

**TUSCOLA COUNTY BOARD OF COMMISSIONERS
MEETING AGENDA**

MONDAY, OCTOBER 22, 2012 – 8:30 A.M.

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

125 W. Lincoln Street
Caro, MI 48723

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

- 8:30 A.M. Call to Order – Chairperson Bardwell
Prayer – Commissioner Bardwell
Pledge of Allegiance – Commissioner Allen
Roll Call – Clerk White
Adoption of Agenda
Action on Previous Meeting Minutes (See Correspondence #1)
Brief Public Comment Period
Consent Agenda Resolution (See Correspondence #2)
New Business
 -Public Hearing Michigan Community Development Block Grant
 Application (See Correspondence #3)
 -Medical Care Facility – Financing of “Small House” Project (See
 Correspondence #4)
 -Farmland Lease Proposals (See Correspondence #5)
 -Michigan Renewable Energy Collaborative (See Correspondence
 #6)
 -Meeting Date for Board Organizational Meeting (See
 Correspondence #7)
 -EDC Board Appointments (See Correspondence #8)
 -Personal Property Tax (See Correspondence #9)
 -District Court Appointment
 -2013 Draft Budget Update
 -Closed Session Labor Negotiations
Old Business
Correspondence/Resolutions

COMMISSIONER LIAISON COMMITTEE REPORTS

KERN

Thumb Area Consortium/Michigan Works
Human Development Commission
Health Board
Senior Services Advisory
Local Unit of Government Activity Report
Community Corrections Advisory Board

Behavioral Health Board
DHS/Medical Care Facility Liaison
Tuscola 2020

PETZOLD

Recycling Advisory
Mid-Michigan Mosquito Control Technical Advisory Committee
Thumb Area Consortium/Michigan Works
Multi-County Solid Waste
TRIAD
Local Unit of Government Activity Report
Road Commission
Health Board

PETERSON

Human Development Commission
MEMS
Michigan Association of Counties – Aging Work Group
Michigan Association of Counties – Environmental
LEPC
NACo
Local Unit of Government Activity Report
Parks & Recreation
Dispatch Authority Board
County Planning Commission

ALLEN

Board of Public Works
Local Unit of Government Activity Report
Human Services Coordinating Council
Great Start Collaborative – Tuscola County
Parks & Recreation

BARDWELL

Caro DDA
Brownfield Redevelopment Authority
Economic Development Corporation
MAC Economic Development/Taxation
MAC 7TH District
Local Unit of Government Activity Report
Michigan Association of Counties – Board of Directors
NACo
NACo Agricultural Committee
NACo Rural Action Caucus

Closed Session (If Necessary)

Other Business as Necessary

Extended Public Comment

Adjournment

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

CORRESPONDENCE

- #1 October 9, 2012 Full Board Minutes
- #2 Consent Agenda Resolution
- #3 Notice of Public Hearing – Michigan Community Development Block Grant
- #4 Resolution Approving Medical Care Facility Project
- #5 Farmland Lease Proposals
- #6 Michigan Renewable Energy Collaborative
- #7 Board of Commissioners Organizational Meeting Date
- #8 EDC Board Appointments
- #9 Personal Property Tax
- #10 September 27, 2012 Road Commission Minutes

DRAFT
TUSCOLA COUNTY BOARD OF COMMISSIONERS

October 9, 2012 Minutes
H. H. Purdy Building

Chairman Thomas Bardwell called the meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building in the City of Caro, Michigan, on the 9th day of October, 2012 to order at 8:32 o'clock a.m. local time.

Prayer by Commissioner Petzold
Pledge by Commissioner Allen

COMMISSIONERS PRESENT: District #1 Roger Allen, District #2 Thomas Bardwell, District #4 Roy Petzold, District #5 Gerald Peterson

COMMISSIONERS ABSENT: District #3 Tom Kern

12-M-196

Motion by Peterson seconded by Allen to adopt the agenda as amended. Motion carried.

12-M-197

Motion by Allen seconded by Peterson to approve the minutes of the 9/27/2012 regular meeting. Motion carried.

Brief Public Comment – none

Probate Judge Amanda Roggenbuck presented her 2011 Annual Report.

12-M-198

Motion by Peterson seconded by Petzold to receive and place on file the Probate Court Annual Report. Motion carried.

12-M-199

Motion by Allen seconded by Peterson that per the request of the Parks and Recreation Commission Chairperson, authorization to proceed with a Halloween Party at Vanderbilt Park and to rent a "bounce house" for use at the event be approved (insurance company has confirmed insurance coverage for the "bounce house"). Also, the county issue a \$275 check to Sheardy for the "bounce house" and Nextera be invoiced for \$275 to finance said play equipment. Motion carried.

12-M-200

Motion by Allen seconded by Peterson to authorize final approval of the one-time assessment of \$8,100 for the Vanderbilt Park share of the water system

project implementation in Wisner Township. Also, appropriate 2012 county budget amendments be approved for financing of this cost. Connection to the water system will not be implemented at this time but may be in the future should a need for municipal water at the park occur. Motion carried.

12-M-201

Motion by Allen seconded by Peterson to join the Clean Affordable Renewable Energy (CARE) Coalition in opposition to the constitutional amendment that would require an arbitrary 25% renewable energy standard by the year 2025 (no cost to join the organization). Also, forms are authorized to be submitted to join the organization and to express opposition to the renewable energy standard. Motion carried.

12-M-202

Motion by Peterson seconded by Allen to approve the resolution supporting Clean Affordable Renewable Energy for Michigan and opposing Proposal 3 and forward to all appropriate parties. Motion carried.

12-M-203

Motion by Peterson seconded by Petzold to authorize the Recycling Coordinator to implement the Clean Sweep program in Tuscola County through a grant with the understanding there will be no significant cost to Tuscola County to implement this program. Also, authorize all appropriate documents for signature in order to leverage grant funds. Motion carried.

Extended Public Comment – Register of Deeds Dan Grimshaw appeared to update the board.

