

DRAFT – Agenda
Tuscola County Board of Commissioners
Finance Committee – Thursday, June 14, 2012 - 8:30 A.M.
HH Purdy Building –125 W. Lincoln, Caro, MI

Finance

Committee Leaders-Commissioner Peterson and Allen

Primary Finance Items

1. **Potential Changes to Animal Control License Costs – Animal Control Officer**
2. **Sanilac County Fee Increase for Animal Control (See A)**
3. **January to April Financial Status Report (See B)**
4. **Millage Based Special Revenue Fund Balances (See C)**
5. **Potential Establishment of a Indigent Medical Clinic – June 15, 2012 (See D)**
6. **Wind Energy Assessing and Taxation Update (See E)**
7. **RAP Grant Approval**
8. **MMRMA Loss Fund Distribution (See F)**
9. **Lawsuit Settlement Finalized**
10. **Update Regarding Septic System Requirements (See G)**

Secondary/On-Going Finance Items

1. County Equalization Department Assessing Proposal for Akron Township
2. Cold War Veterans
3. County Hiring Freeze – Reducing Cost Through Attrition
4. Review Methods of Reducing Utility Costs
5. Soil Erosion
6. Review and Approval of Caro DDA/TIFA Agreement
7. Furlough Days Achieved Information
8. Health Insurance MOS Agreement
9. Health Insurance Renewal
10. State Budget Impacts on the County
 - State Revenue Sharing Reductions - Requirements
 - Personal Property Tax Changes

Personnel

Committee Leader-Commissioners Peterson and Allen

Primary Personnel Items

1. **Concur with the Hiring of Temporary Judicial Secretary/Assignment Clerk**
2. **Retirement in Sheriff Department and Potential Information Technology Restructuring (See H)**
3. **Potential Equipment Maintenance Intergovernmental Arrangement**
4. **Controller Office Restructuring Proposal for Cost Reduction**
5. **County Road Commission Restructuring Alternatives (See I)**
6. **ITC Loop Appreciation Event**

Secondary/On-Going Personnel Items

1. Prepare Labor Negotiations Strategy
2. Health Insurance Cost Reduction Alternatives
3. County Hiring Freeze – Reducing Cost Through Attrition
4. Monitor the Status of Lawsuits Filed Against the County
5. Review County Compliance with Act 152 Requirements
6. New Hire Wage/Fringe Benefits
7. Schedule Employee Training Sessions Regarding Conduct in the Workplace, Minimum Insurance Claims, etc.

Correspondence/Other Business as Necessary

Public Comment Period

Closed Session – If Necessary

Other Business as Necessary

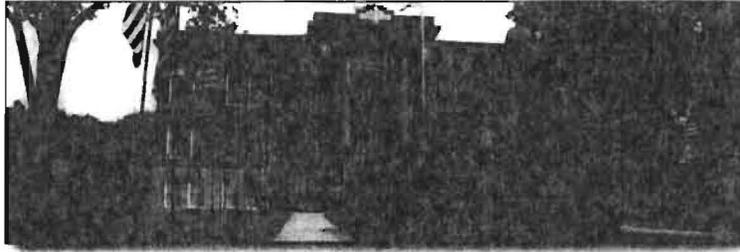
1. Caro Residential Re-Entry Center Closure and Reuse Potentials – Monday, June 18, 2012
2. Noise Ordinance **(See J)**
3. Jail Bed Addition Update
4. Purdy Building Security Review
5. Night Deposit Box

Notes:

Except for the Statutory Finance Committee, committee meetings of the whole are advisory only. Any decision made at an advisory committee is only a recommendation and must be approved by a formal meeting of the Board of Commissioners.

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.

This is a draft agenda and subject to change. Items may be added the day of the meeting or covered under other business at the meeting.



SANILAC COUNTY BOARD OF COMMISSIONERS

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May 24, 2012

Mr. Michael Hoagland, Administrator/Controller
County of Tuscola
125 W. Lincoln St.
Caro, MI 5983

Dear Mike;

Sanilac County has been working cooperatively with Tuscola County to provide animal control services in a manner which benefits both counties. While we desire to continue this relationship, we must ask for some modification of Intergovernmental Agreement to cover Sanilac County's increased operational costs.

In order for the arrangement to remain viable, the County is requesting the following fee adjustments:

	<u>Current</u>	<u>Proposed</u>
Sec. 3.1.2 Mileage Reimbursement	\$.42 per mile	\$.47 per mile
Sec. 3.1.3 SCACD Animal Control Officer	\$ 28.00 per hour	\$ 28.50 per hour
Sec. 3.2 Shelter Operation	\$3,400.00 per month	\$3,500.00 per month

We feel this shared services program has been favorable for both counties, and we have limited the fee increases to areas of the agreement which have not kept pace with our rising expenditures. It is our plan to implement the above changes on July 1, 2012.

Should you have questions or feel there are other areas of the agreement which need review, you may contact me at (810) 648-2933 or email me at kdorman@sanilaccounty.net.

Sincerely,

Kathy Dorman, Administrator
County of Sanilac

c: Board of Commissioners
Sanilac County Animal Control Services

Financial Status Overview by County Fund January to April 2012

Budgeting and financial management is a fundamental responsibility of the Board of Commissioners. Monitoring financial status by comparing budgeted and actual revenues and expenditures is critical to maintaining a sound financial position. The following information is provided to overview financial standing as of April 2012 which is four months into the calendar fiscal year.

General Fund

- 2012 budget balances revenues and expenditures at \$11,472,000 – this can be compared to actual 2011 revenues of \$11,955,000 and expenditures of \$11,734,000
- 2012 budgeted revenues are \$438,000 less than 2011 actual revenue and 2012 budgeted expenditures are \$262,000 less than 2011 actual expenditures
- Through April of 2012 actual revenues and expenditures are trending below 2011 levels which is expected according to the 2012 budget plan
- Major revenue declines for 2012 include property tax, state revenue sharing and the data workflow imaging computer system revenue reimbursement
- In April the Equalization Director favorably updated property tax revenue projections for 2012 which eliminated the need to budget the use of reserves
- A major factor in balancing the 2012 budget was reducing the general fund appropriation to other county funds and relying on fund balance in these funds – also staffing reductions were used to balance the 2012 budget
- 2012 budget does not appropriate to meet the capital improvement needs of the county – ultimately appropriations will need to be restored because at the current annual rate of expenditures the reserve in the capital improvement fund will be exhausted in five years
- On the expenditure side of the budget factors that need to continue to be closely monitored include: tax refunds and rebates, inmate housing and medical and jail part-time and overtime
- **At this early stage in the 2012 budget there are no significant trends that would result in a prediction of revenues or expenditures to deviate from overall amended budget expectations – at this point it is projected 2012 to be breakeven or in the black**

Road Patrol Fund

- Most of the funding comes from .9 mill road patrol millage which is predicted to generate \$1,246,000 for 2012

