



# TUSCOLA COUNTY

## Board of Commissioners

### BOARD MEETING AGENDA

Thursday, February 9, 2023 – 8:00 AM

H.H. Purdy Building Board Room, 125 W. Lincoln Street, Caro, MI 48723

**Public may participate in the meeting electronically:**

(US) +1 929-276-1248 PIN:112 203 398#

Join by Hangouts Meet: [meet.google.com/mih-jntr-jya](https://meet.google.com/mih-jntr-jya)

8:00 AM Call to Order - Chairperson Vaughan  
Prayer - Commissioner Koch  
Pledge of Allegiance - Commissioner Vaughan  
Roll Call - Clerk Fetting

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#### Adoption of Agenda

#### Action on Previous Meeting Minutes

1. Action on Previous Meeting Minutes 6 - 11  
[Board of Commissioners - 26 Jan 2023 - Minutes - Pdf](#)

#### Brief Public Comment Period for Agenda Items Only

#### Consent Agenda

[Committee of the Whole - 06 Feb 2023 - Minutes - Pdf](#) 12 - 15

1. General Fund Health Insurance Budget Adjustments

#### New Business

1. Prosecutor's Office Potential Restructure 16 - 24  
[MEMO-Board of Commissioners-Request for Office Manager and Part-time Victim Advocate Positions](#)  
[Prosecutor Office Manager Job Description](#)  
[Prosecutor Office Manager Wage Step Scale](#)

[Secretary II Victim Advocate – Part-Time](#)  
[Prosecutor Proposed Positions Costs](#)  
[2023 Drug Forfeiture Fund](#)  
[2023 Prosecutor Budget](#)  
[General Fund 2023 Contingency 1-31-23](#)

2. Prosecutor's Office Manager Position
3. Media Release Regarding MV Realty's Homeowner Benefit Program - Marie Swick, Acting Register of Deeds 25 - 31  
[Kalamazoo County Media Release](#)  
[Federal Communications Commission Public Notice](#)
4. Annexation Request from Cass City 32 - 42  
[Annexation request from Cass City](#)  
[General Law Village - Annexation](#)  
[Village of Cass City DRAFT Resolution](#)
5. Michigan Association of County Clerks (MACC) Training Request for Overnight Accommodations - Jodi Fetting, County Clerk
6. General Appropriations Act Review - Clayette Zechmeister, Controller/Administrator 43 - 46  
[2023 General Appropriations Act](#)
7. Opioid Distribution Update - Clayette Zechmeister, Controller/Administrator

**Old Business**

1. Tuscola County Board of Commissioners Board Rules as of March 25, 2021 - Discussion and Clarification of Potential Revisions 47 - 64  
[Board Rules of Order Potential Revisions](#)
2. Pump House Demolition Bids for the Parcels - Mike Miller, Director of Buildings and Grounds
3. Jail Millage Discussion/Direction

**Correspondence/Resolutions**

1. [Farm Bureau Invitation](#) 65
2. [Legislative Update 1-27-23 - The Michigan Association of Counties](#) 66 - 70
3. [Legislative Update 2-3-23 - The Michigan Association of Counties](#) 71 - 75
4. [SAFEbuilt Courtesy Reminder of Consumer Price Index \(CPI\) Rate Increase](#) 76 - 79

## Commissioner Liaison Committee Reports

### **Koch**

Behavioral Health Systems Board  
Recycling Advisory  
Jail Planning Committee  
MI Renewable Energy Coalition (MREC)  
Local Units of Government

### **Bardwell**

Behavioral Health Systems Board  
Caro DDA/TIFA  
Economic Development Corp/Brownfield Redevelopment  
MAC 7th District  
MAC Workers Comp Board  
MAC Finance Committee  
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)  
MAC Agricultural/Tourism Committee  
Region VII Economic Development Planning  
Saginaw Bay Coastal Initiative  
Senior Services Advisory Council  
Tuscola 2020  
Local Units of Government Activity Report

**Vaughan**

- Board of Health
- County Planning Commission
- Economic Development Corp/Brownfield Redevelopment
- MAC Environmental Regulatory
- 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

**Lutz**

- Board of Health
- Community Corrections Advisory Board
- Department of Human Services/Medical Care Facility Liaison
- Genesee Shiawassee Thumb Works
- Jail Planning Committee
- Local Emergency Planning Committee (LEPC)
- MAC Judiciary Committee
- MEMS All Hazard
- Local Units of Government Activity Report
- Human Development Commission Board of Directors Liason

**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 (2) days in advance of the meeting.



# MINUTES

## Board of Commissioners

### Meeting

**8:01 AM - Thursday, January 26, 2023**

H.H. Purdy Building Board Room, 125 W. Lincoln Street, Caro, MI 48723

Commissioner Bardwell called the regular meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building Board Room, 125 W. Lincoln Street, Caro, MI 48723, on Thursday, January 26, 2023, to order at 8:01 AM local time.

Prayer - Commissioner Young

Pledge of Allegiance - Commissioner Lutz

Roll Call - Clerk Fetting

Commissioners Present In-Person: Thomas Young, Thomas Bardwell, Bill Lutz, Matt Koch

Commissioners Absent: Kim Vaughan

Others Present In-Person: Clerk Jodi Fetting, Eean Lee, Clayette Zechmeister, Steve Anderson, Kim Bishop, Register John Bishop, Shelly Lutz, Angie House

Also Present Virtual: Bob Baxter, Treasurer Ashley Bennett, Jon Ramirez, Debbie Babich, Renee Francisco, Kate Curtis, Mark Haney, Christy Poulos, Brandon Bertram, Amanda Michael, Shannon Beach, Barry Lapp, Cody Horton, Mitchell Holmes, Dara Hood, Matt Brown, Tim Green

At 8:03 a.m., there were a total of 14 participants attending the meeting virtually.

#### **Adoption of Agenda**

1. Adoption of Agenda -

2023-M-015

Motion by Thomas Young, seconded by Bill Lutz to adopt the agenda as presented.  
Motion Carried.

#### **Action on Previous Meeting Minutes**

1. Action on Previous Meeting Minutes -

2023-M-016

Motion by Matt Koch, seconded by Bill Lutz to adopt the meeting minutes from the January 12, 2023 Regular meeting. Motion Carried.

**Brief Public Comment Period for Agenda Items Only**

None

**Consent Agenda**

2023-M-017

Motion by Thomas Young, seconded by Matt Koch that the Consent Agenda Minutes and Consent Agenda Items from the January 23, 2023 Committee of the Whole meeting be adopted. Motion Carried.

**CONSENT AGENDA**

1. Tuscola County Central Dispatch Service Agreement with Motorola -  
Move to approve the one-year, January 1, 2023 through December 31, 2023, Motorola Service Agreement renewal for radio equipment in the amount of \$19,436.00. Also, all appropriate signatures are authorized.
2. Appointment to Recycling Committee -  
Move that Mike Warchuck be appointed to the Recycling Committee. He would fill a seat that is currently vacant. The term is a 3-year term expiring December 31, 2025.
3. Farm Lease Corner of Luder Road and Deckerville Road -  
Move to extend the 2020-2022 County Farmland Lease agreement by one (1) year for 2023 to Schriber Farms at the same \$155.00 per acre. All other terms remain the same.
4. Refill Vacant Position at the Sheriff's Department -  
Move that per the request from Undersheriff Baxter that Mallory Fini be hired for an open full-time Corrections position, pending a satisfactory background investigation, physical & drug test. Mallory Fini will start at Step 1 at the full-time wage of \$19.73 per hour.

**New Business**

1. Resolution for Register of Deeds John Bishop -

2023-M-018

Motion by Thomas Young, seconded by Bill Lutz that County Resolution 2023-01 honoring John Bishop, Tuscola County Register of Deeds, for 10 years of dedicated public service to the citizens of Tuscola County be approved and placed on file.

Yes: Thomas Young, Bill Lutz, Thomas Bardwell, and Matt Koch

Absent: Kim Vaughan

Motion Carried.

2. Automated External Defibrillators (AED) Proposal -  
Steve Anderson, Emergency Manager, presented the proposal at the Committee of the Whole meeting on January 23, 2023.

2023-M-019

Motion by Matt Koch, seconded by Bill Lutz to purchase 26 LIFEPAK CR2 Automated External Defibrillators (AEDs) in the total amount of \$43,651.42. These will replace units in every County building and also the Road Patrol Department for use in the field. Provision of Government Services funds are to be used for this purchase. Further approve an additional purchase of 6 AEDs plus requested extra pads for an approximate amount of \$11,476.42 which will be 100% reimbursed by local fire departments. Also, approve all necessary budget amendments. Motion Carried.

3. Fidlar Technologies Computer System and Software License Sales Agreement for the County Clerk -  
Eean Lee, Chief Information Officer, explained the Agreement presented in order to upgrade the Vital Records Software solution in the County Clerk's Office.

2023-M-020

Motion by Matt Koch, seconded by Bill Lutz to approve the Computer System and Software License Sales Agreement with Fidlar Technologies for vital records software in the County Clerk's office. Implementation costs will be \$35,000.00 with lifecycle pricing of \$1,300.00 per month or \$15,600.00 per year for five (5) years. Costs have been approved in the 2023 budget. Also, all appropriate signatures and budget amendments are authorized. Motion Carried.

4. Bastion Service License Agreement -  
Eean Lee, Chief Information Officer, explained the Agreement for cloud based storage for Vital Records within the County Clerk's office.

2023-M-021

Motion by Bill Lutz, seconded by Thomas Young to approve the Bastion Software License Agreement between Fidlar Technologies and Tuscola County for use of the software in connection with governmental operations. This will be based on a quarterly charge of \$1,000.00 for an estimated repository of 2.5 gigabytes (Gb). Also, all appropriate signatures and budget amendments are authorized. Motion Carried.

**Old Business**

1. Dost Building Storage Update (Matter Added) - Clerk Fetting stated the project is moving forward with a projected move-in date for Spring 2023.

**Correspondence/Resolutions**

None

**Commissioner Liaison Committee Reports**

***Lutz***

Board of Health -

COVID cases are low within Tuscola County although Influenza cases are moderate to high. Also, a caution was given to look for bed bugs when traveling.

Community Corrections Advisory Board

Department of Human Services/Medical Care Facility Liaison -  
Update provided regarding census numbers.

Genesee Shiawassee Thumb Works

Jail Planning Committee

Local Emergency Planning Committee (LEPC)

MAC Judiciary Committee

MEMS All Hazard

Local Units of Government Activity Report

Tuscola County Human Development Commission Board of Directors Liaison

***Koch***

No Updates

Behavioral Health Systems Board

Recycling Advisory

Jail Planning Committee

MI Renewable Energy Coalition (MREC)

Local Units of Government

***Bardwell***

Behavioral Health Systems Board

Caro DDA/TIFA -

Meeting Canceled

Economic Development Corp/Brownfield Redevelopment  
MAC 7th District -  
Meeting scheduled for February 6, 2023.  
MAC Workers Comp Board  
MAC Finance Committee  
TRIAD  
Local Units of Government Activity Report

**Young**

Board of Public Works  
County Road Commission Liaison  
Dispatch Authority Board -  
Director Ramirez provided an update to the Board of Commissioners on January 23, 2023.  
Genesee Shiawassee Thumb Works  
Great Start Collaborative  
Human Services Collaborative Council (HSCC)  
MAC Agricultural/Tourism Committee  
Region VII Economic Development Planning  
Saginaw Bay Coastal Initiative -  
Update provided regarding the spraying of phragmites.  
Senior Services Advisory Council  
Tuscola 2020  
Local Units of Government Activity Report

**Vaughan**

Absent  
Board of Health  
County Planning Commission  
Economic Development Corp/Brownfield Redevelopment  
MAC Environmental Regulatory  
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

**Other Business as Necessary**

None

At 8:30 a.m., there were a total of 25 participants attending the meeting virtually.

**Extended Public Comment**

None

**Adjournment**

2023-M-022

Motion by Matt Koch, seconded by Bill Lutz to adjourn the meeting at 8:30 a.m. Motion Carried.

Jodi Fetting  
Tuscola County Clerk, CCO

DRAFT



# MINUTES

## Committee of the Whole Meeting

**8:00 AM - Monday, February 6, 2023**

H.H. Purdy Building Board Room, 125 W. Lincoln St., Caro, MI 48723

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Commissioner Vaughan called the regular meeting of the Committee of the Whole of the County of Tuscola, Michigan, held at the H.H. Purdy Building Board Room, 125 W. Lincoln St., Caro, MI 48723, on Monday, February 6, 2023, to order at 8:00 AM local time.

Roll Call - Clerk Fetting

Commissioners Present In-Person: Thomas Young, Thomas Bardwell, Kim Vaughan, Bill Lutz, Matt Koch

Commissioners Absent: None

Others Present In-Person: Clerk Jodi Fetting, Eean Lee, Clayette Zechmeister, Mike Miller, Steve Anderson, Jon Ramirez, Judge Amy Grace Gierhart, Judge Jason Bitzer, Sheila Long, Gene Pierce, Marie Swick, Senator Kevin Daley, Senator Dan Lauwers, Representative Matthew Bierlein, Representative Gregory Alexander, Representative Phil Green, Drain Commissioner Bob Mantey, Prosecutor Mark Reene, Robin Neff, Debbie Babich, Shelly Lutz, Brian Harris, Chris Watts, Treasurer Ashley Bennett

Also Present Virtual: Tracy Violet, Mary Drier, Mark Haney, Sheriff Glen Skrent, Renee Francisco, Debbie Babich, Tim Green, Mitchell Holmes, Pam Shook, Amanda Michael, Angie Daniels, Treasurer Ashley Bennett, Christy Poulos, Cindy McKinney-Volz, Cody Horton, Cristi Smith, Dara Hood, Matt Brown, Barry Lapp, Bob Baxter, Jim LeValley, Tuscola GOP, Rachel Adam, Shelly Lutz, Amanda Ertman

At 8:13 a.m., there were a total of 24 participants attending the meeting virtually.

### County Updates

None



**New Business**

1. **Legislative Update and Introductions:**  
Senator Kevin Daley, 26th District  
Senator Dan Lauwers, 25th District  
Representative Phil Green, 67th District  
Representative Matthew Bierlein, 97th District  
Representative Gregory Alexander, 98th District

Each Legislator introduced themselves to the Board and provided information on the Committees each of them have been assigned.

2. Prosecutor Office Potential Restructure -  
Mark Reene, Tuscola County Prosecutor, explained his request for staffing changes within his office. Matter to be placed on Thursday's Agenda.
3. Jail Millage Discussion/Direction -  
Sheriff Glen Skrent discussed moving forward with the jail project and the need for funding for either repairs or for a new jail. The Jail Architects are to be invited to a meeting to provide an update. Matter to be added to Thursday's Agenda.

Chris Watts spoke on behalf of employees in the POLC union that have been brought to him.

4. Tuscola County Board of Commissioners Board Rules as of March 25, 2021 -  
Board does not have any further changes for the Board Rules. Matter to be placed on Thursday's Agenda.

**Old Business**

None

**Finance/Technology*****Primary Finance/Technology***

1. Proposed General Fund Health Insurance Budget Adjustments -  
Debbie Babich, Fiscal Personnel Analyst, explained that the line item for the Health Insurance was over budgeted and a budget amendment needs to be adopted based on the chart included in the agenda packet. Matter to be placed on the Consent Agenda.
2. American Rescue Plan Act (ARPA) Update -  
Debbie Babich, Fiscal Personnel Analyst, reviewed the Potential Project Tracker for requests that have not been funded yet to see if the Board would like to move forward on any projects at this time.

***On-Going and Other Finance***

None

***On-Going and Other Technology***

-Eean Lee, Chief Information Officer, provided an update on budgeted projects.

**Building and Grounds**

***Primary Building and Grounds***

1. Pump House Demolition Bids for the Parcels -  
Mike Miller, Director of Buildings and Grounds, opened the bids received.
  1. Ernie Carpenter, Caro Michigan - \$14,300.00
  2. Wade Kappen, Caro Michigan - \$23,000.00
  3. DHT Excavating, Reese Michigan - \$36,840.00
  4. Mark Kolle, Clare Michigan - \$36,000.00

Director Miller will review the bids and bring back a recommendation. Matter to be placed on Thursday's Agenda.

***On-Going and Other Building and Grounds***

1. Vanderbilt Park -  
A potential meeting is being discussed for February 14, 2023. Once confirmed Clerk Fetting will post the meeting.

**Personnel**

***Primary Personnel***

None

***On-Going and Other Personnel***

None

**Other Business as Necessary**

-Commissioner Young encouraged the Board to stay in contact with the State Legislators regarding issues in Tuscola County

**Public Comment Period**

- Treasurer Bennett encouraged Board to fully research if ARPA Funds can be used for the Jail project.
- Treasurer Bennett explained her request in the ARPA project list.
- Eean Lee encouraged the Board to continue to advocate for remote participation in a meeting.
- Eean Lee spoke in support of Prosecutor Reene's request.
- Amanda Ertman addressed the Board regarding the Health Department's request on the ARPA project list.
- Clerk Fetting addressed the Board regarding the Clerk's Office full-time employee request in the 2023 budget, request forthcoming to replace a long-term employee retiring, conference in Bay City that the Clerk will be staying overnight at.

**Adjournment**

Motion by Matt Koch, seconded by Bill Lutz to adjourn the meeting at 10:19 a.m. Motion Carried.

Jodi Fetting  
Tuscola County Clerk, CCO

DRAFT

**OFFICE OF PROSECUTING ATTORNEY  
COUNTY OF TUSCOLA  
STATE OF MICHIGAN**

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Assistant Prosecuting Attorney

WILLIAM A. HILL

Assistant Prosecuting Attorney


KURT C. ASBURY

Assistant Prosecuting Attorney

**MEMORANDUM**

DATE: February 2, 2023

TO: Tuscola County Board of Commissioners

FROM: Mark E. Reene   
Prosecuting Attorney

RE: Officer Manager and Part Time Victim Advocate in the Office of the  
Prosecuting Attorney

This correspondence is being forwarded to address the critical need to add both an Office Manager Position and Part Time Victim Advocate Position in the Office of the Prosecuting Attorney. We recently suffered the loss in November of an Administrative Professional with 24 years of service with the County due solely to financial circumstances and her level of compensation. It is impossible to quantify the impact this has had on our operations.

