



BOARD OF COMMISSIONERS

1 S. Main St., 9th Floor
Mount Clemens, Michigan 48043
586.469.5125 FAX 586.469.5993
macombcountymi.gov/boardofcommissioners

BOARD OF COMMISSIONERS

REGULAR SESSION

THURSDAY, SEPTEMBER 13, 2012, 7 P.M.

FINAL AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Invocation by **Commissioner Roland Fraschetti**
5. Adoption of Agenda, **AS AMENDED, TO INCLUDE #10A**
6. Approval of Minutes dated August 16 and September 12 (Public Hearing), 2012 **(previously distributed)**
7. Public Participation (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda)
8. **COMMITTEE REPORTS:**
 - a) Audit, August 29 **(page 1)** **(mailed)**
 - b) Justice & Public Safety, September 11 **(no report)**
 - c) Board Operations, September 11 **(page 6)** **(attached)**
 - d) Health & Human Services, September 11 **(no report)**
 - e) Economic Development, September 12 **(no report)**
 - f) Finance, September 12 **(page 8)** **(attached)**
9. Correspondence from Executive

MACOMB COUNTY BOARD OF COMMISSIONERS

Kathy D. Vosburg
District 8
Chair

Marvin E. Sauger
District 2
Vice Chair

Fred Miller
District 9
Sergeant-At-Arms

Toni Mocerri – District 1

David Flynn - District 4

James L. Carabelli - District 6

Roland Fraschetti- District 10

Bob Smith- District 12

Phillip A DiMaria- District 3

Ray Gralewski- District 5

Don Brown- District 7

Kathy Tocco- District 11

Joe Sabatini- District 13

10. Item Referred by JPS and Finance Committee Chairs:
 - a) Hiring of Temporary Part-Time Bailiff Position for 42-1 District Court (page 13) (attached)
11. Item Referred from 9-11-12 Board Operations Committee Meeting:
 - a) Approve or Reject Revised Rules of Procedure for Ethics Board (page 15) (attached)
12. Requests to Purchase Military Service (page 23) (mailed)
13. **RESOLUTIONS:**
 - a) Authorizing Refunding of the County of Macomb Michigan Transportation Fund Bonds, Series B (offered by Board Chair on behalf of Board; recommended by Finance Committee on 9-12-12; previously provided at committee meeting)
 - b) Approving the Undertaking to Provide Continuing Disclosure (offered by Board Chair on behalf of Board; recommended by Finance Committee on 9-12-12; previously provided at committee meeting)
 - c) Supporting Transparency, Collaboration and Fiscal Responsibility to Ensure the County Receives all Available State Shared Revenues via the County Incentive Program (offered by Board Chair on behalf of Board; recommended by Finance Committee on 9-12-12; previously provided at committee meeting)
14. **PROCLAMATIONS:**
 - a) Commending Father Joseph Gembala – 25th Anniversary (offered by Flynn; include Tocco; recommended by Finance Committee on 9-12-12; previously provided at committee meeting)
 - b) Commending Warren Symphony Orchestra – 40th Anniversary (offered by Mocerri; recommended by Finance Committee on 9-12-12; previously provided at committee meeting)
 - c) Commending Jeffrey Fietsam – Eagle Scout (offered by Brown; recommended by Finance Committee on 9-12-12; previously provided at committee meeting)
 - d) Commending Jacob DeSantis – Eagle Scout (offered by Smith; recommended by Finance Committee on 9-12-12; previously provided at committee meeting)
15. New Business
16. Public Participation (five minutes maximum per speaker or longer at the discretion of the Chairperson)
17. Roll Call
18. Adjournment



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AUGUST 29, 2012

TO: BOARD OF COMMISSIONERS

**FROM: ROLAND FRASCHETTI, CHAIR
AUDIT COMMITTEE**

**RE: RECOMMENDATION FROM AUDIT COMMITTEE
MEETING OF AUGUST 29, 2012**

At a meeting of the Audit Committee, held Wednesday, August 29, 2012, the following recommendation was made and is being forwarded to the Full Board for approval:

1. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A MOTION WAS MADE BY SABATINI, SUPPORTED BY BROWN, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS CONCUR IN THE RECOMMENDATION OF THE FINANCE DIRECTOR AS REPRESENTATIVE OF THE COUNTY EXECUTIVE'S OFFICE IN THE SELECTION OF PLANTE & MORAN AS THE INDEPENDENT AUDITOR FOR YEARS 2012 THROUGH 2016. FURTHER, A COPY OF THIS BOARD OF COMMISSIONERS' ACTION IS DIRECTED TO BE DELIVERED FORTHWITH TO THE OFFICE OF THE COUNTY EXECUTIVE. **THE MOTION CARRIED.**

A MOTION TO ADOPT THE COMMITTEE REPORT WAS MADE BY CHAIR FRASCHETTI, SUPPORTED BY VICE-CHAIR MOCERI.

