

**TUSCOLA COUNTY BOARD OF COMMISSIONERS
MEETING AGENDA
TUESDAY, APRIL 9, 2013 – 7:30 A.M.**

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

125 W. Lincoln Street
Caro, MI 48723

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

- 7:30 A.M. Call to Order – Chairperson Bardwell
Prayer – Commissioner Kirkpatrick
Pledge of Allegiance – Commissioner Trisch
Roll Call – Clerk Fetting
Adoption of Agenda
Action on Previous Meeting Minutes (See Correspondence #1)
Brief Public Comment Period
Consent Agenda Resolution (None)
New Business
- Register of Deeds Security System
 - Request for UPS Box at Purdy Building
 - State Revenue Sharing Update (See Correspondence #2)
 - County General Development Plan (See Correspondence #5)
 - Behavioral Health Systems
 - Comprehensive Annual Financial Plan
 - State Changes in Community Mental Health Agencies
- CLOSED SESSION – Labor Negotiations
- Old Business
Correspondence/Resolutions

COMMISSIONER LIAISON COMMITTEE REPORTS

KIRKPATRICK

Thumb Area Consortium/Michigan Works
Board of Health
Community Corrections Advisory Board
Dept. of Human Services/Medical Care Facility Liaison
MI Renewable Energy Coalition
MEMS All Hazards
Cass River Greenways Pathway
Local Unit of Government Activity Report

BIERLEIN

Thumb Area Consortium/Michigan Works
Planning Commission
Behavioral Health Systems Board
Tuscola 2020
Recycling Advisory Committee
Local Emergency Planning Committee (LEPC)
Multi County Solid Waste
Local Unit of Government Activity Report

ALLEN

Dispatch Authority Board
County Road Commission
Board of Public Works
Senior Services Advisory Council
Mid-Michigan Mosquito Control Advisory Committee
Saginaw Bay Coastal Initiative
Dental Clinic for Indigents
Parks & Recreation
Local Unit of Government Activity Report

BARDWELL

NACo
NACo Rural Action Caucus
Economic Development Corp/Brownfield Redevelopment
Caro DDA/TIFA
MAC Economic Development/Taxation
Michigan Association of Counties – Board of Directors
MAC 7th District
Local Unit of Government Activity Report

TRISCH

Board of Health
Human Development Commission (HDC)
TRIAD
Economic Development Corp/Brownfield Redevelopment
Human Services Collaborative Council
Great Start Collaborative
Local Unit of Government Activity Report

Closed Session (If Necessary)

Other Business as Necessary

Extended Public Comment

Adjournment

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

CORRESPONDENCE

- #1 March 27, 2013 Full Board Minutes
- #2 State Revenue Sharing Update
- #3 March 14, 2013 Road Commission Minutes
- #4 Information From MAC Regarding Commissioner Authority
- #5 County General Development Plan Amendment

TUSCOLA COUNTY BOARD OF COMMISSIONERS
March 27, 2013 Minutes
H. H. Purdy Building

Chairman Thomas Bardwell called the meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building in the City of Caro, Michigan, on the 27th day of March, 2013 to order at 7:30 o'clock a.m. local time.

Prayer by Commissioner Allen
Pledge by Commissioner Bierlein

Commissioners Present: District 1 – Roger Allen via Google, District 2 – Thomas Bardwell, District 3 – Christine Trisch, District 4 – Craig Kirkpatrick via Google, District 5 – Matthew Bierlein

Commissioner Absent: None

Also Present: Mike Hoagland, Jodi Fetting, Mary Drier, John Bishop, Mike Miller, Lou Smallwood, Eean Lee, Bob Mantey, Dara McGarry, Lee Teschendorf, Steve Anderson, Jim Matson

13-M-061
Motion by Trisch seconded by Bierlein to adopt the agenda as amended. Motion Carried.

13-M-062
Motion by Trisch seconded by Bierlein to adopt the meeting minutes from the March 12, 2013 meeting. Motion Carried.

Brief Public Comment Period – None

13-M-063
Motion by Bierlein seconded by Allen to adopt the following Consent Agenda Resolution. Motion Carried

CONSENT AGENDA

- Agenda Reference:** A
- Entity Proposing:** COMMITTEE OF THE WHOLE 3/14/13
- Description of Matter:** Move that per the March 14, 2013 letter of request, that the FMLA for the Human Resource Director (HR) be granted. Also, authorization is given to obtain temporary assistance for up to 16 weeks while the HR is on FMLA and appropriate budget amendments are authorized to finance the temporary assistance.

- Agenda Reference:** B
- Entity Proposing:** COMMITTEE OF THE WHOLE 3/14/13
- Description of Matter:** Move that Louis Smallwood be appointed to fill the vacant position on the Tuscola County Planning Commission created by the resignation from William Thayer (term expiring end of 2013).
- Agenda Reference:** C
- Entity Proposing:** COMMITTEE OF THE WHOLE 3/14/13
- Description of Matter:** Move that Christine Trisch be appointed to the vacancy on the Human Development Commission Senior Citizen Advisory Council to fill the vacancy that occurred with the retirement of Tom Kern.

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

YEAS: Allen, Bardwell, Trisch, Kirkpatrick, Bierlein

NAYS: None

ABSTENTIONS: None

RESOLUTION ADOPTED.

New Business

13-M-064

Motion by Trisch seconded by Allen that the 2012 Drain Commissioner Annual Report be received and placed on file. Motion Carried.

-Animal Control Update – Partnership with Sanilac County began in 2003. Jim provided an update on success of program.

-Dental Clinic Update – Jim Rutkowski wrote that he is working with the attorneys representing Tuscola County and addressing their concerns. Next update to be provided at the April meeting.

