



Macomb County Board of Commissioners

Dave Flynn – Board Chair Kathy Tocco – Vice Chair Steve Marino – Sergeant-At-Arms

District 1 – Andrey Duzyj District 2 – Marv Sauger District 3 – Veronica Klinefelt District 5 – Rob Mijac District 6 – Jim Carabelli
District 7 – Don Brown District 8 – Kathy Vosburg District 9 – Fred Miller District 12 – Bob Smith District 13 – Joe Sabatini

FINAL AGENDA

DATE/TIME: Thursday, October 13, 2016 7 p.m.

COMMITTEE: Full Board

COMMITTEE CO-CHAIRS: Board Chair Flynn and Vice-Chair Tocco

COMMITTEE MEMBERS: Committee of the Whole

LOCATION: Room 126, Oakland University / Anton Frankel Center, 20 S. Main Street Mount Clemens, MI

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Adoption of Agenda
5. Invocation by G. Patrick Thompson
6. Approval of Minutes dated **October 6, 2016** **(page 1)**
7. Public Participation
(Five minutes maximum per speaker, or longer at the discretion of the Chairperson, related only to issues on the agenda)
8. Correspondence from Executive (**none**)
9. Appointments:

Board Appointment

- a. Macomb County Human Services Board **(page 5)**
1 Vacancy; 3 Year Term
(initial appointment will expire on 10-31-16)

1 Application is Attached

Executive Appointment with Board Concurrence

- b. Ethics Board **(page 16)**
1 Vacancy; 5 Year Term
(initial appointment will expire on 10-28-16)

1 Application is Attached

- 10. Introduction of Retirement Ordinance Restatement – Tom Michaud, VanOverbeke, Michaud & Timmony P.C. **(page 24)**

- 11. Committee Reports:
 - a. Infrastructure and Economic Development , October 11 **(none)**
 - b. Finance, October 12 **(page 88)**

- 12. Board Chair Report **(page 102)**

- 13. New Business

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

- 15. Roll Call

- 16. Adjournment

###

**UNOFFICIAL MINUTES OF THE
MACOMB COUNTY COMMISSION
FULL BOARD MEETING
OCTOBER 6, 2016**

The Macomb County Commission met at 11:11 a.m. on Thursday, October 6, 2016 at Oakland University / Anton Frankel Center, 20 S. Main Street, Room 126, Mount Clemens. Chair Flynn called the meeting to order.

ROLL CALL

NAME	DISTRICT	PRESENT	NOT PRESENT
Don Brown	7		X
James Carabelli	6	X	
Andre Duzyj	1	X	
David Flynn	4	X	
Veronica Klinefelt	3	X	
Steve Marino	10	X	
Robert Mijac	5	X	
Fred Miller	9	X	
Joe Sabatini	13	X	
Marvin Sauger	2	X	
Bob Smith	12	X	
Kathy Tocco	11	X	
Kathy Vosburg	8	X	

AGENDA

MOTION

A motion was made by Commissioner Sauger, to approve the agenda, supported by Commissioner Duzyj. **THE MOTION CARRIED.**

MINUTES

A motion was made by Commissioner Klinefelt, to approve the minutes dated September 15, 2016, supported by Commissioner Smith. **THE MOTION CARRIED.**

PUBLIC PARTICIPATION

None

CORRESPONDENCE FROM EXECUTIVE

None

APPROVE THE ENGINEERING CONTRACT FOR TRAFFIC OPERATIONS ENGINEERING SERVICES

MOTION

- R16-203** A motion was made by Commissioner Vosburg, to approve the engineering contract for traffic operations engineering services with AECOM for the continued staffing of the traffic operations center, supported by Commissioner Marino.

THE MOTION CARRIED.

GOVERNMENT OPERATIONS COMMITTEE – October 4, 2016

No report.

JUSTICE AND PUBLIC SAFETY COMMITTEE – October 5, 2016

No report.

HEALTH AND HUMAN SERVICES COMMITTEE – October 5, 2016

No report.

FINANCE COMMITTEE – October 6, 2016

The reading of the recommendations from the Finance Committee meeting was waived and a motion was made by Commissioner Miller, supported by Commissioner Brown, to adopt the committee recommendations.

- R16-204** Approve a two-year agreement between the Macomb County Executive Office and Governmental Consultant Services, INC. (GCSI); further, a copy of this Board of Commissioners' action is directed to be delivered forthwith to the Office of the County Executive.
- R16-205** Concur with the recommendation of corporation counsel concerning the case of Tyiana Neal vs. Macomb County, et al; further, a copy of this Board of Commissioners' action is directed to be delivered forthwith to the Office of the County Executive.
- R16-206** Approve the purchase of purchase of a FARO Technologies Focus X Series 30 laser scanner and software; 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.

RECEIVE AND FILE

MOTION

R16-207 A motion was made by Commissioner Carabelli, to receive and file the response letter from Public Works to address an item presented at the Board of Commissioners Meeting on September 15, 2016 by Plante Moran as part of its county audit, supported by Commissioner Marino.

THE MOTION CARRIED.

PROCLAMATION

MOTION

A motion was made by Commissioner Carabelli, to adopt the following Proclamation, supported by Commissioner Smith.

R16-208 Commending the International Academy of Macomb for Achieving High Ranking in the 2016 US News and World Report National High School Best Overall Public Schools. (Offered by Klinefelt; recommended by Government Operations on 10/04/16)

THE MOTION CARRIED.

NEW BUSINESS

Chair Flynn reminded Commissioners about the upcoming budget reviews on Tuesday and Wednesday next week and a Full Board meeting on Thursday evening. Also on Thursday evening there will be an education session for retirement ordinance restatement.

PUBLIC PARTICIPATION

Joe Hunt, 8306 Stanley, Warren
Karen Spranger, 7520 Hudson, Warren

ROLL CALL

NAME	DISTRICT	PRESENT	NOT PRESENT
Don Brown	7		X
James Carabelli	6	X	
Andre Duzyj	1	X	
David Flynn	4	X	
Veronica Klinefelt	3	X	
Steve Marino	10	X	
Robert Mijac	5	X	
Fred Miller	9	X	
Joe Sabatini	13	X	
Marvin Sauger	2	X	
Bob Smith	12	X	
Kathy Tocco	11	X	
Kathy Vosburg	8	X	

ADJOURNMENT

MOTION

A motion was made by Commissioner Duzyj to adjourn, supported by Commissioner Tocco.
THE MOTION CARRIED.

Chair Flynn adjourned the meeting at 11:26 a.m., until the call of the Chair.

David Flynn, Chair

Carmella Sabaugh, County Clerk

October Boards/Commissions Appointment Summary

Macomb County Human Services Board

The Human Services Board administers the provision of social welfare services in the County. Operations of the Martha T. Berry Medical Care Facility are under the general control of the Social Services Board, as required under the Social Welfare Act. Additionally, the Joint Operation Agreement of January 22, 2009, specifies the operational control of MTB belongs with the Social Services Board.

- One (1) vacancy created by term expiration as of 10-31-16
- Three year term begins 11-01-2016 to 10-31-2019.
- Current HSB membership:

Janice Nearon, state appointee	Term: 10-31-2018
Penny Hader, BOC appointee	Term: 10-31-2017
Roger Facione, BOC appointee	Term: 10-31-2016
- Method of Appointment: Board Vote

One (1) Application received for appointment:

- G. Patrick Thompson

Appointment vacancy advertised:

1. County website (since January 2016)
2. Word of mouth
3. Two news releases (July, September)
4. Board Chair report
5. BOC email notification

Ethics Board – Confirmation of OCE Nomination

- One (1) vacancy created by term expiration; five year term beginning upon appointment to 03-31-2021
- Method of Appointment: Confirm OCE Nomination

Nominee:

- Brian Gabriel



Application forms (available at www.macombBOC.com) and submission materials should be sent to:

Macomb County Board of Commissioners
 1 S. Main Street, 9th Floor
 Mt. Clemens, MI 48043

One vacancy created by term expiration. Applications due by **5pm on Tuesday, September 27, 2016**. Public interviews to be held on **Tuesday, October 4, 2016** at the 9am Government Operations Committee meeting. Applicants are encouraged to attend this meeting. Appointment is expected to be made at a Full Board meeting to be held in October, 2016.

Name of Board/Commission	Macomb County Human Services Board
Origin	PA 280 ('39) MCL 400.45 and MCL 400.46 Page 18, 19 of County Organizational Plan
Appointment Authority	Board of Commissioners (R13-124)
Function	Per PA 280 (1939), the Human Services Board, administers the provision of social welfare services in the County. Operations of the Martha T. Berry Medical Care Facility are under the general control of the Social Services Board, as required under the Social Welfare Act. Additionally, the Joint Operation Agreement of January 22, 2009, specifies the operational control of the Martha T. Berry Facility belongs with the Social Services Board. MCL §400.45 requires the existence of the board. MCL §400.46 requires per diem, (\$35) established by BOC.
Membership Composition	3 members. In addition to the 2 appointees by Macomb County, the State Welfare Commission appoints 1 delegate
Term	3 years

NEWS

Macomb County Board of Commissioners



FOR IMMEDIATE RELEASE
July 15, 2016

Media contact: Patti Dib, BOC Chief of Staff
586.469.6484
patti.dib@macombgov.org

Board of Commissioners Seeking Human Services Board Applicants

MOUNT CLEMENS- The Macomb County Board of Commissioners is seeking to fill an upcoming vacancy on the Human Services Board.

The Human Services Board administers the provisions of the county's social welfare services per Public Act 280 (1939). Operations of the Martha T. Berry Medical Facility are under the general control of the Human Services Board, as required under the Social Welfare Act. Additionally, the Joint Operation Agreement of January 22, 2009, specifies the operational control of the Martha T. Berry Medical Care Facility belongs with the Human Services Board.

This is a three year term beginning November 1, 2016, and the appointed candidate would serve with another appointed Macomb County resident and a delegate appointed by the State Welfare Commission. A required per diem of \$35/meeting is paid; the group generally meets once or twice a month.

Applications for this appointment are due by 5 p.m. on September 27. Public interviews will be held during the Government Operations Committee meeting scheduled for 9am on October 4, 2016. The appointment will be voted on at a subsequent Full Board meeting.

Application forms – which must be notarized – are available at www.macombBOC.com through the “Boards and Commissions” tab. Application materials should be submitted to:

Macomb County Board of Commissioners
1 S. Main Street, 9th Floor
Mt. Clemens, MI 48043

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For more news from the Macomb County Board of Commissioners, check www.MacombBOC.com

or visit us on Facebook or @MacombBoC on Twitter.

NEWS

Macomb County Board of Commissioners



FOR IMMEDIATE RELEASE
September 22, 2016

Media contact: Patti Dib, BOC Chief of Staff
586.469.6484
patti.dib@macombgov.org

Board of Commissioners Seeking Human Services Board Applicants

MOUNT CLEMENS- The Macomb County Board of Commissioners is seeking to fill an upcoming vacancy on the Human Services Board.

The Human Services Board administers the provisions of the county's social welfare services per Public Act 280 (1939). Operations of the Martha T. Berry Medical Facility are under the general control of the Human Services Board, as required under the Social Welfare Act. Additionally, the Joint Operation Agreement of January 22, 2009, specifies the operational control of the Martha T. Berry Medical Care Facility belongs with the Human Services Board.

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Macomb County Board of Commissioners
1 S. Main Street, 9th Floor
Mt. Clemens, MI 48043

Please note: the October 4, 2016, Government Operations Committee meeting at 9 a.m. will be held at the OU/Macomb Anton Frankel Center, 20 S. Main, Mount Clemens, due to renovation activities currently going on at the Board Office.

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For more news from the Macomb County Board of Commissioners, check www.MacombBOC.com

or visit us on Facebook or @MacombBoC on Twitter.



Dave Flynn <dave.flynn@macombgov.org>

Human Services Board Appointment

1 message

Patti Dib <patti.dib@macombgov.org>

Thu, Sep 22, 2016 at 3:09 PM

To: Andrey Duzyj <andrey.duzyj@macombgov.org>, Bob Smith <rwsmith.37@gmail.com>, Dave Flynn <dave.flynn@macombgov.org>, Don Brown <doncbrown@hotmail.com>, Fred Miller <commish.fmiller@gmail.com>, Jim Carabelli <jimcarabelli@comcast.net>, Joe Sabatini <joesabatini@live.com>, Kathy Tocco <kathy.tocco@macombgov.org>, Kathy Vosburg <kathy.vosburg@macombgov.org>, Marv Sauger <marv.sauger@macombgov.org>, Rob Mijac <rmijac@comcast.net>, Steve Marino <steve.marino@macombgov.org>, Veronica Klinefelt <vklinefelt@gmail.com>

Commissioners:

Please be aware there is an upcoming vacancy on the Human Services Board. If you know of a candidate who may be interested, please ask them to complete an application and submit to the Board Office. See below for more information:

The Human Services Board administers the provisions of the county's social welfare services per Public Act 280 (1939). Operations of the Martha T. Berry Medical Facility are under the general control of the Human Services Board, as required under the Social Welfare Act. Additionally, the Joint Operation Agreement of January 22, 2009, specifies the operational control of the Martha T. Berry Medical Care Facility belongs with the Human Services Board.

This is a three year term beginning November 1, 2016, and the appointed candidate would serve with another appointed Macomb County resident and a delegate appointed by the State Welfare Commission. A required per diem of \$35/meeting is paid; the group generally meets once or twice a month.

Applications for this appointment are due by 5 p.m. on September 27. Public interviews will be held during the Government Operations Committee meeting scheduled for 9am on October 4, 2016. The appointment will be voted on at a subsequent Full Board meeting.

Application forms – **which must be notarized** – are available at www.macombBOC.com through the "Boards and Commissions" tab. Application materials should be submitted to:

Macomb County Board of Commissioners

Attention: Board Chair Dave Flynn

1 S. Main Street, 9th Floor

Mt. Clemens, MI 48043

For your convenience, an application and info sheet are also attached to this email.

Patti Dib

Chief of Staff, Macomb County Board of Commissioners

Macomb County Green Schools Coordinator

One South Main Street, 9th Floor

Mount Clemens, MI 48043

586.469.6484

www.macombBOC.com

@MacombBOC

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

TO THE MACOMB COUNTY BOARD OF COMMISSIONERS:

STATE OF MICHIGAN)

)ss

COUNTY OF MACOMB)

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

Human Services Board

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:

Bachelor of Arts, Master of Divinity (M.Div.), Doctor of Ministry (D.Min.)

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

Title/Board-Commission: Delegate to the County Convention, Democratic Party

Appointment/Election Date: August, 2016

Title/Board-Commission:

Appointment/Election Date:

Title/Board-Commission:

Appointment/Election Date:

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

Title/Board-Commission: N/A

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.

None

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

None

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:

I have a passionate interest and commitment in the delivery of healthcare services to a vulnerable population. In fact, my entire life has been about human services. I am reasonably articulate and capable of learning new facts quickly and easily. I believe I will represent the residents of Macomb County well while functioning as a good steward of county resources.

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:

G. Patrick Thompson

Date:

September 24, 2016

Subscribed and sworn to before me this

24

day of

September

2016



Notary Public

Macomb County, Michigan

My Commission expires:

JULY 30, 2018

K MURRAY
Notary Public, Macomb County, MI
Commission Expires July 30, 2018

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

G. PATRICK THOMPSON

18431 Mesle St.
 Roseville, Michigan 48066
 Residence (586) 350-0202
 Mobile (313) 585-9620
 Email: revgpt@outlook.com

SEEKING: Strategic position within a health care delivery system or advocacy organization in which my superior and proven educational, communication, interpersonal, and persuasion skills may be effectively demonstrated and utilized.

FORMAL EDUCATION

Clinical Pastoral Education, DMC Sinai-Grace Hospital
 Doctor of Ministry, Ecumenical Theological Seminary
 Master of Divinity, McCormick Theological Seminary
 Thomas M. Cooley Law School
 Bachelor of Arts (English), Wayne State University

WORK EXPERIENCE

- Senior Chaplain and Bereavement Coordinator, Metro Hospice
- Aftercare Specialist, Dignity Memorial Funeral Homes
- Chaplain, Livonia Woods Nursing & Rehabilitation Center, Livonia, MI
- Pastor, Erin Presbyterian Church (USA), Roseville, Michigan
- Adjunct faculty, Ecumenical Theological Seminary, Detroit, Michigan
- Pastor, Church of Our Saviour Presbyterian, West Bloomfield, Michigan
- Chaplain, West Bloomfield Fire Dept.
- Interim Youth Director, St. Paul's Presbyterian Church (USA), Livonia, Michigan
- Supply Pastor, Ecorse Presbyterian Church (USA), Ecorse, Michigan
- Director, Unemployment Insurance Clinic, International Union, UAW

SIGNIFICANT SKILLS AND PROFESSIONAL ACCOMPLISHMENTS

- Pastoral care and worship leadership—pastored four congregations in Metro Detroit
- Grief support—worked with large funeral home chain in funeral pre-planning and aftercare for the bereaved

- Strategic planning—led statewide United Way Agency in effective organizational planning and revision.
- Community organizing—helped establish two southwest Detroit community organizations and one city-wide organization as significant stakeholders at various levels of civic dialog and involvement; successfully established statewide effort to defeat a ballot initiative.
- Legislative and administrative advocacy—have been significantly influential with a major state agency on behalf of working families; significant lobbying in Lansing and Washington, DC for public policy initiatives affecting southeast Michigan and the City of Detroit.
- Fund development—established first endowment fund at Erin Presbyterian Church (USA).
- Communication and public relations—proficient preacher and speaker; keynote speaker, NAACP Legal Defense and Education Fund national conference.

CIVIC AND COMMUNITY EXPERIENCE

- Former board member, Metropolitan Jail Ministry
- Former president, Michigan Council on Crime and Delinquency, Lansing, Michigan
- Former board member, Team for Justice, Detroit, Michigan
- Former board member, Boys and Girls Republic, Farmington Hills, Michigan
- Former board member, Detroit Area Council, Boy Scouts of America
- Co-founder and president, Michigan Coalition for a Just Supreme Court
- Co-founder, Council Against Gang-Related Violence (southwest Detroit)
- Founding board member, Presbyterian Development Corporation of Detroit
- Co-chair, Detroit Empowerment Zone Public Safety Task Force
- Co-founder, The Jeremiah Project (southwest Detroit)
- Graduate of Gamaliel Foundation Community Organizing and Leadership Training
- Former Chair, Parks and Recreation Task Force, Metropolitan Organizing Strategy Enabling Strength (MOSES)
- Worked with MOSES, Detroit Police Department, and Wayne County Sheriff to have metro Detroit designated as Federal High Intensity Drug Trafficking Area (HIDTA)
- Former Chair, MOSES Public Transportation Task Force
- Worked with Detroit Area Regional Chamber and other stakeholders for passage of Detroit Area regional Transit Authority (DARTA) legislation

REFERENCES

Professional references will be supplied on request.

HOME RULE CHARTER EXCERPT re: ETHICS BOARD

- (d) *Commission* means the County Board of Commissioners created by this Charter.
- (e) *Commissioner* means a member of the Commission. Commissioners are home rule county officers under this Charter.
- (f) *Constitution* means the Constitution of the State of Michigan, as amended.
- (g) *County* means Macomb County, Michigan.
- (h) *Countywide Elected Official* means the holder of an office in County government which is elected on a countywide basis. Countywide Elected Officials are home rule county officers under this Charter.
- (i) *Employee* means a person hired and employed in a position in County government.
- (j) *Ethics Board* means the Board of Ethics as created in this Charter.
- (k) *Ethics Board Member* means a member of the Board of Ethics.
- (l) *Executive* means the person holding the office of County Executive created by this Charter.
- (m) *Including and included* mean including, or included, without limitation.
- (n) *Majority of the Commission or other multi-member body* means a majority of the non-vacant positions.
- (o) *Organization Plan* means a plan of organization or reorganization proposed and approved as provided in this Charter.
- (p) *Public Servant* means a Countywide Elected Official, Commissioner, Appointee, or Employee.

ARTICLE II**ETHICS****Section 2.1 Standards**

Public Servants of the County shall observe the highest standards of ethical conduct and are obligated to:

- (a) Comply with all laws and policies of County government;
- (b) Be independent, impartial, and fair in their judgment and actions;
- (c) Use their public office for the public good, not for personal gain;
- (d) Conduct public business openly, as provided by law, in an atmosphere of respect and civility; and
- (e) Cooperate fully with any request of the Ethics Board for information or assistance, subject to law.

Section 2.2 Ethics Ordinance Mandated

Within 1 year after the effective date of this Charter, the Commission shall adopt an ethics ordinance governing all Public Servants.

Section 2.3 Ethics Ordinance Provisions

At a minimum, the ethics ordinance shall:

- (a) Define “conflict of interest” and prohibit a Public Servant from acting on a decision or transaction where an interest of the Public Servant, including a partisan political interest, is in actual or apparent conflict with an actual or apparent interest of the County.
- (b) Require a Public Servant to disclose personal interests in all contracts involving the County; the receipt of all gifts from persons doing, or seeking, or who may reasonably be expected to seek, County business; as well as other relationships which are, or may appear to be, a conflict of interest.
- (c) Define the circumstances in which acceptance of employment by a present or past Public Servant with another public or private entity is incompatible with the ethical duties of the Public Servant, and the extent to which such employment is prohibited.
- (d) Address the extent to which nepotism shall be prohibited in County hiring, appointments, and promotional decisions.
- (e) Define and prohibit all inappropriate political activity by Public Servants, including improper use of County time and property.
- (f) Define “confidential information of the County” and prohibit its disclosure by a Public Servant to a third party.
- (g) Define and prohibit the use of County resources and assets by a Public Servant for private purposes or commercial gain.
- (h) Define the disclosure requirements for potential and existing County vendors.
- (i) Provide sanctions for violations of the ethics ordinance.

Section 2.4 Board of Ethics

2.4.1 The Board of Ethics is created.

2.4.2 The Ethics Board consists of 5 members, nominated by the Executive and subject to approval by the Commission. The Commission shall vote on approval within 60 days of receipt of a nomination from the Executive. If the Commission fails to act upon a nomination within that time, the Executive’s nomination becomes effective.

2.4.3 Ethics Board Members serve without compensation.

2.4.4 Ethics Board Members are appointed for 5-year terms, with the terms of not more than 2 Ethics Board Members expiring in any 1 year. Of the initial appointments, 2 shall expire February 1, 2013, 2 shall expire February 1, 2014, and 1 shall expire February 1, 2015.

2.4.5 Ethics Board Members must be qualified electors in the County.

2.4.6 Persons who have been Public Servants, other than unpaid Appointees, at any time in the preceding 2 years, their immediate family members, and other individuals as provided by ordinance, are ineligible to serve on the Ethics Board.

2.4.7 An Ethics Board Member may not be an officer of a political party.

2.4.8 An Ethics Board Member may be removed by the Executive for cause with the approval of the Commission.

Section 2.5 Powers and Duties of the Ethics Board

2.5.1 Within 180 days after approval of the 5 initial Ethics Board Members, the Ethics Board shall propose rules of procedure for the enforcement of the ethics provisions of this Charter, ordinance, and law, and submit them to the Commission for approval by resolution. The approved rules shall be filed with the County Clerk. If the Commission fails to approve or reject the proposed rules within 60 days after submission, the rules become effective.