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Macomb County Executive

Mark A. Hackel

Mark F. Deldin
Deputy County Executive

To: Kathy Vosburg, Board Chair

From: Mark F. Deldin, Deputy County Executive *MFD*

Date: August 29, 2012

Re: Recommendation of public accounting firm - Plante and Moran

Section 8.3.1 of the Macomb County Charter which states that the County Executive, with the consent of the Audit Committee, shall hire an independent certified public accountant to conduct an annual independent audit as required by law. As discussed at the August 29th meeting of the Audit Committee, the County Executive recommends that the public accounting firm of Plante and Moran to conduct the county's audit for the fiscal years 2012-2016.

Should you need further information do not hesitate to contact our office.

/MFD

RESOLUTION NO. _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO Approve Independent Auditor for 2012 through 2016 *(see below)

At the Audit Committee meeting held on August 29, 2012, the following action was taken:

A motion was made by Sabatini, supported by Brown, to concur in the recommendation of the Finance Director as representative of the County Executive's Office in the selection of Plante & Moran as the independent auditor for years 2012 through 2016. The Motion Carried.

INTRODUCED BY Commissioner Roland Frascchetti, Chair, Audit Committee

COMMITTEE/MEETING DATE

Audit Committee 08-29-12 Approved

Full Board 09-13-12



Agenda Item - Summary of Financial Audit Proposals

Pamela Lavers <lavers@macombgov.org>

Wed, Aug 22, 2012 at 9:10 AM

To: Kathy Vosburg <kathy.vosburg@macombgov.org>, Denise Jacks <denise.jacks@macombgov.org>, Patti Dib <Patti.Dib@macombgov.org>

Cc: Mark Deldin <deldin@macombgov.org>, Peter Provenzano <peter.provenzano@macombgov.org>, Al Lorenzo <lorenzo@macombgov.org>

Dear Chair Vosburg,

Please find attached a summary of the bid proposals for our financial audit. Due to the complex nature of the bid and the importance of the engagement, the Finance team is carefully evaluating the proposals, checking references, and studying an alternate bid that was submitted by one of the auditing firms. We will have a recommendation for you shortly and we will be prepared to discuss that recommendation at the Audit Committee meeting on August 29th. Should you have any questions regarding the attached document do not hesitate to contact Deputy Executive Deldin or Finance Director Provenzano.

Per established communication protocol, please confirm receipt of this message via return email.

Best regards,

Pamela J. Lavers
Assistant County Executive
One South Main, 8th Floor
Mount Clemens, MI 48043
Phone: 586.493.4877
Fax: 586.469.7257

 **Summary of Bid Proposals 2012.xls**
37K

**Macomb County
Summary of Bid Proposals
Financial Audit**

<u>Description</u>	<u>Abraham & Gaffney</u>	<u>Plante & Moran</u>	<u>Rehmann</u>	<u>Baker Tilly</u>
Audit of County Funds	\$ 656,775	\$ 775,000	\$ 735,000	\$ 815,000
Audit of Zoological Authority	22,500	10,000	35,000	32,000
Internal Control Study	15,000	22,000	68,530	39,000
Total	<u>\$ 694,275</u>	<u>\$ 807,000</u>	<u>\$ 838,530</u>	<u>\$ 886,000</u>



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September 11, 2012

TO: BOARD OF COMMISSIONERS

FROM: KATHY TOCCO, CHAIR
BOARD OPERATIONS COMMITTEE

RE: RECOMMENDATION FROM BOARD OPERATIONS COMMITTEE
MEETING OF SEPTEMBER 11, 2012

At a meeting of the Board Operations Committee, held Tuesday, September 11, 2012, the following recommendation was made and is being forwarded to the Full Board:

1. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A MOTION WAS MADE BY MOCERI, SUPPORTED BY SAUGER, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS APPROVE THE FOLLOWING REAPPOINTMENTS TO THE SUBSTANCE ABUSE ADVISORY COUNCIL FOR THREE YEAR TERMS EXPIRING AUGUST 31, 2015: MARIANNE FRAZHO, THERESA MORIN, KAREN STETSON AND KIM SZAJNA; FURTHER, A COPY OF THIS BOARD OF COMMISSIONERS' ACTION IS DIRECTED TO BE DELIVERED FORTHWITH TO THE OFFICE OF THE COUNTY EXECUTIVE. **THE MOTION CARRIED WITH CARABELLI VOTING "NO."**

A MOTION TO ADOPT THE COMMITTEE REPORT WAS MADE BY CHAIR TOCCO, SUPPORTED BY COMMISSIONER BROWN.