-County Jail Bed Addition Update – Sheriff Teschendorf

13-M-065

Motion by Kirkpatrick seconded by Allen that the 2013 budgeted project to add five beds at the county jail proceed with the understanding that no increase in correction officers is required as a result of this project. Also, the project be awarded to Gerald G. Bergman who was the lowest original bidder for an amount of \$70,360.00. If the original bid amount cannot be maintained by this contractor then the project shall be rebid. Motion Carried.

-Municipal Bond Change Potential – Mike Hoagland provided update.

-LEAD Tuscola Program

13-M-066

Motioned by Allen seconded by Bierlein that Dara McGarry be authorized to attend the LEAD Tuscola program for 2013 and Jodi Fetting be appointed to attend for 2014 with said costs to be paid from the special programs activity budget in the general fund. Motion Carried.

-Category 3 State Revenue Sharing - Compliance Incentive Program – Continue to Monitor

-911 Authority Board Application – Ray Rendon applied

13-M-067

Motioned by Allen seconded by Trisch that Ray Rendon be appointed to the 911 Authority Board as the township representative effectively immediately. Motion Carried.

-Register of Deeds Request for Security – John Bishop provided bids for security camera system: Ace American Alarm at \$4,122.30, Harper Alarm at \$4,836.00, PC & I Security and Technology at \$4,987.30.

13-M-068

Motioned by Allen seconded by Kirkpatrick that per the request of the Register of Deeds that security equipment for the Register of Deeds office be authorized. Also, appropriate 2013 equipment fund budget amendments are authorized regarding purchase of said equipment. Lowest bid from Ace American Alarm in the amount of \$4,122.30 to be accepted. Motion Rescinded by Commissioner Allen to allow an opportunity for more information to be provided. No objections.

Register of Deeds, John Bishop, to do further investigation on service provider. Mr. Bishop to contact the current provider, Solucient formerly known as Stanley Alarm, to determine if they can integrate with our current system for a lower bid amount.

13-M-069

Motioned by Bierlein seconded by Allen that per the request of the Register of Deeds that the 2013 Register of Deeds budget be amended by \$320 through the use of general fund contingency to pay for binders for record keeping related to the remonumentation program. Motion Carried.

13-M-070

Motioned by Allen seconded by Bierlein that per the March 25, 2013 e-mail request from Bay County that a letter of support be submitted to Michigan Coastal Zone Management to build a boardwalk at the State Park in Bay County. Motion Carried.

13-M-071

Motioned by Allen seconded by Trisch that per the March 25, 2013 e-mail request from Bay County that a letter of support be submitted to Michigan Coastal Zone Management to develop a map of a waterways trail along the Bay County shoreline. Motion Carried.

13-M-072

Motioned by Trisch seconded by Bierlein that the 2013 Equipment budget be amended to by \$725 to provide matching funds for a grant that will enable an AED and cabinet to be purchased for the Purdy building (this match enables this equipment to be purchased for about 50% of the full cost). Motion Carried.

CLOSED SESSION - Regarding Labor Negotiations, None Necessary

Bid Process – Mike Hoagland to call Muskegon County to get their policy on accepting in-county vs. out-of-county bids.

Committee of the Whole meeting scheduled for March 28, 2013 is cancelled.

Old Business – None

Correspondence/Resolutions

- Senator Green was contacted to assist in keeping the heat on at Camp Tuscola to allow time to research future uses more.
- Mike Hoagland presented information received at the MAC Conference: Average County Millage Levy and Federal Fiscal Cliff
- State Revenue Sharing – Mike Hoagland contacted Senator Green for assistance
- Great Lakes Water Levels – John Allen was the speaker. Meeting was very informative
- Affordable Care Act – Mike Hoagland and staff continue to work on
- Tax Maps – Mike Hoagland met with Henry Wymore
- At least 10 people have filed an appeal to the tax tribunal regarding Wisner Township water project
- Tuscola County Stars Program is April 18, 2013

Commissioner Bierlein excused at 9:41 a.m.

COMMISSIONER LIAISON COMMITTEE REPORTS

BIERLEIN

Thumb Area Consortium/Michigan Works
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BARDWELL

NACo
NACo Rural Action Caucus
Economic Development Corp/Brownfield Redevelopment
Caro DDA/TIFA
MAC Economic Development/Taxation
Michigan Association of Counties – Board of Directors: Conference went well
MAC 7th District
Local Unit of Government Activity Report

TRISCH

Board of Health
Human Development Commission (HDC)
TRIAD – Group continues to update regarding scams
Economic Development Corp/Brownfield Redevelopment
Human Services Collaborative Council
Great Start Collaborative
Local Unit of Government Activity Report

KIRKPATRICK

Thumb Area Consortium/Michigan Works
Board of Health
Community Corrections Advisory Board
Dept. of Human Services/Medical Care Facility Liaison
MI Renewable Energy Coalition
MEMS All Hazards
Cass River Greenways Pathway
Local Unit of Government Activity Report

Closed Session – None

Other Business as Necessary – None

Extended Public Comment – John Bishop has heard of letters being sent out by a private company encouraging people to obtain a copy of their Warranty Deed. The cost within the letter is very expensive. If someone wants to obtain a copy, the cost within the office is \$10.00 for a certified copy and \$1.00 for a standard copy.

Meeting adjournment at 9:53 a.m.

Jodi Fetting
County Clerk

**Statutory Finance Committee Minutes
Wednesday, March 27, 2013
HH Purdy Building
125 W. Lincoln St., Caro, MI**

Called to order at 9:54 a.m.

Commissioners present: Allen via Google, Bardwell, Trisch, Kirkpatrick via Google

Also present: Mary Drier, Jodi Fetting and Mike Hoagland

Claims and per diems were reviewed and approved.

Public Comment - none

Meeting adjourned at 10:25 a.m.