Our entire Office had to reinvent how we do business during the pandemic and its aftermath. Our staff has had to develop new practices and procedures in order to continue to fulfill our core functions. We have continued to rely on overtime completed by the Administrative Professionals to process our cases. This is not a sustainable model due to the toll it takes on employees long term.

The work we do is extraordinarily specialized. The knowledge resulting from years of experience is truly priceless. The fact our Office is at a critical point cannot be overstated.

Employees in the Office of the Prosecuting Attorney do not have the luxury of working established core hours and have to make sacrifices on a continuing basis due to the nature of their work. The Office has to be available 24 hours a day/7 days a week to address the myriad of public safety issues that arise around the clock. This takes an immeasurable toll that can no longer be ignored.

Both Administrative Professionals and Attorneys in the Office have to personally address facts, circumstances and information that involves the very worst of human conduct. This information is often graphic and unimaginable. Members of our Office interact with individuals that frequently have suffered incalculable harm.

Crime victims are dependent upon the Office of the Prosecuting Attorney to assist them in navigating a system fraught with challenges and complications. On a daily basis our staff accomplishes the incredible with minimal resources.

The Office Manager Position is long overdue. Given the complexity and volume of cases that have to be processed we need an Office Manager to coordinate all the various tasks that require completion by the attorneys and administrative professionals. The roles of Administrative Professionals have changed dramatically in recent years due to the nature of case submissions we now receive. There is now a plethora of electronic evidence that has to be obtained and disseminated. Body cameras and car cameras provide useful information that has to be reviewed. 911 calls have to be obtained and documented. This literally requires hours of processing by our Staff. This is only one area of many that arguably by itself could justify another full time position to review and prosecute cases.

As for the Part Time Victim Advocate we previously had a person in that role for a brief time but funding was discontinued by the State despite our repeated requests. Our Victim Advocate does an extraordinary job but is responsible for every case involving victims. That involves cases in three courts. Victim contact and interaction can also involve hours on a single matter given the nature of an individual case. It is important to note there are hundreds of cases in process at any given time. The monumental nature of the task is self evident.

We will continue to seek grants to assist with our Victim Services function but the Part Time Advocate will provide a degree of necessary assistance.

If there is any additional information I can provide in regard to these requests please do not hesitate to contact me.

Mark Reese  
Tuscola County Prosecuting Attorney

## **TUSCOLA COUNTY JOB DESCRIPTION**

### **TITLE: PROSECUTING ATTORNEY OFFICE MANAGER**

#### **General Statement of Duties**

This position works under the direction of the Prosecuting Attorney. The Office Manager will be involved with overseeing and supervising the administrative support staff by planning organizing, assigning, directing, reviewing, and evaluating the work of the support staff. This is a very diversified and confidential position that will offer essential support to the Prosecutor's office.

#### **Examples of Work and Knowledge:**

Examples of knowledge and work conducted by the Office Manager are listed below. Other work is conducted as assigned by the Prosecutor. This list is not all inclusive and other duties may be assigned as necessary.

- Oversees the administrative support staff, conduct weekly meetings, coordinating operation of the Office, ensuring tasks are completed in a timely and effective manner and facilitating the daily workflow of the Office.
- Develops and implements goals, objectives, policies, procedures and work standards for the Prosecuting Attorney's Office. Plan, organize, assign, direct, review and evaluate the work of assigned staff directly and through supervision.
- Provide professional assistance to staff and other county departments.
- Responsible for maintaining and processing all cases from initiation to closure for Circuit Court, Court Appeals, Forfeitures, Application to Set Aside Convictions and Secretary of State Appeals. Duties in these areas include but are not limited to trial prepping files by gathering evidence from various agencies and recordkeepers to disseminate to opposing counsel and perform related work as required.
- Office LEIN TAC. Train and provide assistance to staff with LEIN. Ensure that we are in compliance with LEIN requirements at all times. Prepare and execute LEIN Audit with the Criminal Justice Information Center for the Michigan State Police.
- Assist in interviewing and provides training for support staff.
- Assists clerical and support staff with their assigned duties, particularly when more advanced, skilled, or sensitive work is required.
- Prioritizes tasks and delegates them when appropriate.
- Performs various secretarial and administrative tasks, and support functions for the legal staff of the Office of the Prosecuting Attorney.
- Prepares and/or processes various motions, court orders and a variety of legal documents.
- Fills in and performs job functions in the absence of other administrative support staff.
- Assists public, law enforcement agencies, attorneys and others with multiple and diverse inquiries.
- Enters received Warrant Requests/Reports from agencies and completes the authorization process to provide new cases to the Court once reviewed by a Prosecutor.
- Performs other duties as requested or assigned.

**PAY: \$51,951 SALARY**

Rate Table			Description
PA OFFICE MGR			PA OFFICE MANAGER
Step	Rate	Timespan Type	Time Description
Effective Date: 01/01/2023			
1	51,951.0000	Not Used	0
2	52,470.0000	Not Used	1 1 YEAR ANNIVERSARY
3	53,677.0000	Not Used	2 2 YEAR ANNIVERSARY
4	55,143.0000	Not Used	3 3 YEAR ANNIVERSARY
5	56,700.0000	Not Used	4 4 YEAR ANNIVERSARY

# TUSCOLA COUNTY JOB DESCRIPTION

## TITLE: SECRETARY II VICTIM ADVOCATE – Part-Time

### General Statement of Duties

This position works under the direction of the Prosecuting Attorney. The Part-time Victim Advocate will work a clerical position between 15 to 22.5 hours per week. This is a confidential position that will offer support for victims of crime in Tuscola County and essential support staff in the Prosecutor's Office.

### Examples of Work and Knowledge:

- Provide advocacy and support for victims of crime in Tuscola County.
- Ensure victims immediate needs are addressed, providing assistance, informed advocacy and referrals.
- Providing Court accompaniment to victims on criminal cases as needed.
- Coordinate appointments with victims and attorneys to prepare victims for pending court hearings and discuss potential case resolution.
- Prepare correspondence as necessary to victims on criminal cases.
- Assist victims with completing victim impact statements, compensation applications and restitution paperwork when appropriate.
- Maintain professional relationships with DHHS, law enforcement and other community service agencies for the advocacy of victims.
- Maintain confidentiality and ethics consistent with victim service standards.
- Continue education and training in the field of victim advocacy and criminal procedures to be up to date with present standards and laws.
- Assume other job related duties as specified by the Prosecuting Attorney and comply with the Prosecuting Attorney's Office policies and procedures.

### Language Skills:

Ability to read and interpret documents such as law enforcement reports, government or agency regulations and legal interpretations. Ability to compose and produce necessary reports and business correspondence. Ability to speak effectively before individuals or public groups. Ability to interact with individuals in a proficient manner to maintain working relationships with victims and other agency professionals.

**RATE OF PAY: \$18.15 PER HOUR**



Budget Name: PA OFFICE MANAGER

Budget Start: 01/01/2023

Department Totals:

Department:

Total Salaries:	21,235.50
Total Overtime:	0.00
Total Costs:	1,918.54
Total Budget:	23,154.04

*new* Budgeted for 22.50 hours per week.  
Charged For feiture

Expenses

Expense	Amount
SOCSEC_ER	1,316.60
MEDICARE_ER	307.91
WORK COM ER	294.03
Total Expense:	1,918.54

Department: PROSECUTOR PROSECUTOR

Total Salaries:	51,951.00
Total Overtime:	0.00
Total Costs:	29,273.45
Total Budget:	81,224.45

*new* Promotion and refill  
vacant position this will  
create.

Expenses

Expense	Amount
DISABILITY ER	441.36
ER PAID LIFE	31.56
HLTH INS ER	17,800.00
MEDICARE_ER	753.29
POB ER	2,835.00
SOCSEC_ER	3,220.96
WORK COM ER	719.32
TCMERS DB 20 ER	3,471.96
Total Expense:	29,273.45

PERIOD ENDING 01/31/2023

GL NUMBER	DESCRIPTION	END BALANCE	2023		YTD BALANCE		ACTIVITY FOR	AVAILABLE		% BDGT USED
		12/31/2022 NORM (ABNORM)	ORIGINAL BUDGET	AMENDED BUDGET	2023 BUDGET	01/31/2023 NORM (ABNORM)	MONTH 01/31/23 INCR (DECR)	BALANCE NORM (ABNORM)		
<b>Fund 266 - DRUG FORFEITURE FUND</b>										
Revenues										
Dept 229 - PROSECUTOR										
266-229-650.000	DRUG FORF PROSCECUTOR 15%	4,060.00	5,000.00	5,000.00		2,403.00	2,403.00	2,597.00		48.06
Total Dept 229 - PROSECUTOR		4,060.00	5,000.00	5,000.00		2,403.00	2,403.00	2,597.00		48.06
TOTAL REVENUES		4,060.00	5,000.00	5,000.00		2,403.00	2,403.00	2,597.00		48.06
Expenditures										
Dept 229 - PROSECUTOR										
266-229-700.000	ENFORCEMENT PROSECUTOR	173,960.00	5,000.00	5,000.00		2,117.55	2,117.55	2,882.45		42.35
Total Dept 229 - PROSECUTOR		173,960.00	5,000.00	5,000.00		2,117.55	2,117.55	2,882.45		42.35
TOTAL EXPENDITURES		173,960.00	5,000.00	5,000.00		2,117.55	2,117.55	2,882.45		42.35
<b>Fund 266 - DRUG FORFEITURE FUND:</b>										
TOTAL REVENUES		4,060.00	5,000.00	5,000.00		2,403.00	2,403.00	2,597.00		48.06
TOTAL EXPENDITURES		173,960.00	5,000.00	5,000.00		2,117.55	2,117.55	2,882.45		42.35
NET OF REVENUES & EXPENDITURES		(169,900.00)	0.00	0.00		285.45	285.45	(285.45)		100.00
BEG. FUND BALANCE		281,413.57	281,413.57	281,413.57		281,413.57				
NET OF REVENUES/EXPENDITURES - 2022						(169,900.00)		(169,900.00)		
END FUND BALANCE		111,513.57	281,413.57	281,413.57		111,799.02				

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Available Reserves

111,799.02

PERIOD ENDING 01/31/2023

GL NUMBER	DESCRIPTION	END BALANCE	2023		YTD BALANCE	ACTIVITY FOR MONTH 01/31/23 INCR (DECR)	AVAILABLE		% BGD USED
		12/31/2022 NORM (ABNORM)	ORIGINAL BUDGET	2023 AMENDED BUDGET	01/31/2023 NORM (ABNORM)		BALANCE NORM (ABNORM)		
Fund 101 - GENERAL FUND									
Expenditures									
Dept 229 - PROSECUTOR									
101-229-703.000	SALARIES SUPERVISION	103,732.67	108,867.00	108,867.00	6,230.91	6,230.91	102,636.09		5.72
101-229-704.000	SALARIES PERMANENT	338,958.68	351,470.00	351,470.00	19,901.50	19,901.50	331,568.50		5.66
101-229-704.020	HEALTH INSURANCE INCENTIVE	569.26	0.00	0.00	230.74	230.74	(230.74)		100.00
101-229-704.030	DISABILITY PLAN	2,642.66	2,643.00	2,643.00	219.91	219.91	2,423.09		8.32
101-229-704.040	UNUSED SICK TIME PAYOUT	0.00	0.00	0.00	4,104.99	4,104.99	(4,104.99)		100.00
101-229-705.000	SALARIES - PART/TIME	31,935.00	20,442.00	20,442.00	3,131.75	3,131.75	17,310.25		15.32
101-229-706.000	SALARIES OVERTIME	30,402.70	0.00	0.00	3,168.03	3,168.03	(3,168.03)		100.00
101-229-710.000	WORKERS COMPENSATION	5,624.86	9,616.00	9,616.00	865.19	865.19	8,750.81		9.00
101-229-711.000	HEALTH & DENTAL INSURANCE	114,157.09	150,000.00	150,000.00	11,658.28	11,658.28	138,341.72		7.77
101-229-715.000	F.I.C.A.	37,774.34	36,780.00	36,780.00	2,754.92	2,754.92	34,025.08		7.49
101-229-717.000	LIFE INSURANCE	220.92	221.00	221.00	18.41	18.41	202.59		8.33
101-229-718.000	RETIREMENT	46,316.05	40,500.00	40,500.00	3,243.73	3,243.73	37,256.27		8.01
101-229-718.100	POB IN LIEU OF RETIREMENT	20,421.13	26,461.00	26,461.00	1,770.87	1,770.87	24,690.13		6.69
101-229-727.000	SUPPLIES, PRINTING & POSTAGE	5,807.13	9,500.00	9,500.00	50.61	50.61	9,449.39		0.53
101-229-729.000	WESTLAW	4,628.60	7,500.00	7,500.00	516.56	516.56	6,983.44		6.89
101-229-801.000	CONTRACTED SERVICES	2,081.75	2,000.00	2,000.00	0.00	0.00	2,000.00		0.00
101-229-805.010	STENO TRANSCRIPTS	1,727.67	2,500.00	2,500.00	128.18	128.18	2,371.82		5.13
101-229-805.020	STENO APPEAL TRANSCRIPTS	0.00	500.00	500.00	0.00	0.00	500.00		0.00
101-229-807.000	WITNESS FEES & TRAVEL	9,750.40	10,000.00	10,000.00	0.00	0.00	10,000.00		0.00
101-229-809.000	MEMBERSHIPS & SUBSCRIPTIONS	6,190.30	500.00	500.00	0.00	0.00	500.00		0.00
101-229-861.000	TRAVEL	1,070.37	900.00	900.00	0.00	0.00	900.00		0.00
101-229-862.000	TRAVEL - EXTRADITIONS	0.00	4,200.00	4,200.00	0.00	0.00	4,200.00		0.00
101-229-934.000	OFFICE EQUIP REPAIRS & MAINT.	1,195.00	2,500.00	2,500.00	27.50	27.50	2,472.50		1.10
101-229-957.000	EMPLOYEE TRAINING	780.00	2,750.00	2,750.00	0.00	0.00	2,750.00		0.00
101-229-982.000	BOOKS	1,465.00	1,000.00	1,000.00	0.00	0.00	1,000.00		0.00
Total Dept 229 - PROSECUTOR		767,451.58	790,850.00	790,850.00	58,022.08	58,022.08	732,827.92		7.34
TOTAL EXPENDITURES		767,451.58		0.00	58,022.08	58,022.08	732,827.92		7.34
<div style="border: 1px solid red; padding: 5px; display: inline-block; margin-left: 100px;">       Projected Overtime        Could hit \$38,016     </div>									
Fund 101 - GENERAL FUND:									
TOTAL REVENUES		0.00	0.00	0.00	0.00	0.00	0.00		0.00
TOTAL EXPENDITURES		767,451.58	790,850.00	790,850.00	58,022.08	58,022.08	732,827.92		7.34
NET OF REVENUES & EXPENDITURES		(767,451.58)	(790,850.00)	(790,850.00)	(58,022.08)	(58,022.08)	(732,827.92)		7.34

REVENUE AND EXPENDITURE REPORT FOR TUSCOLA COUNTY

PERIOD ENDING 01/31/2023

GL NUMBER	DESCRIPTION	END BALANCE		2023		YTD BALANCE		ACTIVITY FOR		AVAILABLE		% BDGT USED
		12/31/2022		ORIGINAL	2023	01/31/2023		MONTH 01/31/23		BALANCE		
		NORM	(ABNORM)	BUDGET	AMENDED BUDGET	NORM	(ABNORM)	INCR	(DECR)	NORM	(ABNORM)	
Fund 101 - GENERAL FUND												
890 - CONTINGENCY FUND		0.00		135,418.00	124,906.00	0.00		0.00		124,906.00		0.00
	TOTAL EXPENDITURES	0.00		135,418.00	124,906.00	0.00		0.00		124,906.00		0.00
<hr/>												
Fund 101 - GENERAL FUND:												
	TOTAL REVENUES	0.00		0.00	0.00	0.00		0.00		0.00		0.00
	TOTAL EXPENDITURES	0.00		135,418.00	124,906.00	0.00		0.00		124,906.00		0.00
	NET OF REVENUES & EXPENDITURES	0.00		(135,418.00)	(124,906.00)	0.00		0.00		(124,906.00)		0.00





**FOR IMMEDIATE RELEASE**  
01.26.2023

**CONTACT:**  
Taylor Koopman, PIO  
[tpkoop@kalcounty.com](mailto:tpkoop@kalcounty.com)  
269-383-8651

## Homeowners urged to be cautious of real estate company offering fast cash

KALAMAZOO, Mich. – The Kalamazoo County and St. Joseph County Clerks and Register of Deeds, Meredith Place and Lindsay Oswald, are urging homeowners to be aware of MV Realty’s Homeowner Benefit Program that tempts homeowners with an upfront cash payment in exchange for the exclusive right of MV Realty to act as the listing agent for any sale of the property during the term of the agreement, which has the potential to last 40 years. According to MV Realty’s website, those homeowners who decide to sell must do so with MV Realty at a six percent commission, and if not, they face a stiff financial penalty equal to 3 percent of the home’s market value.

The company, which is currently facing civil lawsuits filed by Florida, Massachusetts, and Pennsylvania Attorneys General for “deceptive” and “misleading” business practices, has recorded 30 agreements in Kalamazoo County, prompting Place and Oswald to alert Michigan Attorney General Dana Nessel to the potential risk to Michigan homeowners.

The two Clerks/Register of Deeds encourage homeowners to proceed with caution and to consult an attorney or real estate professional for advice before entering into any contract.

“MV Realty, who contracts with telemarketing companies, appears to be preying on unsuspecting homeowners, offering them fast cash in exchange for a potential 40-year restriction on their property which may not be in their best interest. We urge all homeowners to carefully read contracts and agreements impacting their property before it’s too late. Without due diligence, this could allow an out-of-state company to potentially record a 40-year lien against your property that binds even future successors of interest.”