Ione Vyse updated the board regarding activity associated with the windmills.

Meeting adjourned at 9:52 a.m.

Margie A. White
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 22nd day of October, 2012 at 8:30 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 10/11/12
- Description of Matter:** Move that the county hiring freeze be lifted and concur with the hiring of Christopher Whetstone as a Certified Road Patrol Deputy effective October 9, 2012 at the step 1 rate of pay (satisfactory background check and physical have been completed.)

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

Margie White
Tuscola County Clerk

NOTICE OF PUBLIC HEARING
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
Michigan Community Development Block Grant
Michigan Housing Resource Fund

The Tuscola County Board of Commissioners, in cooperation with the Human Development Commission, is applying to the Michigan State Housing Development Authority (MSHDA) for \$250,000 in 2012-2014 Community Development Block Grant (CDBG) funding to provide housing rehabilitation measures for low-income homeowners in Tuscola County. Activities that may be undertaken include:

1. Single family, owner-occupied rehabilitation measures such as electrical repairs/rewiring, energy conservation measures, foundation or structural repairs/replacements, improvements that eliminate or minimize lead paint hazards, mechanical, painting and siding, and plumbing.
2. Single family, owner-occupied emergency repairs that assist with life-threatening health and safety emergencies such as no heat, no water, or no electricity.
3. Rental rehabilitation to assist with health and safety measures when property owners rent to income qualified tenants.

The Tuscola County Board of Commissioners will provide a forum for persons interested in commenting on this project. The Board of Commissioners will also receive and consider written comments regarding the 2012-2014 CDBG application. Written comments should be received no later than the date of the public hearing and be directed to the address below.

The Public Hearing will be held on October 22, 2012 at 8:30 a.m. at the Tuscola County Purdy Building, 125 W. Lincoln St., Caro, MI 48723. The Public Hearing will be part of the regularly scheduled meeting of the Tuscola County Board of Commissioners.

Mike Hoagland

#4

From: Meredith Shanle [MeredithS@mfc.com]
Sent: Monday, October 15, 2012 10:24 AM
To: mdroedel@tcmcf.org; mhoagland@tuscolacounty.org; pdonovan@tuscolacounty.org;
thahn@rwbaird.com; Assistant to John Axe
Subject: Tuscola County Medical Care Facility Revenue Bonds
Attachments: r1-tus38.doc; img-X15095314-0001.pdf.pdf



r1-tus38.doc (31 KB) img-X15095314-0001.pdf (47...)

Attached hereto please find a draft of the Resolution Approving Tuscola County Medical Care Facility Project to be Financed by Revenue Bonds to be considered by the Board of Commissioners of the County at their meeting next week.

Also attached are Axe & Ecklund's Fees and Expenses to be inserted as Appendix A.

We will need Robert W. Baird's Fees and Expenses to be inserted as Appendix B.

Please let me or Mr. Axe know if you have any questions, comments or changes.

Once we have sign off we will send a final version of this resolution out to everyone.

Thank you - Meredith Shanle

Meredith A. Shanle
Axe & Ecklund, P.C.
21 Kercheval Ave., Suite 360
Grosse Pointe Farms, MI 48236
313-884-9824 phone
313-884-0626 fax
merediths@mfc.com

Draft

COUNTY OF TUSCOLA
BOARD OF COMMISSIONERS

At a _____ meeting of the Board of Commissioners of Tuscola County held in Caro, Michigan on _____, 2012, at ___:___ .m., Eastern Daylight Savings Time, there were:

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by Commissioner _____ and seconded by Commissioner _____:

**RESOLUTION APPROVING TUSCOLA COUNTY
MEDICAL CARE FACILITY PROJECT
TO BE FINANCED BY REVENUE BONDS**

WHEREAS, the Board which governs the Tuscola County Medical Care Facility wishes to proceed with a new project which will need approximately \$4,000,000 to be used with other funds available to the facility to construct and equip a new "Small Houses" Project; and

WHEREAS, the Tuscola County Board of Commissioners ("Board of Commissioners") has reviewed a preliminary financial analysis prepared by Plante & Moran and determined that such a project, which involved the issuance of \$4,600,000 of bonds payable over 20 years, was affordable to the County Medical Care Facility based on its projections for future operations; and

WHEREAS, the County's Bond Counsel, Axe & Ecklund, P.C., has reviewed Plante & Moran findings and discussed the project with the Administrator and the Controller of the Medical Care Facility and have recommended that if the Board of the Medical Care Facility wishes to proceed without obtaining voter approval of a millage, that the County should issue revenue bonds secured solely by the net revenues from the Medical Care Facility; and

WHEREAS, the Administrator and the Controller of the Medical Care Facility have recommended that the County hire Robert W. Baird & Co. of Columbus, Ohio ("Baird") to serve as Financial Consultant in connection with the sale of the Revenue Bonds after solicitation of competitive proposals for the private sale of such bonds without the need to obtain a rating on such bonds; and

WHEREAS, the Board of Commissioners wishes to authorize Axe & Ecklund, P.C. and Baird to prepare the necessary bond resolution including the authorization for MFCI to offer the bonds for sale as soon as the Medical Care Facility receives permission to construct the project from the State of Michigan; and

WHEREAS, the Board of Commissioners wishes to authorize Axe & Ecklund, P.C. to advise the State of Michigan of the intention of the County to issue the revenue bonds to finance part of the project by submitting a letter to the State of Michigan which will be in connection with the Medical Care Facility's request for the State of Michigan to approve the project and issue a Certificate of Need.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF TUSCOLA as follows:

1. Axe & Ecklund, P.C., Grosse Pointe Farms, Michigan is retained to prepare the necessary bond resolution for the issuance of not to exceed \$4,600,000 in Tuscola County Medical Care Facility Revenue Bonds (the "Revenue Bonds") whose Bond Counsel fees and expenses shall be as set forth in Appendix A attached hereto.