- This fund like the general fund has been negatively impacted by multiple years of declining land values and corresponding property tax revenue
- .3 mills was requested in a February of 2012 millage election but the request failed
- The 2012 budget is premised on revenues of \$1,255,000 and expenditures of \$1,359,000 which would result in the use of \$104,000 in fund balance – this would leave only about \$15,000 in fund balance for 2013
- **Sheriff is reviewing methods of reducing expenditures in an attempt to maintain a 7 day per week 24 hour per day road patrol operation – may not be possible for 2013 without additional millage funding or supplemental funding from the general fund**

County Park Fund

- Vanderbilt is the only county park
- Revenues for 2012 are budgeted at \$3,800 with expenditures budgeted at \$9,300 – which would result in the use of \$5,500 in fund balance
- **It is likely that by 2013 either the park will have to increase the amount of revenue generated or an increase in general fund appropriation will be required to keep the park in operation**

Friend of the Court (FOC) Fund

- 2012 budget is premised on revenues of \$999,000 and expenditures of \$994,000 which would result in a slight increase in fund balance at the end of the year
- Start of 2012 FOC fund balance was approximately \$51,000
- Most of the FOC budget involves wage and fringe benefit costs
- Actual wage and fringe benefit costs are tracking close to budget at this point in the fiscal year.
- Security costs have been eliminated with the relocation of the Friend of the Court to the Courthouse
- **Key to financial stability of this fund is continued effective billing to maximizing cooperative reimbursement and performance incentive funds**

Dispatch/911 Fund

- 2012 budget is premised on revenues of \$1,438,000 and expenditures of \$1,441,000
- Dispatch/911 fund was established to provide emergency 911 dispatch services to all law enforcement, fire and emergency medical services

- Primary revenue source used to operate dispatch/911 is the surcharges on landlines and wireless telephone customers.
- Dispatch operation is highly dependent upon having state-of-the-art equipment for an efficient and effective operation – radio system was out-of-date and could no longer be supported
- System is being replaced in phases over the 2011 to 2014 period with a county investment of \$1.6 million and a Sprint/Nextel investment of \$1.2 million
- Sprint/Nextel made this investment in exchange for acquiring the county radio frequencies
- **Director and authority board have incorporated multiple-year financial planning with cost saving measures for radio replacement needs using available financial resources – monitoring of this fund is particularly important with declining surcharge revenue**

Health Department

- Revenues for 2012 are projected at 2,696,000 with expenditures at \$2,749,000 which result in the use of an estimated \$53,000 in fund balance
- General fund appropriation to the health fund was reduced from \$263,727 in 2011 to \$215,000 for 2012
- The total 10/1/11 fund balance was \$577,000 – of this total \$225,000 was unassigned which is about 8% of budgeted expenditures
- **Although the fund has a reasonable fund balance it may not be possible to maintain current services levels on a multi-year basis with the current county general fund appropriation level**

Recycling Fund

- Primary revenue sources for the recycling operation are a .15 millage and sale of recycled materials – the millage generates about \$207,000 for 2012
- 2012 budget is premised on revenues of \$281,000 and expenditures of \$303,000
- In 2011 revenue exceeded expenditures and the fund balance grew by approximately \$61,000 primarily because sale of material prices have been trending up
- In 2012, the county began charging full indirect costs for the recycling operation and the proportionate share of the cost for the joint Building and Grounds/Recycling Coordinator position.
- 2012 budget includes funding to pave the entrance driveway and add on to one of the storage buildings

- **Start of 2012 fund had a balance of \$373,000 – the Recycling Committee wants to maintain a strong fund balance with the ability to relocate in the future if necessary to expand services**

Mosquito Abatement Fund

- Budgeted revenues for 2012 are \$879,000 and budgeted expenditures are \$1,018,000 which could result in a decrease in fund balance of \$139,000
- Balance is anticipated to decline by the end of 2012 with funds budgeted for full staffing, purchase of abatement materials and the replacement of some of the original vehicles
- Primary source of funds for the county Mosquito Abatement operation is a public approved .65 millage which for 2012 will generate approximately \$874,000.
- Fund balance at the start of 2012 was approximately \$696,000
- This would still leave a strong balance of an estimated \$557,000
- Management at the Mosquito abatement operation has determined the need for a pole building for vehicle storage and maintenance and material storage
- **Well managed operation under the leadership of co-directors**

Equipment Fund

- 2012 Equipment fund budget is premised on the significant use of fund balance
- Revenue to this fund is entirely derived from appropriations from the general fund.
- For 2012, revenues are approximately \$81,000 with expenditures planned in the budget at \$219,000
- Significant expenditures from this fund in 2012 were to meet numerous county computer hardware and software needs
- If actual revenue and expenditures materialize as budgeted the remaining balance in the fund at the end of 2012 could be as low as \$17,000
- **The decline in fund balance would necessitate a considerable increase in general fund appropriation in order to sustain 2013 expenditures similar to \$219,000 level of 2012**

Housing Grant Fund

- Revenue for this fund is a Michigan State Housing development Authority grant which is used to make improvements to homes in the county
- 2012 budget is estimated at \$125,000

- Grant funds have been available for the past 20 years
- The Human Development Commissions is contracted by the county to administer the program
- No county funds are allocated for this program – it is entirely grant funded

State Survey Remonumentation

- State revenues from land transactions in the Register of Deeds office are received annually to replace section corners to improvement surveying
- 2012 budget is approximately \$51,000
- A committee made up of local surveyors along with the grant administrator oversees the program
- No county funds are allocated for this program – it is entirely grant funded

Violence Against Women Grant

- United States Office of Violence Against Women awarded this funding to assist in investigating, arrest and prosecution of violent offenders
- Funds are used to encourage local governments to treat sexual assault, domestic violence, dating violence and stalking as serious violations
- 2012 budget is an estimated \$156,000
- No county funds are allocated for this program – it is entirely grant funded

Victim of Crime Act Grant

- Grant is from the state to provide services to victims
- Program is administer through the count prosecutors office
- 2012 budget approximately \$71,000
- No county funds are allocated for this program – it is entirely grant funded

Register of Deeds Automation Fund

- PA 698 of 2002 was created for upgrading of technology in the Register of Deeds
- Significant technology and computer hardware and software improvements have been implemented in the Register of Deeds office since 2003
- For 2012, revenues are budgeted at \$54,000 and expenditures at \$98,000
- The potential use of \$44,000 in fund balance in 2012 could lower the balance to about \$74,000 to start 2013

- No county funds are allocated for this program

Community Corrections Services

- Department of Corrections program provides funding to reduce inmate jail time by allowing them to work during their sentence – this program significantly reduces jail time saving considerable county cost
- Prison work crews provide service to non-profit organizations
- The program budget for 2012 is approximately \$52,000
- Approximately 70% of the program is funded from grant and dedicated revenue sources while approximately 30% is fund with a general fund appropriation

