (See
Correspondence #3)
-Closed Session-Written Legal Opinion from County Attorney 8:15 am
-Recycling Soil Removal
-Advertising for Boards/Commissions (See Correspondence #4)
-Appointments to Council on Aging
-Approval of Revised Intergovernmental Agreement for Dispatch
Telephone System (See Correspondence #5)
-Refilling Vacant Corrections Officer Position
-Elmwood Township Dog Issue
Old Business
Correspondence/Resolutions

COMMISSIONER LIAISON COMMITTEE REPORTS

VAUGHAN

Board of Health
County Planning Commission
Economic Development Corp/Brownfield Redevelopment
MAC Environmental Regulatory – Vice Chair
Mid-Michigan Mosquito Control Advisory Committee
NACO-Energy, Environment & Land Use
Parks and Recreation Commission
Tuscola County Fair Board Liaison
Local Units of Government Activity Report

GRIMSHAW

Behavioral Health Systems Board
Recycling Advisory
Local Units of Government

JENSEN

Board of Health
Community Corrections Advisory Board
Dept. of Human Services/Medical Care Facility Liaison
Genesee Shiawassee Thumb Works
Jail Planning Committee
Local Emergency Planning Committee (LEPC)
MEMS All Hazard
Local Units of Government Activity Report

BARDWELL

Behavioral Health Systems Board
Caro DDA/TIFA
Economic Development Corp/Brownfield Redevelopment
MAC 7th District
MAC Finance
MAC Workers Comp Board
TRIAD
Local Units of Government Activity Report

YOUNG

Board of Public Works
County Road Commission Liaison
Dispatch Authority Board
Genesee Shiawassee Thumb Works
Great Start Collaborative
Human Services Collaborative Council (HSCC)
Jail Planning Committee
MAC Agricultural/Tourism Committee
MI Renewable Energy Coalition (MREC)
Region VI Economic Development Planning
Saginaw Bay Coastal Initiative
Senior Services Advisory Council
Tuscola 2020
Local Units of Government Activity Report

Other Business as Necessary

Extended Public Comment

Adjournment

Note: If you need accommodations to attend this meeting please notify the Tuscola County Controller/Administrator's Office (989-672-3700) two days in advance of the meeting.

CORRESPONDENCE

- #1 December 27, 2018 Full Board Minutes and January 2, 2019 Board Organizational Minutes**
- #2 Consent Agenda Resolution**
- #3 Resolution Honoring Patricia Witkovsky**
- #4 Advertising for Board and Commissions**
- #5 Dispatch Telephone System Revised Agreement**
- #6 January 14, 2019 Committee of the Whole Minutes**
- #7 December 27, 2018 Road Commission Minutes**
- #8 December 13, 2018 Road Commission Minutes**
- #9 Bay County Resolution Regarding Health Care Costs**
- #10 Counties Lawsuit Over Foreclosure Sales Information**

Draft
TUSCOLA COUNTY BOARD OF COMMISSIONERS
December 27, 2018 Minutes
H. H. Purdy Building

Commissioner Bardwell called the meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building in the City of Caro, Michigan, on the 27th day of December 2018, to order at 8:00 o'clock a.m. local time.

Prayer – Pastor William Sanders, Watrousville United Methodist Church

Pledge of Allegiance – Commissioner Young

Roll Call – Clerk Jodi Fetting

Commissioners Present: District 1 - Thomas Young, District 3 - Kim Vaughan, District 4 - Mark Jensen, District 5 – Matthew Bierlein

Commissioner Absent: District 2 - Thomas Bardwell

Also Present: Mike Hoagland, Clerk Jodi Fetting, Eean Lee, Tisha Jones-Holubec, Register John Bishop, Nancy Laskowski, Pastor William Sanders, Sheila Long, Steve Erickson, Jim McLoskey, Drain Commissioner Bob Mantey, Senator Elect Kevin Daley, Mindy Bierlein, Matthew Bierlein, Madison Bierlein, Maddox Bierlein

Adoption of Agenda -
18-M-219

Motion by Young, seconded by Vaughan to adopt the agenda as amended.
Motion Carried.

Action on Previous Meeting Minutes -
18-M-220

Motion by Vaughan, seconded by Young to adopt the meeting minutes from the December 17, 2018 Regular Board and Statutory Finance meetings as presented. Motion Carried.

Brief Public Comment Period for Agenda Items Only - None

Consent Agenda Resolution - None

New Business -

-Resolution Honoring Sheriff's Office Mounted Division -

18-M-221

Motion by Young, seconded by Vaughan that the resolution honoring the Tuscola County Sheriff's Office Mounted Division be approved and placed on file. Motion Carried.

-Letter of Support for the Opioid Network Planning Grant -

18-M-222

Motion by Vaughan, seconded by Young that per the request of the County Health Officer that the letter of support for the Opioid Network Planning Grant be approved and authorization is given to sign said support letter. Motion Carried.

-2018 Final Year-End Budget Amendments - Mike Hoagland reviewed each request included in the agenda packet.

18-M-223

Motion by Young, seconded by Jensen that the 2018 general fund activity budgets be amended as shown in the table below to prevent actual year-end expenditures from exceeding budget and in order to gain compliance with the Uniform Budgeting and Accounting Act. Motion Carried.

			Estimated	2018
	2018	2018	Difference	Year End
Expenditure	Amended	Projected	Under Budget	Amended
Category/Department	Budget	Actual	(Over Budget)	Budget
Legal	80,000	137,000	(57,000)	137,000
Prosecutor	566,324	568,000	(1,676)	568,000
Secondary Road	80,799	85,100	(4,301)	85,100
Unified Court	2,476,562	2,579,879	(103,317)	2,579,879
Medical Examiner	78,188	90,000	(11,812)	90,000
DHHS Board	9,000	9,750	(750)	9,750
Transfer out MIDC	0	13,652	(13,652)	13,652
Transfer out Animal Control	70,000	84,500	(14,500)	84,500
TOTAL			207,008	

18-M-224

Motion by Young, seconded by Vaughan that the 2018 special revenue fund budgets be amended as shown in the table below to prevent actual year-end expenditures/revenues from exceeding budget and in order to gain compliance with the Uniform Budgeting and Accounting Act. Motion Carried.

	11/30/18	2018	Estimated	2018	
	2018	Projected	Difference	Year End	
	Amended	Actual	Under Budget	Amended	
Special Revenue Funds	Budget	Exp/Rev	(Over Budget)	Budget	Comments
County Parks - EXPENSE	14,630	18,300	(3,670)	18,300	Use of Fund Balance
Voted Primary Road - REVENUE	1,695,130	1,687,200	7,930	1,687,200	Revenue to Actual
EXPENSE	1,809,102	1,694,812	114,921	1,694,812	Use of Fund Balance
Health Dept - REVENUE	3,156,478	3,328,000	(171,522)	3,328,000	Revenue to Actual
EXPENSE	3,125,362	3,264,689	(139,327)	3,264,689	Expense to Actual
Concealed Pistol License - REVENUE	32,084	33,600	(1,516)	33,600	Revenue to Actual
Local Corr Officer Training - EXPENSE	17,700	18,800	(1,100)	18,800	Use of Fund Balance
Child Care Probate - EXPENSE	906,936	919,000	(12,064)	919,000	Use of Fund Balance
Voted Veteran - EXPENSE	255,640	298,224	(42,584)	298,224	Use of Fund Balance
Medical Care Debt - REVENUE	0	24	(24)	24	Revenue to Actual
EXPENSE	0	24	(24)	24	Expense to Actual
Jail Capital Improvements - REVENUE	8,000	12,500	(4,500)	12,500	Revenue to Actual
Work Comp - REVENUE	5,000	33,870	(28,870)	33,870	Revenue to Actual

18-M-225

Motion by Young, seconded by Vaughan to authorize staff after consultation with the county auditors to conduct further year-end financial transactions and make other adjustments as necessary to gain compliance with the Uniform Budgeting and Accounting Act. Motion Carried.

18-M-226

Motion by Vaughan, seconded by Young that supplemental appropriation from the General Fund to the Pension Obligation fund for \$1,300 be authorized to prevent the fund from finishing the 2018 fiscal year in a deficit situation and gain compliance with the Uniform Budgeting and Accounting Act. Motion Carried.

18-M-227

Motion by Young, seconded by Vaughan to transfer actual delinquent tax income to the General Fund in the estimated amount of \$765,000.00. Motion Carried.

-IRS Mileage Rate Change -

18-M-228

Motion by Young, seconded by Jensen that per the correspondence from the Internal Revenue Service that effective January 1, 2019 the standard county mileage rate be increased from \$0.545 per mile to \$0.58 per mile. Motion Carried.

-MREC Update - Mike Hoagland attended the recent meeting and provided an update to the Commissioners. The overview was included in the agenda packet.

-Union Grievance Filed (matter added) - Human Resources Director will be contacting the labor attorney for guidance. The grievance filed is in reference to changes made to the Drain Commissioner office.

-Letter from Representative Canfield (matter added) - Mike Hoagland read the outgoing letter received from Representative Canfield expressing appreciation to Tuscola County.

-Economic Development Corporation (EDC) (matter added) - Steve Erickson questioned if the EDC Board appointments would be on the agenda today. Clerk Fetting stated it would not be as the audit of appointments has not been completed. Matter to be added to first Committee of the Whole meeting in January.

Commissioner Young asked Steve on the progress of the County Land Bank. Steve provided an update and stated the Vassar Foundry has been sold.

-Annexation Request by Village of Millington - Matter removed from agenda as the Board meeting scheduled for 2019 has not been set.