After investigating around 1,500 unwanted call complaints from consumers related to mortgages in 2022, the Federal Communications Commission announced yesterday they are taking “decisive action to shut down an apparent homeowner-focused robocall scam campaign.”

“Mortgage scams are some of the most pernicious types of robocalls we see,” FCC Chairwoman Jessica Rosenworcel said in a [news release](#). “Sending these junk calls to financially-stressed homeowners just to offer them deceptive products and services is unconscionable. That’s why we are shutting down these calls right now.”

The Federal Trade Commission highlighted some common warning signs of a mortgage relief scam:

- Scammers will demand payment upfront before you get any services. That is illegal — and a warning sign to avoid them.
- Scammers may want you to pay only by cashier’s check, wire transfer, or a mobile payment app. Scammers like you to pay this way because it is hard to get your money back.

- Scammers may try to convince you to transfer the deed to your home to them. The deed is the legal document that proves who owns the home. If you transfer the deed, you will not likely get it back.

The FCC advises consumers who receive unwanted or suspicious calls to:

- Not answer calls from unknown numbers;
- Be aware that spoofing can make scam calls appear to be local and/or from a trusted institution;
- Do not provide any personal or financial information – including mortgage or home ownership information – to unknown callers;
- Only contact your financial institution using their legitimate contact info from their website or a bill rather than trusting that the unknown caller is calling from that institution;
- Talk to friends and family who might be targeted so they understand how to protect themselves from scam robocalls;
- File a complaint with the FCC at [www.fcc.gov/complaints](http://www.fcc.gov/complaints); and,
- Contact law enforcement if you have been the victim of a scam.

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# PUBLIC NOTICE

Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

News Media Information 202-418-0500  
Internet: [www.fcc.gov](http://www.fcc.gov)  
TTY: 888-835-5322

DA 23-65

Released: January 24, 2023

## ROBOCALL ENFORCEMENT NOTICE TO ALL U.S.-BASED VOICE SERVICE PROVIDERS

### FCC Enforcement Bureau Notifies All U.S.-Based Providers of Apparently Illegal Robocall Traffic from PhoneBurner Inc. and MV Realty PBC, LLC

File No. EB-TCD-22-00033721

By the Chief, Enforcement Bureau:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) issues this Public Notice to notify all U.S.-based voice service providers about substantial amounts of apparently unlawful telephone solicitation calls to phone numbers on the National Do Not Call (DNC) Registry<sup>1</sup> from PhoneBurner Inc. (PhoneBurner) and **MV Realty PBC, LLC. (MV Realty)**. In these calls, MV Realty operators offered cash to homeowners in a purported exchange for giving MV Realty an exclusive right to list the homeowner's property for sale. **Pursuant to section 64.1200(n)(2) of the Commission's rules, we hereby provide written notice to all U.S.-based voice service providers<sup>2</sup> to take steps to effectively mitigate apparently illegal traffic<sup>3</sup> from PhoneBurner and MV Realty.<sup>4</sup> We consider blocking the traffic to be an example of effective mitigation.**

*Purpose.* Protecting individuals and entities from the dangers of unwanted and illegal robocalls is the Commission's top consumer protection priority. As part of the Commission's multi-pronged approach to combatting illegal robocalls, the Commission has taken steps to encourage voice service providers to

<sup>1</sup> Federal Trade Commission, National Do Not Call Registry, <https://www.donotcall.gov/>.

<sup>2</sup> For the purposes of this document, the term "voice service provider" has a broad meaning that includes any entity originating, carrying, or terminating voice calls through time-division multiplexing (TDM), Voice over Internet Protocol (VoIP), or commercial mobile radio service (CMRS). See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, 35 FCC Rcd 7614, 7615 n.3 (2020).

<sup>3</sup> The Bureau believes that PhoneBurner and MV Realty engaged in the following illegal conduct: Making unlawful "telephone solicitations" in violation of 47 CFR § 64.1200(f)(15); leaving prerecorded voicemail telemarketing messages to consumers without consent in violation of 47 U.S.C. § 227(b) and 47 CFR § 64.1200(a); making calls to phone numbers on the DNC Registry in violation of 47 U.S.C. § 227(c) and 47 CFR § 64.1200(c)(2); knowingly transmitting misleading or inaccurate caller identification information in violation of 47 U.S.C § 227(e)(1).

<sup>4</sup> 47 CFR § 64.1200(n)(2). Each notified provider must promptly investigate the identified traffic. Each notified provider must then promptly report the results of its investigation to the Enforcement Bureau, including any steps the provider has taken to effectively mitigate the identified traffic or an explanation as to why the provider has reasonably concluded that the identified calls were not illegal and what steps it took to reach that conclusion.

mitigate suspected illegal robocalls.<sup>5</sup> The Commission permits voice service providers to block traffic from other voice service providers that the Bureau has warned are transmitting suspected illegal robocalls.<sup>6</sup> Additionally, section 64.1200(n)(2) of the Commission's rules requires voice service providers to effectively mitigate robocall traffic when notified by the Bureau of ongoing unlawful call activity.<sup>7</sup>

*Background.* The USTelecom's Industry Traceback Group (Traceback Consortium)<sup>8</sup> traced a substantial volume of apparently unlawful telephone solicitation<sup>9</sup> calls to PhoneBurner and MV Realty; the calls were placed to homeowners whose phone numbers were on the DNC Registry. In these calls, MV Realty operators offered homeowners one-time cash payments, purportedly in exchange for the homeowner granting MV Realty exclusive listing rights to sell the homeowner's home at some future date.<sup>10</sup> This traffic is identified in Attachment A.

PhoneBurner is "a cloud-based power dialer and outreach solution"<sup>11</sup> headquartered in California.<sup>12</sup> PhoneBurner employs software and a virtual portal that enables its clients to place robocalls, leave

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<sup>5</sup> See 47 CFR § 64.1200(k); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, 35 FCC Rcd 7614, 7622, para. 19 (2020) (*July 2020 Call Blocking Order*) (establishing safe harbor for blocking traffic from bad-actor upstream voice service providers); *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, CG Docket No 17-59, WC Docket No. 17-97, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd 4876, 4887-88, paras. 34-46 (2019) (*2019 Call Blocking Order*) (blocking based on reasonable analytics with consumer opt-out and consumer whitelists); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706, 9709, para. 9 (2017) (*2017 Call Blocking Order*) (blocking of certain categories of calls highly likely to be illegal).

<sup>6</sup> *July 2020 Call Blocking Order*, 35 FCC Rcd at 7628-29, para. 36-39; see 47 CFR § 64.1200(k)(4).

<sup>7</sup> 47 CFR § 64.1200(n)(2).

<sup>8</sup> USTelecom's Industry Traceback Group is the registered industry consortium selected pursuant to the TRACED Act, to conduct tracebacks to identify suspected bad actors. *Implementing Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, EB Docket No. 20-22, Report and Order, DA 22-870 (EB 2022) (*2022 Consortium Selection Order*); see also TRACED Act § 13(d).

<sup>9</sup> A "telephone solicitation" refers to the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, but such term does not include a call or message: i) To any person with that person's prior express invitation or permission; (ii) To any person with whom the caller has an established business relationship; or (iii) By or on behalf of a tax-exempt nonprofit organization." 47 CFR § 64.1200(f)(15).

<sup>10</sup> Consistent with the Commission's goals of preventing unlawful robocalls, the Commission collaborated with the Office of the Attorney General of Florida pursuant to a memorandum of understanding. On November 29, 2022, the Office of the Attorney General of Florida filed a complaint against MV Realty and its corporate leadership for operating the "complex and deceptive scheme that attempts to skirt existing Florida law with the goal of swindling consumers out of their home equity." *Office of the Attorney General, State of Florida, Department of Legal Affairs v. MV Realty PBC, LLC, Et al.* (Fla. 13<sup>th</sup> Cir. Ct. Nov. 29, 2022), [http://www.myfloridalegal.com/newsrel\\_nsf/newsreleases/E9E4A2F7281415CE85258909007259EC](http://www.myfloridalegal.com/newsrel_nsf/newsreleases/E9E4A2F7281415CE85258909007259EC).

<sup>11</sup> See PhoneBurner website, Frequently Asked Questions about PhoneBurner, <https://www.phoneburner.com/homepage/faq> (last visited Dec. 15, 2022).

<sup>12</sup> See California Secretary of State business record search listing PhoneBurner's principal address as 42 Foliate Way Ladera Ranch, CA 92694, and mailing address as 1968 S. Coast Hwy. Ste. 1800 Laguna Beach, CA 92651, <https://bizfileonline.sos.ca.gov/search/business>



prerecorded voicemails, and send text messages to thousands of consumers each day.<sup>13</sup> PhoneBurner's customers hire operators to place calls through a portal that PhoneBurner owns and operates. Once logged into PhoneBurner's software, these operators can call the numbers that PhoneBurner's customers specify—in this instance, calls to homeowners. PhoneBurner's software offers several options. Here, if a homeowner answers the call, PhoneBurner's portal connects the MV Realty operators to the homeowner. If there is no response, PhoneBurner's software leaves a prerecorded message and/or a text message using MV Realty's preselected script.<sup>14</sup> PhoneBurner's software also enables its customers to make robocalls that include false or misleading caller ID<sup>15</sup>—for example, by allowing its customers to match outbound calling number area codes to those of the recipients of their robocalls.<sup>16</sup>

MV Realty is a realtor based out of Delray Beach, Florida.<sup>17</sup> MV Realty's robocalls and prerecorded voicemails to phone numbers on the DNC Registry included messages offering homeowners several hundred to several thousands of dollars in exchange for signing a 40-year exclusive listing agreement with MV Realty. At least three states have filed complaints against MV Realty alleging violations of consumer protection laws.<sup>18</sup> The Commission also received a complaint from a homeowner who stated that they received three to five unsolicited voicemails from MV Realty each day.<sup>19</sup> We consider blocking the traffic to be an example of effective mitigation. The Bureau identified an additional 26 complaints

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<sup>13</sup> See PhoneBurner website, Frequently Asked Questions about PhoneBurner, <https://www.phoneburner.com/homepage/faq> (last visited Dec. 15, 2022).

<sup>14</sup> The Commission has previously clarified that the caller must obtain the called party's prior express consent to be called with an artificial or prerecorded voice message even if a live agent controls the initial artificial or prerecorded voice message using soundboard technology. See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14640 (18) (2020).

<sup>15</sup> The Truth in Caller ID Act prohibits “caus[ing] any caller identification service” in connection with any voice service or text messaging service to “knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value.” 47 U.S.C § 227(e)(1).

<sup>16</sup> See Declaration of { [redacted] }; Declaration of { [redacted] } [hereinafter Declarations] (on file at EB-TCD-22-00033721).

<sup>17</sup> See Florida Department of State, Division of Corporations, business record search listing MV Realty's principal address as 219 N. Dixie Blvd. Delray Beach, FL 33444. <http://dos.sunbiz.org/scripts/ficidet.exe?action=DETREG&docnum=G16000100245&rdocnum=G16000100245>

<sup>18</sup> The Florida complaint alleges that the calls deceived consumers by hiding the terms of MV Realty's “Homeowner Benefit Program.” Consumers were led to enter a misleading contract under which MV Realty filed a 40-year lien on their property that would require the consumer to pay three percent of the property's value to MV Realty if the property is sold or the consumer wished to cancel the contract. See Press Release, Fla. Office of the Att'y Gen., Attorney General Moody Takes Legal Action Against MV Realty for Swindling Florida Homeowners (Nov. 29, 2022), <http://www.myfloridalegal.com/newsrel/nsf/newsreleases/E9E4A2F7281415CE85258909007259EC>); see also Press Release, Mass. Office of the Att'y Gen., AG Healey Sues Florida Company for Scamming Financially Struggling Residents Into Mortgaging Their Homes in Exchange for Small Cash Payments (Dec. 14, 2022), <https://www.mass.gov/news/ag-healey-sues-florida-company-for-scamming-financially-struggling-residents-into-mortgaging-their-homes-in-exchange-for-small-cash-payments>); Press Release, Pa. Office of Att'y Gen., AG Shapiro Sues Real Estate Brokerage Firm MV Realty Over Misleading Homeowner Benefit Program (Dec. 14, 2022), <https://www.attorneygeneral.gov/taking-action/ag-shapiro-sues-real-estate-brokerage-firm-mv-realty-over-misleading-homeowner-benefit-program/>).

<sup>19</sup> FCC Complaint # 5450806 (Apr. 29, 2022) “I spoke with someone at the number and they said they are from a company called MV Realty. MV Realty group has been calling me and leaving 30 seconds voicemails 3-5 times a day for 3 weeks.”



alleging calls to phone numbers on the DNC Registry which were made to the Federal Trade Commission.<sup>20</sup>

*MV Realty placed thousands of calls to numbers on the DNC registry.* A significant portion of MV Realty's calls were placed to consumers who had their phones actively listed on the DNC registry. *The Enforcement Bureau's investigation identified 11,949,374 calls made to DNC registered numbers by PhoneBurner and MV Realty.*<sup>21</sup> The Bureau found that 10,926,635 calls were placed to wireless numbers and 1,022,739 calls were placed to landline phone numbers actively listed on the DNC Registry.<sup>22</sup>

*The evidence indicates that MV Realty's calls were telephone solicitations.* As discussed above, the MV Realty operators offered homeowners cash in exchange for a listing agreement with the company—essentially encouraging homeowners Purchase the company's services. Further, the homeowners' complaints about MV Realty's calls indicate that they did not give consent to be called and did not have an established business relationship with MV Realty.<sup>23</sup> *The Bureau's investigation revealed that MV Realty frequently called consumers who repeatedly and affirmatively asked MV Realty to stop calling them.*<sup>24</sup> The Bureau spoke to former MV Realty employees who described how they were repeatedly asked by consumers to stop calling. In response to these requests, these employees marked the phone numbers as belonging to consumers who did not wish to be called.<sup>25</sup> MV Realty failed to remove these homeowners from its calling list despite being notified by MV Realty's own employees.<sup>26</sup> As a result, MV Realty called the same consumers repeatedly.<sup>27</sup> These repeated calls appear to violate the Commission's telephone solicitation rules.<sup>28</sup>

Further, PhoneBurner's software left prerecorded voicemail messages with the scripted solicitation when homeowners did not answer MV Realty's calls.<sup>29</sup> These messages independently appear to violate the Telephone Consumer Protection Act of 1991 (TCPA) and the Commission's rules, as they are prerecorded voice telemarketing messages sent to consumers without consent.<sup>30</sup>

*Steps that Voice Service Providers Must Take Following this Public Notice.* Upon receiving this *Public Notice*, voice service providers must promptly investigate the traffic identified in Attachment A.<sup>31</sup> Within 14 days, each provider must report the results of its investigation to the Bureau including any steps that

<sup>20</sup> FTC Consumer Sentinel report (on file at EB-TCD-22-00033721).

<sup>21</sup> See Call Detail Records (on file at EB-TCD-22-00033721).

<sup>22</sup> Call Detail Record analysis (on file at EB-TCD-22-00033721).

<sup>23</sup> MV Realty also is not a tax-exempt nonprofit organization. See Internal Revenue Service, Tax Exempt Organization Search (Jan. 22, 2023) <https://apps.irs.gov/app/eos/>; see also 47 CFR § 64.1200(f)(15).

<sup>24</sup> See Declarations *supra* note 15.

<sup>25</sup> *Id.* (describing how employees listed the calls' disposition as do not call and how they notified their leadership of the consumers' request.)

<sup>26</sup> See Declaration of {{ }} (on file at EB-TCD-22-00033721).

<sup>27</sup> *Id.*

<sup>28</sup> 47 CFR § 64.1200(c)(2); see also 47 U.S.C. § 227(c) (directing the Commission to adopt regulations concerning telephone solicitations and the DNC Registry).

<sup>29</sup> See Call Detail Records (on file at EB-TCD-22-00033721).

<sup>30</sup> 47 U.S.C. § 227(b); 47 CFR § 64.1200(a) (prerecorded voice calls to wireless numbers, and prerecorded voice calls to residential numbers that constitute telemarketing, are unlawful). Calls that are telephone solicitations are also telemarketing calls. Compare 47 CFR § 64.1200(f)(15) with 47 CFR § 64.1200(f)(12).

<sup>31</sup> 47 CFR § 64.1200(n)(2).

the provider has taken to effectively mitigate the identified traffic or explain why the provider has reasonably concluded that the identified calls were not illegal and what steps it took to reach that conclusion.<sup>32</sup> **In the event that any voice service provider fails to mitigate this traffic from PhoneBurner and MV Realty or fails to explain to the Bureau why it reasonably concluded this traffic to be legal, the Bureau may take additional enforcement action.**<sup>33</sup>

*Partial Waiver of Reporting Obligation.* Pursuant to section 1.3 of the Commission's rules,<sup>34</sup> the Bureau finds that good cause exists in this instance to waive in part the reporting obligations otherwise required by section 64.1200(n)(2) of the rules. In particular, the Bureau concludes that obligating all U.S.-based voice service providers to generate a written report documenting their investigation of the suspected illegal robocall traffic identified in this *Public Notice* would result in an excessively voluminous record. Accordingly, a voice service provider shall not be required to file a report with the Commission if the provider determines that PhoneBurner or MV Realty are not customers of its services.

Any provider filing a report in response to the aforementioned requirements must do so within 14 days of this *Public Notice* and shall demonstrate its ongoing efforts to mitigate the traffic associated with PhoneBurner or MV Realty. Reports must be filed electronically by email sent to Kristi Thompson, Division Chief, Enforcement Bureau, Telecommunications Consumers Division, at [Kristi.Thompson@fcc.gov](mailto:Kristi.Thompson@fcc.gov); with copies sent to Lisa Zaina, Asst. Chief, Enforcement Bureau, Telecommunications Consumers Division, at [Lisa.Zaina@fcc.gov](mailto:Lisa.Zaina@fcc.gov); and Raul Rojo, Enforcement Bureau, Telecommunications Consumers Division, at 202-418-1336 or by email at [Raul.Rojo@fcc.gov](mailto:Raul.Rojo@fcc.gov). Reports and/or supporting documentation that exceed 5MB must be transmitted by an alternative mechanism; providers must contact Raul Rojo for alternative filing instructions.