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Ray Gralewski- District 5

Don Brown- District 7

Kathy Tocco- District 11

Joe Sabatini- District 13

RESOLUTION NO. _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO approve reappointments to the Substance Abuse Advisory Council for three year terms expiring August 31, 2015 ***see below**

INTRODUCED BY: Kathy Tocco, Chair, Board Operations Committee

***The following individuals were approved:**

- Marianne Frazho
- Theresa Morin
- Karen Stetson
- Kim Szajna

COMMITTEE/MEETING DATE

Board Operations	09-11-12
Full Board	09-13-12



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September 12, 2012

TO: BOARD OF COMMISSIONERS

**FROM: DON BROWN, CHAIR
FINANCE COMMITTEE**

**RE: RECOMMENDATIONS FROM FINANCE COMMITTEE
MEETING OF SEPTEMBER 12, 2012**

At a meeting of the Finance Committee, held Wednesday, September 12, 2012, the following recommendations were made and are being forwarded to the Full Board for approval:

1. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A MOTION WAS MADE BY SAUGER, SUPPORTED BY GRALEWSKI, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS APPROVE THE 2012 BUDGET AMENDMENT REQUESTS FOR FUND 350 EMERGENCY MANAGEMENT GRANTS IN THE AMOUNT OF \$25,536.82 FOR THE 2008 URBAN AREA SECURITY INITIATIVE (UASI) GRANT PROGRAM; \$88,449.16 FOR THE 2009 UASI GRANT PROGRAM AND \$237,000 FOR THE 2010 UASI GRANT PROGRAM; FURTHER, THIS BUDGET ACTION ADDRESSES BUDGETARY ISSUES ONLY. IT DOES NOT CONSTITUTE THE COMMISSION'S APPROVAL OF ANY COUNTY CONTRACT. IF A CONTRACT REQUIRES COMMISSION APPROVAL UNDER THE COUNTY'S CONTRACTING POLICY OR THE COUNTY'S PROCUREMENT ORDINANCE, SUCH APPROVAL MUST BE SOUGHT SEPARATELY; FURTHER, A COPY OF THIS BOARD OF COMMISSIONERS' ACTION IS DIRECTED TO BE DELIVERED FORTHWITH TO THE OFFICE OF THE COUNTY EXECUTIVE. **THE MOTION CARRIED.**

MACOMB COUNTY BOARD OF COMMISSIONERS

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Ray Gralewski- District 5

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2. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A MOTION WAS MADE BY MOCERI, SUPPORTED BY VOSBURG, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS APPROVE INCREASE IN BUDGETED REVENUES AND EXPENDITURES IN THE 2011/2012 MACOMB COUNTY COMMUNITY SERVICES AGENCY'S FUND IN THE NET AMOUNT OF \$114,169.94, WHICH INCLUDES MATCHING AMOUNTS OF \$20,584 TO ACCOUNT FOR DIFFERENCES BETWEEN THE FINAL AMOUNTS AWARDED AND THE AMOUNTS INCLUDED IN THE 2011/2012 BUDGET APPROVED BY THE BOARD OF COMMISSIONERS IN SEPTEMBER, 2011; FURTHER, THIS BUDGET ACTION ADDRESSES BUDGETARY ISSUES ONLY. IT DOES NOT CONSTITUTE THE COMMISSION'S APPROVAL OF ANY COUNTY CONTRACT. IF A CONTRACT REQUIRES COMMISSION APPROVAL UNDER THE COUNTY'S CONTRACTING POLICY OR THE COUNTY'S PROCUREMENT ORDINANCE, SUCH APPROVAL MUST BE SOUGHT SEPARATELY; FURTHER, A COPY OF THIS BOARD OF COMMISSIONERS' ACTION IS DIRECTED TO BE DELIVERED FORTHWITH TO THE OFFICE OF THE COUNTY EXECUTIVE. **THE MOTION CARRIED.**

3. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A MOTION WAS MADE BY MOCERI, SUPPORTED BY FLYNN, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS APPROVE A BUDGET ADJUSTMENT BETWEEN BUDGET CATEGORIES IN THE 2012 MICHIGAN STATE UNIVERSITY EXTENSION (MSUE) GRANT FUND IN THE AMOUNT OF \$35,000; FURTHER, THIS BUDGET ACTION ADDRESSES BUDGETARY ISSUES ONLY. IT DOES NOT CONSTITUTE THE COMMISSION'S APPROVAL OF ANY COUNTY CONTRACT. IF A CONTRACT REQUIRES COMMISSION APPROVAL UNDER THE COUNTY'S CONTRACTING POLICY OR THE COUNTY'S PROCUREMENT ORDINANCE, SUCH APPROVAL MUST BE SOUGHT SEPARATELY; FURTHER, A COPY OF THIS BOARD OF COMMISSIONERS' ACTION IS DIRECTED TO BE DELIVERED FORTHWITH TO THE OFFICE OF THE COUNTY EXECUTIVE. **THE MOTION CARRIED.**

A MOTION TO ADOPT THE COMMITTEE REPORT WAS MADE BY CHAIR BROWN, SUPPORTED BY COMMISSIONER VICE-CHAIR MILLER.

RESOLUTION NO: _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: Approve the 2012 budget amendment requests for Fund 350 Emergency Management Grants in the amount of \$25,536.82 for the 2008 Urban Area Security Initiative (UASI) Grant Program; \$88,449.16 for the 2009 Urban Area Security Initiative (UASI) Grant Program; and \$237,000.00 ofr the 2010 Urban Area Security Initiative Grant Program. *(see below)

INTRODUCED BY: Commissioner Phillip DiMaria, Chair, Justice & Public Safety Committee

See attached memo.

