



BOARD OF COMMISSIONERS

1 S. Main St., 9th Floor
Mount Clemens, Michigan 48043
586.469.5125 ~ Fax: 586.469.5993
www.macombBOC.com

BOARD OF COMMISSIONERS

REGULAR SESSION

THURSDAY, MARCH 19, 2015

FINAL AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Invocation by **Commissioner Veronica Klinefelt**
5. Adoption of Agenda
6. Approval of Minutes dated 2-19, 3-10 (Public Hearing) and 3-12-15 **(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. Correspondence from Executive
9. **COMMITTEE REPORTS:**
 - a) Infrastructure and Economic Development, March 17 **(no report)**
 - b) Finance, March 18 **(page 1)** **(attached)**

MACOMB COUNTY BOARD OF COMMISSIONERS

David J. Flynn – Board Chair
District 4

Kathy Tocco – Vice Chair
District 11

Steve Marino – Sergeant-At-Arms
District 10

Andrey Duzyj – District 1
Don Brown – District 7

Marvin Sauger – District 2
Kathy Vosburg – District 8

Veronica Klinefelt – District 3
Fred Miller – District 9

Robert Mijac - District 5
Bob Smith – District 12

James Carabelli – District 6
Joe Sabatini – District 13

10. **RESOLUTIONS:**

- a) Amending Paragraph 13 of the Bond Resolution Authorizing the County of Macomb to Issue the County of Macomb Retirees Health Care Bonds, Series 2015 (General Obligation Limited Tax (recommended by Finance Committee on 3-18-15) (**Sabatini voted "No" at committee meeting**) (page 26) (attached)
- b) Supporting the Nomination of Nancy M. White to the Michigan Women's Hall of Fame (offered by Board Chair on behalf of Board; recommended by Finance Committee on 3-18-15; previously provided at committee meeting)
- c) Approving Fund Advance Agreement between the County and the Human Services Board (offered by Board Chair on behalf of Board; recommended by Finance Committee on 3-18-15) (page 30) (attached)

11. **APPOINTMENTS:**

Executive Appointment with Board Concurrence

- a) **SEMCOG BOARD**
1 vacancy (Alternate) – 2 year term, upon appointment to 12-31-16
(1 application is attached) (page 34) (attached)

12. Board Chair's Report (page 40) (attached)

13. New Business

14. Public Participation (five minutes maximum per speaker or longer at the discretion of the Chairperson)

15. Roll Call

16. Adjournment



BOARD OF COMMISSIONERS

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March 18, 2015

TO: BOARD OF COMMISSIONERS
FROM: FRED MILLER, CHAIR, FINANCE COMMITTEE
RE: RECOMMENDATIONS FROM MEETING OF 3-18-15

At a meeting of the Finance Committee, held Wednesday, March 18, 2015, the following recommendations were made and are being forwarded to the March 19, 2015 Full Board meeting for approval:

1. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Sauger, supported by Mijac, to recommend that the Board of Commissioners approve an increase of \$58,234 in the 2015 Remonumentation Grant budget; 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.**

2. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Carabelli, supported by Vosburg, to recommend that the Board of Commissioners concur with the Sheriff’s request to approve the contract with the Associated Team of Voorhis/Robertson Justice Services LLC, David Bennett Consulting Inc. and AECOM for consulting services for Jail Needs Analysis and Feasibility Study; funds for the cost of \$240,000 are available in the Capital Improvement Fund; 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

- | | | | | |
|--|---|--|---------------------------|------------------------------|
| David J. Flynn – Board Chair
District 4 | Kathy Tocco – Vice Chair
District 11 | Steve Marino – Sergeant-At-Arms
District 10 | | |
| Andrey Duzyj – District 1 | Marvin Sauger – District 2 | Veronica Klinefelt – District 3 | Robert Mijac - District 5 | James Carabelli – District 6 |
| Don Brown – District 7 | Kathy Vosburg – District 8 | Fred Miller – District 9 | Bob Smith – District 12 | Joe Sabatini – District 13 |

3. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Carabelli, supported by Smith, to recommend that the Board of Commissioners approve the award of bid and contract between the Department of Roads and J. Ranck Electric for the Traffic Signal Modernization Project at 32 Mile and Van Dyke scheduled for the 2015 construction season; 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.**

4. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Flynn, supported by Marino, to recommend that the Board of Commissioners approve the Cost Participation Agreement between the Department of Roads and the Road Commission for Oakland County for the right-of-way acquisition on Dequindre from Long Lake to Auburn Road; 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.**

5. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Vosburg, supported by Sauger, to recommend that the Board of Commissioners approve the contracts between the Macomb County Department of Roads and R.S. Contracting for the Pavement Marking Program scheduled to be completed in 2015; 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.**

6. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Sabatini, supported by Mijac, to recommend that the Board of Commissioners approve the MDOT contract outlining scope of work and funding for traffic signal upgrades at the intersections of 15 Mile/Chrysler and 17 Mile/Ford Motor Company; 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.**

7. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Flynn, supported by Vosburg, to recommend that the Board of Commissioners approve a two-year contract with AT&T ILEC Centrex Service for a fixed minimum cost of \$100,800 per year; 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.**

8. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Mijac, supported by Smith, to recommend that the Board of Commissioners approve a three-year contract with AT&T Intrastate Services for a fixed minimum cost of \$134,400 per year; 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.**

9. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Vosburg, supported by Smith, to recommend that the Board of Commissioners concur in the recommendation of the Macomb County Executive and the Human Resources and Labor Relations Department and approve ratification of a 2015 and 2016 wage re-opener with POAM (Deputies and Dispatchers) as an amendment to the 2014-2016 Collective Bargaining Agreement; 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 MARINO AND SABATINI VOTING "NO."**

10. COMMITTEE RECOMMENDATION – MOTION (SEE ATTACHED)

A motion was made by Flynn, supported by Sauger, to recommend that the Board of Commissioners adopt the 2015 Macomb County, Michigan Organization Plan, as amended; 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 MILLER, SUPPORTED BY VICE-CHAIR BROWN.



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:

RESOLUTION

Resolution to:

Approve an increase of \$58,234. in the 2015 Remonumentation Grant budget.

*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 FINANCE COMMITTEE.

*(This language was added by Government Operations Committee Chair Klinefelt.)

Introduced By:

Veronica Klinefelt, Chair, Government Operations Committee

Additional Background Information (If Needed):

The agreement is between the State of Michigan, Department of Licensing and Regulatory Affairs (LARA), Office of Land Survey and Remonumentation and Macomb County, Register of Deeds Office, Remonumentation Program.

There is no impact on the Macomb County General Fund. The State of Michigan, LARA provides 100 percent of the funding for the program. Funding priorities are established per the requirements of Public Act 345 of 1990.

The budget increases are:

Increase in Governmental Revenue: \$58,234.

Increase in Contract Services: \$55,901.

Increase in Supplies and Services: \$2,333.

*WAIVED TO FINANCE BY GOVERNMENT OPERATIONS COMMITTEE CHAIR.

Committee	Meeting Date
Finance*	3-18-15
Full Board	3-19-15



MACOMB COUNTY, MICHIGAN

Resolution Number:

Full Board Meeting Date:

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RESOLUTION

Resolution to:

Concur with the Sheriff's request to approve the contract with the Associated Team of Voorhis/Robertson Justice Services LLC, David Bennett Consulting Inc., AECOM for Consulting Services for Jail Needs Analysis and Feasibility Study. Funds for the cost of \$240,000 are available in the Capital Improvement Fund.

Introduced By:

Kathy Vosburg, Chair, Justice and Public Safety Committee

Additional Background Information (If Needed):

*WAIVED TO FINANCE BY JUSTICE AND PUBLIC SAFETY COMMITTEE CHAIR.

Committee	Meeting Date
Finance*	3-18-15
Full Board	3-19-15



MACOMB COUNTY, MICHIGAN

Resolution Number:

Full Board Meeting Date:

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RESOLUTION

Resolution to:

Approve the award of bid and contract between the Department of Roads and J. Ranck Electric for the traffic signal modernization project at 32 Mile and Van Dyke scheduled for the 2015 construction season.

Introduced By:

Commissioners Robert Mijac & James Carabelli, Econ Dev/Infrastructure Committee

Additional Background Information (If Needed):

Project is awarded to J. Ranck (low bidder) at \$274,218.13 and will be paid in full by the Department of Roads as budgeted in 2014-2015 FY.

Economic Development/Infrastructure

03/17/2015

Committee

Meeting Date

Finance

3-18-15

Full Board

3-19-15



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:

RESOLUTION

Resolution to:
<p>Approve the Cost Participation Agreement between the Department of Roads and the Road Commission for Oakland County for the right-of-way acquisition on Dequindre from Long Lake to Auburn Road.</p>

Introduced By:
<p>Commissioners Robert Mijac & James Carabelli, Econ Dev/Infrastructure Committee</p>

Additional Background Information (If Needed):
<p>RCOC has a scheduled project to widen Dequindre (border between Oakland and Macomb Counties). Macomb County Department of Roads is obligated to share the costs of this project, beginning with the right-of-way acquisition. Parcel acquisition will begin in 2015; however, Department of Roads will budget and pay for these costs in 2016 FY.</p>

Economic Development/Infrastructure	03/17/2015
Committee	Meeting Date
Finance	3-18-15
Full Board	3-19-15



MACOMB COUNTY, MICHIGAN

Resolution Number:

Full Board Meeting Date:

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RESOLUTION

Resolution to:

Approve the contracts between the Macomb County Department of Roads and R. S. Contracting for the Pavement Marking Program scheduled to be completed in 2015.

Introduced By:

Commissioners Robert Mijac & James Carabelli, Econ Dev/Infrastructure Committee

Additional Background Information (If Needed):

This pavement marking program is budgeted each year to replace worn areas where markings are required for the safety of motorists and pedestrians.

Econ Dev/Infrastructure

03/17/2015

Committee

Meeting Date

Finance

3-18-15

Full Board

3-19-15



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:

RESOLUTION

Resolution to:
Approve the MDOT Contract outlining scope of work and funding for traffic signal upgrades at the intersections of 15 Mile/Chrysler and 17 Mile/Ford Motor Company.

Introduced By:
Commissioners James Carabelli & Robert Mijac, Infrastructure/Economic Dev Committee

Additional Background Information (If Needed):
Project is estimated at \$276,100 with \$250,000 to be covered in federal CMAQ funds.

Infrastructure/Economic Development <hr/> Committee	03/17/2015 <hr/> Meeting Date
Finance	3-18-15
Full Board	3-19-15



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	03/19/2015

RESOLUTION

Resolution to:
Approve a 2 year contract for a fixed minimum cost of \$100800 per year.

Introduced By:
Co-chair Carabelli or Mijac, Infrastructure / Economic Development Committee

Additional Background Information (If Needed):
The County's commitment is for 525 lines covering the Centrex calls. The pricing schedule is for approximately \$16.00 per line per month. This is AT&T costs and do not include government taxes and fees outside of the AT&T commitment. The number of lines will vary over the next 2 years but the \$100800 annual minimum cost remains the same.

Committee	Meeting Date
Infrastructure & Economic Development	3-17-15
Finance	3-18-15
Full Board	3-19-15



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	03/19/2015

RESOLUTION

Resolution to:
Approve a 3 year contract for a fixed minimum cost of \$134,400 per year.

Introduced By:
Co-chair Carabelli or Mijac, Infrastructure / Economic Development Committee

Additional Background Information (If Needed):
The County's commitment is for 20 PRI/DS1 circuits. The pricing schedule is for approximately \$560 per month per circuit. This is AT&T costs and do not include government taxes and fees outside of the AT&T commitment.