*Contact Information.* For further information, please contact Kristi Thompson, Division Chief, Enforcement Bureau, Telecommunications Consumers Division, at 202-418-1318 or by email at [Kristi.Thompson@fcc.gov](mailto:Kristi.Thompson@fcc.gov); Lisa Zaina, Asst. Chief, Enforcement Bureau, Telecommunications Consumers Division, at 202-418-2803 or by email at [Lisa.Zaina@fcc.gov](mailto:Lisa.Zaina@fcc.gov); or Raul Rojo, Enforcement Bureau, Telecommunications Consumers Division, at 202-418-1336 or by email at [Raul.Rojo@fcc.gov](mailto:Raul.Rojo@fcc.gov).

ENFORCEMENT BUREAU  
Loyaan A. Egal  
Chief

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<sup>32</sup> *Id.* We consider blocking the traffic to be an example of effective mitigation.

<sup>33</sup> 47 CFR § 64.1200(n)(2); *see also* 47 CFR § 64.1200(f)(18); *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Fourth Report and Order, 35 FCC Rcd 15221, 15231, paras. 26-27 (2020).

<sup>34</sup> 47 CFR § 1.3 ("The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.")



**TO:** Village President and Council Members  
**FROM:** Deboria Powell, Village Manager  
**DATE:** January 30, 2023  
**RE:** Annexation Request from Cass City

With Village Council approval, the village has purchased 8.08 acres of land on Doerr Road in Elkland Township. This piece of land expands the Cass City Industrial Park allowing for additional opportunities. The Village is now requesting annexation of this piece of land from Elkland Township into the Village of Cass City.

There are three major steps necessary to complete the annexation. They are as follows:

- The Village Council adopts a resolution stating the determination to alter the Village boundaries,
- The Village advertises for three weeks in the local newspaper the time and place of the public hearing the petition for the boundary change will be considered by the Tuscola County Board of Commissioners,
- Determination of the Tuscola County Board of Commissioners whether or not the requested change shall be granted.

We therefore recommend to the Village Council the adoption of the attached resolution requesting annexation of land from Elkland Township to the Village of Cass City as requested by the Village.

**MOTION: Adopt the attached resolution requesting the Tuscola County Board of Commissioners approve the annexation of land into the Village of Cass City as requested by the Village of Cass City.**



## Introduction

The procedure for annexation of territory to a General Law Village is outlined in Section 6 of the General Law Village Act (3 PA 1859, MCL 74.6). Unlike city annexation which may involve the State Boundary Commission, village annexation is decided by the county board of commissioners. A sample resolution, petition and order are attached.

## Procedure

1. Passage of a resolution by the village council stating the determination to alter the village boundaries. (Form A-1)
2. Notice (Form A-2) by the village clerk of the time and place the petition for the boundary change will be considered by the county board of commissioners to be published in a newspaper published in the village for at least 3 weeks immediately preceding the presentation. If no newspaper is published in the village, the notice must be posted in at least 3 of the most public places in the village and in at least 3 of the most public places in the area to be directly affected. This notice must contain a description of the premises proposed to be annexed.
3. Submission of a petition (Form A-3) to the board of commissioners of the county in which the territory of the proposed annexation is located, requesting the change in boundaries. This petition must be signed by the president and clerk and include the following:
  - a. A description by metes and bounds of the proposed boundary change.
  - b. A statement of the reasons for the proposed change.
  - c. A copy of the council's resolution.
4. Hearing before the county board of commissioners where all interested parties may appear and be heard relative to the proposed change in boundaries.
5. Determination of the county board of commissioners whether or not the requested change shall be granted. Whether or not the proposed boundary change will be approved lies solely within the judgment of the board. Under the GLV Act, there is no provision for submission of the question to the electors.
6. Entry of Order (Form A-4) by the county board of commissioners into its records, at which time the boundaries of the village will be fixed as determined in the order.
7. Transmission of a certified copy of the order to the village clerk by the county clerk and to the Secretary of State. Upon the filing of the order, the boundary adjustment becomes effective.

Village of Cass City, Michigan

RESOLUTION

WHEREAS, it is to the mutual advantage and benefit of the people in the Village of Cass City, Michigan, to promote industrial development and to attract business and industry to create payrolls and improve the general economic condition of the Village of Cass City, Michigan;

AND. WHEREAS, it is of great importance for any such business development to have water lines and sewer lines extended to the site;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Cass City, Michigan, in a regular meeting as follows:

1. That the Village Council of Cass City, Tuscola County, Michigan, petitions the Board of Commissioners of the County of Tuscola to annex to the Village of Cass City the following described land:
2. WHEREAS, the real property, situated in the Township of Elkland, County of Tuscola, State of Michigan is legally described as:

A parcel of land being in and a part of the East half of the Southeast quarter of Section 33, Town 14 North, Range 11 East, described as commencing at the South quarter corner of said Section 33; thence North 01 degrees 52 minutes 31 seconds West along the North-South quarter line of said Section 33, 659.88 feet to the point of beginning; thence South 87 degrees 24 minutes 18 seconds West parallel with the South line of said Section 33, 394.96 feet; thence South 87 degrees 30 minutes 41 seconds West 262.42 feet measured, (262.80 recorded); thence North 01 degrees 49 minutes 53 seconds West along the previously established West one eighth line of said Section 33, 660.58 measured, (660.51 recorded); thence North 87 degrees 37 minutes 27 seconds East along the South one eighth line of said Section 33, 656.85 feet measured, (657.37 recorded); thence South 01 degrees 52 minutes 31 seconds East along the said North South quarter line 194.93 feet; thence South 88 degrees 07 minutes 29 seconds West 176.00 feet; thence South 01 degrees 52 minutes 31 seconds East parallel with the said North South quarter line 180.00 feet; thence South 88 degrees 07 minutes 29 seconds West 50.50 feet; thence South 01 degrees 52 minutes 31 seconds East parallel with the said North South quarter line 220.47 feet; thence North 87 degrees 24 minutes 18 seconds East parallel with the South line of said Section 33, 226.52 feet; thence South 01 degrees 52 minutes 31 seconds East along the said North South quarter line 66.00 feet to the point of beginning.

and more particularly described on attached Exhibit "1" which is incorporated by reference.

Tax ID: 007-033-000-3900-01; and known at V/L Doerr Road, Cass City, MI 48726

3. That the President and the Clerk of the Village of Cass City are authorized to sign a petition directed to the Board of Commissioners of Tuscola County and to attach a copy of this resolution to the petition, said petition requesting that the Board of Commissioners hold a hearing and take action on the petition as prayed for in the petition.

Moved by Trustee Piaskowski

Seconded by Trustee Leeson

Yeas 4 Nays 2

I hereby certify that the above is a true copy of the resolution passed at a meeting of the Village Council of the Village of Cass City, held in the Village of Cass City, Tuscola County, Michigan on January 30, 2023.

*Nanette S. Walsh*

Village Clerk

NOTICE OF HEARING OF THE PETITION OF THE  
VILLAGE OF CASS CITY TO ANNEX CERTAIN TERRITORY  
TO THE VILLAGE OF CASS CITY

TO WHOM IT MAY CONCERN:

NOTICE IS GIVEN that the Village Council of the Village of Cass City, Tuscola County, Michigan has petitioned the Tuscola County Board of Commissioners to annex to the Village of Cass City, Tuscola County, Michigan, the following described lands located in the Township of Elkland, Tuscola County, Michigan, to-wit:

A parcel of land being in and a part of the East half of the Southeast quarter of Section 33, Town 14 North, Range 11 East, described as commencing at the South quarter corner of said Section 33; thence North 01 degrees 52 minutes 31 seconds West along the North-South quarter line of said Section 33, 659.88 feet to the point of beginning; thence South 87 degrees 24 minutes 18 seconds West parallel with the South line of said Section 33, 394.96 feet; thence South 87 degrees 30 minutes 41 seconds West 262.42 feet measured, (262.80 recorded); thence North 01 degrees 49 minutes 53 seconds West along the previously established West one eighth line of said Section 33, 660.58 measured, (660.51 recorded); thence North 87 degrees 37 minutes 27 seconds East along the South one eighth line of said Section 33, 656.85 feet measured, (657.37 recorded); thence South 01 degrees 52 minutes 31 seconds East along the said North South quarter line 194.93 feet; thence South 88 degrees 07 minutes 29 seconds West 176.00 feet; thence South 01 degrees 52 minutes 31 seconds East parallel with the said North South quarter line 180.00 feet; thence South 88 degrees 07 minutes 29 seconds West 50.50 feet; thence South 01 degrees 52 minutes 31 seconds East parallel with the said North South quarter line 220.47 feet; thence North 87 degrees 24 minutes 18 seconds East parallel with the South line of said Section 33, 226.52 feet; thence South 01 degrees 52 minutes 31 seconds East along the said North South quarter line 66.00 feet to the point of beginning.

and more particularly described on attached Exhibit "1" which is incorporated by reference.

Tax ID: 007-033-000-3900-01; and known at V/L Doerr Road, Cass City, MI 48726

This notice shall be published in the **Cass City Chronicle**, a newspaper published in the **Village of Cass City**, one time each week for three weeks immediately preceding the hearing on the petition.

The hearing on the petition will be a public hearing and all persons for or against the proposed annexation may be heard. **The hearing will be held in the Purdy Building Boardroom, 125 W. Lincoln Street, Caro, MI**, on the \_\_\_ day of \_\_\_\_\_ 2023, at \_\_\_\_ A.M., EST.



Dates: \_\_\_\_\_, \_\_\_\_\_ 2023

Jody Fetting

Clerk of the Tuscola County

Clayette Zechmeister

Administrator, Tuscola Board of  
Commissioners

Nanette Walsh

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Village Clerk  
Village of Cass City, Tuscola  
County, Michigan

**PETITION**

Village of Cass City, Michigan

The Village Council of the Village of Cass City, Tuscola County, Michigan, having heretofore adopted a resolution determining the desirability of annexing to the Village of Cass City, Tuscola County, Michigan, all of the following described lands located in the Township of Elkland, Tuscola County, to-wit:

A parcel of land being in and a part of the East half of the Southeast quarter of Section 33, Town 14 North, Range 11 East, described as commencing at the South quarter corner of said Section 33; thence North 01 degrees 52 minutes 31 seconds West along the North-South quarter line of said Section 33, 659.88 feet to the point of beginning; thence South 87 degrees 24 minutes 18 seconds West parallel with the South line of said Section 33, 394.96 feet; thence South 87 degrees 30 minutes 41 seconds West 262.42 feet measured, (262.80 recorded); thence North 01 degrees 49 minutes 53 seconds West along the previously established West one eighth line of said Section 33, 660.58 measured, (660.51 recorded); thence North 87 degrees 37 minutes 27 seconds East along the South one eighth line of said Section 33, 656.85 feet measured, (657.37 recorded); thence South 01 degrees 52 minutes 31 seconds East along the said North South quarter line 194.93 feet; thence South 88 degrees 07 minutes 29 seconds West 176.00 feet; thence South 01 degrees 52 minutes 31 seconds East parallel with the said North South quarter line 180.00 feet; thence South 88 degrees 07 minutes 29 seconds West 50.50 feet; thence South 01 degrees 52 minutes 31 seconds East parallel with the said North South quarter line 220.47 feet; thence North 87 degrees 24 minutes 18 seconds East parallel with the South line of said Section 33, 226.52 feet; thence South 01 degrees 52 minutes 31 seconds East along the said North South quarter line 66.00 feet to the point of beginning.

and more particularly described on attached Exhibit "1" which is incorporated by reference.

Tax ID: 007-033-000-3900-01; and known at V/L Doerr Road, Cass City, MI 48726

pursuant to Section 6, Chapter 14, Act 3 of 1895 of the Public Acts of the State of Michigan (MCL 74.6; MSA 5.1470) petitions the Board of Commissioners, Tuscola County, Michigan, to order the annexation in accordance with the resolution and this petition. A copy of the resolution is attached and made a part hereof.

The reasons for the annexation are fully set forth in the resolution of the Village Council of the Village of Cass City, Tuscola County, Michigan, attached hereto. The annexation is necessary to promote the business and economic development of the Village of Cass City.

Petitioner prays that the Board of Commissioners set a date for the hearing of this petition and that on the date of the hearing of the petition, the Board of Commissioners order and determine that the annexation, as proposed, be approved and that the lands above described be annexed and be incorporated within the corporate limits of the Village of Cass City, Tuscola County, Michigan.

Signed at Cass City, Michigan, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

VILLAGE COUNCIL OF THE VILLAGE OF CASS CITY

Village President

\_\_\_\_\_

Village Clerk

\_\_\_\_\_

ORDER AND DETERMINATION BY THE TUSCOLA COUNTY BOARD OF  
COMMISSIONERS  
TO ANNEX CERTAIN LANDS TO THE  
VILLAGE OF CASS CITY, MICHIGAN

WHEREAS, the Village Council of the Village of Cass City, Michigan has, by resolution, determined to petition the Board of Commissioners of Tuscola County to annex certain lands as described and also as described in said petition and resolution, to the Village of Cass City, Michigan, and

WHEREAS, the petition and resolution give as a reason for said proposed annexation that it is necessary to promote the business economy and development of the Village of Cass City, and

WHEREAS, the resolution as presented was duly signed by the President and the Clerk of the Village of  
Cass City, and

WHEREAS, notice of the hearing to be held by the Tuscola County Board of Commissioners on the question of such proposed annexation was published or posted as required by the statute, as appears by the affidavit of Nanette Walsh, Village Clerk, in the files of this matter, and

WHEREAS, the notice also contained a description of the premises to be annexed, and

WHEREAS, all persons interested have been given an opportunity to be heard at a public meeting of the  
Tuscola County Board of Commissioners, and

WHEREAS, all proceedings pursuant to Section 6, Chapter 14, of Act 3 of the Public Acts of 1895 of the State of Michigan (MCL 74.6; MSA 5.1470), have been complied with,

NOW, THEREFORE, It is ordered and determined that the following described lands in the Township of

Elkland, Tuscola County, Michigan:

A parcel of land being in and a part of the East half of the Southeast quarter of Section 33, Town 14 North, Range 11 East, described as commencing at the South quarter corner of said Section 33; thence North 01 degrees 52 minutes 31 seconds West along the North-South quarter line of said Section 33, 659.88 feet to the point of beginning; thence South 87 degrees 24 minutes 18 seconds West parallel with the South line of said Section 33, 394.96 feet; thence South 87 degrees 30 minutes 41 seconds West 262.42 feet measured, (262.80 recorded); thence North 01 degrees 49 minutes 53 seconds West along the previously established West one eighth line of said Section 33, 660.58 measured, (660.51 recorded); thence North 87 degrees 37 minutes 27 seconds East along the South one eighth line of said Section 33, 656.85 feet measured, (657.37 recorded); thence South 01 degrees 52 minutes 31 seconds East along the said North South quarter line 194.93 feet; thence South 88 degrees 07 minutes 29 seconds West 176.00 feet; thence South 01 degrees 52 minutes 31 seconds East parallel with the said North South quarter line 180.00 feet; thence South 88 degrees 07 minutes 29 seconds West 50.50 feet; thence South 01 degrees 52 minutes 31 seconds East parallel with the said North South quarter line 220.47 feet; thence North 87 degrees 24 minutes 18 seconds East parallel with the South

line of said Section 33, 226.52 feet; thence South 01 degrees 52 minutes 31 seconds East along the said North South quarter line 66.00 feet to the point of beginning.

and more particularly described on attached Exhibit "1" which is incorporated by reference.

Tax ID: 007-033-000-3900-01; and known at V/L Doerr Road, Cass City, MI 48726

are hereby annexed to the Village of Cass City, Tuscola County, Michigan, and the lands shall be considered to be included within the corporate limits of said Village.

IT IS FURTHER ORDERED that a copy of this Order and Determination to annex territory to the Village of Cass City, Michigan, shall be entered on the records of the Tuscola County Board of Commissioners and that a certified copy of this Order and Determination shall be transmitted by the Clerk of the Tuscola County Board of Commissioners to the Clerk of the Village of Cass City and to the Secretary of State, State of Michigan. This Order and Determination shall be prima facie evidence of the change of boundaries of the Village of Cass City and of the regularity to such proceedings.