Jodi Fetting
Tuscola County Clerk

Mike Hoagland

From: Mike Hoagland [mhoagland@tuscolacounty.org]
Sent: Friday, March 22, 2013 4:37 PM
To: Senator Mike Green (senmgreen@senate.michigan.gov); Jim Mcloskey (mcliskey@charter.net); (terrybrown@house.mi.gov)
Cc: Bierlein Matthew (mbierlein@tuscolacounty.org); Kirkpatrick Craig (kirkpatrick_craig@sbcglobal.net); Roger Allen (beetman95@yahoo.com); Tom Bardwell (tbardwell@hillsanddales.com); Trisch Christine (christinetrisch@gmail.com)
Subject: Governor's Proposed Budget and cuts to State Revenue Sharing
Attachments: Service Base Consolidations.pdf; State Revenue Sharing.pdf
Senator Green

Please review the following State Revenue Sharing issue of concern.

Per our conversation from this morning and per your request, I am providing additional information that explains counties are again receiving cuts in state revenue sharing (SRS) under the governor's proposed 2013/2014 state budget. On the surface it would appear counties are receiving a \$10 million increase but in reality the 2013/2014 proposed SRS budget is a 22% or \$42 million cut. Attached is a spreadsheet prepared by the Michigan Association of Counties which shows that all counties are receiving cuts for 2013/2014 because the state is not fulfilling its share of the bargain under the 2004/2005 "roll forward" program.

In 2004/2005 counties agreed to forgo SRS over a period of time, in order to assist the State in balancing the budget and were promised a return of that funding once reserves from each respective counties "roll forward" program were depleted. The counties have saved the state over \$1 billion dollars since 2004/2005 but the state has not returned the counties to the funding level they were promised. Instead, what is happening is each county is receiving less funding because the state is not providing enough funding to cover counties who's "roll forward" program funds have been exhausted. Also, the state is not providing enough funding to comply with the level agreed to under the 2004/2005 "roll forward" program.

Tuscola County has been a statewide leader for years in the work to reform and consolidate services for efficiency. Attached is a spreadsheet that shows the numerous service base consolidations resulting in tremendous saving, value and efficiency. We have satisfied all state compliance requirements to receive SRS but the state keeps raising the bar. We are spend considerable staff time to comply and receive SRS. This is a source of revenue counties already earned under the Glenn Steil State Revenue Sharing Act when they gave up local taxing authority.

Counties keep receiving less from this critical revenue source yet ironically are expected to continue to fund state mandated services. SRS is used by counties to fund a multitude of state mandated services including jails, courts, constitutional officers, elections and the public health systems. SRS coupled with major reductions in property values have stretched counties to their financial limit. Tuscola County is \$250,000 less than what it should be funded for 2014.

THE STATE HAS NOT LIVED UP TO THEIR PART OF THE BARGAIN ! Before

funding new programs the state needs to live up to the 2004/2005 "roll forward" program by fully funding revenue sharing payments to counties in fiscal year 2013/2014. Counties are simply not being treated fairly. Even more frustrating is while counties receive a 22% cut, cities, villages and township receive a 4% increase.

Your review of this SRS inequity is appreciated and we trust you will do all you can to correct this situation in the best interests of the residents of Tuscola County. Thank you for your dedication in serving the citizens of Michigan.

Please contact me if you have any question or Ben Botkin (MAC Staff) at 517-712-4905.

Mike

Michael R. Hoagland
Tuscola County/Controller Administrator
125 W. Lincoln
Caro, MI. 48723
989-672-3700
mhoagland@tuscolacounty.org

Mike Hoagland

From: Michigan Association of Counties [ericson@micounties.org]

Sent: Monday, March 18, 2013 2:16 PM

To: mhoagland@tuscolacounty.org

Subject: MAC Legislative Update - March 18, 2013

To view this email as a webpage [click here](#)

MAC Legislative Update



Revenue Sharing Talking Points

In the governor's recommendation for the FY 2014 budget, counties are scheduled to get a 22.9% cut from what they are projected to receive based on the deal struck in 2004/2005. The governor is recommending an appropriation of \$140.6 million, \$41.7 million less than statutorily required and counties will be required to "earn" twenty-percent of their funding by fulfilling the County Incentive Program (CIP) requirements.

- With the proposed budget for Fiscal Year 2014, counties would receive a cut of about \$42 million; a total of 22.9% or a reduction from \$182 million to \$140 million. At first glance it appears that the administration has recommended an additional \$10 million for county revenue sharing and CIP payments, but in reality, these additional funds result in less money to each county this year.
- Counties have worked diligently for the past decade by leading the effort to reform, consolidate, and right size government in an effort to increase efficiency and adjust to declining revenues, but a one-size fits all approach to the CIP Employee Compensation Category is not acceptable.
- Each local unit of government is in a different financial place, some growing, some declining, some healthy, and yes, some are struggling with their long term liabilities. But to say that all counties need to comply with a prescriptive formula on employee compensation would be a step backward for some and unattainable for others.
- Compliance with the third category for this fiscal year is attainable because all counties are following the 80/20 healthcare law enacted last session. The category should stay the same and the state should stop moving the bar.
- In 2004/2005, counties agreed to forgo revenue sharing for a period of time, in order to assist Michigan in balancing the budget and were promised a return of that funding once reserves were depleted. Counties have saved the state more than a billion dollars since 2005 when they gave up revenue sharing temporarily to help the state with its budget problem. Counties will continue to help the state budget until the final county exhausts its reserve account well past the year 2020.
- Revenue sharing is more than just a pot of money to be allocated in whole or in part to counties. It is a statutory promise made to counties in exchange for giving up local taxing authority and for a more recent change in local taxing administration. The concept of earning what we have already earned is unacceptable.
- According to the Glenn Steil State Revenue Sharing Act, 21.3% of 4% of State sales tax is supposed to go to statutory revenue sharing. That amounts to over \$1 billion. The Governor's proposal only allocates 35% of this collection to revenue sharing, while the rest is being used to prop up the State's General Fund budget.
- Revenue sharing is used by counties to pay for the multitude of state mandated services including the courts, the jails, the constitutional officers, elections and the public health system. This coupled with the recent reductions in property values and increased mandated state service delivery, have stretched counties to their financial limit.