2. Robert W. Baird & Co., Columbus, Ohio are retained to act as financial consultant in connection with the issuance and sale of the Revenue Bonds to finance the project for the Medical Care Facility whose fees and expenses shall be as set forth in Appendix B.

3. Axe & Ecklund, P.C. are authorized to prepare the necessary letter to be sent to the State of Michigan to obtain the approval of the State of Michigan for the Medical Care Facility Project.

4. Both Bond Counsel and Financial Consultant shall recommend adoption of the Bond Resolution before it is adopted.

A vote on the foregoing resolution was taken and was as follows:

YES: _____

NO: _____

ABSTAIN: _____

The Resolution was declared adopted.

CERTIFICATION

The undersigned, being the duly qualified and acting Clerk of the County of Tuscola, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Board of Commissioners of the County at a _____ meeting held on _____, 2012, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the County, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Tuscola County Clerk

Jra.r1-tus38

APPENDIX A

[See Attached Axe & Ecklund, P.C. Fees and Expenses]

SCHEDULE OF BOND COUNSEL FEES

FOR

REVENUE BOND ISSUES

<u>AMOUNT OF BONDS</u>	<u>FEE</u>
\$500,000 or less	1 3/4% of amount with a minimum of \$3,500
\$500,001 to \$1,000,000	\$8,750 plus 1 1/4% of amount in excess of \$500,000
\$1,000,001 to \$3,000,000	\$15,000 plus 1/2% of amount in excess of \$1,000,000
Over \$3,000,000	\$25,000 plus 1/4% of amount in excess of \$3,000,000

The services to be performed for such fee consist of preparing and/or examining all proceedings prior to action being taken thereon by the administrative or governing body involved; preparation of contracts and authorizing resolutions for the issuer and such municipalities are agreeing to pay the capital cost of the project or are consenting or are contracting and consenting to service for individual users within their boundaries; conferring with and advising finance officers and consultants with respect to the proceedings and procedures required to finance the project; conferring with financial consultants with respect to the details of proposed bonds in connection with the public or private sale thereof; preparation of all closing papers and transcripts of proceedings; if necessary, conferring with the Municipal Finance Division, Michigan department of Treasury, with respect to the legal details of a proposed bond issue and the approval thereof; attendance at such meetings, conferences, public hearings and closings may be required; and issuing Bond Counsel's final approving opinion to the purchaser of the bonds.

Extraordinary Services. Such fees do not include extraordinary services such as the handling of litigation which

may arise with respect to the project, services in connection with property acquisition and condemnation, preparation of revenue projections rolls and proceedings, advising in connection with construction contracts and construction bids, advising in connection with the preparation or examination of applications for state or federal grants or loans, participation in the preparation, negotiation or adoption of operating agreements or agreements with respect to water supply or sewage disposal services with public corporations not involved in financing of the project, advising in connection with the adoption of connection and rate ordinances (by the local municipalities) and other services which are agreed in advance to be of an extraordinary nature. Such work shall be performed at the established hourly rate(s) of the involved lawyer(s) for such actual time as is expended performing the work.

Attending Local Sale. An additional fee will be charged for an attorney to attend the sale at any location other than the offices of the Municipal Advisory Council of Michigan in Detroit. The amount of the additional fee will be based upon the established hourly rate of the attorney involved and the actual time (including travel time) required to attend.

Post-Delivery Tax-Related Requirements. The foregoing Bond Counsel fees do not include assisting the issuer with compliance with the issuer's post-delivery federal income tax-related covenants, such as rebate or redemption requirements, other than preparation and filing of Form 8038-G (or 8038-GC). Bond Counsel may be separately engaged to perform such services at a fee based upon the established hourly rate(s) of the involved lawyer(s) for such actual time as is expended in performing the services.

Expenses and Disbursements. In addition to the applicable fees, the issuer will be billed for expenses incurred and disbursements made on its behalf. Expenses and disbursements generally will be billed after delivery of the issue, but may be billed on a monthly basis as they are incurred or made with a final billing after delivery.

APPENDIX B

[See Attached Robert W. Baird & Co. Fees and Expenses]

Proposals to Lease County Property for Farming

Tuscola County owns approximately 61 acres east of Luder and south of Deckerville Roads. Proposals are being received for the lease of this property (non-tiled) for crop farming in 2013, 2014 and 2015. Specific property location can be obtained by contacting Mike Miller 989-672-3756 (County Buildings and Grounds Director). Please submit your proposal on a price to be paid per acre for each of the three years. Proposals are to be submitted to Tuscola County Controller, 125 West Lincoln Street, Caro, MI 48723 or emailed to mhoagland@tuscolacounty.org by Friday, October 20, 2012.

Original Proposed Agreement

#6

Michigan Renewable Energy Collaborative Attorney Fee Agreement

This Interlocal Agreement is entered into pursuant to the Urban Cooperation Act of 1967, MCL 124.501 et seq, by and between a number of public agencies, as defined by MCL 124.502(e), for the purpose of sharing in all legal expenses related to the prosecution of an appeal from a decision of the State of Michigan Tax Commission pertaining to a new trending/multiplier table for determining true cash value for personal property.

Recitals

The Michigan Renewable Energy Collaborative (hereinafter the "Collaborative") is a group of public agencies that have a common interest in the development of commercial wind turbine electrical generators and currently consists of the counties of Huron, Sanilac, Gratiot, Mason and Tuscola, but the Collaborative may expand or contract in composition, pursuant to the terms of this Interlocal Agreement;

All public agencies entering into this Interlocal Agreement exist within a community or communities which have been identified as a favorable geographic location for the development of commercial wind turbine electrical generators as a mechanism for renewable electric energy for the general benefit of all citizens.