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Clerk of the Tuscola County

# CERTIFICATE OF SURVEY

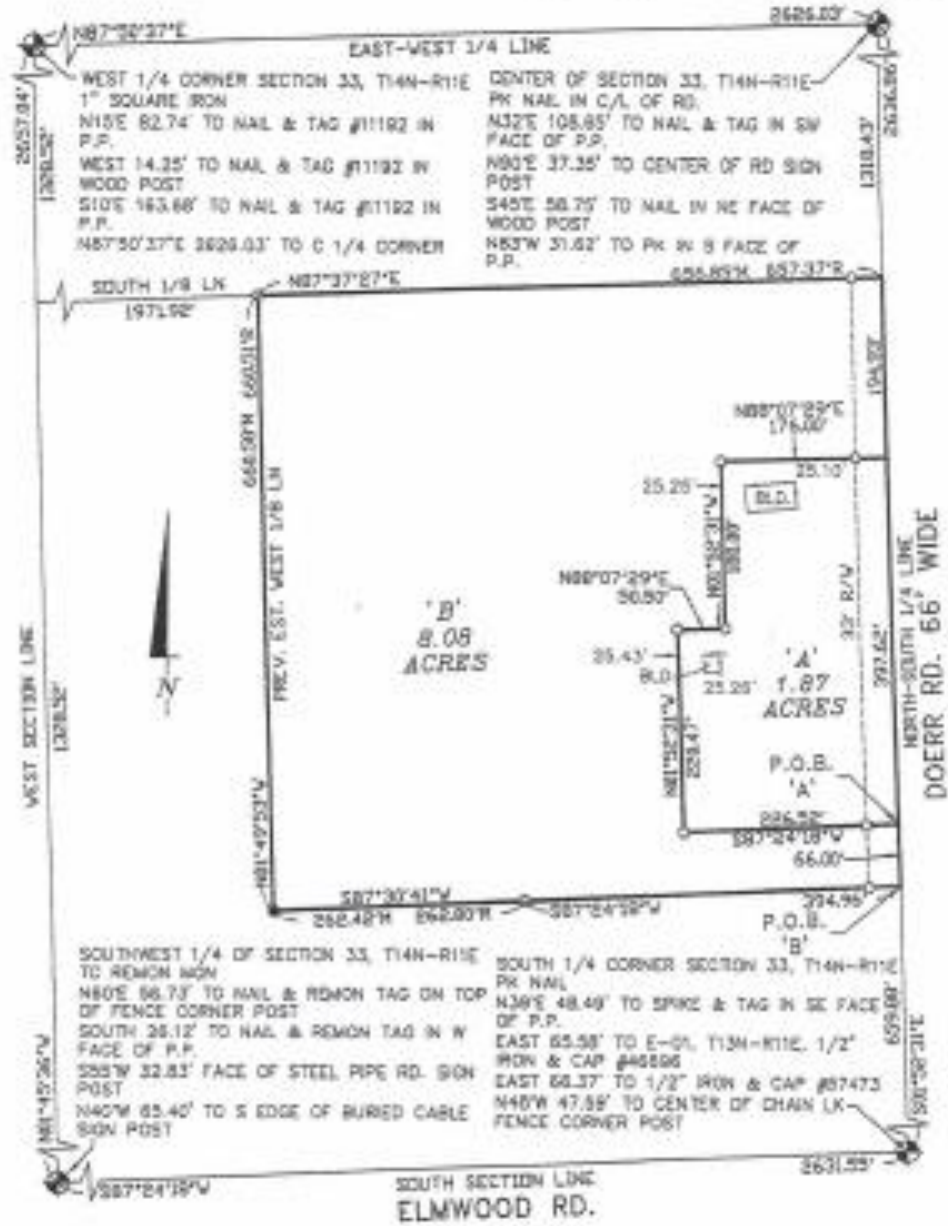
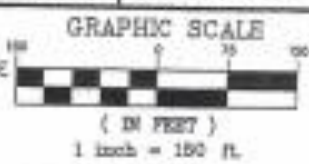
CLIENT: KELLY & CO. REALTY  
 STREET: 6451 MAIN ST.  
 CITY: CASS CITY, MI 48725

Exhibit 1

PART OF E 1/2 OF SW 1/4 OF SECTION 33, T14N-R11E | E1/2-1/4 | ELKLAND TOWNSHIP | TUSCOLA COUNTY

**NOTES:**  
 1/2" STEEL STAKES WERE PLACED AT POINTS MARKED THUS (O). FOUND STEEL STAKES AT POINTS MARKED THUS (●). PD CONC MON AT POINTS MARKED THUS (■). M = MEASURED, R = RECORD.

**BEARING BASIS:**  
 BEARINGS ARE BASED ON THE MICHIGAN STATE PLANE COORDINATE SYSTEM, MICHIGAN SOUTH ZONE, HORIZONTAL DATUM (N.A.D.83), INTERNATIONAL SURVEY FEET.



SOUTHWEST 1/4 OF SECTION 33, T14N-R11E TO REMON MON  
 N80E 56.73' TO NAIL & REMON TAG ON TOP OF FENCE CORNER POST  
 SOUTH 26.12' TO NAIL & REMON TAG IN W FACE OF P.P.  
 S05W 32.83' FACE OF STEEL PIPE RD. SIGN POST  
 N40W 65.40' TO S EDGE OF BURIED CABLE SIGN POST

SOUTH 1/4 CORNER SECTION 33, T14N-R11E PK NAIL  
 N39E 48.49' TO SPIKE & TAG IN SE FACE OF P.P.  
 EAST 65.58' TO E-01, T13N-R11E, 1/2" IRON & CAP #48896  
 EAST 66.37' TO 1/2" IRON & CAP #87473  
 N45W 47.88' TO CENTER OF CHAIN LK FENCE CORNER POST



**CASE SURVEYING**  
 115 W. HURON AVE.  
 BAD AXE, MICHIGAN 48413  
 PHONE 989 259-9142 FAX 989 259-7712  
 I HEREBY CERTIFY that I have surveyed and mapped the above or attached described parcel(s) of land, that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying, and that the survey is in full compliance with Section 3, Act 132, P.A. 1970, as amended by 1992 P.A. 163 and 2018 P.A. 183.





Drawn By: LJA Check By: LJA Date: 12-22-2022 ASB 13152 Scale: 1" = 150'  
 © 2019 CASE SURVEYING Sheet 1 of 2 Sheets

# CERTIFICATE OF SURVEY

CLIENT: KELLY & CO. REALTY  
 STREET: 8451 MAIN ST.  
 CITY: CASS CITY, MI 48726

*Exhibit 1*

PART OF E 1/2 OF SW 1/4 OF SECTION 33	T14N-R11E	ELKLAND TOWNSHIP	TUSCOLA COUNTY
<p><b>DESCRIPTION FOR PARCEL 'A' SURVEYED:</b>                  A PARCEL OF LAND BEING IN AND A PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 33, T14N-R11E, ELKLAND TOWNSHIP, TUSCOLA COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 33, THENCE N01°52'31"W ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 33, 725.88 FEET TO THE POINT OF BEGINNING; THENCE S87°24'18"W PARALLEL WITH THE SOUTH LINE OF SAID SECTION 33, 226.52 FEET; THENCE N01°52'31"W PARALLEL WITH THE SAID NORTH-SOUTH 1/4 LINE 220.47 FEET; THENCE N88°07'29"E 50.50 FEET; THENCE N01°52'31"W PARALLEL WITH THE SAID NORTH-SOUTH 1/4 LINE 180.00 FEET; THENCE N88°07'29"E 176.00 FEET; THENCE S01°52'31"E ALONG THE SAID NORTH-SOUTH 1/4 LINE 397.62 FEET TO THE POINT OF BEGINNING. THIS PARCEL CONTAINS 1.87 ACRES OF LAND. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY OF RECORD.</p>			
<p><b>DESCRIPTION FOR PARCEL 'B' SURVEYED:</b>                  A PARCEL OF LAND BEING IN AND A PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 33, T14N-R11E, ELKLAND TOWNSHIP, TUSCOLA COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 33, THENCE N01°52'31"W ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 33, 659.88 FEET TO THE POINT OF BEGINNING; THENCE S87°24'18"W PARALLEL WITH THE SOUTH LINE OF SAID SECTION 33, 394.96 FEET; THENCE S87°30'41"W 262.42'M, (262.80'R); THENCE N01°49'53"W ALONG THE PREVIOUSLY ESTABLISHED WEST 1/8 LINE OF SAID SECTION 33, 660.58'M, (660.51'R); THENCE N87°37'27"E ALONG THE SOUTH 1/8 LINE OF SAID SECTION 33, 606.85'M, (657.37'R); THENCE S01°52'31"E ALONG THE SAID NORTH-SOUTH 1/4 LINE 194.93 FEET; THENCE S88°07'29"W 176.00 FEET; THENCE S01°52'31"E PARALLEL WITH THE SAID NORTH-SOUTH 1/4 LINE 180.00 FEET; THENCE S88°07'29"W 50.50 FEET; THENCE S01°52'31"E PARALLEL WITH THE SAID NORTH-SOUTH 1/4 LINE 220.47 FEET; THENCE N87°24'18"E PARALLEL WITH THE SOUTH LINE OF SAID SECTION 33, 226.52 FEET; THENCE S01°52'31"E ALONG THE SAID NORTH-SOUTH 1/4 LINE 66.00 FEET TO THE POINT OF BEGINNING. THIS PARCEL CONTAINS 8.08 ACRES OF LAND. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY OF RECORD.</p>			

	 <p><b>CASE SURVEYING</b>                  115 W. HURON AVE.                  SAG AVE, MICHIGAN 48413                  PHONE 989 269-8142 FAX 989 269-7712</p> <p>I HEREBY CERTIFY that I have surveyed and mapped the above or attached described parcel(s) of land, that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying; and that the survey is in full compliance with Section 163, Act 132, P.A. 1970, as amended by 1992 P.A. 163 and 2018 P.A. 193.</p>	 <p>LAURENCE J. WADE                  License No. 4001046698                  PROFESSIONAL SURVEYOR</p>			
Drawn By: LW	Check By: LW	Date: 12-22-2022	Job No: 13152	Scale: N/A	LAURENCE J. WADE P.S. 45886

**GENERAL APPROPRIATIONS ACT – ADOPTING THE  
2023 TUSCOLA COUNTY BUDGET (Calendar Fiscal Year)**

WHEREAS, The Tuscola County Board of Commissioners has examined the financial reports and budget requests for 2023 of the various departments, agencies, offices, and activities (“Budgetary Centers”) which it, by law or by policy, must finance or assist in financing;

WHEREAS, The Board has taken into consideration the fact that there are certain required functions of county government or operations, which must be budgeted at serviceable levels in order to provide statutory and constitutionally required services and programs;

WHEREAS, The Uniform Budgeting and Accounting Act (“UBAA”), MCLA 141.421, et seq., requires that the Board enact a General Appropriation Act designed to appropriate for all county expenditures;

WHEREAS, The Board has reviewed the recommended budget for 2023 and believes the same to contain funds sufficient to finance all mandatory county funded services at or beyond a serviceable level;

NOW THEREFORE, BE IT RESOLVED, that the 2023 Tuscola County Budget, as detailed in the document attached which is incorporated by reference herein, is hereby adopted on a fund, activity, and line-item basis, subject to all County policies regarding the expenditure of funds and the conditions set forth in this resolution.

BE IT FURTHER RESOLVED #1, a public hearing has been held on the proposed 2023 budget following notice as required by law, including notice concerning the millage rates to be levied as required by the Uniform Budgeting and Accounting Act, P.A. 2 of 1978, as amended, the following tax rates are hereby authorized, certified, and reaffirm the previously adopted rates for the 2022 tax year (2023 Budget Year) for a total county levy of 8.3121 mills as listed in detail below:

**2022 AUTHORIZED TAX RATES – 2023 BUDGET**

<b>Purpose</b>	<b>Millage</b>	<b>Fund</b>
General Government Operations	3.9141	General Operating
County Bridge & Local Streets	0.4807	Bridge
Senior Citizens	0.3200	Senior Citizens
Recycling	0.1500	Recycling
Medical Care Facility	0.2500	Voted Medical Care
Road Patrol	1.3300	Road Patrol
Primary Roads/Streets	0.9657	Primary Roads
Mosquito Control	0.6316	Mosquito Control
Veteran’s	0.1700	Veteran Services
MSU-Extension	0.1000	MSU-Extension
<b>Total</b>	<b>8.3121</b>	

BE IT FURTHER RESOLVED #2, that each budgetary center shall limit expenditures within the appropriations and accounts authorized and for purposes consistent with the name of the account, and shall not attempt to expend funds that will result in an account deficit or at a rate that will eventually result in an account deficit;

BE IT FURTHER RESOLVED #3, that in order to expedite ongoing budget amendments, the County Controller/Administrator shall have the authority to transfer up to \$5,000 between non-wage/fringe benefit accounts within an adopted activity (departmental) budget without approval of the Board of Commissioners. However, any increase in a total activity budget appropriation requires Board of Commissioner approval.

BE IT FURTHER RESOLVED #4, that the Board is appropriating to the Child Care Funds with the understanding that such sums are reasonable and necessary for the Probate (Family) Court and Department of Human Services to meet critical needs in an adequate manner and without waiving the County's entitlement to 50% reimbursement from the State of Michigan as mandated by Michigan's Constitution;

BE IT FURTHER RESOLVED #5, that the sum of **\$64,894,809** as set forth in the budget adopted by this Board is hereby appropriated for the use by departments and for the use of defraying and paying boards of the County of Tuscola for all costs and expenses for the fiscal year beginning January 1, 2023 and ending December 31, 2023;

BE IT FURTHER RESOLVED #6, that said sums appropriated to and shall be available for expenditures from several funds in accordance with the law, and no obligation or liability shall be incurred, nor any vouchers drawn in payment thereof by any county department, which shall be confined to the objects or categories of expenditures and shall not exceed the amount appropriated therefore, as set forth in the categories of said budget;

BE IT FURTHER RESOLVED #7, that all County elected officials and county department heads shall abide by County Policies, as adopted and amended by this Board, and that these budgeted funds are appropriated contingent upon compliance with all financial and other policies of the County (Official copy of all county policies maintained in the Controller/Administrator's Office);

BE IT FURTHER RESOLVED #8, that all the approved full time and part time positions identified for various departments and funds in the budget, shall limit the number of employees who can be employed and no funds are appropriated for any position or employee not in the 2023 budget document. Further, there may be a need to increase or decrease various positions within the budget and/or impose a hiring freeze and/or impose lay-offs due to the unforeseen financial changes; therefore, the number of authorized full time and part time positions in the budget may be changed from time to time by the Board and/or the Board. The County elected officials and County department heads shall abide by whatever changes are made by the Board, if any, relative to the approved positions and the number of employees;

BE IT FURTHER RESOLVED #9, that certain positions contained in the budget which are supported in some part by a grant, cost-sharing, child care reimbursement, or other source of outside funding, are only approved contingent upon the County receiving the budgeted revenues. In the event outside funding is not received, then said positions shall be considered unfunded and removed from the budget as necessary;



BE IT FURTHER RESOLVED #10, that revenues received by the County under Public Act 106 and 107, 1985 (Convention Facility tax revenues) shall not be used to reduce the County's operating millage levy as defined by Public Act 2, 1986;

BE IT FURTHER RESOLVED #11, that in the event the Board imposes a hiring freeze and vacancies occur during the existence of that hiring freeze, the vacancies shall be considered and hereby declared to be vacated positions. Said vacated positions shall not be refilled except by specific Board authorization. Further, the existence of a hiring freeze which may be imposed by the Board shall be, and is hereby declared to be, contingent upon the expenditure of budgeted funds, as well as the position specifically listed on the approved position roster list;

BE IT FURTHER RESOLVED #12, that in accordance with Public Act 106 of 1985 and Public Act 2 of 1986, if 50% of the estimated Convention Facility Tax revenues are not used to reduce the County's operating tax rate, then these funds shall be transmitted to the Substance Abuse Coordinating Agency with remaining revenues to be deposited in the County's general fund;

BE IT FURTHER RESOLVED #13, that the revenues received by the County under Public Act 264 of 1987 (Health and Safety Fund Act) shall not be used to reduce the County's operating millage levy;

BE IT FURTHER RESOLVED #14, that in accordance with Public Act 264 of 1987, that 12/17 of the estimated Cigarette Tax revenues not used to reduce the County's operating tax rate shall be used for other purposes specified by Public Act 264 of 1987, with the remaining revenues generated by PA 264 of 1987 to be used for other General Fund expenditures;

BE IT FURTHER RESOLVED #15, that the Controller/Administrator be, and is hereby appointed, Budget Administrator pursuant to the Uniform Budgeting and Accounting Act, MCLA 141.421 et. seq., with power to administer such duties in connection with said budget, and may from time to time, be delegated to the Office of Controller/Administrator by the Board of Commissioners;

BE IT FURTHER RESOLVED # 16, that the Budget Administrator be directed to disburse to the various agencies, the approved County appropriation on the basis of need as determined by the cash balances within their respective funds;

BE IT FURTHER RESOLVED #17, that the Controller/Administrator is authorized to establish funds, activities, and line item accounts as necessary under the State Uniform Chart of Accounts to maintain effective financial accounting of county operations;

BE IT FURTHER RESOLVED #18, that inter-fund transfers are automatically approved on a quarterly basis in January, April, July, and October based on the quarterly transfer schedule included in the annual County Budget unless otherwise changed by the Tuscola County Board of Commissioners. Notification of any changes shall be submitted by the Controller/Administrator to the appropriate accounting offices;

BE IT FURTHER RESOLVED #19, that claims shall be paid by the Statutory Finance Committee following the normal claims approval process unless other payment provisions

have been made by County Board action. By previous Board action, the Board Chairperson and Finance Chairperson have the authority to approve payment of claims in advance of the regular claims approval process in situations to avoid not meeting payment deadlines, to avoid interest penalty charges and other situations deemed necessary by the Board Chairperson and Finance Chairperson;

BE IT FURTHER RESOLVED #20, that Maintenance of Effort payments may be paid from the Voted Medical Care Facility Fund #298 upon signature of the Medical Care Facility Director. Said claim is a fixed per day amount paid by the County to the State for patients housed at the facility;

BE IT FURTHER RESOLVED #21, that in conformance with the Uniform Budgeting and Accounting Act, the budget includes the following information;

- 1) Expenditure data for the most recently completed fiscal year.
- 2) An estimate of the expenditure amounts required to conduct, in the ensuing fiscal year, the government of Tuscola County.
- 3) Revenue data for the most recently completed fiscal year.
- 4) An estimate of the revenues, by source of revenue, to be raised or received by Tuscola County in the ensuing fiscal year.
- 5) The amount of surplus or deficit that has accumulated from prior fiscal years, together with an estimate of the amount of surplus or deficit expected in the current fiscal year.
- 6) An estimate of the amount needed for deficiency, contingent, or emergency purposes, and the amounts needed to pay and to discharge the principal and interest of the debt of Tuscola County due in the ensuing fiscal year.
- 7) The amount of proposed capital outlay expenditures, except those financed by enterprise, public improvement, or building and site, or special assessment funds, including the estimated total cost and proposed method of financing of each capital construction project and the projected additional annual operating costs of each capital construction project, and the projected additional annual operating cost of each capital construction projected for three (3) years beyond the fiscal year covered by the budget.

# TUSCOLA COUNTY BOARD OF COMMISSIONERS BOARD RULES OF ORDER



REVISED AND ADOPTED  
MARCH 25, 2021

BOARD OF COMMISSIONERS  
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 Revised March 25, 2021

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**1 PURPOSE**

These rules are adopted by the Board of Commissioners of Tuscola County pursuant to Section 46.11 of the Compiled Laws of Michigan, as amended.