Child Care Department of Human Services

- Fund pays for foster care and institutional cost for neglected and abused children
- Revenue sources are client payments, state reimbursements and county general fund appropriations
- 2012 budgeted revenues are \$363,000 with expenditures budgeted at \$417,000
- The budgeted revenue/expenditure relationship would reduce the \$108,000 balance at the start of the year to about \$54,000 by the end of the year
- General fund appropriation for 2012 was reduced to \$127,000 compared to the \$149,000 appropriation in 2011
- Institution care cost are running high through four months of the year
- **It is questionable whether the county will be able keep the general fund appropriation as low as \$127,000 for another year**

Department of Human Services

- Fund provides for economic, social and medical assistance to the disadvantaged residents of the county
- General fund provides a small appropriation to cover costs of DHS board administration and adult hospitalization

Medical Care Facility

- The County Medical Care Facility is a major county fund with a 2012 budget of approximately \$17.3 million

- Funding sources include: Medicare and Medicaid, .25 millage and patient payments
- The facility was upgraded several years ago and is retiring debt funds used for the improvements using a dedicated 1 mill
- Recently Davenport University building and land was purchased – administrative services will be moved to the former Davenport Building and land will eventually be used to construct more housing units
- **At the start of 2012 the fund had a strong balance of \$3.3 million but some of this reserve will be used for administration relocation and construction of additional housing units**

Child Care Probate

- Much of this operation involves administration and costs incurred for children who have delinquency problems and are placed in foster care and private institutions
- The 2012 revenue budget is \$921,000 and the expenditure budget is \$963,000
- Potential use of \$42,000 in fund balance could lower the total year end balance to an estimated \$95,000
- Between 2011 and 2012 the general fund appropriation had to be increased by \$200,000
- Significant staff turnover occurred in 2011 which resulted in diminished financial administration of the fund – anticipated revenue from several key accounts in 2011 did not materialize
- So far in 2012 the two major expenditure accounts of state ward charge backs and private institution are trending below budget but revenue received from several key revenue accounts are also running below budget expectations
- **The contract with MGT was discontinued in 2011 and the fund is now being monitored by the court – it is suggested that a six-month progress report be provided by the court at an upcoming finance committee meeting**

Soldiers Relief

- **This fund provides financial assistance to veterans who may not qualify for funding from the Veterans Trust Fund**
- **Funding is provided by appropriations from the general fund**
- **2012 budget is premised on a reduction in general fund appropriation and the use of balance in the soldiers relief fund – long-term re-established appropriations from the general fund will be required**

Voted Senior Citizens

- Primary revenue source for the senior citizens operation is a .2 millage which generates about \$277,000 for 2012
- At the start of 2012 the fund balance was approximately \$39,000 – revenues and expenditures are expected to be the same for 2012 so the fund balance is budgeted to be about the same at the end of 2012
- The fund provides programs for senior citizens including: home delivered meals, congregate meals, flu shots, transportation and geriatric medical services

Employee Sick/Vacation Payout Fund

- Fund is used to pay the county obligation to accumulated sick and vacation for employees who are leaving employment with the county
- Start of the year fund balance was approximately \$44,000 – revenues and expenditures are expected to be the same for 2012 so the fund balance is budgeted to be about the same at the end of 2012
- Payout formula is based on years of service
- **Analysis has been conducted that documents that multi-year obligation for sick/vacation time payout will require general or other funding to meet payout obligations – the board may want to eventually evaluate the use of workers compensation reserves now that the change to MAC workers compensation pool has been implemented**

Capital Improvement Fund

- The capital improvement fund is used to pay for short and long term capital improvement projects many of which involve the repair and maintenance to county buildings and ground
- In 2011 over \$500,000 was expended for office space projects
- Buildings and Grounds Director has projected on average \$200,000 per year to meet the needs of current facilities including roof, heating/cooling system, parking lots, windows, etc.
- **2012 general fund budget does not appropriate funding to the capital improvement fund by the end of 2012 the fund balance may be down to \$1,000,000 which could be exhausted in five years – future year general fund budgets will need to incorporate funding to meet capital improvement needs of the 14 county buildings**



Mike Hoagland

From: Mike Hoagland [mhoagland@tuscolacounty.org]
Sent: Wednesday, May 30, 2012 9:20 AM
To: Clayette Zechmeister (Clayette Zechmeister); Mike Tuckey (mtuckey@tuscolaroad.org); Margot Roedel (Margot Roedel); Maggie Root (mroote@tcmcf.org); Kim Green (kgreen@tuscolacounty.org); Mike Miller (Mike Miller); Lee Teschendorf (sheriff@tuscolacounty.org); Glen Skrent (undersheriff@tuscolacounty.org); Jerry Peterson (jerry58c@yahoo.com); Roger Allen (beetman95@yahoo.com); Tom Bardwell (tbardwell@hillsanddales.com; Tom Kern (commishkern@gmail.com)
Subject: Special Revenue Millage Based Fund Balances
Attachments: Special Millage Fund Balance.xls

Commissioners

At the last Board meeting the chairman requested that information be prepared to identify the amount and purpose of the fund balance in county funds that involve a public approved millage. Attached is a table that shows each of the eight special purpose millage funds. The amount of fund balance as of 1/1/12 is also provided along with a department head explanation for the fund balance. A recap is as follows:

Bridge Millage - (1/1/12 balance - \$1,144,918) - Mike Tuckey finance director at the road commission explained that the road commission has a policy of leaving a minimum \$1 million balance in the fund in case a non-budgeted critical bridge(s) fails and repair and replace is necessary.

Primary Roads and Streets - (1/1/12 balance \$328,922) - Mike Tuckey finance director at the road commission explained that in most years the fund is fully expended but for 2012 some funds were carried over because of planned larger projects in 2012.

Medical Care Facility Operations - (1/1/12 balance - \$1,064,338) - Margot Rodel facility director was contacted and she explained that the balance in this fund will be used for equipment and capital items including conversion of the former Davenport building for administration and potential addition of resident housing units on land purchased from Davenport.

Medical Care Facility Construction/Debt - (1/1/12 balance \$1,564,341) - Margot Rodel was contacted and she explained that the balance may be used to retire debt early or reduce the levy amount in future years.

Mosquito Abatement - (1/1/12 balance \$695,601) - Kim Green mosquito abatement co-director explained that portions of the fund balance will likely be used over the next several years for truck and other equipment replacement. The potential construction of a pole building for pesticide storage, vehicle storage and vehicle maintenance may occur in the future. Mosquito Abatement has a policy of reserving a minimum of \$250,000 for a potential mosquito related disease outbreak that could require enhanced mosquito abatement treatment.

Recycling - Mike Miller recycling coordinator noted that in years when sale of material revenue are down some fund balance may be required for operational purposes. It was

also noted that the Recycling Committee wants to build a reserve in case the operation is moved in the future to offer additional recycling programs.

Road Patrol - Most of the remaining \$119,000 in fund balance is budgeted to be used in 2012. If this balance is used in 2012 it may not be possible to operate a 7 day per week 24 hour per day road patrol without supplemental funding from the general fund. In February a road patrol funding millage failed.

