

KIRKPATRICK

Board of Health
Community Corrections Advisory Board
Dept. of Human Services/Medical Care Facility Liaison
MI Renewable Energy Coalition
MAC Environmental Regulatory – Vice Chair
Cass River Greenways Pathway
Local Unit of Government Activity Report
NACO- Energy, Environment & Land Use
Jail Planning Committee
Saginaw Bay Coastal Initiative
Tuscola In-Sync
Region VI Tourism Discussions

BARDWELL

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

YOUNG

Dispatch Authority Board
County Road Commission Liaison
Board of Public Works
Senior Services Advisory Council
Saginaw Bay Coastal Initiative
Local Unit of Government Activity Report
MAC Agricultural/Tourism Committee
Strategic EDC Planning Committee
Jail Planning Committee
Genesee Shiawassee Thumb Works
Region VI Economic Development Planning
Tuscola 2020

VAUGHAN

Board of Health
Planning Commission
Economic Development Corp/Brownfield Redevelopment
Local Unit of Government Activity Report
Mid-Michigan Mosquito Control Advisory Committee
Parks and Recreation Commission
Tuscola County Fair Board Liaison

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 June 14, 2018 Full Board and Statutory Finance Minutes
- #2 Consent Agenda Resolution
- #3 Drain Commissioner Staffing Request
- #4 Drain Commissioner Caro Dam
- #5 Former Vassar Foundry Chargebacks
- #6 June 25, 2018 Committee of the Whole Minutes
- #7 May 31, 2018 Road Commission Minutes
- #8 June 15, 2018 Health Department Report

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Draft
TUSCOLA COUNTY BOARD OF COMMISSIONERS
June 14, 2018 Minutes
H. H. Purdy Building

Commissioner Bardwell called the meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building in the City of Caro, Michigan, on the 14th day of June 2018, to order at 8:00 o'clock a.m. local time.

Prayer – Reverend Doug Abel, Vassar Presbyterian Church

Pledge of Allegiance – Commissioner Bardwell

Roll Call – Clerk Fetting

Commissioners Present: District 2 - Thomas Bardwell, District 3 - Kim Vaughan, District 4 - Craig Kirkpatrick

Commissioner Absent: District 1 - Thomas Young, District 5 – Matthew Bierlein

Also Present: Clayette Zechmeister, Clerk Jodi Fetting, Eean Lee, Tisha Jones, Mike Miller, Rick Lipan, Melvin Campbell, Susan Campbell, Mary Brissette, Caryn Michalak, Steve Anderson, Reverend Doug Abel, Undersheriff Bob Baxter, Sandy Nielsen

Adoption of Agenda -
18-M-092

Motion by Kirkpatrick, seconded by Vaughan to adopt the agenda as presented.
Motion Carried.

Action on Previous Meeting Minutes -
18-M-093

Motion by Kirkpatrick, seconded by Vaughan to adopt the meeting minutes from the May 24, 2018 Board and Statutory Finance meetings and the June 11, 2018 Committee of the Whole and Board meetings. Motion Carried.

Brief Public Comment Period for Agenda Items Only - None

Consent Agenda Resolution -
18-M-094

Motion by Kirkpatrick, seconded by Vaughan that the following Consent Agenda Resolution from the June 11, 2018 Committee of the Whole Meeting be adopted.
Motion Carried.

CONSENT AGENDA

- Agenda Reference:** A
- Entity Proposing:** COMMITTEE OF THE WHOLE 6/11/18
- Description of Matter:** Move that the legal services retainer with Clark Hill concerning chargebacks and other matters related to the former Vassar Foundry delinquent taxes be approved and the County Treasurer and Board Chair be authorized to sign.
- Agenda Reference:** B
- Entity Proposing:** COMMITTEE OF THE WHOLE 6/11/18
- Description of Matter:** Move that per the request of the Sheriff that the out-of-state travel request for Det./Sgt. Jim Hook to attend cyber forensics training in Hoover, Alabama be approved with the understanding that all costs are paid by the United States Secret Service.
- Agenda Reference:** C
- Entity Proposing:** COMMITTEE OF THE WHOLE 6/11/18
- Description of Matter:** Move that the original Consulting Services Agreement with MGT of America be extended for two years to prepare 2017 and 2018 county Central Service Cost Allocation Plans. Also, all appropriate signatures are authorized.
- Agenda Reference:** D
- Entity Proposing:** COMMITTEE OF THE WHOLE 6/11/18
- Description of Matter:** Move that the \$2,500 Northstar Bank donation to Tuscola County be divided with \$1,250 dedicated to Tuscola County Animal Control and \$1,250 dedicated to Vanderbilt Park.
- Agenda Reference:** E
- Entity Proposing:** COMMITTEE OF THE WHOLE 6/11/18
- Description of Matter:** Move that the letter of resignation from Dr. Bush as the Tuscola County Medical Director be received and placed on file with said resignation effective September 30, 2018.

- Agenda Reference:** F
- Entity Proposing:** COMMITTEE OF THE WHOLE 6/11/18
- Description of Matter:** Move that per the recommendation of the Board of Health that the Veterans Committee Operating Procedures be approved and all appropriate signatures are authorized.

New Business

-Caro Dam Update - Rick Lipan presented to the Board regarding the Caro Dam. He reviewed various grants that were applied for although unsuccessful. Rick also reviewed an upcoming grant cycle that an application will be completed for. Rick is hoping the costs of repairs could be shared by Tuscola County, City of Caro, Indianfields Township and Eric Fox. The Board will contact the county attorney for assistance in this matter.