MAC is committed to being a positive voice and is willing to work with the state to find solutions that work for both parties. Counties believe that their prior agreement with the state, coupled with their leadership in sharing services and reducing the size and scope of government, are a testament to their efficiency in providing state mandated services for little or no cost. MAC urges the Legislature and the governor to live up to their end of this important funding promise by fully funding revenue sharing payments to counties in fiscal year 2014.



Governor's 2014 County Revenue Sharing

County	FY 2013 Final Appropriation	Fiscal Year 2014 Recommendation			FY2014 Full Funding Amount	Governor's Recommended FY2014 Cut
		State Revenue Sharing Payment	Eligible CIP Payment	Governor's Recommended Total		
Alger	\$148,911	\$118,293	\$29,573	\$147,866	\$191,785	\$43,919
Allegan	\$1,746,496	\$1,387,594	\$346,899	\$1,734,493	\$2,249,667	\$515,174
Alpena	\$566,882	\$448,997	\$112,249	\$561,246	\$727,946	\$166,700
Arenac	\$261,419	\$207,632	\$51,908	\$259,540	\$336,628	\$77,088
Baraga	\$7,155	\$115,693	\$28,923	\$144,616	\$187,569	\$42,953
Barry	\$889,477	\$707,968	\$176,992	\$884,960	\$1,147,808	\$262,848
Bay	\$2,012,896	\$1,594,311	\$398,578	\$1,992,889	\$2,584,811	\$591,922
Bernien	\$2,822,629	\$2,247,624	\$561,906	\$2,809,530	\$3,644,008	\$834,478
Branch	\$753,467	\$596,779	\$149,195	\$745,974	\$967,541	\$221,567
Calhoun	\$2,334,541	\$1,849,069	\$462,267	\$2,311,336	\$2,997,842	\$686,506
Cass	\$808,641	\$642,437	\$160,609	\$803,046	\$1,041,564	\$238,518
Chippewa	\$55,228	\$442,840	\$110,710	\$553,550	\$717,964	\$164,414
Clinton		\$413,477	\$103,369	\$516,846	\$670,358	\$153,512
Clare	\$502,688	\$398,172	\$99,543	\$497,715	\$645,545	\$147,830
Delta	\$624,614	\$494,898	\$123,725	\$618,623	\$802,364	\$183,741
Dickinson	\$270,204	\$353,406	\$88,352	\$441,758	\$572,968	\$131,210
Eaton	\$1,721,740	\$1,367,395	\$341,849	\$1,709,244	\$2,216,918	\$507,674
Genesee	\$7,698,540	\$6,097,598	\$1,524,400	\$7,621,998	\$9,885,860	\$2,263,862
Gladwin	\$396,741	\$314,239	\$78,560	\$392,799	\$509,467	\$116,668
Gogebic	\$263,055	\$209,065	\$52,266	\$261,331	\$338,951	\$77,620
Gratiot	\$668,890	\$529,793	\$132,448	\$662,241	\$858,938	\$196,697
Hillsdale	\$731,301	\$579,187	\$144,797	\$723,984	\$939,019	\$215,035
Houghton	\$531,601	\$421,053	\$105,263	\$526,316	\$682,641	\$156,325
Huron	\$618,346	\$494,387	\$123,597	\$617,984	\$801,536	\$183,552
Ingham	\$4,725,309	\$3,756,763	\$939,191	\$4,695,954	\$6,090,732	\$1,394,778
Ionia	\$917,347	\$726,583	\$181,646	\$908,229	\$1,177,988	\$269,759
Iosco	\$413,688	\$327,860	\$81,965	\$409,825	\$531,550	\$121,725
Iron	\$74,406	\$166,988	\$41,747	\$208,735	\$270,733	\$61,998
Isabella	\$968,681	\$767,234	\$191,808	\$959,042	\$1,243,894	\$284,852
Jackson	\$2,627,396	\$2,081,024	\$520,256	\$2,601,280	\$3,373,904	\$772,624
Kalamazoo	\$4,038,583	\$3,201,520	\$800,380	\$4,001,900	\$5,190,532	\$1,188,632
Kent	\$9,387,888	\$7,433,957	\$1,858,489	\$9,292,446	\$12,052,459	\$2,760,013
Lapeer	\$1,302,133	\$1,031,352	\$257,838	\$1,289,190	\$1,672,101	\$382,911
Lenawee	\$1,579,824	\$1,255,406	\$313,851	\$1,569,257	\$2,035,353	\$466,096