Committee	Meeting Date
Infrastructure & Economic Development	3-17-15
Finance	3-18-15
Full Board	3-19-15



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:

RESOLUTION

Resolution to:
<p>Recommend on behalf of the Macomb County Executive and the Human Resources and Labor Relations Department, that the Macomb County Board of Commissioners ratify a 2015 and 2016 wage re-opener with POAM (Deputies & Dispatchers) as an amendment to the 2014 - 2016 Collective Bargaining Agreement.</p>

Introduced By:
<p>Commissioner Fred Miller, Chair, Finance Committee</p>

Additional Background Information (If Needed):
<p>The Parties have reached a tentative settlement on a 2015 and 2016 wage re-opener and agree to amend the January 1, 2014 through December 31, 2016 Collective Bargaining Agreement as follows:</p> <p>Lump Sum Payment:</p> <p>A lump sum payment of \$1,700 will be paid to each full-time employee, including DROP participants.</p> <p>The previously agreed to lump sum payment of \$500 to be paid to each full-time employee, including DROP participants, on the first regular paycheck in 2016 is eliminated and will not be paid as a result of this amendment.</p> <p>Wages:</p> <p>January 1, 2016 2.0%</p> <p>Dispatcher Salary Adjustment:</p> <p>Minimum: \$44,004.76 Maximum: \$47,572.72</p> <p>Miscellaneous:</p> <p>The Union will withdraw its pending Act 312 petition, D14 I-0742.</p>

Committee	Meeting Date
Finance	03/18/2015
Full Board	3-19-15

MACOMB COUNTY, MICHIGAN

2015 ORGANIZATION PLAN

Adopted by:

Board of Commissioners

 , 2015

Introduction

The County Executive submitted the following to the Board of Commissioners (the "Commission") as the proposed 2015 County Organization Plan:

Organization Plan

Submitted by Mark A. Hackel, County Executive
January 29, 2015

This Plan is being submitted as required by the Macomb County Home Rule Charter. I am not proposing any changes to the organization of County government at this time for the simple reason that I don't believe any changes are necessary at this time. Since no changes are being proposed, there is no financial impact on the County. Public access to the expenditure records of the County will continue to be provided in the same manner as outlined in the Organizational Plan approved by the Commission in 2011.

On March ____, 2015, the Commission voted to amend the proposed County Organization Plan so that it consists of this document.

The Executive's proposal seems to stem from a view that the Home Rule Charter of the County of Macomb (the "Charter") requires the Executive only submit proposed changes in the County government organization. Therefore, according to this view, if the Executive proposes no changes in County government organization, the Executive may propose an organization plan without substance.

The Commission reads the Charter differently. Section 3.6 of the Charter governs the process for proposing and approving the County organization plan:

Section 3.6 Organization Plan

3.6.1 Except as provided in Article XI, within 90 days after the start of a new term of office the Executive shall submit a proposed Organization Plan to the Commission which includes an explanation of the reasons for the plan and an evaluation of its financial impact.

3.6.2 The Organization Plan may provide for the creation or abolition of any Agency except for the departments and offices created by Article VII of this Charter and any others expressly exempted by this Charter or prohibited from being created or abolished by law. The Organization Plan may also transfer powers, duties, and functions of the County among the Agencies, including those created by Article VII of this Charter, if not prohibited by this Charter or law. The Executive may submit proposed amendments to the Organization Plan to the Commission at any time.

3.6.3 The Organization Plan shall provide for public access to the expenditure records of the County in a feasible, accessible, and economical manner.

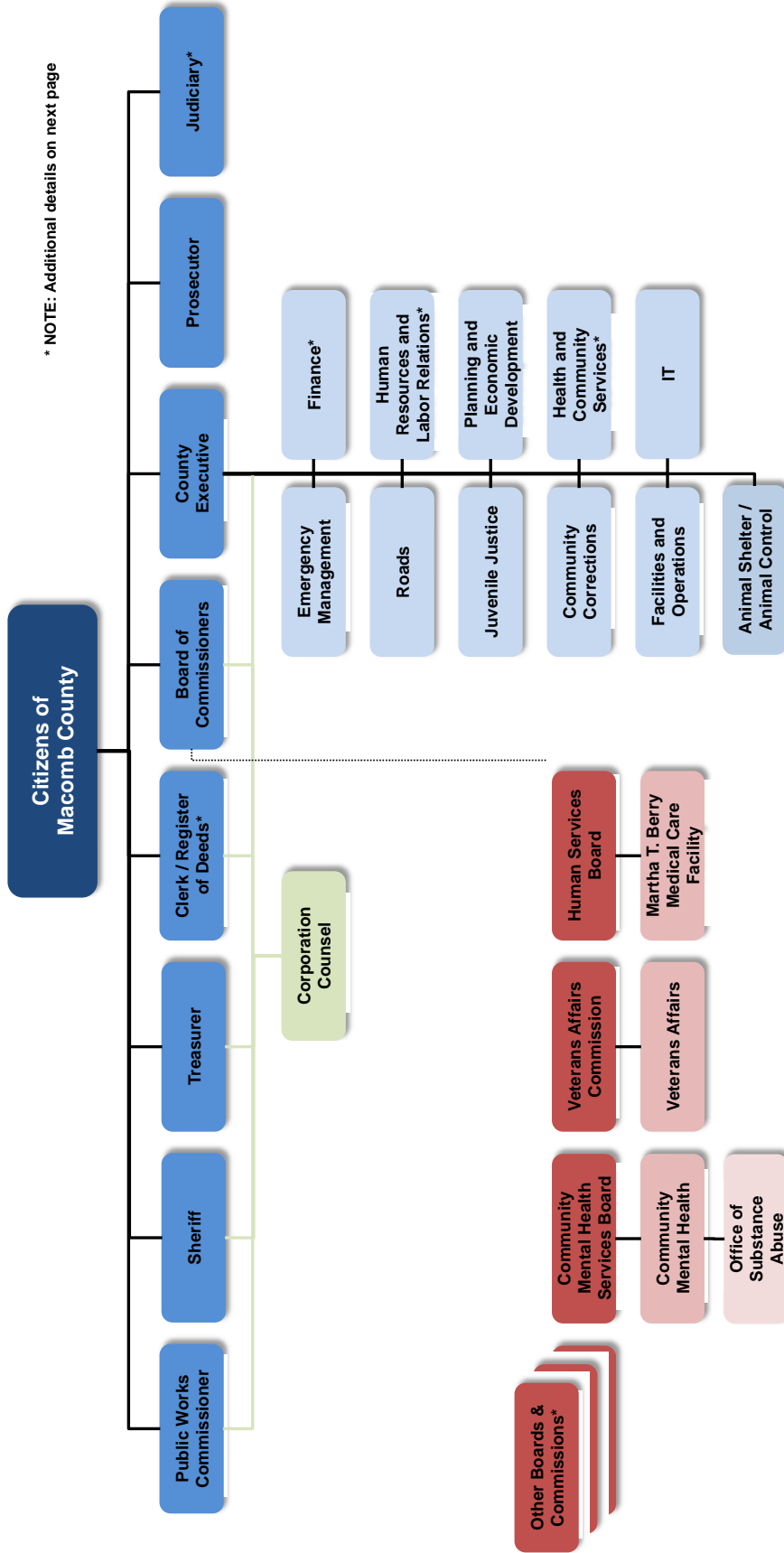
3.6.4 The Commission shall hold a public hearing on the proposed Organization Plan or any proposed amendment within 50 days after its submission and must either approve, with or without amendment, or reject the proposed Organization Plan or any proposed amendment within 75 days after its submission.

The Commission understands these provisions to require the Executive to submit an organization plan, regardless of whether or not that Executive wishes to make any changes in the previous organization plan. Similarly, regardless of whether or not the organization plan proposed by the Executive includes any changes and regardless of whether or not the Commission wishes to see any changes in it, the Commission must hold a public hearing on the organization plan proposed by the Executive within 50 days after the Executive submits it to the Commission. Following the public hearing, the Commission has

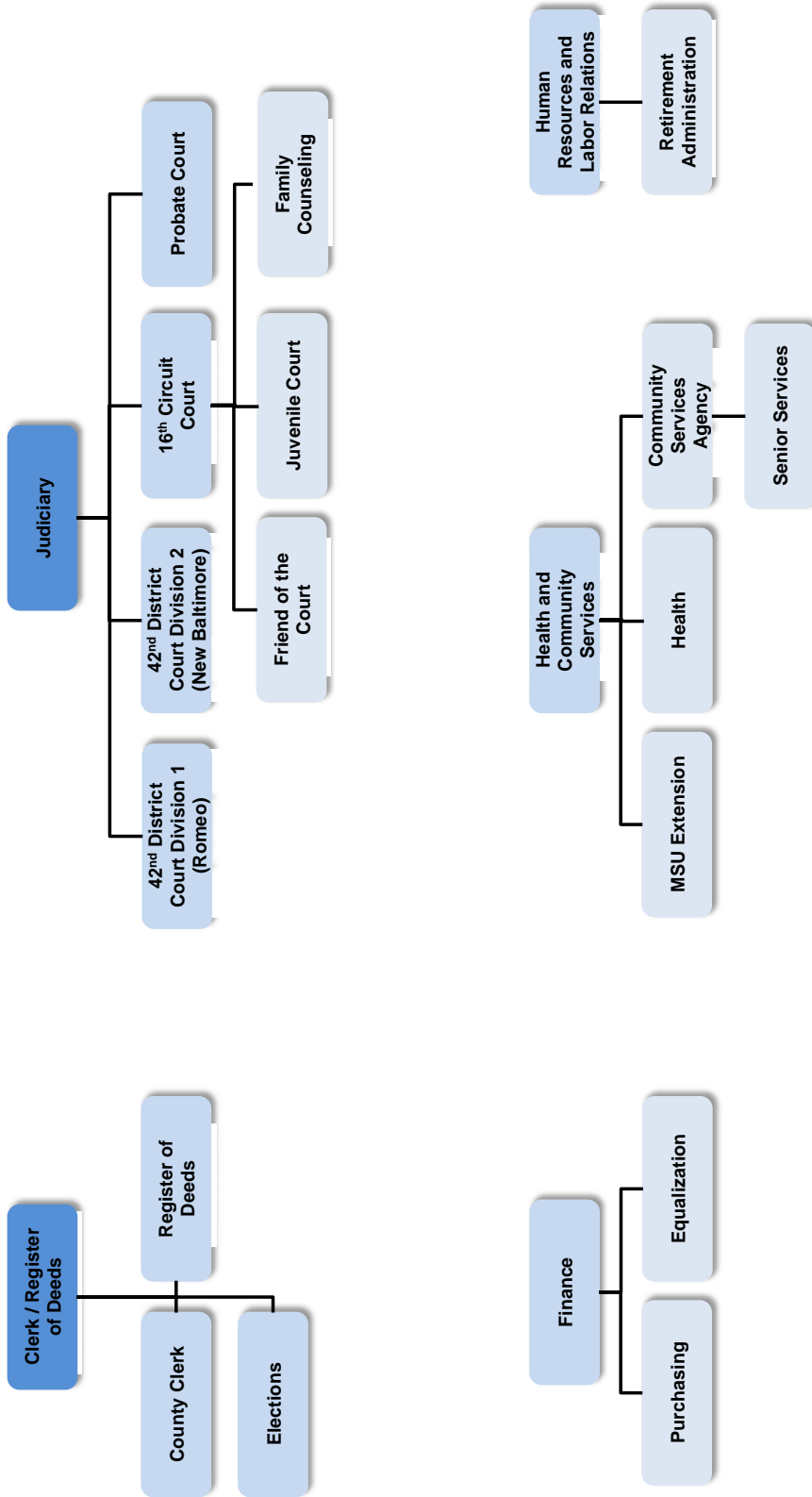
3 alternatives. It may by resolution (1) approve the proposed organization plan without amendments, (2) approve the proposed organization plan with amendments, or (3) reject the proposed organization plan.