-Concur with the hiring of the Animal Control Officer -

18-M-095

Motion by Kirkpatrick, seconded by Vaughan to concur with the hiring of Amanda Berlin to the position of Animal Control Officer effective July 2, 2018 at the starting rate of pay contingent upon satisfactory physical and background checks. Motion Carried.

-Concur with the hiring of the Animal Control Assistant -

18-M-096

Motion by Kirkpatrick, seconded by Vaughan to concur with the hiring of Kristina Beckman to the position of Animal Control Assistant effective June 25, 2018 at the starting rate of pay contingent upon satisfactory physical and background checks. Motion Carried.

-Asphalt Bids for the driveways to Human Services complex and Adult Probation Building - Mike Miller reviewed the bids opened at the Committee of the Whole meeting and made recommendations based on the company that was the low bidder.

18-M-097

Motion by Kirkpatrick, seconded by Vaughan that the bid to resurface the driveway to the Human Service Complex be awarded to Esch Landscaping LLC who was the low bidder for an amount of \$89,900. Also, the capital improvement budget established for this project be amended and increased from \$60,000 to \$89,800. Motion Carried.

18-M-098

Motion by Kirkpatrick, seconded by Vaughan that the bid to resurface the Adult Probation parking lot be awarded to Esch Landscaping LLC who was the low

bidder for an amount of \$34,225. Also, the capital improvement budget established for this project be amended and increased from \$17,000 to \$34,225. Motion Carried.

-County Clerk appointment of Chief Deputy Clerk -

18-M-099

Motion by Kirkpatrick, seconded by Vaughan that the county hiring freeze be temporarily lifted and Caryl Langmaid be appointed Chief Deputy County Clerk effective June 18, 2018 at the beginning rate of pay. Motion Carried.

18-M-100

Motion by Kirkpatrick, seconded by Vaughan that the county hiring freeze be temporarily lifted and the County Clerk be authorized to refill the vacant Court Clerk I position created by the promotion of Caryl Langmaid to the position of Chief Deputy County Clerk. Motion Carried.

-Sheriff Office K9 Bid Award - Undersheriff Baxter reviewed the bids that were received for the Bid; Mid-Michigan Police K9 - \$12,500, Northern Michigan K9 - \$11,000, K9 Academy Training Facility - \$25,800. Undersheriff Baxter is recommending the Mid-Michigan Police K9 even though not the low bidder as it is the same K9 Training company that neighboring counties use.

18-M-101

Motion by Kirkpatrick, seconded by Vaughan per the recommendation of the Undersheriff & the Emergency Manager, that the Tuscola County Sheriff's Office K9 Project, which is being partially funded by a Fiscal Year 2017 Homeland Security Grant in the amount of \$12,000, be awarded to Mid-Michigan Police K9 LLC. It should be noted that Mid-Michigan Police K9 was not the lowest bidder but when taking into consideration other factors such as surrounding counties utilize Mid-Michigan such as Sanilac (whom our Sheriff's' department works closely with especially with this project), St. Clair & the City of Lapeer it would be beneficial to use the same training facility. Motion Carried.

Old Business - None

Correspondence/Resolutions -

- Clayette Zechmeister explained to the Board about the RAP Grant that Undersheriff Baxter applied for and received.
- Area Region VII sent a letter to Commissioner Bardwell requesting a written comment.
- School Planning Review and Inspection letter was sent to Commissioner Bardwell.

COMMISSIONER LIAISON COMMITTEE REPORTS

VAUGHAN - No updates to provide.

Board of Health

Planning Commission

Economic Development Corp/Brownfield Redevelopment

Local Unit of Government Activity Report

Mid-Michigan Mosquito Control Advisory Committee

Parks and Recreation Commission

Tuscola County Fair Board Liaison

BIERLEIN - absent

Genesee Shiawassee Thumb Works

Human Development Commission (HDC)

Recycling Advisory Committee

Local Emergency Planning Committee (LEPC)

Great Start Collaborative Council

Local Unit of Government Activity Report

MAC Board of Directors

Human Services Collaborative Council

MAC Judiciary Committee

Tuscola County College Access Network

MAC Agricultural/Tourism Committee

MEMS All Hazards

KIRKPATRICK - No updates to provide

Board of Health

Community Corrections Advisory Board

Dept. of Human Services/Medical Care Facility Liaison

MI Renewable Energy Coalition

MAC Environmental Regulatory – Vice Chair

Cass River Greenways Pathway

Local Unit of Government Activity Report

NACO- Energy, Environment & Land Use

Jail Planning Committee

Saginaw Bay Coastal Initiative

Tuscola In-Sync

Region VI Tourism Discussions

BARDWELL

Economic Development Corp/Brownfield Redevelopment - Update provided regarding concern expressed by Steve Erickson.

Caro DDA/TIFA - Update provided.

MAC Finance

MAC 7th District

Local Unit of Government Activity Report - Update provided.

TRIAD - Update provided.

Behavioral Health Systems Board - Senior Empowerment Workshop is October 17, 2018

MAC Workers Comp Board

YOUNG - absent

Dispatch Authority Board

County Road Commission Liaison

Board of Public Works

Senior Services Advisory Council

Saginaw Bay Coastal Initiative

Local Unit of Government Activity Report

MAC Agricultural/Tourism Committee

Strategic EDC Planning Committee

Jail Planning Committee

Genesee Shiawassee Thumb Works

Region VI Economic Development Planning

Tuscola 2020

Other Business as Necessary - None

Extended Public Comment -

-Mary Brissette thanked the Sheriff's Department and the Akron Fairgrove Police Department in their assistance in handling her situation with her neighbor.

Meeting adjourned at 9:13 a.m.

