



BOARD OF COMMISSIONERS

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NOTICE OF MEETING

There will be a meeting of the **BOARD OF COMMISSIONERS** on Thursday, October 22, 2015, at 7:00 p.m., on the 9th Floor of the County Administration Building, in the Commissioners' Board Room, Mount Clemens.

(Invocation this month is by Commissioner Kathy Tocco)

PRELIMINARY AGENDA

1. Correspondence from Executive
2. Introduction of DIA Director, Salvador Salort-Pons
3. **COMMITTEE REPORTS:**
 - a) Infrastructure/Economic Development, October 20 **(to be provided)**
 - b) Finance, October 21 **(to be provided)**
4. Adopt Resolution Approving Creation of One Additional Circuit Court Judgeship in 2017 and a Second Additional Circuit Court Judgeship in 2019 **(page 1)** **(attached)**
5. Board Chair's Report **(to be provided)**

Corinne Bedard
Committee Reporter

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

**BOARD OF COMMISSIONER
MACOMB COUNTY, MICHIGAN**

RESOLUTION NO. 15 - ____

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

**A RESOLUTION APPROVING CREATION OF ONE ADDITIONAL
CIRCUIT COURT JUDGESHIP IN 2017 AND A SECOND ADDITIONAL
CIRCUIT COURT JUDGESHIP IN 2019**

WHEREAS, since 2006, the 16th Judicial Circuit Court has had a total of 13 Circuit Court judgeships, one of which has remained temporarily unfilled since 2009 in order to achieve a cost savings for the citizens of Macomb County; and

WHEREAS, the State Court Administrator’s Office has determined that the Courts funded directly by Macomb County (16th Judicial Circuit Court, Macomb County Probate Court, and 42nd District Court) are the most “under-judged” courts in the State of Michigan; and

WHEREAS, in 2013, the State Court Administrative Office concluded that the combined judicial need for Macomb County-funded Courts is 4.71 judgeships (in addition to the 13 existing 16th Judicial Circuit Court judgeships, two Probate Court judgeships, and two 42nd District Court judgeships), and recommended the creation of four new judgeships; and

WHEREAS, notwithstanding the State Court Administrator’s Office’s recommendations, the Macomb County Circuit Court Judges have requested only two additional judgeships; and

WHEREAS, in 2014 the State Legislature enacted 2014 PA 56, amending section 517 of the Revised Judicature Act of 1961, 1961 PA 236, to allow for the creation of two additional judgeships: one new circuit court judgeship in 2017, and a second new circuit court judgeship in 2019; and

WHEREAS, section 550 of the Revised Judicature Act of 1961 requires that the new judgeships for the 16th Judicial Circuit Court be approved by the Macomb County Board of Commissioners before they are authorized to be filled by election; and

WHEREAS, Macomb County continues to grow in population, and the need for more Circuit Court Judges is readily apparent when our the 13 Judges serving the 16th Judicial Circuit Court is compared to the number of judges in neighboring counties: 56 judges at the 3rd Judicial Circuit Court (Wayne County) and the 19 judges at the 6th Judicial Circuit Court (Oakland County); and

WHEREAS, in 2015, the State Court Administrative Office analysis has further determined an additional judicial need of 1.25 judgeships to the seats already authorized by Public Act 56 of 2014; and

WHEREAS, it is estimated that the State will pay \$158,792 per year for each new judgeship (the costs of the Judge’s salary), while the County will pay \$191,148 per year, per judge, for fringe benefits, a judicial secretary, and estimated operating costs; and

WHEREAS, it is estimated that the costs of an additional assistant prosecuting attorney, court clerk, and sheriff’s deputy could total \$329,558 per year, per judge, if these departments determine that the staffing requirements for each new judgeship cannot be met by reassigning existing department employees; and

WHEREAS, increasing the number of judgeships at the Circuit Court will help the County by:

- 1. Fixing scheduling concerns and minimizing improper delays in criminal matters,
- 2. Alleviating safety concerns by insuring that criminal defendants do not remain on bond longer than necessary or that jailed defendants are released due to jail overcrowding,
- 3. Avoid housing felony defendants awaiting trial in the County Jail (at County expense) any longer than necessary;
- 4. Allowing for prompter resolution of business disputes and thereby continuing to make Macomb an attractive place to do business,
- 5. Eliminating delays in resolving custody, parenting time, and child support disputes, and
- 6. Avoiding the potential allegations “assembly line” justice.

NOW THEREFORE BE IT RESOLVED THAT:

- 1. The Macomb County Board of Commissioners hereby approves the addition of one new circuit court judgeship in 2017, and a second new circuit court judgeship in 2019.
- 2. Digital copies of this resolution shall be provided to County Executive Mark Hackel, Chief Circuit Court Judge James M. Biernat, Jr., County Clerk Carmella Sabaugh, Prosecutor Eric Smith, Sheriff Anthony Wickersham, County Treasurer Ted Wahby, and all Macomb County’s District Court Judges.
- 3. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Dave Flynn
Chairman, Macomb County Commission

Carmella Sabaugh
Macomb County Clerk/Register of Deeds

Adopted: _____, 2015
 Delivered to Executive: _____, 2015
 Notice Published: _____, 2015