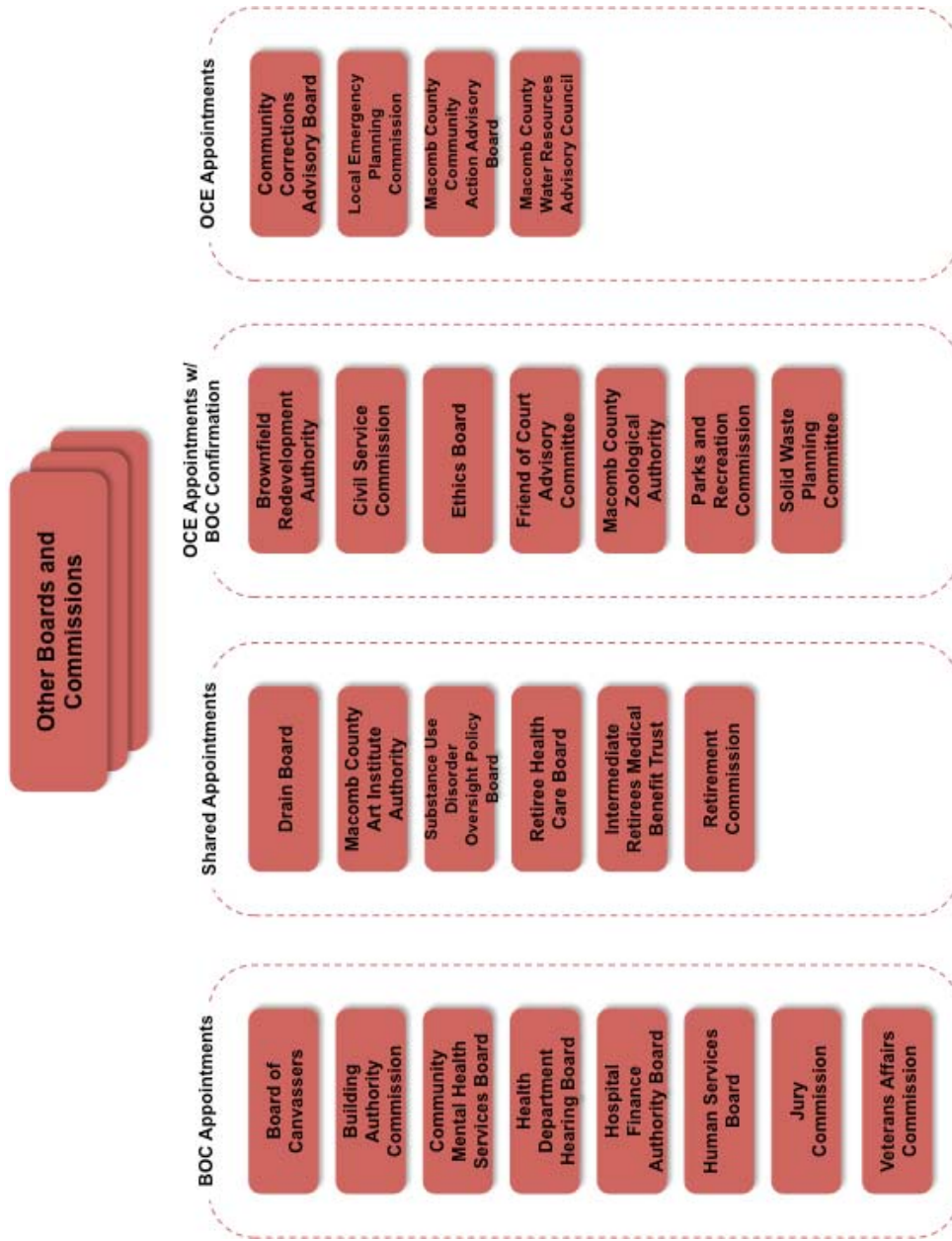
Organizational Chart

An organization chart of Macomb County government is included on the following page. That chart is meant to depict the general organization of County government. It does not depict every department, office or agency. To the extent a department, office or agency is not depicted, its organization and relationship with other departments, offices and agency remains the same as on December 31, 2014.



* NOTE: Additional details on next page





Plan Continuity

As represented in the 2011 Organization Plan, this Plan only addresses those Agencies falling under the Executive or the Commission. *No recommendations for change are being made for administrative functions that are under the jurisdiction of Countywide Elected Officials or for the courts.* The courts are not addressed by this Organization Plan because they are at least partially within the purview of the elected judges who are state, rather than County officers.

This 2015 Organization Plan basically continues the organization of County government as it existed on December 31, 2014. Clarifications are made with respect to the organization chart and the Martha T. Berry Medical Care Facility and Human Services Board so this plan reflects legal and organizational realities.

As indicated on the Organization Chart, each Countywide Elected Official has roles, responsibilities, deputies and other subordinates as provided in the Charter and corresponding state law. The Charter lays out their responsibilities as follows:

ARTICLE VI DEPARTMENTS HEADED BY COUNTYWIDE ELECTED OFFICIALS

Section 6.1 Sheriff

The department of sheriff is created. The head of the department is the elected sheriff.

6.1.1 The powers and duties of the department are those provided by law for a county sheriff.

6.1.2 The department may contract with units of government within the County to provide services to such units upon approval of the Executive and the Commission.

Section 6.2 Prosecuting Attorney

The department of prosecuting attorney is created. The head of the department is the elected prosecuting attorney.

6.2.1 The powers and duties of the department are those provided by law for a prosecuting attorney.

Section 6.3 County Clerk and Register of Deeds

The departments of county clerk and register of deeds are created and shall remain combined as they existed at the effective date of this Charter. The head of the combined departments is the elected county clerk.

6.3.1 The powers and duties of the department are those provided by law for county clerks and registers of deeds.

6.3.2 The department shall maintain central records of the County as provided by law or ordinance. The county clerk, with the assistance of the Executive, shall preserve and keep all records and materials of the first and any future Charter Commission, including but not limited to, all audio and video recordings of the Charter Commission and its committees.

Section 6.4 County Treasurer

The department of county treasurer is created. The head of the department is the elected treasurer.

6.4.1 The powers and duties of the department are those provided by law for a county treasurer, including the receipt, deposit, and investment of funds belonging to and under the control of the County.

Section 6.5 Public Works

The department of public works is created. The head of the department is the elected public works commissioner.

6.5.1 The powers, duties, and functions of the department are the powers, duties, and functions of the public works commissioner combined with the powers, duties, and functions of the drain commissioner as existed at the effective date of this Charter.

6.5.2 The public works commissioner shall be elected in the same manner and for the same term as a county drain commissioner as provided by law.

Section 6.6 General Provisions

6.6.1 The Countywide Elected Officials provided for in this Article shall be elected on a partisan basis. The powers and duties specifically delegated by this Charter to departments created by this Article shall not be reassigned by an Organization Plan, but additional powers and duties may be assigned by an Organization Plan to any department.

6.6.2 The Countywide Elected Officials provided for in this Article shall manage their departments and exercise their powers and duties within authorized budget appropriations. These departments are part of County government and do not exist as separate or independent entities except as provided by law.

6.6.3 A vacancy in an office created under this Article occurs, and shall be filled within 90 days, in the manner provided by law. If the next general November election is to be held more than 182 days after the vacancy occurs, and is not the general November election at which a successor in office would be elected if there were no vacancy, the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

6.6.4 The existence, organization, qualifications, powers, and duties of the Countywide Elected Officials and departments created by this Article shall continue as they existed upon the effective date of this Charter, but shall be subject to the following:

- (a) The Michigan Constitution and state law;
- (b) All Charter provisions of general or specific applicability; and
- (c) All personnel, budgeting, and expenditure recommendations of the Executive as approved by the Commission.

6.6.5 The Countywide Elected Officials provided for in this Article shall not cause the expenditure of taxpayer funds or public monies for legal counsel unless permitted by law, but may seek advice and counsel from Corporation Counsel upon request. If a Countywide Elected Official provided for in this Article desires to protect or seek authority to implement the rights, powers, and duties of the office, the Executive may authorize the use of Corporation Counsel, or the Commission may authorize the use of independent legal counsel, to seek injunctive, mandamus, or declaratory relief from a court of competent jurisdiction to clarify or enforce the rights, powers, and duties of the office. Individual departments shall not file suit against each other, and any action against the County shall name the County as a party. All actions relating to the rights, powers, or duties of a Countywide Elected Official provided for in this Article shall be solely for injunctive, mandamus, or declaratory relief against the County.

As is apparent from the quoted provisions, the Charter largely defers to state law with respect to the offices, duties and authority of Countywide Elected Officials. This Organization Plan recognizes the Charter and state law with respect to such officials and proposes no changes to the organization of their offices.

In addition to departments headed by Countywide Elected Officials, the Charter requires certain other offices and departments. The Charter lays this out as follows:

ARTICLE VII ADDITIONAL DEPARTMENTS AND OFFICES

Section 7.1 Planning and Economic Development

7.1.1 The department of Planning and Economic Development is created. The department shall:

- (a) Promote, coordinate, and oversee economic development initiatives within the County, including those that receive or will generate public funds;
- (b) Prepare comprehensive plans for economic development and represent the County in economic development planning activities with other jurisdictions;
- (c) Assist the Executive in planning related to the properties owned by the County, and undertake planning for the development of those properties;
- (d) Make available to cities, townships, and villages in the County, at their request, advice and assistance on matters related to planning functions of the County; and
- (e) Address matters related to the planning functions of the County. Approved by the Macomb

Section 7.2 Health and Community Services

7.2.1 The department of Health and Community Services is created. The department shall:

- (a) Supervise and carry out the performance of County public health and community service programs; and
- (b) Supervise and carry out environmental protection programs.

7.2.2 The office of senior services is created. The office shall coordinate the operations of the County that provide services for the aging and senior citizens, and shall serve within County government as the advocate for senior citizens. The office shall be supervised by an Appointee of the Executive subject to confirmation by the Commission. The coordination of services for the aging and for seniors and the advocacy for senior citizens may not be removed from this office by an Organization Plan.

Section 7.3 Human Resources and Labor Relations

7.3.1 The department of Human Resources and Labor Relations is created. The department of Human Resources and Labor Relations shall:

- (a) Formulate and direct the County's overall human resource program;
- (b) Negotiate all labor and employee relations matters on behalf of the County;
- (c) Administer collective bargaining agreements of the County;
- (d) Establish employment specifications and protocols for County Employees not covered by civil service; and
- (e) Assist the civil service commission.

7.3.2 Notwithstanding the requirements set forth in Section 7.3.1, the Executive shall submit all collective bargaining agreements to the Commission for final ratification or rejection.

Section 7.4 Finance

The department of Finance is created. The department of Finance shall:

- (a) Effectuate the provisions of Article VIII of this Charter; and
- (b) Administer financial affairs of the County in accordance with law.

Section 7.5 Corporation Counsel

7.5.1 The office of Corporation Counsel is created. Corporation Counsel shall be the chief legal counsel to the County and:

- (a) Direct and supervise the office of Corporation Counsel;
- (b) Represent the County, the Executive, the Commission, the department heads, and Agencies in civil legal matters affecting the County, except as provided by Charter, law, or ordinance; and
- (c) Represent the Countywide Elected Officials created by Article VI in the manner provided in Article VI of this Charter.

7.5.2 Corporation Counsel shall be appointed by the Executive and confirmed by the Commission.

7.5.3 Corporation Counsel may:

- (a) Hire assistant attorneys within budgetary appropriations in accordance with the policies of the County;
- (b) Appoint special counsel upon approval of the Commission; and

(c) Keep the Executive and the Commission advised on pending litigation matters on a periodic basis.

7.5.4 Corporation Counsel and all assistant attorneys shall be licensed to practice law in the State of Michigan.

7.5.5 The Executive and the Commission shall include in the general fund of the annual budget for each fiscal year, such sums as the Executive and the Commission deem necessary for the Corporation Counsel to carry out its duties.

Section 7.6 General Provisions Governing Departments and Agencies

Agencies of the County may be created only by ordinance or an Organization Plan or as otherwise provided by law. All departments created by this Article shall perform such other duties as required by this Charter, law, Organization Plan, or the Executive.

Section 7.7 Directors

Each department created in this Article shall be headed by an at will director. With the approval of the Executive, a director may hire employees within budgetary appropriations in accordance with the policies of the County.

The Charter therefore creates these offices, prescribes the duties and authority of the offices and departments and limits the ability of the Executive and the Commission to alter them.

Of the offices created by the Charter, the office of Corporation Counsel is unique. Corporation Counsel is to serve as legal counsel to the County, the Executive, the Commission, County officials, and Agencies in civil legal matters and is to provide advice and counsel to Countywide Elected Officials. Therefore, all of those officers and Agencies are clients of Corporation Counsel. The Organization Chart reflects that working relationship.

The Charter also expressly sets aside certain agencies from any modification. Those provisions state as follows:

Section 10.13 Veterans' Affairs

The Department of Veterans' Affairs existing at the time this Charter becomes effective shall continue and be exempt from reorganization in an Organization Plan subject to law and to the extent of available millage funding for veterans' affairs.

Section 10.14 Community Mental Health

The Community Mental Health Agency existing at the time this Charter becomes effective, including its administration of substance abuse services, shall continue and be exempt from reorganization in an Organization Plan subject to law and to the extent of state and federal funding for community mental health.

The organization chart also reflects the relationship of these agencies and the bodies that oversee them.

As noted in the 2011 Organization Plan, the former County Road Commission was reorganized into the Department of Roads in accordance with a voter approved ballot proposal. There are also some departments in County government that are neither specified by state law or the Charter. The Office of Emergency Management is an inter-disciplinary organization of emergency responders, community leaders, planners and volunteer organizations to provide strategic management processes to prepare and defend critical County assets from natural and other threats and to ensure the continuity of County governance. The Juvenile Justice Center is a childcare institution under the Executive's administration to provide a safe, secure, and caring environment to youth remanded to custody by the family court. Macomb County Community Corrections is a community-based sanction and rehabilitative program to relieve prison and jail overcrowding through court-approved sentencing alternatives. The offices of Information and Technology and of Facilities and Operations provide needed facilities and technology operations and oversight.