-2019 Budget Amendments Related to Drain Office Changes - Matter removed from the agenda.

Old Business - None

Correspondence/Resolutions -

-Huron Daily Tribune story regarding cut backs on inmate mental health services.
-Appreciation letter received from Tuscola County Fair Board.

COMMISSIONER LIAISON COMMITTEE REPORTS

BARDWELL - absent

Economic Development Corp/Brownfield Redevelopment

Caro DDA/TIFA

MAC Finance

MAC 7th District

Local Unit of Government Activity Report

TRIAD

Behavioral Health Systems Board

MAC Workers Comp Board

YOUNG

Dispatch Authority Board

County Road Commission Liaison

Board of Public Works

Senior Services Advisory Council

Saginaw Bay Coastal Initiative

Local Unit of Government Activity Report

MAC Agricultural/Tourism Committee

Strategic EDC Planning Committee

Jail Planning Committee - Would like information on how Saginaw County was successful in passing the mileage to build a new jail.

Genesee Shiawassee Thumb Works

Region VI Economic Development Planning

Tuscola 2020

MI Renewable Energy Coalition

Cass River Greenways Pathway

VAUGHAN - no reports.

Board of Health

Planning Commission

Economic Development Corp/Brownfield Redevelopment

Local Unit of Government Activity Report

Mid-Michigan Mosquito Control Advisory Committee

Parks and Recreation Commission

Tuscola County Fair Board Liaison

MAC Environmental Regulatory

NACO-Energy, Environment & Land Use

BIERLEIN - no reports.

Genesee Shiawassee Thumb Work

Human Development Commission (HDC) - Commissioner Bierlein offered to continue to serve on this committee on behalf of the Board if so decided.

Recycling Advisory Committee

Local Emergency Planning Committee (LEPC)

Great Start Collaborative Council

Local Unit of Government Activity Report

MAC Board of Directors

Human Services Collaborative Council

MAC Judiciary Committee

MAC Agricultural/Tourism Committee

MEMS All Hazards

JENSEN -

Community Corrections Advisory Board

Local Unit of Government Activity Report

Jail Planning Committee

Board of Health - Commissioner Jensen questioned being able to share resources between IT Directors. Eean Lee explained the InSync group and the purpose of the group.

Dept. of Human Services/Medical Care Facility Liaison

Other Business as Necessary - None

Extended Public Comment -

-Nancy Laskowski - Nancy presented letter written by Michael Yates but she does not know who it was sent to. Also, the Denied Michigan Tall Structure Permit letter dated July 5, 2018 was presented.

-Kevin Daley - Addressed the Board to welcome Matt Bierlein as part of his staff and will be the Senator Elect's local contact.

-Mindy Bierlein - Thanked the Board for their support over the last 6 years.

-Matthew Bierlein - Thanked the Board for their support and encouraged them to continue the good work.

Meeting adjourned at 8:58 a.m.

Jodi Fetting
Tuscola County Clerk

Draft
TUSCOLA COUNTY BOARD OF COMMISSIONERS
ORGANIZATIONAL MEETING
January 2, 2019 Minutes
H. H. Purdy Building

Clerk Jodi Fetting called the organizational meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building in the City of Caro, Michigan, on the 2nd day of January 2019, to order at 8:03 o'clock a.m. local time.

Roll Call – Clerk Jodi Fetting

Commissioners Present: District 1 - Thomas Young, District 2 - Thomas Bardwell, District 3 - Kim Vaughan, District 4 - Mark Jensen, District 5 – Matthew Bierlein

Commissioner Absent: None

Also Present: Mike Hoagland, Clerk Jodi Fetting, Mike Miller, Drain Commissioner Bob Mantey, Renee Francisco, Joe Greene, Register John Bishop

Organizational Meeting Business -

-Oath of Office - Clerk Fetting administered the Oath of Office to the Commissioners elected at the November 6, 2018 election.

-Nominations for and Election of Board Chairperson -
Clerk Fetting referenced the Board Rules regarding the nomination and election of Chairperson. The Board has the option to have the Chair serve a 1-year term or a 2-year term. The Board also has the option of voting by secret ballot or nomination process for the Chairperson.

19-M-001

Motion by Young, seconded by Grimshaw that the Board Chairperson serve a 2-year term of office. Motion Carried.

19-M-002

Motion by Vaughan, seconded by Young to elect the Chairperson by nomination instead of secret ballot. Motion Carried.

Clerk Fetting opened the floor for nominations for Board Chairperson.

Commissioner Vaughan nominated Commissioner Bardwell for Chairperson seconded by Commissioner Young.

Clerk Fetting called for any other nominations with none stated.

Nominations called to be closed by Commissioner Young, seconded by Commissioner Grimshaw. Nominations closed.

19-M-003

Motion by Vaughan, seconded by Young for Commissioner Bardwell to serve as Chair (voice vote). Motion Carried.

-Nominations for and Election of Board Vice-Chairperson - Clerk Fetting reviewed the process to elect a Vice-Chairperson and that it is for a one-year term.

19-M-004

Motion by Vaughan, seconded by Jensen for Commissioner Young to serve as Vice-Chairperson. Roll Call Vote - Young - yes; Vaughan - yes; Jensen - yes; Grimshaw - yes; Bardwell - yes. Motion Carried.

-Finance, Personnel and Building and Grounds Standing Committee Commissioner Appointments - Board discussed appointments.

19-M-005

Motion by Bardwell, seconded by Young that the following appointments be made: Finance Committee - Jensen and Young; Personnel - Bardwell and Vaughan; Buildings and Ground - Jensen and Grimshaw. Motion Carried.

-Appointment of Commissioners to Boards/Commissions - Board discussed the distribution of the various Boards/Commissions and made adjustments to the proposed assignments.

19-M-006

Motion by Vaughan, seconded by Jensen to accept the committee assignments as revised. Motion Carried.

<u>Bardwell</u>	<u>Grimshaw</u>	<u>Jensen</u>	<u>Vaughan</u>	<u>Young</u>
TBHS Board	TBHS Board	Board of Health	Board of Health	Board of Public Works
Caro DDA/TIFA	Recycling Advisory	Community Corrections Advisory Board	County Planning Commission	County Road Commission Liaison
EDC/Brownfield	Local Units of Government	DHHS Board Liaison	EDC/Brownfield	Dispatch Authority Board
MAC 7th District		Genesee Shiawassee Thumb Works	MAC Environmental	Genesee Shiawassee Thumb Works
MAC Finance		Jail Planning	Mosquito Control Advisory Committee	Great Start Collaborative
TRIAD		LEPC	NACO Energy, Environment and Land	HSCC

			Use	
Local Units of Government		MEMS All Hazard	Parks & Recreation	Jail Planning
		Local Units of Government	Tuscola County Fair Board Liaison	MAC Agricultural
			Local Units of Government	MREC
				Saginaw Bay Coastal
				Senior Services Advisory
				Tuscola 2020
				Local Units of Government
Matthew Bierlein appointed as the County Representative for the Human Development Commission				

-Establishment of Board and Committee of the Whole Meeting Dates - Board reviewed the proposed schedule with making the November 25, 2019 meeting a full Board meeting. Board discussed the potential of changing one Board meeting a month to start in the afternoon. No action on the time change at this point but can be discussed at a later time.

19-M-007

Motion by Grimshaw, seconded by Jensen to adopt the Board and Committee of the Whole meeting schedule for 2019. Motion Carried.

Other Business as Necessary -

-Board Rules of Order (dated 1/3/17) - Board reviewed the current Board Rules and discussed various items. Commissioner Grimshaw would like to review the resolution establishing the Consent Agenda dated January 25, 2000.

19-M-008

Motion by Grimshaw, seconded by Young to approve the Board Rules of Order with items 5.2, 5.4 and 6.3 to have further clarification provided at a future Board meeting. Motion Carried.

-Appointment of Members to Boards and Commissions - Clerk Fetting stated the last policy her office has on file is dated October 17, 2014 and she was not able to find a motion that revised that policy in 2016 or later. She requested this be placed on an upcoming agenda for the Board to review and discuss further.

-MAC 7th District Meetings - Board discussed the purpose of the meetings that were held in the past to the meetings currently being held. Commissioner Bardwell would like to set up a meeting to discuss further the direction the meetings should take. In past years the meetings were used to discuss important matters at the forefront rather than touring somewhere in the District.

-Economic Development Corporation (EDC) Board Members Terms of Office - Commissioner Bardwell updated the Board as to what the by-laws reference as to the term length associated to a member appointed as it should be by the class they are appointed to represent. Clerk Fetting stated an audit is being completed to verify that the Board has appointed the members. The Board needs to discuss the current member's upcoming appointments and what the size of the EDC Board should be. Matter to be placed on the next Committee of the Whole agenda for further discussion.

Public Comment - None

Meeting adjourned at 10:02 a.m.

Jodi Fetting
Tuscola County Clerk

'DRAFT'

COUNTY OF TUSCOLA

STATE OF MICHIGAN

RESOLUTION TO ADOPT CONSENT AGENDA

At a regular meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building in the Village of Caro, Michigan, on the 17th day of January, 2019 at 8:00 a.m. local time.

COMMISSIONERS PRESENT:

COMMISSIONERS ABSENT:

It was moved by Commissioner _____ and supported by Commissioner _____ that the following Consent Agenda Resolution be adopted:

CONSENT AGENDA

- Agenda Reference:** A
- Entity Proposing:** COMMITTEE OF THE WHOLE 1/14/19
- Description of Matter:** Move that authorization is given to amend the 2019 Equipment/Technology Fund budget by authorizing the carryover of \$12,520 from 2018 needed to complete the Kronos Time and Attendance software purchase.