The commercial wind turbine generators intended for or being used for the generation of renewable energy have been defined by the State of Michigan as personal property for the purpose of any ad valorem taxation of those turbines;

The Michigan State Tax Commission recently promulgated a new trending/multiplier table (usually understood to be a depreciation table) to determine the true cash value of personal property for purposes of ad valorem taxation, which a number of public agencies dispute as an accurate reflection of the true cash value of those turbines;

The new trending/multiplier table will result in a substantial loss of revenue to all of the public agencies that are entitled to a share of those ad valorem taxes;

The old trending/multiplier table has recently been used for the ad valorem taxation of wind turbines in Wheeler Township, in Gratiot County and that decision is being appealed to the Michigan Tax Tribunal, under the case caption of *Detroit Edison Company v Wheeler Township & Detroit Edison Company vs. Bethany Township -- Tax Appeals*, by the law firm of Clark Hill PLC;

The legal fees being charged by the law firm of Clark Hill PLC are set forth in a letter from the attorney at Clark Hill responsible for the prosecution of the appeal, dated June 14, 2012 and addressed to Mr. Jerry Rohde, Supervisor of Wheeler Township and Mr. Don Long, Supervisor of Bethany Township, of which fee rate is not expected to

exceed \$260.00 per hour for services rendered (a copy of said letter is attached hereto and marked as Attachment A):

All public entities to this Interlocal Agreement have an interest in and will be affected by the ultimate resolution of this appeal on the appropriateness of the use of the new trending/multiplier table;

The five counties involved in the Collaborative, as set forth hereinabove, have each agreed to assume the responsibility for absorbing the legal expense pertaining to the prosecution of the appeal for the various other public agencies located within the respective counties, hence, Gratiot County is involved in the appeal on behalf of Wheeler Township, one of its local communities;

Pursuant to MCL 124.504, a public agency of this state may exercise jointly with any other public agency of this state any power, privilege, or authority that the agencies share in common and that each might exercise separately;

Pursuant to MCL 124.505(1), a joint exercise of power under the authority of the Urban Cooperation Act shall be made by contract or contracts in the form of an interlocal agreement;

The purpose of this Interlocal Agreement is to equitably share in the legal expense directly related to the prosecution of an appeal of the decision to use the new trending/multiplier table for the purpose of taxation of wind turbine generators.

Agreement

1. The parties agree that the governing body for the parties to this Interlocal Agreement shall adopt a written resolution authorizing the public agency's participation in this agreement and attach a copy of said resolution to an executed copy of this Interlocal Agreement and forward a copy of same to each member of the Collaborative;

2. Legal costs are defined as actual attorney fees billed by the Attorneys handling the appeal on behalf of the parties to this agreement at the rate of \$260.00 per hour, as well as the billable costs expended by said attorneys in conjunction with the prosecution of said appeal.

3. The parties agree that 50% of the legal costs will be divided equally between the parties to this agreement;

4. The parties agree that the parties to this agreement shall divide the balance of the legal costs on a pro rata basis, determined by the number of wind turbines either existing, under construction, or permitted within that public agency's zoning jurisdiction;

5. The parties agree that a table of the fee sharing agreement, as set forth in paragraphs three and four hereinabove, shall appear as follows for the Collaborative as it currently exists:

The First half of the bill will be split evenly between the five counties, then as follows:

County	Active No. of Turbines	No. of Turbines – under construction	Total No. of Turbines	% of Bill
Huron	78	82	160	31.1%
Sanilac	50	18	68	13.2%
Gratiot	133	34	167	32.5%
Mason	0	56	56	10.9%
Tuscola	0	63	63	12.3%
	261	253	514	100%

(This formula will be adjusted as more turbines are added)

6. The parties agree that this agreement shall remain in full force and effect through the appellate process for the prosecution of the appeal, as set forth hereinabove;

7. The parties agree that a participating public agency may only be released from the obligations established pursuant to this Interlocal Agreement prior to the termination of this agreement by a majority vote of all of the parties to this agreement;

8. The parties agree that if there are any surplus funds remaining at the termination of this agreement that those funds shall be returned to the participating public agencies on the pro rata basis, as set forth above;

9. Additional parties may be allowed to join this agreement by majority vote of the then existing participants. The pro rata share of each participant, including each new participant shall be adjusted as soon as membership is increased or decreased.

County of Huron
Dated: _____

By: _____
Its: Chairman of Board

County of Gratiot
Dated: _____

By: _____
Its: Chairman of Board

County of Mason
Dated: _____

By: _____
Its: Chairman of Board

County of Sanilac
Dated: _____

By: _____
Its: Chairman of Board

County of Tuscola
Dated: _____

By: _____
Its: Chairman of Board

Removed
Removed

Revised Agreement

Michigan Renewable Energy Collaborative Attorney Fee Agreement

This Interlocal Agreement is entered into pursuant to the Urban Cooperation Act of 1967, MCL 124.501 et seq, by and between a number of public agencies, as defined by MCL 124.502(e), for the purpose of sharing in all legal expenses related to the prosecution of an appeal from a decision of the State of Michigan Tax Commission pertaining to a new trending/multiplier table for determining true cash value for personal property.

Recitals

The Michigan Renewable Energy Collaborative (hereinafter the "Collaborative") is a group of public agencies that have a common interest in the development of commercial wind turbine electrical generators and currently consists of the counties of Huron, Sanilac, Gratiot, Mason and Tuscola, but the Collaborative may expand or contract in composition, pursuant to the terms of this Interlocal Agreement;

All public agencies entering into this Interlocal Agreement exist within a community or communities which have been identified as a favorable geographic location for the development of commercial wind turbine electrical generators as a mechanism for renewable electric energy for the general benefit of all citizens;

The commercial wind turbine generators intended for or being used for the generation of renewable energy have been defined by the State of Michigan as personal property for the purpose of any ad valorem taxation of those turbines;

The Michigan State Tax Commission recently promulgated a new trending/multiplier table (usually understood to be a depreciation table) to determine the true cash value of personal property for purposes of ad valorem taxation, which a number of public agencies dispute as an accurate reflection of the true cash value of those turbines;

The new trending/multiplier table will result in a substantial loss of revenue to all of the public agencies that are entitled to a share of those ad valorem taxes;