2.5.2 The Ethics Board may prepare educational materials regarding applicable ethics standards after consultation with the affected Agencies and conduct training programs for Public Servants.

2.5.3 The Ethics Board shall provide a procedure whereby a Public Servant may obtain informal guidance for understanding and complying with applicable ethics standards.

2.5.4 On the request of a Public Servant, or the supervisor of an Employee, concerning action by the Public Servant, the Ethics Board may render an advisory opinion.

Section 2.6 Complaints and Sanctions

2.6.1 A complaint alleging violation of an applicable ethics provision may be filed with the Ethics Board. The complaint must be signed by the complainant whose identity, as well as all information relating to the complaint, shall be kept confidential except as required by law or ordinance. Whenever an Agency receives a complaint alleging an ethics violation or determines that an ethics violation may have occurred, it shall refer the matter to the Ethics Board.

2.6.2 If the Ethics Board determines that a complaint is supported by probable cause, it shall proceed to resolve the complaint in accordance with its rules of procedure, which shall include notice and an opportunity to be heard. The Ethics Board may subpoena witnesses, compel the production of evidence, and administer oaths.

2.6.3 The Ethics Board may investigate any matter related to its responsibilities.

2.6.4 The Ethics Board may seek the assistance of Corporation Counsel or, with the approval of the Commission, may retain outside counsel.

2.6.5 Ethics Board determinations are final, reviewable only by a court as provided by law.

Section 2.7 Retaliation Prohibited

A Public Servant shall not take retaliatory action of any type against the complainant or a witness, and any such retaliatory action is itself a violation of the ethics provisions of the County.

Section 2.8 Annual Report

The Ethics Board shall submit an annual report to the Commission as required by ordinance.

Section 2.9 Exemption from Reorganization

The Ethics Board is exempt from reorganization under an Organization Plan.

Section 2.10 Funding

The County shall provide an annual appropriation and resources sufficient to enable the Ethics Board to perform its duties.

ARTICLE III

EXECUTIVE

Section 3.1 Executive

The office of County Executive is created and the executive power of the County is vested in the Executive, who is the head of the executive branch of County government.

Section 3.2 Election and Term

The Executive shall be elected at large on a partisan basis for a 4-year term. State law procedures and deadlines applicable to filing for office by candidates for Countywide Elected Officials elected under Article VI, and the conduct and canvass of such county elections, shall also apply to the office of Executive, except the Executive shall be elected for a term concurrent with the term of the governor.

Section 3.3 Qualifications of the Executive

A person who is a registered and qualified elector in the County as of the filing deadline for the office of Executive is qualified to serve as the Executive.



Macomb County Executive Mark A. Hackel

Mark F. Deldin
Deputy County Executive

TO: Dave Flynn, Board Chair

FROM: Mark A. Hackel, County Executive

DATE: August 16, 2016

RE: **ETHICS BOARD APPOINTMENT**

As provided under Macomb County Home Rule Charter, Section 2.4.2, this memorandum serves as notice of the Executive's nomination to the Ethics Board as presented to you for Board approval:

- Mr. Brian Gabriel to fill term to expire February 1, 2021 (see attached application)

Thank you for your attention to this transmittal and I am available to answer any questions or concerns which you or the Board members may have.

MAH/smc

cc: Brian Gabriel



**APPLICATION FOR APPOINTMENT
MACOMB COUNTY BOARD OR COMMISSION**
(Please note: Only legible applications can be considered)

I, Brian Gabriel hereby make application for appointment to the Macomb County
(Name - Please print legibly)
Ethics Board for five years from September 2016
(Name of Board or commission - Please print legibly) (Number of Years) (Exact Dates of Appointment)
to August 2021

TO THE MACOMB COUNTY EXECUTIVE:
STATE OF MICHIGAN)
)SS
COUNTY OF MACOMB)

I reside at (Present Address): 56317 Ashbrooke Dr. W	Since: 2011	Citizen of: United States
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City: Shelby Township	State: MI	Zip Code: 48316
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Home Telephone Number: (586) 260-1584	Work Telephone Number: (586) 260-1584	Cell Phone Number: (586) 260-1584
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E-mail Address: brian.gabriel11@gmail.com	I am at least 18 Years of Age: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Mailing Address (if different than above):	I am currently registered to vote: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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City:	State:	Zip Code:
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Employer: Blue Cross Blue Shield of Michigan	Telephone: (313) 348-8656	Title: Business Development Manager
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City: Detroit	State: MI	Zip Code: 48226	Nature of Work: Insurance
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Education - Graduate from High School? Yes No

Degree Received: Diploma - Lutheran North High School	Degree Received: B.A. Supply Chain Mgmt - Michigan State University	Degree Received: M.B.A - Oakland University
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I presently hold the following appointments and elected positions:

Title:	Appointment or Election Date:
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Title:	Appointment or Election Date:
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Title:	Appointment or Election Date:
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Previously held appointments and/or elected positions:

Title:	Dates Served:
Title:	Dates Served:
Title:	Dates Served:

Have you ever been convicted of a felony? If yes, list each below:

Date of Offense:	Nature of Offense/Violation:	Name/Location of Court:	Penalty Imposed (If any) / Disposition:

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, list the interest (except where required for the appointment):

List any family members who are or have been employed by Macomb County or are or have been elected to County Offices:

Dominic Gabriel (cousin) - Corrections Officer (current)
 Kim Davies (aunt) - Macomb County Sheriff's Office (retired)

Is this an application for reappointment?:

Yes No

If so, how many years have you served on this board?:

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

# of Meetings Attended:	# of Meetings Held:
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Comments/Clarification (*only if necessary*):

Briefly indicate your qualifications for appointment to this specific board and why you believe your appointment will benefit Macomb County:

I am a life-long Macomb County resident who is passionate about serving my community. I recently completed the Leadership Macomb program (Class XIX) and believe the knowledge gained during LM gives me a broad understanding of Macomb County. I am a person of high morals, and I take pride in leading by example. Ensuring that those who serve in the community do so in an ethical fashion is important to me. I am capable of providing unbiased evaluations of situations where ethical behavior is questioned. Further, I am someone who pays attention to detail and has the ability to follow up based on facts in order to form an objective conclusion. I am willing to devote the necessary time to effectively serve in this role. I understand the importance of discretion and confidentiality and would abide by any confidentiality or non-disclosure agreements.

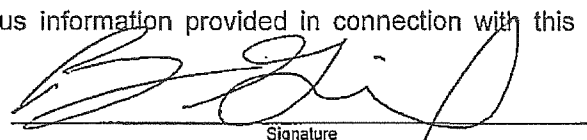
I hereby apply for appointment to: Ethics Board

Board or Commission

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 appointed position applied for; and (4) to the best of my knowledge and belief, I possess the requisite qualifications for the office I am seeking.

I further certify that I can and will upon request substantiate all statements and information provided by myself on this application and that all statements are complete and correct to the best of my knowledge.

I also understand that any false statements or erroneous information provided in connection with this application may be cause for rejection of appointment.


Signature

Brian Gabriel

Name (Print or Type)

July 25, 2016

Date

Subscribed and sworn to before me this _____
_____ day of _____, 20 _____.

Notary Public, Macomb County, Michigan

My Commission Expires: _____

PLEASE SIGN AND RETURN YOUR COMPLETED APPLICATION TO:
PAMELA LAVERS
C/O MACOMB COUNTY EXECUTIVE OFFICE
1 S. MAIN, 8TH FLOOR
MT. CLEMENS, MI 48043

Note: Applicants may - but it is not required - attach additional information pertaining to this Application for Appointment. Attachments may not exceed the maximum for each of the listed below:

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

The following is for Office use only:

Appointment:

Signature of Authorized Personnel

Approved Denied

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SECTION 1. ESTABLISHMENT AND PURPOSE

~~Under the authority of Section 12a of Act No. 156 of the Public Acts of 1851, as added by Act No. 249 of the Public Acts of 1943, as amended, there is hereby established the Macomb County Employees Retirement System, for the purpose of providing pension and retirement benefits for the employees of the County of Macomb and employees and officials of its several offices, departments and boards, including the County Board of Road Commissioners and its employees.~~

THE MACOMB COUNTY EMPLOYEES RETIREMENT SYSTEM (MCERS), ESTABLISHED EFFECTIVE MAY 1, 1946 UNDER AUTHORITY OF THE COUNTY BOARD OF COMMISSIONER ACT, PUBLIC ACT 46.12A OF 1851, AS AMENDED (MCL §46.12A) IS CONTINUED FOR THE PURPOSE OF PROVIDING RETIREMENT BENEFITS FOR THE MEMBERS OF MCERS AND SURVIVOR BENEFITS TO THEIR QUALIFYING BENEFICIARIES.

THIS ORDINANCE MAY BE CITED AS THE MCERS ORDINANCE.

THIS RESTATEMENT WILL APPLY TO INDIVIDUALS EMPLOYED BY THE COUNTY ON AND AFTER THE EFFECTIVE DATE OF THE RESTATEMENT. THE RETIREMENT RIGHTS OF AN INDIVIDUAL WHOSE EMPLOYMENT TERMINATED BEFORE THE EFFECTIVE DATE OF THIS RESTATEMENT WILL BE GOVERNED BY THE PROVISIONS OF MCERS IN EFFECT ON THE DATE THE INDIVIDUAL LAST TERMINATED EMPLOYMENT.

THIS ORDINANCE SHALL BE PUT INTO EFFECT IMMEDIATELY UPON FINAL PASSAGE BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MACOMB WITH AN EFFECTIVE DATE OF _____, ____.

SECTION 2. DEFINITIONS

The following words and phrases as used in ~~this Ordinance~~ **THE MCERS ORDINANCE**, unless a different meaning is clearly required by the context, shall have the following meanings:

(1) “Accumulated Contributions” means the sum of all amounts deducted from the compensations of a member or paid in and credited to ~~his/her individual~~ **THE MEMBER’S** account in the ~~employees savings~~ **EMPLOYEES PENSION RESERVE** fund, together with regular interest thereon.

(2) **“ACTUARY” MEANS THE ACTUARY RETAINED BY THE BOARD TO ADVISE THE BOARD ON ACTUARIAL MATTERS REGARDING MCERS.**

(*) **“ACTUARIALLY EQUIVALENT” MEANS THAT THE TWO BENEFITS BEING COMPARED HAVE EQUAL ACTUARIAL PRESENT VALUES. ACTUARIAL EQUIVALENCIES SHALL BE CALCULATED USING ASSUMPTIONS ADOPTED BY THE BOARD.**

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(2) ~~(*)~~ “Beneficiary” means any person, except a retirant, who is in receipt of, or who is designated to receive, a ~~retirement allowance,~~ pension, or other benefit, payable by the Retirement System MCERS.

(*) “BOARD” MEANS THE BOARD OF COMMISSIONERS OF THE MACOMB COUNTY EMPLOYEES RETIREMENT SYSTEM.

~~(3) —“Compensation” means the salary or wages paid a member by the County for personal services rendered by him/her to the County, including cost of living allowance, longevity, sick leave, annual leave, overtime, holidays, retroactive wages, court time, per diem, commissioner special pays, shift leader pay, beeper pay, stand by pay, Martha T. Berry and Youth Home special pay and marine law pay. A member's annual compensation in excess of \$200,000 (as adjusted from time to time by the Internal Revenue Service) shall not be considered for purposes of calculating a member's retirement allowance under the Retirement System.~~

(*) “COMPENSATION” MEANS THE SALARY OR WAGES PAID AN EMPLOYEE FOR SERVICES RENDERED THE COUNTY WHILE A MEMBER OF MCERS. SALARY AND WAGES SHALL INCLUDE ALL PAYMENTS UNLESS OTHERWISE STATED BY BOARD RESOLUTION WHICH SHALL BE INCORPORATED INTO THE MCERS ORDINANCE BY REFERENCE. COMPENSATION FOR MEMBERS REPRESENTED BY COLLECTIVE BARGAINING AGENTS SHALL ALSO INCLUDE OR EXCLUDE THOSE ITEMS SPECIFICALLY PROVIDED IN THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT.

~~For Purposes of applying the limitations on benefits in Section 51, compensation shall include elective deferrals as defined in Code Section 402(g)(3) and any amount which is contributed or deferred by the County at the request of the Employee and which is not includible in the gross income of the employee by reason of Code Section 125, 135(f)(4) or 457.~~

~~In addition to other applicable limitations set forth in the Retirement System, and notwithstanding any other provision of the Retirement System to the contrary, for Retirement System fiscal years beginning on or after January 1, 1994, the annual compensation of each member taken into account under the Retirement System shall not exceed the OBRA '93 annual compensation limit. The OBRA '93' annual compensation limit is \$150,000, as adjusted by the Commissioner for increases in the cost of living in accordance with Code Section 401(a)(17)(B). The cost of living adjustment in effect for a calendar year applies to any period, not exceeding 12 months, over which compensation is determined (determination period) beginning in such calendar year. If a determination period consists of fewer than 12 months, the OBRA '93 annual compensation limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is 12.~~

~~For Retirement System fiscal years beginning on or after January 1, 1994, any reference in the Retirement System to the limitation under Code Section 401(a)(17) shall mean the OBRA '93 annual compensation limit set forth in this provision.~~

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~~If compensation for any prior determination period is taken into account in determining a member's benefits accruing in the current fiscal year of the Retirement System, the compensation for that prior determination period is subject to the OBRA '93 annual compensation limit in effect for that prior determination period. For this purpose, for determination periods beginning before the first day of the first fiscal year of the Retirement System beginning on or after January 1, 1994, the OBRA '93 annual compensation limit is \$150,000.~~

~~(4) (*) "County" means the County of Macomb COUNTY, State of Michigan, and shall include the ANY AGENCY OF Macomb County Road Commission, INCLUDING THE MACOMB COUNTY 16TH CIRCUIT, 42ND DISTRICT AND PROBATE COURTS, AND the Human Services Board and OPERATING the Martha T. Berry Medical Care Facility.~~

~~(5) "County Pension" means any annual amount, derived from money provided by the County, payable in equal monthly installments throughout the future life of a person, or for a temporary period as provided in this Ordinance.~~

~~(6) "County Pension Reserve" means that present value of all payments to be made on account of any County pension. The County pension reserve shall be computed upon the basis of such mortality and other tables of experience, and regular interest, as the Retirement Commission shall from time to time adopt.~~

~~(7) (*) "Credited Service" means service standing to a member's credit ED to A MEMBER TO the extent provided in this Ordinance THE MCERS ORDINANCE.~~

~~(8) (*) "Employee" means any person who is in the employ of the County and who is paid by the County 25 percent or more of all remuneration received by him/her for personal services rendered by him/her to all government units.~~

~~An employee includes judges of the Circuit Court, District Court and Probate Court employed by the County, based on the portion of his/her annual judicial salary attributable to the County.~~

~~An employee also includes persons employed at the Martha T. Berry Medical Care Facility regardless of whether or not that facility or the Human Services Board that supervises and operates that facility has a separate federal employer identification number.~~

~~For purposes of crediting service rendered, employees shall be considered as either of two classes:~~

~~(a) Full-time employees are those whose appointments to positions normally requiring 37.5 hours or more per week.~~

~~(b) Part-time employees are those persons whose appointments are to a position normally requiring 1,000 hours or more per year but less than 37.5 hours per week.~~

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~~(9) “Employee Pension” or “Annuity” means an annual amount, derived from a member’s accumulated contribution, payable in equal monthly installments throughout the future life of a person, or for a temporary period as provided in this Ordinance.~~

~~(10) “Employees Pension Reserve” or “Annuity Reserve” means the present value of all payments to be made on account of any employee pension or annuity. The employee pension reserve or annuity reserve shall be computed upon the basis of such mortality tables and regular interest as the Retirement Commission shall from time to time adopt.~~

~~(11) (*) “Final Average Compensation” **FOR MEMBERS HIRED BEFORE JANUARY 1, 2002 OR WHO WERE VESTED AS OF FEBRUARY 27, 2009** means the average of the highest annual compensations received by a member during a period of four **(4)** consecutive years of his/her credited service contained within his/her **THE MEMBER’S** ten **(10)** years **OF** credited service immediately preceding the date his/her **THE MEMBER’S** employment by the County terminates. If he/she **THE MEMBER** has less than five **FOUR (4)** years of credited service, his/her final average compensation shall be the average of his/her **THE MEMBER’S** annual compensation for his/her **THE** total period of credited service, provided, however, that the final average compensation of a member who is a Circuit Court Judge, District Court Judge or Probate Judge, when combined with the member’s final salary under the Probate Judges’ Retirement System or the Judges’ Retirement System shall not exceed the member’s total annual judicial salary, payable from all State and County sources, at the time of the member’s retirement.~~

FOR MEMBERS HIRED ON OR AFTER JANUARY 1, 2002 OR WHO WERE NOT VESTED AS OF FEBRUARY 27, 2009, “FINAL AVERAGE COMPENSATION” MEANS THE AVERAGE OF THE HIGHEST ANNUAL COMPENSATION RECEIVED BY A MEMBER DURING A PERIOD OF FIVE (5) CONSECUTIVE YEARS OF CREDITED SERVICE CONTAINED WITHIN THE MEMBER’S TEN (10) YEARS OF CREDITED SERVICE IMMEDIATELY PRECEDING THE DATE THE MEMBER’S EMPLOYMENT BY THE COUNTY TERMINATES. IF THE MEMBER HAS LESS THAN FIVE (5) YEARS OF CREDITED SERVICE, FINAL AVERAGE COMPENSATION SHALL BE THE AVERAGE OF THE MEMBER’S ANNUAL COMPENSATION FOR THE TOTAL PERIOD OF CREDITED SERVICE

FINAL AVERAGE COMPENSATION FOR MEMBERS REPRESENTED BY COLLECTIVE BARGAINING AGENTS SHALL BE CALCULATED BASED UPON THE PERIODS OF SERVICE SPECIFICALLY REFERENCED IN THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT.

FOR PURPOSES OF CALCULATING FINAL AVERAGE COMPENSATION THE TERM “YEAR” SHALL MEAN TWENTY SIX (26) CONSECUTIVE PAY PERIODS. THE PERIODS OF TIME TO BE USED FOR FINAL AVERAGE COMPENSATION SHALL BE CONSECUTIVE.

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RETROACTIVE PAYMENT OF COMPENSATION, IF ANY, SHALL BE RECOGNIZED IN THE PERIOD FOR WHICH THE COMPENSATION WAS EARNED NOT IN THE PERIOD IN WHICH THE COMPENSATION WAS RECEIVED.

(12) ~~“Final Compensation” means a member's annual compensation, which includes cost of living allowance, longevity, sick leave, annual leave, overtime, holidays, retroactive wages, court time, per diem, commissioner special pays, shift leader pay, beeper pay, stand by pay, Martha T. Berry and Youth Home special pay and marine law pay, at the time he/she last terminates his/her employment with the County.~~

(**) **“INSURABLE INTEREST” MEANS A REASONABLE BASIS, FOUNDED ON THE RELATIONS OF THE PARTIES, WHETHER PECUNIARY, CONTRACTUAL OR BY BLOOD OR AFFINITY, SUPPORTING THE CONTINUED LIFE OF THE MEMBER.**

(**) **“MEDICAL DIRECTOR” MEANS A PHYSICIAN OR ENTITY RETAINING PHYSICIANS WHO SHALL BE RESPONSIBLE FOR MEDICAL EXAMINATIONS AND CERTIFICATIONS REQUIRED UNDER THE PROVISIONS OF MCERS.**

(13) (*) **“Member” means any person included in the membership of the Retirement System UNDER SECTION 16 OF THE MCERS ORDINANCE .**

(*) **“PENSION” MEANS THE ANNUAL AMOUNT PAYABLE IN EQUAL MONTHLY INSTALLMENTS THROUGHOUT THE FUTURE LIFE OF A PERSON, OR FOR A TEMPORARY PERIOD AS PROVIDED IN THE MCERS ORDINANCE.**

(14) (*) **“Regular Interest” means such rate or rates of interest per annum, compounded annually, as the Retirement Commission BOARD shall from time to time adopt, subject to the approval of the County Board of Commissioners.**

(15) (*) **“Retirant” means any member who retires with a retirement allowance PENSION payable by the Retirement System MCERS.**

(16) (*) **“Retirement” means a member's withdrawal from the employ of the County with a retirement allowance PENSION paid by the Retirement System MCERS.**

(17) ~~“Retirement Allowance” means the sum of the employee pension and County pension payable to a retirant or beneficiary.~~

(18) ~~“Retirement Commission” or “Commission” means the Retirement Commission created in this Ordinance.~~

(19) (*) **“Retirement System” or “System MCERS” means the Macomb County Employees Retirement System established effective May 1, 1946.**

(20) (*) **“Service” means personal service rendered to the County AND QUALIFYING MILITARY SERVICE PURSUANT TO SECTION 20 OF THE MCERS ORDINANCE.**

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(*) “VESTED” MEANS ATTAINMENT OF: (1) EIGHT (8) OR MORE YEARS OF CREDITED SERVICE FOR MEMBERS HIRED BY THE COUNTY ON OR BEFORE DECEMBER 31, 2011; (2) FIFTEEN (15) YEARS OF CREDITED SERVICE FOR MEMBERS HIRED BY THE COUNTY DURING THE PERIOD OF JANUARY 1, 2012 TO DECEMBER 31, 2015; OR (3) FIVE (5) YEARS OF CREDITED SERVICE FOR MEMBERS HIRED BY THE COUNTY ON OR AFTER JANUARY 1, 2016.

(*) “VESTED FORMER MEMBER” MEANS AN INDIVIDUAL WHO WAS VESTED, CEASED TO BE A MEMBER FOR A REASON OTHER THAN RETIREMENT, AND WHO HAS NOT WITHDRAWN THEIR ACCUMULATED CONTRIBUTIONS.

(*) “WORKERS’ COMPENSATION” MEANS BENEFITS PAID UNDER THE WORKERS’ DISABILITY COMPENSATION ACT OF MICHIGAN ON ACCOUNT OF A MEMBER’S DISABILITY OR DEATH ARISING OUT OF AND IN THE COURSE OF COUNTY EMPLOYMENT.

~~(21)~~ **(*) “Workers’ Compensation Period” means the period a person is in receipt of workers’ compensation on account of a member’s disability or death arising out of and in the course of his/her County employment. If the said person is paid a single sum in lieu of his/her future workers’ compensation, his/her THE “workers’ compensation period” shall be the period, if any, he/she THE PERSON was in receipt of weekly workers’ compensation, plus the period arrived at by dividing the said single sum by his/her THE PERSON’S weekly workers’ compensation award. FOR PURPOSES OF THIS SECTION, ATTORNEY FEES, AMOUNTS SPECIFICALLY ALLOCATED FOR PAST, PRESENT AND FUTURE MEDICAL EXPENSES, AND STATUTORY REDEMPTION FEES SHALL NOT BE INCLUDED IN THE SINGLE SUM WORKERS’ COMPENSATION AMOUNT.**

~~(22)~~ Words of the plural number with respect to persons shall include the singular number, and vice versa.