Agenda Reference: B

Entity Proposing: COMMITTEE OF THE WHOLE 1/14/19

Description of Matter: Move that the engagement letter with Gabridge & Company to conduct the 2018 county audit be approved and the Chairperson be authorized to sign.

Agenda Reference: C

Entity Proposing: COMMITTEE OF THE WHOLE 1/14/19

Description of Matter: Move that per the request of the Village of Millington that a public hearing be scheduled for January 31, 2019 at 9:00 A.M. regarding the potential annexation of certain properties from Millington Township to the Village of Millington.

Agenda Reference: D

Entity Proposing: COMMITTEE OF THE WHOLE 1/14/19

Description of Matter: Move that the contract to purchase the BSA Financial/Accounting software programs be approved and authorized for signature. (Funds were budgeted for this purchase in 2019). Also, the BSA software licensing and services agreement be approved and authorized for signature.

Agenda Reference: E

Entity Proposing: COMMITTEE OF THE WHOLE 1/14/19

Description of Matter: Move that the request of a court employee be granted to purchase five years of service credit in the Municipal Employees Retirement System (MERS) with all costs (both employee and employer) for said service credit (\$53,435) to be paid by the employee as per Tuscola County adopted provisions with MERS. This service credit purchase is valid per MERS until March 1, 2019. Also, the Board Chair is authorized to sign all appropriate documents.

IT IS FURTHER RESOLVED that any motion, resolution, or other act of Tuscola County inconsistent with this Resolution is hereby rescinded, modified, replaced or superseded by this Resolution.

YEAS:

NAYS:

ABSTENTIONS:

RESOLUTION ADOPTED.

Thomas Bardwell, Chairperson
Tuscola County Board of Commissioners

Jodi Fetting
Tuscola County Clerk

TUSCOLA COUNTY BOARD OF COMMISSIONERS

125 W. Lincoln Street
Suite 500
Caro, MI 48723

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

Resolution Honoring Patricia Witkovsky

Whereas, Patricia Witkovsky has been a respected Tuscola County Employee for twenty-two years serving as the Deputy Drain Commissioner for the last ten years, and

Whereas, during her time in the Drain Office, she was instrumental in reviewing accounting procedures and assisted with rights-of-way for all established county drains being recorded with the Register of Deeds, and

Whereas, Deputy Witkovsky played a key role in establishing a permitting process for crossings, spray, excavation, driveways and utility borings for both private property owners and utility companies, and

Whereas, Deputy Witkovsky was involved in establishing wind farm agreements, receiving all zoning and building permits, as well as Miss Dig permits and reviewing all of these for impacts on any established county drains, and

Whereas, Deputy Witkovsky's knowledge of drains and drainage districts was enhanced by her having a State of Michigan assessor's license and also acquiring a Soil Erosion Certification with the Michigan Department of Environmental Quality, allowing the Drain Office to be an Approved Public Agency, and

Whereas, Deputy Witkovsky has been invaluable in keeping all Board of Public Works and Inter-county Drain Meeting records and necessary postings, minutes and agenda items, and

Whereas, Patricia's knowledge of "Drain History", and her ability to summarize these in written form, along with her proof reading, organizing and daily planning capabilities will be greatly missed.

Therefore, Be It Resolved, that on behalf of the residents of Tuscola County, the Board of Commissioners commends Deputy Drain Commissioner Patricia Witkovsky for her tremendous contributions to Tuscola County during her time of service.

Date _____

Thom Bardwell, Chairperson
Tuscola County Board of Commissioners

I, Jodi Fetting, Tuscola County Clerk, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Tuscola County Board of Commissioners at its meeting on January 17, 2019.

Date _____

Jodi Fetting
Tuscola County Clerk

BOARDS AND COMMISSIONS APPOINTMENT POLICY
Revised 12/14/17 Motion 17-M-218

1. PURPOSE

This policy established comprehensive procedures to be followed by the Board of Commissioners making appointments to boards and commissions. Such a policy recognizes the significant role that these groups perform in the operation of county government. The County Clerk with direction from the County Board of Commissioners, shall be responsible for overseeing and implementing this policy.

2. RECRUITMENT OF NEW APPLICANTS

2.1 Advertising

The County Clerk shall annually place a notice in the local newspaper and on the county web page identifying board and commission member terms that are expiring in the upcoming year and procedures for any interested parties who want to apply for said vacancies.

Appointments will be made at the second County Board meeting in October or first meeting in November. The Board of Commissioners has the option to specify or not specify any or all appointment criteria.

2.2 Applications

Applicants who wish to serve on a county board or commission shall be a resident of Tuscola County, unless there is an overriding statute. All interested persons who apply for a board or commission appointment shall fill out an application. This form is available at the Tuscola County Clerk's office or from any Tuscola County Commissioner. This information will be used as part of the record for the interview process as appropriate. The completed application must be returned to the County Clerk no later than seven (7) days prior to the Board of Commissioners' meeting when the appointment is to be made. All applications from persons not appointed shall be kept on file in the County Clerk's office a maximum of one (1) year and may be considered to fill vacancies.

2.3 Nominations

Notwithstanding the above provisions, Commissioners will still be able to nominate from the Board floor.

BOARDS AND COMMISSIONS APPOINTMENT POLICY
Revised 12/14/17 Motion 17-M-218

3. APPLICANTS SEEKING REAPPOINTMENT

3.1 Notification

Those members of Tuscola County boards and commissions shall be notified by the County Clerk two (2) months prior to the Board of Commissioners' meeting at which the appointment is scheduled to be made to determine if they wish reappointment. It is the responsibility of those persons desiring reappointment to notify the Clerk or a County Commissioner before the date of election.

4. PROCESS FOR SELECTION OF APPLICANTS

4.1 Interviews

All applicants shall be included in the correspondence package prior to the Board of Commissioners' meeting when the appointment is scheduled to be made. Each Commissioner shall receive a copy of each application to review.

Applicants may be interviewed in person by the Board of Commissioners or by the Executive Committee at a scheduled meeting prior to the appointment being made. The applicants will be notified by the County Clerk as to the time and place of interview. Each interview shall not exceed ten (10) minutes in length. The Executive Committee may recommend certain applicants to the Full Board.

After interviews are completed, Commissioners shall have the opportunity to nominate prospective appointees from the floor. Only those nominated will be considered. Commissioners shall vote for their candidate of choice by hand.

If, after the first vote, no person received a majority of the votes from the Commissioners present, the candidate(s) receiving the lowest number of votes shall be eliminated. The County Clerk shall then state the names of the remaining candidates. Another hand vote shall then be taken. This procedure shall continue until one candidate receives a majority vote from the Commissioners present.

If one of the nominated candidates does not receive a majority vote from the commissioners present after elimination of those receiving the lowest number of votes, then the above described procedure shall be repeated. A Commissioner is not required to cast a vote. If there is more than one seat on a Board to be filled, then the same procedure shall be followed to fill the additional seat(s). Nominations will be opened for each additional vacant seat.

BOARDS AND COMMISSIONS APPOINTMENT POLICY
Revised 12/14/17 Motion 17-M-218

5. VACANCIES OCCURRING MID-TERM

Vacancies occurring mid-term will be filled with the regular appointments. If the Board of Commissioners feels that in cases where a board or commission, because of vacancies, no longer has adequate membership to carry on the business of that board or commission, then the Board of Commissioners shall suspend this policy to provide new members for that board or commission. A person appointed to fill a vacated seat shall complete the remaining term of the vacated seat. If necessary, the Board of Commissioners will advertise the position openings and allot necessary time for applicants to apply.

6. RESTRICTIONS ON MEMBERSHIP

6.1 Limit of Number of Boards

No individual, other than County Commissioners, will be allowed to serve on more than three (3) advisory or operating committees, boards, and commissions at the same time.

6.2 Specific Eligibility Criteria

There are some boards and commissions which have specific eligibility criteria for appointments, as well as a recognition of tradition for county-wide representation, which the Board of Commissioners, must, or may, consider in making a particular appointment.

7. ATTENDANCE

All members of committees, boards, and commissions are expected to have at least a 75% attendance record, and to not miss more than three (3) meetings in a row without an acceptable excuse, made in writing to the Board Chair/Secretary. Individuals violating the rule above may be removed from the appointed membership by the Board of Commissioners.

Board Chair/Secretary from all committees, boards, and commissions are to forward to the County Clerk the name(s) of the individual(s) in violation of the above rule.

The County Board of Commissioners may remove an officer or agent following the procedures of MCL 46.11.

BOARDS AND COMMISSIONS APPOINTMENT POLICY
Revised 12/14/17 Motion 17-M-218

8. PAYMENT

For multi-county committees, where there is no standard per diem amount set by the committee, members (other than Commissioners) shall receive Tuscola County's standard \$25.00 per diem payment. As stated in the Board of Commissioners Per Diem Payment Policy, Commissioners shall be paid their standard per diem amount (currently \$40.00) as a member of a multi-county committee. All members may be reimbursed for mileage at the current mileage rate.

**-Travel/Meal Policy Proposed Amendment -
17-M-217**

Motion by Kirkpatrick, seconded by Bierlein that per the recommendations of the Chief Accountant that the County travel meal policy be amended as presented at the December 14, 2017 Board of Commissioners meeting to update standard allowed meal rates and identify meal rates for certain metropolitans that are higher than standard rates. Meal rates have not be updated for approximately seven years. This policy change is effective January 1, 2018. Motion Carried.