As indicated on the Organization Chart, other County boards and commissions will continue as currently provided. The following are County created or are otherwise Macomb County bodies:

Members of the following County bodies are appointed by the Commission:

- Board of Canvassers – a Macomb County body.
- Building Authority Commission – a public body corporate created by Macomb County.
- Community Mental Health Services Board – a Macomb County body.
- Health Department Hearing Board – a Macomb County agency.
- Hospital Finance Authority Board – a public body corporate created by Macomb County.
- Human (f/k/a Social) Services Board – a public body corporate created by state law.
- Jury Commission – a Macomb County body.
- Veterans Affairs Commission – oversees a Macomb County department created by state law and recognized by the Charter.

Members of the following County bodies have members that are appointed by the Commission and members that are appointed by the Executive:

- Drain Board – a Macomb County body.
- Macomb County Art Institute Authority – a public body corporate created by Macomb County.
- Substance Use Disorder Oversight Policy Board – a body required by state law.
- Retiree Health Care Board – a Macomb County body.
- Intermediate Retirees Medical Benefit Trust – a Macomb County body.
- Retirement Commission – a Macomb County body.

Members of the following County bodies are appointed by the Executive with confirmation of the Commission:

- Brownfield Redevelopment Authority – a public body corporate created by Macomb County.
- Civil Service Commission – a Macomb County agency.
- Ethics Board – a Macomb County body required by Charter.
- Friend of Court Citizen Advisory Committee – a Macomb County body.
- Macomb County Zoological Authority - a public body corporate created by Macomb County.
- Parks and Recreation Committee – a Macomb County body.
- Solid Waste Planning Committee – a Macomb County body.

Members of the following are appointed by the Executive:

- Community Corrections Advisory Board – a Macomb County body.
- Local Emergency Planning Commission – a Macomb County body.
- Macomb County Community Actions Advisory Board – a Macomb County body now within the Macomb County Community Services Agency (MCCSA).
- Macomb County Water Resource Advisory Council

The Economic Development Corporation is not active, but cannot yet be eliminated because there are outstanding bonds. When those bonds are fully paid, the Economic Development Corporation can be dissolved.

This 2015 Organization Plan basically continues the organization of County government as it existed on December 31, 2014. Clarifications are made with respect to the organization chart and the Martha T. Berry Medical Care Facility and Human Services Board so this plan reflects legal and organizational realities. Aside from the financial impact explained below with respect to the Human Services Board, there are no financial impacts expected to result from this plan.

Martha T. Berry Medical Care Facility

The 2011 Organization Plan provided a direction for the Human Services Board (“HSB”) and the Martha T. Berry Medical Care Facility (the “MTBMCF”). Differences in understandings of the applicable law between the OCE and the HSB in 2013 and 2014 resulted in a lawsuit seeking a court’s determination and an opinion and order issued by Macomb County Circuit Judge Biernat in that clarified the relationship of the HSB and the MTBMCF with the County.¹ As some differences of understanding continued to be expressed following the conclusion of that lawsuit, on October 16, 2014, the Commission adopted a resolution stating its position concerning the relationship of the HSB and the MTBMCF with the County.

Subsequent action by the County’s Retirement Commission and a 2014 amendment to the Macomb County Employees Retirement System Ordinance make it clear that employees at the MTBMCF will continue to be eligible to participate in the County Employees Retirement System. The Macomb County Retiree Health Care Board of Trustees took a similar position with respect to MTBMCF employees who were eligible for retiree health care benefits.

Some aspects of relationship of the HSB and the MTBMCF with the County are clearly set out in applicable state law. Others are provided by the Joint Operating Agreement, dated January 22, 2009, among the Commission, the HSB, and four labor unions – the AFSCME, the SEIU, the MNA, and the UAW (the “JOA”).

The HSB was created pursuant to state law. The state Social Welfare Act provides for the creation of county social welfare boards (later referred to as county family independence agency board boards and, now, as county human services boards).² The HSB is a public body corporate³ the 3-member board of which consists of two County residents appointed by the Commission and one County resident appointed by the state.⁴ The hybrid state-county nature of the HSB is not dissimilar to that of other county agencies.⁵

The MTBMCF is and must continue to be County-owned⁶ and a county board of commissioners may levy a tax to construct or extend a medical care facility.⁷ A county board of commissioners (and only a board of commissioners) may delegate the supervision (oversight) and operation of a medical care facility to its HSB.⁸

Prior to the JOA, all MTBMCF employees were County employees. The JOA did not change their status as County employees⁹ and *HSB v Hackel* did not reflect any change in their employment or the benefits to which they are entitled. However, under the JOA, MTBMCF employees are under the supervision and control solely of the HSB. Under the JOA, the HSB also serves as the County’s collective bargaining representative and human resources agent with respect to MTBMCF employees.

The JOA requires Board of Commissioners’ approval of the HSB annual budget.¹⁰ Furthermore, state law requires a county HSB to be responsible for collecting funds “for the cost of care given in the [county medical care] facility” which then need to be deposited in the social welfare fund which is maintained by the County Treasurer.¹¹ Even any “grant, devise, bequest, donation, gift,” etc. an HSB’s receives is “on behalf of the county.”¹²

¹ *Macomb County Human Services Board v Hackel*, Case No. 2013-3032-CZ, decided August 28, 2014 (cited *HSB v Hackel*).

² MCL 400.45 and 400.46.

³ MCL 400.81.

⁴ MCL 400.46(1).

⁵ *E.g.*, the state and the county are co-employers of court employees. County drains are county agencies but are separate entities. MCL 280.5. Other bodies listed above are also created by state law and some even serve state bodies (*e.g.*, the Jury Commission).

⁶ MCL 400.58.

⁷ MCL 400.58b.

⁸ MCL 400.58(1). The Social Welfare Act authorizes a county commission to grant to a human services board supervision and oversight of a medical care facility. *HSB v Hackel*, at 10 and 12.

⁹ The JOA assigned human resources and other responsibilities to the HSB and the unions recognized the HSB as the County’s “sole and exclusive *representative*” for collective bargaining, JOA, §§ IV and V.A.1.

¹⁰ JOA § VI.A.

¹¹ MCL 400.58(1); 400.73a.

¹² MCL 400.78.

The HSB recently obtained its own federal employer identification number. As state and federal agencies adjust to this change, some delays in Medicaid payments may occur, perhaps interrupting HSB and MTBMCF cash flows.

Other County offices, departments and agencies will discontinue providing internal services to the HSB and the MTBMCF. This will result in the reduction of \$791,586 in payments from the HSB to the County for internal services. Because the County is unlikely to reduce its workforce in other offices, departments and agencies providing those internal services, that reduction of revenues will need to be addressed in other ways and may have a financial impact on the County. The financial impact upon the MTBMCF may be beneficial as the HSB initially reports it has been able to contract with service providers or to undertake such services "in-house" for lower costs than the budgeted internal services payments. The HSB will continue to be obligated to pay the County amounts sufficient to make the County's periodic payments on its outstanding debt for the MTBMCF.

Conclusion

This plan is intended to depict and describe organizational realities in accordance with the Charter and other applicable law.



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:

RESOLUTION

Resolution to:
<p>Amend paragraph 13 of the Retiree Health Care Bond Authorizing Resolution to reflect the actual amount of the borrowing as well as to remove the reference to the use of a Trustee, as recommended by bond counsel.</p>

Introduced By:
<p>Fred Miller, Chair, Finance Committee</p>

Additional Background Information (If Needed):
<p>Paragraph 13 of the bond authorizing resolution approved by the Board of Commissioners in December 2014 indicated that the bond proceeds would be placed into a fund held with a trustee when in fact the bond proceeds will be deposited directly in to the Intermediate Trust Fund, which is held and administered by the County. The use of a trustee is typically associated with refunding issues and reference to a trustee should not have been made in the original bond authorizing resolution. Bond counsel has also recommended that the resolution be amended to reflect the actual amount of the borrowing. Bond counsel will be available at the meeting to answer questions.</p>

Committee	Meeting Date
Finance	3-12-15 REFERRED TO 3-18 MEETING
Finance	3-18-15
Full Board	3-19-15

COUNTY OF MACOMB

At a _____ meeting of the Board of Commissioners of the County of Macomb, Michigan, held on the ___ day of _____, 2015, at __:__ .m., Eastern Standard Time, at the County _____ Building in Mt. Clemens, Michigan there were:

PRESENT: _____

ABSENT: _____

The following preambles and resolution were offered by _____ and seconded by _____:

**AMENDMENT TO PARAGRAPH 13 OF
THE BOND RESOLUTION AUTHORIZING THE COUNTY OF MACOMB
TO ISSUE THE COUNTY OF MACOMB RETIREES HEALTH CARE BONDS, SERIES
2015 (GENERAL OBLIGATION LIMITED TAX)**

WHEREAS, on December 18, 2014, the Macomb County Board of Commissioners approved a bond resolution authorizing the issuance of up to \$300,000,000 for the purpose of providing funds to fund the unfunded portion of the County's retirees health care obligations (the "Bond Resolution"); and

WHEREAS, paragraph 13 of the Bond Resolution describes the project fund into which the proceeds of the borrowing must be deposited; and

WHEREAS, it is necessary to amend paragraph 13 to establish the actual amount of the borrowing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MACOMB, MICHIGAN, AS FOLLOWS:

1. Paragraph 13 of the Bond Resolution is amended to read as follows:

"13. **Project Fund**: There is hereby established a Project Fund and Principal and Interest Fund. The proceeds of the borrowing, \$263,555,000, shall be deposited in the Project Fund. The accrued interest on the Bonds and premium, if any, received from the

purchaser of the Bonds shall be deposited in the Principal and Interest Fund. All moneys in the Project Fund shall be used solely for the payment in full of costs of the Project, including the costs of issuing the Bonds. Simultaneously with the transfer of bond proceeds into the Project Fund, sufficient moneys from bond proceeds shall be transferred to the Paying Agent and used to pay all of the costs of issuance for the Bonds including, but not limited to, financial costs, consultant fees, counsel fees, printing costs, application fees, rating fees and expenses and any other fees or costs incurred in connection with the financing. All such costs shall be authorized by the County Finance Director. At the time of delivery of any series of Bonds, the proceeds deposited with the Paying Agent who will distribute the amounts needed to carry out the Project to the 2015 Macomb County Intermediate Retirees Medical Benefits Trust to be established by resolution of the Board of Commissioners and pay the costs of issuance for any series of Bonds. Surplus moneys remaining in the Project Fund after completion of the Project and payment in full of the costs of the Project (or provision for such payment) shall be deposited in the Principal and Interest Fund."

2. All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

3. This Resolution shall become effective upon its adoption by the Macomb County Board of Commissioners.

A roll call vote on the foregoing resolution was then taken, and was as follows:

YES: _____

NO: _____

ABSTAIN: _____

The resolution was declared adopted.

STATE OF MICHIGAN)
)ss.
COUNTY OF MACOMB)

CERTIFICATION

The undersigned, being the Clerk of the County of Macomb, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted by the County of Macomb Board of Commissioners at its _____ meeting held on the _____ day of _____, 2015, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the County. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that minutes of such meeting were kept and will be or have been made available as required thereby.

COUNTY CLERK

DATED: _____, 2015

las.r3-mac123

**BOARD OF COMMISSIONERS
COUNTY OF MACOMB, MICHIGAN**

Commissioner _____, supported by Commissioner _____, moved the following resolution:

RESOLUTION NO. _____

**RESOLUTION APPROVING FUND ADVANCE AGREEMENT
BETWEEN THE COUNTY AND THE HUMAN SERVICES BOARD**

Whereas, pursuant the Social Welfare Act, 1939 PA 280, as amended, MCL 400.1 *et seq.*, Macomb County (the "County") constructed a county medical care facility known as the Martha T. Berry Medical Care Facility (the "MTBMCF"), and the Macomb County Board of Commissioners in a 2009 Joint Operating Agreement with the HSB and four labor unions delegated supervision and operational responsibility for the MTBMCF to the Macomb County Human Services Board (the "HSB"); and

Whereas, the HSB recently obtained a federal employer identification number ("FEIN") that is different than that used by the County; and

Whereas, because most of the patients in the MTBMCF are Medicaid eligible, most of the funding for their care is paid by Medicaid funds; and

Whereas, is anticipated that the implementation of the new FEIN might temporarily delay some Medicaid payments to the HSB for the MTBMCF while other governmental agencies convert to the new FEIN; and

Whereas, this possible temporary cash flow disruption could affect the HSB's ability to timely pay MTBMCF employees and pay MTBMCF obligations; and

Whereas, in response to a request from the HSB, the Executive has recommended approval of a Fund Advance Agreement in the form attached as Exhibit A (the "Agreement") to assure funds will be available to meet the HSB's obligations during possible temporary delays in Medicaid payments due to implementation of the new FEIN while also ensuring those advanced funds are fully repaid prior to the end of the fiscal year on December 31, 2015.