Jodi Fetting
Tuscola County Clerk

Statutory Finance Committee Minutes
June 14, 2018
H.H. Purdy Building
125 W. Lincoln St, Caro MI

Meeting called to order at 9:13 a.m.

Commissioners Present: Bardwell, Vaughan, Kirkpatrick

Commissioners Absent: Young, Bierlein

Also Present: Mike Hoagland, Jodi Fetting, Tisha Jones, Mike Miller

Claims and Per Diems were reviewed and approved.

Public Comment - None

Meeting adjourned at 9:17 a.m.

Jodi Fetting
Tuscola County Clerk

'DRAFT'

COUNTY OF TUSCOLA

STATE OF MICHIGAN

RESOLUTION TO ADOPT CONSENT AGENDA

At a regular meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building in the Village of Caro, Michigan, on the 28th day of June, 2018 at 8:00 a.m. local time.

COMMISSIONERS PRESENT:

COMMISSIONERS ABSENT:

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

CONSENT AGENDA

- Agenda Reference:** A
- Entity Proposing:** COMMITTEE OF THE WHOLE 6/25/18
- Description of Matter:** Move that the county health insurance coverage be continued with Blue Cross/Blue Shield for the September 1, 2018 to August 31, 2019 period with the Administrative Services Contract. Also, Schedule A which provides further cost and coverage information be authorized for signature.

Agenda Reference: B

Entity Proposing: COMMITTEE OF THE WHOLE 6/25/18

Description of Matter: Move that the county continue to opt out of mental health parity as permitted under the Federal Public Health Service Act and the Controller/Administrator be authorized to sign all necessary documents regarding this matter.

Agenda Reference: C

Entity Proposing: COMMITTEE OF THE WHOLE 6/25/18

Description of Matter: Move that the statistical dash board as presented at the June 25, 2018 Board of Commissioner's meeting be authorized to be sent to the state for compliance with state law to receive full state revenue sharing payments.

Agenda Reference: D

Entity Proposing: COMMITTEE OF THE WHOLE 6/25/18

Description of Matter: Move that for consistency and to achieve a uniform per diem policy effective July 1, 2018 all county boards and commissions will receive a \$50 per meeting per diem except for those boards that have per diems set by state statute. (Current boards/commissions that receive less than the \$50 per diem include: County Planning Commission, County Recycling Committee, Parks and Recreation Commission, Council on Aging, Senior Advisory, Construction Code Board of Appeals and Board of Public Works).

Agenda Reference: E

Entity Proposing: COMMITTEE OF THE WHOLE 6/25/18

Description of Matter: Move that per the June 20, 2018 letter of request from the Mosquito Abatement Director that the Mosquito Abatement Employee Manual

be revised to state that seasonal employees are to be paid one-half day for recognized Tuscola County Holidays if the employee works the scheduled day before and after the holiday.

Agenda Reference: F

Entity Proposing: COMMITTEE OF THE WHOLE 6/25/18

Description of Matter: Move that per the recommendation of the hiring committee that Cody Horton be hired as the Tuscola County GIS Coordinator effective July 10, 2018 at the starting rate of pay contingent upon satisfactory physical and background check.

Agenda Reference: G

Entity Proposing: COMMITTEE OF THE WHOLE 6/25/18

Description of Matter: Move that authorization is given for the County Clerk to advertise to fill a vacancy on the Tuscola County Council on Aging. (Barbara Dawson).

Agenda Reference: H

Entity Proposing: COMMITTEE OF THE WHOLE 6/25/18

Description of Matter: Move that per the request of the Board of Health and the Health Officer that the wage band for the Veteran's Affairs Officer be approved.

Agenda Reference: I

Entity Proposing: COMMITTEE OF THE WHOLE 6/25/18

Description of Matter: Move that as in previous years South Central Construction Code Commission be approved for the administration and enforcement for plan review and inspection of school buildings. Also, authorizing documents are approved for signature. (Annual approval of this inspection work is a requirement of the State).

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

YEAS:

NAYS:

ABSTENTIONS:

RESOLUTION ADOPTED.

Thomas Bardwell, Chairperson
Tuscola County Board of Commissioners

Jodi Fetting
Tuscola County Clerk

#

OFFICE OF
TUSCOLA COUNTY DRAIN COMMISSIONER

125 W. LINCOLN STREET, STE 100
CARO, MI 48723



ROBERT J. MANTEY
Drain Commissioner
Cell Phone (989) 553-3824

Phone (989) 672-3820
Fax (989) 673-3497
email: drain-commissioner@tuscolacounty.org

June 28, 2018

RE: Request for Part Time, Temporary, Account Clerk III position

To: Honorable Tuscola Board of County Commissioners

The Drain Office has been overwhelmed with an extraordinary amount of work load, above and beyond the normal day to day activities. The reasons for this are two Windfarm reviews and the current SAW Grant continuation of reviewing Drainage Districts (sec. 197 reviews).

The first Windfarm is the NextEra (Pegasus) review that is currently going on and will continue through the summer. The second Windfarm review will start early this fall for Consumers Energy. This involves reviewing documents, researching rights-of-way, and keeping an account of what is actually happening in our County Drains. This is almost 100% of Patty Witkovsky's time. Usually this generates between \$50,000 to \$100,000 to the Drainage Districts, per Windfarm, and this money helps keep the County Drain At Large (DAL) costs down.

The SAW grant has brought \$490,000 to review Drainage District boundaries (sec. 197) and help us keep current on all legal items for the Drainage Districts. This is providing us with a layer of drain information for our GIS. This process has also helped correct parcel errors in the GIS. During these reviews almost 100% of Dara McGarry's time is devoted to this review.