Board would like to have further information provided regarding out of state travel per diems. Matter to be placed on a future agenda. Board also discussed the 60 mile lodging rule.

**-Board and Commissions Policy -
17-M-218**

Motion by Bierlein, seconded by Kirkpatrick that the Boards and Commissions Appointment Policy be amended to add the following statement:

The County Clerk shall annually place a notice in the local newspaper and on the county web page identifying board and commission member terms that are expiring in the upcoming year and procedures for any interested parties who want to apply for said vacancies.

Motion Carried.

-2017 Year-End Financial Adjustments -

Clayette Zechmeister explained the various requested budget adjustments necessary.

The Legal Fees and Medical Examiner are the two Departments in the General Fund projected to be over budget at year end.

17-M-219

Motion by Kirkpatrick, seconded by Young that the 2017 general fund activity budgets be amended as shown in the December 14, 2017 report titled "Year-End Compliance with the Uniform Budgeting and Accounting Act" to prevent actual year-end expenditures from exceeding budget. Motion Carried.

The Special Revenue Funds that need adjusted are CDBG, Principal Residence, Voted Bridge, Work Comp Fund, Park and Recreation, Health Department, Local Correction Officer Training, Medical Care Debt, GIS and Capital Improvements.

17-M-220

Motion by Bierlein, seconded by Kirkpatrick that the 2017 special revenue fund budgets be amended as shown in the December 14, 2017 report titled "Year-End Compliance with the Uniform Budgeting and Accounting Act" to prevent actual year-end expenditures from exceeding budget. Motion Carried.



Tuscola County

Renee Francisco <renee@tuscolacounty.org>

Re: Amendment to Boards and Commissions Policy

1 message

Jodi Fetting <jfetting@tuscolacounty.org>
To: Renee Francisco <renee@tuscolacounty.org>

Tue, Jan 2, 2018 at 8:13 AM

I would leave 3.1 in the policy.

My understanding is I will still notify the current member that their term is expiring and if they seek re-appointment to submit a new application.

Otherwise, most do not know when their seat is expiring and when they need to be re-appointed.

I will also advertise those seats to see if any one else is interested.

Hope that helps!

Jodi



On Thu, Dec 28, 2017 at 11:16 AM, Renee Francisco <renee@tuscolacounty.org> wrote:

Hi Jodi,

I'm amending this policy due to the Motion 17-M-218 in the 12/14/17 Board minutes.

I've replaced the wording in Section 2.1 Advertising with the wording from the recent motion.

But I'm wondering about the wording in Section 3.1 Notification.....not sure if I should delete the 1st paragraph regarding existing members or how that will be handled. If you could give me a call when you return next week, that would be helpful.

Thanks much & Happy New Year!

Renee Francisco
Administrative Assistant
Tuscola County Controller's Office
989-672-3709

Great Lakes Bay 9-1-1 Consortium

Introduction:

The Great Lakes Bay 9-1-1 Consortium (GLB) was formed under the Intergovernmental Contracts Between Municipalities Act in order to create a multi-county 9-1-1 telephone equipment replacement project and to facilitate cost and knowledge sharing.

The GLB utilizes the Peninsula Fiber Network (PFN) to provide the network to connect participating Public Safety Answering Points (PSAPs). This network is the pathway for 9-1-1 calls to enter each PSAP as well as the pathway between the host and remote sites. Each PSAP is required to have back up connectivity using another network such as Charter Business or another local networking service that meets the system requirements.

The GLB utilizes West's Viper and Power 911 system for their 9-1-1 call handling equipment. This system has two host locations, one at Bay County 9-1-1 and one at Midland County 9-1-1. The host locations have redundant hardware and provide the ability to add on remote sites. All host sites and remote sites gain the ability to become virtual back up 9-1-1 Centers.

Tuscola County 9-1-1 is the original remote site on the GLB hosted system and is a part of the self-maintained system with Bay and Midland Counties. Huron, Iosco and Sanilac County 911 were added on as remote sites to the system all selecting their own maintenance which is a combination of support provided by West and NetSource One.

Additional Remote Requirements:

A Michigan PSAP interested in joining the GLB Consortium and network must submit a letter of interest to the Chair of the GLB committee. This letter must include a current description of the agency's call handling system, call volume, governance, number of workstations, IT support, current back up capabilities and fail over plans.

If the GLB decide to pursue adding in the additional site, the interested PSAP must solicit information from West and PFN to determine the feasibility and cost of joining the GLB network. This information should include any additional hardware or software needed at the host sites and this cost would be the responsibility of the interested PSAP.

The interested PSAP is responsible for reviewing the GLB Intergovernmental Agreement and for obtaining approval of the agreement with their governing body.

If the interested PSAP chooses to join the GLB network and is accepted, they will be required to sign this agreement and provide a resolution from their governing body.

The GLB requires that interested PSAPs engage the services of NetSource One to assist with project management for the procurement, installation, implementation and go live to the network at their cost. This will minimally include a review of quotes, network and system design, technical audits and reviews, attendance of project management calls and meetings, submission of meeting notes to the GLB and onsite support for implementation/go live. Documentation of this agreement with NetSource One and the PSAP must be submitted to the GLB before acceptance.

The GLB requires that interested PSAPs participate in the alarm monitoring program selected by GLB which is currently Paessler's PRTG Network Monitor. Any costs to add in additional probes will be passed onto the joining PSAP along with a shared cost for ongoing maintenance fees.

Each remote site added onto the GLB system is responsible for the selection and cost of their ongoing technical support after the first year that is provided by West. A PSAP can send personnel to West maintenance training so

they can provide their own onsite support, pay an annual fee to West or contract a third party vendor. The GLB prefers NetSource One to provide third party IT support because of their experience, training and partnership with West. The GLB requires that the interested PSAP submits their plan for technical support to determine acceptance of an additional remote site.

Administrative phone systems are outside of the scope of GLB network.

The Great Lakes Bay Consortium reviews network, hardware, license, support and maintenance costs and determines which costs are shared. Each PSAP's portion of shared costs are based on the number of positions. (Note each backup PSAP position is considered a ½ position). For example, if the total number of positions on the system is 10 and an individual PSAP has a total of 4 positions on the system, then the PSAP would pay 40% of the shared costs.

Each remote site is responsible for maintaining their anti-virus annual license. Each remote site will cost share the annual \$500.00 cost for the West remote update service which will be facilitated by the one of GLB Host sites.

The next hardware refresh for the GLB will be in 2021 and will require cost sharing equipment that includes:

2 VOIP Servers (Approximate cost to be shared \$14,00.00)

2 POTS Servers (Approximate cost to be shared \$10,600.00)

Power DB Server (Approximate cost to be shared \$9,472.00)

Other Considerations:

Network Routers and Switches – Each remote needs \$5,100.00 in router and switches.

MIS Server Replacement or Upgrade (Approximate cost to be shared \$10,000.00)

A9C Upgrades for original remotes. (Cost to be determined)

Support and Installation Costs for West and NetSource One (Cost to be determined)

FIRST AMENDED INTERGOVERNMENTAL AGREEMENT

The Michigan Public Safety Answering Points (PSAPs) of Bay, Central Michigan University, Huron, Iosco, Isabella, Midland, Sanilac, Saginaw and Tuscola (collectively, the "Collaborators") have elected to utilize the Intergovernmental Contract between Municipalities Act, MCL 124.1 *et seq.* to share the costs of new telephone technologies and virtual backup capabilities for their 911 call answering and emergency service dispatch operations.

I. PURPOSE AND DEFINITIONS.

- A. Each Collaborator provides 911 answering and dispatch services for emergency police, fire and medical requests and related first responder activities within their respective jurisdictions. The Collaborators recognize that cost efficiencies can be achieved by common technology purchasing and coordination of certain functions among or between their 911 operations.
- B. The Collaborators agree that their representatives may meet periodically to discuss additional services, functions, partnerships or positions that could become the subject of additional association to achieve cost efficiencies and service effectiveness in the future.
- C. For purposes of this Agreement, the following terms shall have the following meanings:
 - "911 Act" refers to the 9-1-1 Service Enabling Act, MCL 484.1101 *et seq.*
 - "Collaborators" means the Counties, Authority, PSAP and any 911 Center that subsequently approves this Agreement and is admitted into the Collaboration as provided herein.
 - "Common Benefit" means any tangible equipment or intangible service that provides a shared or joint advantage, including but not limited to a telephone system and virtual backup.
 - "911 Center Board" refers to the Authority's Administrative Policy Board and the County 911 Boards as identified in the 911 Act, unless as provided by MCL 45.554(2) – The County Executive administers 9-1-1 or the Board of Commissioners in any of the Counties specifies otherwise.
 - "Consensus" means a simple majority

II. NAME/NATURE OF ASSOCIATION.

- A. The Collaborators agree that no joint venture is created by the Agreement and that no separate or independent legal entity is created hereby. Services provided by any employee, agent or representative of a particular Collaborator shall be considered provided by that Collaborator, regardless of which party has hired, contracted with, or pays the employee, agent or representative.
- B. Each Collaborator covenants not to sue any other Collaborator regarding any associated services provided hereunder and waives any right of subrogation. Each Collaborator agrees

not to assign any right under this Agreement or any cause of action against the other Collaborator regarding services provided under this Agreement. Notwithstanding the above, nothing herein should be construed as intending to preclude a party from instituting legal proceedings to enforce the terms and conditions of this Agreement.