SECTION 3. RETIREMENT COMMISSION BOARD CREATED

There is hereby created a **THE** Retirement Commission **BOARD** in whom is vested the general administration, management and responsibility for the proper operation of the Retirement System **MCERS**, and for construing and making effective the provisions of this Ordinance **THE MCERS ORDINANCE. IN EXERCISING ITS AUTHORITY, THE BOARD SHALL EXERCISE THE CARE, SKILL, PRUDENCE, AND DILIGENCE UNDER THE CIRCUMSTANCES THEN PREVAILING, THAT A PERSON OF PRUDENCE, ACTING IN A LIKE CAPACITY AND FAMILIAR WITH SUCH MATTERS, WOULD USE IN THE CONDUCT OF AN ENTERPRISE WITH LIKE AIMS.**

SECTION 4. RETIREMENT COMMISSION BOARD MEMBERS

The Retirement Commission **BOARD** shall **BE A QUASI-JUDICIAL BODY** consistING of seven **(7)** commissioners **TRUSTEES**, as follows:

(a) The County Executive or his/her **THE COUNTY EXECUTIVE’S** designee.

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- (b) The Treasurer or ~~his/her~~ **THE TREASURER'S** designee.
- (c) The chairperson of the **MACOMB COUNTY** Board of Commissioners or ~~his/her~~ ~~Board of Commissioners'~~ **THE CHAIRPERSON'S** designee.
- (d) The director of the **MACOMB COUNTY** ~~d~~Department **OF ROADS** responsible for the functions formally performed by the ~~County Road Commission~~.
- (e) Three active employees **MEMBERS** of the ~~Retirement System~~ **MCERS** elected by active employees **MEMBERS OF MCERS**. The election of the ~~members~~ **TRUSTEES** pursuant to this subsection shall be conducted in the manner provided by the rules and regulations adopted by the ~~Retirement Commission~~ **BOARD** to govern such elections.
- (f) One additional non-voting member shall be elected by retired County employees in the manner provided by the rules and regulations adopted by the ~~Retirement Commission~~ **BOARD**.

SECTION 5. ~~COMMISSIONER'S~~ TRUSTEES' TERM OF OFFICE

The regular term of the position of ~~commissioner~~ **TRUSTEE** for the ~~commissioners~~ **TRUSTEES** provided in Section 4(e) shall be three **(3)** years; one such term to expire annually.

SECTION 6. OATH OF OFFICE

Each member of the ~~Retirement Commission~~ **BOARD** shall, before assuming the duties of ~~commissioner~~ **TRUSTEE**, take an oath of office to be administered by the County Clerk **/REGISTER OF DEEDS**.

SECTION 7. VACANCY ON ~~COMMISSION~~ RETIREMENT BOARD

A vacancy shall occur in the **A TRUSTEE** position of ~~commissioner~~ upon the **TRUSTEE'S** separation of ~~any commissioner~~ from County service. A vacancy shall also occur if a ~~commissioner~~ **TRUSTEE** resigns **OR IS NO LONGER ELIGIBLE FOR MEMBERSHIP UNDER SECTION 16 OF THE MCERS ORDINANCE** or if a member elected ~~commissioner~~ becomes employed in the same department as another member elected ~~commissioner~~. If a vacancy occurs in the **A TRUSTEE** position of ~~commissioner~~ through separation from County service, or for other reasons, the vacancy shall be filled within **NINETY (90)** days after the date of the vacancy, for the unexpired term, in the same manner as the position was previously filled. **A TRUSTEE MAY BE REMOVED FROM THE BOARD IN ACCORDANCE WITH THE PUBLIC EMPLOYEE RETIREMENT SYSTEM INVESTMENT ACT, PUBLIC ACT 314 OF 1965, AS AMENDED ((MCL §38.1132 ET SEQ.)),**

[COMMENT: THE PROPOSED AMENDMENT REMOVES THE SAME DEPARTMENT RESTRICTION TO FACILITATE GREATER ELECTION PARTICIPATION, BUT MAY BE CONSIDERED A SUBSTANTIVE CHANGE TO PENSION BENEFITS.]

SECTION 8. ~~COMMISSION~~ RETIREMENT BOARD CHAIRPERSON OFFICERS – MEETINGS

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(A) The Retirement Commission BOARD shall elect from its members TRUSTEES a chairperson and a vice-chairperson.

(B) THE COUNTY FINANCE DIRECTOR SHALL BE THE SECRETARY OF THE BOARD AND SHALL SERVE AS THE ADMINISTRATIVE OFFICER OF MCERS.

(C) THE COUNTY TREASURER SHALL BE TREASURER OF MCERS AND SHALL BE THE CUSTODIAN OF ITS ASSETS, UNLESS THE BOARD DESIGNATES A CORPORATE CUSTODIAN WHICH SHALL BE A FEDERAL OR STATE CHARTERED BANK OR TRUST COMPANY.

(D) THE COUNTY CORPORATION COUNSEL SHALL BE LEGAL ADVISER TO THE BOARD. THE BOARD MAY ALSO RETAIN LEGAL COUNSEL.

~~(E)–It~~ THE BOARD shall adopt its own rules of procedure and shall keep a record of its proceedings. The Retirement Commission BOARD shall hold meetings regularly and shall designate the time and place thereof. All meetings of the Retirement Commission WHICH shall be public **HELD IN ACCORDANCE WITH THE OPEN MEETINGS ACT, PUBLIC ACT 267 OF 1976, AS AMENDED.**

SECTION 9. QUORUM – VOTING

Each commissioner TRUSTEE shall be entitled to one vote on each question before the Commission BOARD. Four **(4)** commissioners TRUSTEES shall constitute a quorum and at least four **(4)** concurring votes shall be necessary for a decision by the commissioners TRUSTEES at any meeting of the Commission BOARD.

SECTION 10. ~~COMPENSATION OF COMMISSIONERS~~ RESERVED

~~a) The commissioners provided for in Section 4 shall receive the same per diem compensation payable to members of the Macomb County Board of Commissioners for meetings, conferences, seminars and other activities, as approved by the Retirement Commission, except that the commissioners provided for in Section 4(e) shall serve without additional compensation for services rendered during regularly scheduled working hours. All commissioners shall be entitled to all expenses actually and necessarily incurred in attending meetings of the Retirement Commission and in performing required services as commissioners.~~

SECTION 11. RETIREMENT BOARD AUTHORITY; ~~OFFICERS AND ADVISERS OF THE RETIREMENT SYSTEM~~

~~(a) Professional and Other Services. The Retirement Commission shall employ such professional and other services as the Commission determines as shall be required for the proper operation of the Retirement System. Such services shall be paid in accordance with applicable laws. Employees so engaged shall be engaged and compensated in the same manner that similar employment is engaged and compensated by the departments of Macomb County government.~~

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~~(b) Secretary. In the absence of an appointed Retirement System administrative officer, the County Finance Director shall be the secretary of the Retirement Commission and the administrative officer of the Retirement System. If there is an administrative officer, the Finance Director shall be a budget and finance adviser to the Retirement Commission.~~

~~(c) Legal Advisor. The County Corporation Counsel shall be legal adviser to the Retirement Commission.~~

~~(d) Treasurer. The County Treasurer shall be treasurer of the Retirement Commission.~~

~~(e) Custodial Agent(s). The Retirement Commission shall appoint a custodial agent or agents who are not eligible to participate in the Retirement System either as a member or a beneficiary, to serve as custodian of the assets of the Retirement System. The custodial agent(s) shall give to the Retirement Commission regular accountings of the assets of the Retirement System and shall be directly responsible to and shall hold office at the pleasure of the Retirement Commission.~~

~~(f) Actuary. The Retirement Commission shall appoint an Actuary who is not eligible to participate in the Retirement System either as a member or as a beneficiary, to serve as the technical adviser to the Retirement Commission on matters regarding the operation of the Retirement System on an actuarial basis, and who shall perform such other services as are required in connection therewith. The Actuary shall be directly responsible to and shall hold office at the pleasure of the Retirement Commission.~~

~~(g) Medical Director. The Retirement Commission shall appoint as Medical Director a physician who is not eligible to participate in the Retirement System as a member nor as a beneficiary. The Medical Director shall be directly responsible to and hold office at the pleasure of the Retirement Commission; he/she shall arrange for and pass upon all medical examinations required under the provisions of the Retirement System; he/she shall investigate all essential statements and certificates of a medical nature by or on behalf of a member, or other claimant, in connection with any application for disability retirement, or death in line of duty benefits; he/she shall report in writing to the Retirement Commission his/her conclusions and recommendations on matters referred to him/her by the Commission. The Retirement Commission may also consult with other specialists as the need arises.~~

(A) THE BOARD SHALL HAVE THE POWERS NECESSARY TO CONSTRUE AND MAKE EFFECTIVE THE PURPOSES AND PROVISIONS OF THE MCERS ORDINANCE INCLUDING, BUT NOT LIMITED TO THE POWER:

(1) TO ADMINISTER THE MCERS ORDINANCE, INCLUDING THE MANAGEMENT OF MCERS' ASSETS AND MAKING EFFECTIVE THE PROVISIONS OF THE MCERS ORDINANCE;

(2) TO CREATE AND MAINTAIN RECORDS;

(3) TO MAKE AND ADOPT SUCH REASONABLE RULES AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE DUTIES OF THE BOARD AND ACTIVITIES OF THE MCERS, INCLUDING ANY RULES AND REGULATIONS

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NECESSARY TO PRESERVE THE STATUS OF THE MCERS AS A QUALIFIED PENSION PLAN CONSISTENT WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF THE UNITED STATES, AS AMENDED, OR UNDER SUCCESSOR OR RELATED PROVISIONS OF LAW;

(4) TO DESIGNATE COMMITTEES AND TO DESIGNATE COMMITTEE PARTICIPANTS, INCLUDING INDIVIDUALS WHO MAY NOT BE MEMBERS IN THE MCERS;

(5) TO RETAIN ACCOUNTING, ADMINISTRATIVE, ACTUARIAL, CUSTODIAL, INVESTMENT, LEGAL, MEDICAL, AND OTHER PERSONNEL AND SERVICES AS ARE NECESSARY TO COMPLY WITH THE PROVISIONS OF THE MCERS;

(6) TO PAY THE EXPENSES OF THE MCERS;

(7) TO DETERMINE WHO IS A MEMBER WITHIN THE MEANING OF THE PROVISIONS OF THE MCERS ORDINANCE;

(8) TO ADOPT, IN CONSULTATION WITH ITS ACTUARY, THE ACTUARIAL ASSUMPTIONS OF THE MCERS AS ARE REQUIRED IN THE OPERATION OF THE MCERS.

(9) TO THE EXTENT AUTHORIZED OR PERMITTED BY LAW, THE BOARD SHALL BE INDEMNIFIED AND HELD HARMLESS BY THE COUNTY AGAINST ANY AND ALL LIABILITIES, INCLUDING LEGAL FEES AND EXPENSES, ARISING OUT OF ANY ACT OR OMISSION MADE IN GOOD FAITH PURSUANT TO THE PROVISIONS OF THE MCERS ORDINANCE, OTHER THAN A WILLFUL FAILURE TO A DISCHARGE FIDUCIARY OBLIGATION OF WHICH A BOARD MEMBER IS AWARE. FURTHER, THERE SHALL BE NO INDEMNIFICATION WHERE A BOARD MEMBER IS FOUND BY A STATE OR FEDERAL AGENCY OR COURT OF COMPETENT JURISDICTION TO HAVE INCURRED LIABILITY DUE TO FRAUD, GROSS NEGLIGENCE, OR MALFEASANCE IN THE EXERCISE AND PERFORMANCE OF THE BOARD MEMBER'S DUTIES.

SECTION 12. ~~USE OF MONIES AND ASSETS; PROHIBITED ACTIONS~~

(a) All ~~monies and~~ assets of the ~~Retirement System~~ **MCERS** shall be held and invested for the sole purpose of meeting the legitimate obligations of the ~~Retirement System~~ **MCERS** and shall be used for no other purpose.

(b) ~~Members~~ **TRUSTEES** of the ~~Retirement Commission~~ **BOARD** and its employees, **IF ANY,** are prohibited from:

(1) Having a beneficial interest, direct or indirect, in an investment of the ~~Retirement System~~ **MCERS**.

(2) Borrowing Money or assets of the ~~Retirement System~~ **MCERS**.

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(3) Receiving any pay or emolument from any individual or organization providing services to the ~~Retirement System~~ MCERS other than compensation for services or reimbursement of authorized expenses paid by the ~~Retirement System~~ MCERS.

(C) NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO IMPAIR THE RIGHTS OF ANY MEMBER, RETIRANT OR BENEFICIARY OF THE MCERS TO BENEFITS PROVIDED BY THE MCERS.

SECTION 13. RECORDS

The secretary BOARD shall keep, or cause to be kept, such ~~data~~ RECORDS as shall be necessary for ~~an actuarial valuation of the assets and liabilities~~ THE ADMINISTRATION of the ~~Retirement System~~ MCERS.

SECTION 14. REPORT TO COUNTY BOARD OF COMMISSIONERS

(a) The ~~Retirement Commission~~ BOARD shall render an annual report to the County Board of Commissioners showing the fiscal transactions of the ~~Retirement System~~ MCERS for the year ending the preceding 31st day of December and a balance sheet showing the financial condition of the ~~Retirement System~~ MCERS ~~by means of~~ AND an actuarial valuation of the assets and liabilities of the ~~Retirement System~~ MCERS. **EXCEPT AS PROHIBITED BY LAW, THE** ~~The Retirement Commission~~ BOARD shall furnish ~~any information requested by~~ TO the County Board of Commissioners concerning the ~~Retirement System~~ MCERS UPON REQUEST ~~to said Board of its duly authorized representatives.~~

(b) ~~The Retirement Commission shall be subjected to an abide by all policies established by the Macomb County Board of Commissioners providing those are not in conflict with State law.~~

SECTION 15. MORTALITY AND OTHER TABLES

The ~~Retirement Commission~~ BOARD shall from time to time adopt such mortality and other tables of experience, and ~~a rate or rates of regular interest~~ RATE OF ASSUMED INVESTMENT RETURN, as are necessary in the ~~Retirement System~~ MCERS on an actuarial basis. ~~For purposes of determining actuarial equivalent Retirement Allowances, the Retirement Commission is currently using 7 1/2% interest rate and a RP 2000 Mortality Table, adjusted for projected mortality improvements to 2015 with no setbacks for males or females; provided, however, that for purposes of determining the actuarial equivalent of an Employee's accumulated contribution standing to his/her credit in the employee savings fund, the Retirement Commission is currently using the interest rate used by the Pension Benefit Guaranty Corporation for purposes of immediate lump sum payments determined for the month of January or July that immediately precedes the date on which the Member applies for his of her Retirement Allowance under the Retirement System.~~

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SECTION 16. MEMBERSHIP OF THE RETIREMENT SYSTEM MCERS

The membership of the Retirement System MCERS shall consist of the following:

(a) All persons EMPLOYEES who are either full-time or part-time employees of the County, and all persons who become full-time or part-time employees of the County shall become members of the Retirement System: **(1) IN A FULL-TIME POSITION NORMALLY REQUIRING 30 HOURS OR MORE PER WEEK, OR (2) IN A PART-TIME POSITION NORMALLY REQUIRING 1,000 HOURS OR MORE PER YEAR, BUT LESS THAN 30 HOURS PER WEEK,** except as provided in Subsection (d) of this section.

(b) The elected County officials **AS FOLLOWS:** ~~including members~~ **(i) MEMBERS** of the Macomb County Board of Commissioners, who serve at the pleasure of the electorate **WHOSE INITIAL TERM OF OFFICE FIRST COMMENCED BEFORE JANUARY 1, 2011** shall have the option of becoming members of the Macomb County Employees Retirement System. **OR (ii) ELECTED COUNTY OFFICIALS, OTHER THAN MEMBERS OF THE MACOMB COUNTY BOARD OF COMMISSIONERS, WHOSE TERM OF OFFICE COMMENCED BEFORE JANUARY 1, 2016.**

(c) Members of the Macomb County Board of Road Commissioners shall have the option of becoming members of the Macomb County Employees Retirement System. **EMPLOYEES HIRED BY THE COUNTY ON OR AFTER JANUARY 1, 2016 ARE MEMBERS OF THE PLAN; HOWEVER, MEMBERSHIP IS LIMITED TO RECEIPT OF THE BENEFITS PROVIDED IN SECTION 22(a)(3).**

(d) The membership of the Retirement System MCERS shall not include: (1) any person engaged for special services on a contract or fees basis, ~~nor~~ (2) the medical director, ~~nor~~ (3) the Actuary, ~~nor~~ (4) any temporary employee, ~~nor~~ (5) **(3)** any County employee who is included by law in any other pension or retirement system, except the Federal Social Security System **OR AS OTHERWISE PROVIDED IN THE MCERS ORDINANCE,** by reason of the compensation ~~he/she~~ **THE INDIVIDUAL** receives from the County, ~~nor~~ (6) **(4)** any member of a board or commission paid exclusively on a per diem basis, ~~nor~~ (7) **(5)** any person receiving a pension from the Macomb County Employees Retirement System MCERS, ~~nor~~ (8) **(6)** any person whose appointment is to a position normally requiring less than 1,000 hours, **(7) MEMBERS OF THE MACOMB COUNTY BOARD OF COMMISSIONERS, WHOSE INITIAL TERM OF OFFICE FIRST COMMENCES ON OR AFTER JANUARY 1, 2011, NOR (8) ELECTED COUNTY OFFICIALS, OTHER THAN MEMBERS OF THE MACOMB COUNTY BOARD OF COMMISSIONERS, WHOSE TERM OF OFFICE COMMENCED ON OR AFTER JANUARY 1, 2016..**

(e) **(E)** In all cases of doubt, the Retirement Commission **BOARD** shall decide who is a member of the Retirement System MCERS within the meaning of the provisions of the ~~Ordinance~~ **MCERS ORDINANCE.**

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(F) ~~(F)~~ Under such rules and regulations as the ~~Retirement Commission~~ **BOARD** shall from time to time adopt, each member shall furnish such information as the ~~Commission~~ **BOARD** may require for the proper operation of the ~~Retirement System~~ **MCERS**.

SECTION 17. MEMBERSHIP CEASES

Except as otherwise provided in ~~this Ordinance~~ **THE MCERS ORDINANCE**, should any member no longer be employed by the County in a position normally requiring 1,000 hours or more per year, for any reason except ~~to become a retirant or his/her death~~ **RETIREMENT OR DEATH**, ~~he/she~~ **THE INDIVIDUAL** shall ~~thereupon~~ cease to be a member. The former member shall be eligible for a refund of ~~his/her~~ **THE INDIVIDUAL'S** accumulated contributions, and upon such refund, ~~his/her~~ **THE INDIVIDUAL'S** credited service at that time shall be forfeited ~~by him/her~~.

SECTION 18. MEMBERSHIP REINSTATEMENT

Except as otherwise provided in ~~this Ordinance~~ **THE MCERS ORDINANCE**, in the event a former member is re-employed by the County, ~~he/she shall again become a member of the Retirement System. Should his/her re-employment occur within a period of three years from and after the date he/she~~ **THE INDIVIDUAL** last separated from County Service **MEMBERSHIP**, **THE INDIVIDUAL SHALL AGAIN BECOME A MEMBER OF THE MCERS AND THE** ~~his/her~~ **INDIVIDUAL'S** credited service forfeited ~~by him/her~~ at the time ~~he/she~~ **THE INDIVIDUAL** last separated from County Service **MEMBERSHIP** shall be restored ~~to his/her credit~~. Provided the member shall, within one year from and after ~~his/her~~ **THE INDIVIDUAL'S** re-employment by the County, pay into the ~~employees' savings~~ **EMPLOYEES PENSION RESERVE** fund, by a single contribution, or by an increased rate of contribution as approved by the ~~Commission~~ **BOARD**, the amounts ~~he/she~~ **THE INDIVIDUAL** may have withdrawn ~~therefrom and not returned thereto~~ together with regular interest thereon from the date of withdrawal to the date of repayment.

[COMMENT: THE PROPOSED AMENDMENT IS INTENDED TO CLARIFY MEMBERSHIP FOR INDIVIDUALS WHO WERE PREVIOUSLY MEMBERS IN THE MCERS, BUT HAVE RETURNED AFTER THE PLAN HAS BEEN CLOSED TO NEW MEMBERS (I.E., RE-EMPLOYED AFTER JANUARY 1, 2016) AND MAY BE CONSIDERED A SUBSTANTIVE CHANGE TO BENEFITS.]

SECTION 19. SERVICE CREDITABLE

(a) In accordance with such rules and regulations as the ~~Retirement Commission~~ **BOARD** shall from time to time adopt, the ~~Commission~~ **BOARD** shall credit each member with the number of years and months of service to which ~~he/she~~ **THE INDIVIDUAL** is ~~entitled~~ **ENTITLED**; ~~but in no case, shall less than ten days of service rendered in a calendar month be credited as a month of service; nor shall less than ten months of service be rendered in a calendar year be credited as a year of service; nor shall more than one year of service be credited any member for all service rendered by him/her in a calendar year.~~

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~~(b) Upon the adoption of any amendment to the Macomb County Employees Retirement System Ordinance that extends membership to an employee not heretofore covered, such employee shall receive credit for services rendered in the employ of the County during a period of eight years immediately preceding the effective date of such amendment; provided that he/she pays into the employees savings fund, by a single contribution or by an increased rate of contribution as approved by the Commission, the amount he/she would have paid had he/she been a member during such period of service, together with regular interest.~~

~~(c)~~ **(B)** For a member who is a part-time employee, as defined in ~~this Ordinance~~ **THE MCERS ORDINANCE**, for any portion of a calendar year, service credit in a calendar year shall be one year multiplied by the following fraction: the numerator shall be the number of hours worked during the year, and the denominator shall be full-time hours for the year. Not more than one year of service shall be credited any member for all service rendered by ~~him/her~~ **THE MEMBER** in any calendar year.

~~(d) Subject to the provisions of this Ordinance and to such rules and regulations as the Commission may from time to time adopt, the Commission shall credit each member's service account with the number of years and months of service for which he/she is entitled to receive credit.~~

(C) SERVICE CREDIT IS ONLY CREDITED TO A MEMBER FOR PERIODS IN WHICH THE MEMBER RECEIVES COMPENSATION. NO SERVICE CREDIT WILL BE CREDITED TO A MEMBER DURING ANY PERIOD WITHOUT COMPENSATION; INCLUDING, WITHOUT LIMITATION, UNPAID LEAVES UNDER THE FAMILY MEDICAL LEAVE ACT.