The old trending/multiplier table has recently been used for the ad valorem taxation of wind turbines in Wheeler Township, in Gratiot County and that decision is being appealed to the Michigan Tax Tribunal, under the case caption of *Detroit Edison Company v Wheeler Township & Detroit Edison Company vs. Bethany Township – Tax Appeals*, by the law firm of Clark Hill PLC;

The legal fees being charged by the law firm of Clark Hill PLC are set forth in a letter from the attorney at Clark Hill responsible for the prosecution of the appeal, dated June 14, 2012 and addressed to Mr. Jerry Rohde, Supervisor of Wheeler Township and Mr. Don Long, Supervisor of Bethany Township, of which fee rate is not expected to

exceed \$260.00 per hour for services rendered (a copy of said letter is attached hereto and marked as Attachment A);

All public entities to this Interlocal Agreement have an interest in and will be affected by the ultimate resolution of this appeal on the appropriateness of the use of the new trending/multiplier table;

The five counties involved in the Collaborative, as set forth hereinabove, have each agreed to assume the responsibility for absorbing the legal expense pertaining to the prosecution of the appeal for the various other public agencies located within the respective counties, hence, Gratiot County is involved in the appeal on behalf of Wheeler Township, one of its local communities;

Pursuant to MCL 124.504, a public agency of this state may exercise jointly with any other public agency of this state any power, privilege, or authority that the agencies share in common and that each might exercise separately;

Pursuant to MCL 124.505(1), a joint exercise of power under the authority of the Urban Cooperation Act shall be made by contract or contracts in the form of an interlocal agreement;

The purpose of this Interlocal Agreement is to equitably share in the legal expense directly related to the prosecution of an appeal of the decision to use the new trending/multiplier table for the purpose of taxation of wind turbine generators.

Agreement

1. The parties agree that the governing body for the parties to this Interlocal Agreement shall adopt a written resolution authorizing the public agency's participation in this agreement and attach a copy of said resolution to an executed copy of this Interlocal Agreement and forward a copy of same to each member of the Collaborative;

2. Legal costs are defined as actual attorney fees billed by the Attorneys handling the appeal on behalf of the parties to this agreement at the rate of \$260.00 per hour, as well as the billable costs expended by said attorneys in conjunction with the prosecution of said appeal.

3. The parties agree that 50% of the legal costs will be divided equally between the parties to this agreement;

4. The parties agree that the parties to this agreement shall divide the balance of the legal costs on a pro rata basis, determined by the number of wind turbines either existing, under construction, or permitted within that public agency's zoning jurisdiction;

5. The parties agree that a table of the fee sharing agreement, as set forth in paragraphs three and four hereinabove, shall appear as follows for the Collaborative as it currently exists:

The First half of the bill will be split evenly between the five counties, then as follows:

County	Active No. of Turbines	No. of Turbines – under construction	Total No. of Turbines	% of Bill
Huron	78	82	160	31.1%
Sanilac	50	18	68	13.2%
Gratiot	133	34	167	32.5%
Mason	0	56	56	10.9%
Tuscola	0	63	63	12.3%
	261	253	514	100%

(This formula will be adjusted as more turbines are added)

6. Tuscola County agrees that this agreement shall remain in full force and effect through the appellate process for the prosecution of the appeal or until Tuscola County has incurred up to \$15,000.00 in legal costs, whichever occurs first.;

7. The parties agree that if there are any surplus funds remaining at the termination of this agreement that those funds shall be returned to the participating public agencies on the pro rata basis, as set forth above;

8. Additional parties may be allowed to join this agreement by majority vote of the then existing participants. The pro rata share of each participant, including each new participant shall be adjusted as soon as membership is increased or decreased.

County of Huron
Dated: _____

By: _____
Its: Chairman of Board

County of Gratiot
Dated: _____

By: _____
Its: Chairman of Board

County of Mason
Dated: _____

By: _____
Its: Chairman of Board

County of Sanilac
Dated: _____

By: _____
Its: Chairman of Board

County of Tuscola
Dated: _____

By: _____
Its: Chairman of Board

APPROVAL OF AN INTERLOCAL AGREEMENT WITH SANILAC, GRATIOT, HURON, AND TUSCOLA
COUNTIES

WHEREAS, it is in the best interest of the County of Tuscola to enter into an Interlocal Agreement pursuant to the Urban Cooperation Act of 1967, MCL 124.501 et seq, by and between a number of public agencies, as defined by MCL 124.502(e), for the purpose of sharing in all legal expenses related to the prosecution of an appeal from a decision of the State of Michigan Tax Commission pertaining to a new trending/multiplier table for determining true cash value for personal property; and

WHEREAS, the Michigan Renewable Energy Collaborative (hereinafter the "Collaborative") is a group of public agencies that have a common interest in the development of commercial wind turbine electrical generators and currently consists of the counties of Mason, Sanilac, Gratiot, Huron, and Tuscola, but the Collaborative may expand or contract in composition, pursuant to the terms of a proposed Interlocal Agreement, a copy of which is attached hereto and marked as Exhibit A; and

WHEREAS, all of the public agencies in the Collaborative exist within a community or communities which have been identified as a favorable geographic location for the development of commercial wind turbine electrical generators as a mechanism for renewable electric energy for the general benefit of all citizens; and

WHEREAS, the commercial wind turbine generators intended for or being used for the generation of renewable energy have been defined by the State of Michigan as personal property for the purpose of any ad valorem taxation of those turbines; and

WHEREAS, the Michigan State Tax Commission recently promulgated a new trending/multiplier table (usually understood to be a depreciation table) to determine the true cash value of personal property for purposes of ad valorem taxation, which a number of public agencies dispute as an accurate reflection of the true cash value of those turbines; and

WHEREAS, the new trending/multiplier table will result in a substantial loss of revenue to all of the public agencies that are entitled to a share of those ad valorem taxes; and