**2 MEETINGS**

**2.1 Organizational Meeting**

The first meeting in each calendar year shall be the organizational meeting. At each such meeting, the County Clerk shall preside at the start of the meeting. The organizational meeting may be held in December of the current year provided all current Commissioners remain unchanged for the next two-year term. If there are any Commissioner changes for the next two-year term, then the organizational meeting shall be held within 72 hours after New Year's Day.

The first item of business shall be election of the Chairperson of the Board. There are two procedural steps related to electing the Chairperson that have to be decided prior to conducting the election:

The Board Chairperson shall be elected each odd numbered year for a 2-year term, unless the Board provides by resolution that the Chairperson shall be elected annually to a 1-year term. The Board needs to make a decision on this term length. If no action is taken, the Michigan law states the term shall be for 2-years.

The Board also needs to make a decision regarding the potential use of a secret ballot. State law provides that the vote of the Chairperson may be accomplished by way of a secret ballot. If the Board chooses to conduct the election of the Board Chairperson by secret ballot, a majority of the Board must first vote to do so.

Unless a secret ballot is chosen, the Clerk shall call for nominations for the office of Chairperson and when nominations are closed by majority vote or no other nominations are forthcoming, the Clerk shall call for a vote. When one nominee receives a majority of the votes of the members elected and serving, the nominee shall be declared Chairperson.

The next order of business is to proceed with the election to the office of Vice-chairperson, which shall be conducted by roll call vote.

There is no statutory provision for the election of the Vice-chairperson by secret ballot or to have a 2-year term, therefore the Vice-chairperson is elected for a 1-year term.

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**2.2 Regular Meetings**

At its first meeting in each calendar year, the Board of Commissioners shall establish its schedule including meeting times of regular meetings for the balance of the year.

**2.3 Special Meetings**

The Board of Commissioners shall meet in special session upon the call of the Chairperson of the Board. The Chairperson may convene a meeting of the Board upon his or her discretion. Notice shall be given as provided in Rule 3.3.

**2.3.1 Alternate means of Calling a Special Meeting**

As an alternate means of calling a special meeting, upon the written petition filed with the County Clerk and signed by one-third or more of the members. The petition for a special meeting shall specify the time, date, place, and purpose of the meeting.

**2.4 Emergency Meetings**

Emergency meetings of the Board of Commissioners may be held only with the approval of two-thirds of the members of the Board and only if delay would threaten severe and imminent danger to the health, safety, and welfare of the public. A meeting is defined as an emergency meeting only if it must be held before public notice as provided in Rule 3.3 can be given. Actions taken at an emergency meeting should be ratified at the next publicly noticed meeting.

**2.5 Place of Meetings**

Meetings of the Board of Commissioners shall be held in the chambers of the HH Purdy Building (125 W. Lincoln Street, Caro) unless public notice of the meeting states a different location. Whenever the regular meeting place of the Board shall appear inadequate for members of the public to attend, the Chairperson may change the meeting location to a larger facility in the county. A notice of such change shall be prominently posted on the door of the regular meeting place.

**2.6 Time of Regular Meetings**

The time of regular meetings shall be stated in the regular schedule of meetings adopted under Rule 2.2. Matters on the agenda and not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or special meeting if one is called.

**2.6.1 Change in Schedule**

Change in the regular meeting schedule shall not be made except upon the approval of a majority of the members. In the event the Board shall meet and a quorum is not present, the Board, with the approval of those present, may adjourn the meeting to a later day and time provided that proper notice to members and the public is given.

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**3 PUBLIC NOTICE OF MEETINGS**

The County Clerk shall provide the proper notice for all meetings of the Board. Such notice shall include, but not necessarily be limited to the following:

**3.1 Regular Meetings**

Posting a notice within 10 days after the first meeting of the Board in each calendar year indicating the date, time, and place of the Board's regularly scheduled and committee meetings.

**3.2 Schedule Change**

Whenever the Board shall change its regular Board schedule of meetings, a posting of notice of the change will be done by the Clerk within three days following the meeting in which the change was made. Committee meeting changes from the original schedule will be posted by the Controller/Administrator's Office.

**3.3 Special and Emergency Meetings**

If the Board shall schedule a special meeting under Rule 2.3 or an emergency meeting under Rule 2.4, notice of such meeting shall be posted immediately by the Clerk. No meeting, except emergency meetings, shall be held until the notice shall have been posted at least 18 hours. Commissioners will be notified by written or telephone communication of said meeting.

**4 QUORUM, ATTENDANCE, CALL OF THE COUNTY BOARD, COMPENSATION**

**4.1 Quorum**

A majority of Commissioners of the Board, elected and serving, shall constitute a quorum for the transaction of ordinary business of the Board.

**4.2 Attendance**

No member of the County Board may absent himself or herself without first having notified the Chairperson of his or her intent to be absent from a scheduled meeting.

**4.3 Compensation**

Commissioner compensation shall be reviewed at least once no later than July of election years to determine if compensation changes will be implemented for the Board of Commissioners taking office January 1<sup>st</sup> of odd numbered years.

**5 AGENDA FOR MEETINGS**

**5.1 Agenda Preparation Responsibility**

The Controller/Administrator, after first reviewing pending matters and requests, shall prepare a draft of the agenda of business for all regularly scheduled Board of Commissioners, committee, and other meetings. The Chairperson of the Board or Chairperson of the respective committee shall review and add or delete items, as he or

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she considers proper. Unanticipated agenda items that require discussion or decisions may be covered under the other business as necessary (see 5.5.1 note) agenda reference. It is each individual's responsibility to attend the meeting to understand other business items that may be covered.

**5.2 Distribution of Regular Board of Commissioner Agenda and Materials**

Upon completion of the agenda for the regular Board meeting, the Controller/Administrator shall immediately distribute to Commissioners copies of the agenda together with copies of reports, etc. which shall relate to matters of business of the agenda.

Unless extenuating circumstances arise, a paper copy of the agenda and attachments will be sent enough in advance of the scheduled meeting date to allow Commissioner review prior to the meeting. A paper copy of the complete agenda and attachments is made available in the Controller/Administrator's Office. An electronic copy of the agenda and attachments is also made available on the county web site at: [www.tuscolacounty.org](http://www.tuscolacounty.org). The Controller/Administrator's office electronically notifies all Elected Officials, Department Heads and other requesting parties when agendas are available on the website.

It is stressed that other agenda items may be added the day of the meeting. Also, certain items may be covered under the agenda heading "other business."

**5.3 Distribution of Committee Meeting Agendas**

Committee agendas (in draft form) will be made available electronically via the county website **and/or faxed** in advance of the scheduled meeting. The Controller/Administrator's Office also notifies all Elected Officials, Department Heads and other requesting parties when the agenda is available on the website. It is stressed that other agenda items may be added the day of the meeting. Also, certain items may be covered under the agenda heading "other business as necessary (see note on 5.5.1)." There may be extenuating circumstances where it is not possible to distribute the agenda in advance of the meeting.

**5.4 Consent Agenda**

The Board shall use a "Consent Agenda" according to the resolution and rules approved by the Board on January 25, 2000. The consent agenda motions will be prepared by the Controller/Administrator's Office.

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**5.5 Order of Business**

**5.5.1 Board Meetings**

The order of business at all Board meetings shall follow the following agenda, unless the Board approves modifications during the “Agenda” section of the meeting:

- a. Call to Order
- b. Prayer
- c. Pledge of Alliance
- d. Roll Call
- e. Adoption of Agenda
- f. Action on Previous Meeting Minutes
- g. Brief Public Comments – Agenda Items Only
- h. Consent Agenda
- i. New Business
- j. Old Business
- k. Correspondence
- l. Committee and Liaison Reports
- m. Other Business as Necessary
- n. Extended Public Comment
- o. Adjournment

**5.5.2 Committee of the Whole**

The order of business at all Committee of the Whole meetings shall follow the following agenda, unless the Board approves modifications during the “Agenda” section of the meeting:

- a. Call to Order
- b. Roll Call
- c. County Updates
- d. New Business
- e. Old Business
- f. Primary Finance/Technology
- g. On-Going and Other Finance and Technology
- h. Primary Building and Grounds
- i. On-Going and Other Buildings and Grounds
- j. Primary Personnel
- k. On-Going and Other Personnel
- l. Other Business as Necessary
- m. On-Going Other Business as Necessary
- n. Public Comment Period
- o. Adjournment

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## **6 CONDUCT OF MEETINGS**

### **6.1 Chairperson**

The person elected Chairperson in the first meeting each year of the Board shall preside at all meetings of the Board. In the absence of the Chairperson, the person elected Vice-chairperson shall preside. If neither the Chairperson nor the Vice-Chairperson is present, the clerk shall preside until the Commissioners present elect a Commissioner to preside during the absence of the Chairperson or Vice-chairperson.

### **6.2 Form of Address**

Any person, including Board members, wishing to speak at a meeting shall first obtain the approval of the Chairperson and each person who speaks shall address the Chairperson, and not other members of the audience, other Commissioners or staff in attendance.

### **6.3 Disorderly Conduct**

The Chairperson shall call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, by speaking vulgarities, or by violating Board rules. Such person shall there upon be seated until the Chairperson shall have determined whether the person is in order. If a person so engaged in presentation shall be ruled out of order, he or she shall not be permitted to speak further at the same meeting except upon special leave by the Board of Commissioners. If the person shall continue to be disorderly and to disrupt the meeting, the chairperson may order the person to leave the meeting. Since the purpose of the meeting is to discuss public business, and not address individual personalities, "personal attacks" on government officials are prohibited and shall be considered "out of order".

### **6.4 Brief and Extended Public Comment Period**

#### **6.4.1 Brief Public Comment Period**

A brief public comment period will be provided early on the Board Agenda for agenda items only. Comments during this period will be limited to 3 minutes unless this time is waived by the Chairperson.

#### **6.4.2 Extended Public Comment Period**

An extended public comment period will be provided later on the agenda. Comment during this period will be limited to 5 minutes unless this time is waived by the Chairperson.



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**6.5 Procedures to Address the Board**

Any person who addresses the Board shall state their name and their city/township of residence for the record. When there are many people who desire to address the Board, the Chairperson may implement other reasonable rules for public participation, including but not limited to requiring the completion of a written request to speak at the meeting.

**7 RECORD OF MEETINGS**

**7.1 Minutes and Official Records**

The County Clerk shall be clerk of the Board and shall be responsible for maintaining the official record and minutes of each meeting of the Board. The minutes shall include all the actions and decisions of the Board. The minutes shall include the names of the mover and seconder and the vote of the Commissioners. The record shall also state whether the vote was by voice or by roll call; when by roll call, the record shall show how each member voted. The Clerk shall maintain, in the Office of the Clerk, copies of each resolution and ordinance or other matter acted upon by the Board. The official minutes, however; may refer to those matters by an identifying number and the descriptive title of the ordinance, resolution/motion, or other matter.

**7.2 Record of Discussion**

The Clerk shall not be responsible for maintaining a written record or summary of the discussion or comments of the Board members nor of the comments made by the members of the public.

**7.3 Request for Remarks to Be Included**

Any Commissioner may have his or her comments printed as part of the record upon the concurrence of a majority of the other members. Comments to be included in the record shall be provided in writing by the member.

**7.4 Public Access to Meeting Records**

The Clerk shall make available to members of the public the records and minutes of the Board meetings in accordance with the Freedom of Information Act. Draft Board minutes, prepared but not approved by the Board, shall be available for public inspection not more than eight business days following the meeting. Minutes approved by the Board shall be available within five business days of the meeting at which they were approved. **The Board shall also promptly mail copies** of minutes to persons who have subscribed and paid the fee therefore as determined by the Board, consistent with any requirements of the Freedom of Information Act.

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**7.5 Board Stationery**

County Board stationery cannot be used for personal Commissioner use unless approved by the Full Board of Commissioners.

**8 COMMITTEES**

**8.1 Committee of the Whole**

All Commissioners shall serve on a Committee of the Whole which will be advisory only but responsible for making recommendations to the Board but not decisions for the Board. The Committee of the Whole may have topic leaders whereby a Commissioner is assigned to lead topics areas such as finance, personnel, building and grounds, etc. The Board Chair can assign topics to Committee of the Whole. The County Clerk shall keep minutes of these meetings. The Committee of the Whole agenda and the consent agenda motions will be prepared by the Controller/Administrator's Office.

**8.2 Statutory Finance Committee**

A Statutory Finance Committee (consisting of all five Commissioners) will be responsible for review and approval of all claims and per diems. In the event that the Statutory Finance Committee meets in a continuous meeting setting with the Full Board or a Committee of the Whole meeting, the Statutory Finance Committee meeting shall be separately called, opened and adjourned, and separate minutes shall be kept. The Controller/Administrator's Office will prepare the agenda for the meeting. The County Clerk must keep the minutes of this meeting. The County Clerk will maintain minutes of all Statutory Finance Committee meetings and shall make them available to necessary parties and they shall be included with each Board packet.

**8.3 Grievance Committee**

Two Commissioners will be appointed and serve on the union contract grievance committee as needed.

**8.4 Commissioner Appointments**

The Board Chairperson shall appoint Commissioners to various boards and commissions and in certain cases as a liaison to boards and commissions.

**9 CLOSED MEETINGS**

**9.1 Closed Meeting Vote Record**

The vote to hold a closed meeting shall be recorded in the minutes of the meeting at which the decision was made.

**9.2 Reasons for Closed Session**

The Board of Commissioners may meet in closed session, closed to members of the public, upon the motion of any member and roll call approval by two-thirds of the members for the following purposes:

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**9.2.1**

To consider the purchase or lease of real property, until an option to purchase or release that property is obtained.

**9.2.2**

To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the County Board.

**9.2.3**

To consider a County attorney's written opinion.

**9.2.4**

To review the specific contents of an application for employment to a county position and the applicant requests that the application remains confidential. Whenever the Board meets to interview an applicant, the meeting shall be open to the public.

**9.2.5 Other Reasons**

The Board may also meet in closed session for the following reasons without the requirement of a two-thirds vote:

**9.2.5.1**

To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee, staff member, or individual agent if the named person requests a closed hearing. If the person rescinds his or her request for a closed hearing the matter at issue shall thereafter be considered only in open public meeting.

**9.2.5.2**

To consider strategy connected with the negotiation of a collective bargaining agreement.

**9.2.5.3**

To consider any other matter authorized as a topic of a closed meeting by the Open Meetings Act, upon the proper vote specified therein.

**9.3 Minutes, Closed Meetings**

Generally, the County Clerk shall prepare the minutes for closed meetings. If the Board Chair determines that it would be inappropriate for the Clerk to attend the closed meeting, he shall designate another party to take the minutes. The County's attorney may review the draft minutes of the Closed Meeting. The minutes are to be sealed and

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kept in the County Clerk's office. Such minutes may but do not have to be approved by the Board. The minutes shall not be disclosed to the public except upon the order of a court. Closed session minutes are not to be destroyed unless ordered by the Court.

**10 MOTIONS AND RESOLUTIONS**

**10.1 Statement by Chairperson, Motions, and Resolutions**

No motions or resolution shall be adopted until the presiding officer states the motion. All motions, except procedural motions and resolutions, may be required to be in writing upon the demand of any member. A request to recess for the purpose of writing out a motion or resolution shall be in order.

**10.2 Rank of Motions**

- a. Privileged Motions
- b. Fix the time to which to adjourn (to set the time for next meeting)
- c. Adjourn
- d. Recess
- e. Raise a question of privilege
- f. Call for orders of the day

**10.3 Subsidiary Motions**

- a. Lay on the table
- b. Call the previous question (immediately to close debate and making of subsidiary motions except lay on the table)
- c. Limit or extend the limits of debate
- d. Postpone to a certain time (postpone definitely)
- e. Refer to a committee
- f. Amend the main motion
- g. Postpone indefinitely
- h. Clear the floor of all motions

**10.3.1 Main Motion**

**10.3.2 Non-debatable Motions**

The motions to fix the time of the next meeting, adjourn, recess, point of privilege, call for orders of the day, to table, vote immediately, limit or extend debate shall be ordered and voted upon without debate.

**10.4 Procedural Motions**

**10.4.1 Motion to Reconsider**

The motion to reconsider shall be in order on any question that the Board has decided, but no question shall be reconsidered more than once. The motion to reconsider shall be in order on the same day as the vote to be reconsidered was taken, or at the following meeting. The motion to reconsider shall be made

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only by a member who voted with the prevailing side. A motion to reconsider a motion to amend shall not be in order if the main question has been voted upon. If the Board has adopted a motion to reconsider, however, motions to amend shall be in order.

**10.4.2 Motion to Clear the Floor**

The motion to clear the floor may be made by the Chairperson or a member, whenever procedural matters have become sufficiently confused. If the motion to clear the floor has been adopted, it shall clear the floor of all motions as though they have been withdrawn. The motion shall not be subject to debate nor, if adopted, to reconsideration.

**10.4.3 Temporary Suspension of the Rules**

These rules may be suspended temporarily at any time by vote of two-thirds of the members elected and serving to achieve any legal objective of the Board in a legal manner.

**10.4.4 Appeal Rulings of the Chairperson**

Any Commissioner may appeal the ruling of the Chairperson. On all appeals receiving a second, the question shall be "Shall the decision of the Chairperson stand as the decision of the County Board of Commissioners?"

**11 VOTING**

**11.1 Abstaining from Voting**

Whenever the Chairperson puts a question to the members, every Commissioner present shall vote on the question. If a Commissioner present does not respond to the call for the voice vote, his or her vote shall be recorded as an affirmative vote, unless good cause is shown for abstaining. If there is abstention or a nay vote, there shall be a roll call vote.

**11.2 Officials Not to Benefit**

**11.2.1 Conflicts of Interest, County Commissioners**

County Commissioners shall comply with all requirements of MCL 15.322, Public Servants Contracting with the Public Entity they serve.