*Further, this budget action addresses budgetary issues only. It does not constitute the Commission's approval of any County contract. If a contract requires Commission approval under the County's Contracting Policy or the County's Procurement Ordinance, such approval must be sought separately. FORWARD TO THE FINANCE COMMITTEE.

*(This language was added by Justice & Public Safety Committee Chair DiMaria)

COMMITTEE/MEETING DATE

Justice & Public Safety Committee 09-11-12 Approved

Finance 09-12-13 APPROVED

Full Board 09-13-12

RESOLUTION NO. _____

MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: Approve increase in budgeted revenues and expenditures in the 2011/2012
Macomb County Community Services Agency's fund in the net amount of
\$114,169.94, which includes matching amounts of \$20,584, to account for
differences between the final amounts awarded and the amounts included in the
2011/2012 budget approved by the Board of Commissioners in September 2011.

*(see below)

*Further, this budget action addresses budgetary issues only. It does not constitute the Commission's approval of any County contract. If a contract requires Commission approval under the County's Contracting Policy or the County's Procurement Ordinance, such approval must be sought separately. FORWARD TO THE SEPTEMBER 12, 2012 FINANCE COMMITTEE MEETING.

*(This language was added by Health & Human Services Committee Chair Mocerri)

INTRODUCED BY: Commissioner Toni Mocerri, Chair, Health & Human Services Committee

Background:

The budget for MCCSA for the fiscal year ending September 30, 2012, was developed in June 2011 and approved by the Board of Commissioners in September 2011. The budget was developed with information known at that time. Since then, the County has received notification of final award amounts from the Area Agency on Aging 1-B, and the United States Department of Agriculture and those amounts differ from the original estimates.

COMMITTEE MEETING DATE

Health & Human Services Committee 09-11-12 Approved

Finance 09-12-13 APPROVED

Full Board 09-13-12

RESOLUTION NO. _____

MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO: Approve a budget adjustment between budget categories in the 2012 Michigan State University Extension (MSUE) Grant Fund in the amount of \$35,000
 *(see below)

INTRODUCED BY: Commissioners James Carabelli and David Flynn, Co-Chairs, Economic Development Committee

Background: The budget for the MSUE Grant Fund for the calendar year ending December 31, 2012 was initially approved by the Board of Commissioners in December 2011. This budget was developed with information known at that time. Since then, the lead financial education program assistant, a County employee who was funded by a United Way grant, has terminated her employment with the County. A Michigan State University Extension employee will be assuming the job responsibilities, resulting in the need for a budget adjustment of \$35,000 from the Personnel category to the Contract Services category.

*Further, this budget action addresses budgetary issues only. It does not constitute the Commission's approval of any County contract. If a contract requires Commission approval under the County's Contracting Policy or the County's Procurement Ordinance, such approval must be sought separately.
 FORWARD TO THE FINANCE COMMITTEE.

*(This language was added by Co-Chairs Carabelli and Flynn, Economic Development Committee)

COMMITTEE MEETING DATE

Economic Development 9/12/12 APPROVED

Finance 09-12-13 APPROVED

Full Board 09-13-12

RESOLUTION NO. _____ FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO authorize 42-1 District Court to hire Phillip Neumeyer as a temporary part-time bailiff per the Macomb County Charter requirement 10.6.2

INTRODUCED BY: Phillip DiMaria, Chair, Justice & Public Safety Committee

***THIS ITEM WAS WAIVED TO FULL BOARD BY THE JUSTICE & PUBLIC SAFETY AND FINANCE COMMITTEE CHAIRS**

COMMITTEE/MEETING DATE
Full Board* 9-13-12

State Of Michigan



DENIS LeDUC
District Judge

42-1 DISTRICT COURT

SANDY KEGLER
Court Administrator

September 13, 2012

Mark Hackel, County Executive
Macomb County
1 S. Main
Mt. Clemens, MI 48043

Dear Mr Hackel:

Be advised that our part-time bailiff, James Vanderlinden, is on a medical leave for approximately 6 – 8 weeks. The bailiff position is a vital part of our security for the Court and the Probation Department. I am requesting that Phillip Neumeyer be hired as a temporary part-time bailiff for the duration of the medical leave. Mr. Neumeyer retired from Macomb County on June 24, 2012. I am requesting that the Macomb County Charter requirement be waived so Mr. Neumeyer may be hired for the position.

Cordially,

42-1 DISTRICT COURT

A handwritten signature in black ink, appearing to read "Denis LeDuc", written over the typed name and title.