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

Special Purpose Millage Fund Balance and Potential Use of Fund Balances

Special Purpose Millage Funds	1/1/2012 Fund Balance	Potential Use of Fund Balance	2012 Millage Levy	2012 Property Tax Revenue Estimate
Bridge and Streets	\$1,144,918	Road commission has a policy of leaving a minimum balance of approximately \$1 million reserve for the just in case unanticipated bridge that may fail and has to be repaired or replaced	0.4807	\$665,000
Senior Citizens	\$39,624	Fund balance only 14% of budgeted 2012 expenditures	0.2000	\$277,000
Medical Care	\$1,064,338	Used for equipment - capital improvements and conversion of former Davenport University for Medical Care admin. and construction of additional resident facilities along with Maintenance of Effort payments	0.2500	\$346,000
Road Patrol	\$119,855	Most of fund balance is budgeted to be expended in 2012 for operations - may pose financial problems for 2013	0.9000	\$1,246,000
Roads and Streets	\$328,922	In most years the fund is fully expended but for 2012 some funds were carried over because larger planned projects in 2012	0.9657	\$1,337,000
Mosquito Abatement	\$695,601	Portions of balance for truck and other equipment replacement in addition to the potential construction of a pole building for vehicle storage and maintenance along with appropriate pesticide storage - policy of minimum of \$250,000 for potential disease outbreak	0.6316	\$874,000
Recycling	\$373,151	May eventually have to move to continue to offer current and potential additional recycling programs - need some reserve for years when value of recycled products are down	0.1500	\$208,000
Medical Care Construction/Debt	\$1,564,341	May be used to retire remaining debt early or reduce the levy in future years	1.0000	\$1,404,000

**Mike Hoagland**

From: Gretchen Tenbusch [gtenbusch@tchd.us]

Sent: Tuesday, May 22, 2012 2:09 PM

To: Irene Waller; Suzanne Prich; Mike Hoagland; Jodi Essenmacher; John Horny; Dave Peruski; Clark Elftman; Steve Vaughan; John Bodis; Ron Wruble; John Nugent; Thomas Bardwell; Jerry Peterson; Roger Allen; Tom Kern; Eileen Hiser; Lisa Pridnia; Tina Middaugh; Dr. Richard Hoarsch; Robert Witherspoon; Bob Siver; Carol Majeski

Subject: Dental Clinic meeting

Hi,

The Thumb has no adult Medicaid or indigent dental clinics. The meeting outlined below is an opportunity to explore the possibility of opening one in the Thumb of Michigan. We would like to have all key stakeholders from the Thumb attend this meeting to discuss this topic. Would it be possible for you or someone representing your agency or entity attend this meeting? This is just a save the date email. More details will be forthcoming. If you have any questions, feel free to give me a call at either my Huron or Tuscola offices - 989-269-3302 or 989-673-8115.

Thanks and I hope to see you there,

Gretchen

Gretchen Tenbusch, RN, MSA
Health Officer/CEO
Huron/Tuscola County Health Departments
1142 S. Van Dyke Rd/1309 Cleaver Rd., Suite B
Bad Axe, MI 48413/Caro, MI 48723-9160
Phone: 989-269-3302/989-673-8115
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SAVE THE DATE!! Thumb Regional Dental Clinic Meeting June 15

Friday, June 15, 2012

1:00-3:00 PM

Baker College of Cass City, 6667 Main Street

Link to Map: [http://maps.google.com/maps?](http://maps.google.com/maps?f=q&hl=en&geocode=&q=Baker+College+of+Cass+City+6667+Main+Street+Cass+City+)

[f=q&hl=en&geocode=&q=Baker+College+of+Cass+City+6667+Main+Street+Cass+City+](http://maps.google.com/maps?f=q&hl=en&geocode=&q=Baker+College+of+Cass+City+6667+Main+Street+Cass+City+)

When people have access to comprehensive oral health care, their overall health, well-being, and self-confidence are significantly improved as are their abilities to secure

6/13/2012

employment, learn in school, and contribute to society. The Thumb region—Huron, Tuscola, and Sanilac Counties—has a significant number of residents with annual incomes below 200% of the Federal Poverty Level. The majority of this group does not have dental insurance or are on Medicaid and have poor access to dental care. The Thumb has a current Medicaid-enrolled population of 16,226. In addition, all three counties have a significant number of uninsured adults—Huron (14%), Sanilac (16%), and Tuscola (15%).

The vision of the Thumb's public health leaders is to create and expand access to dental care for Medicaid recipients and low-income, uninsured persons through a partnership with Michigan Community Dental Clinics. Through the creation of a dental clinic, these individuals will have access to care in an affiliated public health clinic as well as to self-selected private practitioners who participate in the program.

This meeting will include an overview of the proposed dental clinic, impact to the local economy and health of the Medicaid population of the Thumb region, and a question and answer session. An optional tour of the proposed site location will follow providing time allows.

The Thumb Region Dental Meeting is open to all who are interested in attending. The meeting will discuss the proposed plans for a Michigan Community Dental Clinics public health dental clinic to service the three-county Thumb region—Huron, Tuscola, and Sanilac Counties—that would provide access to dental services for adults and children who are below 200% of the Federal Poverty Level and not receiving dental services.

Please plan to join us! We will meet at Baker College located in Cass City. Mark your calendars now. A future announcement will have more details. If you have any questions you would like to see addressed at the meeting, please contact Darcy A. Czarnik Laurin at trhn.darcy@gmail.com.



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DTE challenging township's wind turbine tax

This portion of the requested page has been blocked.

By **Kate Hessling**
Assistant News Editor

UPPER THUMB — DTE Energy has filed an appeal with the Michigan Tax Tribunal over a township board of review's decision to raise the true cash value of 56 wind turbines above what was recommended by the Michigan State Tax Commission.

Wheeler Township, located in Gratiot County just west of Saginaw, is one of a number of townships that have decided the true cash value of wind developments are more adequately determined by the previous ways wind turbines were assessed before the State Tax Commission made changes last fall to lower the amount of revenue local units of government and other entities receive from wind developments.

The townships in Huron County that have wind developments made the same determination as Wheeler Township.

Wheeler Township Supervisor Jerry Rohde told the Tribune the township wasn't surprised DTE filed the appeal. However, the Wheeler Township Board of Review felt the changes made by the State Tax Commission did not accurately reflect the true cash value of the wind turbines.

"When we bought into this project, we (did it) expecting a certain rate of return on our tax millage, and that was changed by the State Tax Commission, and they could not provide us any studies or anything that would substantiate why they (made the changes)," Rohde said.

Rohde said the township will collect the taxes based on the decision made by the local board of review. However, it's setting aside roughly \$37,000 it would have to pay back to DTE if the company wins its appeal. That money is just the tax money the township would lose if DTE prevails, he said. It does not include the money that the county, schools and other entities, including the local fire department, would lose.