- C. In the event that liability to third parties, loss, or damage arises as a result of activities conducted jointly by the Collaboration or any of the Collaborators in fulfillment of their responsibilities under this Agreement, such liability, loss, or damage shall be borne by each Collaborator in relation to each Collaborator's responsibilities under these joint activities, provided that nothing herein shall be construed as a waiver of any governmental immunity by the Collaboration or any of the Collaborators or their employees, respectively, as provided by statute or court decisions.
- D. Each of the parties to this Agreement agrees to cooperate with the other parties in the operation of their respective risk management systems. Each Collaborator agrees that if an incident occurs and is reported as a part of its respective risk management system, and if the incident report involved activities involved with the Agreement for any participating entity or its respective staff or agency, a copy of said incident report will be immediately delivered to the designated representatives of the other Collaborators. It is agreed and understood that said incident reports will be held in the strictest confidence to the extent permitted by law, and that each Collaborator agrees to cooperate fully with the other(s) in the investigation and resolution of the incident or liability exposure revealed as a result of its respective risk management system.
- E. This Agreement is not intended to be a third party beneficiary contract and confers no right on anyone other than the parties hereto.
- F. The above notwithstanding, the Collaborators agree to call their association the "Great Lakes Bay 911 Consortium" (herein referred to as "Collaboration").

III. MEMBERSHIP/DURATION AND TERMINATION.

- A. Any of the parties to this Agreement may withdraw from the Collaboration by providing the remaining Collaborators(s) with written notice of such withdrawal. The effective date of the withdrawal shall be ninety (90) days after the mailing of the notice through certified mail, return receipt requested, to the Directors of the remaining Collaborators. This Agreement shall continue indefinitely unless only one Collaborator remains, in which case the Agreement shall terminate. The parties to the Agreement may also terminate by mutual consent.
- B. Before a new party may be added to the Collaboration, all then current Collaborators must approve the membership and may recommend a capital contribution for that new Collaborator which represents their fair allocation of the capital costs previously

expended by the existing members as well as a modified cost allocation plan for future costs of the membership group if the new party is added. If it approves this Agreement and all amendments, pays any allocated share of capital costs and if at least a majority of the 911 Center Boards then in the Collaboration subsequently approve the inclusion of the new party, the new party will become a full member of the Collaboration.

- C. If a withdrawing Collaborator is hosting or operating equipment that other Collaborators cannot operate without causing detriment to the remaining Collaborators (examples include, but are not limited to, hosting a server, microwave, or other association hardware or software), that Collaborator may not terminate without at least insuring that the Collaboration or other Collaborators has or have adequate time to move the hardware to another location. Upon a Collaborator's withdrawal from or termination of this entire Agreement, a goal of this Agreement is that each party retain or receive fair compensation of in-kind equipment or services or financial remuneration commensurate with its participation herein. A recognized principle in making that equitable distribution would be to try, where possible, to maintain equipment in the location in which it is installed. In such circumstances, each Collaborator, whether remaining in the Collaboration or leaving it, has the right to invoke the dispute resolution mechanism provided in Section VII, below, related to the financial and equipment rights.
- D. The promises provided in Section II shall survive the termination of this Agreement. The financial commitments of each Collaborator shall continue until the date of its withdrawal or the termination of the Agreement. Any financial commitment accrued during the period in which the Collaborator was subject to the terms of this Agreement shall continue despite its withdrawal from or the termination of the Agreement.

IV. SHARED SERVICES AND TECHNOLOGY.

- A. The Collaborators agree that the two areas of shared technology and service that are immediately subject to this Agreement are: (1) a 911 telephone system; and (2) technologies that enable the Collaborators to serve as virtual emergency backups to one another if a County's 911 system experiences a primary system failure.
- B. Subject to the decision making provisions of Section V, additional technologies and services may be added if a majority of the organizational Collaborators determine that the Collaboration will realize economic or service efficiencies.

V. DECISION-MAKING.

- A. The Collaborators agree that the PSAP Directors will periodically confer to discuss operational and funding needs and to present recommendations to the respective entities governing the 911 Centers. Decision-making will be by consensus of the 911 Center Boards.
- B. The Collaboration shall have the authority to commit retainer funds as described below to the extent authorized by the respective governing entities, but shall not have the authority to otherwise bind the individual member Counties through contract or common law.

VI. COST ALLOCATION.

- A. The Counties agree to individually cover hardware, software and service costs that the Consortium Board determines can be itemized and segregated per actual use and control by the individual member counties.
- B. Where the cost of the hardware, software or services are not amenable to segregation by individual County, the parties will consider the costs "common." "Common costs" will be distributed on an equitable basis among the membership Counties taking into account whether the relative size of the Counties is relevant to the common cost.
- C. The Collaboration may require a retainer from each of the Collaborators to facilitate common purchasing at a level agreed to by each of the Collaborators. The Collaboration will select one or more PSAP Treasurer(s) to serve as the repository for these retainer funds. All retainer funds shall be held in trust by the Collaborator(s) holding them for the common purposes and interest of the member. If a Collaborator withdraws or this Agreement is terminated, all unpledged or uncommitted portions of that Collaborator's retainer funds shall be returned to it upon withdrawal or termination.

VII DISPUTE RESOLUTION

The following shall be the dispute resolution mechanism/procedure for resolving any dispute among the Collaborators pertaining to the implementation and/or enforcement of this Agreement:

- A. **Step One:** The PSAP Directors shall participate in a face-to-face meeting to try to resolve the dispute within 5 business days of formal notification of the dispute. Formal notification of the dispute shall be in writing and shall be submitted to the PSAP Directors within 10 calendar days of the date the dispute arises.
- B. **Step Two:** If the meeting noted in Step One does not lead to a resolution of the issue, the ~~Bay County 911 Director~~ and a representative from each of the PSAP's Governing Boards will meet in a face-to-face meeting in an effort to resolve the dispute within five (5) business days following the date of the face-to-face meeting in Step One.

- C. **Step Three:** If the meeting at the Step Two level does not resolve the dispute, the parties to the dispute agree to work through a facilitative mediation process with an experienced, neutral mediator agreed upon by a majority of the Collaborators/PSAP Directors.
- D. **Step Four:** If this facilitative mediation process does not lead to the resolution of the issue, any Collaborator may submit a written request to the American Arbitration Association asking it to appoint an arbitrator. Such a request must be copied to the other Collaborators and submitted within twenty (20) calendar days of the Step Three meeting. The costs of the arbitration shall be on an equal basis between the party requesting the arbitration as one party and the remaining Collaborators as the other party. The arbitrator shall hold a hearing pursuant to the Rules of the AAA and the arbitrator's written decision will be binding and a judgment may be entered in accordance with the Michigan Court Rules in any circuit court within the geographic area covered by the Collaborators in this Agreement.

VII. MISCELLANEOUS PROVISIONS.

- A. Nothing in this Agreement shall be interpreted as precluding a party from associating with another 911 collaboration or consolidation/consortium in a manner that does not compromise the Common Benefits covered by this Agreement.
- B. Any notice to be sent under this Agreement shall be effective when filed with the PSAP Directors and Corporation Counsel or designated County Attorney of the other Collaborators at its or their then current address.
- C. This Agreement may be approved in counterparts.
- D. This Agreement shall be effective when approved and executed by the last of the Collaborators to approve it.
- E. If any Collaborator must resort to judicial proceedings to enforce the terms and conditions of this Agreement, the prevailing party or parties shall be entitled to reimbursement of its or their reasonable attorney fees and costs.
- F. Failure to enforce a term or condition of this Agreement shall not be construed as a waiver of that term and condition in subsequent enforcement proceedings.
- G. If any provision of this Agreement is determined to be invalid, it shall be severed and the remaining provisions shall be deemed valid, binding and enforceable.
- H. This Agreement contains the complete expression of the parties' understanding regarding the subject contained herein. All prior contemporaneous oral or written agreements are

H. This Agreement contains the complete expression of the parties' understanding regarding the subject contained herein. All prior contemporaneous oral or written agreements are merged herein. This Agreement may not be modified except in writing duly approved and signed by all parties.

BAY COUNTY

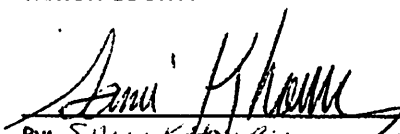
CENTRAL MICHIGAN UNIVERSITY


By: _____ Date _____
Its: _____

By: _____ Date _____
Its: _____

HURON COUNTY

IOSCO COUNTY


By: SAMI KHOURY Date 12/27/18
Its: BUC CHAIRMAN


By: M.J. Ellen Date 12-13-18
Its: 911 Director

ISABELLA COUNTY

MIDLAND COUNTY

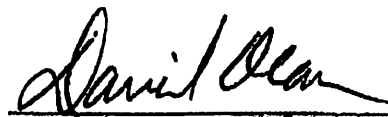
By: _____ Date _____
Its: _____

By: _____ Date _____
Its: _____

SAGINAW COUNTY

SANILAC COUNTY

By: _____ Date _____
Its: _____


By: DANIEL DEA Date 12-12-18
Its: CHAIRMAN, BUC

TUSCOLA COUNTY

By: _____ Date _____
Its: _____

Draft
**Tuscola County Board of Commissioners
Committee of the Whole
Monday, January 14, 2019 – 8:10 A.M.
HH Purdy Building - 125 W. Lincoln, Caro, MI**

Commissioners Present: District 1 - Thomas Young, District 3 - Kim Vaughan,
District 4 - Mark Jensen, District 5 - Daniel Grimshaw (arrived at 8:09 a.m.)