To keep up with this temporary extra work load, I am requesting a part time (15 hours per week), temporary (July 31, 2018 through January 31, 2019), as an Account Clerk III position. This person will help with researching rights-of-way, scanning documents, filing, answering phone, etc.. Based on 405 total hours, the cost for this, including FICA, is \$6,714.13. Please see attached provided by Shelly Lutz.

Please consider accepting this request to keep the Drain Office running efficiently, and offering us the opportunity to keep supplying the necessary critical financial information to the Controller's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "R. J. Mantey", with a long, sweeping underline.

Robert J. Mantey

Tuscola County Drain Commissioner

PRELIMINARY 2018 BUDGET

Title Account Clerk III
 2018 Step Temp Part Time
 MERS DIVISION 15 Hours/Week
 D.O.H. 7-31-18 to 1-31-19

101-275	TBD
Wages 703-000	
Wages 704-000	
Health Ins. Incentive 704-020	
STD 704-030	
LTD 704-030	
Unused Sick Payout 704-040	\$ 6,237.00
Salaries - PT/Temp 705-000	
Overtime 706-000	
Work Comp 710-000	
Health & Dental Ins. 711-000	\$ -
FICA 715-000	\$ 477.13
Life Ins. 717-000	\$ -
Retirement 718-000	\$ -
POB/retirement 718-100	\$ -
Total Per Employee	\$ 6,714.13

Based on 405 hours

Cost Savings from the Drain Office since 2008

1. The Drain At Large(DAL) reduced \$70,000 the first year after I took office in 2009, after going up consistently to over \$562,000 in 2008.
2. In 2017 the DAL is now more than \$170,000 reduced, per year, since I took office.
3. Assessing has been brought into our office and done 100% internally reducing the consulting cost of assessing to zero. This generally costs \$30,000-\$50,000 annually for consultants to do .
4. Our office has eliminated bogus, sometimes hundred thousand dollar, adjustments to make the audits balance. This was done prior to me taking office and caused some very inaccurate estimates for the DAL.
5. We have communicated DAL estimates and tried to predict two years out for budget planning for the County.
- 6 We acquired \$490,000 in SAW grant money that is assisting in establishing a drain layer of the GIS. The section 197(drainage district boundary reviews)process is also correcting many errors currently in the GIS parcels. Spicer Engineering is the lead on our SAW grant and they offered \$25,000-\$30,000 worth of survey point data to the Equalization Department when they were establishing the parcel layer. This helped make "parcel lines" line up more accurately with actual "property lines".
7. The SAW grant is providing two new main frame computers and monitors for the Drain Office. Tablets will also be purchase for the office. This is a direct savings to the general budget.
8. During the Section 197 drainage district reviews I have been consistently reducing the county DAL percentages on most drains. One item that is being taken out of the county DAL are any MDOT and RR percentages. By 2019 this will be a savings to the county DAL of about \$30,000 annually, for just this one item.
9. Wind farms have generated over \$200,000 in fees put directly into the drainage districts. This was accomplished through negotiating agreements for each drainage district affected by the wind farms. This will be approximately a \$50,000+ savings to future county DAL.
10. Moore Drain refinancing just happened in June 2018 and will save the county DAL over \$10,000 in the next 8 years.

I feel that having a competent, dedicated and knowledgeable staff has allowed us to cut our consultant needs and only use them for specific projects. We also try to cross train each other so that my engineering skills are taught, Daras Accounting/Assessing skills are taught and Patty's general knowledge and history, of the Drain Office, are shared: all with each other. This office needs this constant cross training and knowledge to keep operating efficiently and to make the proper decisions, so the DAL stays at a manageable level.

Bob Mantey, Tuscola County Drain Commissioner

mhoagland@tuscolacounty.org

From: Clayton J. Johnson <CLAJOH@BraunKendrick.com>
Sent: Friday, June 22, 2018 5:42 PM
To: 'MHoagland@TuscolaCounty.org'
Subject: Dam Funding
Attachments: Tuscola County - Memo Re Funding Issue (S1434547).pdf

Dear Mike,

This is in response to your request for our opinion as to whether it may be permissible for county funds to be used toward a portion of the expense incurred to perform overdue repairs to a privately owned dam structure along the Cass River. We discussed that conditions of the expenditure would be that the County must be given the right of access to the dam, as well as the ability to regulate water levels.

It is our opinion that such expenditures could indeed serve a proper public purpose. Attached is our memorandum regarding the matter.

It is also worth pointing out that the DNR has also provided a number of grants each year through its Dam Management Grant Program. Private individuals are permitted to apply for public funds under this program. If the program is again funded by the state of Michigan for 2018 the application procedures for the grant would likely begin in October 2018 and it would seem worthwhile for the property owner to submit an application for the program.

Please feel free to contact me with regard to any additional information you would like us to provide. Thank you for the opportunity to provide input.

Best regards,
Clay

CLAYTON J. JOHNSON
Attorney
Tel: 989.399.0605
Fax: 989.799.4666
Email: clajoh@braunkendrick.com

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MEMORANDUM

TO: Mr. Michael Hoagland
FROM: Clayton J. Johnson, for Braun Kendrick
DATE: JUNE 22, 2018
SUBJECT: TUSCOLA COUNTY -- DAM FUNDING ISSUE

Facts and Issue:

The County is contemplating using public funds to assist in the restoration of a privately owned dam. A number of individuals maintain residential properties around what used to be the lake formed upstream of the dam, and thus would be negatively impacted by the dam's removal or permanent closure. There is public access to this body of water. If the County were to provide public funds toward the restoration of the dam, it would insist upon an easement by which it could access the dam. Additionally, the County would want to be granted the ability to regulate, in some fashion, the water levels created by the dam. The dam is significant not only for the role it would play in the reestablishment of the lake, but also to ensure the continued flow of water downstream for wildlife and other notable purposes. The issue is whether the County may spend public funds on this privately owned dam, given that there appears to be a public purpose for doing so.