**11.2.2 Conflicts of Interest, Other Board, Commission, Authority or Committee Members.**

Any person who serves on any County board, commission, authority, special or advisory committee and who qualifies as a public servant shall not be a party, directly or indirectly, to any contract between himself or herself and the public entity of which he or she is an officer or employee and shall comply in all respects with MCL 15.322, Public Servants Contracting with the Public Entity the Serve.

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**11.3 Roll Call Votes**

The names and votes of Commissioners shall be recorded on Board actions to adopt final measures such as ordinances, resolutions, appointment or election of officers, etc. The election of the Board Chairperson may be by secret ballot with the approval of a majority of Commissioners present. Upon the demand of one-fifth of the Commissioners, a roll call vote shall be taken on other motions and actions.

**11.4 Voting Via Voice**

When in the judgment of the Chairperson, the Board of Commissioners will cast a unanimous vote on the question on the floor, the Chairperson may put the question to the members by stating: "Without objection, the Chair will direct the Clerk to enter a unanimous affirmative (or negative) vote on the question. Is there objection? Hearing none, the Clerk is directed to enter a unanimous affirmative (or negative) vote on the question." At this point, the Clerk shall enter an affirmative (or negative) vote for each of the members present.

If any member objects, he or she should do so aloud. Whereupon the Chairperson shall direct the Clerk to call the roll.

**11.5 Votes Required**

Procedural and other questions arising at a meeting of the Commissioners, except for those decisions required by statute to have a higher majority, shall be decided by a majority of the members present. A majority of the members elected and serving shall be required for final passage or adoption of a measure, resolution, or the allowance of a claim.

**12 PARLIAMENTARY AUTHORITY**

Robert's Rules of Order (Newly Revised) shall govern all questions of procedure not otherwise provided by these rules or by state or federal law. The legal counsel to the Board or other person so designated by the Board shall serve as the Board's parliamentarian and shall advise the presiding officer regarding rules of procedure.

**13 INTRODUCTION AND ADOPTION OF ADMINISTRATIVE RESOLUTIONS**

**13.1 Definition**

Any action regarding the operation or administration of a department of the county government or containing policies of the Board of Commissioners applicable to one or more departments of the county, and not adopted as an ordinance, shall be declared administrative policy.

**13.2 Introduction**

Any Commissioner may introduce an administrative resolution at any regular or special meeting of the Board of Commissioners in the regular order of business.



BOARD OF COMMISSIONERS  
RULES OF ORDER  
TUSCOLA COUNTY, MICHIGAN  
Revised March 25, 2021

**13.3 Order for Consideration**

The regular order for consideration of proposed administrative resolutions shall be:

**13.3.1 Introduction**

Introduction first reading by title, and reference to the appropriate committee, as determined by the Board Chairperson.

**13.3.2 Report**

Report by the committee considering the proposal and placement on the agenda under new business – adoption of resolutions.

**13.3.3 Full Board**

Full Board discussion and vote. Each member shall be given opportunity to discuss the resolution and offer such amendments as he or she shall consider appropriate. Amendments shall be made in the following forms:

“I move to amend by striking the following (sections or words).”

“I move to amend by striking the following (sections and words) and inserting the following (sections or words).”

“I move to amend by inserting the following (lines or words) after (describe the location).”

“I move to amend by adding the following (lines or words) after (describe the location).”

Before calling for a vote on the proposed amendment, the Chairperson shall direct the Clerk to read the proposed amendment and to state how the section or sentence will read if the amendment is approved. Thereafter, the Chairperson shall call the question on the amendment.

**13.3.4 Form**

Each administrative resolution shall conform to the form required for introduction and adoption.

**13.5 Committee Review**

The Chairperson of the Board shall refer all proposed administrative resolutions to an appropriate committee of the Board. The committee shall review the proposal and invite effected departments of the county to comment and offer explanations. The committee, in its report, shall include a summary of the comments and objections to the resolution. Any administrative resolution reported without recommendation shall automatically lie on the table until ordered removed by the Board.

**13.6 Adoption**

The Board of Commissioners may adopt the committee recommendation or refer the report to a standing committee where further consideration can be given. On the final adoption of a proposed amendment, the vote shall be taken by a record roll

BOARD OF COMMISSIONERS  
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TUSCOLA COUNTY, MICHIGAN  
Revised March 25, 2021

call or in accordance with Rule 11.3. A majority of the Commissioners elected and serving shall be required for adoption, unless a statute requires a larger number of votes to adopt the policy.

**13.7 Notification**

Upon the final adoption of an administrative resolution, the Board Clerk shall notify each county Elected Official and Department Head of the Board action. Such notification shall be by title or summary. The Board Clerk shall make available a copy of the full administrative resolution.

**13.8 Record of Administrative Resolutions**

The Clerk shall keep a copy of each administrative resolution of the Board in a separate file or book with appropriate subcategories according to subjects covered. The record of each administrative resolution shall provide the date of adoption, the record vote of each Commissioner, and any amendments thereto adopted by the Board.

**14 INTERPRETATION & OPERATION**

**14.1 Intent Controls**

These Rules shall be interpreted in a manner to effectuate their intent, and as a general rule, form should not be elevated over substance.

**14.2 Coordination**

Wherever possible, these Rules should be interpreted in a manner consistent with State law and County ordinance.

**14.3 Severance**

If any Rule herein is determined to be unlawful, it shall be struck, and the remaining Rules shall continue in full force and effect.

**14.4 Ratification**

In the event that a Board action shall be declared invalid because of a failure to follow these Rules, the Board shall have the right to ratify the action and to make such ratification Nunc pro tunc (effective as of the original date of the defective action).

**14.5 Amendment**

The Board may amend these Rules at any time upon a majority vote of the members serving.



PO Box 240 / Caro MI 48723  
Ph: 989-673-4157 | E: tuscolacounty@ctyfb.com

February 3, 2023

Tuscola County Board of Commissioners  
125 W. Lincoln St. Ste 500  
Caro, MI 48723

Dear Board of Commissioners,

The Tuscola County Farm Bureau Public Policy Committee invites you to attend a breakfast meeting on Tuesday, February 28, 2023, from 8 a.m. to 10 a.m. at Beagio's, 5795 Sanilac Rd, Kingston. The complimentary breakfast will begin promptly at 8 a.m.

The purpose of this meeting is to discuss state and national issues of concern. We have invited State Representatives Greg Alexander, Matt Bierlein and Phil Green, Congresswoman Lisa McClain, Senators Kevin Daley and Dan Lauwers, the Tuscola County Road Commissioners, County Commissioners, Drain Commissioner, Tuscola County Clerk, Township Supervisors and clerks, the Tuscola County Farm Bureau Board of Directors and other Farm Bureau members.

Please RSVP to 989-673-4157 or [dfoley@ctyfb.com](mailto:dfoley@ctyfb.com) by Monday, February 20, 2023. We look forward to visiting with you.

Sincerely,

*Nathan Beyerlein*

Nathan Beyerlein, Chair  
Public Policy Committee

dlf

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# Legislative Update 1-27-23

WRITTEN BY [DEREK MELOT](#) ON JANUARY 27, 2023. POSTED IN [BLOG](#), [EVENTS](#), [LEGISLATIVE](#), [MAC NEWS](#), [MACSC](#), [MARKETING](#), [NACO](#)

## Tax votes could mean billion-dollar reduction to state's General Fund

Major changes to Michigan's income tax collections, with the potential to reduce the state General Fund by approximately \$1 billion for the next budget year, crossed between legislative chambers this week.

The House and the Senate moved their own versions of bills that would roll back the tax on public pension income and increase the Earned Income Tax Credit (EITC) for low- to moderate-income families.



On the EITC, the Senate plan ([Senate Bill 3](#) by Sen. Kristen McDonald Rivet, D-Bay) would increase the allowable state income tax credit from 6 percent to 30 percent of the allowable federal EITC. The House version ([House Bill 4002](#) by Rep. Nate Shannon, D-Macomb), would increase the allowable state credit to 20 percent.

The Senate version would remove about \$440 million from the state's General Fund in FY23, as it is written to be retroactive to the 2022 tax year. Estimates on the House version have not been released.

MAC anticipates more negotiations between the House and the Senate before a final version will be prepped for the governor.

On pensions, both [HB 4001](#), by Rep. Angela Witwer (D-Eaton) and [SB 1](#), by Sen. Kevin Hertel (D-Macomb) target taxation on pension income imposed by the state in 2011.

The reduction in General Fund revenue would be around \$500 million once changes in either bill are in full effect. At present, SB 1 would go into full effect for the current state budget year, while HB 4001 would scale up the reduction between FY23 and FY27.

Another looming change to income taxes and the state General Fund does not require any current legislative action.

Under a 2015 law, Michigan's current 4.25 percent income tax rate would be reduced if the General Fund has been shown to have grown faster than the rate of inflation. State fiscal experts say that has occurred and would mean an estimated cut to the rate to 4.05 percent. Such a reduction, in turn, could mean an \$800 million cut to the General Fund, said Witwer, the House Appropriations Committee chair, in a recent media report.

While MAC has taken no position on any of these tax measures, the General Fund, estimated to be \$15.1 billion for FY24 prior to any income tax changes, is the state account used to finance County Revenue Sharing and a plethora of other responsibilities carried out by counties each year. MAC will monitor the progress of General Fund resources as the state budget process accelerates in coming weeks.

For more information on these proposals, contact Deena Bosworth at [bosworth@micounties.org](mailto:bosworth@micounties.org).

## MAC to launch 125<sup>th</sup> anniversary year with Capitol event, special logo

State and county leaders will deliver remarks on Feb. 1 to mark the day 125 years ago that the Michigan Association of Counties came into being at the Michigan State Capitol.

On Feb. 1, 1898, representatives from 16 counties (see below) gathered in the Senate chamber of the State Capitol to form what was then called the State Association of Supervisors of Michigan. The association, whose offices were once located in a Quonset hut on the campus of Michigan State University, was formally renamed the Michigan Association of Counties in 1969 as the state shifted to county boards staffed by commissioners directly elected from geographic districts.



Also scheduled to speak at the event are:

- State Sen. Veronica Klinefelt of Macomb County
- State Rep. Julie Rogers of Kalamazoo County
- State Rep. Ken Borton of Otsego County
- State Rep. Matthew Bierlein of Tuscola County

Klinefelt, Borton and Bierlein are all former MAC Board presidents, while Rogers is a former MAC Board director.

MAC also will officially unveil its anniversary year logo (see at right).

The Capitol event is the first of several promotions planned for the anniversary year, culminating in an Anniversary Gala for members at the association's 2023 Annual Conference in Kalamazoo County Oct. 1-3.

MAC is the oldest Michigan association representing local governments and the only one dedicated to the representation of all county commissioners in Michigan. Original 16 counties: Branch, Calhoun, Cass, Eaton, Gladwin, Gratiot, Ingham, Ionia, Jackson, Kalamazoo, Monroe, Montcalm, Oakland, Ottawa, Saginaw and St.

## \$1.1 billion supplemental spending bill headed to governor

The Democratic majority in the Legislature acted swiftly this week to move its first major spending plan to the governor's desk: a \$1.1 billion supplemental appropriations bill affecting fiscal years 2022 and 2023.



The measure allocates \$146.3 million to close the books on FY22, detailing money to several state Departments and adds \$946.2 million in additional spending for FY23. The bulk of the FY23 dollars goes to economic development:

- \$200 million for a paper mill in Delta County, as part of a plan to save 1,200 jobs in the Upper Peninsula
- \$150 million for housing tax credits
- \$100 million for community revitalization and placemaking grants
- \$75 million for small businesses harmed by the pandemic
- \$75 million for blight elimination
- \$50 million for the Missing Middle Gap Program to increase housing supplies for those who earn up to 300 percent of the federal poverty level
- \$33 million for infrastructure projects in Kent and Sanilac counties
- \$25 million for apprenticeship expansions
- \$15 million to remove barriers to entering or re-entering the workforce

The bill also includes \$25 million for streets in cities and villages with fewer than 10,000 people, \$20 million for police training and \$25 million for the Water Shutoff Prevention Fund.

For more information on state appropriations, contact Deena Bosworth at [bosworth@micounties.org](mailto:bosworth@micounties.org).

## MAC applauds governor's words on infrastructure, economic development

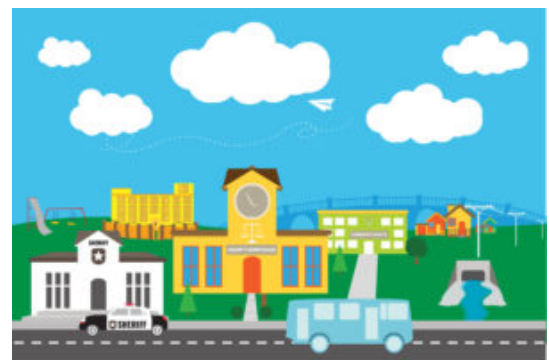
Gov. Gretchen Whitmer's call to supercharge Michigan's economy by building on its manufacturing legacy will get ready support from Michigan counties, MAC Executive Director Stephan Currie said in a statement to the media Wednesday night.

Responding to Whitmer's 2023 State of the State address Wednesday evening, Currie said:

"As our member counties embark on our 125 years as an organized partner with the state of Michigan, they look forward to growing jobs, education and economic development in our communities.

"The governor laid out a plan to address the vital needs in our communities. Thriving economies, education, public safety and solid foundations. We support this holistic approach," Currie added.

Whitmer, in her fifth State of the State address, but first delivered to a Legislature in Democratic control, devoted major portions of her speech to:





- Pension tax repeal
- A large increase in the EITC (Earned Income Tax Credit), or “Working Families Tax Credit,” as she called it
- Investments in pre-K services for 4-year-olds

MAC also applauded the governor’s call to invest state resources in mental health services for public safety personnel. “Prosecutors, sheriffs, and other county employees who protect our communities deserve the support they need as they support us,” Currie said.

For more information on MAC’s 2023 legislative priorities, [click here](#).

## Podcast 83 team sees good news in governor’s State of State address

The morning after Gov. Gretchen Whitmer’s State of the State (SOS) address, MAC’s Podcast 83 team saw plenty of hopeful signs for counties in the governor’s wide-ranging comments.

Host Stephan Currie and Deena Bosworth, Madeline Fata and Samantha Gibson of MAC discussed how the governor’s priorities could be beneficial to county efforts to:



- Continue and increase investments in public infrastructure, such as roads, water systems and broadband, to attract workers to revitalize communities
- Bolster public safety services by empowering first responders with tools to deal with the stress of their duties

Viewers also can discover who in the SOS audience Wednesday night that Bosworth finds “cute.”

**[See the full video, recorded on Jan. 26.](#)**

Previous episodes can be seen at MAC’s [YouTube Channel](#).

And you always can find details about Podcast 83 [on the MAC website](#).

## MAC issues letter of support for Northern Michigan juvenile facility

In a [letter to Michigan legislators](#) on Tuesday, MAC voiced support for regional efforts to build a 32-bed juvenile justice facility in Northern Michigan.

Investment in juvenile justice is one of MAC’s [top six priority areas for 2023](#).



Michigan’s juvenile justice system is in crisis because of a critical shortage of detention and treatment beds for justice-involved youth. In Northern Michigan, there are no facilities to care for these youth, and there is often no place for them to stay or receive necessary mental and behavioral health treatment pending court hearings.



With a statewide bed shortage, and no facility in Northern Michigan, courts are often forced to place justice-involved youth in counties several hours away or, in some cases, even in other states. These distances harm a family's ability to participate in services with their child.

The lack of treatment facilities not only affects our youth, their families and our court system. It creates a tremendous burden on law enforcement and imposes a great cost to counties to place youth outside of their home county, MAC noted in the letter.

For more information on this issue, contact Samantha Gibson at [gibson@micounties.org](mailto:gibson@micounties.org).

## Federal reports designed to aid jails in treating inmates with opioid issues

The [Office of National Drug Control Policy \(ONDCP\)](#) and the [U.S. Department of Justice \(DOJ\)](#) recently released reports to offer recommendations on improving the provision of medication assisted treatment (MAT) for opioid use disorders (OUD) in correctional facilities. The reports also outline disability protections for those on MAT for OUD.

For the first time ever, ONDCP has provided federal guidance to assist correctional facilities in assessing their MAT programs, with the intent of expanding access nationwide. The report offers guidance for “prisons and jails to assess their programs, monitor individuals’ access to treatment once they are released, and to evaluate whether their programs are effective in preventing overdose deaths,” stated the National Association of Counties (NACo) in touting the resources.



The DOJ report clarifies that people on MAT for opioid use disorder are protected by the Americans with Disabilities Act (ADA). The report also “provides information on enforcing the ADA to protect individuals in recovery from OUD who are not engaging in illegal drug use from discrimination” (NACo, [New Federal Guidance Improves Access to Opioid Treatment in County Jails](#)). These anti-discrimination enforcements also protect individuals who are taking legally prescribed medications to treat their OUD.

In addition to the ONDCP and DOJ reports, Congress has passed critical county behavioral health legislation in the Fiscal Year 2023 omnibus appropriations package. A major piece of that, reports NACo, is the [Mainstreaming Addiction Treatment Act of 2021](#), “which allows Buprenorphine, a critical and inexpensive form of MAT, to be more easily prescribed by doctors, particularly in jail settings.”

Elements of the [Medicaid Reentry Act](#) also gained congressional approval to “remove limitations on Federal Financial Participation for juveniles who are inmates pending disposition at the discretion of the state,” said NACo.

MAC supports the federal government's efforts on behavioral health prevention and treatment in the last year.

For more information on this issue, contact Samantha Gibson at [gibson@micounties.org](mailto:gibson@micounties.org).

## Staff picks

- [Michigan launches new tool to address substance use](#) (Michigan Radio)



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# Legislative Update 2-3-23

WRITTEN BY [DEREK MELOT](#) ON FEBRUARY 3, 2023. POSTED IN [NACO](#), [BLOG](#), [EVENTS](#), [LEGISLATIVE](#), [MAC NEWS](#), [MACSC](#), [MARKETING](#)

## MAC launches 125<sup>th</sup> Anniversary year with Capitol kickoff event

The Michigan Association of Counties launched its 125<sup>th</sup> Anniversary on Feb. 1 with a State Capitol announcement and reception featuring remarks from state and county leaders.