Hon. Denis LeDuc
Chief Judge

cc: Hon. Kathy Vosburg
Hon. Don Brown

RESOLUTION NO. _____

FULL BOARD MEETING DATE: _____

AGENDA ITEM: _____

MACOMB COUNTY, MICHIGAN

RESOLUTION TO approve or reject the Rules of Procedure as recommended by the Ethics Board (revised September 5, 2012)

INTRODUCED BY: Kathy Tocco, Chair, Board Operations Committee

COMMITTEE/MEETING DATE

Board Operations 9-11-12

Full Board 9-13-12

***REFERRED TO FULL BOARD**



MACOMB COUNTY ETHICS BOARD
 10 N. Main St., 10th Floor Mount Clemens, Michigan 48043
 Phone: 586-469-5525
www.macombgov.org
 Email: ethicsboard@macombgov.org

RECEIVED

SEP 7 2012

BOARD OF COMMISSIONERS

September 6, 2012

Katly Tocco, Chair
 Board Operations Committee
 Macomb County Board of Commissioners
 1 South Main Street, 9th Floor
 Mount Clemens, Michigan 48043

Donald J. Amboyer,
 PHD
 Chair

Karen J. Smith
 Vice Chair

Re: Ethics Board Rules of Procedure - Revised September 5, 2012

Gregory G. Bauer

Dear Chair Tocco:

Anthony J. Bellanca

Article II, Section 2.5.1 Home Rule Charter of Macomb County, Michigan specifies that the initial five Ethics Board Members shall propose rules of procedure for the enforcement of ethics provisions cited in the Charter, Enrolled Ordinance No. 2011-10, and law. Such proposed Rules of Procedure were initially submitted to the Board of Commissioners, in accordance with the Charter, on July 20, 2012.

Reverend John L. Mack

At a meeting of Board Operations Committee on August 14, 2012, yourself and fellow Commissioners respectfully presented me with certain requests and suggestions pertaining to the Rules and Procedures unanimously approved by the Ethics Board on July 19, 2012. Consequently, you kindly compiled an eleven (11) point request/suggestion list which was subsequently shared with members of the Ethics Board at its regularly scheduled meeting on August 16, 2012. Each point was thoroughly discussed and voted upon to modify or otherwise revise the initially submitted Rules of Procedures, with the advice of Corporation Counsel.

Those discussions, along with further research and effort by members the Ethics Board, has resulted in unanimous approval for adoption of the revised Rules of Procedure dated September 5, 2012, and is hereby enclosed herewith for review. It is respectfully requested that the Board Operations Committee and in turn, the full Board of Commissioners; approve the revised Macomb County Ethics Board Rules of Procedure by resolution within sixty (60) days as provided for by Section 2.5.1.

Should there be any question or concern, please do not hesitate to contact me at your earliest convenience. Thank you in advance for your assistance and cooperation.

Respectfully submitted,

DONALD J. AMBOYER, Ph.D., Chair
 Macomb County Ethics Board

cc: Ethics Board Members

(REVISED COPY 9-5-12)

MACOMB COUNTY ETHICS BOARD RULES OF PROCEDURE

SECTION 1. AUTHORITY, PURPOSE, AND DEFINITIONS

Sec. 1.1 Authority. These Rules of Procedure are prepared by the authority conferred on the Ethics Board by Section 2.5.1 of the Home Rule Charter of Macomb County, Michigan.

Sec. 1.2. Purpose. The purpose of these Rules is to provide a due process procedure for the Ethics Board to facilitate complaints alleging violations of applicable ethics provisions cited in the Macomb County Ethics Ordinance with accompanying sanctions.

Sec. 1.3. Definitions. The definitions contained in Section 1.3 of the Ordinance are incorporated by reference. As used in these Rules:

- A. Advisory Opinion means a written opinion of the board concerning the possible unethical conduct of the person requesting the opinion or the possible unethical conduct of a public servant working under the jurisdiction or supervision of the person requesting the opinion.
- B. Board means the Ethics Board of Macomb County.
- C. Confidentiality means the Ethics Board shall use discretion in keeping information secret in accordance with law.**
- D. Charter means the Home Rule Charter of Macomb County, Michigan.
- E. Decisions shall mean that any determination of the Ethics Board required by these Rules shall be made by a majority of the members present.**
- F. Complainant means the person filing a complaint with the Board.
- G. Interested person means the complainant, respondent or witness.
- H. Ordinance means the Macomb County Ethics Ordinance No. 2011-10.
- I. Public Servant means county-wide elected officials, commissioners, employees and appointees **of Macomb County, Michigan.**
- J. Preponderance of the evidence means the evidence greater in weight or influence.**
- K. Quorum means a majority of the members then in office constitutes a quorum for the transaction of business at any meeting of the Ethics Board.**
- L. Respondent means the person against whom a complaint has been filed with the Board.
- M. Subcommittee means less than a quorum of the Ethics Board.**
- N. Unethical conduct means a violation of the Standards of Conduct established in the Macomb County Ethics Ordinance.