Brief Answer:

The proposed use of public funds to assist in the restoration of the dam would not appear to violate Michigan law if the public interest is served by the expenditure. Moreover, this would be if the expenditure were to ultimately result in a grant of access to the dam and the ability to regulate it to some degree.

Analysis:

A county is a municipal corporation that possesses "only such powers as have been granted to it by the Constitution or the state Legislature." *Alan v Co of Wayne*, 388 Mich 210, 245; 200 NW2d 628 (1972). Pursuant to the Michigan Constitution, "[t]he credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution." MCLS Const. Art. IX, § 18. This particular provision has been deemed to prohibit the state or any of its subdivisions (including counties, cities, villages, and townships) from giving away anything without receiving consideration in return. See *Alan v Co of Wayne*, *supra*. Moreover, courts have expressly held that "[c]ontracts which involve an attempt to use public money for the furtherance of a private enterprise are void." *Skutt v Grand Rapids*, 275 Mich 258, 266; 266 NW 344 (1936). Public monies and taxes are said to be "designed and collected for the purpose of supporting government and maintaining its

activities and functions.” *Id.* Moreover, taxes are said to be “levied to raise money for specific purposes.” *Id.* However, such actions have been upheld upon a finding that the expenditure served a public purpose. Michigan courts have held that “despite the absence of specified general limits on legislative power, and because the theme of public purpose runs through the constitution, the power of the Legislature and of government generally are limited to such acts and such governmental powers as exhibit a public purpose.” *Alan v Co of Wayne, supra* at 317-318.

In *Hays v Kalamazoo*, 316 Mich 443; 25 NW2d 787 (1947), the defendant city “had annually contributed to the Michigan Municipal League public funds derived from taxes and assessments.” *Id.* at 447. The plaintiff requested that the court declare such expenditure to be unauthorized, illegal, and void. *Id.* It argued that the defendant city had no right to pay public funds to the organization for any purpose. *Id.* at 452. The city asserted that it had a right to avail itself to the services of the organization and to “make compensation from public funds on the ground that such expenditure is for a proper city public purpose.” *Id.* It further argued that the “general welfare and the public interests were served by its membership in the organization.” *Id.* 453.

The Michigan Supreme Court stated that “[g]enerally, a public purpose has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within the municipal corporation, the sovereign powers of which are used to promote such public purpose.” *Id.* It recognized that the “modern trend of decisions is to expand and liberally construe the term ‘public use’ in considering State and municipal activities sought to be brought within its meaning.” *Id.* It conveyed that the “right of the public to receive and enjoy the benefit of the use determines whether the use is public or private.” *Id.* Ultimately, the Court held that the welfare of the city was served by its membership in the organization and that its use of public funds was justified. *Id.* at 467. Moreover, the Court reasoned that “municipal officers have a broad discretion in promoting the welfare of their communities.” *Id.* at 462.

In *Hess v Cannon Twp*, 265 Mich App 582; 696 NW2d 742 (2005), the court upheld agreements among townships to defray legal costs incurred in a land use controversy that affected said townships. In finding that a valid public purpose existed, the Court stated that “a wise statemanship must look beyond the expenditures which are absolutely needful to the continued existence of organized government, and embrace others which may tend to make that government subserve the general well-being of society, and advance the present and prospective happiness and prosperity of the people.” *Id.* at 595.

It should be noted that some case law suggests that the municipality expending public funds must also exhibit control. In *Detroit Museum of Art v Engel*, 187 Mich 432; 153 NW 700 (1915), the Michigan Supreme Court held that the maintenance of the Detroit Museum of Art, a private corporation, at the expense of the city of Detroit, although the title to its property was vested in the city, was a violation of former provision prohibiting the support of private enterprises at public expense. The court reasoned that “[t]axes and loans, when authorized to be raised by any public body, must be raised under the implied condition that they are to be applied to the public uses under the control or care of that body.” *Id.* at 442, citing *Attorney General v*

Bd of Supervisors, 34 Mich 46 (1876). The court stated that "the object and purpose . . . is a public purpose in the sense that it is being conducted for the public benefit, but it is not a public purpose within the meaning of our taxing laws, unless it is managed and controlled by the public." *Id.* at 442. It asserted that "the people who are called upon to pay the taxes and furnish the money have no voice in the [operation of the Museum]; neither have they any voice in the selection of a majority of the board of directors who control and manage its affairs." *Id.* Accordingly, the Court ruled that even if a public body expended funds for a public purpose, such expenditure would be illegal if the operation is not under the control of said public body. *Id.* at 443.

Additionally, Michigan courts have interpreted Article IX, section 18 of the Constitution to permit the state to acquire or transfer something of value but have held that this provision is violated "only when the state creates an obligation legally enforceable against it for the benefit of another." *Petrus v Dickinson County Bd of Comm'rs*, 184 Mich App 282, 297; 457 NW2d 359 (1990). Put another way, there is no constitutional violation where there is "a fair exchange of value for value." *Alan v County of Wayne*, *supra* at 330.

In the matter at hand, there does not appear to be anything which would expressly and directly prohibit the County's contemplated expenditure if it does indeed serve a public purpose. It would seem that the County's involvement and financial backing of the dam's restoration would in fact serve such a purpose. The restoration of the dam would serve to allow the entire populace of the County to enjoy the resulting body of water that would be formed. The expenditure of public funds would also permit the public to enjoy the continued flow of water downstream. Conversely, the negative impact of the dam's removal and/or permanent closure would be far reaching throughout the County. Moreover, the County would appear to be further justified in the expenditure if it were to retain access to the dam and the ability to regulate the water levels as is proposed.