WHEREAS, the new trending/multiplier table has recently been used for the ad valorem taxation of wind turbines in Wheeler Township, in Gratiot County and that decision is being appealed to the Michigan Tax Tribunal, under the case caption of *Detroit Edison Company v Wheeler Township – Tax Appeals and Detroit Edison Company v Bethany Township – Tax Appeals*, by the law firm of Clark Hill PLC; and

WHEREAS, all public entities that are a party to the proposed Interlocal Agreement have an interest in and will be affected by the ultimate resolution of the appeal on the appropriateness of the use of the new trending/multiplier table; and

WHEREAS, pursuant to MCL 124.504, a public agency of this state may exercise jointly with any other public agency of this state any power, privilege, or authority that the agencies share in common and that each might exercise separately; and

WHEREAS, pursuant to MCL 124.505(1), a joint exercise of power under the authority of the Urban Cooperation Act shall be made by contract or contracts in the form of an interlocal agreement; and

WHEREAS, the purpose of this Interlocal Agreement is to equitably share in the legal expense directly related to the prosecution of an appeal of the decision to use the new trending/multiplier table for the purpose of taxation of wind turbine generators; and

WHEREAS, legal costs are defined as actual attorney fees billed by the Attorneys handling the appeal at the rate of \$260.00 per hour, as well as the billable costs expended by said attorneys in conjunction with the prosecution of said appeal; and

WHEREAS, the proposed Interlocal Agreement would require the members of the Collaborative to pay 50% of the legal costs equally between the parties to the proposed Interlocal Agreement and then to divide the balance of the legal costs on a pro rata basis, determined by the number of wind turbines either existing, under construction, or permitted within that public agency's zoning jurisdiction.

THEREFORE, BE IT RESOLVED, that it is in the best interest of the County of Tuscola to enter into an interlocal agreement, pursuant to the terms of the proposed Interlocal Agreement attached hereto, for the purpose of equitably sharing in the legal expense of the prosecution of an appeal of a decision of the State of Michigan Tax Commission, as more fully set forth hereinabove; and

BE IT FURTHER RESOLVED, that the Tuscola County Board of Commissioners authorizes contributing up to \$15,000.00 towards legal costs; and

BE IT FURTHER RESOLVED, that the Tuscola County Board of Commissioners authorizes its Chairman to execute a copy of the proposed Interlocal Agreement.

**BOARD OF COMMISSIONERS
RULES OF ORDER
TUSCOLA COUNTY, MICHIGAN
Revised 1/12/12**

1. PURPOSE

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

2. MEETINGS

2.1 Organizational Meeting

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

The first item of business shall be election of the chairperson of the Board and the vice-chairperson. The clerk shall call for nominations for the office of chairperson and when nominations are closed by majority vote or no other nominations are forthcoming, the clerk shall receive written ballots from the members. When one nominee receives a majority of the votes of the members elected and serving, the nominee shall be declared chairperson. (The election of the Board chairperson may be by secret ballot with the approval of a majority of commissioners present.)

The newly elected chairperson shall assume the chairperson duties and serve a two year term unless the Board votes for a one-year term prior to the election.

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

2.2 Regular Meetings

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

Mike Hoagland

From: EDC Tuscola [tuscolacountyedc@yahoo.com]
Sent: Wednesday, October 10, 2012 2:53 PM
To: mhoagland@tuscolacounty.org
Subject: ! SPAM PHRASE ! SPAM U EDC Board Recommendations 2013-2018 term

Mike,

At the Tuscola County EDC meeting this morning, the board made recommendations to the Tuscola County Board of Commissioners to fill 3 terms ending in 2018 and adding an additional member. The board submits the name of David Tatrow - Village of Reese to replace Myron Ortner (Ortner Farms), Karen Easterling (Baker College) to replace Margie White, Adam Barden (Vassar Hardware) for a new 6-year term, and Joe Greene - Caro City Council for a 6-year term all ending December 31, 2018.

Executive Director Steve Erickson will present these names at the October 22, 2012 board meeting. The EDC has new e-mails. Steve's e-mail is edcdirector@yahoo.com and the EDC general e-mail is tuscolacountyedc@yahoo.com

Glen Roth
Tuscola County EDC
989-673-2849

Mike Hoagland

From: Kurt Damrow [colonel971@hotmail.com]
Sent: Tuesday, October 16, 2012 8:46 PM
To: steve vaughan; T Bardwell; Mike Hoagland Tuscola County Exec; clark elftman; John Bodis; john nugent; Jodi Essenmacher
Subject: FW: PPT Information from MIRS (RUSH)

FYI - Kurt Damrow

Guys, here's a MIRS News Story. Please contact MAC and ask them for an update and I would suggest having a rep from each county contact Mike Green. I'll see what I can find out on our side. I'm open for discussion but want the commercial windturbine tax bill on the Governors desk before Christmas!
Kurt

Speaker Eyes PPT For Lame Duck

A phase out of Michigan's Personal Property Tax (PPT) could draw the House's attention during the looming Lame Duck session.

In an interview with *MIRS* last week, House Speaker Jase **BOLGER** (R-Marshall) went directly to the PPT phase out when asked about his agenda for the remainder of the year. Bolger identified PPT, which he called a "horribly designed" tax, as an issue the House could tackle before the end of the term.

"We want to continue to make Michigan more competitive," the Speaker said.

In May, the Senate passed a package of eight bills that would bring major reforms for PPT (See "[Senate Passes PPT Phase Out With Sweetener For Locals](#)," 5/10/12).

To name a few of the changes, 🐾 [SB 1070](#) would create an exemption for commercial and industrial personal property if the combined taxable value of the property is less than \$40,000, and 🐾 [SB 1069](#) and 🐾 [SB 1071](#) would provide exemptions for manufacturing personal property.

Plus, 🐾 [SB 1072](#) would create the PPT Reimbursement Fund, through which the Department of Treasury could reimburse local taxing units for debt mill loss and voter-approved qualified mill loss because of the exemptions.

Since the Senate passed the PPT package in May, the bills have languished, waiting for action in the House.