Be it resolved that:

1. The Agreement is approved in the form attached as Exhibit A and, to the extent any authorization from the Commission is needed, all County officers are authorized and directed to execute and implement the Agreement according to its terms. This approval and authorization is conditional upon the HSB's adoption of a resolution approving the Agreement that is in a form acceptable to outside legal counsel for the Commission and outside legal counsel for the Executive.
2. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Yeas: Commissioners: _____

Nays: Commissioners: _____

Abstain: Commissioners: _____

Absent: Commissioners: _____

Adopted at a meeting held on March 18, 2015

David Flynn, Chairperson

Carmella Sabaugh, County Clerk

EXHIBIT A
FUND ADVANCE AGREEMENT

This Fund Advance Agreement is made as of March 18, 2015, between the County of Macomb, a Michigan charter county the business address of which is Mark Hackel, Executive, County Administration Building, 1 South Main St., 8th Floor, Mt. Clemens, MI 48043 (the "County"), and the Macomb County Human Services Board, a public body corporate the business address of which is Martha T. Berry Medical Care Facility ("MTBMCF"), 43533 Elizabeth St., Mt. Clemens, MI 48043 (the "HSB").

RECITALS

- A. Pursuant to the Social Welfare Act, MCL 400.1 *et seq.*, the County constructed the MTBMCF and the Board of Commissioners delegated supervision and operational responsibility for the MTBMCF to the HSB in a 2009 Joint Operating Agreement among the Commission, the HSB and four labor unions.
- B. The HSB recently obtained a federal employer identification number ("FEIN") different than the County's FEIN.
- C. Because most of the patients in the MTBMCF are Medicaid eligible, most of the funding for their care is paid by Medicaid funds.
- D. It is anticipated that the implementation of the new FEIN might temporarily delay some Medicaid payments to the HSB for the MTBMCF while other governmental agencies convert to the new FEIN.
- E. This delay in Medicaid payments could temporarily affect the HSB's ability to pay MTBMCF employees and pay other MTBMCF obligations.
- F. The HSB wishes to obtain some assurance that funds will be available during this possible temporary interruption in Medicaid payments due to implementation of the new FEIN while also ensuring those advanced funds are fully repaid prior to the end of the fiscal year on December 31, 2015.

TERMS AND CONDITIONS

In exchange for the consideration in and referred to by this Agreement, the parties agree as follows:

- 1. **Fund Advances.** If the HSB determines that Medicaid payments to which it is entitled and for which it has properly made application will be delayed due to the implementation of the separate FEIN, the HSB shall by a duly adopted resolution request the County Treasurer to deposit from the County's General Fund into the Social Welfare Fund an amount reasonably determined to be needed to meet MTBMCF financial obligations for a period not longer than the ensuing 28 days.
 - A. Any resolution shall provide the following:
 - (1) It shall state that the need for funds is caused by delays in Medicaid payments due to the implementation of the separate FEIN.
 - (2) It shall state that proper application has been made for those Medicaid payments.
 - (3) It shall state the amounts reasonably needed to meet MTBMCF financial obligations for a period commencing on a stated date and ending on a stated date, which period is no longer than 28 days.
 - (4) It shall state the amount of shortfall between the funds needed as provided in subparagraph 1.A(3) and the funds on hand in the Social Welfare Fund available to pay MTBMCF financial obligations for that period.
 - B. The total amount of all fund advances made under this Agreement shall not exceed \$6 million.
 - C. Within 3 business days after the HSB delivers a certified copy of a resolution to the County Finance Department, the Finance Department shall:
 - (1) Transfer the requested funds from the General Fund to the Social Welfare Fund.
 - (2) Notify the MTBMCF Director-Administrator in writing that the transfer has been made.
 - D. The County Treasurer shall distribute the monies from the Social Welfare Fund to such account(s) as directed by the HSB in the normal manner it distributes such monies from the Social Welfare Fund for the payment of its MTBMCF obligations.

2. Repayment of Funds. The HSB shall repay funds advanced pursuant to this Agreement in accordance with the following:

- A. All Medicaid and other funds received by the HSB shall be deposited in the Social Welfare Fund.
- B. Advanced funds shall be repaid upon the earlier of (i) within 3 business days after the confirmed receipt and deposit into the Social Welfare Fund of the disrupted or delayed Medicaid payments, or (ii) within 3 business days after the HSB determines it otherwise has sufficient funds to make such repayment. All funds advanced under this Agreement shall be fully repaid no later than December 31, 2015.
- C. The Treasurer is hereby authorized to transfer funds from the Social Welfare Fund to the General Fund to make the repayments required under subparagraph B above.
- D. Any repayment not made when due shall bear interest at the rate of 1% per month or portion of a month that such repayment remains unpaid.
- E. When requested by the Treasurer, the Executive, or the Commission Chairperson, the HSB shall provide a detailed, written report regarding the fund advances and the delayed or disrupted Medicaid payments that provides the following information:

- (1) The dates and amounts of any requests for Medicaid payments, together with any information confirming such requests were received by the funding agency(ies).
- (2) Any information the HSB has regarding the date(s) on which the Medicaid payments are expected.
- (3) Any information about any reasons other than the change in the FEIN that might be the reason for the delayed Medicaid payment(s).
- (4) The amounts of funds advanced pursuant to this Agreement and the expected repayment date(s).
- (5) Any other information that may be related to the Medicaid payments or fund advances such as, for example and not for limitation, whether MTBMCF financial obligations have exceeded normal costs during similar periods in prior years and, if so, the reason(s) for those increases, whether the amount(s) of Medicaid payments will be less than those received for similar periods in prior years and, if so, the reason(s) for those differences, etc.

3. Term and Termination. This Agreement shall terminate on December 31, 2015, but may be terminated earlier by the HSB or, in the event of a breach of this Agreement by the HSB, by the Executive. Termination of this Agreement shall not affect any obligation of the HSB to make repayments of principal and any interest.

4. Miscellaneous.

- A. This Agreement confers no rights or remedies on any third party, other than the parties to this Agreement and their respective successors and permitted assigns.
- B. This is the entire agreement between the parties with respect to its subject matter. It may not be amended or otherwise modified except in writing signed by the parties. The captions are for reference purposes only and shall not affect the interpretation of this Agreement. The recitals are an integral part of this Agreement.

[Signatures are on the next page.]

The parties have signed this Agreement as of the date first written above.

COUNTY OF MACOMB

MACOMB COUNTY HUMAN SERVICES BOARD

By: _____
Mark A. Hackel, County Executive

By: _____
Roger Facione, Chairperson

Countersigned:

Countersigned:

Ted B. Wahby, County Treasurer

Jennifer Morgan, Director/Administrator
Martha T. Berry Medical Care Facility

Date signed: _____, 2015

Date signed: _____, 2015

GRAPIDS 57771-1 354897v2



Macomb County Executive Mark A. Hackel

Mark F. Deldin
Deputy County Executive

TO: Dave Flynn, Board Chair

FROM: Mark A. Hackel, County Executive

DATE: March 19, 2015

RE: **SEMCOG BOARD APPOINTMENT**

As provided under Macomb County Home Rule Charter, Section 3.8(a) Appointments, this memorandum serves as notice of the Executive's appointment to SEMCOG's Executive Committee as presented to you for Board confirmation:

- Steve Marino will replace Bob Smith as Delegate
- Bob Smith will become Steve Marino's Alternate

Thank you for your attention to this item and I am available to answer any questions or concerns which you or the Commissioner's may have.

MAH/smf



Macomb County Executive Mark A. Hackel

Mark F. Deldin
Deputy County Executive

TO: Dave Flynn, Board Chair

FROM: Mark A. Hackel, County Executive

DATE: March 17, 2015

RE: **SEMCOG BOARD APPOINTMENT**

As provided under Macomb County Home Rule Charter, Section 3.8(a) Appointments, this memorandum serves as notice of the Executive's appointment to SEMCOG's Executive Committee as presented to you for Board confirmation:

- Steve Marino will replace Toni Mocerri as Bob Smith's alternate

Thank you for your attention to this item and I am available to answer any questions or concerns which you or the Commissioner's may have.

MAH/smf

Application for Appointment or Re-Appointment to
Macomb County Board/Commission

STATE OF MICHIGAN)
)ss
COUNTY OF MACOMB)

Name of Board/Commission to which appointment is being made:

Term: years; from (date/year) to (date/year)

1. Applicant Information

Name:

Residence Address:

City, Zip Code:

County of Residence:

Mailing Address (if different than above):

Preferred Phone:

Email:

Best method of contact:

2. I am at least 18 years of age: Yes No

3. I am currently registered to vote: Yes No

4. Citizenship:

5. Employer:

Employer Address:

Nature of your work:

Position:

6. Educational level, degree(s) received, other relevant certification or endorsements:

7. I presently hold the following appointments and elected positions:

Title/Board-Commission:

Appointment/Election Date:

Title/Board-Commission:

Appointment/Election Date:

Title/Board-Commission:

Appointment/Election Date:

8. Previously-held appointments and/or elected positions:

Title/Board-Commission:

Dates Served:

Title/Board-Commission:

Dates Served:

Title/Board-Commission:

Dates Served:

9. Have you been convicted of a felony? Yes No

If yes, list each – provide date, nature of offense or violation, name and location of court, penalty imposed (if any) or the disposition of the case. A conviction will not automatically bar you from appointment.

10. Do you have a conflict of interest or a potential conflict of interest such as a financial or business interest in any contracts, grants, permits, etc., with Macomb County? *
If so, please explain. *Please reference the Macomb County Ethics Policy at www.macombBOC.com.

11. List any family members who are, or have been, employed by Macomb County or who have been elected to County offices.

12. Is this an application for re-appointment? Yes No

If yes, how many years have you served on this board/commission?

Please indicate your attendance record for term(s) served:

Number of meetings attended Number of meetings held

Comments/Clarification (if necessary)

13. Briefly indicate your qualifications for appointment to this specific board and the reason you believe your appointment will benefit Macomb County:

14. Statement of Application to Board/Commission

I hereby apply for appointment and do swear or affirm that, (1) if appointed, I will comply with all statutory and other requirements and obligations of my appointment; (2) if I cease to comply with such requirements, I automatically forfeit said appointed position; (3) I hold no position or appointment which is a conflict of interest with the appointment position applied for; and (4) to the best of my knowledge and belief, I possess the requisite qualifications for the office I am seeking:

Signature: 

Printed Name:

Date:

Subscribed and sworn to before me this day of ,

Notary Public 
Macomb County, Michigan

My Commission expires:

PATRICIA E. DIB
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires October 5, 2017
Acting in the County of Macomb

Note to Applicants: You may – but it is not required – attach additional information pertaining to this Application for Appointment as long as attachments do not exceed the maximum for each item listed below:

- Resume – up to one page
- Letter of Reference – up to two pages
- Letter of Intent – up to one page

MACOMB COUNTY, MICHIGANRESOLUTION TO receive and file report from Board Chair for March 2015INTRODUCED BY: Dave Flynn, Full Board

- The following is a report on activities within the Board Office which do not usually appear on committee agendas.

Current Issues

- Campus Renovations
- MTB – Attorneys meet next week re: resolving outstanding issues
- RHC Interim Trust Board
- Payroll Process Changeover
- BOC Upgrade – Microsoft OS

Office

- Green Schools Program - Ceremony at MISD on April 1, 9-10:30am (121 schools)
- Volunteer Recognition Program – nominations due by April xx; Recognition planned for June
- #FactSnack Book Drive underway
- March is Reading Month is underway
- BOC Scanning Project – progress is being made on the 2-phase project which will digitize existing minute books in BOC Library to increase public access, make searchable, preserve; Phase 2 will involve linking committee minutes to agendas and support materials, making searches more effective and providing easier access to the public.

Upcoming Items

- Road Town Hall meetings (see distributed list for more detail)
 - March 23 - Shelby
 - March 30 - Roseville
 - March 31 – Sterling Heights
 - April 8 - Chesterfield
 - April 14 - Warren
 - April 21 – Gov Ops Committee meeting
- Macomb Chamber Public Policy Update w/ Electeds, 8-10am, Ukrainian Cultural Center
- OCE Parking Structure Update – March 23
- Treasurer's Annual Breakfast Seminar – March 27, 8-10am

Correspondence:

- Lapeer County letter
- Antrim County resolutions
- Casual Day Program letters of thanks
- Open RFIs, waiting for response:
 - RFI 01-20-15 FIN Lawsuit Settlement Fund RSK
 - RFI 01-21-15 FIN Participants in FSA HRLR
 - RFI 01-27-15 GOPS Freedom Hill OCE-FIN
 - RFI 03-19-15 BOC Home Credit Assist MCCA-OSS

Media:

- See attached articles.