SECTION 20. MILITARY SERVICE CREDIT

PRIOR MILITARY SERVICE

(a) A member who entered **SERVED IN** the armed service of the United States before June 1, 1980, or who entered **SERVED IN** the armed service of the United States on or after June 1, 1980, during a time of war or emergency condition as defined in Section 1 of Act No. 190 of the Public Acts of 1965, as amended being Section 35.61 of the Michigan Compiled Laws, **PUBLIC ACT 190 OF 1965 (MCL § 35.61 ET SEQ.)** may elect to receive credited service for not more than five years of active military service. Credit for military service shall be given upon request and payment to the ~~Retirement System~~ **MCERS** of an amount equal to five percent of the member's full-time or equated full-time annual compensation, **AS DEFINED IN SECTION 2,** for the year in which the payment is made multiplied by the number of years, and fraction of a year, of credited service that the member elects to purchase up to the maximum. Service shall not be credited if the service is or would be credited under ~~and~~ **ANY** other federal, state, or local publicly supported retirement system, **EXCEPT FOR SERVICE THAT IS OR WOULD BE CREDITED UNDER THE FEDERAL GOVERNMENT FOR SERVICE IN THE RESERVES.** Service shall not be credited under this subsection until the member ~~has eight years of credited service in force~~ **IS VESTED.** Only completed years and months of armed service shall be credited under this subsection.

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[COMMENT: THIS SECTION'S PROPOSED AMENDMENT IS INTENDED TO CLARIFY PRIOR MILITARY SERVICE, CHANGES IN THE LAW AND PAST PRACTICE, BUT MAY BE CONSIDERED A SUBSTANTIVE CHANGE TO PENSION BENEFITS.]

INTERVENING MILITARY SERVICE

(b) A member who enters or entered any armed service of the United States may purchase credited service for periods of continuous active duty lasting 30 days or more, subject to the following conditions provided **AND IN ACCORDANCE WITH THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA), CODE SECTION 414(U) AND RELATED REGULATIONS AND RULES.**

~~(1) The county board of commissioners authorizes the purchase of credited service by an affirmative vote of a majority of the members of the county board of commissioners.~~

~~(2) The member has at least eight (8) years of credited service needed to vest under the plan, not including any credited service purchased under this subsection and subsection (a).~~

~~(3) The member pays the plan 5% of the member's annual compensation multiplied by the period of credited service being purchased. As used in this subdivision, "annual compensation" means the aggregate amount of compensation paid the member during the 4 most recent calendar quarters for each of which the member was credited 3/12 of a year of credited service.~~

~~(4) Fractional months of armed service shall not be recognized for the purposes of this subsection.~~

~~(5) Armed service credited a member under subsection (a) shall not be the basis of credited service under the section.~~

~~(6) Armed service credited a member under this subsection shall not exceed either 5 years or the difference between 5 years and the armed service credited the member under subsection (a).~~

~~(7) Credited service shall not be granted for periods of armed service that are or could be used for obtaining or increasing a benefit from another retirement system.~~

~~(c) Notwithstanding any provision of the Retirement System Resolution to the contrary, effective on and after December 12, 1994, contributions, benefits and service credit with respect to qualified military service shall be provided in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), Code Section 414(u) and related regulations and rules.~~

Qualified military service that is credited to a Member under this subsection ~~(c)~~ **(B)** shall not be the basis for Credited Service under Sections 20(a) ~~and (b)~~ above.

SECTION 21. VOLUNTARY SERVICE RETIREMENT

(1) A MEMBER MAY RETIRE UPON SATISFACTION OF EACH OF THE FOLLOWING REQUIREMENTS:

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(A) A WRITTEN APPLICATION FOR RETIREMENT HAS BEEN FILED WITH THE MCERS NOT LESS THAN THIRTY (30) DAYS NOR MORE THAN NINETY (90) DAYS PRIOR TO THE DATE OF RETIREMENT.

(B) THE INDIVIDUAL MEETS THE FOLLOWING APPLICABLE AGE AND/OR SERVICE REQUIREMENTS FOR RETIREMENT:

~~(a) Any non-union member who meets the following criteria may retire upon his/her application filed with the Commission:~~

~~(1) As of January 1, 2003, attained age 50 years with 8 or more years of credited service, if the member's age, when added to the member's years of credited service, equal the sum of 75 or more; or~~

~~(2) As of January 1, 2004, attained age 50 years with 8 or more years of credited service, if the member's age, when added to the member's years of credited service, equal the sum of 70 or more; or~~

~~(3) Attained age 60 years and has 8 or more years of credited service.~~

(1) FOR AN INDIVIDUAL HIRED ON OR BEFORE DECEMBER 31, 2001 OR WHO IS VESTED AS OF FEBRUARY 26, 2009, THE MEMBER MUST HAVE ATTAINED: (A) AGE 60 WITH 8 OR MORE YEARS OF CREDITED SERVICE; OR (B) AGE 50 WITH 8 OR MORE YEARS OF CREDITED SERVICE AND HAVE THE SUM OF THE MEMBER'S AGE AND CREDITED SERVICE EQUAL OR EXCEED THE SUM OF 70;

(2) FOR AN INDIVIDUAL HIRED ON OR AFTER JANUARY 1, 2002, THE MEMBER MUST HAVE ATTAINED: (A) AGE 60 WITH 8 OR MORE YEARS OF CREDITED SERVICE; OR (B) AGE 55 WITH 25 OR MORE YEARS OF CREDITED SERVICE;

(3) FOR AN INDIVIDUAL HIRED DURING THE PERIOD OF JANUARY 1, 2012 TO DECEMBER 31, 2015, THE MEMBER MUST HAVE ATTAINED: (A) AGE 60 WITH 15 OR MORE YEARS OF CREDITED SERVICE; OR (B) AGE 55 WITH 25 OR MORE YEARS OF CREDITED SERVICE;

(4) FOR AN INDIVIDUAL HIRED ON OR AFTER JANUARY 1, 2016, THE MEMBER MUST HAVE ATTAINED 5 OR MORE YEARS OF CREDITED SERVICE.

2. Upon his/her retirement, he/she THE MEMBER shall receive a retirement allowance PENSION as provided in section 22, AND EFFECTIVE THE DAY FOLLOWING SEPARATION FROM EMPLOYMENT.

~~(b) 3.~~ Any ~~union~~ member shall be entitled to ~~voluntary~~ retirement pursuant to the provisions of his/her **THE INDIVIDUAL'S** collective bargaining agreement in effect at the termination of County employment.

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SECTION 22. ~~RETIREMENT ALLOWANCE~~ PENSION

(a) ~~Provided: general County non-union members and elected officials who retire on or after January 1, 1989, as provided in the Retirement System Ordinance, A RETIRANT shall receive a straight life retirement PENSION; however, prior to the beginning date of receiving his/her retirement allowance SEPARATION FROM EMPLOYMENT, he/she THE MEMBER may elect to receive his/her THE retirement allowance PENSION under an option provided in Section 26 in lieu of a straight life retirement allowance PENSION. His/her UNLESS OTHERWISE SPECIFIED IN THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT, THE~~ straight life retirement allowance PENSION shall be as follows:

~~(1) An employee pension which shall be the actuarial equivalent of his/her accumulated contributions standing to his/her credit in the employee savings fund at the time of his/her retirement; and~~

~~(2) A County pension which when added to his/her employee pension will provide a retirement allowance equal to the number of years, and fraction of a year, of his/her credited service multiplied by the sum of 2.4% of his/her final average compensation for the first twenty six (26) years of credited service and one (1%) percent for each year of credited service thereafter.~~

(1) FOR AN INDIVIDUAL HIRED ON OR BEFORE DECEMBER 31, 2001 OR WHO IS VESTED AS OF FEBRUARY 26, 2009, A PENSION BASED UPON 2.4 PERCENT (.024) OF THE MEMBER'S FINAL AVERAGE COMPENSATION FOR THE FIRST TWENTY-SIX (26) YEARS OF CREDITED SERVICE AND ONE (1%) PERCENT FOR EACH YEAR OF CREDITED SERVICE THEREAFTER MULTIPLIED BY THE MEMBER'S CREDITED SERVICE. IN NO CASE SHALL THE INDIVIDUAL'S PENSION EXCEED 65% OF FINAL AVERAGE COMPENSATION.

(2) FOR AN INDIVIDUAL HIRED DURING THE PERIOD OF JANUARY 1, 2002 TO DECEMBER 31, 2015, A PENSION BASED UPON 2.2 PERCENT (.022) OF THE MEMBER'S FINAL AVERAGE COMPENSATION FOR THE FIRST TWENTY-SIX (26) YEARS OF CREDITED SERVICE AND ONE (1%) PERCENT FOR EACH YEAR OF CREDITED SERVICE THEREAFTER MULTIPLIED BY THE MEMBER'S CREDITED SERVICE. IN NO CASE SHALL THE INDIVIDUAL'S PENSION EXCEED 66% OF FINAL AVERAGE COMPENSATION.

(3) FOR AN INDIVIDUAL HIRED ON OR AFTER JANUARY 1, 2016, THE MEMBER IS ELIGIBLE TO RECEIVE A ONE-TIME FIXED PAYMENT OF ONE THOUSAND (\$1,000.00) DOLLARS.

In no case shall his/her County AN INDIVIDUAL'S pension exceed 65% of his/her final average compensation THE PERCENTAGE OF FINAL AVERAGE COMPENSATION AS PROVIDED IN THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT. THIS LIMITATION IS APPLICABLE ONLY TO THE AMOUNT OF BENEFIT FINANCED BY THE COUNTY.

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(b) A ~~union represented member who retires on or after January 1, 1989, as provided in the applicable collective bargaining agreement,~~ shall receive a ~~straight life retirement;~~ however, prior to the beginning date of his/her retirement allowance, he/she may elect to receive his/her retirement under an option provided in Section 26 in lieu of a straight life retirement allowance. His/her ~~straight life retirement allowance~~ **PENSION** shall be as detailed in the applicable collective bargaining agreement in effect at his/her **THE MEMBER'S** termination of County employment.

SECTION 23. DEFERRED RETIREMENT ALLOWANCE PENSION

~~In the event a member, who has eight or more years of credited service, leaves the employ of the County prior to the date he/she has satisfied the age and service requirements for retirement provided in Section 21, for any reason except his/her disability retirement or death, he/she shall be entitled to retire at the normal retirement age and be subject to the retirement formula in effect at the time he/she left County employment and as provided for in Section 22 of this Ordinance, provided that he/she does not withdraw his/her accumulated contributions from the employees savings fund. His/her retirement allowance under the plan in effect at the employee's termination of County employment shall begin the first day of the calendar month next following the date his/her application for same is filed with the Commission after the employee would have become eligible for retirement under the plan had the employee's employment not been terminated, but not later than 90 days after the employee becomes 65 years of age.~~

A VESTED FORMER MEMBER MAY RETIRE UPON SATISFACTION OF THE REQUIREMENTS OF SECTION 21 (SERVICE RETIREMENT) AND RECEIVE A PENSION COMPUTED IN ACCORDANCE WITH SECTION 22, OR CORRESPONDING SECTIONS OF THE MCERS ORDINANCE IN EFFECT ON THE DATE THE FORMER MEMBER CEASED TO BE A MEMBER, WHICH SHALL BEGIN ON THE FIRST DAY OF THE CALENDAR MONTH NEXT FOLLOWING THE DATE THE FORMER MEMBER'S APPLICATION IS FILED WITH THE MCERS AFTER THE FORMER MEMBER WOULD HAVE BECOME ELIGIBLE FOR RETIREMENT UNDER THE MCERS HAD THE INDIVIDUAL NOT SEPARATED FROM COUNTY EMPLOYMENT. PAYMENT OF A BENEFIT UNDER THIS SECTION WILL NOT BE PAID RETROACTIVELY.

A vested former member who withdraws accumulated ~~member~~ contributions and voluntarily forfeits credited service in the ~~System~~ **MCERS** thereby forfeits all rights in and to the portion of the pension attributable to the forfeited credited service.

IN THE EVENT A VESTED FORMER MEMBER DIES PRIOR TO COMMENCEMENT OF A PENSION, THE VESTED FORMER MEMBER'S ACCUMULATED CONTRIBUTIONS SHALL BE PAID IN ACCORDANCE WITH SECTION 34.

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SECTION 24. NON-DUTY DEATH BEFORE RETIREMENT – BENEFICIARY NOMINATED

Any ~~non-union~~ member who continues in County employment on or after the date he/she **THE MEMBER** either (1) has acquired ten years of credited service, or (2) has attained age 60 years and has eight or more years credited service **BECOMES VESTED**, may at any time prior to the effective date of his/her **THE MEMBER'S** retirement elect Option A provided in Section 26 in the same manner as if he/she were **THE MEMBER WAS** then retiring from County employment, and nominate a beneficiary whom the Retirement Commission **BOARD** finds to be dependent upon the said member for at least fifty (**50%**) percent of his/her **THE BENEFICIARY'S** support due to lack of financial means. Prior to the effective date of his/her **THE MEMBER'S** retirement, a member may revoke his/her said **THE MEMBER'S** election of Option A and nomination of beneficiary, and he/she **THE MEMBER** may again elect the said Option A and nominate a beneficiary as provided in this section. Upon the death of a member who has Option A election in force, his/her **THE** beneficiary, if living, shall immediately receive a retirement allowance **PENSION** computed in the same manner in all respects as if the said member had retired the day preceding the date of his/her **THE MEMBER'S** death, notwithstanding that he/she **THE MEMBER** might not have attained age 60 years. If a member has an Option A election in force at the time of his/her **THE MEMBER'S** retirement, his/her said **THE MEMBER'S** election of Option A and nomination of beneficiary shall thereafter continue in force; provided, that prior to the effective date of his/her **THE MEMBER'S** retirement, he/she **THE MEMBER** shall have the right to elect to receive his/her retirement allowance **A PENSION** as a straight life retirement allowance **PENSION** or upon any available option provided in Section 26. No retirement allowance **PENSION** shall be paid under this section on account of the death of a member if any benefits are paid or will become payable under Section 25 on account of his/her **THE MEMBER'S** death.

[COMMENT: THE PROPOSED CHANGE TO INCORPORATE VESTING WILL ALLOW THOSE MEMBERS WHO ARE VESTED AFTER 8 YEARS TO BECOME ELIGIBLE FOR A BENEFIT PRIOR TO ATTAINMENT OF 10 YEARS OF SERVICE CREDIT AND IS A SUBSTANTIVE CHANGE TO THE PENSION BENEFIT.]

SECTION 25. NON-DUTY DEATH ~~RETIREMENT ALLOWANCE~~ PENSION AUTOMATIC PROVISIONS

Any ~~non-union~~ **VESTED** member who continues in the employ of the County for more than ten years and has not nominated a beneficiary as provided in this Ordinance, and (1) dies while in County employment and (2) leaves a spouse, the spouse shall immediately receive a retirement allowance **PENSION** computed in the same manner in all respects as if the member had (1) retired the day preceding the date of his/her **THE MEMBER'S** death, notwithstanding that he/she might not have attained age 60 years, (2) elected Option A in Section 26 and (3) nominated his/her **THE MEMBER'S** spouse as beneficiary.

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[COMMENT: THE PROPOSED CHANGE TO INCORPORATE VESTING WILL ALLOW THOSE MEMBERS WHO ARE VESTED AFTER 8 YEARS TO BECOME ELIGIBLE FOR A BENEFIT PRIOR TO ATTAINMENT OF 10 YEARS OF SERVICE CREDIT AND IS A SUBSTANTIVE CHANGE TO THE PENSION BENEFIT.]

SECTION 26. ~~RETIREMENT ALLOWANCE~~ PENSION OPTIONS

(a) Prior to the receipt of his/her monthly retirement payment SEPARATION FROM EMPLOYMENT, but not thereafter, a member may elect to receive his/her retirement allowance A PENSION as a straight life retirement allowance PENSION payable throughout his/her THE MEMBER'S life or he/she may elect to receive the actuarial equivalent, at that time, of his/her THE MEMBER'S straight life retirement allowance PENSION in a reduced retirement allowance PENSION payable throughout his/her THE MEMBER'S life and nominate a beneficiary, in accordance with the provisions of Option A, B, C, D or E set forth below. If a member does not elect an option, his/her THE MEMBER'S retirement allowance PENSION shall be paid as a straight life retirement allowance PENSION.

Option A. 100% Survivor Allowance PENSION. Under Option A, subject to subsection (b) of this section, upon the death of the retirant, his/her THE reduced retirement allowance PENSION shall be continued throughout the life of and paid to such person, having an insurable interest in his/her THE MEMBER'S life, as he/she THE MEMBER shall have nominated by written designation duly executed and filed with the ~~Commission~~ BOARD prior to the beginning date of his/her retirement allowance THE MEMBER'S PENSION; or

Option B. 50% Survivor Allowance PENSION. Under Option B, subject to subsection (b) of this section, upon the death of a retirant, one half of his/her THE reduced retirement allowance PENSION shall be continued throughout the life of and paid to such person, having an insurable interest in his/her THE MEMBER'S life, as he/she THE MEMBER shall have nominated by written designation duly executed and filed with the ~~Commission~~ BOARD prior to the beginning date of his/her retirement allowance THE MEMBER'S PENSION; or

Option C. Allowance PENSION For Ten Years Certain and Life Thereafter. Under Option C, subject to subsection (b) of this section, a retirant shall receive a reduced retirement allowance PENSION payable throughout his/her THE RETIRANT'S life with the provision that if he/she THE RETIRANT dies before he/she THE RETIRANT has received 120 monthly retirement allowance PENSION payments, the payments shall be continued for the remainder of the period of 120 months to such person or persons, in equal shares, as the retirant shall have nominated by written designation duly executed and filed with the ~~Commission~~ BOARD. If there be no such designated person surviving the retirant, such remaining monthly payments shall be continued and paid to the estate OR LEGAL REPRESENTATIVE of the survivor of the retirant and his/her last surviving beneficiary. Under this option, the beneficiary may be changed during the first 120 months of the pension.

Option D. According to such rules and regulations as the ~~Commission~~ BOARD may from time to time adopt, any member who retires under Section 21 prior to his/her THE attainment of age 65 years, may elect to have his/her THE MEMBER'S straight life retirement allowance

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PENSION actuarially equated to provide an increased ~~retirement allowance~~ PENSION payable to his/her THE attainment of age 65 years and a reduced ~~retirement allowance~~ PENSION payable thereafter. His/her THE increased ~~retirement allowance~~ PENSION payable to his/her THE RETIRANT'S attainment of age 65 years shall approximate the sum of his/her THE reduced ~~retirement allowance~~ PENSION to be payable after his/her THE RETIRANT'S attainment of age 65 years and his/her THE estimated primary social security amount. The retirant shall also have the right to select survivor's benefits as described in Option A, Option B, or Option C. This section shall not apply to a member who retires prior to his/her THE attainment of age 60 years. ~~The retirant shall also have the right to select survivor's benefits as described in Option A, Option B, or Option C.~~

[COMMENT: IT IS NOTED THAT OPTION D IS AUTHORIZED BY APPLICABLE COLLECTIVE BARGAINING AGREEMENTS. WHILE OPTION D MAY BE ANTIQUATED AND CUMBERSOME; DELETION WOULD BE A SUBSTANTIVE CHANGE IN BENEFITS.]

Option E. Pop-Up Option. A ~~retirant~~ MEMBER may elect this option in combination with Option A or B. Under this option, a reduced ~~retirement allowance~~ PENSION is payable during the joint lifetime of the retirant and his/her THE RETIRANT'S beneficiary nominated under Option A or B, whichever is elected. Upon the death of the retirant, his/her THE beneficiary will receive a ~~retirement allowance~~ PENSION for life equal to the percentage specified by Option A or B of the reduced ~~retirement income~~ PENSION payable during the joint lifetime of the retirant and his/her THE RETIRANT'S beneficiary. Upon the death of the beneficiary, the retirant will receive a ~~retirement allowance~~ PENSION equal to one hundred percent of the amount specified by Section 26(a) above for the remaining lifetime of the retirant. The reduced ~~retirement allowance~~ PENSION payable during the joint lifetime of the retirant and his/her THE RETIRANT'S beneficiary together with the ~~retirement allowance~~ PENSION payable to one upon the death of the other will be actuarially equivalent to the ~~retirement allowance~~ PENSION provided by Section 22 as a single life annuity. This provision shall be without force or effect unless or until the retirant submits acceptable documentation of the death of his/her THE beneficiary to the ~~Secretary of the Retirement Commission~~ BOARD.

(b) If any benefits become payable under Section 34 ~~35~~ on account of the death of a retirant who was receiving a ~~retirement allowance~~ PENSION under Option A, B, C, D or E provided in subsection (a) of this section, no ~~retirement allowance~~ PENSION shall be paid under the said Option A, B, C, D or E to his/her THE designated beneficiary. If all ~~allowance~~ PENSION payments permanently terminate before there has been paid an aggregate amount equal to the member's accumulated contributions standing to his/her credit in the MEMBER'S employees savings EMPLOYEES PENSION RESERVE fund at the time of his/her THE MEMBER'S retirement, the different between his/her THE MEMBER'S accumulated contributions and the aggregate amount of ~~retirement allowance~~ PENSION payments received by him/her THE RETIRANT shall be paid from the ~~retirement reserve fund~~ RETIREMENT RESERVE to his/her THE designated beneficiary, if living, otherwise to his/her THE RETIRANT'S estate or legal representative.

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~~(e) This paragraph (e) applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the Retirement System to the contrary that otherwise would limit a member's distribution elections under the Retirement System, a member may elect, at the time and in the manner prescribed by Section 26, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the member in a direct rollover.~~

(1) **Definitions.**

~~(A) **Eligible Rollover Distribution:** An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more, and any distribution to the extent such distribution is required under Code Section 401(a)(9). Effective for distributions made after December 31, 2001, for purposes of the direct rollover provision, a portion of a distribution shall not fail to be an eligible rollover distribution merely because such portion consists of after tax employee contributions that are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Code Sections 408(a) or (b), or to a qualified plan described in Code Sections 401(a) or 403(b) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution that is includible in gross income and the portion of such distribution that is not so includible.~~

~~(B) **Eligible Retirement Plan:** Effective January 1, 2002, an eligible retirement plan is an individual account described in Code Section 408(a), an individual retirement account described in Code Section 408(b), an annuity plan described in Code Section 403(a), an annuity contract described in Code Section 403(b), an eligible plan under Code Section 457(b) that is maintained by a state or political subdivision of a state, and that agrees to separately account for the amounts transferred into such plan or a qualified trust described in Code Section 401(a), which accepts the distributee's eligible rollover distribution. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a former spouse who is the alternative payee under a domestic relations order.~~

~~(C) **Distributee:** A distributee includes a member or former member. In addition, the member's or former member's surviving spouse is a distributee with regard to the interest of the spouse or former spouse.~~

~~(D) **Direct Rollover:** A Direct rollover is a payment by the Retirement System to the eligible retirement plan specified by the distributee.~~

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SECTION 27. SUPPLEMENTAL RETIREMENT PAYMENTS

(a) The Retirement Commission **BOARD** shall establish a reserve for supplemental retirement payments. Such reserve may be funded each year by a portion of investment gains, if any, from the preceding calendar year, attributable to that portion of the total retirement system assets which are reserved to pay the retirement benefits of current retirees.