Conclusion:

Though the issue is not entirely settled by existing law, the County's proposed action of using public funds to assist in the restoration of the dam would not appear to violate Michigan law if the public interest is served by the expenditure. Moreover, the County's argument would be further strengthened if it were to ultimately be granted access to the dam and the ability to regulate its use.

Patricia Donovan-Gray



125 W. LINCOLN STREET
CARO, MICHIGAN 48723

TUSCOLA COUNTY TREASURER

989-672-3890

June 20, 2018

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

Re: Chargebacks for payments received by the County of Tuscola for 2014, 2015 and 2016 Delinquent Real Property Taxes from the Tuscola County Delinquent Tax Revolving Fund (the "DTRF")

Attached hereto as Appendix I, please find a summary of the amounts which the County of Tuscola has received on the delinquent real property taxes for the years 2014, 2015 and 2016 which have been paid to your unit of government from the DTRF in 2015, 2016 and 2017 on the tax parcels described in Appendix I, attached hereto.

This chargeback is being made by the Tuscola County Treasurer pursuant to the power granted to me by Section 87b of Public Act 206 of the Public Acts of Michigan, as amended ("Act 206"). As County Treasurer I have an obligation to collect these amounts.

The provision in Act 206 which requires me to make this chargeback is set forth in Appendix 2 attached to this letter. If your unit wishes to pay these amounts back to the DTRF on August 1, 2018 the amount plus interest will be \$11,849.84. Thereafter, interest will accrue at the rate of 1/12 of one percent each month on the unpaid balance.

At the same time I am working with our Counsel John R. Axe to attempt to arrange a sale of the foundry either to the City of Vassar or to another buyer. If the property is sold the proceeds will be used to reduce or eliminate the amount being charged back. Whether or not that will be successful is not known at this time. If your unit charge back is paid before that occurs your unit will receive a pro-rata refund of any later collections made to me.

If you or your attorney have any questions regarding this matter please contact:

John R. Axe
Clark Hill, PLC
Suite 3500
Detroit, MI 48226
(313) 309-9452 or (313) 330-9696
jaxe@clarkhill.com

Very truly yours,

Pat Donovan-Gray
Pat Donovan-Gray
Tuscola County Treasurer

APPENDIX 1

Summary of the amounts which have been paid to the County of Tuscola from the Tuscola County Delinquent Tax Revolving Fund for the taxing parcels 051-018-000-6000-00, 051-500-526-0150-00 and 051-500-518-0100-00.

TAX

BASE TAX

INTEREST

2014	TAX	INTEREST
CO OPERATING	\$ 1,886.48	\$ 754.59
BRIDGE/STREETS	\$ 231.67	\$ 92.67
SENIOR CITIZENS	\$ 96.39	\$ 38.55
MEDICAL CARE	\$ 120.49	\$ 48.19
ROAD PATROL	\$ 433.77	\$ 173.51
ROAD/STREETS	\$ 465.43	\$ 186.18
MOSQUITO	\$ 304.40	\$ 121.76
RECYCLING	\$ 72.28	\$ 28.92
2015		
CO OPERATING	\$ 1,411.98	\$ 395.35
BRIDGE/STREETS	\$ 173.39	\$ 48.55
SENIOR CITIZENS	\$ 72.14	\$ 20.19
MEDICAL CARE	\$ 90.18	\$ 25.24
ROAD PATROL	\$ 324.67	\$ 90.91
ROAD/STREETS	\$ 348.36	\$ 97.54
MOSQUITO	\$ 227.82	\$ 63.79
RECYCLING	\$ 54.10	\$ 15.15
VETERANS	\$ 61.31	\$ 17.17
2016		
CO OPERATING	\$ 1,415.74	\$ 226.52
BRIDGE/STREETS	\$ 173.86	\$ 27.81
SENIOR CITIZENS	\$ 72.34	\$ 11.58
MEDICAL CARE	\$ 90.42	\$ 14.47
ROAD PATROL	\$ 325.53	\$ 52.09
ROAD/STREETS	\$ 349.29	\$ 55.89
MOSQUITO	\$ 228.43	\$ 36.54
RECYCLING	\$ 54.25	\$ 8.69
VETERANS	\$ 61.48	\$ 9.83
MSU EXTENSIONS	\$ 36.17	\$ 5.79
TOTALS	\$ 9,182.37	\$ 2,667.47

APPENDIX II

Section 87b.(1) pf Act 206 of the Public Acts of 1893, as amended [MCL211.87b.(1)]

Sec 87b

If the delinquent taxes that are due and payable to the county are not received by the county on behalf of the taxing units in the county and this state for any reason, the county has full right of recourse against the taxing unit or to this state for the state education tax under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, to recover the amount of the delinquent taxes and interest at the rate of 1% per month or fraction of a month or a lower rate as established by resolution of the board of commissioners until repaid to the county by the taxing unit.