Board Chair Report – March 2015 – Page 2**BOC – Independent Counsel:** Expenditures for Outside Legal Counsel Professional Services

Litigation	Legal Svcs	Legal Services	Budget	
<u>InvoiceCharges:</u>	<u>Budget Amount:</u>	<u>Invoice Totals:</u>	<u>Remaining:</u>	<u>%Utilized:</u>
	\$72,500 (2015)	\$ 5,566.00 (January)		

COMMITTEE/MEETING DATE

 Full Board 03-19-15

###



MICHIGAN'S OLDEST COURTHOUSE

***Lapeer County Board
of Commissioners***

255 Clay Street
Lapeer, Michigan 48446

phone 810 area code
667-0366
667-0369 FAX

www.lapeercountyweb.org

February 26, 2015

Senator Phil Pavlov
District #25
PO Box 30036
Lansing, MI 48909-7536

Dear Senator Pavlov:

The action by the Senate to acquire a new office building has created a level of consternation with the Lapeer County Board of Commissioners. Their concern is underscored by the recent budgetary reductions, the possibility of a sales tax increase, looming labor negotiations, and apparent revenue reductions due to certain tax credits.

We would request that you provide some insight (other than media accounts we have read) as to the reasons you and your colleagues believe this acquisition is a sound policy decision in light of so many of the pressing matters facing our State.

We sincerely appreciate and anticipate your response to help us understand the reasons for this major undertaking.

Respectfully submitted,

Gary Roy, Chairman
Lapeer County Board of Commissioners

GR/dsc

Cc: Senator Mike Green



ANTRIM COUNTY
BOARD OF COMMISSIONERS
 P.O. Box 520
 Bellaire, Michigan 49615
 Phone (231) 533-6353
 Fax (231) 533-6935
 Chairman: **Michael Crawford**

February 19, 2015

At the February 12, 2015 meeting of the Antrim County Board of Commissioners, the following Resolution was offered:

RESOLUTION #09-2015 by Boettcher, seconded by Bargy

OPPOSE SB 1123 & 1124

WE, the **LEGISLATIVE COMMITTEE**, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, Antrim County is the location of some wind energy developments in the State of Michigan; and

WHEREAS, local control of the placement and monitoring of these utility scale wind developments is crucial for local townships and counties; and

WHEREAS, the administration of local zoning is a key component of local government, reflecting local inputs, local control, and local leadership; and

WHEREAS, these local controls would be limited by SB 1123 & 1124; now

THEREFORE, BE IT RESOLVED that the Antrim County Board of Commissioners opposes SB 1123 & 1124 and any legislation that would limit, hinder, or eliminate local control of zoning administration and implementation; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to all Michigan Counties, Senator Wayne Schmidt, Representative Triston Cole, Governor Rick Snyder, and the Michigan Association of Counties.

Yes – Heeres, Wilson, Bargy, Boettcher, Smith, Crawford, Stanek, Johnson;

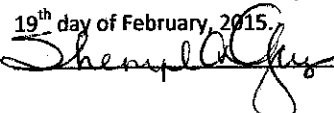
No – None;

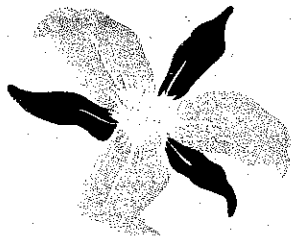
Absent – Marcus.

RESOLUTION #09-2015 DECALRED ADOPTED.

ANTRIM COUNTY CLERK, BELLAIRE MI
 STATE OF MICHIGAN, COUNTY OF ANTRIM, ss
 I, Sheryl A. Guy, Clerk of the County of Antrim, do certify the above is a true and exact copy of the original record now remaining in this office.

IN TESTIMONY WHEREOF, I have set my hand
 And official seal of the County of Antrim this

19th day of February, 2015.
 County Clerk



ANTRIM COUNTY
BOARD OF COMMISSIONERS
 P.O. Box 520
 Bellaire, Michigan 49615
 Phone (231) 533-6353
 Fax (231) 533-6935
 Chairman: Michael Crawford

February 19, 2015

At the February 12, 2015 meeting of the Antrim County Board of Commissioners, the following Resolution was offered:

RESOLUTION #10-2015 by David Heeres, seconded by Karen Bargy

WHEREAS, most counties in the State of Michigan have a Construction Code Department to serve the residents and contractors engaging in construction projects within their county; and

WHEREAS, the Code Association Conference of Michigan, Northern Michigan Code Officials, Plumbing Inspectors Association of Michigan, Mechanical Inspectors Association of Michigan and International Association of Electrical Inspectors have annual conferences which feature important and required training and certification opportunities for the individual inspectors; and

WHEREAS, the leadership for the inspector association has chosen to hold the conference in September or October; and

WHEREAS, September through early December happens to be crunch time for homeowners and contractors seeking inspections from the Construction Code Departments throughout the State and is a time when the weather can make a difference in whether or not the job gets completed by winter.

THEREFORE BE IT RESOLVED, the Antrim County Board of Commissioners respectfully requests, in the future, that the leadership of the inspector associations make it a policy to only hold their association's annual conference between late December and the end of March thereby providing better service to those constituents engaged in construction projects throughout the counties of Michigan.

BE IT ALSO RESOLVED, that this resolution be sent to the Code Association Conference of Michigan, Northern Michigan Code Officials, Plumbing Inspectors Association of Michigan, Mechanical Inspectors Association of Michigan and International Association of Electrical Inspectors and the other 82 counties in Michigan.

Yes- Heeres, Wilson, Bargy, Boettcher, Smith, Crawford, Stanek, Johnson;

No- None;

Absent- Marcus

RESOLUTION #10-2015 DECLARED ADOPTED.

ANTRIM COUNTY CLERK, BELLAIRE MI STATE OF MICHIGAN, COUNTY OF ANTRIM, ss

I, Sheryl A. Guy, Clerk of the County of Antrim, do certify the above is a true and exact copy of the original record now remaining in this office. IN TESTIMONY WHEREOF, I have set my hand and official seal of the County of Antrim this 19th day of February 19,

2015.  County Clerk



FRIENDS OF MACOMB COUNTY VETERANS' TREATMENT COURT

Serving Those Who Served

March 4, 2015

Macomb County Board of Commissioners
 Attn: David J. Flynn, Board Chairman
 One South Main St., 9th Floor
 Mt. Clemens, MI 48043

**Re: Macomb County Employee 2014 Casual Day Program
 Friends of Macomb County Veterans' Treatment Court**

Dear Mr. Flynn:

On behalf of the Friends of the Macomb County Veterans' Treatment Court (non-profit), we would like to thank you and the Board of Commissioners for your support of our veteran participants in the Treatment Court. Through the County Casual Day Program, our non-profit received a total of \$802.35. We will certainly use the money to support our participants in the Macomb County Veterans' Treatment Court. It is very nice to know that the elected officials of Macomb County stand behind these veterans as they try to deal with their criminal issues, improve their lives, and manage mental health and substance abuse issues with the support of the Treatment Court.

On March 19, 2015 at 2:00 p.m., the Macomb County Veterans' Treatment Court will have its next graduation. As always, you and the Board are invited to attend. We will have a short reception following the graduation to honor our veteran graduates. We would love to see you there.

Again, thank you so much.

Very truly yours,

GAIL PAMUKOV-MILLER

President - Friends of the Macomb County Veterans' Treatment Court

GPM/cms

**16931 19 MILE ROAD, STE. 100 • CLINTON TWP., MI 48038
 PHONE: (586) 263-1600 • FAX: (586) 263-1430**

Friends of Macomb County Veterans' Treatment Court is a 501(C)(3) Non-Profit Organization



January 22, 2015

Macomb County Board of Commissioners
Attn: David Flynn
1 S Main Street, 9th Floor
Mount Clemens, MI 48043

Dear Mr. Flynn and the Macomb County Board of Commissioners:

We would like to take this opportunity to thank you for your support. When the CF Foundation was established, children born with cystic fibrosis were not expected to live long enough to attend elementary school. Today, thanks to research and care supported by the Foundation, many people with CF are living into their 30s, 40s and beyond. We truly appreciate your commitment to improving the lives of the 30,000 children and adults with CF by fundraising **\$253.00** for **Community Events 2014**. Your generosity is very much appreciated.

The opportunity to develop new therapies for people with CF has never been greater. And, we optimistically forge ahead knowing we are impacting the lives of those with CF as never before. We take great pride in being one of the most efficient and effective organizations of our kind, and are careful stewards of every dollar raised in support of our mission.

Your contribution offer hope to the tens of thousands of patients and their families who live with this disease every day. We are most appreciative of your support and promise to invest it in the wisest way possible -- to save lives.

With kind regards,

Shelly Francis
Executive Director



RECEIVED

MAR 16 2015

BOARD OF COMMISSIONERS

March 06, 2015

BOARD OF COMMISSIONERS
1 S Main St
9TH FLOOR
Mount Clemens, MI 48043-2306

Dear BOARD OF COMMISSIONERS:

On behalf of the many individuals and families we serve, I would like to thank you for your donation. MCREST has seen an increase of single mothers with children in our emergency shelter program. Our program has seen many challenges for these families as they try to get back to self-sufficiency, which has also made an impact on how we accommodate each person that walks through our door.

Our programs which include Journey Home and the Learning & Resource Center, assist the clients by obtaining employment, housing, and enabling the clients to become stable. The sooner the cycle of homelessness is broken, the more successful the client will be in maintaining stability.

MCREST works every day assisting each person diligently in finding housing, regaining their identity, and income. MCREST will continue to serve the homeless and those at risk of homelessness in Macomb County with the support from you and many others that believe in helping people in need.

Below is a summary of your donation(s):

<u>Date</u>	<u>Amount</u>	<u>Deductible</u>	<u>Fund</u>	<u>Payment</u>
2/17/2015	\$155.35	\$155.35	General Fund	Check

Thanks to your generosity, this will help us continue to provide homeless and displaced individuals the opportunity for successful transition to independence.

With Heartfelt Appreciation,

April L. Fidler
Executive Director



Where Transition Begins!

RECEIVED

MAR 16 2015

BOARD OF COMMISSIONERS

March 06, 2015

BOARD OF COMMISSIONERS

1 S Main St

9TH FLOOR

Mount Clemens, MI 48043-2306

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MCREST works every day assisting each person diligently in finding housing, regaining their identity, and income. MCREST will continue to serve the homeless and those at risk of homelessness in Macomb County with the support from you and many others that believe in helping people in need.

Below is a summary of your donation(s):

<u>Date</u>	<u>Amount</u>	<u>Deductible</u>	<u>Fund</u>	<u>Payment</u>
2/9/2015	\$56.00	\$56.00	General Fund	Check

Thanks to your generosity, this will help us continue to provide homeless and displaced individuals the opportunity for successful transition to independence.

With Heartfelt Appreciation,

April L. Fidler
Executive Director

Selfridge supporters scramble to keep aircraft

By Todd Spangler, Detroit Free Press 11:32 p.m. EST February 22, 2015



(Photo: David Kilkenney)

WASHINGTON — Over the years, Selfridge Air National Guard Base has been a survivor of multiple base closing rounds: adding and subtracting aircraft, changing missions, morphing into a headquarters for Coast Guard personnel, Customs and Border Patrol and more.

But for the third year in a row, the Air Force has proposed grounding its entire fleet of A10s, a venerable aircraft that happens to be the sole attack jet left flying out of Selfridge.

And that has a lot of people in and around the Macomb County base concerned.

Lose the A10s, the thinking goes, and they need to be replaced by another front-line aircraft or Selfridge could seem skimpy enough to get rid of in the next round of base closings — whenever that is.

Lose the base, and it would cost the county hundreds of millions a year in jobs and economic activity, delivering a severe financial blow to the community.



DETROIT FREE PRESS

Lon Johnson seeks re-election as Michigan Dem Party chairman

[\(http://www.freep.com/story/news/politics/2015/02/12/democratic-party-will-gather-saturday-state-convention/23318587/\)](http://www.freep.com/story/news/politics/2015/02/12/democratic-party-will-gather-saturday-state-convention/23318587/)



A row of A-10 fighter jets sit under a canopy at the Selfridge Air National Guard Base, Tuesday, March 27, 2012. (Photo: 2012 photo by Associated Press)

"There are thousands of people employed in the operation of that base, civilian and military, and there are housing vouchers — no one lives on the base anymore. These are people who attend our schools and our churches," said Ken Verkest, supervisor of Harrison Township, where the base is located. "It would be like taking an entire neighborhood and making it vacant — it would be devastating."

Selfridge and the A10s are caught up in a much larger national debate, however, about the effectiveness of the aircraft, the price of maintaining it or investing in new fighters, and a federal budget squeeze years in the making.