County	FY 2013 Final Appropriation	Fiscal Year 2014 Recommendation			FY2014 Full Funding Amount	Governor's Recommended FY2014 Cut
		State Revenue Sharing Payment	Eligible CIP Payment	Governor's Recommended Total		
Livingston	\$1,697,724	\$1,918,307	\$479,577	\$2,397,884	\$3,110,096	\$712,212
Luce	\$99,979	\$79,181	\$19,795	\$98,976	\$128,374	\$29,398
Macomb	\$12,768,340	\$10,138,689	\$2,534,672	\$12,673,361	\$16,437,563	\$3,764,202
Manistee	\$110,196	\$333,735	\$83,434	\$417,169	\$541,075	\$123,906
Marquette	\$992,491	\$787,093	\$196,773	\$983,866	\$1,276,091	\$292,225
Mecosta	\$659,785	\$525,411	\$131,353	\$656,764	\$851,834	\$195,070
Menominee	\$411,507	\$327,539	\$81,885	\$409,424	\$531,030	\$121,606
Midland	\$308,625	\$1,218,543	\$304,636	\$1,523,179	\$1,975,589	\$452,410
Missaukee	\$220,087	\$175,042	\$43,761	\$218,803	\$283,791	\$64,988
Monroe	\$723,079	\$1,915,348	\$478,837	\$2,394,185	\$3,105,298	\$711,113
Montcalm	\$967,905	\$766,627	\$191,657	\$958,284	\$1,242,911	\$284,627
Muskegon	\$2,805,230	\$2,221,877	\$555,469	\$2,777,346	\$3,602,265	\$824,919
Newaygo	\$743,248	\$588,688	\$147,172	\$735,860	\$954,423	\$218,563
Oceana	\$356,466	\$330,429	\$82,607	\$413,036	\$535,715	\$122,679
Ontonagon	\$134,673	\$106,908	\$26,727	\$133,635	\$173,327	\$39,692
Osceola	\$439,335	\$349,722	\$87,430	\$437,152	\$566,994	\$129,842
Ottawa	\$3,651,726	\$2,892,608	\$723,152	\$3,615,760	\$4,689,702	\$1,073,942
Roscommon	\$150,239	\$313,194	\$78,299	\$391,493	\$507,773	\$116,280
Saginaw	\$3,557,196	\$2,817,471	\$704,368	\$3,521,839	\$4,567,885	\$1,046,046
Sanilac	\$713,700	\$565,285	\$141,321	\$706,606	\$916,480	\$209,874
Schoolcraft	\$142,993	\$113,956	\$28,489	\$142,445	\$184,754	\$42,309
Shiawassee	\$1,122,809	\$889,318	\$222,330	\$1,111,648	\$1,441,826	\$330,178
St. Clair	\$1,279,240	\$2,316,504	\$579,126	\$2,895,630	\$3,755,681	\$860,051
St. Joseph	\$1,069,954	\$847,454	\$211,864	\$1,059,318	\$1,373,953	\$314,635
Tuscola	\$854,862	\$677,092	\$169,273	\$846,365	\$1,097,750	\$251,385
Van Buren	\$1,198,193	\$949,026	\$237,257	\$1,186,283	\$1,538,629	\$352,346
Washtenaw	\$1,224,414	\$4,262,189	\$1,065,547	\$5,327,736	\$6,910,163	\$1,582,427
Wayne	\$38,959,221	\$30,857,578	\$7,714,394	\$38,571,972	\$50,028,498	\$11,456,526
Wexford	\$266,063	\$414,591	\$103,648	\$518,239	\$672,165	\$153,926
Total	\$130,099,997	\$112,479,999	\$28,120,002	\$140,600,001	\$182,360,572	\$41,760,571

Data Source: Michigan Department of Treasury

March 14, 2013

A regular meeting of the Board was held in their offices at 1733 S. Mertz Rd., Caro, Michigan on Thursday, March 14, 2013 at 8:00 A.M.

Present: Road Commissioners John Laurie, Gary Parsell, Mike Zwerk, Julie Matuszak, and Pat Sheridan; County Highway Engineer Michele Zaverucha, Superintendent/Manager Jay Tuckey, Director of Finance/Secretary-Clerk Michael Tuckey.

Motion by Parsell seconded by Matuszak that the minutes of the February 28, 2013 regular meeting of the Board be approved. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Payroll in the amount of \$111,473.77 and bills in the amount of \$123,195.91 covered by vouchers #13-07, #13-08, and #HRA-03 were presented and audited.

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

Motion by Sheridan seconded by Matuszak to approve a payment next week to Blue Cross and Blue Shield of Michigan upon receipt of the April 2013 billing statements. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Brief Public Comment Segment:

None.

Motion by Parsell seconded by Sheridan that the following Seasonal Weight Restrictions will be in effect on Monday, March 11, 2013 at 7:00 A.M.

1. When the axle spacing is 9 feet or over between the axles, the maximum axle load shall not exceed 18,000 lbs. for vehicles equipped with high pressure pneumatic or balloon tires.
2. When the axle spacing is less than 9 feet between two axles, but more than 3 ½ feet, the maximum axle load shall not exceed 13,000 lbs. for high pressure pneumatic or balloon tires.
3. When axles are spaced less than 3 ½ feet apart the maximum axle load shall not exceed 9,000 lbs. per axle.
4. The normal size of tires shall be rated size as published by the manufacturers and in no case shall the maximum wheel load of any steering axle exceed 700 pounds per inch of width of tire.
5. During the months of March, April and May in each year, the maximum axle load allowable on a normal load road, shall be reduced by 35% from the maximum axle loads as herein specified. The maximum wheel load shall not exceed 450 pounds per inch of tire width while the seasonal road restrictions are in effect.
6. The Tuscola County Road Commission with respect to highways under their jurisdiction, may suspend the restrictions imposed by the section (257.722) when and where in their discretion conditions of the highway so warrant, and may impose the restricted load requirements of this section on designated highways at any other time that the conditions of the highway may require.
7. No truck, tractor or tractor with trailer, nor any combination of such vehicles with a gross weight, loaded or unloaded, in excess of 10,000 lbs. shall exceed a speed of 55 miles per hour on highways or streets

which shall be reduced to 35 miles per hour during the period when reduced loadings are being enforced in accordance with the provisions of this chapter.

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

At 8:15 A.M. the following bids were opened for 2013 Seed and Mulch:

<u>Bidder</u>	<u>Hydro seeding, Mulch, Straw</u>	<u>Hydro seeding, Mulch, Paper</u>	<u>Seed, Fertilizer, Mulch Blanket</u>
West Branch Greenhouse	\$.60 SYD	\$.60 SYD	\$ 6.50 SYD

Motion by Sheridan seconded by Zwerk that the bid for 2013 Seed and Mulch be accepted and awarded to West Branch Greenhouse Lawn Services. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Management and the Board discussed seasonal weight restrictions and the law regarding agricultural hauling.