Draft
Tuscola County Board of Commissioners
Committee of the Whole
Monday, June 25, 2018 – 8:00 A.M.
HH Purdy Building - 125 W. Lincoln, Caro, MI

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

Absent. District 4 - Craig Kirkpatrick

Also Present: Mike Hoagland, Clerk Jodi Fetting, Eean Lee, Mike Miller, Tisha Jones,
Kim Green, Clayette Zechmeister, Shelly Lutz, Dan Skiver, Kelly Quiroga, Nancy
Laskowski, Register John Bishop, Jerry Peterson

Finance/Technology
Committee Leaders-Commissioners Kirkpatrick and Bierlein

Primary Finance/Technology

1. **Health Insurance Renewal** - Dan Skiver, Brown & Brown Insurance, reviewed the Blue Cross Blue Shield policy renewal for the County. Matter to be placed on the Consent Agenda.
2. **Tuscola County Key Statistical Indicators** - Mike Hoagland reviewed statistical factors that impact Tuscola County. Matter to be placed on the Consent Agenda.
3. **Update Regarding Caro Dam** - Mike Hoagland informed the Board that the County Attorney has submitted an opinion regarding the Caro Dam and he will distribute that to the Board. Commissioner Vaughan will reach out to involved parties.
4. **Indigent Defense Plan Funding Update** - Mike Hoagland reviewed the update provided by Michigan Association of Counties regarding House Bill 5985.
5. **MMRMA Net Asset Distribution Check** - Matter discussed.
6. **Draft Agenda for MAC 7th District Meeting** - Draft agenda reviewed.
7. **Board Rules of Order Regarding Compensation** - Mike Hoagland asked the Board the direction they would like to take regarding the compensation. Board discussed salary as well as per diem amount. Mike Hoagland will put some figures together and report to the Board.
8. **Review of G2G Program** - Eean Lee presented to the Board regarding the potential of transitioning to a new credit card program.

On-Going and Other Finance

1. Review of Alternative Solutions Concerning the Caro Dam - Discussed above.
2. Update Regarding Potential Dental Clinic - Mike Hoagland provided an update but the project is moving slow.

3. Continue Review of Road Commission Legacy Costs
4. Work to Resolve Remaining Assessing/Taxation Disputes with Wind Turbine Companies - Mike Hoagland discussed.
5. Water Rates Paid for County Facilities Along M24 and Deckerville Roads
6. Medical Examiner System
7. Opioid Lawsuit
8. Update Regarding Airport Zoning Board of Appeals
9. MSU-e Building Costs
10. Update Regarding Personal Property Tax Changes - Mike Hoagland provided an update.
11. Brownfield Board - Steve Erickson was voted in a Brownfield Board Chair.
12. Raise the Age for Juveniles Funding Proposal
13. State Proposed Assessing Changes
14. Multi-Year Financial Plan Development
15. Delinquent Tax Legal Chargeback Requirement for Former Vassar Foundry

Recessed at 9:44 a.m.

Reconvened at 9:54 a.m.

Personnel

Committee Leader-Commissioner Bardwell

Primary Personnel

1. **Mosquito Abatement Holiday Pay** - Kim Green explained the need to adjust the language regarding holiday pay for her Department. Matter to be placed on the Consent Agenda.
2. **Animal Control Update** - Mike Hoagland updated the Board regarding personnel changes in the Department. The Board discussed options available for the Director position. Shelly Lutz to contact the candidate.
3. **Animal Control Trucks – USDA Grant** - Mike Hoagland and Shelly Lutz provided an update.
4. **GIS Position** - Mike Hoagland presented the candidate recommendation. Matter to be placed on the Consent Agenda.
5. **Council on Aging Resignation** - Barbara Dawson is resigning from Council on Aging. Matter to be placed on the Consent Agenda.
6. **Requested Changes in Veterans Staff Wage Bands** - Mike Hoagland explained the request made by Ann Hepfer. Matter to be placed on the Consent Agenda.

On-Going and Other Finance

1. Reporting Relationship (Nepotism Policy)
2. Process to Replace County Health Department Medical Director

Building and Grounds
Committee Leaders-Commissioners Young and Vaughan

Primary Building and Grounds

1. **Potential Delay of Certain Budgeted Projects** - Mike Miller explained the reason for the delay in the projects until 2019.
2. **Vanderbilt Park Update** - Mike Hoagland and Mike Miller explained the DEQ rules regarding having a water supply and needing to provide a dump station. Board discussed matter.
3. **Recycling Update** - Mike Hoagland provided an update regarding the recycling property. Board discussed matter.
4. **School Plan Review and Inspection Authority** - Mike Hoagland explained request. Matter to be placed on the Consent Agenda.

On-Going and Other Building and Grounds

1. County Property Ownership Identification
2. Review Potential Acquisition of Land from State Near Caro Regional Center - Commissioner Vaughan has been in contact with Senator Green. Senator Green is working on obtaining detailed information and maps.
3. Update 10 Year Capital Improvement Plan
4. 2018 Budgeted Driveway, Parking Lot and Sidewalk Repairs
5. Update Regarding County Record Storage Needs

Other Items Not Assigned to a Committee

1. 2018 MAC Priorities
2. Cass River Greenways
3. Ongoing Economic Development Activity Updates from EDC Director
4. Dairy Farmers of America Phase 2 – Cass City
5. Road Commission Organizational Alternatives – Next Steps
6. Sunday Retail Sales of Spirits, Beer and Wine – August 2018 Vote
7. New State Budget to Fund County Projects - Mike Hoagland shared an article from the Cass City Chronicle regarding the state budget.

Other Business as Necessary -

- McKenna Firm is working on the Master Plan for Village of Cass City.
- Maner Costerisan sent information to Commissioner Bardwell.
- Committee of the Whole meeting on July 23, 2018 to be rescheduled to Wednesday, July 25, 2018 at 1:30 p.m.
- MAC 7th District meeting - Meeting scheduled for July 30, 2018.

Public Comment Period -

-Nancy Laskowski - Nancy has found a lien that has been filed against ITC. She also presented to the Board regarding a person's earning potential with attending a trade school. Also, questioned whose responsibility it is to pull a state permit for Vanderbilt Park. She referenced an agreement where Tuscola County is mentioned in the Utility Grid Wind Energy System Decommissioning Agreement.