The fact is, Pentagon officials, mindful of budgetary restrictions put in place in recent years, say they just cannot afford the A10s anymore.

For the moment, Selfridge appears safe. Few really expect Congress to give the Air Force its way on the A10s this year; and another base closing round, while being proposed, is a political long shot.



DETROIT FREE PRESS

50

Republicans still have hopes of turning Michigan in 2016

(<http://www.freep.com/story/news/politics/2015/02/07/gop-presidential-michigan/23043565/>)

But there's also no question that what has become an annual skirmish regarding the future of the A10s — heavily armored, slow-moving, low-flying aircraft designed to support ground troops, so ugly they're affectionately referred to as "warthogs" — has put people at Selfridge and the townships and cities around it on edge.

Eighteen A10s fly out of Selfridge, directly supporting 535 jobs and providing a key mission of the 127th Wing based there, which also has eight KC135 refueling tankers.

If the Air Force has its way, several more KC135s would be moved in and the A10s there retired by 2017.

That's where the problems begin.

"If you mothball the mission, you're in trouble," said Joe Hallman, a past president of Selfridge's Base Community Council, which works to support people assigned there. "When BRAC (the Base Realignment and Closure process) comes through they look at how much you have. If you have one (mission), it sure is easy to cut and move."



DETROIT FREE PRESS

Obama budget has little for Michigan

(<http://www.freep.com/story/news/local/2015/02/02/obama-plan-michigan/22751225/>)

Military mum

Unlike some past years, you won't hear military personnel in Michigan openly commenting on the Air Force's plans.

Calls to the state's adjutant general, the head of the state National Guard, were referred to Selfridge's public affairs staff, which declined any direct comment as "inappropriate."

That may not be too surprising: In Arizona, a military blog reported that a two-star general suggested at a meeting that any military personnel providing information to Congress about the A10 was potentially committing "treason." The comments were characterized as hyperbole, according to the Air Force Times.

But if the military is mum, elected officials in Michigan are still gearing up for a fight.

U.S. Sens. Gary Peters and Debbie Stabenow recently sent the White House a letter urging it to reconsider any attempts to mothball the A10 fleet. U.S. Rep. Candice Miller, the Harrison Township Republican who led last year's efforts in the House to protect the A10s, promised to continue to fight for as long as was necessary.

And no wonder: the Macomb County Chamber of Commerce projects that Selfridge and its more than 4,300 military and civilian workers — as well as associated defense business — are worth more than \$700 million in economic activity, creating a ripple of business that runs into Mt. Clemens, Clinton Township, Chesterfield Township and beyond.

Tax hike's boost for Michigan roads detailed

Tom Greenwood and Leonard N. Fleming, The Detroit News 7:30 a.m. EST February 24, 2015



(Photo: Detroit News file photo)

As the campaign ramps up for and against Proposal 1, to raise taxes for roads and other programs, state transportation officials Monday issued a comprehensive list of how much each Michigan county and community would get to maintain its roadways.

Under the state formula, said MDOT communications director Jeff Cranson, 39.1 percent of transportation funding goes to the state for trunklines, 39.1 percent goes to county road commissions for county roads, and 21.8 percent goes to cities and towns to maintain their streets and roadways.

If approved by voters May 5, MDOT said, the state transportation fund would grow from about \$265 million this year to \$765 million in 2016, \$906 million in 2017 and more than \$1 billion by 2018.

Among the 83 counties, Oakland County would get about \$272 million for the county road system over the next three fiscal years; Wayne County would get \$257 million; and Macomb County about \$171 million after getting \$84.4 million, \$80 million and \$52.9 million boosts, respectively.

Cities and towns would get separate, additional money. For example, Allen Park's road money would increase from \$1.76 million in 2014 to an estimated \$2.9 million in 2018; Birmingham would climb from \$1.24 million to \$2.06 million; and Detroit would go from \$54.2 million to \$89.9 million.

Road dollars

Find out how much road funding could increase in each Michigan county and city if the May statewide ballot issue passes

City	▼
Addison	▼
Search	

[Online Database](#) by Caspio

Source: Michigan Department of Transportation

Proposal 1 would raise the 6 percent sales tax to 7 percent and create a wholesale tax on fuel to replace the current 19-cents-a-gallon levy at the pump. It is projected to generate an additional \$1.2 billion a year for roads, as well as \$300 million for K-12 schools, \$100 million for transit and \$95 million for revenue sharing to local governments.

A statewide advertising campaign urges a "no" vote, suggesting voters are being misled into thinking the entire tax increase will go to roads. The complex proposal was crafted by Lansing lawmakers and the governor in hopes of building a coalition of support among transportation, education and local government interests.

At least four opposition groups have organized since lawmakers passed the road plan in December, many of them backed by Republican and conservative activists.

Tom McMillin, chairman of Concerned Taxpayers of Michigan, said state government needs to do more to repair roads and bridges without increasing taxes on an already tax-weary populace.

"We could fix those problems without taking money out of other people's pockets," said McMillin, a Republican and former state representative from Rochester Hills, on Monday. "There's no argument that we need more money for road funding. The Legislature needs to do their job and prioritize the money they have now. They don't need to be taking more."

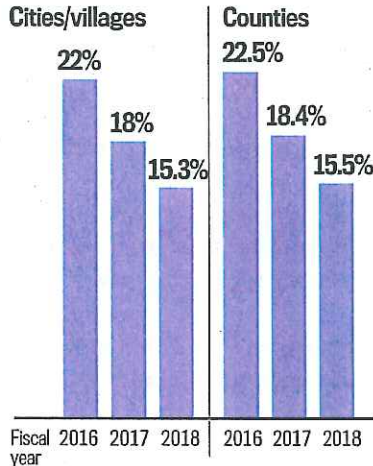
He cited MDOT's failure to hold contractors accountable for poor workmanship on roads by invoking warranties to repair problems.

Some local leaders are remaining neutral, such as Macomb County Executive Mark Hackel and Oakland County Executive L. Brooks Patterson.

Road fund increases

According to the Michigan Department of Transportation, counties, cities and villages will see a steady and dramatic increase in road funding if the May ballot issue to raise the sales tax to 7 percent is approved. Here's a breakdown of how road funding could increase over the next three fiscal years in communities and counties.

Estimated percentage increase in road funding



Source: Michigan Department of Transportation
The Detroit News

Hackel said Monday the extra \$26 million for repairs of county roads would be welcomed 52% but not taking a public position either way on Proposal 1.

"I can't say no to it, because it's sorely needed, but Hackel told The Detroit News.

Hackel said he doesn't like how lawmakers are asking of road and bridge repairs, instead of doing it themselves.

"What they did is they put it on our backs to get out that's what they got elected to do — to make difficult the voters will look past this mistrust that they have in the roads, in particular in Macomb County and southeast Michigan."

Patterson recently told The Detroit News that he is "not advocating a 'no' vote, but I'm sure as hell not leading the parade seeking its passage."

Gov. Rick Snyder has argued that the extra road and bridge funding financed through the new tax system is also vital to keep federal matching funds flowing from Washington, D.C. Currently, the federal government will fund 80 percent of the cost of projects involving interstate, U.S. and Michigan roads, but only if the state can come up with a matching 20 percent.

Michigan is having a harder time coming up with the needed 20 percent due to declining gas tax revenues because people are driving fewer miles and vehicles are becoming more fuel efficient.

"The Legislature has had to step in the past few years and offer us General Fund money just so we could meet the match and not leave federal money on the table," said MDOT's Cranson. "The governor

has been consistently calling for an additional \$1.2 billion in state investment so we can meet the math and help the state, counties and cities shore up their battered roads and bridges."

If the state is unable to attain matching funds, those federal dollars end up going to other states.

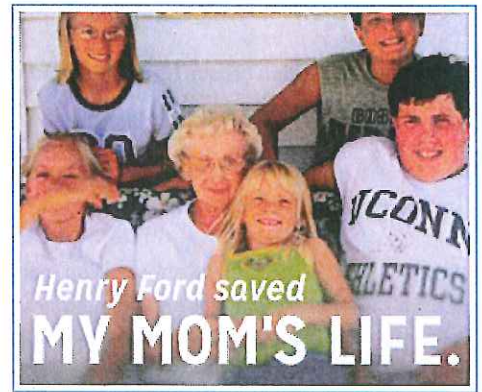
According to MDOT, Michigan currently invests \$154 per capita on roads compared to \$530 for Pennsylvania, \$412 for Illinois, \$302 for Wisconsin, \$239 for New York, \$289 for Indiana, \$275 for Minnesota and \$214 for Ohio.

In 2012-13, about 19 percent of Michigan's roads were considered to be in good condition, about 48 percent in fair condition and 33 percent in poor condition.

tgreenwood@detroitnews.com

Detroit News Staff Writer Chad Livengood contributed.

Read or Share this story: <http://detne.ws/1Eoa4HP>



The Macomb Daily (<http://www.macombdaily.com>)

Michigan sales tax hike proposal for roads faces uphill battle

Proposal for higher sales tax faces uphill fight

By Norb Franz, *The Macomb Daily*

Friday, February 27, 2015



Michigan voters will be asked May 5 to approve an increase in the state sales tax from 6 percent to 7 percent to generate \$1.2 billion for repairs to the state's crumbling roads.

Informal polling suggests no amount of money spent to promote passage of the proposal will work, despite support for the proposal from both business and labor — groups typically at odds on things like ballot proposals.

Via its Facebook page, The Macomb Daily asked readers to weigh in on the proposal. Their comments ranged from staunch opposition to skepticism that Michigan's government would actually use any tax increase to fix the state's roads.

"It's an okay idea if all the revenue goes for road repairs and only road repairs," said Cindy Manske of Chesterfield Township.

"They say it's for the roads but only a small percentage is gonna actually be used for roads," Macomb Township resident Richard Bottles said. "The rest is going to schools and the special interests."

Detroit resident Raymond Berels said: "The gas tax is the proper mechanism for money to be generated and then used for road improvements. If there is not enough money being generated by the gas tax, then there should be an increase to the gas tax. A one cent increase to the sales tax may not sound like a lot, but in reality it is a 17 percent increase."

"Increasing the sales tax is smart," reader Chris Franco said, "this way even tourists contribute to the funding. it's better than increasing the income tax rate, in which only locals would be footing the bill."

"The increase is not what is needed," said Martha Youstra. "They need to make the contractors responsible for the shoddy work that has been done the last couple years."

Need and Resources

Michigan Gov. Rick Snyder has been [lobbying for more money for roads](#), arguing the state's need for repairs to more than 122,000 miles of roads and 11,000 bridges outstrips resources coming in by \$1.2 billion a year, roughly the amount the road funding package would generate.

There's some truth to the governor's argument.

An analysis of federal and state spending on roads by the Associated Press indicates that while Michigan's share of funding from the federal Highway Trust Fund has increased over 10 years by more than 9 percent, it has declined in the five years from 2008 to 2013 by 7.1 percent.

Similar declines have occurred in most other states.

Declining federal money for roads and bridges is forcing states, like Michigan, to seek other funding solutions. Other options states are trying include fees, tolls, private investors, or taxes per miles driven.

Earlier this month, President Barack Obama proposed a six-year, \$478 billion program to pay for highway, transit and infrastructure upgrades, with funding roughly split between the current fuel taxes and a tax on the foreign profits of U.S. corporations.

It's unlikely Congress will act on it for months, although temporary federal funding measures are scheduled to expire in May.

Michigan gets a little over \$1 billion from the federal trust fund. In total, the state spends \$3 billion on roads and bridges, according to the AP analysis.

Jeff Cranson, spokesman for the Michigan Department of Transportation, said federal money is shared under a formula in state law.

"(Public) Act 51 requires that our federal funding be shared with local transportation agencies on a 75/25 basis," Cranson said. "Seventy-five percent is to be used by MDOT and 25 percent is divided among local transportation agencies."

Road officials for Macomb and Oakland counties said the only federal money that makes it to local roads is awarded on a per-project basis, with the projects selected by respective county committees that decide which projects will receive federal funding. The federal money used locally is only for new construction, not maintenance.

"If we don't get more money, the roads are not going to get better," said Robert Hoepfner, director of the Macomb County Department of Roads. "The federal government is not going to bail out the state of Michigan. I don't believe there's going to be an outpouring of money to fund highway construction."

The Ballot Proposal

The proposal voters will see on the May 5 ballot is actually just a portion of the [road funding package cobbled together](#) by the Michigan Legislature in December.

The proposal raises the sales tax, but also dedicates some money to schools and local governments.

Specifically, the proposal eliminates the current 18.7 cents-per-gallon tax after Oct. 1.