(b) The Retirement Commission **BOARD** shall credit the reserve with as much of said **THE** investment gain, as exceeds the actuarial assumption of the fund **RESERVE**, as the said Commission **BOARD** may deem appropriate for said **THE** year.

(c) The Retirement Commission **BOARD** shall distribute to retired County employees and survivor beneficiaries, after approval by the Macomb County Board of Commissioners; ~~said amount of annual reserve in~~ a single sum **AMOUNT** as provided for by a formula to be determined by the Retirement Commission **BOARD**.

~~(d) The Retirement Commission shall distribute a retired Road Commission employees and survivor beneficiaries, after approval by the Macomb County Board of Commissioners, said amount of annual reserve in a single sum as provided for by a formula to be determined by the Retirement Commission.~~

~~(e) The Retirement Commission **BOARD**, in its own discretion, may determine that no monies paid into said reserve or be distributed in any year.~~

~~(f)~~ **(E)** The formula for distribution of said **THE** additional benefit shall be from time to time determined by the Retirement Commission **BOARD** but in all instances shall take into account the period of time since a person has retired and begun receiving benefits and the period of credited service rendered to the County ~~of the Road Commission~~ prior to retirement.

SECTION 28. ~~DISABILITY INCURRED CREDITED SERVICE TEN OR MORE YEARS~~ RETIREMENT

Upon the application of a member, or his/her **THE MEMBER'S** department head, a member who (1) is in the employ of the County, (2) ~~has ten or more years of credited service~~ **IS VESTED**, and (3) has become or becomes totally and permanently incapacitated for duty in the employ of the County, may be retired by the Retirement Commission **BOARD**: Provided, that after a medical examination of the member made by or under the direction of the medical director, the medical director certifies to the Commission **BOARD** (1) that the member is mentally or physically totally incapacitated for duty in the employ of the County, (2) that such incapacity will probably be permanent, and (3) that the member should be retired.

[COMMENT: IT HAS BEEN THE PAST PRACTICE OF THE RETIREMENT SYSTEM TO REVIEW INCAPACITY FOR DUTY IN THE SAME OR SIMILAR JOB CLASSIFICATION IN WHICH THE MEMBER WAS EMPLOYED AT THE TIME OF DISABILITY.]

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[COMMENT: THE PROPOSED CHANGE TO INCORPORATE VESTING WILL ALLOW THOSE MEMBERS WHO ARE VESTED AFTER 8 YEARS TO BECOME ELIGIBLE FOR A BENEFIT PRIOR TO ATTAINMENT OF 10 YEARS OF SERVICE CREDIT AND IS A SUBSTANTIVE CHANGE TO THE PENSION BENEFIT.]

SECTION 29. DUTY DISABILITY INCURRED—CREDITED SERVICE LESS THAN TEN YEARS RETIREMENT

Any member with less than ten years of credited service shall have his/her credited service increased to ten years **WHO IS NOT VESTED SHALL BE CONSIDERED VESTED** for the exclusive purpose only of qualifying for disability retirement as provided in Section 28: Provided, that (1) the Commission **BOARD** finds he/she **THE MEMBER** is totally and permanently incapacitated for duty as the natural and proximate result of a personal injury or disease arising out of and in the course of his/her **THE MEMBER'S** actual performance of duty in the service of the County, and (2) he/she **THE MEMBER** is in the receipt of workers' compensation on account of his/her said **THE MEMBER'S** physical or mental incapacity.

SECTION 30. DISABILITY RETIREMENT ALLOWANCE PENSION

Upon a member's retirement on account of disability as provided in the Retirement System Ordinance **MCERS ORDINANCE**, he/she **THE MEMBER** shall receive a straight life disability retirement allowance **PENSION** computed according to Section 22. His/her **THE RETIRANT'S** disability retirement allowance **PENSION** shall be subject to section 32 and shall not be less than \$400.00 per month. During his/her **THE INDIVIDUAL'S** workers' compensation period, the County pension portion of his/her **THE** disability retirement allowance **PENSION** shall not exceed the difference between (1) sixty (**60%**) percent of his/her **THE MEMBER'S** final average compensation, and (2) his/her **THE INDIVIDUAL'S** workers' compensation, if any, converted to an annual basis. Prior to the date of his/her **THE MEMBER'S** retirement, he/she **THE MEMBER** may elect to receive his/her retirement allowance **A PENSION** under an Option provided in Section 26, except Option D, in lieu of a straight life retirement allowance.

SECTION 31. RECOMPUTATION OF DUTY DISABILITY RETIREMENT ALLOWANCE PENSION

(a) Upon termination of his/her **THE INDIVIDUAL'S** workers' compensation period, if any, arising on account of his/her **THE MEMBER'S** County employment, or at his/her **THE INDIVIDUAL'S** attainment of age 65 years, whichever occurs first, a disability retirant shall be given service credit for his/her **THE INDIVIDUAL'S** workers' compensation period, but in no case beyond his/her **THE INDIVIDUAL'S** attainment of age 65 years; and his/her **THE RETIRANT'S** disability retirement allowance **PENSION** provided in Section 30 shall be recomputed to include such additional service credit.

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~~(b) Any employee who is found to be totally and permanently disabled due to an on-the-job injury and who receives social security disability benefits as a result of said injury, shall at the end of the worker's compensation period have their final pension computed using the formula which is then in effect for the employee's group to which they belonged at the time they were determined to be disabled. Any employee whose disability has caused a discontinuation of their County employment but who subsequently is determined not to be eligible to receive social security benefits shall have their final pension computed using the formula in effect at the time they were originally determined to be disabled from County employment.~~

[COMMENT: SUBSECTION (B) IS DELETED FOR CONSISTENCY WITH PAST PRACTICE]

SECTION 32. RE-EXAMINATION OF DISABILITY RETIRANTS

At least once each year during the first five years following the retirement of a member with a disability retirement allowance **PENSION**, and at least once in each three-year period thereafter, the ~~Commission~~ **BOARD** may require said **THE** retirant to undergo a medical examination by or under the direction of the medical director. If the retirant refuses to submit to such medical examination in any such period, his/her **THE RETIRANT'S** disability retirement allowance **PENSION** may be suspended by the ~~Commission~~ **BOARD** until his/her **THE RETIRANT'S** withdrawal of such refusal. Should such refusal continue for one year, his/her **THE RETIRANT'S** disability retirement allowance **PENSION** may be revoked by the ~~Commission~~ **BOARD**. If, upon such medical examination of a retirant, the medical director reports to the ~~Commission~~ **BOARD** that the retirant is physically able and capable of resuming employment with the County and his/her **THE** report is concurred in by the ~~Commission~~ **BOARD**, the disability retirement allowance **PENSION** shall terminate.

[COMMENT: IT HAS BEEN THE PAST PRACTICE OF THE RETIREMENT SYSTEM TO REVIEW INCAPACITY FOR DUTY IN THE SAME OR SIMILAR JOB CLASSIFICATION IN WHICH THE MEMBER WAS EMPLOYED AT THE TIME OF DISABILITY.]

SECTION 33. DISABILITY RETIRANTS RESTORED TO SERVICE – CONDITIONS

The membership status of a ~~terminated disability retired member~~ **RETIRANT** who is returned to County employment shall be governed by the provisions of SectionS 16 **AND 18**. ~~Actual credited service at time of disability retirement shall be restored when the member again acquires membership.~~ Credited service shall not be granted for the period of disability retirement unless the member **INDIVIDUAL** was in receipt of workers' compensation on account of a disability arising out of and in the course of County employment.

~~A terminated disability retired member who does not reacquire membership and restoration of credited service shall have actual credited service at time of disability retirement restored if such restoration enables the individual to become vested in a deferred benefit.~~

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SECTION 34. REFUND OF MEMBERS' CONTRIBUTIONS

(a) Should any member cease to be employed by the County for any reason, ~~except his/her~~ **THE MEMBER'S** retirement or ~~his/her~~ death, before ~~he/she~~ **THE MEMBER** has satisfied the age and service requirements for retirement provided in Section 21, ~~he/she~~ **THE INDIVIDUAL** shall be paid ~~his/her~~ **THE** accumulated contributions, ~~including interest, and including any payments for purchase of service credits, standing to his/her credit in the Individual's employees savings~~ **EMPLOYEES PENSION RESERVE** fund upon ~~his/her~~ **THE INDIVIDUAL'S** demand in writing on forms furnished by the Retirement Commission **BOARD**.

(b) Refund to Beneficiary. Should any member die and no ~~retirement allowance~~ **PENSION** becomes or will become payable by the Retirement System **MCERS** on account of ~~his/her~~ **THE MEMBER'S** death, except as provided in Section 35, ~~his/her~~ **THE** accumulated contributions ~~standing to his/her credit in the Member's employees savings~~ **EMPLOYEES PENSION RESERVE** fund at the time of ~~his/her~~ **THE MEMBER'S** death, ~~including credited interest,~~ shall be paid to such person or persons as ~~he/she~~ **THE MEMBER** shall have nominated by written designation duly executed and filed with the Retirement Commission **BOARD**. If there be no such designated person surviving the member, ~~his/her~~ **THE MEMBER'S** accumulated contributions shall be paid to ~~his/her~~ **THE MEMBER'S** estate **OR LEGAL REPRESENTATIVE**.

~~(c) If No Beneficiary. In any member dies without heirs and without a designated beneficiary surviving him/her and no retirement allowance becomes or will become payable by the Retirement System on account of his/her death, except as provided in Section 35, his/her accumulated contributions standing to his/her credit in the employees savings fund at the time of his/her death may be used to pay his/her burial expenses, not to exceed a reasonable sum to be determined by the Retirement Commission: Provided, that he/she leaves no other estate sufficient for such purpose.~~

~~(d) (C) Payments of accumulated contributions, as provided in this section may be made in a single sum or in installments according to such rules and regulations as the Retirement Commission~~ **BOARD** may from time to time adopt.

~~(e) (D) Annuity Withdrawal. Any non-union member who retires on or after January 1, 1988, pursuant to Sections 21, 13 23, OR 29 or 30 of the Retirement System~~ **MCERS ORDINANCE** may elect, prior to the effective date of the retirement but not thereafter, to be paid the accumulated contributions, excluding amounts paid in for purchases of ~~prior government and/or military~~ credited service, ~~including interest, as defined in the Macomb County Employees Retirement Ordinance, standing to the member's credit in the~~ **MEMBER'S** employees' savings **EMPLOYEES PENSION RESERVE** fund. Upon this election and the payment of the accumulated contributions ~~and interest, the retiring member's straight life retirement allowance~~ **PENSION** shall be reduced by an amount which is the actuarial equivalent of the accumulated contributions paid. The actuarial equivalent shall be determined on the basis of the interest rate established by the Pension Benefit Guaranty Corporation for immediate annuities. Such rates are to be adjusted semi-annually on January 1st and July 1st of each year and used for the

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succeeding six months. After such reduction, the member may elect to receive the actuarial equivalent of the reduced allowance PENSION in accordance with the provisions of Options A, B, C, D or E as described in Section 26.

[COMMENT: WHILE CONSIDERATION SHOULD BE GIVEN TO BASING THE ANNUITY WITHDRAWAL CALCULATION TO THE DEFINITION OF ACTUARIAL EQUIVALENT DUE TO THE VARIANCES OF THE PBGC RATE, SUCH AMENDMENT WOULD BE A SUBSTANTIVE BENEFIT CHANGE.]

[COMMENT: NOTE THAT ANNUITY WITHDRAWAL IS NOT AVAILABLE TO NON-DUTY DISABILITY RETIRANTS. AMENDMENT OF THE ANNUITY WITHDRAWAL PROVISION TO BE APPLICABLE TO NON-DUTY DISABILITY RETIRANTS OR TO LIMIT COMMENCEMENT OF BENEFIT UNTIL DISABILITY RETIRANTS ARE NO LONGER SUBJECT TO RE-EXAMINATION WOULD BE A SUBSTANTIVE BENEFIT CHANGE.]

SECTION 35. DEATH IN LINE OF DUTY

In the event (1) a member dies as a result of a personal injury or disease arising out of and in the course of ~~his/her~~ **THE MEMBER'S** employment by the County, or (2) a disability retiree dies prior to attaining age 60 years and within a period of three years following ~~his/her~~ **THE INDIVIDUAL'S EFFECTIVE DATE OF** disability retirement as the result of the same injury or disease for which ~~he/she~~ **THE INDIVIDUAL** retired, and in either case, ~~his/her~~ **THE INDIVIDUAL'S** death, injury, or disease resulting in death, ~~be~~ **IS** found by the ~~Commission~~ **BOARD** to have occurred as the natural and proximate result of causes arising out of and in the course of ~~his/her~~ **THE MEMBER'S** actual performance of duty in the service of the County, the applicable benefits provided in paragraphs (a), (b), (c), and (d) of ~~the~~ **THIS** section shall be paid, subject to the condition that workers' compensation is paid on account of the **INDIVIDUAL'S** death ~~of the said member or retiree.~~

(a) Accumulated Contributions. In the case of a deceased member, ~~his/her~~ **THE INDIVIDUAL'S** accumulated contributions ~~standing to his/her credit in the employees savings~~ **EMPLOYEES PENSION RESERVE** fund at the time of ~~his/her~~ **THE MEMBER'S** death shall be paid in accordance with Section 34.

(b) Payments to Spouse. Upon termination of the statutory period for payment of workers' compensation to the spouse of ~~said~~ **THE** deceased member or retiree, the ~~said~~ spouse shall receive a ~~County~~ pension equal to the spouse's weekly workers' compensation converted to an annual basis; ~~said~~ **THE** ~~County~~ pension ~~to~~ **SHALL** continue until the spouse's death.

~~The statutory period for the payment of worker's compensation shall be reduced proportionate to any payback of worker's compensation received as the result of recovery based upon the liability of a third party.~~

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(c) Payments to Children. Upon termination of the statutory period for payment of workers' compensation to the child or children of the ~~said~~ deceased member or retirant, the ~~said children~~ **CHILD** shall receive a ~~County~~ pension equal to the child's weekly workers' compensation converted to an annual basis; ~~said~~ **THE** child's ~~county~~ pension to ~~SHALL~~ terminate upon ~~his/her~~ **THE CHILD'S** attainment of 18 years, or death or marriage prior thereto. Should the spouse's ~~County~~ pension be terminated as provided in paragraph (b) of this section, and should an unmarried child or children under age 18 years survive the ~~said~~ spouse, each such child's ~~County~~ pension shall be increased by an equal share of ~~said~~ **THE** spouse's ~~County~~ pension.

~~The statutory period for payment of worker's compensation shall be reduced proportionate to any payback of worker's compensation received as the result of recovery based upon the liability of a third party.~~

(d) Payment to Parents. Upon termination of the statutory period for payment of workers' compensation to the parent or parents of ~~said~~ **THE** deceased member or retirant, the ~~said~~ parent or parents shall each receive a ~~County~~ pension equal to the parent's weekly worker's compensation converted to an annual basis; ~~said~~ **THE** parent's ~~County~~ pension to ~~SHALL~~ terminate upon ~~his/her~~ **THE PARENT'S** death.

The statutory period for the payment of workers' compensation shall be reduced proportionate to any payback of workers' compensation received as the result of recovery based upon the liability of a third party.

SECTION 36. EMPLOYEES SAVINGS PENSION RESERVE FUND

(a) The ~~employees savings~~ **EMPLOYEES PENSION RESERVE** fund is hereby created. It shall be the ~~fund~~ **RESERVE** in which shall be accumulated, at regular interest, the contributions deducted from the compensations of members as ~~determined from time to time by the Macomb County Board of Commissioners for non-union personnel and for persons covered by collective bargaining agreements,~~ and from which shall be made refunds and transfers of accumulated contributions as provided in the ~~Retirement System Ordinance~~ **MCERS ORDINANCE**.

MEMBER CONTRIBUTIONS TO THE RETIREMENT SYSTEM SHALL BE BASED UPON THE FOLLOWING PERCENTAGE OF THE MEMBER'S COMPENSATION, UNLESS OTHERWISE SPECIFIED IN THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT:

(1) FOR AN INDIVIDUAL HIRED ON OR BEFORE DECEMBER 31, 2001 OR WHO IS VESTED AS OF FEBRUARY 26, 2009, THE MEMBER MUST CONTRIBUTE THREE AND FIVE TENTHS PERCENT (3.5%) OF THE MEMBER'S COMPENSATION;

(2) FOR AN INDIVIDUAL HIRED ON OR AFTER JANUARY 1, 2002, THE MEMBER MUST CONTRIBUTE TWO AND FIVE TENTHS PERCENT (2.5%) OF THE MEMBER'S COMPENSATION;

(3) FOR AN INDIVIDUAL HIRED ON OR AFTER JANUARY 1, 2016, THE MEMBER MUST CONTRIBUTE ZERO PERCENT (0%) OF THE MEMBER'S COMPENSATION.

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(b) ~~The officer or officers responsible for preparing the payroll shall cause the MEMBER contribution provided in subsection (a) of this section to~~ **SHALL** ~~be deducted from the compensation of each member on each and every payroll, for each and every payroll period, so long as he/she remains a member. The said contributions shall be made notwithstanding that the minimum compensation provided by law for any member shall be changed thereby. Every member shall be deemed to consent and agree to the deduction made and provided herein. Payment of his/her~~ **THE MEMBER'S** ~~compensation less said~~ **THE** ~~deduction shall be full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by him/her~~ **THE MEMBER** ~~during the period covered by such payment, except as to benefits provided in the Retirement System Ordinance~~ **MCERS ORDINANCE**. ~~The said contributions when deducted from the compensation of a member shall be paid to the Retirement System~~ **MCERS** ~~and shall be credited the member's individual account in the employees savings~~ **EMPLOYEES PENSION RESERVE** ~~fund.~~

THE INTEREST TO BE CREDITED TO A MEMBER'S INDIVIDUAL BALANCE IN THE EMPLOYEES PENSION RESERVE SHALL BE COMPUTED AT THE END OF THE FISCAL YEAR ON THE MEMBER'S BALANCE AT THE BEGINNING OF THE YEAR; PROVIDED, THAT NO INTEREST SHALL BE CREDITED ON ANY PORTION OF ACCUMULATED CONTRIBUTIONS REFUNDED DURING THE YEAR; NOR SHALL INTEREST BE CREDITED A MEMBER AFTER THE INDIVIDUAL LEAVES COUNTY EMPLOYMENT, EXCEPT AS IS OTHERWISE SPECIFICALLY PROVIDED IN THE MCERS ORDINANCE.

(c) Upon the retirement of a member, ~~his/her~~ **THE MEMBER'S** ~~accumulated contributions, including interest, shall be transferred from the employees savings~~ **EMPLOYEES PENSION RESERVE** ~~fund to the retirement reserve~~ **RETIREMENT RESERVE**.

SECTION 37. COUNTY PENSION RESERVE FUND

~~The County pension reserve fund~~ **PENSION RESERVE** ~~is hereby created. It shall be the fund~~ **RESERVE** ~~in which shall be accumulated reserves for the payment of all County pensions payable from funds provided by the County. Upon the basis of such mortality and other experience tables and regular interest, as the Commission shall from time to time adopt, the~~ **THE** ~~Actuary shall annually compute the County pension reserves~~ **PENSION RESERVES** ~~(1) for County pensions being paid retirants and beneficiaries, and (2) covering service rendered and to be rendered by members. The said County pension reserves~~ **PENSION RESERVES** ~~shall be financed by annual appropriations, to be made by the County, The appropriations for County Road Commission members, retirants and beneficiaries shall be made from Board of County Road Commissioners funds.~~

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SECTION 38. RETIREMENT RESERVE FUND TRANSFERS

Upon the retirement of a member, or at AT the time a County pension becomes payable to a beneficiary on account of the death of a member, the County pension reserve PENSION RESERVE for such County pension shall be transferred from the County pension reserve fund PENSION RESERVE to the retirement reserve fund RETIREMENT RESERVE. The Retirement Commission BOARD may from time to time authorize transfers between the County pension reserve fund PENSION RESERVE and the retirement reserve fund RETIREMENT RESERVE of any difference between the amount AS it determines to be necessary for the proper maintenance of the retirement reserve fund RESERVES and the actual balance of the retirement reserve fund.

SECTION 39. FINANCIAL OBJECTIVE OF THE RETIREMENT SYSTEM MCERS

The financial objective of the Retirement System MCERS is to receive contributions each fiscal year which are sufficient to (a) fund the actuarial cost of benefits likely to be paid on account of credited service earned by members during the fiscal year, and (b) fund the unfunded actuarial cost of benefits likely to be paid on account of credited service earned by members prior to the fiscal year over a period of not more than 40 30 years OR LESS THAN 30 IF OTHERWISE REQUIRED BY LAW.

SECTION 40. ADMINISTRATIVE FUNDS RESERVE

The administrative funds RESERVE shall be an administrative account of the Retirement System MCERS from which shall be paid all FOR THE PAYMENT OF expenses necessary in connection with the administration and operation of the Retirement System MCERS.

SECTION 41. MANAGEMENT OF FUNDS ASSETS

(a) The Retirement Commission BOARD shall be the trustees of the assets of the Retirement System MCERS and shall have full power to invest and reinvest such assets subject to Act No. 314 of the Public Acts of 1965 THE PUBLIC EMPLOYEE RETIREMENT SYSTEM INVESTMENT ACT (PUBLIC ACT 314 OF 1965) (MCL § 38.1132 ET SEQ.), as amended, and as the same might from time to time be amended. The Commission shall have the power to purchase notes, bonds, or other obligations of Macomb County before or after the same are offered to the public and with or without advertising for bids.

(b) The Retirement Commission BOARD shall have full power to purchase, hold, sell, assign, transfer, exchange, and dispose of any of the securities and investments in which any of the monies ASSETS of the Retirement System MCERS have been invested, as well as the proceeds of the investments and any monies ASSETS belonging to the System MCERS.