SECTION 2. PROCEDURE

Sec. 2.1. Advisory Opinions

- A. Any person may request an advisory opinion relating to matters affecting the ethical conduct of a public servant based upon the Standards of Conduct in the Ordinance (Section 2. and Section 3.) The request shall be in writing **on an approved Ethics Board form that does not need to be notarized.**
- B. Upon receiving the request for an advisory opinion, the Ethics Board may ask **any person for additional information regarding the request for investigative purposes. The Board shall notify the public servant who is named in the request.**
- C. At any time, the Board may issue an advisory opinion based on any of the following reasons:
 - 1. The Board lacks jurisdiction over the person subject to the advisory opinion.
 - 2. The Board lacks jurisdiction over the subject matter.
 - 3. The request is barred because of release, prior judgment, or other disposition of the claim before the complaint was filed.
 - 4. The request on its face fails to state a claim of unethical conduct.
- D. If no genuine issue as to any material fact exists, then the Board may issue an advisory opinion without a hearing.
- E. If the Board determines that the request for an advisory opinion cannot be resolved, then the Board may schedule a hearing.
- F. Copies of the Board's order shall be transmitted to the party filing the request, the public servant subject to the request, and other persons as the Board directs.

Sec. 2.2. Complaints and Answers

- A. Any person may file a complaint alleging a violation of the Ordinance with the Board. The complaint shall comply with all of the following requirements:
 - 1. Be submitted electronically or by mail in writing on an **approved** form provided by the Board.
 - 2. Specify one (1) or more of the standards of prohibited conduct outlined in the Ordinance that was allegedly violated.
 - 3. Include evidentiary facts supporting the allegations in the complaint.

4. Contain a statement that the complainant has read the complaint and knows its contents, and believes the alleged violations to be true.
 5. Contain the signature of the complainant before a notary public.
- B. The identity of the complainant shall be kept confidential except as required by law or Ordinance. The complaint shall be assigned an identifying number by the board. All references to the complaint shall be by the identifying number.
- C. A public servant **will be notified forthwith of the complaint and shall not take retaliatory action of any type against the complainant or a witness as such retaliatory action is itself a violation of the ordinance.**
- D. The chairperson of the Board may administratively dismiss a complaint if (i) one or more complaints regarding the same matter are pending; or (ii) the Board previously addressed the subject matter; or (iii) the chairperson determines that the evidence given is clearly insufficient to support the complaint.
- E. **If a complaint is not administratively dismissed, a copy of the complaint shall be promptly served on the respondent. The identity of the complainant shall be provided to the respondent.**
- F. The respondent may file an answer within twenty-one (21) days after service of the complaint. The answer shall comply with all of the following:
1. Be in writing.
 2. Include a response to each allegation raised in the complaint.
 3. Contain the signature of the respondent charged before a notary public.
- G. A sub-committee of the Board shall review the complaint and answer to determine whether good cause exists to forward the submissions for consideration by the full Board.
- H. Any additional written information a complainant or respondent wants the Board to consider must be simultaneously filed with the Board and the opposing party no later than twenty-one (21) calendar days before the date of the Board meeting scheduled to address the complaint. The opposing party must submit any written response to the Board no later than fourteen (14) calendar days before the date of the Board meeting.
- I. Upon expiration of the time provided for written submissions, the complaint, answer, and any other written submissions shall be presented to the Board for its consideration. Upon presentation of the complaint and answer, the Board may request additional information regarding the complaint. Any information acquired by the Board is confidential unless revealed by the Board.

- J. The complainant and the respondent shall have an opportunity to address the Board at the meeting scheduled to address the complaint. Pursuant to section 8(1) of the Open Meetings Act, the Board may meet in closed session if requested by the respondent.
- K. At any time, the Board may issue a complaint decision based on any of the following reasons:
 - 1. The Board lacks jurisdiction over the person subject to the complaint.
 - 2. The Board lacks jurisdiction over the subject matter.
 - 3. The complaint is barred because of release, prior judgment, or other disposition of the claim before the complaint was filed.
 - 4. The complaint on its face fails to state a claim of unethical conduct.
- M. If no genuine issue as to any material fact exists and the Board finds no violation, then the Board may issue a complaint decision without a hearing.
- N. If the Board determines that the complaint cannot be resolved, the Board may schedule a formal hearing.
- O. The Board shall transmit copies of the Board's decision to the complainant, the respondent, and other persons as the Board directs.

Sec. 2.3. Investigations Initiated by the Board of Ethics

- A. The Board may vote to initiate an investigation upon a Board member's duly made motion. If the Board determines that there is reasonable cause to conclude that the conduct could affect the ethical behavior of a public servant and that substantial factual matters are in dispute, then the Board shall schedule a meeting on the conduct. Notices of the meeting shall be sent to parties of interest.
- B. If the Board determines that there are no reasonable grounds to conclude that the behavior could affect ethical conduct, then it shall terminate the investigation and a prompt written notice of the termination shall be sent to all persons of whom inquiry was made **within seven (7) days**. The **Ethics** Board may issue a report of its actions.
- C. The Board may request the Prosecutor's Office to make an informal investigation of any possible criminal practice concerning the ethical conduct of a public servant. The investigation and its results shall not be disclosed except to the Board.