Absent: District 2 - Thomas Bardwell

Also Present: Mike Hoagland, Clerk Jodi Fetting, Mike Miller, Eean Lee, Tisha Jones-
Holubec, Nancy Laskowski, Drain Commissioner Bob Mantey, Sandy Nielsen, Chris
Graff, Shelly Lutz, Register John Bishop, Dennis Porter, James Struve

Finance/Technology
Committee Leaders - Commissioners Young and Jensen

Primary Finance/Technology

1. **Draft 2019 County Work Program and 2018 Accomplishments** - Mike Hoagland presented the draft document which was included in the agenda packet for review.
2. **Amend 2019 Equipment/Technology for Kronos Time and Attendance** - Mike Hoagland requested the remaining amount in the 2018 budget be transferred to the 2019 budget as the project was not completed in 2018. Matter to be placed on the Consent Agenda.
3. **Engagement Letter with Gabridge & Company for 2018 County Audit** - Mike Hoagland reviewed the proposed engagement letter from Gabridge & Company. Matter to be placed on the Consent Agenda.
4. **Further Discussion of Board Rules of Order** - Mike Hoagland presented the items requested to be addressed in the Board Rules. Matter to be tabled until the Committee of the Whole meeting on January 28, 2019.
5. **Setting Public Hearing for Village of Millington Annexation** - Commissioner Mark Jensen has spoken to Millington Township and Village of Millington and he provided an update. Public Hearing to be set for January 31, 2019 at 9:00 a.m. Clerk Fetting will notify Village of Millington Clerk. Matter to be placed on the Consent Agenda.
6. **I-69 Thumb Region Economic Development Planning Grant** - Commissioner Thomas Young provided an update and Governor Whitmer has authorized funding of the grant.
7. **BSA Financial Software Contract** - Mike Hoagland and Eean Lee provided an update of the proposed contract. Matter to be placed on the Consent Agenda.

Ongoing Finance/Technology

Finance - Mike Hoagland

1. Providing Water to Caro Regional Center
2. Work with MREC to Resolve Remaining Assessing/Taxation Disputes with Wind Turbine Companies
3. Update Wind Turbine Revenue Information
4. Water Rates Paid for County Facilities Along M24 and Deckerville Roads - Mike Hoagland has not been able to get a clear answer of what the water rate is. Matter discussed.
5. Opioid Lawsuit - Update Provided.
6. State Assessing Changes - Changes happened in lame duck. Update to be provided at a future meeting.
7. Alternate to MCDC to Provide an Indigent Dental Clinic
8. Michigan Renewable Energy Collaborative Assessing Dispute with Wind Companies
9. Prepare of Updated Multi-Year Financial Plan - Mike Hoagland would like to prepare this as it is beneficial to the Board.
10. Continue Review of Road Commission Legacy Costs - Board discussed matter and impact to the Board of Commissioners.
11. 2018 Comprehensive Annual Report Development
12. Convert to New State Chart of Accounts
13. 2020 Budget Development
14. Second Year MIDC Plan and Budget - Mike Hoagland stated the first year is set but will need to look forward to subsequent years.
15. Determine if any Drain Bonds can be Retired Early or Refinanced - Drain Commissioner Mantey explained he is willing to discuss and provided assistance.
16. Property and Liability Insurance Renewals
17. How to Provide Physiological Services to Jail Inmates - Update provided.

Technology - Eean Lee

1. New Kronos Time Attendance and BSA Finance/General Ledger Software - Update Provided.
2. Friend of the Court System Security Software - Update provided.
3. Animal Control Camera and Other Security - Update provided.
4. New Server and Network Storage Capacity - Update provided.
5. Jail Live Scan Scanner - Update provided.
6. CLEMIS Road Patrol Software - Update provided.
7. GIS Update - Update provided. Commissioner Jensen questioned if an update of the GIS flyover would be coming and Eean explained it is in the upcoming plan. Commissioner Grimshaw questioned the cost benefit of the program. Matter discussed.
8. Increasing Online Services - Update provided.
9. Updating County Web Page - Update provided.
10. Implementation of New Computer Aided Dispatch System - Sandy Nielsen is currently researching options. Update provided on progress of changing the paging system.

Personnel

Committee Leader - Commissioner Vaughan and Bardwell

Primary Personnel

1. **Advertising for Boards and Commissions Members** - The option of changing the how the availability of positions on Boards and Commissions are advertised was discussed. Matter to be placed on the January 17, 2019 board agenda.
2. **Resolve the Drain Office Grievance – Closed Session to Discuss Attorney Opinion Letter January 17, 2019** - Board to set a closed session for January 17, 2019 at 8:00 a.m. The attorney will appear by phone. Clerk Fetting will prepare the notice.
3. **Employee Request to Purchase MERS Service Time** - Mike Hoagland explained request made by an employee to buy service time. Matter to be placed on the Consent Agenda.
4. **Review of Potential Policy Regarding Employment of Relatives** - Mike Hoagland explained the proposed policy as presented. Discussion of proposed policy to continue.

Ongoing Personnel - Mike Hoagland

1. Process to Replace Retiring Controller/Administrator - Update provided.
2. Negotiation of Expiring Union Contracts – Setting Financial and Other Objectives - Update provided.
3. Develop a Nepotism Policy - Matter discussed earlier in agenda.
4. Strengthen and Streamline Year-End Open Enrollment - Update provided.
5. Evaluate Potential Training Programs - Update provided.
6. Start the Development of Pay Grade Schedule and updated Job Descriptions - Update provided.

Building and Grounds

Committee Leaders - Commissioners Jensen and Grimshaw

Primary Building and Grounds

1. **Recycling Soil Removal and Construction** - Mike Miller provided an update regarding the project. Mr. Kozan has made an agreement for a payment amount but a check has not been received yet from him. Board discussed matter. Matter to be placed on the Board agenda for January 17, 2019 to move project forward.
2. **County Jail Study Committee – Development of a Conceptual Plan and Other County Millage Information** - Commissioner Jensen provided an update.

Ongoing Building and Grounds

1. Complete Formation of County Land Bank - Matter discussed as to the need to the formation of the Land Bank.
2. County Physical and Electronic Record Storage Needs – Potential Use of Recycling Pole Building
3. County Property Ownership Inventory
4. Review of Alternative Solutions Concerning the Caro Dam - Update provided. Matter discussed.
5. Sidewalk Improvements and Parking lot Sealing

6. Purdy Building Awning, Sign and Stucco Repairs
7. Jail Entrance Step and Ceiling Tile
8. State Police Post Water Tank Inspection, Sidewalk and Parking Lot Repairs
9. Potential Sale of Certain County Properties
10. New Septic System at Vanderbilt Park and Vegetation Clearing
11. Health Department Painting, Animal Control Ceiling and Court Windows

Other Business as Necessary

1. Methods of Providing Dental Care to Indigent - Waiting on information from Ann Hepfer
2. Elected Versus Appointed Road Commissioners
3. Work with DTE and Others to Solve Increasing Energy Demands in the County - Update provided.
4. Update County Policies and Place on County Website - Update provided.
5. Obtain an update Regarding the County Remonumentation Program - Update provided.
6. Review EDC By-Laws with Respect to Board Members and Length of Terms - Update provided.

-Delinquent Tax Process Lawsuit has been filed against 80 of the 83 counties within the State of Michigan.

-Commissioner Grimshaw was contacted regarding the Amish Community in Millington area being able to have horses on their property. He would like to have the matter reviewed and discussed at a future meeting.

-Commissioner Grimshaw would like the Board to discuss what can be put in place to handle the matter county-wide.

Public Comment Period -

-Dennis Porter, Elmwood Township - Spoke regarding the Tuscola County Animal Control Ordinance. He has a neighbor that multiple dogs that are a nuisance due to excessive barking. He has contacted Animal Control, Police, Dispatch and the Prosecutor to seek assistance but has not been successful. The owner of the dogs does not have a kennel license. The Prosecutor told him that since the County was not incorporated when ordinance was enacted the Prosecutor cannot enforce unless there is a state law to reference. There is not an Elmwood Township ordinance regarding this matter.

-James Struve, Elmwood Township - Expressed his concern over the effects the barking dogs are having on his family as it is disruptive.

-Daryl Mendrick, Elmwood Township - Expressed his support of the comments made by Mr. Porter and Mr. Struve.

-Elmwood Township Supervisor Chris Graff was in attendance regarding this topic also. He presented pictures that were on his phone. He will provide to Clerk Fetting to provide to the Commissioners.

-Nancy Laskowski, Juniata Township - Shared a similar barking dog situation that she was aware of in Juniata Township. She also stated that there is not a county wind turbine ordinance to her knowledge.

-Register John Bishop - Questioned if there would be an advertisement for County Land Bank board members.

Meeting adjourned at 10:44 a.m.

Jodi Fetting
Tuscola County Clerk

December 27, 2018

A regular meeting of the Board was held in their offices at 1733 S. Mertz Rd., Caro, Michigan on Thursday, December 27, 2018 at 8:00 A.M.

Present: Road Commissioners John Laurie, Gary Parsell, Julie Matuszak, Pat Sheridan, and David Kennard; Acting County Highway Engineer Brent Dankert, Operations Engineer Technician Will Green, Superintendent/Manager Jay Tuckey, and Director of Finance/Secretary-Clerk Michael Tuckey.