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(c) ~~The Retirement Commission shall keep on deposit available cash not exceeding five percent of the total assets of the Retirement System. All assets of the System MCERS shall be held for the sole purpose of meeting disbursements for retirement allowance PENSIONS and other payments authorized by this Ordinance THE MCERS ORDINANCE and shall be used for no other purpose. The description of the various funds RESERVES of the System MCERS shall be interpreted to refer to the accounting records of the System MCERS and not to the segregation of assets in the funds RESERVES of the System MCERS.~~

SECTION 42. INCOME FUND ALLOWANCE OF REGULAR INTEREST RESERVED

(a) ~~An income fund is hereby created. It shall be the fund to which shall be credited all interest, and other income from investments of the Retirement System; all transfers from the employees savings fund by reason of lack of claimant; and all other monies received by the System, the disposition of which is not specifically provided in this Ordinance. The Retirement Commission may accept gifts and bequests, and the same shall be credited to the income fund. There shall be paid or transferred from the income fund all amounts required to credit regular interest to the employees savings fund, retirement reserve fund, and County pension reserve fund, as provided in this Ordinance. Whenever the Commission determines that the balance in the income fund is more than sufficient to cover the charges to the fund, the Commission may provide for contingency reserves, or may transfer such excess or portions thereof to cover the needs of other funds of the System.~~

(b) ~~The Retirement Commission shall at the end of each fiscal year allow and credit regular interest to the funds of the Retirement System. The interest to be credited to the retirement reserve fund and the County pension reserve fund shall be computed on the fund's mean balance for the year. The interest to be credited to a member's individual balance in the employees savings fund shall be computed on his/her balance standing to his/her credit at the beginning of the year: Provided, that no interest shall be credited on any portion of accumulated contributions refunded during the year; nor shall interest be credited a member after he/she leaves County employment, except as is otherwise specifically provided in this Ordinance. The amounts of interest so allowed shall be paid from the income fund.~~

SECTION 43. METHOD OF PAYMENT FROM FUNDS RESERVES

All payments from the funds RESERVES of the Retirement System MCERS shall be made according to provisions of law, this Ordinance THE MCERS ORDINANCE, and County THE RULES AND REGULATIONS ADOPTED BY THE BOARD procedure, only upon regular County vouchers signed by two persons designated by the Retirement Commission. A duly attested copy of a resolution of the Retirement Commission, designating such persons and bearing upon its face specimen signatures of such persons, shall be filed with the County Treasurer as his/her authority for making payments upon such vouchers. No voucher shall be drawn unless it shall have been previously authorized by the Retirement Commission.

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SECTION 44. ASSIGNMENTS PROHIBITED; RIGHT OF SET-OFF; SUBROGATION; DOMESTIC RELATIONS ORDERS.

The right of a person to ~~an employee pension, a County pension, a retirement allowance,~~ to the return of accumulated contributions, ~~the employee pension, the County pension,~~ or the retirement itself, any optional benefit, and any other right accrued or accruing to any member, retirant or beneficiary under the provisions of ~~this Ordinance~~ **THE MCERS ORDINANCE**, and the ~~monies~~ **ASSETS** belonging to the Retirement System **MCERS**, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or any other process of law whatsoever, and shall be unassignable except as is specifically provided in ~~this Ordinance~~ **THE MCERS ORDINANCE** or by law; **INCLUDING, PUBLIC ACT 100 OF 2002, AS AMENDED, (MCL § 38.1681 ET SEQ.)**.

The County shall have the right of setoff for any claim arising from embezzlement by or fraud of a member, retirant, or beneficiary.

If a member is covered by a group insurance or prepayment plan participated in by the County and should he/she **THE INDIVIDUAL** be permitted to, and elect to, continue such coverage as a retirant, he/she **THE INDIVIDUAL** may authorize the Retirement Commission **BOARD** to have deducted from his/her retirement allowance **THE MEMBER'S PENSION** the payments required of him/her **THE INDIVIDUAL** to continue coverage under such group insurance or prepayment plan.

IF A PERSON BECOMES ENTITLED TO A PENSION OR OTHER BENEFIT PAYABLE BY THE MCERS AS A RESULT OF AN ACCIDENT OR INJURY CAUSED BY THE ACT OF A THIRD PARTY, THE COUNTY SHALL BE SUBROGATED TO THE RIGHTS OF THE INDIVIDUAL AGAINST THE THIRD PARTY TO THE EXTENT OF COUNTY FINANCED BENEFITS WHICH THE MCERS PAYS OR BECOMES LIABLE FOR PAYMENT.

The right of a member, a vested former member of **OR** a retirant to Retirement System **MCERS** assets is subject to an eligible domestic relations order under the Eligible Domestic Relations Order Act, ~~1991 PA 46, MCL §38.1701 to 38.1711.~~ **PUBLIC ACT 46 OF 1991, AS AMENDED, (MCL § 38.1701 ET SEQ.)**.

If a retirant is receiving a reduced ~~retirement allowance~~ **PENSION** under an optional form of payment and is divorced from a spouse who had been named the retirant's survivor beneficiary under the Retirement System **MCERS**, the election of a reduced ~~retirement allowance~~ **PENSION** form of payment shall be considered void by the Retirement System **MCERS** if **SPECIFICALLY PROVIDED IN** the judgment of divorce or award or court order, ~~as amended,~~ **ENTERED IN ACCORDANCE WITH THE COUNTY BOARD OF COMMISSIONER ACT, PUBLIC ACT 46.12A OF 1851, AS AMENDED (MCL §46.12A)**, dated after July 19, 1991, provides that the election of a reduced retirement allowance form of payment is to be considered void by the Retirement System, and the retirant provides a certified copy of such order of award to the Retirement System. If the election of a reduced retirement allowance form of payment is considered void by the Retirement System under this subsection,

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~~the retirant's retirement allowance shall revert to a straight life retirement allowance form of payment, including post retirement adjustments, if any, subject to an award or order of the court. The retirement allowance shall revert to a straight life retirement allowance form of payment under this subsection effective the first of the month after the date on which the Retirement System receives a certified copy of the judgment of divorce or award or other order of the court. This subsection does not supersede a judgment of divorce or award or order of the court in effect on July 18, 1991. This subsection also does not require the Retirement System to distribute or pay retirement assets on behalf of a retirant in an amount that exceeds the actuarially determined amount that would otherwise become payable if a judgment of divorce had not been rendered.~~

SECTION 45. ERRORS

Should any change in the records result in any member, retirant, or beneficiary receiving from the Retirement System MCERS more or less than he/she would have been entitled to receive had the records been correct, the ~~Commission~~ BOARD shall correct such error, and as far as practicable shall adjust the payment in such manner that the actuarial equivalent of the benefit to which the ~~said~~ member, retirant, or beneficiary was correctly entitled shall be paid.

SECTION 46. PROTECTION AGAINST FRAUD

Whoever with intent to deceive shall make any statement and/or reports required under ~~this Ordinance~~ THE MCERS ORDINANCE which are untrue, or shall falsify or permit to be falsified any record or records of the Retirement System MCERS, or who shall otherwise violate, with intent to deceive, any of the terms or provisions of ~~this Ordinance~~ THE MCERS ORDINANCE, shall be guilty of a misdemeanor and upon conviction shall be fined ~~not to exceed five hundred dollars~~ IN ACCORDANCE WITH THE LAW, plus costs of prosecution, or sentenced to ~~ninety days~~ imprisonment, or both, in the discretion of the Court.

SECTION 47. VESTING UPON ~~RETIREMENT SYSTEM~~ MCERS TERMINATION

Members shall be one hundred percent vested in their accrued benefit, to the extent funded, upon the termination of the Retirement System MCERS or upon a complete discontinuation of contributions to the Retirement System MCERS. Notwithstanding anything in ~~this Retirement System Ordinance~~ THE MCERS ORDINANCE to the contrary, after the satisfaction of all liabilities with respect to members, vested former members and retirants upon termination of the Retirement System MCERS ORDINANCE, the County reserves the right to recover any balance of assets remaining in the Retirement System MCERS in accordance with law.

SECTION 48. FORFEITURES RESERVED

~~A member or prior member's forfeiture of County contributions under the Retirement System shall not be used to increase benefits to the remaining members in the Retirement System.~~

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SECTION 49. EXCLUSIVE BENEFIT OF MEMBERS

Diversion of any portion of Retirement System THE MCERS corpus or income for any purpose other than the exclusive benefit of members, retirants or beneficiaries is prohibited.

SECTION 50. LIMITATIONS ON COMMENCEMENT OF PAYMENTS

~~The commencement and form of benefit payments to a member or his/her beneficiary shall be governed by the distribution rules set forth below. Notwithstanding any other provision of the ordinance, the commencement and form of benefit payments to a member or his/her beneficiary shall be subjected to the following distribution rules and otherwise shall comply with Internal Revenue Code Section 401(a)(9) and the regulations thereunder, including the minimum distribution incidental benefit requirement of Proposed Treasury Regulation Section 1.401(a)(9)-2, the provisions of which are incorporated herein by reference.~~

~~(a) In no event shall payment of benefits to a member prior to his/her death commence later than the April 1st following the latter of:~~

~~(1) the calendar year in which the member attains the age 70 1/2, or~~

~~(2) the calendar year in which the member retires. Such payments shall be made:~~

~~(aa) in accordance with regulations prescribed by the Secretary of the Treasury, in the form of a lifetime annuity for the life of such member or for the joint lives of such member and his/her beneficiary, of~~

~~(bb) in accordance with such regulations, in the form of periodic payments for a period which does not exceed the life expectancy of the member and his/her beneficiary.~~

~~(b) If the amount to be distributed is other than a lump sum, then the amount to be distributed each year must be at least an amount equal to the quotient obtained by dividing the lump sum actuarial equivalent of the member's entire nonforfeitable accrued benefit at the beginning of each plan year by the life expectancy of the member or joint life expectancy of the member and his/her beneficiary. Life expectancy and joint life expectancy are computed by the use of the return multiples contained in Section 1.72-9 of the Treasury Regulations. For purposes of this computation, a member's and spouse's life expectancy each may be recalculated no more frequently than annually; the life expectancy of a non-spouse beneficiary may not be recalculated. If the member's spouse is not the beneficiary, the method of distribution selected must assure that at least fifty percent of the present value of the amount available for distribution is paid within the life expectancy of the member.~~

~~(c) Upon the death of a member, the following distribution provisions shall take effect:~~

~~(1) If the member dies after distribution of his/her benefit has commenced, the remaining portion, if any, of such benefit will continue to be distributed least as rapidly as under the method of distribution being used prior to the member's death.~~

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~~(2) If the member dies before distribution of his/her benefit has commenced, the member's entire nonforfeitable interest under the Retirement System, if any, will be distributed no later than five years after the member's death except to the extent that an election is made to receive distributions in accordance with (aa) or (bb) below:~~

~~(aa) If any portion of the member's interest is payable to a beneficiary, distributions may be made in substantially equal installments over the life or life expectancy of the beneficiary commencing no later than one year after the member's death;~~

~~(bb) If the beneficiary is the member's surviving spouse, the date distributions are required to begin in accordance with (aa) above shall not be earlier than the date on which the member would have age 70 1/2, and, if the spouse dies before payments begin, subsequent distributions shall be made as if the spouse had been made the member.~~

~~(3) For purposes of (2) above, payments will be calculated by use of the return multiples specified in Section 1.72-9 of the Treasury Regulations. Life expectancy of a surviving spouse may be recalculated annually; in the case of any other beneficiary, such life expectancy will be calculated at the time payment first commences without further reaction.~~

~~(4) For purposes of (1), (2), (3) above, any amount paid to a child of the member will be treated as if it had been paid to the surviving spouse if the amount becomes payable to the surviving spouse when the child reaches the age of maturity.~~

~~(d) Notwithstanding the above distribution requirements, distribution on behalf of any other member may be made in accordance with all of the following requirements (regardless of when such distribution commences):~~

~~(1) The distribution is one which would not have disqualified the ordinance under Section 401(a)(9) of the Internal Revenue Code as in effect prior to amendment by the Deficit Reduction Act of 1984;~~

~~(2) The distribution is in accordance with a method of distribution designated by the member whose interest in the plan is being distributed or, if the member is deceased, by a beneficiary of such member;~~

~~(3) Such designation was in writing, was signed by the member or the beneficiary and was made before January 1, 1984;~~

~~(4) The member had accrued a benefit under the ordinance as of December 31, 1983; and~~

~~(5) The method of distribution designated by the member or the beneficiary specifies the time at which distribution will commence, the period over which distributions will be made, and in the case of any distribution upon the member's death, the beneficiaries listed in order of priority.~~

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~~A distribution upon death shall not be covered by this transitional rule unless the information in the designation contains the required information described above with respect to the distributions to be made upon the death of the member. For any distribution which commences before January 1, 1984, but continues after December 31, 1983, the member, or the beneficiary to whom such distribution is being made, shall be presumed to have designated the method of distribution under which the distribution is being made if the method of distribution was~~

~~specified in writing and the distribution satisfies the requirement in (1) and (2) above. If a designation is revoked, any subsequent distribution must satisfy the requirements of Code Section 401(a)(9). Any changes in the designation shall be considered to be a revocation of the designation. However, the mere substitution or addition of another beneficiary (one not named in the designation) under the designation shall not be considered to be a revocation of the designation, so long as such substitution or addition does not alter the period over which distributions are to be made under designation, directly or indirectly (for example, by altering the relevant measuring life). Any election designation hereunder shall be construed in accordance with terms of Code Section 417.~~

~~(e) Notwithstanding any provision in the Retirement System Ordinance to the contrary, distributions to a Member shall be made in accordance with the following requirements and shall otherwise comply with Code Section 401(a)(9) and the regulations thereunder. With respect to distributions under the Retirement System Ordinance made for calendar years beginning on or after January 1, 2002, the Retirement System Ordinance will apply the minimum distribution requirements of Code Section 401(a)(9) in accordance with the regulations under Code Section 401(a)(9) that were proposed in January, 2001, notwithstanding any provision in the Retirement System Ordinance to the contrary. This subsection shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under Code Section 401(a)(9) or such other date as may be specified in guidance published by the Internal Revenue Service.~~

SECTION 50. DENIAL OF BENEFIT CLAIM; APPEAL.

A BENEFIT CLAIMANT SHALL BE NOTIFIED IN WRITING, WITHIN THIRTY (30) DAYS OF THE BOARD'S DENIAL OF A CLAIM FOR BENEFITS. THE NOTIFICATION SHALL CONTAIN THE BASIS FOR THE DENIAL. THE BENEFIT CLAIMANT MAY APPEAL THE DENIAL AND REQUEST A HEARING BEFORE THE BOARD. THE APPEAL SHALL BE IN WRITING AND FILED WITH THE MCERS WITHIN NINETY (90) DAYS OF THE DATE OF THE NOTIFICATION OF DENIAL. THE REQUEST FOR APPEAL SHALL CONTAIN A STATEMENT OF THE CLAIMANT'S REASONS FOR BELIEVING THE DENIAL TO BE IMPROPER. THE BOARD SHALL SCHEDULE A HEARING OF THE APPEAL WITHIN SIXTY (60) DAYS OF RECEIPT OF THE REQUEST TO APPEAL.

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~~SECTION 51. LIMITATIONS ON AMOUNT OF BENEFIT PAYMENTS~~

~~No member, beneficiary or retirant shall receive benefits under the Retirement System in excess of those permitted under Section 415 of the Internal Revenue Code, as modified for state and local government plans pursuant to Section 415(b)(2)(F) of the Internal Revenue Code and further modified for qualified police and firefighter members pursuant to Sections 415(b)(2)(G) and 415(b)(2)(H) of the Internal Revenue Code.~~

SECTION 51. REEMPLOYMENT AFTER RETIREMENT

A RETIRANT MAY CONTINUE TO RECEIVE PENSION PAYMENTS UPON REEMPLOYMENT BY THE COUNTY PROVIDED THE RETIRANT MEETS THE ELIGIBILITY REQUIREMENTS OF THE COUNTY BOARD OF COMMISSIONER ACT, PUBLIC ACT 46.12A OF 1851, AS AMENDED (MCL §46.12A), AND IS NOT ELIGIBLE FOR MEMBERSHIP IN THE RETIREMENT SYSTEM.

THE TERM “ANY 12 MONTH PERIOD” FOR PURPOSES OF THE 1,000 HOUR LIMITATION PROVIDED IN THIS SECTION WILL BE A CALENDAR YEAR.

SECTION 52. RECIPROCAL RETIREMENT ACT

The provisions of the Reciprocal Retirement Act, 1961 PA 88 **PUBLIC ACT 88 OF 1961**, as amended, (**MCL § 38.1101 ET SEQ.**) ~~have been~~ **WERE** adopted by the Macomb County Employees Retirement System on December 9, 1964.

SECTION 53. APPLICABILITY OF PROVISIONS TO UNION AND TO NON-UNION EMPLOYEES AND ELECTED OFFICIALS

(a) All of the provisions of ~~this Ordinance~~ **THE MCERS ORDINANCE** as heretofore stated are applicable to all ~~non-union~~ County employees as well as to the elected officials of the County. **FOR THOSE MEMBERS REPRESENTED BY A COLLECTIVE BARGAINING AGENT, THE MCERS ORDINANCE SHALL BE AMENDED BY THE PROVISIONS CONTAINED WITHIN THE APPLICABLE COLLECTIVE BARGAINING AGREEMENTS. THE COLLECTIVE BARGAINING AGREEMENTS ARE INCORPORATED INTO THE PLAN BY REFERENCE AND WILL UPDATE THE MCERS ORDINANCE AUTOMATICALLY AS PROVIDED FOR UNDER THE APPLICABLE COLLECTIVE BARGAINING AGREEMENTS. THE PROVISIONS OF THE COLLECTIVE BARGAINING AGREEMENTS SHALL SUPERSEDE ANY PROVISIONS IN THE MCERS ORDINANCE.**

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(b) Not all provisions of ~~this Ordinance~~ **THE MCERS ORDINANCE** are applicable to the employees of the County who are members of a collective bargaining unit; such provisions are applicable only if they are specifically provided for in the appropriate collective bargaining agreement. The provisions of ~~this Ordinance~~ **THE MCERS ORDINANCE** applicable to ~~union~~ employees shall be governed by terms and conditions of the collective bargaining agreement in effect at the time of their separation from County employment.

~~The appendix attached hereto is intended to assist union employees in ascertaining which provisions are applicable to them, and it is not intended to be a binding and all-inclusive reference of retirement provisions for such members.~~

All union employees must look to their own collective bargaining agreements for a determination as to which retirement provisions are applicable to them.

SECTION 54. LAWS; INCONSISTENT AUTHORITY REPEALED

THE MCERS ORDINANCE SHALL BE CONSTRUED AND ENFORCED UNDER THE LAWS OF THE STATE OF MICHIGAN AND ANY APPLICABLE FEDERAL LAW, RULE OR REGULATION. THE BOARD SHALL HAVE THE FIDUCIARY OBLIGATIONS, LIMITATIONS, AND AUTHORITY AS PROVIDED BY THE PUBLIC EMPLOYEE RETIREMENT SYSTEM INVESTMENT ACT (PUBLIC ACT 314 OF 1965) (MCL § 38.1132 ET SEQ.), AS AMENDED. THE BOARD SHALL ADMINISTER THE MCERS CONSISTENT WITH ARTICLE 9, SECTION 24 OF THE STATE OF MICHIGAN CONSTITUTION. ANY MATTER RELATING TO THE MCERS PROVISIONS APPLICABLE TO CURRENT EMPLOYEES REPRESENTED BY A COLLECTIVE BARGAINING AGENT IS A MANDATORY SUBJECT OF BARGAINING UNDER THE PUBLIC EMPLOYMENT RELATIONS ACT (PUBLIC ACT 336 OF 1947) (MCL § 423.201 ET SEQ.) THE PROVISIONS CONTAINED IN THE COLLECTIVE BARGAINING AGREEMENTS SHALL SUPERSEDE ANY CONFLICTING PROVISIONS CONTAINED IN THE MCERS ORDINANCE AND THE BOARD SHALL ADMINISTER THE MCERS IN ACCORDANCE WITH APPLICABLE COLLECTIVE BARGAINING AGREEMENTS.

All applicable provisions of ordinance, resolution or local act inconsistent with the provisions of ~~this Ordinance~~ **THE MCERS ORDINANCE** are hereby repealed to the extent of such inconsistency insofar as the County Board of Commissioners has authority to repeal the same.

SECTION 55. SAVING PROVISION

If any section, subsection, paragraph, sentence, clause or phrase of ~~this Ordinance~~ **THE MCERS ORDINANCE** is for any reason held to be invalid or unconstitutional, such holding shall not be construed as affecting the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Ordinance, of the Ordinance as an entirety; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any section or part of any section.

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SECTION 56. EFFECTIVE DATE

The effective date of ~~this Retirement Ordinance~~ **THE MCERS ORDINANCE** shall be the first day of May 1946. The ~~Retirement System Ordinance's~~ **MCERS ORDINANCE**' Plan Year is the 12-month period commencing on January 1 and ending December 31.

SECTION 57. QUALIFIED RETIREMENT SYSTEM

The ~~County intends that the Retirement System~~ **MCERS IS INTENDED AND** shall be **A** qualified pension plan under Code Section 401 or successor provisions of the law, to the extent applicable to a government plan and that the trust be an exempt organization in compliance with Code Section 501. The ~~Retirement System~~ **MCERS** does not elect to be subject to provisions of the Code that are not applicable to a government plan, nor to any provisions of the Employee Retirement Income Security Act of 1974, as amended. The ~~County Board of Commissioners~~ may adopt such additional provisions to the ~~Retirement System~~ **MCERS** as necessary to fulfill the intent of being qualified pension plan.

SECTION 58. DEFERRED RETIREMENT OPTION PLAN

THE TERMS AND CONDITIONS OF THE DEFERRED RETIREMENT OPTION PLAN ("DROP") SHALL BE THOSE PROVISIONS ADOPTED BY THE COUNTY OR BY COLLECTIVE BARGAINING AGREEMENT WHICH SHALL BE INCORPORATED INTO THE MCERS ORDINANCE BY REFERENCE.

NOTWITHSTANDING THE FOREGOING, A DROP PARTICIPANT SHALL BE ELIGIBLE TO VOTE IN ANY EMPLOYEE MEMBER ELECTIONS AND SHALL BE ELIGIBLE TO HOLD OFFICE AS AN ELECTED EMPLOYEE MEMBER PURSUANT TO SECTION 4(E) OF THE MCERS ORDINANCE.

[COMMENT: THE PROPOSED AMENDMENT REMOVES THE ELECTION RESTRICTIONS TO FACILITATE GREATER ELECTION PARTICIPATION, BUT MAY BE CONSIDERED A SUBSTANTIVE CHANGE TO PENSION BENEFITS.]

MACOMB COUNTY
EMPLOYEES RETIREMENT SYSTEM
RETIREMENT PLAN RESTATEMENT

OCTOBER 13, 2016

Presented By:

THOMAS MICHAUD
VanOverbeke, Michaud & Timmony, P.C.

MCERS PLAN RESTATEMENT

INTRODUCTION

The Board of Commissioners of the Macomb County Employees Retirement System (“Retirement Board”) is pleased to present a draft Retirement System Ordinance Restatement (“Retirement Restatement”) which is the culmination of the Retirement Commission’s thorough review and discussion of the Retirement System provisions.

The Retirement Commission, and its Retirement Ordinance Committee, which is comprised of representatives of the County, unions, members and retirees, determined it was in the best interest of the Retirement System to undertake a comprehensive review of the Retirement Ordinance.

- ⊙ The Retirement Board consists of David Flynn (County Board Chair); Mark Deldin (Chief Deputy County Executive); Derek Miller (County Treasurer); Bob Hoepfner (Director of Department of Roads); Matthew Murphy (Employee Representative); Gary Cutler (Employee Representative), Carol Grant (Employee Representative); and George Brumbaugh (Retiree Representative).
- ⊙ Members of the Retirement Ordinance Committee include: Karen Bathanti, Gary Cutler, Stephanie Dobson, David Flynn, Eric Herppich, Thomas Michaud, Matthew Murphy, John Schapka, Stephen Smigiel, Scott Smith. Special thanks to Patti Dib and Valerie Schave.