Management and the Board further discussed Old State Road and the Michigan Department of Transportation's M-25 bridge project. County Highway Engineer Zawerucha reported to the Board the status of the Old State Road Bridge and the latest bridge inspection.

At 8:30 A.M. the following bids were opened for 2013 Corrugated Metal Pipe:

<u>Bidder</u>	<u>Total Items 1-4</u>	<u>Total Item 5</u>	<u>Total Item 6</u>	<u>Total Item 7</u>
St. Regis Culvert, Inc.	\$ 7,454.52	\$ 9,849.60	\$ 7,095.00	\$ 3,220.00
Contech Solutions	\$ 8,871.72	no bid	no bid	\$ 3,950.00
Jensen Bridge Company	\$ 7,487.60	\$ 9,605.52	\$ 5,609.62	\$ 2,295.00

<u>Bidder</u>	<u>Total Item 8</u>	<u>Total Item 9</u>	<u>Total Item 10</u>
St. Regis Culvert, Inc.	\$ 7,660.80	\$ 10,830.00	\$ 11,424.24
Contech Solutions	\$ 10,112.00	no bid	no bid
Jensen Bridge Company	\$ 7,470.96	\$ 10,005.75	\$ 8,374.13

Motion by Parsell seconded by Matuszak that the bids for 2013 Corrugated Metal Pipe be accepted, reviewed by Management, and tabled until the next regular meeting of the Board. Sheridan, Matuszak, Zwerk, Parsell, Laurie -- Carried.

Management and the Board further discussed the Road Commission's 2013 Capital Outlay Budget tabled from the last regular meeting of the Board. Superintendent/Manager Jay Tuckey presented to the Board a revised 2013 Capital Outlay Budget, and additional information regarding the Road Commission's owned and leased equipment. The Board tabled the discussion until after the scheduled bid opening.

At 8:40 A.M. the following bids were opened for 2013 Street Signs:

<u>Bidder</u>	<u>Item A Signs Total</u>	<u>Item B Delineator Buttons Total</u>	<u>Item C Blanks & Brackets Total</u>	<u>Item D Sign Posts Total</u>
Dornbos Sign, Inc.	\$ 11,705.84	\$ 190.00	\$ 2,219.50	\$ 13,046.00
MD Solutions	no bid	230.00	2,444.20	13,963.00

Newman Signs, Inc.	12,215.82	188.00	2,286.35	12,776.00
Vulcan Signs	11,342.72	216.00	2,098.35	14,448.00
American Sign Brackets (* brackets only*)	no bid	no bid	310.00 *	no bid

Motion by Parsell seconded by Zwerk that the bids for 2013 Street Signs be accepted, reviewed by Management, and tabled until the next regular meeting of the Board. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Management and the Board further discussed the Road Commission's 2013 Capital Outlay Budget tabled from earlier in the meeting. Discussion included equipment lease options, truck refurbishing costs, a grader or tractor mounted berm retriever, and additional capital needs. After further discussion, the following two motions were introduced:

Motion by Parsell seconded by Matuszak to delay taking bids for a Grader Mounted Berm Retriever and further review other alternatives, as recommend by the Superintendent/Manager. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak to approve the revised 2013 Capital Outlay Budget as amended. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Sheridan seconded by Parsell that the Tuscola County Road Commission purchase twelve (12) copies of the current publication of the Tuscola County Plat Book. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Sheridan that the following resolution be adopted:

RESOLUTION

WHEREAS, the County Highway Engineer of the Tuscola County Road Commission has reviewed the 2012 Michigan Department of Transportation Road Certification Maps for Tuscola County, and

WHEREAS, upon review there are no changes and/or corrections.

THEREFORE, BE IT RESOLVED, that this Tuscola County Board of Road Commissioners approve Chairman John Laurie to sign the 2012 Michigan Department of Transportation Road Certification Map for Tuscola County with no changes and/or corrections.

Ayes: John Laurie, Gary Parsell, Mike Zwerk, Julie Matuszak, Pat Sheridan

Nays: 0

Motion by Sheridan seconded by Parsell that the offer from Owen Tree Service to extend their 2012 Roadside Spraying bid prices to the 2013 season be denied, and that Roadside Spraying be advertised for bid for the 2013 season. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Zwerk seconded by Parsell that the Tuscola County Road Commission mileage reimbursement rate be increased to \$.565 cents per mile effective March 1, 2013. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak to allow Elkland Township to coordinate with the Village of Gageton to pave their respective portions of Dodge Road from Bay City-Forestville Road to one mile south. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Zwerk seconded by Matuszak to approve the signing of the title sheet for the Elmwood Road Bridge Federal Aid Project, and to proceed with the Michigan Department of Transportation letting the project. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Commissioner Parsell was excused from the meeting at 9:55 A.M.

County Highway Engineer Zaverucha presented to the Board a proposed Road Agreement with NextEra Energy Resources for the Tuscola Wind Farm II Project in Fairgrove Township scheduled for this year. After review and discussion, the following motion was introduced:

Motion by Sheridan seconded by Zwerk to approve the proposed Road Agreement between the Tuscola County Road Commission and NextEra Energy Resources for the Tuscola Wind Farm II Project, pending the approval of the Road Commission's Attorney. Sheridan, Matuszak, Zwerk, Laurie --- Carried.

Motion by Sheridan seconded by Matuszak to grant a variance of the Road Commission's policy and approve selling 30 feet of 60" corrugated metal pipe currently in inventory. Sheridan, Matuszak, Zwerk, Laurie --- Carried.

County Highway Engineer Zaverucha presented to the Board an updated project list approved by the Local 7A Task Force for Federal Aid funded projects.