Rohde said it normally takes the State Tax Tribunal a couple years to go through the hearing process.

"Unless something is done to settle this issue ahead of time, like a stipulation between the township and DTE, we might be sitting there for two years or more before this even comes up for a hearing," he said.

Wind turbines are classified as industrial property, and the only taxes wind developers pay are personal property taxes.

Though a series of bills designed to eliminate property taxes on industrial property passed the Michigan Senate earlier this spring, the proposed legislation specified that industrial processing does not include the generation of electricity for sale, according to the Michigan Township Association. This was done to ensure that wind turbines will continue to be taxed for local government purposes.

A wind turbine's taxable value ultimately results from local assessors and boards of review, which are responsible for determining the true cash value to be placed on a property.

The State Tax Commission is responsible for providing a format to help assessors determine the true cash value to be placed on a property.

Last fall, the State Tax Commission determined the value of a one- to two-year-old turbine is much lower than previously considered. Prior to making the changes, new turbines were assessed at 100 percent of their value.

Per the changes, they would be assessed at 80 percent of their value.

The change would significantly lower a turbine's taxable value — which has caused much concern from local units of government, schools, libraries and other entities that benefit from taxes from local wind developments.

Huron County officials estimate that based on about 20 mills, a new wind turbine that previously would have raised about \$32,000 the first year it's taxed, would now raise only \$25,000, per the tax commission's changes.

However, while the State Tax Commission provides the format to help assessors determine the true cash value, it's ultimately on the assessors and local boards of review to determine what the true cash value is.

A coalition of local officials from areas around the state that are experiencing wind energy developments sought documentation from the State Tax Commission that justifies why it made the changes last fall.

Many, like Rohde, felt the commission did not have sufficient reasoning to justify the change.

The coalition sent local boards of review a legal opinion and information that supported the position that the tax commission's ruling does not accurately reflect the true cash value of wind turbines.

It then was on the assessors and local boards of review to decide whether to go with the old way values were determined or to follow the tax commission's changes. In making their decisions, they had the legal authority and obligation to deviate from the use of the tax commission's wind turbine assessment information if they determined the commission's findings do not reflect true cash value for the turbines being assessed, according to the coalition's legal opinion.

In Huron County, all the boards of review in townships with wind developments opted to go with the old way. County officials are not aware of any appeals being filed regarding any of the local projects. However, there's concern that future decisions could be appealed — particularly because DTE is planning a number of projects in the area.

"So (what will happen) next year? Who knows," said Carl Osentoski, Huron County Economic Development Corp. executive director and member of the Michigan Renewable Energy Coalition.

DTE Spokesman Scott Simons said the changes made by the State Tax Commission have put DTE in a very difficult position. He said DTE did not advocate for the changes, but the utility must adhere to them.

"Our electric rates are scrutinized by the Michigan Public Service Commission, (and) we must show prudent and responsible decisions when incurring any costs, including abiding by the current tax multiplier tables (the tax commission set last fall)," he said. "So if a local jurisdiction recommends we pay under the old (tax multiplier tables), we have an obligation to appeal based on the current tax law."

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[Caseville Ribstock Festival begins Friday, June 22](#)

[Port Austin shelter takes ex-convicts, others in need](#)

Article Rating

Current Rating: 4 of 1 votes!

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Reader Comments

my2cents wrote on

"We all saw it coming. Those of us that were skeptical of DTE and the wind turbine companies warned over and over, "don't trust the wind developers". Proponents promised jobs and tax revenue, said the turbine developers wanted only to be "good neighbors". Don't worry, it'll be a good deal for everyone.

We see now, glanngly clear who the wind turbine companies truly care about.....THEMSELVES. I assure you it was DTE who lobbied law makers in Lansing for the tax reduction, all the while contributing to all the candidates in this election year. Outright buying local planning officials with sweetheart leases. Entire township boards corrupted, publicly with payoffs from DTE. County commissioners bought and paid for by the wind giants, turned a deaf ear, ignoring the pleas of saner residents, the tax paying citizens. Our own head zoning official caught red handed double dipping, actually moonlighting for the energy companies while on the county payroll. Ignoring and attempting to circumvent a free election in Lake Township.

The saga of Huron County's green energy program is one written in deceit and greed! Energy giants buying elections and our politicians local, county, state and federal. Money talks and BS walks

Before this is over DTE stands to spend nearly 3 BILLION DOLLARS on these windmills in our area. Over 1 billion of this money will be taxpayer subsidy, FREE money for DTE. Another 1 billion or more will be in the form of tax breaks on profits, while you & I the consumer continue to foot the bill.

Again, this newspaper and many local officials are almost criminally culpable for not doing the right thing. We deserve better."

[Report Abuse](#)

dogkln wrote on

"Where is our legislators? Oh, they only react when a special interest group with cash or a corporate pac sends them money along with their requests to take action on an issue to benefit their financial woes. Corporate entitlements are not considered give away by the politicians that get their funds from them. And we know how our corporate influenced Governor is going to decide for. They earned the political respect via the "legalized Bribery System". Government system continues to deteriorate to help the 1%ers since they invest so much to get what they want. This isn't "free-huggers" creating these systems for corporate greed to benefit from. SIC!!"

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olddalen wrote on

"What you two don't see is that in the long run the energy produced by wind is cheaper than what is produced by current methods. You sometimes need to dance with the devil in order to make money..."

[Report Abuse](#)

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*Choose a password:

*Re-enter password:

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*Year of Birth:

(children under 13 cannot register)

*First Name:

*Last Name:

Company:

Home Phone:

F



MICHIGAN MUNICIPAL
RISK MANAGEMENT
AUTHORITY

June 8, 2012

Mike Hoagland
Tuscola County
125 W. Lincoln Street
Caro, MI 48723

Dear Mr. Hoagland:

Thank you for your recent renewal with the Michigan Municipal Risk Management Authority. On behalf of the MMRMA Board of Directors, I am most pleased to provide Tuscola County with \$69,969. This represents your share of the distribution of excess net assets to Members, which was declared by the Board in February 2012. In accordance with your instructions, your share of the distribution will be deposited in your funds on deposit with MMRMA.

This distribution is based on the most recent analysis of net asset adequacy and is not a guarantee of future distributions. Each year, the Board will determine whether to declare additional distributions. This year, the total distribution to eligible Members is \$38.6 million. MMRMA's ability to declare this distribution is a direct reflection of consistently strong performance results. Factors contributing to these results include better than expected loss trends in recent years; Member responsiveness to risk control recommendations; good management practices by Members, resulting in fewer losses; and outstanding investment income.

However, the essential factor allowing MMRMA to distribute excess net assets is the long-term commitment of its Members. A majority of MMRMA Members enjoy over 20 years of continuous membership, and several have over 25 continuous years with the organization. The method used to calculate the distribution of excess net assets recognizes and rewards those municipalities with sustained longevity. The ultimate recognition goes to you – the MMRMA Members. Without your ongoing participation, such distributions would not be possible. The Board and I sincerely thank you for your loyal support of this fine organization.