Motion by Parsell seconded by Matuszak that the minutes of the December 13, 2018 regular meeting of the Board be approved. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Sheridan seconded by Parsell that the minutes of the December 13, 2018 closed session of the Board be approved. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Payroll in the amount of \$89,757.81 and bills in the amount of \$407,939.81 covered by vouchers #18-64, #18-65, #18-66, #18-67, and #HRA-66 were presented and audited.

Motion by Matuszak seconded by Parsell that the payroll and bills be approved. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Brief Public Comment Segment:

None.

Fremont Township Supervisor Henry Wymore and Fremont Township Treasurer Chuck Sherwin appeared before the Board to further discuss an erosion problem near Blackmore Road at the Evergreen Creek. Mr. Wymore reported to the Board that Fremont Township has removed the trees and brush from the area. Mr. Wymore also reported that Fremont Township has been issued a D.E.Q. Permit and has received cost estimates to complete additional improvements in the area. After further discussion, the Board recommended that the Acting County Highway Engineer review the plans of the project, and report back to the Board.

Motion by Parsell seconded by Matuszak to approve the promotion of Jeff LeValley as the Buildings & Grounds Foreman effective December 31, 2018, as recommended by the Superintendent/Manager. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak to approve retaining Dennis Sattelberg for an additional thirty (30) days for training purposes of the newly appointed Buildings & Grounds Foreman position. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Sheridan seconded by Kennard to adopt and sign the resolution to establish a Post-Employment Medical Reimbursement Plan, all in accordance with the Union Agreement. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Matuszak seconded by Parsell that the following Resolution be adopted:

RESOLUTION

WHEREAS, Dennis Sattelberg has given over thirty years of loyal service to the Tuscola County Road Commission beginning his career on July 25, 1988, and

WHEREAS, during these many years Dennis has been a dedicated, hard working and loyal employee. Dennis has performed his job in a professional manner and was always dependable during his years of serving the public, and

WHEREAS, his wealth of knowledge and experience of Road Commission operations will be difficult to replace. Dennis will be greatly missed by his fellow employees and associates of the Tuscola County Road Commission, all of whom wish him much happiness in his retirement effective December 31, 2018.

THEREFORE, BE IT RESOLVED, that this Tuscola County Board of Road Commissioners acknowledges its debt and gratitude to Dennis Sattelberg.

BE IT FURTHER RESOLVED, that this resolution be spread upon the official records of the Tuscola County Road Commission and that on behalf of the Citizens of Tuscola County we thank you.

Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Matuszak seconded by Kennard that the following Resolution be adopted:

RESOLUTION

WHEREAS, Pat Sheridan has served on the Board of Tuscola County Road Commissioners for two consecutive terms beginning on January 1, 2011, and

WHEREAS, during these years Pat has been a dedicated, level headed, and fair minded Road Commissioner. Pat has performed his role as Road Commissioner in a professional manner, and always had the best interest of the public in mind, and

WHEREAS, his broad range of knowledge was a valuable resource to the Tuscola County Road Commission. Pat will be greatly missed by his fellow board members and associates of the Tuscola County Road Commission, all of whom wish him much happiness.

THEREFORE, BE IT RESOLVED, that this Tuscola County Board of Road Commissioners acknowledges its debt and gratitude to Road Commissioner Pat Sheridan.

BE IT FURTHER RESOLVED, that this resolution be spread upon the official records of the Tuscola County Road Commission and that on behalf of the Citizens of Tuscola County we thank you.

Motion by Parsell seconded by Sheridan to deny the request from a landowner to leave the temporary wind turbine access drives as permanent drives on his property, as recommended by the Acting County Highway Engineer. Kennard, Sheridan, Matuszak, Parsell, Laurie. --- Carried.

Acting County Highway Engineer Dankert reported to the Board that the wing walls are settling at the newly installed Shays Lake Road Box Culvert. Dankert further reported that the wing walls are being monitored, and that a meeting is being scheduled with all parties involved with the project.

Motion by Parsell seconded by Matuszak that the Board go into closed session at 9:45 A.M. for the purpose of wage and benefit discussions with the non-union personnel. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

At 10:10 A.M. the Board returned to open session.

Motion by Parsell seconded by Kennard that wages for all Road Commission non-union personnel be increased by 3.0% in year 2019, increased by 2.0% in year 2020, and increased by 2.0% in year 2021; that wages for the Road Commission's Division Foremen be increased by an additional 5.0% in year 2019; that the M.E.R.S. of Michigan Hybrid Plan employer match be increased to 7.5%; that new employees hired on or after January 1, 2019 will be offered the Post-Employment Medical Reimbursement Plan in lieu of retiree health insurance benefits; and

that all other terms of employment in effect at this time to remain the same. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak that the meeting be adjourned at 10:15 A.M. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Chairman

Secretary-Clerk of the Board

December 13, 2018

A regular meeting of the Board was held in their offices at 1733 S. Mertz Rd., Caro, Michigan on Thursday, December 13, 2018 at 8:00 A.M.

Present: Road Commissioners John Laurie, Gary Parsell, Julie Matuszak, Pat Sheridan, and David Kennard; Acting County Highway Engineer Brent Dankert, Operations Engineer Technician Will Green, Superintendent/Manager Jay Tuckey, and Director of Finance/Secretary-Clerk Michael Tuckey.

Motion by Parsell seconded by Matuszak that the minutes of the November 29, 2018 regular meeting of the Board be approved. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Payroll in the amount of \$107,647.62 and bills in the amount of \$343,230.42 covered by vouchers #18-62 and #18-63 were presented and audited.

Motion by Sheridan seconded by Matuszak that the payroll and bills be approved. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Brief Public Comment Segment:

- (1) Wells Township Supervisor Karen Varney appeared before the Board to report that some gravel was taken from Silvernail Road and used on a residential driveway. Superintendent/Manager Jay Tuckey will further review the location. Ms. Varney also reported to the Board that vehicles are cutting the corners on their township local roads.

BUDGET HEARING

At 8:15 A.M. a budget hearing was held to hear any comments regarding the proposed 2019 Budget for the Tuscola County Road Commission. Director of Finance Michael Tuckey presented the proposed 2019 Budget. After hearing comments from the public, the following motion was introduced:

Motion by Parsell seconded by Sheridan that the proposed 2019 Budget for the Tuscola County Road Commission be adopted as presented. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Sheridan seconded by Parsell to approve the promotion of Scott Sholes as the Deford Working Foreman effective December 24, 2018, as recommended by the Superintendent/Manager. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Sheridan to accept the Letter of Retirement from Buildings & Grounds Foreman Dennis Sattelberg effective December 31, 2018. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Sheridan seconded by Kennard to approve the request from the Millington Township Board to install "Amish Horse & Buggy" specialty signs in Millington Township, as recommended by the Acting County Highway Engineer. Yeas: Kennard, Sheridan, Matuszak, Parsell / Nays: Laurie --- Motion Carried.

NOTICE OF ABANDONMENT

At 8:45 A.M. an abandonment hearing was held to determine the advisability of abandoning and discontinuing that unimproved portion of Oak Road included in the statutory right-of-way running south from M-46 to the Cass River, a distance of 0.30 miles; located in Sections 34 and 35 of Juniata Township. Members of the public were given the opportunity to speak at the hearing, of which a complete transcript of the hearing is available at the Road

Commission Office. After discussion and hearing comments from the public, the following resolution was introduced:

RESOLUTION OF ABANDONMENT

WHEREAS, a Petition has been filed by the owners of record and the occupants of land described as: That unimproved portion of Oak Road included in the statutory right-of-way running south from M-46 to the Cass River, a distance of 0.30 miles, located in Sections 34 and 35 of Juniata Township.

WHEREAS, it appears that it is in the best interest of the public that such statute right-of-way portion of Oak Road running south from M-46 to the Cass River in Sections 34 and 35 of Juniata Township be absolutely abandoned and discontinued.

NOW THEREFORE, it is hereby resolved that the unimproved portion of Oak Road included in the statutory right-of-way running south from M-46 to the Cass River, a distance of 0.30 miles, in Sections 34 and 35 of Juniata Township is hereby absolutely abandoned and discontinued.

Motion by Parsell, Seconded by Sheridan to accept the above resolution, as stated.

Ayes: 5 Nays: 0

Motion: Carried

Motion by Parsell seconded by Matuszak to approve and sign the title sheet for the Bay City-Forestville Road Federal Aid Project, and to move forward with letting the project. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Management and the Board reviewed and discussed the Local Road Improvement and Maintenance & Township Allowance Policy. After review, discussion, and proposed amendments; the following two (2) motions were introduced:

Motion by Parsell seconded by Matuszak to adopt the revised Local Road Improvement and Maintenance & Township Allowance Policy as amended. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak to approve that the Tuscola County Road Commission offers each township a \$25,000.00 matching allowance for Preservation Improvements and a \$2,500.00 matching allowance for Preventive Maintenance toward the 2019 construction season, all in accordance with the Local Road Improvement and Maintenance & Township Allowance Policy. Kennard, Sheridan, Matuszak, Parsell, Laurie. --- Carried.

Motion by Sheridan seconded by Matuszak to approve the Acting County Highway Engineer Brent Dankert attend the C.R.A. of Michigan's County Engineer's Annual Workshop. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak to approve the Operations Engineer Technician Will Green attend the MDOT Field Manager Training Seminar. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Sheridan seconded by Matuszak to remove the Bridge Limit Posting from the Shay's Lake Road Bridge effective immediately. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak that the Board go into closed session at 9:45 A.M. for the purpose of discussing union negotiations. Kennard, Sheridan, Matuszak, Parsell, Laurie --- Carried.

At 9:55 A.M. the Board returned to open session.