Commissioner Sheridan reported to the Board a summary of the recent C.R.A.M. Annual Highway Conference in Lansing, and the meetings with the state legislators.

The Board requested information and data regarding the Road Commission's pension funding and savings in health insurance expenses.

Mr. Ken Dunton reported to the Board the new technology for digital mapping systems.

Motion by Zwerk seconded by Matuszak that the meeting be adjourned at 11:05 A.M. Sheridan, Matuszak, Zwerk, Laurie --- Carried.

Chairman

Secretary-Clerk of the Board

COHL, STOKER & TOSKEY, P.C.
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OF COUNSEL:
SHERRY L. HEDRINGTON

TO: MAC Conference Participants
FROM: Peter A. Cohl
DATE: March, 2013

1. County Boards of Commissioners do not have "general police powers" to enact laws regarding the general health, safety, and welfare of the community. Need to review state statutes to determine Board Authority.
2. Some general powers of the Board of Commissioners are found at MCL 46.11. There are limitations on the power of the Board of Commissioners to enact Ordinances. [MCL 46.11(j).]
3. The County Board of Commissioners has the authority to contract for services but not to "donate" money to non-profit entities.
4. The role and relationship between the County Board of Commissioners and Elected Officials, including who has the authority to hire and fire; the collective bargaining process; the budgeting process.
 - (A) Prosecutor, Treasurer, Sheriff, Register of Deeds, Clerk, Drain Commissioner - hire/fire, manage.
 - (B) Board of Commissioners - establishes wages and fringe benefits.
 - (C) The Board of Commissioners must fund mandated functions of elected officials to a "serviceable level". The County Board of Commissioners is legally required to provide the funds necessary to permit elected County officers to carry out their statutorily mandated duties at a "serviceable level."

Wayne Circuit Judges v Wayne County, 383 Mich 10 (1969). The Court of Appeals in 1979 defined "serviceable level":

We adopt "serviceability" as the standard to be applied in determining whether the Board of Commissioners has unlawfully underfunded the county executive officers so that they are unable to fulfill their statutory obligations. Serviceability must be defined in the context of Justice Black's opinion, i.e. "urgent," "extreme," "critical," and "vital" needs. A serviceable level of funding is the minimum budgetary appropriation at which statutorily mandated functions can be fulfilled. A serviceable level is not met when the failure to fund eliminates the function or creates an emergency immediately threatening the existence of the function. A serviceable level is not the optimal level. A function funded at a serviceable level will be carried out in a barely adequate manner, but it will be carried out. A function funded below a serviceable level, however, will not be fulfilled as required by statute.

(D) Importance and use of County Controller/Administrator.

5. The role and relationship between the County Board of Commissioners and the Courts.

The Supreme Court in its revised Order of December 28, 1998, Administrative Order 1998-5, greatly enhanced the Counties' ability to maintain fiscal responsibility. The following are some provisions from that Administrative Order:

II. COURT BUDGETING

"... The budget submitted must be in conformity with a uniform chart of accounts. If the local funding unit requests that a proposed budget be submitted in line-item detail, the chief judge must comply with the request. If a budget has been appropriated in line-item detail, without prior approval of the funding unit, a court may not transfer between line-item accounts to: (a) create new personnel positions or to supplement existing wage scales or benefits, except to implement across the board increases that were granted to employees of the funding unit after the adoption of the court's budget at the same rate, or (b) reclassify an employee to a higher level of an existing category. A chief judge may not enter into a multiple-year commitment concerning any personnel economic issue unless: (1) the funding unit agrees, or (2) the agreement does not exceed the percentage increase or the duration of a multiple-year contract that the funding unit has negotiated for its employees. Courts must notify the funding unit or a local court management council of transfers between lines within 10 business days of the transfer. The requirements shall not

be construed to restrict implementation of collective bargaining agreements." [Emphasis added].

V. PARTICIPATION BY FUNDING UNIT IN NEGOTIATING PROCESS

"If a court does not have a local court management council, the chief judge, in establishing personnel policies concerning compensation, fringe benefits, pensions, holidays, or leave, must consult regularly with the local funding unit and must permit a representative of the local funding unit to attend and participate in negotiating sessions with court employees, if desired by the local funding unit. The chief judge shall inform the funding unit at least 72 hours in advance of any negotiating sessions." [Emphasis added].

VI. CONSISTENCY WITH FUNDING UNIT PERSONNEL POLICIES

"To the extent possible, consistent with the effective operation of the court, the chief judge must adopt personnel policies consistent with the written employment policies of the local funding unit..."

1. **“Unscheduled Court Closing Due to Weather Emergency.** If a chief judge opts to close a court and dismiss court employees because of a weather emergency, the dismissed court employees must use accumulated leave time or take unpaid leave if the funding unit has employees in the same facility who are not dismissed by the funding unit. If a collective bargaining agreement with court staff does not allow the use of accumulated leave time or unpaid leave in the event of court closure due to weather conditions, the chief judge shall not close the court unless the funding unit also dismisses its employees working at the same facility as the court. Within 90 days of the issuance of this order, a chief judge shall develop and submit to the State Court Administrative Office a local administrative order detailing the process for unscheduled court closing in the event of bad weather. In preparing the order, the chief judge shall consult with the court's funding unit. The policy must be consistent with any collective bargaining agreements in effect for employees working the court.
2. **Court Staff Hours.** The standard working hours of court staff, including when they begin and end work, shall be consistent with the standard working hours of the funding unit. . .” [Emphasis added.]

VIII. COLLECTIVE BARGAINING

"... a chief judge of a trial court may designate a representative of a local funding unit or a local court management council to act on the court's behalf for purposes of collective bargaining. . ."