Warmest regards,

Michael L. Rhyner
Executive Director

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MICHAEL L. RHYNER, Executive Director



Mike Hoagland

From: Tip MacGuire [tmacguire@tchd.us]
Sent: Wednesday, May 30, 2012 8:54 AM
To: Mhoagland@Tuscolacounty.Org
Subject: FW: [MALEHA] Supreme Court Holds Communities Liable For All Sewage
Attachments: Untitled attachment 00061.txt

Mike,

This is the information I received from MALPH concerning the court ruling. I did call the Environmental Health Director in Sanilac County yesterday to get the inside story but he has not returned my call yet. I will get back to you when he returns my call.

Tip MacGuire, R.S.
 Environmental Health Director
 Tuscola/Huron County Health Departments
 1309 Cleaver Rd. / 1142 South Van Dyke
 Caro, Mi 48723 / Bad Axe, Mi 48413
 Ph: 989-673-8114 / 989-269-9721
 Ext. 137
 Email: tmacguire@tchd.us

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From: maleha-bounces@malph.org [mailto:maleha-bounces@malph.org] **On Behalf Of** Meghan Swain
Sent: Friday, May 18, 2012 8:08 AM
To: maleha@malph.org; board@malph.org; mho@malph.org
Subject: [MALEHA] Supreme Court Holds Communities Liable For All Sewage

In a 6-1 ruling, the Supreme Court held that local communities can be held responsible and required to prevent discharges of raw sewage from private individuals.

The ruling, in *DEQ v. Worth Township* ([SC docket No. 141810](#)) also said that under Michigan's Natural Resources and Environmental Protection Act it is presumed the municipality has violated the act if a discharge occurred within its borders.

The decision overturned a ruling by the Court of Appeals that the township could not be held liable for any sewage discharge it did not cause.

In the case, the Department of Environmental Quality sought an injunction against the township, charging that because it did not have a sewage system and relied on local, private septic systems, high levels of fecal coliform and E. coli were being discharged into state waters, including Lake Huron. The township had pledged to build a sewage system, but did not say it did not have funds.

6/13/2012

The Ingham Circuit Court denied the township's motion for summary judgment, but the Appeals panel reversed and found for the township.

The opinion by Justice Diane Hathaway, joined by Justice Michael Cavanagh, Justice Marilyn Kelly, Justice Stephen Markman, Justice Mary Beth Kelly and Justice Brian Zahra, said that while the law does not give a court the specific authority to require construction of a sewerage system, it can compel a local government to take steps to stop a violation and comply with the act.

The majority in the Court of Appeals ruling held the law created a rebuttable presumption that the township was only liable if it was directly responsible for the discharge. But, Ms. Hathaway said, the court agreed with the dissent in the case that the actual rebuttable presumption was whether a violation had occurred and the law assigns responsibility to the municipality no matter who is at fault for the violation.

The Court of Appeals majority position would render the act virtually meaningless when dealing with a discharge, she said.

In his dissent, Chief Justice Robert Young Jr. said the majority's interpretation is unsupported by the law's text. Because the law speaks to a violation of the municipality, the municipality must be found to have created the violation, he said.

**Meghan Swain,
Executive Director**

Michigan Association for Local Public Health
PO BOX 13276
Lansing, MI 48901

Phone: 517/485-0660
Fax: 517/485-6412

mswain@malph.org



Tuscola County Sheriff's Office

420 Court Street • Caro, MI 48723

Leland Teschendorf, Sheriff
Glen Skrent, Undersheriff

Phone (989) 673-8161

Fax (989) 673-8164

06/08/2012

Tuscola County Board of Commissioners
Mr. Michael Hoagland, County Controller

I have regretfully accepted a letter of retirement from Deputy Richard Hofmeister. His last day of employment will be June 29, 2012.

With the critical nature of his position I would ask that immediate action be taken to find a qualified replacement. There will be numerous security considerations that must be satisfied and various training requirements to adequately perform the duties involved.

Richard stated he will consider working on a part-time basis to assist with a smooth transition if a reasonable wage can be agreed on and all MERS requirements are met.

Sincerely,

Leland Teschendorf, Sheriff

Friday, June 08, 2012

Leland Teschendorf, Sheriff
Tuscola County
420 Court St.
Caro, Michigan 48723

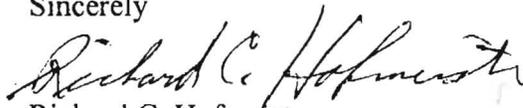
Re: Letter of Retirement

Sheriff

This letter is to advise you that I am going to retire from the Tuscola County Sheriff's Office on June 29, 2012.

It has been a pleasure working for you.

Sincerely


Richard C. Hofmeister

TWP 6044

(I)

TOWNSHIP AGREEMENT

This agreement made and entered into by and between the Board of County Road Commissioners of the County of Tuscola and State of Michigan, a municipal corporation, hereinafter called the Road Commission and Millington Township hereinafter called the Township.

WITNESSETH:

WHEREAS, the Road Commission has sole jurisdiction over the Local Roads within the township as provided by the law of the State of Michigan; and,

WHEREAS, the law of the State of Michigan requires that all funds expended by the Road Commission for construction of County Local Roads shall be matched by funds from local sources; and,

WHEREAS, the law of the State of Michigan permits the township to use funds from the contingent fund and/or special voted millage of the Township for improvement upon Local Roads; and,

WHEREAS, the parties hereto are desirous of making certain improvements and repairs upon County Local Roads within the Township.

NOW THEREFORE, in consideration of the mutual covenants and promises herein contained, it is agreed by and between the parties hereto as follows:

(1) The Road Commission agrees that it will make or cause to be made certain highway improvements and/or repairs as hereinafter set forth, and the Township agrees to pay the costs of said improvements and/or repairs made by the Road Commission in the manner set forth in paragraphs (2) and (3).