Meeting adjourned at 11:16 a.m.

Jodi Fetting
Tuscola County Clerk

May 31, 2018

A regular meeting of the Board was held in their offices at 1733 S. Mertz Rd., Caro, Michigan on Thursday, May 31, 2018 at 8:00 A.M.

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

Also present: County Commissioner Thomas Young.

Motion by Parsell seconded by Matuszak that the minutes of the May 17, 2018 regular meeting of the Board be approved. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Payroll in the amount of \$97,952.94 and bills in the amount of \$142,342.79 covered by vouchers #18-27, #18-28, and #HRA-59 were presented and audited.

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

Brief Public Comment Segment:

- (1) Ms. Nancy Laskowski reported to the Board that there are bumps along Kirk Road from M-46 to Wilder Road. Management will review the location.
- (2) Ms. Mary Brissette reported to the Board an update regarding the Juniata Township dump property. Director of Finance Michael Tuckey further reported that the Lease Agreement with Juniata Township for the dump property is still being reviewed by the Road Commission's attorney.
- (3) Tuscola County Commissioner Thomas Young reported to the Board that the Tuscola County Board of Commissioners are pleased with the progress that the Road Commission is making in regards to reducing its unfunded liabilities.

Motion by Parsell seconded by Zwerk that bid item #73 for Vassar Township of the 2018 bituminous resurfacing bids be awarded to the low bidder, Ace-Saginaw Paving Company. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Sheridan seconded by Parsell that bid item #16 for Juniata Township of the 2018 Furnishing & Placing Crushed Limestone bids be awarded to the low bidder, Burroughs Materials. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak to request reimbursement from the Michigan Department of Transportation in the amount of \$10,000.00 for payments made during the period of July 1, 2017 through June 30, 2018 to a licensed professional engineer employed by the Tuscola County Road Commission in accordance with Section 12(2) of Act 51 as amended. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Sheridan seconded by Parsell that the Tuscola County Road Commission cast a ballot for Doug Fuller of Washtenaw County and Tim Haagsma of Kent County to serve as Southern Representative Positions, and also John Rogers of Kalkaska County to serve as an At-Large Position on the Board of Directors of the Michigan County Road Commission Self-Insurance Pool. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

At 8:30 A.M. the following bids were opened for the In-Ground Hoist Upgrade at the Caro Shop:

<u>Bidder</u>	<u>Total</u>
Allied, Inc.	\$ 50,500.00

Motion by Sheridan seconded by Matuszak that the bid for the In-Ground Hoist Upgrade at the Caro Shop be accepted and awarded to Allied, Inc. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak to approve the Union's request for the "Floating Holiday" to be observed on Thursday, July 5, 2018. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Matuszak to approve the request from Blattner Energy for a variance of the Road Commission's Policy that requires cleanout structures at the intersection improvements in regards to the Pegasus Wind Turbine Project, with the understanding that the intersection improvements be returned to its original state by October 1, 2018. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Motion by Parsell seconded by Sheridan that the proposals received for the Preliminary Design Phase of a new building at the Akron Division be accepted, and awarded to Spicer Group at a total cost of \$9,200.00. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

The Board recessed at 9:15 A.M.

At 10:00 A.M. the Board met with various township officials and county commissioners to discuss roadwork completed in 2017 and roadwork to be completed in 2018.

The following township officials were present for the roadwork discussion: Dayton Township Supervisor Robert Cook, Denmark Township Supervisor Charles Heinlein, Ellington Township Supervisor Russell Speirs, Fremont Township Supervisor Henry Wymore, Fremont Township Treasurer Charles Sherwin, Kingston Township Supervisor Jesse Zimba, Koylton Township Supervisor Doug Kramer, Koylton Township Trustee Kyle Thom, Watertown Township Supervisor Frank Worvie, and Donald Clinesmith with the Vassar Township Parks & Recreation.

The following county commissioners were present for the roadwork discussion: District 1 Tuscola County Commissioner Thomas Young.

Also, the following Road Commission employees were present for the roadwork discussion: Caro Division Foreman Jason Root, Akron Division Foreman Troy Daily, Deford Division Foreman Allen Jacobs, and Vassar Division Foreman Scott Jacoby.

The following agenda topics were discussed: 2017 Annual Financial Report, 2018 planned road and bridge projects, 2018 federal aid projects, the revised Local Road Improvement and Maintenance & Township Allowance Policy, procedures for a successful local road project, scheduling local road work requests, and the Local Road Brush Spray Policy.

Motion by Zwerk seconded by Matuszak that the meeting be adjourned at 11:15 A.M. Sheridan, Matuszak, Zwerk, Parsell, Laurie --- Carried.

Chairman

Tuscola County Health Department
Board of Health Report: June 15, 2018
Ann Hepfer R.N., B.S., Health Officer

Outcomes for the Month:

1. **Medical Director Replacement Update:** Letter sent on June 8, 2018 to MDHHS requesting approval for Dr. Hamed to be appointed as the Medical Director for Huron/Tuscola/Sanilac/DHD2.
2. **Dental Clinic:** The attorneys are still negotiating the contract. The Sanilac County MCDC clinic has not opened yet. The first week of June they already had 100 people scheduled; 10% of those scheduled had no insurance and 90% had Medicaid/Healthy MI Plan/Delta Dental children.
3. **Drug Task Force:** The next Drug Task Force meeting is scheduled for August 23 at the Tuscola County Medical Care Facility from 8:30-10:30 am. Continued topic of discussion will be the proposed Recreational Marijuana legislation. The Recovery Coalition has funding to spend on community education and they are working on billboards related to Marijuana effects.