Ari **ADLER**, Bolger's spokesman, said although the Speaker believes PPT is limiting job creation in Michigan, he also believes the Legislature must be careful with eliminating it because municipalities rely on the tax to provide essential services.

"One idea the Speaker would like to pursue is using expiring tax credits as a source of money to fund the phase out of the PPT," Adler said.

Under the Senate package, money in the reimbursement fund for local taxing units could come from the expiration of certificated credits such as brownfield redevelopment credits, film production credits, historic preservation credits and battery manufacturing credits.

But Deena **BOSWORTH**, legislative coordinator for the Michigan Association of Counties (MAC), said MAC doesn't believe those expiring credits are a safe enough way to provide sufficient funding for local agencies.

Bosworth said because the money would come through an annual appropriation, lawmakers could change their minds year to year on how and whether to provide it.

Although PPT is difficult to administer, Bosworth "For us, it's locally generated revenue that's spent on local services."

Samantha **HARKINS**, director of state affairs for the Michigan Municipal League (MML), said today that the MML has been working with lawmakers on PPT for months.

The main concern for the MML -- and other organizations that represent local taxing units -- is that there's a sufficient replacement for the funds lost because of a PPT phase out.

Without such a replacement, Harkins said, "There's an understanding that there would be a large hole in local government budgets."

Revenues from Personal Property, PILT, and IFT**

Estimated Revenue from Summer 2012 Levy for 2012 Budget Year***

Millage	2012 Levy	Estimated Personal Property Tax Revenue	DNR PILT Payments	IFT PP Revenue	Total GF Revenue
General Operating (S12)	3.9141	\$405,893	\$38,603	\$40,645	\$485,141

***General Operating is levied in Summer 2012 and is spent primarily in the 2012 FY.

Estimated Revenue from Winter 2012 Levy for 2013 Budget Year^

Special Funds

Millage	2012 Levy	Estimated Personal Property Tax Revenue	DNR PILT Payments	IFT PP Revenue	Total SF Revenue
Bridge/Streets	0.4807	\$49,849	\$4,741	\$4,992	\$59,582
**Senior Citizens	0.2000	\$20,740	\$1,972	\$2,077	\$24,789
Medical Care	0.2500	\$25,925	\$2,466	\$2,596	\$30,987
**Road Patrol	0.9000	\$93,330	\$8,876	\$9,346	\$111,552
Primary Road Improvements	0.9657	\$100,143	\$9,524	\$10,028	\$119,695
*Mosquito Abatement	0.6316	\$65,497	\$6,229	\$6,559	\$78,285
Recycling	0.1500	\$15,555	\$1,479	\$1,558	\$18,592
Medical Care Debt	1.0000	\$103,700	\$9,862	\$10,384	\$123,947
Total Winter Levy	4.5780	\$474,739	\$45,150	\$47,539	\$567,428
Annual Grand Total	8.4921	\$880,632	\$83,753	\$88,184	\$1,052,569

^Special fund millages are levied in December 2012 and are spent in the 2013 FY.

**IFTs are mostly personal property

Taxable Values 2012

103700.196 Collectible Taxable Value in thousands

9862.45 DNR PILT TV in thousands

10384.23 IFT PP TV

Revenues from Commercial, Industrial, and IFT Personal Property

Estimated Revenue from Summer 2012 Levy for 2012 Budget Year***

Millage	2012 Levy	Commercial PP	Industrial PP	IFT PP Revenue	Total Industrial and IFT PP	Total GF Revenue Com, Ind, IFT PP
General Operating (S12)	3.9141	\$77,231	\$107,679	\$40,645	\$148,324	\$225,555

***General Operating is levied in Summer 2012 and is spent primarily in the 2012 FY.

Estimated Revenue from Winter 2012 Levy for 2013 Budget Year^

Special Funds

Millage	2012 Levy	Commercial PP	Industrial PP	IFT PP Revenue	Total Industrial and IFT PP	Total SF Revenue Com, Ind, IFT PP
Bridge/Streets	0.4807	\$9,485	\$13,224	\$4,992	\$18,216	\$27,701
***Senior Citizens	0.2000	\$3,946	\$5,502	\$2,077	\$7,579	\$11,525
Medical Care	0.2500	\$4,933	\$6,878	\$2,596	\$9,474	\$14,407
***Road Patrol	0.9000	\$17,758	\$24,759	\$9,346	\$34,105	\$51,863
Primary Road Improvements	0.9657	\$19,055	\$26,567	\$10,028	\$36,595	\$55,650
*Mosquito Abatement	0.6316	\$12,462	\$17,376	\$6,559	\$23,934	\$36,396
Recycling	0.1500	\$2,960	\$4,127	\$1,558	\$5,684	\$8,644
Medical Care Debt	1.0000	\$19,731	\$27,510	\$10,384	\$37,895	\$57,626
Total Winter Levy	4.5780	\$90,330	\$125,943	\$47,539	\$173,482	\$263,812
Annual Grand Total	8.4921	\$167,561	\$233,621	\$88,184	\$321,805	\$489,366

^Special fund millages are levied in December 2012 and are spent in the 2013 FY.

**IFTs are mostly personal property

Taxable Values 2012

19731.446 Commercial PP TV in thousands

27510.435 Industrial PP TV in thousands

10384.23 IFT PP TV

September 27, 2012

A regular meeting of the Board was held in their offices at 1733 S. Mertz Rd., Caro, Michigan on Thursday, September 27, 2012 at 8:00 A.M.

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

Absent: Road Commissioner John Laurie.

Motion by Zwerk seconded by Matuszak that the minutes of the September 13, 2012 regular meeting of the Board be approved. Sheridan, Matuszak, Zwerk, Parsell --- Carried.

Payroll in the amount of \$89,474.01 and bills in the amount of \$339,775.93 covered by vouchers #12-32, #12-33, and #09 were presented and audited.