BAY COUNTY BOARD OF COMMISSIONERS

JANUARY 8, 2019

RESOLUTION

BY: COMMISSIONER KIM J. COONAN, 4TH DISTRICT (1/8/19)

WHEREAS, Health care costs continue to rise for all Americans and, for some Americans, this increase can be devastating; and

WHEREAS, Medicare is the focus of many lawmakers who portray it as an "entitlement" program that costs the Treasury too much money. Technically, the term "entitlement" is correct but it has an unfortunate connotation; and

WHEREAS, Medicare is an essential medical plan that millions of seniors and disabled individuals depend upon to stay alive. Medicare is not a gift, as the term "entitlement" suggests. Many of the beneficiaries have worked their entire adult life and paid into the system in order to receive this crucial medical plan; and

WHEREAS, Due to spiraling costs largely associated with the price of prescription medications, our elected officials find themselves passing on increased costs to those who can least afford that increase, namely senior citizens and disabled individuals who are on Medicare's Part D drug program; and

WHEREAS, When congress enacted Medicare Prescription Drug Bill they enacted a law that does not allow Medicare to negotiate with pharmaceutical companies for drug price the way Medicaid and the Veterans Administration does; and

WHEREAS, One economist, Dean Baker, estimates that Medicare could have saved approximately \$332 billion dollars between 2006 and 2013 (approximately \$50 billion a year) had the Department of Health and Human Services been permitted to negotiate prices of drugs with the drug companies, as federal agencies do in other programs; and

WHEREAS, Rising prescription drug costs have been the primary reason for the increase in health benefit costs; and

WHEREAS, The increasing cost of prescription drugs and outrageous profits made by pharmaceutical companies is a systemic problem that significantly affects our state and our nation. It deserves non-partisan effort; and

WHEREAS, We must prevent our elected officials from balancing the budget on the backs of those who can least afford it, the elderly and disabled. Increases in premiums and drug costs are unacceptable ways to deal with a flawed Medicare Prescription Drug Bill; and

WHEREAS, We must preserve the Medicare program as it currently exists and to do so requires immediate action to cut unnecessary costs, particularly in the area of prescription drug coverage; and

WHEREAS, We must revise the Medicare Prescription Drug Bill of 2003 to allow negotiating lower drug prices and the importation of identical, cheaper, drugs from Canada and elsewhere; and

WHEREAS, We cannot allow the previously approved bill to stand as adopted at the risk of having the Medicare program be the cause of a staggeringly increasing deficit which will require tax increases or cuts to the rest of the government, nor can we allow the continuance of price increases to our citizens cause many to contemplate discontinuing medically necessary drugs in order to pay their bills, heat their houses and have food on the table; Therefore, Be It

RESOLVED That the Bay County Board of Commissioners goes on record urging our Legislators to immediately commence the process of revising the Medicare Prescription Drug Bill of 2003 to allow negotiating lower drug prices and the importation of identical, cheaper drugs from Canada and elsewhere; Be It Further

RESOLVED That a copy of this resolution be forwarded to our area Federal and State Legislators, the National Association of Counties, the Michigan Association of Counties and the other Michigan counties.

**KIM J. COONAN, 4TH DISTRICT
COUNTY COMMISSIONER**

Coonan - Revision to Medicare Prescription Drug Bill of 2003
MOVED BY COMM. KRYGLER

SUPPORTED BY COMM. COONAN

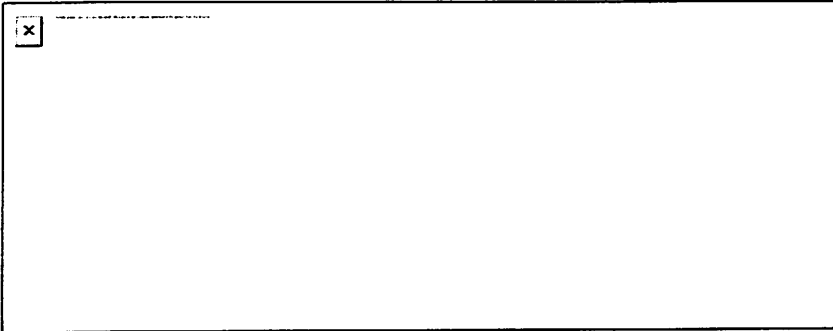
COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E	COMMISSIONER	Y	N	E
MICHAEL J. DURANCZYK	X			KIM J. COONAN	X			MICHAEL E. LUTZ	X		
ERNIE KRYGIER	X			THOMAS M. HEREK	X						
VAUGHN J. BEGICK	X			TOM RYDER	X						

VOTE TOTALS:
ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: X YEAS 7 NAYS 0 EXCUSED 0
DISPOSITION: ADOPTED X DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

mhoagland@tuscolacounty.org

From: Jodi Fetting <jfetting@tuscolacounty.org>
Sent: Thursday, January 10, 2019 3:55 PM
To: Mike Hoagland; Pat Donovan
Subject: Fwd: Counties Face Lawsuit Over Foreclosure Sales

Please see below, Jodi



----- Forwarded message -----

From: Bill Zaagman <zaagman.w@gcsionline.com>
Date: Thu, Jan 10, 2019 at 3:13 PM
Subject: Counties Face Lawsuit Over Foreclosure Sales
To:

I thought this might be of interest to some of you. BZ

Counties Face Lawsuit Over Foreclosure Sales

Eighty of Michigan's 83 counties will face lawsuits alleging they are stealing when they keep profits from selling tax-foreclosed homes or properties, said the attorney representing the citizens.

Hemlock attorney Philip **ELLISON** filed nine separate lawsuits -- each representing multiple counties in specific geographic areas -- asking the court to rule a state law unconstitutional that allows counties to pocket proceeds above taxes-owed from the sale of foreclosed homes and properties. Ellison hasn't filed suits against Wayne, Macomb or Oakland counties.

"The constitution prohibits the taking of private property," Ellison told *MIRS*. "They had to know the constitution doesn't allow that law to be in place, but because they make a lot of money over the last 10 to 15 years, they did it to the determinant of their neighbors.

"These are county treasurers who are doing this to their citizens. They are supposed to be serving. That's the part that troubles me the most," he added.

County treasurers contacted by *MIRS* say they diligently work with homeowners in their area to offer alternatives, such as a payment plan, to address delinquent taxes. They deny counties profit from foreclosure sales.

Ellison is scheduled to appear in Charlevoix on Friday for the lawsuit filed there. He will ask the court to put the case on hold pending a decision in *Rafaelli and Ohanessian v. Oakland County and Andrew MEISNER*, which the Michigan Supreme Court has agreed to hear, although no date for arguments is set as of today.

According to court documents, Rafaeli owed \$8.41 on a Southfield rental property and the amount owed grew to \$285 with penalties and interest. Ohanessian, who moved to California in 2011, owed \$6,000 on 2.7 acres in Orchard Lake Village. The county foreclosed on both properties, which were later sold for \$24,500 and \$82,000, respectively.

(See "County Sells Property Over \$8 In Unpaid Taxes for \$24,500; Pockets Windfall," 12/14/17.)

Both men sued, alleging the General Property Tax Act is unconstitutional.

The MSC will consider whether the counties' action amounts to an illegal government taking under the Michigan and U.S. constitutions.

Currently, Michigan law allows county treasurers to pocket the full sale price -- even if it exceeds the amount of the debt owed -- when it sells foreclosed real estate.

In the lawsuit Ellison filed in Tuscola County against six counties, the plaintiff, Delores **PROCTOR**, owed \$6,800 in past due tax plus interest, fees and penalties on her Kingston home, which had an estimated fair market value of \$408,800.

The county seized Proctor's home, which it sold for \$104,000 -- keeping the \$97,200 difference between the sale price and delinquent tax owed.

"Some counties have, unfortunately, treated this as an alternative revenue stream to supplement their budgets," Ellison said.

John **GLEASON**, a former state Senator and current Genesee County clerk/register of deeds, sides with the homeowners, saying they should "get some financial benefit" from proceeds the county receives when it sells a foreclosed home or property. But, he said, only after the county has recouped the original debt, plus administrative costs.

"The government shouldn't prosper off someone's bad luck," he said.

Genesee County Treasurer Deborah **CHERRY** said the county "never makes money on the auctions." On average, she said, the county forecloses on an estimated 1,300 homes or properties per year, which amounts to about a \$4 million tax liability.

"We generally collect about \$1 million," she said, noting that the money goes into the delinquent tax fund and is used to pay bonds.

Berrien County Treasurer Bret **WITKOWSKI** agreed, noting that his county loses money on three out of four foreclosures.

Berrien County uses money collected from annual land auction of foreclosed properties to demolish blighted structures in the area. However, the county doesn't demolish occupied homes, he added.

The county demolished 29 foreclosed structures in 2019, but in past years the number reached nearly 90, Witkowski said. Each demolition costs between \$8,000 and \$10,000, which includes asbestos removal, he estimated.

The county borrowed money three years ago to demolish an abandoned hospital, which put its foreclosure budget \$500,000 in the red, Witkowski said.

Both Cherry and Witkowski said their counties work with property owners to address delinquent taxes.

Witkowski said an estimated 600 people avoided foreclosure by using the county's payment plan -- a program that sees a 92 percent to 93 percent success rate. He said 75 people have taken advantage of the county's aggressive low-interest plan, which is offered in April, May and June each year.

County treasurers agree that a Supreme Court decision against Oakland County in *Rafaeli* could affect their counties a great deal.

"If it prevails then I'd like us to have the ability to attach liens against people we lose money from," Witkowski said.