MCERS PLAN RESTATEMENT OBJECTIVE

The intent of the review was not to change or modify retirement benefit provisions, but was to suggest an update to the Retirement Ordinance to:

- ① 1. Reflect the benefits which have been amended by prior ordinances, collective bargaining agreements, and past practice.
- ② 2. Ensure compliance and consistency with current law, specifically Internal Revenue Code (“IRC”) requirements.
- ③ 3. Clarify certain language and/or resolve issues not clearly addressed in the current Retirement System provisions.

MCERS PLAN RESTATEMENT

ORDINANCE REVIEW

The County Board of Commissioners have been presented with:

- ◎ PLAN RESTATEMENT DRAFT ORDINANCE, DATED SEPTEMBER 22, 2016, FOR DISCUSSION PURPOSES.
- ◎ PROPOSED REVISIONS REGARDING THE INTERNAL REVENUE CODE (“IRC”).

REVIEW KEY

DELETIONS ARE REFLECTED BY: -----

ADDITIONS ARE REFLECTED BY: **BOLD**

COMMENTS BY: *[ITALICS]*

MCERS PLAN RESTATEMENT

DEFINITIONS

SECTION 2:

(*) “BOARD” MEANS THE BOARD OF COMMISSIONERS OF THE MACOMB COUNTY EMPLOYEES RETIREMENT SYSTEM.

~~(19)~~ **(*)** “Retirement System” or “System **MCERS**” means the Macomb County Employees Retirement System ~~established effective May 1, 1946.~~

MCERS PLAN RESTATEMENT DEFINITIONS

Section 2:

- ~~(3) “Compensation” means the salary or wages paid a member by the County for personal services rendered by him/her to the County, including cost of living allowance, longevity, sick leave, annual leave, overtime, holidays, retroactive wages, court time, per diem, commissioner special pays, shift leader pay, beeper pay, stand by pay, Martha T. Berry and Youth Home special pay and marine law pay. A member's annual compensation in excess of \$200,000 (as adjusted from time to time by the Internal Revenue Service) shall not be considered for purposes of calculating a member's retirement allowance under the Retirement System.~~
- (*) “COMPENSATION” MEANS THE SALARY OR WAGES PAID AN EMPLOYEE FOR SERVICES RENDERED THE COUNTY WHILE A MEMBER OF MCERS. SALARY AND WAGES SHALL INCLUDE ALL PAYMENTS UNLESS OTHERWISE STATED BY BOARD RESOLUTION WHICH SHALL BE INCORPORATED INTO THE MCERS ORDINANCE BY REFERENCE. COMPENSATION FOR MEMBERS REPRESENTED BY COLLECTIVE BARGAINING AGENTS SHALL ALSO INCLUDE OR EXCLUDE THOSE ITEMS SPECIFICALLY PROVIDED IN THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT.**

MCERS PLAN RESTATEMENT

DEFINITIONS

“FINAL AVERAGE COMPENSATION”

MEMBERS HIRED BEFORE JANUARY 1, 2002 OR WHO WERE VESTED AS OF FEBRUARY 27, 2009 MEANS THE AVERAGE OF THE HIGHEST ANNUAL COMPENSATION RECEIVED BY A MEMBER DURING A PERIOD OF FOUR (4) CONSECUTIVE YEARS OF CREDITED SERVICE CONTAINED WITHIN THE MEMBER'S TEN (10) YEARS OF CREDITED SERVICE IMMEDIATELY PRECEDING THE DATE THE MEMBER'S EMPLOYMENT BY THE COUNTY TERMINATES.

MEMBERS HIRED ON OR AFTER JANUARY 1, 2002 OR WHO WERE NOT VESTED AS OF FEBRUARY 27, 2009, “FINAL AVERAGE COMPENSATION” MEANS THE AVERAGE OF THE HIGHEST ANNUAL COMPENSATION RECEIVED BY A MEMBER DURING A PERIOD OF FIVE (5) CONSECUTIVE YEARS OF CREDITED SERVICE CONTAINED WITHIN THE MEMBER'S TEN (10) YEARS OF CREDITED SERVICE IMMEDIATELY PRECEDING THE DATE THE MEMBER'S EMPLOYMENT BY THE COUNTY TERMINATES.

MCERS PLAN RESTATEMENT⁷³

DEFINITIONS

(*) “VESTED” MEANS ATTAINMENT OF: (1) EIGHT (8) OR MORE YEARS OF CREDITED SERVICE FOR MEMBERS HIRED BY THE COUNTY ON OR BEFORE DECEMBER 31, 2011; (2) FIFTEEN (15) YEARS OF CREDITED SERVICE FOR MEMBERS HIRED BY THE COUNTY DURING THE PERIOD OF JANUARY 1, 2012 TO DECEMBER 31, 2015; OR (3) FIVE (5) YEARS OF CREDITED SERVICE FOR MEMBERS HIRED BY THE COUNTY ON OR AFTER JANUARY 1, 2016.

MCERS PLAN RESTATEMENT⁷⁴

RETIREMENT BOARD

SECTION 7. VACANCY ON COMMISSION RETIREMENT BOARD

A vacancy shall occur in the A TRUSTEE position of commissioner upon the TRUSTEE'S separation of any commissioner from County service. A vacancy shall also occur if a commissioner TRUSTEE resigns **OR IS NO LONGER ELIGIBLE FOR MEMBERSHIP UNDER SECTION 16 OF THE MCERS ORDINANCE** or if a member elected commissioner becomes employed in the same department as another member elected commissioner. If a vacancy occurs in the A TRUSTEE position of commissioner through separation from County service, or for other reasons, the vacancy shall be filled within NINETY (90) days after the date of the vacancy, for the unexpired term, in the same manner as the position was previously filled. **A TRUSTEE MAY BE REMOVED FROM THE BOARD IN ACCORDANCE WITH THE PUBLIC EMPLOYEE RETIREMENT SYSTEM INVESTMENT ACT, PUBLIC ACT 314 OF 1965, AS AMENDED ((MCL §38.1132 ET SEQ.)),**

MCERS PLAN RESTATEMENT⁷⁵

RETIREMENT SYSTEM MEMBERSHIP

SECTION 16. MCERS membership shall consist of the following:

(a) all employees who are either: (1) in a full-time position normally requiring 30 hours or more per week, or (2) in a part-time position normally requiring 1,000 hours or more per year, but less than 30 hours per week, except as provided in subsection (d) of this section.

⊙ (b) the elected county officials as follows: (i) members of the Macomb County Board of Commissioners, whose initial term of office first commenced before January 1, 2011 or (ii) elected county officials, other than members of the Macomb County Board of Commissioners, whose term of office commenced before January 1, 2016.

⊙ (c) employees hired by the county on or after January 1, 2016 are members of the plan; however, membership is limited to receipt of the benefits provided in section 22(a)(3).

MCERS PLAN RESTATEMENT⁷⁶

RETIREMENT SYSTEM MEMBERSHIP

SECTION 16(d). Unless otherwise provided in Section 18, MCERS membership shall not consist of the following:

(1) any person engaged for services on a contract or fees basis, (2) any temporary employee, (3) any county employee who is included by law in any other pension or retirement system, except the federal social security system or as otherwise provided in the MCERS ordinance, by reason of the compensation the individual receives from the county, (4) any member of a board or commission paid exclusively on a per diem basis, (5) any person receiving a pension from the MCERS, (6) any person whose appointment is to a position normally requiring less than 1,000 hours, (7) members of the Macomb County Board of Commissioners, whose initial term of office first commences on or after January 1, 2011, nor (8) elected county officials, other than members of the Macomb County Board of Commissioners, whose term of office commenced on or after January 1, 2016.

MCERS PLAN RESTATEMENT⁷⁷

MEMBERSHIP REINSTATEMENT

SECTION 18. MEMBERSHIP REINSTATEMENT

In the event a former member is re-employed by the County within a period of three years from and after the date the individual last separated from membership, the individual shall again become a member of the MCERS and the individual's credited service forfeited at the time the individual last separated from membership shall be restored: provided the member shall, within one year from and after the individual's re-employment by the County, pay into the employees pension reserve, by a single contribution, or by an increased rate of contribution as approved by the Board, the amounts the individual may have withdrawn together with regular interest thereon from the date of withdrawal to the date of repayment.

MCERS PLAN RESTATEMENT⁷⁸

MILITARY SERVICE CREDIT

SECTION 20. MILITARY SERVICE CREDIT - PRIOR MILITARY SERVICE

(a) A member who ~~entered~~ **SERVED IN** the armed service of the United States before June 1, 1980, or who ~~entered~~ **SERVED IN** the armed service of the United States on or after June 1, 1980, during a time of war or emergency condition as defined in Section 1 of Act No. 190 of the Public Acts of 1965, ~~as amended being Section 35.61 of the Michigan Compiled Laws,~~ **PUBLIC ACT 190 OF 1965 (MCL § 35.61 ET SEQ.)** may elect to receive credited service for not more than five years of active military service. Credit for military service shall be given upon request and payment to the ~~Retirement System~~ **MCERS** of an amount equal to five percent of the member's full-time or equated full-time annual compensation, **AS DEFINED IN SECTION 2,** for the year in which the payment is made multiplied by the number of years, and fraction of a year, of credited service that the member elects to purchase up to the maximum. Service shall not be credited if the service is or would be credited under ~~and~~ **ANY** other federal, state, or local publicly supported retirement system, **EXCEPT FOR SERVICE THAT IS OR WOULD BE CREDITED UNDER THE FEDERAL GOVERNMENT FOR SERVICE IN THE RESERVES.** Service shall not be credited under this subsection until the member ~~has eight years of credited service in force~~ **IS VESTED.** Only completed years and months of armed service shall be credited under this subsection.

MCERS PLAN RESTATEMENT⁷⁹

MILITARY SERVICE CREDIT

SECTION 20. MILITARY SERVICE CREDIT - INTERVENING MILITARY SERVICE

(b) A member who enters or entered any armed service of the United States may purchase credited service for periods of continuous active duty lasting 30 days or more, subject to ~~the following conditions provided~~ **AND IN ACCORDANCE WITH THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA), CODE SECTION 414(U) AND RELATED REGULATIONS AND RULES.**

MCERS PLAN RESTATEMENT⁸⁰

SERVICE RETIREMENT

SECTION 21: SERVICE RETIREMENT. THE INDIVIDUAL MEETS THE FOLLOWING APPLICABLE AGE AND/OR SERVICE REQUIREMENTS FOR RETIREMENT:

- (1) FOR AN INDIVIDUAL HIRED ON OR BEFORE DECEMBER 31, 2001 OR WHO IS VESTED AS OF FEBRUARY 26, 2009, THE MEMBER MUST HAVE ATTAINED: (A) AGE 60 WITH 8 OR MORE YEARS OF CREDITED SERVICE; OR (B) AGE 50 WITH 8 OR MORE YEARS OF CREDITED SERVICE AND HAVE THE SUM OF THE MEMBER'S AGE AND CREDITED SERVICE EQUAL OR EXCEED THE SUM OF 70;
- (2) FOR AN INDIVIDUAL HIRED ON OR AFTER JANUARY 1, 2002, THE MEMBER MUST HAVE ATTAINED: (A) AGE 60 WITH 8 OR MORE YEARS OF CREDITED SERVICE; OR (B) AGE 55 WITH 25 OR MORE YEARS OF CREDITED SERVICE;
- (3) FOR AN INDIVIDUAL HIRED DURING THE PERIOD OF JANUARY 1, 2012 TO DECEMBER 31, 2015, THE MEMBER MUST HAVE ATTAINED: (A) AGE 60 WITH 15 OR MORE YEARS OF CREDITED SERVICE; OR (B) AGE 55 WITH 25 OR MORE YEARS OF CREDITED SERVICE;
- (4) FOR AN INDIVIDUAL HIRED ON OR AFTER JANUARY 1, 2016, THE MEMBER MUST HAVE ATTAINED 5 OR MORE YEARS OF CREDITED SERVICE.

MCERS PLAN RESTATEMENT⁸¹

RETIREMENT BENEFIT

SECTION 22.

(1) FOR AN INDIVIDUAL HIRED ON OR BEFORE DECEMBER 31, 2001 OR WHO IS VESTED AS OF FEBRUARY 26, 2009, A PENSION BASED UPON 2.4 PERCENT (.024) OF THE MEMBER'S FINAL AVERAGE COMPENSATION FOR THE FIRST TWENTY-SIX (26) YEARS OF CREDITED SERVICE AND ONE (1%) PERCENT FOR EACH YEAR OF CREDITED SERVICE THEREAFTER MULTIPLIED BY THE MEMBER'S CREDITED SERVICE. IN NO CASE SHALL THE INDIVIDUAL'S PENSION EXCEED 65% OF FINAL AVERAGE COMPENSATION.

(2) FOR AN INDIVIDUAL HIRED DURING THE PERIOD OF JANUARY 1, 2002 TO DECEMBER 31, 2015, A PENSION BASED UPON 2.2 PERCENT (.022) OF THE MEMBER'S FINAL AVERAGE COMPENSATION FOR THE FIRST TWENTY-SIX (26) YEARS OF CREDITED SERVICE AND ONE (1%) PERCENT FOR EACH YEAR OF CREDITED SERVICE THEREAFTER MULTIPLIED BY THE MEMBER'S CREDITED SERVICE. IN NO CASE SHALL THE INDIVIDUAL'S PENSION EXCEED 66% OF FINAL AVERAGE COMPENSATION.

(3) FOR AN INDIVIDUAL HIRED ON OR AFTER JANUARY 1, 2016, THE MEMBER IS ELIGIBLE TO RECEIVE A ONE-TIME FIXED PAYMENT OF ONE THOUSAND (\$1,000.00) DOLLARS.

MCERS PLAN RESTATEMENT⁸²

NON-DUTY DEATH BEFORE RETIREMENT

SECTION 24. NON-DUTY DEATH BEFORE RETIREMENT – BENEFICIARY NOMINATED

Any ~~non-union~~ member who continues in County employment on or after the date ~~he/she~~ THE MEMBER either (1) ~~has acquired ten years of credited service,~~ or (2) ~~has attained age 60 years and has eight or more years credited service~~ BECOMES VESTED, may at any time prior to the effective date of ~~his/her~~ THE MEMBER'S retirement elect Option A provided in Section 26 in the same manner as if ~~he/she were~~ THE MEMBER WAS then retiring from County employment, and nominate a beneficiary whom the ~~Retirement Commission~~ BOARD finds to be dependent upon the ~~said~~ member for at least fifty (50%) percent of ~~his/her~~ THE BENEFICIARY'S support due to lack of financial means.

MCERS PLAN RESTATEMENT⁸³

EMPLOYEE CONTRIBUTIONS

SECTION 36(a). EMPLOYEES SAVINGS PENSION RESERVE FUND

MEMBER CONTRIBUTIONS TO THE RETIREMENT SYSTEM SHALL BE BASED UPON THE FOLLOWING PERCENTAGE OF THE MEMBER'S COMPENSATION, UNLESS OTHERWISE SPECIFIED IN THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT:

(1) FOR AN INDIVIDUAL HIRED ON OR BEFORE DECEMBER 31, 2001 OR WHO IS VESTED AS OF FEBRUARY 26, 2009, THE MEMBER MUST CONTRIBUTE THREE AND FIVE TENTHS PERCENT (3.5%) OF THE MEMBER'S COMPENSATION;

(2) FOR AN INDIVIDUAL HIRED ON OR AFTER JANUARY 1, 2002, THE MEMBER MUST CONTRIBUTE TWO AND FIVE TENTHS PERCENT (2.5%) OF THE MEMBER'S COMPENSATION;

(3) FOR AN INDIVIDUAL HIRED ON OR AFTER JANUARY 1, 2016, THE MEMBER MUST CONTRIBUTE ZERO PERCENT (0%) OF THE MEMBER'S COMPENSATION.

MCERS PLAN RESTATEMENT⁸⁴

APPEAL PROCESS

SECTION 50. DENIAL OF BENEFIT CLAIM; APPEAL.

A BENEFIT CLAIMANT SHALL BE NOTIFIED IN WRITING, WITHIN THIRTY (30) DAYS OF THE BOARD'S DENIAL OF A CLAIM FOR BENEFITS. THE NOTIFICATION SHALL CONTAIN THE BASIS FOR THE DENIAL. THE BENEFIT CLAIMANT MAY APPEAL THE DENIAL AND REQUEST A HEARING BEFORE THE BOARD. THE APPEAL SHALL BE IN WRITING AND FILED WITH THE MCERS WITHIN NINETY (90) DAYS OF THE DATE OF THE NOTIFICATION OF DENIAL. THE REQUEST FOR APPEAL SHALL CONTAIN A STATEMENT OF THE CLAIMANT'S REASONS FOR BELIEVING THE DENIAL TO BE IMPROPER. THE BOARD SHALL SCHEDULE A HEARING OF THE APPEAL WITHIN SIXTY (60) DAYS OF RECEIPT OF THE REQUEST TO APPEAL.

MCERS PLAN RESTATEMENT⁸⁵

QUALIFIED PLAN - IRS

SECTION 57. QUALIFIED RETIREMENT SYSTEM

The ~~County intends that the Retirement System~~ **MCERS IS INTENDED AND** shall be A qualified pension plan under Code Section 401 or successor provisions of the law, to the extent applicable to a government plan and that the trust be an exempt organization in compliance with Code Section 501. The ~~Retirement System~~ **MCERS** does not elect to be subject to provisions of the Code that are not applicable to a government plan, nor to any provisions of the Employee Retirement Income Security Act of 1974, as amended. The ~~County Board of Commissioners~~ may adopt such additional provisions to the ~~Retirement System~~ **MCERS** as necessary to fulfill the intent of being qualified pension plan.

MCERS PLAN RESTATEMENT⁸⁶

DEFERRED RETIREMENT OPTION PLAN ("DROP")

SECTION 58. DEFERRED RETIREMENT OPTION PLAN

THE TERMS AND CONDITIONS OF THE DEFERRED RETIREMENT OPTION PLAN ("DROP") SHALL BE THOSE PROVISIONS ADOPTED BY THE COUNTY OR BY COLLECTIVE BARGAINING AGREEMENT WHICH SHALL BE INCORPORATED INTO THE MCERS ORDINANCE BY REFERENCE.

NOTWITHSTANDING THE FOREGOING, A DROP PARTICIPANT SHALL BE ELIGIBLE TO VOTE IN ANY EMPLOYEE MEMBER ELECTIONS AND SHALL BE ELIGIBLE TO HOLD OFFICE AS AN ELECTED EMPLOYEE MEMBER PURSUANT TO SECTION 4(E) OF THE MCERS ORDINANCE.

QUESTIONS/COMMENTS

Thomas C. Michaud

VanOverbeke, Michaud & Timmony, P.C.

(313) 578-1200

tmichaud@vmtlaw.com



Macomb County Board of Commissioners

Dave Flynn – Board Chair Kathy Tocco – Vice Chair Steve Marino – Sergeant-At-Arms

District 1 – Andrey Duzyj District 2 – Marv Sauger District 3 – Veronica Klinefelt District 5 – Rob Mijac District 6 – Jim Carabelli
District 7 – Don Brown District 8 – Kathy Vosburg District 9 – Fred Miller District 12 – Bob Smith District 13 – Joe Sabatini

DATE: Wednesday, October 12, 2016

COMMITTEE: Finance

COMMITTEE RECOMMENDATIONS REPORT FOR FULL BOARD MEETING TO BE HELD: Thursday, October 12, 2016

Motion to adopt: Miller

Supported by: Brown

At a meeting of the committee held as specified above, the following recommendations were made and are being forwarded to the Full Board meeting for approval.

1. Committee Recommendation (Motion) (See Attached)

A Motion Was Made By Smith, Supported By Sauger, To Recommend That The Board Of Commissioners Approve The Award Of Bid For The Resurfacing Of Schoenherr Road From 8 To 11 Mile To Cipparrone Contracting, Inc. At A Cost Of \$3,288,155.44 And The Corresponding Construction Contract With Cipparrone And Cost Share Agreement With The City Of Warren; 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 Vosburg, Supported By Carabelli, To Recommend That The Board Of Commissioners Approve The Cost Share Agreement Outlining The Cost Participation Between Harrison Township And The Department Of Roads For The Reconstruction Of Bayhaven Drive Through A Residential Special Assessment District Established By Harrison Township; Further, A Copy Of This Board Of Commissioners’ Action Is Directed To Be Delivered Forthwith To The Office Of The County Executive. **THE MOTION CARRIED.**

3. Committee Recommendation (Motion) (See Attached)

A Motion Was Made By Vosburg, Supported By Carabelli, To Recommend That The Board Of Commissioners Approve The Cost Share Agreement Outlining The Cost Participation Between Harrison Township And The Department Of Roads For The Reconstruction Of Riviera Street Through A Residential Special Assessment District Established By Harrison Township; 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 Vosburg, Supported By Carabelli, To Recommend That The Board Of Commissioners Approve The Cost Share Agreement Outlining The Cost Participation Between Shelby Township And The Department Of Roads For The Resurfacing Of Various Residential Streets (Barclay, Betty, Woodall, Phillips, Cumberland); 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 Carabelli, To Recommend That The Board Of Commissioners Approve The Cost Share Agreement Outlining The Cost Participation Between Shelby Township And The Department Of Roads For The Reconstruction Of Robin's Nest From 450 Feet South To 350 Feet North Of Canary; 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 Smith, Supported By Carabelli, To Recommend That The Board Of Commissioners Approve The Agreement Between MDOT And Macomb County Outlining The Scope Of Project And Costs For Concrete Pavement Repairs On Garfield Road From South Of Millar To 17 Mile Road At A Cost Of \$1,040,100, With Funding Covering \$851,300, Leaving A Balance For MCDR To Pay Of \$188,800 (Estimated Costs); 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 Marino, Supported By Sabatini, To Recommend That The Board Of Commissioners Approve The MDOT Contract For The Legislative Earmark To Complete The M-53 Access Road Project At 33 Mile Road In Bruce Township; 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 Marino, Supported By Smith, To Recommend That The Board Of Commissioners Approve The Proposal For Design Engineering Services For The M-53 Access Road Project At Mckay Road And 33 Mile Road In Bruce Township; 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 Klinefelt, Supported By Sauger, To Recommend That The Board Of Commissioners Approve The Appointment Of Foster, Swift Collins & Smith (John M. Kamins) To Advise, Review, And Represent Macomb County In Bond Sale And Refunding Matters; 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.**

10. Committee Recommendation (Motion)

(See Attached)

A Motion Was Made By Mijac, Supported By Brown, To Recommend That The Board Of Commissioners Adopt The 2016 Macomb County Apportionment Report As Prepared By The Finance Department.; 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.**

11. Committee Recommendation (Motion)**(See Attached)**

A Motion Was Made By Sauger, Supported By Vosburg, To Recommend That The Board Of Commissioners Approve A (3) Three-Year Contract 10/14/2016 Through 10/13/2019 With Our Current Employee Benefits Consultant And Broker- Tmr & Associates, Inc. At A Cost Of \$255,000 (\$85,000 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.**



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	10/13/16

RESOLUTION

Resolution to:

Approve the award of bid for the resurfacing of Schoenherr Road from 8 to 11 Mile to Cipparrone Contracting, Inc. at a cost of \$3,288,155.44 and the corresponding construction contract with Cipparrone and cost share agreement with the City of Warren.