Sec. 2.4. Representation by Legal Counsel

- A. The complainant and the respondent have the right to be represented by legal counsel, provided at his or her own expense and not that of Macomb County.

Sec. 2.5. Hearings

- A. The Board may hold a hearing to review the merits of a complaint, a request for an advisory opinion, or upon conclusion of an investigation.
- B. Not fewer than twenty-eight (28) calendar days before the date of the hearing, any interested party shall be notified. The notice shall state the time, place, date, case name, and questions to be heard at the hearing as determined by the Board.
- C. Pursuant to section 8(1) of the Open Meetings Act, the Board may meet in closed session if requested by the respondent.
- D. The Chairperson of the Board shall preside over the hearings, or in the Chairperson's absence, the Vice-Chairperson shall preside. A member of the Board, agent or employee of the Board shall not have direct or indirect ex-parte communication with any interested person in connection with any issue involved in a scheduled hearing.
- E. The Chairperson shall do the following:
 - 1. Administer oaths as deemed appropriate by the Board.
 - 2. Pursuant to Section 2.6.2 of the Charter, subpoena or request the attendance of any witnesses whose testimony, in the judgment of the Board, will aid in the conduct of its investigations.
 - 3. Pursuant to Section 2.6.2 of the Charter, Subpoena or request the production of books, papers, and other documentary evidence to aid the Board in its investigation.
 - 4. Fix the time and form for the submission of evidence or argument.
 - 5. Adjourn a hearing for good cause to such time, date, and place as the Chairperson determines to be appropriate. The rules of evidence applicable in the courts of the State of Michigan need not be applied strictly in any hearing.
- F. The standard of review shall be the preponderance of the evidence. The complainant shall have the burden of introducing the requisite evidence to prove the alleged unethical conduct. The person requesting an advisory opinion shall have the burden of presenting facts or issues to the Board for its consideration. The respondent has all of the following rights:
 - 1. Be present.
 - 2. Be represented by counsel.
 - 3. Testify.
 - 4. Produce and examine witnesses.
 - 5. Cross-examine adverse witnesses.
 - 6. Introduce other evidence as may be material and relevant to the issues.

- G. At the conclusion of the hearing, the Chairperson may request additional evidence or written argument concerning the subject matter to be submitted within such time and in the form as the chairperson directs. The additional evidence or argument shall be disclosed to the complainant and respondent.
- H. The Board shall publish its decisions and opinions, including dissents, and make them available for public inspection at its office, on the county website, and in the appropriate county agencies.
- I. The Chairperson shall issue a proposal for decision. The Board shall act upon the proposal.
- J. All proceedings shall be recorded, but need not be transcribed unless requested by the **Ethics** Board, the complainant or respondent. The Board shall determine the amount and source of payment for the transcript. **The recorded proceedings will be kept at the Ethics Board Office for a period of one year.**
- K. The Board may designate the record, or portion of the record, supporting or concerning any complaint, advisory opinion or investigation as a suppressed record, where public disclosure would constitute a clearly unwarranted invasion of an individual’s privacy or where disclosure is prohibited by law.
- L. The Board shall deny public access to the original document and any legal analysis necessary to support the decision of the Board in a case where the record has been suppressed.
- M. All decisions of the Board are final and reviewable by a court of law as provided in the Charter.

Adopted by Macomb County Ethics Board on _____,2012.

DONALD J. AMBOYER, Ph.D.
Board Chairperson

ANTHONY J. BELLANCA, ESQ.
Board Secretary

Submitted to the Macomb County Board of Commissioners on _____,2012.

Approved by the Macomb County Board of Commissioners on _____,2012.

09-05-12

RESOLUTION NO. _____

FULL BOARD MEETING DATE

AGENDA ITEM

MACOMB COUNTY, MICHIGAN

RESOLUTION TO authorize John Becker to purchase 48 months of military service time and Dean Vermander to purchase 35 months of military service time in the Macomb County Employees Retirement System under State Law MCLA 46.12a(14). Additionally, Richard Rubio to purchase 47 months of military service time in the Macomb County Employees Retirement System under State Law MCLA 46.12a(15).

INTRODUCED BY: Kathy Vosburg, Chairman

SEE ATTACHED MATERIAL FOR REQUEST AND COST.

COMMITTEE/MEETING DATE

Full Board 9-13-12



Mark A. Hackel
County Executive

FINANCE DEPARTMENT
10 N. Main St., 12th Floor
Mount Clemens, Michigan 48043
Phone: 586-469-5250 Fax: 586-469-5847
www.macombcountymi.gov

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Peter M. Provenzano, CPA
Finance Director

Stephen L. Smigiel, CPA
Interim Assistant Finance Director

TO: John Becker
Macomb County Sheriff Department

FROM: Peter M. Provenzano
MCERS Secretary *PMP*

DATE: August 17, 2012

SUBJECT: Military Service Credit

In answer to your inquiry, your cost to purchase 48 months of military service time in the Macomb County Employees Retirement System under State Law MCLA 46.12a(14) would be \$11,549.28 until December 31, 2012.