Some of the proposed sales tax increase would be returned to schools and local communities:

- Sixty percent of the first 5 percent of the sales tax and an amount equal to 12.3 percent of the first 5 percent of the use tax would go to the School Aid Fund.
- The School Aid Fund would be used exclusively for aid to public community colleges, public career and technical education programs, scholarships for students attending either public community colleges or public career and technical education programs.
- Fifteen percent of the first 5 percent of the sales tax would be shared with townships, cities and villages.

Other legislation tied to passage of the ballot proposal provide tax relief by boosting the state's Earned Income Tax Credit for low income residents, increase registration fees, and replace the state's per gallon gas tax with a new percentage tax on gas at the wholesale level rather than at the pump.

Approval of the proposal means Michigan would join Indiana, Mississippi, New Jersey, Rhode Island and Tennessee as states with a statewide 7 percent sales tax. Only California's statewide 7.5 percent sales tax is higher.

For And Against

Among the supporters of the proposal with the governor are unlikely allies. [Safe Roads Yes!](#), which is pushing for approval of the proposal, [says its coalition of supporters](#) includes police and sheriff associations, firefighters and first responders, chambers of commerce, business leaders, farmers, teachers, school administrators and local government.

The group has raised \$3.2 million to sell the proposal to voters.

However, the Michigan Chamber of Commerce has not taken a position for or against" the May 5 ballot proposal.

"The Chamber is still in the process of listening to its large and diverse membership and gathering information about the proposed sales tax increase and related information," the chamber said in a statement issued Feb. 23. "The Michigan Chamber will determine its position on the ballot question after completion of the review process and will communicate that position in a timely manner."

In the meantime, a statewide [survey of 600 likely general election voters](#) taken Jan. 24-27 by Lansing-based EPIC-MRA gives the proposal a narrow shot at passing, 46-41 percent. But the polling memo notes that the numbers switch to 47-38 percent against once the details of the proposal are heard.

There's plenty of push back from anti-tax advocates, including former state Rep. Tom McMillin of Rochester Hills and Saginaw area businessman Paul Mitchell.

McMillin wrote to the Board of State Canvassers early this month to object that the proposed language in the ballot proposal was vague, at the least, since it oversimplifies the 10 pieces of legislation in the road funding package.

"To lead voters to believe that a tax would be repealed when in fact it would be replaced with a higher tax is deception of the highest degree," McMillin wrote. "Yet that is what was proposed by House Concurrent Resolution Number 39 of 2014, which I urge you to disregard entirely from consideration for ballot language."

Mitchell, chairman of [The Coalition Against Higher Taxes and Special Interest Deals](#), is campaigning against the proposal in a six-figure multimedia effort that includes television, radio and digital advertising.

Mitchell said 40 percent of the money raised by the proposal and the legislation behind it goes to things besides roads.

“Voters need to know about these hidden costs and special interest deals that the lobbyists are trying to hide so they can make the right decision and vote no on Proposal 1,” Mitchell said in a statement when he announced the media campaign in February. “Our elected leaders can do better to solve the roads problem than tacking on \$700 million in special interest deals so that we can begin fixing our roads.”

Macomb County Executive Mark Hackel, who has been outspoken in criticizing the Legislature for failing to implement on its own an adequate and permanent funding solution to the state’s road woes, faulted lawmakers for putting a “convoluted scheme” on the ballot. He thinks elected state officials will make voters the scapegoat if the ballot proposal is rejected.

Still, Hackel said he and other municipal officials cannot urge voters to oppose it, because it will generate new revenue for roads. But he remains troubled and frustrated by the packaging.

“Now what they’re going is confusing the living daylights out of the public right now, by putting it on the ballot, which is one of the worst things to come out of the Legislature in a long time,” the county executive said.

(The Associated Press contributed to this report)

URL: <http://www.macombdaily.com/general-news/20150227/michigan-sales-tax-hike-proposal-for-roads-faces-uphill-battle>

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Experts: Beware of localities borrowing retiree costs

Chad Livengood, Detroit News Lansing Bureau 10:32 p.m. EST March 3, 2015

Lansing — Macomb County intends to sell \$263.7 million in bonds next week to finance its unfunded retiree health care bill, making it the 11th local government in Michigan to gamble on investments to help pay for and contain rising legacy costs.

Since 2013, localities as small as Bloomfield Hills and as large as Oakland County have used a little-known state law to float a combined \$711 million in bonds to aid retiree health care and pension plans. Macomb County's sale would bring the total to nearly \$1 billion borrowed to infuse cash into retired worker trust funds.

The cities, townships and counties are betting they can make more money in stocks and other investments than by paying fluctuating retiree health care benefits and pension contributions as they go. In doing so, they lock in annual fixed costs for former workers.

It's a strategy similar to one former Detroit Mayor Kwame Kilpatrick's administration pursued in 2005, when the city borrowed \$1.44 billion to prop up its ailing pension funds — a complex deal that later would contribute to the city's 2013 bankruptcy.

"I think Detroit shows you exactly what can go wrong with these things," said Eric Scorsone, an economics professor and municipal finance expert at Michigan State University. "There's no financial instrument out there that's risk-free."

Officials in Macomb County and other local governments argue their borrowing plans are far less risky than Detroit's scheme, which was fraught with a complicated interest payment and a series of trusts that critics said were designed to bypass statutory debt limits.

To borrow the money, the state law requires municipalities to close their pension and retiree health care plans to new hires — a reform Detroit did not pursue until it ended up in bankruptcy court.

"We wouldn't even be considering this if the plan wasn't 100 percent closed, unlike Detroit ... which spent millions and millions to shore up their liability, but never closed the plan," said Mark Deldin, deputy executive of Macomb County.

Macomb County hopes to sell investors bonds Tuesday at an interest rate of 3.5 percent or lower, Deldin said, meaning its investments will have to exceed that rate over the 24-year life of the bonds for the county to come out ahead.

"We would be foolish not to take advantage of it, especially in today's bond market with interest rates being so low," he said. "There's always risk in anything you do when it comes to that. No one can predict what the stock market is going to do."

Borrowing money to pour into pension funds dates back 30 years among local and state governments, according to the Center for Retirement Research at Boston College.

But issuing new debt to pay for retiree health care — known as other post-employment benefits — is "very rare" among municipalities across the country, said Matt Fabian, a partner at Municipal Market Analytics, a Concord, Mass.-based bond research firm.

Fabian said he is alarmed by the increasing use of bonds for health care obligations among Michigan communities and counties.

"It's like paying off one credit card with another," he said. "And it is a gamble with taxpayer dollars."

In Oakland County, the gamble paid off, according to Deputy County Executive Robert Daddow.

In 2007, Oakland Executive L. Brooks Patterson's administration borrowed \$557 million to fully fund the county's retiree health care tab. Oakland County refinanced the debt in 2013 at \$350 million after its health care trust fund's investments increased the value of the borrowed money to 128 percent, Daddow said.

"If the market drops 28 percent, I'm still fully funded, but I can tell you there's going to be a lot of other folks sucking wind," Daddow said. "We made a killing here. Have you ever bet half a billion (dollars) in your life?"

Despite Oakland County's investment gains in recent years, Fabian and other analysts questioned why Michigan municipalities are borrowing money now to invest when the value of stock indexes are reaching all-time highs.

"As a laymen looking at the market today, you might think this may not be the best time to issue a (pension bond)," said Jean-Pierre Aubrey, assistant director for state and local research at the Center for Retirement Research.

The 10 other local governments that have issued bonds to fund their pensions and retiree health care obligations have used a 2012 law, which was extended in December by one year.

Under the law, each municipality must have a minimum double-A credit rating and can use the bonds only to pay off an accrued unfunded liability for a pension or retiree health care plan that's no longer offered to current workers.

Local governments have issued bonds for the legacy costs under different circumstances.

Shelby Township bonded \$9.3 million and borrowed \$24 million from its public works department's reserve fund to help close off its pension plan, Supervisor Richard Stathakis said.

"Without fixing this pension problem, this budget would not be sustainable," Stathakis said.

Allegan County borrowed \$15 million, locked in its annual payments at \$1.1 million and saved the west Michigan county \$11 million in long-term added costs for having an underfunded retiree health care account, Administrator Rob Sarro said.

"Had we not bonded, there would have been some years where that payment would have grown to \$2.5 million in a single year, which as you could imagine could put a big strain on your (\$30 million) general fund budget," Sarro said.

State Sen. Jack Brandenburg, R-Harrison Township, is sponsoring a bill this year to extend the program another four years through 2020 that the Senate plans to vote on Wednesday.

Brandenburg said the program ensures municipalities "meet their obligations" every year with required payments.

"When it comes right down to it, there's a hell of a temptation not to fund and let it slide for a year," Brandenburg said. "There really is no logical answer why somebody wouldn't take advantage of this. It's cheap money."

Macomb will join 10 other Michigan localities that have used a 2013 law in the past two years to issue bonds to infuse cash into their underfunded pensions and retiree health care trust funds. The others are:

Oakland County, \$350 million

Kalamazoo, \$90.95 million

Bloomfield Township, \$81 million

Saginaw County, \$64.75 million

West Bloomfield Township, \$47 million

Ottawa County, \$29.29 million

Bloomfield Hills, \$15.94 million

Allegan County, \$15.06 million

Shelby Township, \$9.3 million

Farmington, \$8 million

Source: Michigan Treasury Department

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A ground crewman prepares a A10 Thunderbolt II from the 107th Fighter Squadron for flight at Selfridge Air National Guard Base in Harrison Township on May 8, 2012. (Photo: ASSOCIATED PRESS)

'Nothing lasts forever'

The Air Force's 2016 budget proposal released this month says while the A10 has proven its ability to provide ground support going back to the first Gulf War, there are other weapons better equipped to provide that firepower now that are faster, more stealthy or otherwise possess "the necessary survivability" in modern combat.

"Nothing lasts forever and there are other ways to provide fire support," said Thomas Donnelly, a defense expert at the American Enterprise Institute. "It's very painful to have to get rid of a whole host of things, the A10 among them, but we can't trap the Air Force forever in a sunset technology."

But that argument is far from clear cut. A10 supporters counter that the aircraft continues to prove its mettle — a dozen were recently deployed to Ukraine and it is supporting U.S. attacks against ISIS — and the F35 Joint Strike Fighter, which is considered a replacement, is far from ready.

Sen. John McCain, R-Ariz., who replaced Michigan Democrat Carl Levin as chairman of the Senate Armed Services Committee, has been a noted critic of plans to retire the A10.

Last year, McCain told Air Force Chief of Staff Gen. Mark Welsh not to "insult my intelligence" with a position that the B1 bomber would be an acceptable close-air support alternative to the A10 in the meantime.

Critics of the F35, meanwhile, argue that funding that would be saved by retiring the A10 would be transferred into the Joint Strike Fighter with questionable returns.

"We need to start looking at what the next generation of close-air support fights should be. But we don't think it looks like the F35 is going to be an adequate replacement," said Mandy Smithberger, a military reform director with the Project on Government Oversight, a watchdog group in Washington that favors keeping the A10s in place at Selfridge and elsewhere.

Retirement plans

For the Guard at Selfridge, the most recent major deployment of the A10s was to Kandahar, Afghanistan, four years ago. It was the unit's fourth major deployment since 2001.

"I don't want to portray that I'm trying to protect these A10s solely out of parochial interests," said Miller, who has fought numerous battles to keep planes flying at Selfridge, including in the 2005 BRAC that sent the A10s there after retiring its F16 fighters and C130 transports. "You ask the guys who have been in battle and you will hear in glowing terms that when they hear the A10s coming, they know what that means."

The Air Force, however, seems unlikely to give up on its plans to retire its 283 A10s by 2019 any time soon.

Budget pressures and the confidence that, as a weapons platform, it doesn't provide the long-term capabilities it needs in the face of limited funding, are not likely to change. And neither is the perceived need for another round of base closures.

"It's not about not liking or not wanting the A10. It's about some very tough decisions that we have to make to recapitalize an Air Force for the threat 10 years from now," Welsh said recently.

Selfridge, of course, could survive. Unlike most National Guard bases, it counts each of the Armed Services as among its smaller tenants — not to mention Homeland Security and the Coast Guard.

State leaders will continue to argue that already having lost Kinchloe, Wurtsmith and K.I. Sawyer, it shouldn't ever be in the position to lose another air base.

But should the A10s depart it probably still means finding support for another aircraft to land there.

"I think we know they're going away. I think it's a matter of when," said Grace Shore, CEO of the Macomb County Chamber of Commerce. "I'm not worried yet — that's not my nature — but I think we need to work to make sure there's a replacement, let's put it that way."

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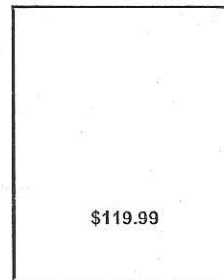


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