IX. EFFECT ON EXISTING AGREEMENTS

"This order shall not be construed to impair existing collective bargaining agreements. Nothing in this order shall be construed to amend or abrogate agreements between chief judges and local funding units in effect on the date of this order. Any existing collective bargaining agreements that expire within 90 days may be extended for up to 12 months."

6. Open Meetings Act. 1976 PA 267; MCL 15.261, *et seq.*

- (A) The following are some situations when a Board of Commissioners is permitted to go into a Closed Session:

Upon a two-thirds roll call vote of the members of a public body elected or appointed and serving, a public body **may** meet in closed session for any of the following reasons:

1. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained. [Section 8(d)] (Not sale).
2. To consult with its attorneys regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body. [Section 8(e).] The attorney must be present in person or by telephone.
3. To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. All interviews of a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this Act except as otherwise provided in this subdivision. This subdivision does not apply to the search for a president of an institution of higher education under section 8(j). [Section 8(f).]
4. To consider material exempt from discussion or disclosure by State or Federal statute. [Section 8(h)] Section 8(h) has been interpreted to permit a public body to hold a closed session for

consideration of a written legal opinion within the attorney-client privilege, but a closed session may not be held for consideration of an oral opinion. [*Booth Newspapers v Wyoming*, 168 Mich App 459 (1988).] The attorney is not required to be present.

Closed sessions **may** also be held by public bodies for the following reasons without a two-thirds roll call vote:

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. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered thereafter only in open sessions. [Section 8(a).]
2. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.¹ [Section 8(c).]
3. In the process of searching for and selecting a president of an institution of higher education established under the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate under certain conditions. [Section 8(i).]

A roll call vote and the purpose or purposes for calling the closed session is required to be entered into the minutes of the meeting at which the vote is taken. During the closed session, a separate set of minutes is required to be taken. Under most circumstances, any vote which is taken on a matter discussed in closed session should be made during the regular meeting. The minutes are required to be retained by the clerk of the public body. However, they are not to be made available to the public and shall only be disclosed as required by a civil action. The minutes are permitted to be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

¹ Section 8(c) has been interpreted to permit closed strategy sessions only when negotiation of a labor agreement is in progress or about to commence. *Wexford Prosecutor v Pranger*, 83 Mich App 197 (1978).

7. Board Rules

- (A) MCL 46.1 - The annual meetings of the county boards of commissioners shall be held each year after September 14, but before October 16.
- (B) MCL 46.3 - (2) Questions that arise at meetings of the county board of commissioners shall be determined by the votes of a majority of the members present. However, the final passage or adoption of a measure or resolution *** or the allowance of a claim against the county shall be determined by a majority of the members elected and serving. The county board of commissioners may require in its bylaws that the vote of 2/3 of the members present or a majority of the members elected and serving, whichever is greater, are required on final passage or adoption of a nonagenda item.
- (C) MCL 46.3 - (4) The county board of commissioners of a county shall elect 1 member as chairperson and 1 member as vice-chairperson. The chairperson shall be elected each odd numbered year for a 2-year term, unless the county board of commissioners provides by resolution that the chairperson shall be elected annually for a 1-year term. The vice-chairperson shall be elected annually for a 1-year term. The election of a chairperson or vice-chairperson shall take place at the first meeting of the county board of commissioners in a year in which a chairperson or vice-chairperson, respectively, is to be elected. The term of a chairperson or vice-chairperson shall begin upon his or her election. A resolution providing for a 1-year term for the chairperson does not shorten the term of office of a sitting chairperson elected for a 2-year term.
- (D) Legal Requirements for calling a Special Board of Commissioners Meeting.

The following is a sample resolution which can be passed to implement provisions of MCL 46.10 as revised:

BE IT RESOLVED, the County Board of Commissioners changes its bylaws to include the following:

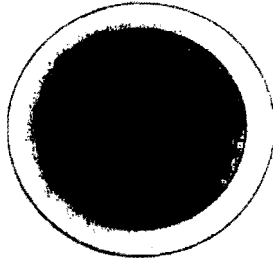
A special meeting of the County Board of Commissioners shall be held only when a written request from at least one third of the members of the county board of commissioners is provided to the county clerk. The written request of the special meeting must specify the time, date, place and purpose of the special meeting. Upon receipt of this request, the clerk shall give notice to each of the commissioners within _____ (hours/days to be determined by the Board of Commissioners, while still complying with the 18-hour prior notice requirement of the

Open Meetings Act), in one of the manners provided as follows:

Via a confirmed facsimile transmission to the commissioner's residence;
Via personal delivery of the notice of the special meeting to the commissioners; or
Leaving the notice of the special meeting at the residence of the commissioner.

BE IT FURTHER RESOLVED that the clerk shall comply with all notice and posting requirements mandated by the Open Meetings Act.

8. Collective bargaining process.
 - (A) Negotiation
Mediation
Fact-Finding
 - (B) Act 312
Corrections Officers may not be eligible
Dispatchers, if not connected with Sheriff's Department - not eligible
 - (C) PA 54 of 2011 (deals with employee contribution requirement for fringe benefits after a labor contract expires, prohibits step increases, etc)
 - (D) PA 152 of 2011 (limits what counties can pay towards health insurance unless two-thirds vote of the governing body exempts themselves from the requirements each year)



Tuscola County Planning Commission

125 W. Lincoln St.
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989.672.3700

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April 4, 2013

Commissioners:

Re: 2 013 General Development Plan Amendment

At the April 3rd meeting of the County Planning Commission, a motion to recommend your approval of the proposed amendments to the County General Development Plan and your reaffirmation of the total plan was passed unanimously.

We therefore ask that you approve the proposed amendment which was given to you at a February meeting for your review and reaffirm the plan as a whole.

Thank you for your help in the pursuit of a better Tuscola County.

Sincerely,

Ione K. Vyse, Chairperson
Tuscola County Planning Commission