If you purchase the above-noted military time and your bargaining unit has not reached a wage settlement with the County for the current year, you will also be billed for an amount equal to five percent of the wage settlement for each year of military time that you purchase. This stipulation also applies to retroactive wage settlements received after retirement.

You are also advised that in the event your bargaining unit has the annuity withdrawal privilege on retirement, the purchase amount of the above time will not qualify. Annuity withdrawal is available only for those sums contributed pursuant to the normal Macomb County Employees Retirement System payroll deductions.

Please note that the Board of Commissioners must approve the purchase by an affirmative vote of not less than three-fifths of its members.

If you wish to request permission to purchase the above noted military service time, please address a letter to the undersigned, which will be forwarded to the next Full Board meeting for approval. The Board of Commissioners will notify you if approval has been granted, at which point you should contact Cindy Mitchell at (586) 469-6928 for payment arrangement.

PMP:ts

cc: Cindy Mitchell
Bill Hegarty

*I wish to purchase my military time.
Thank you in advance
John Becker
[Signature] #679*

RECEIVED
AUG 29 2012
HUMAN RESOURCES

To : Cindy Mitchell

From: Dean Vermander

Date: August 24, 2012

Subject: Military Service Credit Purchase

Please be advised that I wish to purchase my 35 months of military service at the quoted price of 6,237.00. Please forward to the Board of Commissioners for consideration.

Thank you for your time.



Dean S. Vermander
Facilities & Operations

2012-08-24 12:00:00
2012-08-24 12:00:00



Mark A. Hackel
County Executive

FINANCE DEPARTMENT
10 N. Main St., 12th Floor
Mount Clemens, Michigan 48043
Phone: 586-469-5250 Fax: 586-469-5847
www.macombcountymi.gov

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Peter M. Provenzano, CPA
Finance Director

Stephen L. Smigiel, CPA
Interim Assistant Finance Director

TO: Dean Vermander
Macomb County Facilities & Operations

FROM: Peter M. Provenzano *PMP*
MCERS Secretary

DATE: August 17, 2012

SUBJECT: Military Service Credit

In answer to your inquiry, your cost to purchase 35 months of military service time in the Macomb County Employees Retirement System under State Law MCLA 46.12a(14) would be \$6,237.00 until December 31, 2012.

If you purchase the above-noted military time and your bargaining unit has not reached a wage settlement with the County for the current year, you will also be billed for an amount equal to five percent of the wage settlement for each year of military time that you purchase. This stipulation also applies to retroactive wage settlements received after retirement.

You are also advised that in the event your bargaining unit has the annuity withdrawal privilege on retirement, the purchase amount of the above time will not qualify. Annuity withdrawal is available only for those sums contributed pursuant to the normal Macomb County Employees Retirement System payroll deductions.

Please note that the Board of Commissioners must approve the purchase by an affirmative vote of not less than three-fifths of its members.

If you wish to request permission to purchase the above noted military service time, please address a letter to the undersigned, which will be forwarded to the next Full Board meeting for approval. The Board of Commissioners will notify you if approval has been granted, at which point you should contact Cindy Mitchell at (586) 469-6928 for payment arrangement.

PMP:ts

cc: Cindy Mitchell
Bill Hegarty



Mark A. Hackel
County Executive

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Peter M. Provenzano, CPA
Finance Director

Stephen L. Smigiel, CPA
Interim Assistant Finance Director

TO: Richard Rubio
Macomb County Facilities & Operations

FROM: Peter M. Provenzano *PMP*
MCERS Secretary

DATE: August 17, 2012

SUBJECT: Military Service Credit

In answer to your inquiry, your cost to purchase 47 months of military service time in the Macomb County Employees Retirement System under State Law MCLA 46.12a(15) would be \$4,627.15 until December 31, 2012.

If you purchase the above-noted military time and your bargaining unit has not reached a wage settlement with the County for the current year, you will also be billed for an amount equal to five percent of the wage settlement for each year of military time that you purchase. This stipulation also applies to retroactive wage settlements received after retirement.

You are also advised that in the event your bargaining unit has the annuity withdrawal privilege on retirement, the purchase amount of the above time will not qualify. Annuity withdrawal is available only for those sums contributed pursuant to the normal Macomb County Employees Retirement System payroll deductions.

Please note that the Board of Commissioners must approve the purchase by an affirmative vote of not less than three-fifths of its members.

If you wish to request permission to purchase the above noted military service time, please address a letter to the undersigned, which will be forwarded to the next Full Board meeting for approval. The Board of Commissioners will notify you if approval has been granted, at which point you should contact Cindy Mitchell at (586) 469-6928 for payment arrangement.

PMP:ts

cc: Cindy Mitchell
Bill Hegarty

*I WISH TO REQUEST PERMISSION TO PURCHASE
MY MILITARY TIME.*

*Richard Rubio F#0
Richard Rubio*