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

Brief Public Comment Segment:

(1) Dayton Township Supervisor Bob Cook appeared before the Board to thank the Road Commission for the road work completed this year. Mr. Cook also requested that additional gravel patching be applied in Dayton Township yet this season. After discussion, the following motion was introduced:

Motion by Matuszak seconded by Zwerk to grant Dayton Township a variance of the Local Road Improvement and Township Allowance Policy by approving the additional township wide gravel patching for the 2012 season. Sheridan, Matuszak, Zwerk, Parsell --- Carried.

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

RESOLUTION

WHEREAS, the Michigan Department of Transportation ("MDOT") has presented a proposed contract between MDOT and the Tuscola County Road Commission under which the Road Commission would perform maintenance on State Trunk Line Highways within Tuscola County, and

WHEREAS, MDOT has affirmatively found that contracting with the Tuscola County Road Commission for the maintenance of State Trunk Line Highways and Bridges within Tuscola County is in the best public interest, and

WHEREAS, the Tuscola County Road Commission concurs in MDOT's finding that it is in the best public interest to contract with the Tuscola County Road Commission for the maintenance of State Trunk Line Highways and Bridges within Tuscola County for the reason that the Road Commission has a proven record of efficiently providing a high level of service on State Trunk Line Highways within Tuscola County, and

WHEREAS, the Tuscola County Road Commission has reviewed the terms of the contract and the recommendations of the CRAM's Negotiating Committee, and

WHEREAS, the members of CRAM's Negotiating Committee have recommended that Road Commissions approve the proposed contract after making changes to Paragraph 1 and Paragraph 5 of Section 16, Partnering Efforts,

by striking language unilaterally added to the form contract by MDOT following the conclusion of negotiations that took place over 12 months resulting in changes to the form contract previously used by MDOT and County Road Commissions agreed to by the Negotiating Committee;

NOW THEREFORE BE IT RESOLVED, that the Tuscola County Road Commission hereby accepts and agrees to enter into the State Trunk Line Maintenance Contract presented by MDOT but only in the form that incorporates the changes as recommended by CRAM's Negotiating Committee and Tuscola County Road Commission Board Chairman John Laurie and Vice-Chairman Gary Parsell are authorized and instructed to sign the State Trunk Line Maintenance Contract incorporating the changes as indicated in this resolution on behalf of the Tuscola County Road Commission.

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

Management and the Board further discussed a proposed agreement between the Road Commission and the City of Caro regarding vehicle fleet maintenance. Caro City Manager Brent Morgan was also in attendance at the meeting. Management has drafted a proposed agreement and continues with the due diligence. The Board will further discuss at the next regular meeting of the Board.

Motion by Sheridan seconded by Zwerk that the Tuscola County Road Commission intends to offer each township the \$25,000.00 matching allowance for Preservation Improvements toward the 2013 construction season pending the outcome of the 2012-13 winter maintenance expenses, with the \$2,500.00 matching allowance for Preventive Maintenance toward the 2013 construction season still pending for further discussion; all in accordance with the Local Road Improvement and Maintenance & Township Allowance Policy. Sheridan, Matuszak, Zwerk, Parsell --- Carried.

Motion by Sheridan seconded by Matuszak that the agreement between LaBudde Group, Inc. and the Tuscola County Road Commission allowing Designated and Special Designated All-Season loads for Rayl Road from the north village limit of Akron north to their driveway on Rayl Road be extended for an additional two (2) years with the conditions specified in the agreement. Sheridan, Matuszak, Zwerk, Parsell --- Carried.

Motion by Matuszak seconded by Zwerk granting Joe Male a Medical Leave of Absence through October 28, 2012, all in accordance with article V of the Union Labor Agreement. Sheridan, Matuszak, Zwerk, Parsell --- Carried.

Motion by Zwerk seconded by Matuszak to approve the request from the Michigan Department of Transportation to use Irish Road and Birch Run Road as a detour route during a culvert replacement project on M-15, with the understanding that MDOT be responsible for any road damage during the detour. Sheridan, Matuszak, Zwerk, Parsell --- Carried.

Motion by Zwerk seconded by Matuszak to approve the request from the City of Vassar to use Atkins Road, Frankenmuth Road, Van Cleve Road, Bray Road, and Ormes Road as a detour route during the Vassar High School Homecoming Parade on October 4, 2012. Sheridan, Matuszak, Zwerk, Parsell --- Carried.

Director of Finance Michael Tuckey reported to the Board that the Indianfields Township Board has requested to purchase a piece of property from the Tuscola County Road Commission. The Board will further discuss the request at the next regular meeting of the Board.

The following proposals were received for 2013 Bridge Inspections:

<u>Bidder</u>	<u>Bridge Inspection</u>	<u>Bridge Load Rating</u>
Rowe Professional Services Co.	\$ 200.00 ea.	\$ 200.00 ea.
R.S. Scott Associates, Inc.	225.00 ea.	500.00 ea.

Williams & Works
Wade Trim, Inc.

no bid
205.00 ea.

no bid
400.00 ea.

Motion by Sheridan seconded by Zwerk that the proposals for 2013 Bridge Inspections be accepted and awarded to Rowe Professional Services. Sheridan, Matuszak, Zwerk, Parsell --- Carried.

County Highway Engineer Zaverucha reported to the Board that the Adventure Cycling Association has requested to install signs on United States Bike Route 20. The Board will table the request until the number of sign installations is known.

Motion by Matuszak seconded by Sheridan to approve the Road Commission post one (1) hourly job opening within the Laborer classification at the Vassar Division, all in accordance with the Union Labor Agreement. Sheridan, Matuszak, Zwerk, Parsell --- Carried.

Motion by Zwerk seconded by Matuszak that the Board go into closed session at 9:30 A.M. for the purpose of discussing union negotiations. Sheridan, Matuszak, Zwerk, Parsell --- Carried.

At 9:35 A.M. the Board returned to open session.

Motion by Matuszak seconded by Zwerk that the meeting be adjourned at 9:40 A.M. Sheridan, Matuszak, Zwerk, Parsell --- Carried.

Chairman

Secretary-Clerk of the Board