PROJECT ESTIMATE

<u>NO.</u>	<u>ROAD</u>	<u>TOWNSHIP</u>	<u>LOCATION</u>	<u>MILES</u>	<u>TYPE OF IMPROVEMENT</u>	<u>ESTIMATED COST</u>
	Murphy Lake	Millington	M-15 to Caine	0.78	1.5" Bit Mat-Saginaw	\$43,604.80
					Inspection-TCRC	\$800.00
					RxR Paint	\$300.00
					Total:	\$44,704.80

8-13-10

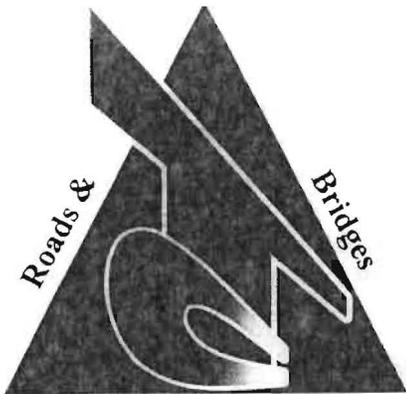
Saginaw Asphalt moved into the County today to start work on Oak Rd. I was onsite to inspect for half of a day. There is one monument on the project at the $\frac{1}{4}$ corner. Yields started out okay. I had marked out the entire mile in increments on 100'. I hung around until around 11:30 and took off. I told Tim to call me if he had any problems. The yield numbers were between 155 and 160 lbs/syd. I told Tim that we can't go over on quantity so if it meant that we would place less than 1.5" then this would be okay. Albrecht Asphalt isn't working today. Sunny and warm, nice-70-85

8-16-10

Saginaw Asphalt is on Willard Rd today to pave between Fulmer Rd and M-15. Two flaggers are onsite at either end of the project. They paved the EB lane first and backed trucks in to pave the WB lane afterwards. The yield numbers for Willard Rd were near 160 lbs/syd the entire time. The temperatures of the asphalt being placed ranged from 280-300 degrees. The temperature of the existing road was between 70 and 105 degrees. There were two monuments on Willard Rd. Once finished on Willard Rd, they moved to Irish Rd to start work on the ARRA job there. See FieldBook IDR's for notes on their work there. Albrecht Asphalt is paving on French and Elmwood Rd today. I wasn't able to check on them since I was working with Saginaw Asphalt the entire day. Sunny and nice, breezy-65-82

9-19-11

Saginaw Asphalt paved over the weekend on Evelyn, Arbela, Murphy Lake and Oak Rds. I checked them all today and they all appeared to have turned out well. Michele said that Troy called of Fahrner Asphalt and said that the fog seals probably won't be on until Wednesday at the earliest. No work is being done today because of the rain. Raining and cool-50-65



Tuscola County Road Commission

1733 Mertz
Caro, MI 48723
Phone 989 673-2128
Fax 989 673-3294

To Our Future

June 4, 2012

Mr. Bob Worth
Millington Township Supervisor
8553 State St.
P.O. Box 247
Millington, MI 48746

RE: Bit Mat Issues

Dear Bob:

You attended the Road Commission Board meeting May 10, 2012 stating issues on the roads that were paved in 2011.

The date that Murphy Lake Road, from M-15 to Caine, and Oak Road, from Murphy Lake to Swaffer, were paved was stated as 'too late in the year'. The time allowed in the Michigan Department of Transportation's Standard Specifications for Construction 2003 allows paving from May 5 to November 15 for this area. The Road Commission made the time restraint more restrictive in our specification to October 8th. The date of September 17, 2011 is well within both limits.

More important than the date is the temperature of the surface to be paved. The MDOT Spec Book states there should be no precipitation imminent or frost on the ground, and the minimum surface temperature of 35° is acceptable. The air temperature, September 17, 2011, from your handouts was a low of 35.1°F, with a high of 66°F. On May 17, 2012, Jesse Parker and I met Don Ball, Saginaw Asphalt, on Murphy Lake Road at 7:30 a.m. The air temperature was approximately 37°F, and the ground temperature was measured at 52°F. These are conditions which would mimic September 17, 2011. With a surface temperature of 50° - 69°, the asphalt being delivered to the project, by the MDOT Specifications, should be 300° - 315°F (± 20°F) when it leaves the plant. Saginaw Asphalt's Plant Report for September 17, 2011 shows the asphalt tested was 290° - 300°F. A loss of approximately 10°F can be expected in the 45 minute haul, 25 miles away, which still makes the loads within tolerance.

In regards to the transverse cracking, you had a competitor say the cracks in the existing surface could have been sealed prior to paving to help prevent the cracking in the new mat. That is true, however, it should be done one year before, or at least the beginning of the season. To crack fill too close to paving an inch and a half bit mat would cause a bump at each crack location when the hot bit mat is rolled. Crack fill is done by MDOT from 1-3 years after paving as a standard practice. Reflective transverse cracking is a normal bit mat issue. If the Township wishes to crack fill prior to paving, it simply needs to be marked on the Work Request Form. As Don Ball stated in his letter, a thicker mat can also be applied. The Road Commission designs for the minimum to keep the costs as low as possible. If the Township wants more than the minimum, that can also be noted on the Work Request Form.

RECEIVED

JUN 5 2012 CP

MILLINGTON TWP.

Mr. Bob Worth
Millington Township Supervisor
June 4, 2012
Page 2

The inspection costs were questioned. I used the term 'TCRC Inspection' on the agreement to summarize multiple charges. The Township sees labor, equipment, weed control, and sign materials on the invoice. The labor and equipment charges were partly for construction signs being installed and removed. The weeds are sprayed and shoulders cut by our crew prior to paving. A portion of the asphalt testing that is done by our inspector is shared by all projects paved in that month and included in the project cost. The Township wasn't charged for hours that weren't spent on the projects.

Other than the chunk of rubber found in Murphy Lake, east of Ellis, which will be repaired by Saginaw Asphalt free of charge, there are no abnormal defects in the two miles paved in 2011. The Road Commission Board denied the request for a refund on inspection costs. Crack fill can be completed on the two projects, the only cost share will be through the Preventive Maintenance Allowance. If the Township wishes to do crack fill work or revise the bit mat on the projects for 2012, please state your requests on the enclosed forms. A safe roadway system is our common goal. If you have any further questions, please contact me.

Sincerely,

TUSCOGA COUNTY ROAD COMMISSION



Michele Zawerucha, P.E.
County Highway Engineer

MZ/ah

Enc.

cc: D. Ball, Saginaw Asphalt

Saginaw Asphalt Paving Co.



2981 CARROLLTON ROAD
SAGINAW, MICHIGAN 48604
TEL-(989) 755-8147 FAX-(989) 755-0426

Tuscola County Road Commission
1733 Mertz Road
Caro, MI 48723

Dear Michelle,

5-23-2012

Thank You for bringing a potential quality issue to our attention. In response to your email dated 5-14-2012 we set a meeting to discuss Millington Townships concerns of possible premature transverse cracking.

I looked back at our records and we paved Murphy Lake Road and Oak Road around September 17th 2011. I then reviewed a weather website to check the weather history of that day and found that the morning and afternoon temperatures to be within MDOT guidelines. The website I researched was www.wuncerground.com. Please take a moment and look up the history for the Millington area on that day and a graph showing the hour by hour temperature can be found. Also Saginaw Asphalt was within the paving days criteria allowed by Tuscola County to perform the work awarded to us.

In reviewing the quality and workmanship of the work completed we find no out of the ordinary issues that would require any further recourse. Some reflective cracking happens one way to mitigate this would be to wedge then overlay the road to help fill the existing divots and cracks in the road.

If I can be of any further assistance please feel free to call.

Thank You,

A handwritten signature in black ink, appearing to read "Don Ball". The signature is fluid and cursive, written over a white background.