“On this date, 125 years ago, in the Senate chamber just steps away, representatives from 16 counties gathered to form this association,” said Stan Ponstein of Kent County, president of the Michigan Association of Counties’ Board of Directors. Ponstein noted that while Kent was not among the original 16, it has produced the largest number of MAC presidents – 11 and counting.

Originally formed as the State Association of Supervisors of Michigan, the association was formally renamed the Michigan Association of Counties in 1969 as the state shifted to county boards staffed by commissioners directly elected from geographic districts.

“In addition to those who have helped lead us this organization to where it is today, are those whose current commitment helps us achieve are long serving role to educate and advocate for all 83 counties,” said Executive Director Stephan Currie in his remarks. “We have an incredibly diverse and qualified staff who work tirelessly on behalf of every county in the state. ... Our team is honored to be supported by the MAC Board of Directors who are elected by their fellow commissioners to represent the broad needs of our state’s 83 counties. These board members are the engine of our association.”



Board President Stan Ponstein of Kent County welcomes attendees to the State Capitol for MAC’s 125th Anniversary launch event on Feb. 1.

Also speaking at the event in the State Capitol's new Heritage Hall were:

- State Sen. Veronica Klinefelt of Macomb County
- State Rep. Julie Rogers of Kalamazoo County
- State Rep. Ken Borton of Otsego County
- State Rep. Matthew Bierlein of Tuscola County

Klinefelt, Borton and Bierlein, all former MAC Board presidents, presented a personal legislative tribute to MAC to mark the anniversary.

[See video from the event.](#)

[See a photo gallery from the event.](#)

MAC also unveiled a special logo for the anniversary year, which will include a variety of events culminating in an Anniversary Gala for members at the association's 2023 Annual Conference in Kalamazoo County in October.

To keep track of all the anniversary activities and resources, bookmark the [125<sup>th</sup> Anniversary Page](#) on the MAC website at [www.micounties.org](http://www.micounties.org).

MAC is the oldest Michigan association representing local governments and the only one dedicated to the representation of all county commissioners in Michigan.

## MAC partners on toolkit to help counties address opioids challenge

A new toolkit designed by MAC and Vital Strategies, a health policy nonprofit, was released this week to help counties address an overdose crisis that claimed the lives of more than 3,000 people in 2021.



The state of Michigan is slated to receive nearly \$800 million over 18 years as part of the opioid litigation settlements, and approximately half of these funds will go directly to county and municipal governments, providing an opportunity to strengthen evidence-based, accessible resources in local communities.

The state of Michigan is slated to receive nearly \$800 million over 18 years as part of the opioid litigation settlements, and approximately half of these funds will go directly to county and municipal governments, providing an opportunity to strengthen evidence-based, accessible resources in local communities.

To support local governments, MAC and Vital Strategies have produced a Michigan Opioid Settlement Funds Toolkit: A Guide for Local Spending. [This new toolkit](#) provides local governments, community organizations and health care providers with guidance on how to utilize opioid settlement funds. The executive summary can be accessed [here](#). MAC is available to assist local leaders through this process by providing [technical assistance](#).

“MAC and Vital Strategies’ partnership has resulted in this excellent toolkit and staff who can provide real-time support to members on their opioid abatement strategies. We’re proud that MAC can support its members – and Michigan – in combatting the growing and complex overdose crisis.” said Stephan Currie, executive director of the Michigan Association of Counties.

The toolkit contains several components, including:

- Settlements overview, which provides information on the opioid litigation settlements, the state and local agreement, estimated funds per county, future funds and the tribal government settlements.

- Statistical overview and local data describing the scope of the overdose crisis, providing state-level data and where to access local data.
- Overview of spending principles laid out by Johns Hopkins School of Public Health and FXB Center for Health and Human Rights, as well as indicators for spending readiness.
- Steps for spending, which includes a framework for jurisdictions to begin their process of allocating opioid settlement funds, and general steps to follow during this process.
- Strategies for spending, which outlines key strategies from the State of Michigan, Exhibit E of the current settlement agreement and Johns Hopkins School of Public Health.
- Resources and practical tools around research and evidence-based programming to aid in local planning and spending are linked throughout the document.

Local governments will find guidance in the toolkit for stakeholder engagement, monitoring and accountability for the life-course of the spending process, information-gathering to assess and understand the needs of the community, and determining the process for moving forward. The new toolkit also provides strategies for engaging people who have lived experience, a critical component for success that is often overlooked.

For more information on opioid assistance through MAC, contact Amy Dolinky at [dolinky@micounties.org](mailto:dolinky@micounties.org).

## State releases index on counties ‘vulnerable’ on substance use disorders

Oscoda, Wayne, Clare, Schoolcraft and Oceana counties are among those deemed most “vulnerable” on substance use according to a new data analysis by the Michigan Department of Health and Human Services.

As reported by [Michigan Radio](#) earlier this week, several key points were extracted from newly released statewide opioid epidemic data to determine what communities and demographics are most vulnerable and in need of greater assistance. This Michigan Substance Use Vulnerability Index (MI-SUVI) has been designed to use more specific factors beyond just overdose rates to determine need.

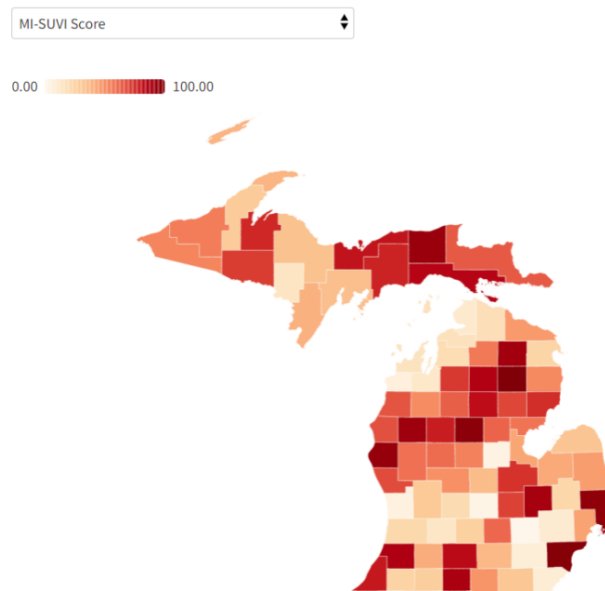
The MI-SUVI Score is a measure that determines vulnerability to substance use, balancing eight indicators. Those eight indicators are divided into three categories: substance use burden, substance use resources, and social vulnerability. Each of these categories are separately defined. Substance use burden “looks at numbers like overdose rate, opioid prescribing rate, and more.” Substance use resources, for example, considers how many people in a county are within a 30-minute drive to a treatment center. Social Vulnerability, as defined by the Centers for Disease Control and Prevention (CDC), “looks at social determinants to health, like technology and health care access.”

Newly reported data also revealed that young women ages 11-24 saw the highest overdose emergency department visits in 2020 and 2021, and that Black Michiganders are facing the highest rates of overdose deaths in the state.

### Indicators of Michigan counties' vulnerability to substance use

The MI-SUVI Score is a measure that determines vulnerability to substance use. It balances eight indicators. This map highlights a few of those indicators.

Hover over a county to learn more. Use the drop down to view different versions of the map.



Source: [Michigan Department of Health and Human Services](#) • Michigan Radio | Nisa Khan  
A major hospital in Washtenaw County does not report emergency room data. As a result, the county's non-fatal overdose data is likely an undercount.

While 2022 data is not yet complete, it currently suggests that overdose deaths in Michigan are slightly lower than previous years. Recent data also suggests that the number of [Syringe Service Programs](#) have tripled since 2019. Syringe Service Programs “allow individuals to safely get access to or get rid of injection equipment.” The Michigan Department of Health and Human Services provides a list of locations of [Syringe Service Programs](#) and [Narcan Vending Machines](#).

As a result of all of [nationwide opioid settlements](#), Michigan could receive \$1.45 billion. The first portion of these payments, a total of \$81 million, was distributed to local units of government on Jan. 31.

The [Michigan Association of Counties \(MAC\) Opioid Settlement Resource Center](#) website is a centralized hub for those engaged in planning and utilization of opioid settlement funds. The resource center houses a settlement tracking link, county-specific payment estimates, the [Michigan Opioid Settlement Toolkit: A Guide for Local Spending](#), a resource library and a support request form. [The Opioid Settlement Resource Library](#) highlights resources to explore principles and tracking, evidence-based and promising practices, local government tools, legal resources, equity resources, other toolkits and reports and additional opportunities for funding. Support and technical assistance are available through completion of the [Opioid Settlement Assistance Request Form](#).

For more information on MAC’s advocacy work on public health issues, contact Samantha Gibson at [gibson@micounties.org](mailto:gibson@micounties.org).

## New law sets Feb. 27 for presidential primary but questions remain

Voters would participate in Michigan’s presidential primary election on Feb. 27, 2024, under legislation signed into law this week. Or they may not, depending on how legal wrangling over legislative session rules play out.

The primary legislation was spurred by the Democratic National Committee’s reorganization of the party’s primary calendar and would make Michigan the fifth state in the nation to vote, behind South Carolina, New Hampshire, Nevada and Georgia.



[Senate Bill 13](#), by Sen. Jeremy Moss (D-Oakland), had overwhelming Democratic support, as party members have long advocated for an earlier position in the primary timeline to gain more power in selecting presidential nominees.

Republicans have the opposite view. The Republican National Committee is unwilling to change its rules to move up the GOP presidential primary date, and it plans to cut 85 percent of Michigan’s delegates for the GOP convention if the primary is held Feb. 27, 2024.

Since SB 13 passed the House 56-53, it did not gain immediate effect, which means the earliest it could take effect is 90 days after the last day of the legislative year. Considering session typically adjourns in mid-December, this presents a problem for the Feb. 27 date. The Legislature would need to adjourn no later than November to allow for the law to operate as planned. The next steps remain unclear as the parties continue to negotiate.

County and municipal clerks have expressed their inability to conduct two separate elections so close together; the result would be a financial and logistical nightmare. It is possible the Michigan Republican Party could select a presidential candidate through a caucus or convention, making a GOP primary unnecessary.



MAC did not take a position on the legislation but will monitor the situation and provide updates as needed.

For more information on this issue, contact Madeline Fata at [fata@micounties.org](mailto:fata@micounties.org).

## Despins joins MAC staff as governmental affairs assistant

MAC filled out its Governmental Affairs Team this week as Amanda Despins joined the staff as governmental affairs assistant.

Prior to joining MAC, Despins served as a constituent relations liaison and legislative director in the Michigan House of Representatives for Rep. Ken Borton, a former MAC Board president. She holds a B.A. in international studies from the University of Michigan.



“Amanda comes to MAC highly recommended for her thoroughness and organizational skills,” said Deena Bosworth, MAC director of governmental affairs. “The Governmental Affairs Team is excited to have her on board to help facilitate all the work we do with our commissioners and with legislators.”

The governmental affairs assistant focuses on staff support for MAC’s internal policy committees and scheduling for Bosworth and the governmental affairs associates.

“MAC has a long history of being a respected organization in Lansing and advocating for counties on key issues,” Despins said. “I’m excited to work for such a reputable organization and join the MAC Team!”

Despins can be reached at [despins@micounties.org](mailto:despins@micounties.org).

## Staff picks

- [DNR to use ARPA funds for improvements at state parks and campgrounds](#) (MidMichiganNow.com)
- [New report addresses biggest obstacles to effectively tackling blight](#) (Citizens Research Council of Michigan)
- [Road salt, a stealthy pollutant, is damaging Michigan’s waters](#) (Michigan Radio)
- [Michigan assembling 1,000-acre ‘mega sites’ to attract big investments](#) (MLive)



## Wendy Nowland

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**From:** Wendy Nowland  
**Sent:** Monday, January 23, 2023 8:45 AM  
**To:** Gerald Rice  
**Subject:** RE: CPI Increase

Good morning,  
This gets attached to month end? In safebill? I am not sure where you want me to put it.

**From:** Gerald Rice <GRice@safebuilt.com>  
**Sent:** Sunday, January 22, 2023 12:06 AM  
**To:** Wendy Nowland <wnowland@safebuilt.com>  
**Cc:** Tim Gardner <tgardner@safebuilt.com>  
**Subject:** CPI Increase

Good morning,

Attached, is the CPI increase letter for Tuscola County that needs to be uploaded with this month's billing. In our contract with the county, the below services are subject to a yearly increase based on the consumer price index, effective January 1.

Structural Engineering	1/1/23	\$150.00	\$156.00
Emergency Management	1/1/23	\$100.00	\$104.00
Non-Permitted Activity	1/1/23	\$82.00	\$85.28
Inspection Services Prior to Start Date	1/1/23	\$82.00	\$85.28

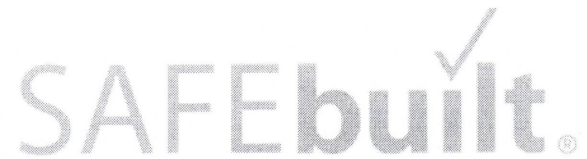
Have a good week,

Gerald Rice BA  
Assistant Regional Operations Manager  
Storm Water Management Operator  
SESC Plan Review & Design  
[grice@safebuilt.com](mailto:grice@safebuilt.com)  
248.918.7552



[SAFEbuilt](http://SAFEbuilt.com)





February 1, 2023

Dear County of Tuscola,

Thank you for partnering with SAFEbuilt to provide your community with our services.

We connect with you today, as a courtesy reminder of the annual CPI (Consumer Price Index) rate increase, in effect for services provided beginning January 1, 2023. An annual increase, as per our active contract, will be no more than 4% for services and applies generally, to the hourly rates listed within the Fee Schedule of the contract.

The December 2022, year-end CPI increase as provided by the US Bureau of Labor Statistics, was reported at 6.5%. For more information regarding CPI increases, please feel free to visit their site at:

<https://www.bls.gov/regions/mountain-plains/home.htm>

We look forward to serving you in 2023, as your trusted partner. Should you have questions regarding this correspondence, please contact your Account Manager, Kellie Lindsey at 269-788-2463 or email at [klindsey@safebuilt.com](mailto:klindsey@safebuilt.com).

Serving Your Community with Gratitude,

SAFEbuilt Michigan Team

- ✓ Form and maintain positive relationships with County staff and maintain a professional image
- ✓ Determine permit fees based on County fee schedule as established by resolution or ordinance, if requested
- ✓ Work with County Clerk to facilitate Freedom of Information Act (FOIA) requests, if requested
- ✓ Provide inspection scheduling and tracking to ensure code compliance

Reporting Services

- ✓ Consultant will work with County to develop a mutually agreeable reporting schedule and format
- ✓ Consultant will cooperate with County in responding to records requests under Michigan’s Freedom of Information Act. County will provide reasonable notice to Consultant of such record requests.

2. TIME OF PERFORMANCE

- ✓ Consultant will perform Services during normal business hours excluding County holidays
- ✓ Building Official will be reporting each morning to an office within the City of Caro, at Consultant’s expense, which will be open, Monday through Friday, for forty (40) hours weekly
- ✓ Permit Technician will be on-site in an office within the City of Caro, at Consultant’s expense, Monday through Friday for forty (40) hours weekly
- ✓ MEPs and Soil Erosion Inspectors will be dispatched daily, 3 days per week
- ✓ Consultant representative(s) will be available by cell phone and email

Deliverables			
<b>INSPECTION SERVICES</b>	Inspections requested before 4:00 p.m. completed the following business day as agreed upon frequency (MEPs)		
<b>PRE-SUBMITTAL MEETINGS</b>	Provide pre-submittal meetings to applicants by appointment		
<b>PLAN REVIEW</b>	Provide comments within the following timeframes:		
<b>TURNAROUND TIMES</b>	Day 1 = first full business day after receipt of plans and all supporting documents		
	<u>Project Type:</u>	<u>First Comments</u>	<u>Second Comments</u>
	✓ Single-family within	10 business days	5 business days or less
	✓ Multi-family within	10 business days	5 business days or less
	✓ Small commercial within (under \$2M in valuation)	10 business days	5 business days or less
	✓ Large commercial within	20 business days	10 business days or less
	✓ Soil Erosion within	7 business days	5 business days or less

3. FEE SCHEDULE

- ✓ County and Consultant will review the County Fee Schedule and valuation tables annually to discuss making adjustments to reflect increases in the costs incurred by Consultant to provide Services.
- ✓ Beginning January 01, 2023 and annually thereafter, the hourly rates listed shall be increased based upon the annual increase in the Department of Labor, Bureau of Labor Statistics or successor thereof, Consumer Price Index (United States City Average, All Items (CPI-U), Not Seasonally adjusted, All Urban Consumers, referred to herein as the “CPI”) for the County or, if not reported for the County the CPI for cities of a similar size within the applicable region from the previous calendar year, such increase, however, not to exceed 4% per annum. The increase will become effective upon December publication of the applicable CPI data. If the index decreases, the rates listed shall remain unchanged.
- ✓ Consultant fees for Services provided pursuant to this Agreement will be as follows:

Service Fee Schedule:	
Inspection Services (permits issued prior to service start date)	\$82.00 per hour – one (1) hour minimum
Inspection Services (permits issued after service start date)	95% of County Permit Fee as established by ordinance or resolution
• Building, Mechanical, Plumbing, Electrical, Soil Erosion	

Plan Review Services • Building, Mechanical, Plumbing, Electrical, Soil Erosion	95% of County Plan Review Fee as established by ordinance or resolution
Structural Engineering Plan Review	\$150.00 per hour – one (1) hour minimum
Building Official Services	Included in percentage of fees above
Permit Technician Service	Included in percentage of fees above
After Hours/Emergency Inspection Services	\$100.00 per hour – two (2) hour minimum
Non-Permitted Activity/Court Appearance (All Non-Permitted Activity/Court Appearance items incurred only by County request or court order.	\$82.00 per hour – one (1) hour minimum
Time tracked will start when Consultant checks in at Office or first inspection site.	