Don Ball
Saginaw Asphalt

At the Board of Commissioners meeting on May 24, 2012 Mr. Robert Decoe was in attendance and requested the Board of Commissioners to resolve a problem he is encountering with "Boom Box Radios" which are excessively loud coming from cars near his home.

Attached is a copy of a county noise ordinance adopted in 1995. One of the county prosecutors happened to be at the meeting for a different purpose but commented that it is his understanding that counties are not allowed to have noise ordinances. The prosecutor alluded to an attorney general opinion that apparently explains that counties cannot adopt noise ordinances. I discussed this situation with the Sheriff. The Sheriff discussed the situation with the County Prosecutor who also explained the county cannot have a noise ordinance. Without ordinance authority the Sheriff explained that his department cannot provide enforcement.

Is it also your opinion the county cannot have a noise ordinance? If the county can have a noise ordinance what changes in the current ordinance would you recommend?

Thank you.

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

Mike Hoagland

From: Clayton J. Johnson [CLAJOH@BraunKendrick.com]
Sent: Friday, May 25, 2012 3:32 PM
To: MHoagland@TuscolaCounty.org
Cc: Patrick Kaltenbach
Subject: County Noise Ordinance
Attachments: SBK12052515190.pdf

Hello Mike,

As the prosecutor referenced, in 2001 an Attorney General Opinion was issued which states that a county does not have authority to pass a county-wide noise ordinance. A copy of the Opinion (No. 7096) is attached.

It is therefore our opinion that such an ordinance should not be enforced.

Please let me know if you have any further questions in this regard.

Thank you,

Clay



BRAUN KENDRICK

CLAYTON J. JOHNSON
Attorney
Tel: 906.799.2200
Fax: 906.799.0800
Email: clajoh@braunkendrick.com

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From: Mike Hoagland [mailto:mhoagland@tuscolacounty.org]
Sent: Friday, May 25, 2012 2:49 PM
To: Patrick Kaltenbach
Cc: Lee Teschendorf
Subject: County Noise Ordinance

Pat

The following opinion is presented on-line for informational use only and does not replace the official version. (Mich Dept of Attorney General Web Site - www.ag.state.mi.us)

STATE OF MICHIGAN

JENNIFER M. GRANHOLM, ATTORNEY GENERAL

COUNTIES: County's authority to adopt countywide noise control ordinance

MUNICIPALITIES:

A county board of commissioners in a noncharter county lacks authority to adopt a countywide noise control ordinance.

Opinion No. 7096

December 26, 2001

Mr. Jeffrey C. Middleton
St. Joseph County Prosecuting Attorney
P.O. Box 250
Centreville, MI 49032-0250

You have asked whether a county board of commissioners in a noncharter county is authorized to adopt a countywide noise control regulation ordinance.

Your request indicates that a county board of commissioners is considering adopting a countywide ordinance prohibiting "any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the county." The proposed ordinance would also list specific violations, including the operation of pneumatic hammers during the period between 10 p.m. and 6 a.m. Violation of the proposed ordinance would be a misdemeanor, punishable by a fine of up to \$500, or imprisonment of up to 90 days, or both.

Counties and other local units of government have only such powers as are granted them by law. *Mosier v Wayne County Bd of Auditors*, 295 Mich 27, 29; 294 NW 85 (1940); *Hanslovsky v Leland Twp*, 281 Mich 652; 275 NW 720 (1937). Michigan statutes authorize specific county ordinances -- for example, zoning ordinances (MCL 125.201 *et seq.*), animal control ordinances (MCL 287.289a), and noxious weed ordinances, MCL 247.70. Beyond such instances of express statutory authorization, noncharter counties possess only the authority to adopt ordinances pursuant to section 11(j) of the County Boards of Commissioners Act (County Act), 1851 PA 156, MCL 46.1 *et seq.*, which provides, in relevant part, as follows:

A county board of commissioners, at a lawfully held meeting, may do 1 or more of the following:

* * *

(j) By majority vote of the members of the county board of commissioners elected and serving, *pass ordinances that relate to county affairs* and do not contravene the general laws of this state or interfere with the local affairs of a township, city, or village within the limits of the county
[Emphasis added.]

County ordinances must relate to, and are restricted to, affairs of the county and may not interfere with the local affairs of cities, villages, or townships. OAG, 1989-1990, No 6665, pp 401, 403 (November 15, 1990); OAG, 1969-1970, No 4696, pp 197, 200 (November 25, 1970); OAG, 1928-1930, p 477 (July 13, 1929); 1 OAG 1957, No 2973, p 168 (April 12, 1957).

Several Attorney General opinions have concluded that the regulation of various activities exceeded the authority of a county board of commissioners, including a county's regulation of "loud speaking equipment" on automobiles operating on county roads,

OAG, 1941-1942, No 22046, p 448 (December 16, 1941); the handling of foodstuffs and beverages, OAG, 1943-1944, No 24970, p 163 (November 24, 1942); Sunday beer sales, OAG 1943-1944, 0-402, p 320 (March 16, 1943); the operation of motor boats, OAG, 1943-1944, No 0-1394, p 563 (October 18, 1943); loitering by minors where liquor is sold, OAG, 1945-1946, No 0-4471, p 639 (March 15, 1946); and Sunday sales of personal property, 1 OAG, 1957, No 2973, p 168 (April 12, 1957).

OAG, No 4696, *supra*, at 200, concluded that noncharter counties would be interfering with cities, villages, and townships by adopting an air pollution control ordinance where cities, villages, and townships already had the power to adopt such ordinances. Similarly, OAG, 1971-1972, No 4741, p 82 (April 3, 1972), concluded that a county lacked authority to adopt an ordinance prohibiting the discharge of firearms within the county.

The proposed countywide noise control ordinance described in your request, if adopted, would apply beyond the affairs of a county, which have been characterized in prior Attorney General opinions as "affairs relating to the county in its organic and corporate capacity and included within its governmental or corporate powers." See OAG, 1945-1946, No 0-4471, *supra*. On the other hand, it is possible that a noise control ordinance could be adopted by a county board of commissioners, provided that the ordinance was limited to the regulation of noise on property owned or occupied by the county government or its boards, commissions, or agencies. See OAG, No 6665, *supra*, concluding that although counties lack authority to regulate the placement of cigarette vending machines within their respective borders, they may regulate such activity on county property.

Additional support for this limited approach to a countywide noise control ordinance is found in sections 11(l) and (m) of the County Act that authorize a county board to manage the county's property [subsection (l)] and manage the interests and business concerns of the county [subsection (m)]. Existing statutory provisions, however, do not provide a county board of commissioners with authority to adopt a countywide noise control ordinance since the scope of the proposed ordinance is not limited to county affairs, *i.e.*, the regulation of noise on property owned or occupied by the county government or its boards, commissions, or agencies.

It is my opinion, therefore, that a county board of commissioners in a noncharter county lacks authority to adopt a countywide noise control ordinance.

JENNIFER M. GRANHOLM
Attorney General