Introduced By:

Commissioners James Carabelli & Robert Mijac, Infrastructure/Economic Development Committee

Additional Background Information (If Needed):

Request approval of the award of bid for the resurfacing of Schoenherr Road from 8 to 11 Mile to Cipparrone Contracting, Inc. at a cost of \$3,288,155.44, and approval of the corresponding construction contract with Cipparrone for this project. Also request approval of the Cost Share Agreement with the City of Warren outlining the participation of costs for this project.

Committee	Meeting Date
Infrastructure/ Econ Development	10/11/2016
Finance	10/12/16



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	10/13/16

RESOLUTION

Resolution to:
<p>Approve the Cost Share Agreement outlining the cost participation between Harrison Township and the Department of Roads for the reconstruction of Bayhaven Drive through a residential Special Assessment District established by Harrison Township.</p>

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

Additional Background Information (If Needed):
<p>Cost Share Agreement outlining the cost participation between Harrison Township and the Department of Roads for the reconstruction of Bayhaven Drive through a residential Special Assessment District established by Harrison Township. This cost share has been agreed upon in advance between the agencies and work is part of the budgeted Pavement Preservation Program, which was previously bid, awarded and approved by the Board.</p>

Committee	Meeting Date
Infrastructure/Econ Development	10/11/2016
Finance	10/12/16



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	10/13/16

RESOLUTION

Resolution to:
<p>Approve the Cost Share Agreement outlining the cost participation between Harrison Township and the Department of Roads for the reconstruction of Riviera Street through a residential Special Assessment District established by Harrison Township.</p>

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

Additional Background Information (If Needed):
<p>Cost Share Agreement outlining the cost participation between Harrison Township and the Department of Roads for the reconstruction of Riviera Street through a residential Special Assessment District established by Harrison Township. This cost share has been agreed upon in advance between the agencies and work is part of the budgeted Pavement Preservation Program, which was previously bid, awarded and approved by the Board.</p>

Committee	Meeting Date
Infrastructure/Econ Development	10/11/2016
Finance	10/12/16



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	10/13/16

RESOLUTION

Resolution to:

Approve the Cost Share Agreement outlining the cost participation between Shelby Township and the Department of Roads for the resurfacing of various residential streets (Barclay, Betty, Woodall, Phillips, Cumberland).

Introduced By:

Commissioners James Carabelli & Robert Mijac, Infrastructure/Economic Development Committee

Additional Background Information (If Needed):

Cost Share Agreement outlining the cost participation between Shelby Township and the Department of Roads for the resurfacing of various residential streets (Barclay, Betty, Woodall, Phillips, Cumberland). This cost share has been agreed upon in advance between the agencies and work is part of the budgeted Pavement Preservation Program, which was previously bid, awarded and approved by the Board.

Committee	Meeting Date
Infrastructure/Econ Development	10/11/2016
Finance	10/12/16



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	10/13/16

RESOLUTION

Resolution to:
<p>Approve the Cost Share Agreement outlining the cost participation between Shelby Township and the Department of Roads for the reconstruction of Robin's Nest from 450 feet south to 350 feet north of Canary</p>

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

Additional Background Information (If Needed):
<p>Cost Share Agreement outlining the cost participation between Shelby Township and the Department of Roads for the reconstruction of Robin's Nest from 450 feet south to 350 feet north of Canary. This cost share has been agreed upon in advance between the agencies and work is part of the budgeted Pavement Preservation Program, which was previously bid, awarded and approved by the Board.</p>

Committee	Meeting Date
Infrastructure/Econ Development	10/11/2016
Finance	10/12/16



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	10/13/16

RESOLUTION

Resolution to:
<p>Approve the agreement between MDOT and Macomb County outlining the scope of project and costs for concrete pavement repairs on Garfield Road from south of Millar to 17 Mile Road at a cost of \$1,040,100, with funding covering \$851,300, leaving a balance for MCDR to pay of \$188,800 (estimated costs).</p>

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

Additional Background Information (If Needed):
<p>Agreement between MDOT and Macomb County outlining the scope of project and costs for concrete pavement repairs on Garfield Road from south of Millar to 17 Mile Road at a cost of \$1,040,100, with funding covering \$851,300, leaving a balance for MCDR to pay of \$188,800 (estimated costs). Budgeted under current fiscal year and carried over to next fiscal year for work to be completed.</p>

Committee	Meeting Date
Infrastructure/Econ Development	10/11/2016
Finance	10/12/16



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	10/13/16

RESOLUTION

Resolution to:
<p>Approve the MDOT contract for the Legislative Earmark to complete the M-53 access road project at 33 Mile Road in Bruce Township.</p>

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

Additional Background Information (If Needed):
<p>The State will provide \$2,000,000 for this project, with Bruce Township covering \$800,000 and DOR to cover \$200,000 if necessary.</p> <p>Preliminary engineering costs were budgeted for 2017 fiscal year; however, construction is not expected to begin until 2018.</p>

Committee	Meeting Date
Infrastructure/ Econ Development	10/11/2016
Finance	10/12/16



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	10/13/16

RESOLUTION

Resolution to:
<p>Approve the Proposal for Design Engineering Services for the M-53 access road project at McKay Road/33 Mile Road in Bruce Township.</p>

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

Additional Background Information (If Needed):
<p>The State will provide \$2,000,000 for this project, with Bruce Township covering \$800,000 and DOR to cover \$200,000 if necessary. This contract covers the design phase to be completed by Anderson, Eckstein & Westrick. The construction contract will be bid out in 2017. This project has been budgeted in the 2016-17 Construction Budget.</p>

Committee	Meeting Date
Infrastructure/ Econ Development	10/11/2016
Finance	10/12/16



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	10/13/16

RESOLUTION

Resolution to:
<p>Appointment Of Foster, Swift Collins & Smith (John M. Kamins) To Advise, Review, And Represent Macomb County In Bond Sale And Refunding Matters</p>

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

Additional Background Information (If Needed):
<p>The County's former bond counsel of long standing recently joined the Clark Hill law firm of Detroit, Michigan. Shortly before, Clark Hill declared itself to be in conflict with the County when contacted by the undersigned regarding retention by the County for representation in an unrelated matter.</p> <p>In accordance with Rule 1.10(a), Michigan Rules of Professional Conduct, "(w)hile lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so..." Rule 1.10(b) further provides: "(w)hen a lawyer becomes associated with a firm, the firm may not knowingly represent a person in the same or a substantially related matter in which that lawyer, or a firm with which that lawyer was associated, is disqualified..."</p> <p>Foster Swift Collins & Smith is a state-wide law firm has extensive practice experience assisting municipal bond issuers, underwriters, remarketing and placement agents in conjunction with public buildings, roadway, parking facility, and infrastructure projects, sewer and water systems, and solid waste disposal. The firm, and John M Kamins in particular, has extensive experience as bond counsel and issuer's counsel to cities, townships, and counties.</p> <p>In accordance with the authority vested in this office regarding the appointment of special counsel on behalf of the County, Section 7.5.3, Home Rule Charter of Macomb County, Michigan, request is hereby made for the Board of Commissioner's concurrence in appointing John M. Kamins of Foster Swift & Collins as special counsel to advise, review, and represent the County in bond sale and refunding matters...</p>

Committee	Meeting Date
Finance	10/12/16



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	10/13/16

RESOLUTION

Resolution to:
<p>Adopt the 2016 Macomb County Apportionment Report as prepared by the Finance Department.</p>

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

Additional Background Information (If Needed):
<p>As required by state statute, the County must adopt the annual Apportionment Report at its October session.</p>

Committee	Meeting Date
Finance	10/12/16



MACOMB COUNTY, MICHIGAN

Resolution Number:	Full Board Meeting Date:
	10/13/16

RESOLUTION

Resolution to:
<p>Approve a (3) Three-Year contract 10/14/2016 through 10/13/2019 with our current Employee Benefits Consultant and Broker - TMR & Associates, Inc. at a cost of \$255,000 (\$85,000 per year).</p>

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

Additional Background Information (If Needed):
<p>This contract will provide HR/LR with the necessary support for employee benefit renewals (ie. Blue Cross, HAP, Delta Dental etc.), open enrollment, and various employee benefit consulting services required for the next three years.</p>

Committee	Meeting Date
Finance	10/12/16



Macomb County Board of Commissioners

Dave Flynn – Board Chair Kathy Tocco – Vice Chair Steve Marino – Sergeant-At-Arms

District 1 – Andrey Duzyj District 2 – Marv Sauger District 3 – Veronica Klinefelt District 5 – Rob Mijac District 6 – Jim Carabelli
 District 7 – Don Brown District 8 – Kathy Vosburg District 9 – Fred Miller District 12 – Bob Smith District 13 – Joe Sabatini

DATE: 10-13-16

COMMITTEE MEETING: Full Board

RESOLUTION SHEET

Resolution to: Receive and file report from Board Chair for October 2016

Introduced by: Board Chairman Dave Flynn

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

Current Issues

- Budget
- Veterans
- Zoo
- MTB

Office

- BOC renovations are still underway with a completion date estimated of early November.
- Director of Legislative Affairs position has been posted; interviews upcoming
- Communications Coordinator position posted today; will remain open until October 26th
- Sam Lulkin – Contractor providing temporary BOC assistance
- Staff members are working with the IT Department and BoardSync agenda management system personnel to refine processes and develop training schedules for department users.

Upcoming Items

- Continuation of Budget Reviews; see revised schedule
- Procurement Ordinance/Contracting Policy
 - Development of language for RFPs, policies when promised deadlines are missed
- Boards/Comms
 - Standardization of Boards/Comms procedures

Correspondence

- Media Clips and articles

BOC Independent Counsel Invoice Totals

Month	Invoice Totals	CS – Legal \$120,400	%Utilized
January	\$ 3,828.70	\$116,571.30	
February	<u>5,684.00</u>	\$110,887.30	
	\$ 9,512.70		.079
March	<u>4,887.00</u>	\$106,000.30	
	\$14,399.70		.119
April	<u>6,400.00</u>	\$ 99,600.30	
	\$20,799.70		.173
May	<u>2,000.00</u>	\$ 97,600.30	
	\$22,799.70		.189
June	<u>2,415.00</u>	\$ 95,185.30	
	\$25,214.70		.209
July	<u>2,668.00</u>	\$ 92,517.30	
	\$27,882.70		.231
August	<u>3,864.00</u>	\$ 88,653.30	
	\$31,746.70		.263

###



Samuel A. Lulkin, CPA

Controller

Versatile, organized professional offering over fifteen years of diverse audit, controls, finance, and general accounting experience across the service, automotive, manufacturing, food production, technology, education, and government sectors. Enhanced knowledge of finance, accounting, audit, budgeting, fixed assets, internal controls and operations, provides cross-disciplinary insight into problem resolution at all levels of an organization. Proven team management skills: mentoring junior staff members, encouraging members to achieve stated objectives, and promoting knowledge sharing to enhance team performance and value. Comfortable presenting report findings to senior management and defending recommendations.

KEY AREAS OF EXPERTISE

- Financial Statement Preparation
- Budgeting
- General Ledger Accounting
- Federal, State, & Local Tax Returns
- Internal Audit Reviews
- Process Improvements
- Internal Controls
- Variance Analysis
- Audit Reports
- Fixed Assets

Technology Skill Set: MS Office (Word, Excel, PowerPoint, Access), ACL, CMS Aderant, Sage Fixed Assets and SAP

EDUCATION/CERTIFICATIONS

Master of Business Administration (MBA) Accounting emphasis, Wayne State University, Detroit, MI
Bachelor of Arts in Economics, Michigan State University, East Lansing, MI
Certified Public Accountant (CPA) – State of Michigan (registered status)

PROFESSIONAL EXPERIENCE

HONIGMAN, MILLER, SCHWARTZ & COHN, LLP 2012 - 2016
Am Law 200 law firm with over 250 attorneys in six offices

Controller

(35% Financial Statement & Management Reporting, 25% Budgeting, 15% Tax, 15% Staff Management, 10% Fixed Assets)

Oversaw and directed the GL accounting function including AP, Fixed Assets, Cash Application and Escrow (1 manager and 7 non-exempt staff). Managed the month end closing process including the timely preparation of financial statements with accompanying variance explanations and financial analyses for senior management. Working with administrative department heads, Director of Finance and COO, developed and maintained the annual operating budget. Worked with administrative department heads to create and provide monthly reporting of budget to actual expenses. Managed the annual financial statement audit and assisted in the preparation of Federal, State and Local tax returns. Worked with senior management to develop board presentations of financial data. Responded to ad-hoc inquiries from the CEO, Vice Chairman, COO and Director of Finance.

HEWLETT PACKARD, Pontiac, MI 2007 - 2012
One of largest technology companies in the world, with over 350,000 employees in over 160 countries and annual revenues of \$127B.

Business Control Lead

Performed and completed all phases of self assessments of internal controls including planning, development of risk control matrix, testing, work paper creation, and report generation and presentation for all processes within the

Robert Half Management Resources has interviewed this candidate. We usually check candidate references by asking specific questions of selected previous employers with regard to qualifications and work history. Robert Half Management Resources has not verified all representations made by the candidate in this resume. We recommend that our clients also perform their own reference checking.

Pontiac shared services center. Coordinated with process owners to monitor and close recommendations made for control improvements. Conducted quality reviews of account reconciliations to ensure compliance with HP guidelines.

Assisted in evaluating and determining appropriate internal controls over work transitioning from other HP business units into Global Business Services (GBS) shared service organization. **Selected Accomplishments:**

- Led global team in audit of Six Sigma calculations and reporting by operations teams in various centers. As a result of the audit findings, a Global Metric Review Board was created to review all Critical to Quality measures to ensure consistency and accuracy of calculations performed and reported.
- Selected to establish GBS Business Controls position for the Pontiac center. Created a risk rating for each process performed and developed an audit calendar based on risk rating and input from center manager.
- Proposed plan to perform process audits globally, rather than separately in the individual centers, in order to build collaboration across centers and potentially identify more issues.
- Selected by Director of Compliance and Controls to receive Q1 FY11 award for Excellent Contribution.
- Attained Certified Internal Auditor (CIA) designation.

Financial Analyst

Conducted input and logic reviews of complex journal entries for Navy/Marine Corps Intranet (NMCI) contract. Served as subject matter expert and provided guidance to other team members to resolve issues related to fixed assets. Prepared monthly variance analysis and reconciliations on selected balance sheet accounts, and researched and resolved reconciling items. Provided internal and external auditors with various schedules and journal entry support needed to complete quarterly and year-end financial statement work. **Selected Accomplishments:**

- Resolved \$6.4M of unidentified debits in the fixed asset clearing account through capitalizations and write-off to expense, conducting extensive research to provide necessary supporting documentation for capitalizations. Final write-off to expense was less than \$100K.
- Received "On the Spot" bonuses twice for assistance provided in making sure team was able to deliver accurate and on time closing numbers to senior management.

KAR NUT PRODUCTS, Madison Heights, MI
Michigan-based snack food manufacturer and distributor.

2005 - 2007

Assistant Controller

Planned, organized, and directed day-to day activities of Accounting Department, including oversight of two clerks and two staff accountants. Managed all general ledger activity, including budget to actual analysis, monthly close process (accruals, accounts payable and receivable, and intercompany transactions), journal entries, and balance sheet reconciliations. Supervised preparation of annual budget, delivery of monthly financial statements, and analytical review of all revenue and expense accounts. Produced ad-hoc analysis by customer or by product to help with promotional offers or to assist with pricing decisions when sales team was negotiating with distributors. Acted as liaison with independent accounting firm for year-end financial statement review and tax work. Completed special projects as directed by Controller, VP of Finance, or CEO, including a monthly forecasting model for the P&L. **Selected Accomplishments:**

- Reviewed accounts receivable aging, uncovering and recovering \$5K in unclaimed supplier credits.
- Reduced monthly close process from seven to ten days down to five through creation and implementation of a month-end close plan.

PLANTE & MORAN, PLLC, Southfield, MI
Large regional public accounting and consulting firm.

2001 - 2005

Staff Auditor/In-Charge**(80% Audit, 20% Tax)**

Led audit and financial statement review engagements for auto dealerships, manufacturing firms, school districts, and municipalities. Audited all aspects of the accounting cycle: cash, accounts receivable, accounts payable, fixed assets, inventory (including inventory observations), income taxes, and revenue and expenses. Documented and analyzed controls over accounting systems. Identified and offered suggestions for the improvement of management and system efficiencies. Prepared and reviewed financial statements, including footnotes, as well as various federal, state, and local income tax filings. Supervised, trained, and reviewed work of staff accountants.

ADDITIONAL EXPERIENCE SUMMARY

Account Representative , Logistics Insight Corporation, Detroit, MI	1999-2000
Account Representative , CHEP USA, Auburn Hills, MI	1998-1999
District Sales Manager , USA Today, Wixom, MI	1996-1998
Project Manager/Customer Service Representative , Edcor Data Services, Pontiac, MI	1993-1996

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October 03, 2016 1:33 PM

Hope Center in Macomb food pantry to shut down

By Sherri Welch

Hope Center in Macomb, a client-choice pantry, plans to shut down its operations Nov. 1 after six years of operation.

"Like other nonprofits in our area, funding has been increasingly difficult to secure with this market becoming more saturated than ever before with agencies contending for the same financial support," Executive Director Steve Gibson said in on a posting on the charity's website.

"Although other extrinsic factors apply, there was simply too little support to continue offering the services our community has grown to appreciate."

In 2014, the year of its most recent tax return, the center reported \$2.4 million in revenue — down from \$3.1 million in 2013 — a loss of \$118,139 and reserves totaling \$229,185.

In late June, the center, housed on Groesbeck Highway near 14 Mile Road, said it was planning to look for a more cost-effective location.

Although Hope Center Macomb has since made the decision to dissolve, Gibson said he was "settled in knowing everyone's hard work helped so many in need," helping thousands of clients each year.

He asked supporters to continued donations so the center can continue to provide services to more than 2,000 clients through October.

Hope Center has been supported by churches from across Macomb County to serve residents of the county. It is a client-choice food pantry, which allows patrons to select food items their families want and need, much like a grocery store, reducing waste and making the process of acquiring emergency food a more dignified experience.

It has also operated as a one-stop shop for people to access 17 human service programs offering services including job placement planning, tax return services, legal aid, veterans services and health care referrals.

In 2014, Hope Center was the largest food pantry in southern Macomb County, feeding 100 families per day, the charity told *Crain's*.

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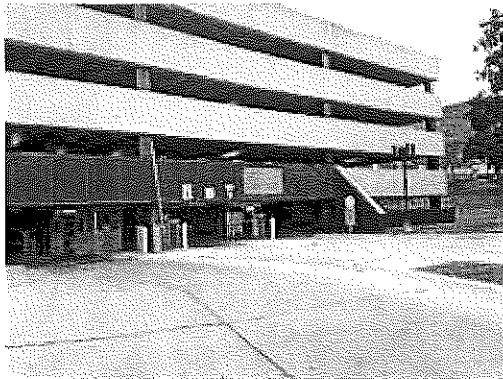
The Macomb Daily (<http://www.macombdaily.com>)

Old downtown Mt. Clemens parking garage to close for demolition

Contractor to prepare for demolition as \$65 million project progresses

By Jameson Cook, *The Macomb Daily*

Sunday, October 2, 2016



The crumbling, often damp old parking garage in downtown Mount Clemens will close for good Tuesday in preparation for demolition over the coming weeks.

Shut down of the 575-space structure off the north end of the Macomb County courthouse has been planned for some time as county officials approved construction of a new, \$9.5 million, 605-space facility off the south end of the Administration Building; it opened in July.

The demolition is part of a \$65 million project to improve county government structures in downtown Mount Clemens that is slightly behind schedule.

“It’s the nature of the business (to lag behind),” said Mark Deldin, chief deputy county executive. “You always build some lead time. We’re still on target and on budget.”

County employees and the public on Tuesday will no longer be able to use the facility at Market Street and Northbound Gratiot where drivers are charged \$4 per day. The structure has been plagued by repairs for crumbling cement and water leaks.

Last week, county employees received new badges that will allow them to park for free in the new facility, while the public will pay \$1 per hour, Deldin said. The new deck was built on the site of a 200-space lot.

Deldin said he is not concerned about the lack of parking availability although demand will rise due to fewer spaces and more county employees working downtown. He said some workers of private downtown businesses who have parked in the old structure will now have to park in their own lots or metered spots, to the benefit of the city of Mount Clemens.

A county contractor, which erected a fence around the old garage a few weeks ago, will lock the fence and begin work to prepare for the bulldozing of the hundreds of thousands of pounds of more than 40-year-old concrete and steel, Deldin said.

That 2.3 acre site will be seeded for grass and held for potential future use or turned into a park or parking lot.

The upgrades in downtown county government facilities was spurred by an April 2013 fire at the Old County Building, located next to the courthouse on Main Street.

The 13-story Old County Building, which had been under-used and in disrepair, has been closed for renovations since the fire and will reopen later this fall and put to full use. It will house Friend of the Court, which will move from the sixth floor of the courthouse, Probate Court and Juvenile Court, which will come from the county complex on the outskirts of Mount Clemens.

Circuit court administration will move from the fifth to the sixth floor of the six-level courthouse, and three new courtrooms will be constructed on the fifth floor, although they will not be ready for three new circuit judges who will take office Jan. 1, Deldin said. Accommodations have been made for those judges' temporary courtrooms, he said.

The jury room will move from the courthouse's fifth floor to the first floor. First-floor offices of the Clerk's Office will move to the Talmer Building on the north end of downtown along with Register of Deeds operations currently at the Clemens Center.

At the nine-story Administration Building, the Prosecutor's Office on Friday began expanding from the third and fourth floors to the fifth floor to accommodate the location of all prosecutor offices to the building. Human Resources, which had been at the Old County Building and has been at the Talmer Building, is moving into the sixth floor of the Administration Building.

The ninth floor, currently under renovation, should reopen in November, he said

The entire project is being paid with \$45 million from county bonds, \$10 million from the general fund and \$10 million from an insurance payout from the fire.

URL: <http://www.macombdaily.com/general-news/20161002/old-downtown-mt-clemens-parking-garage-to-close-for-demolition>

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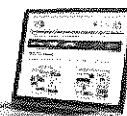


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MOUNT CLEMENS

County board overrides executive's veto of ethics ordinance amendments

By Thomas Franz

1

Posted September 21, 2016

MOUNT CLEMENS — Questions have arisen regarding the enforceability of the Macomb County ethics ordinance for public servants after the Macomb County Board of Commissioners voted to override a veto by Macomb County Executive Mark Hackel concerning amendments for the ordinance.

The ordinance defines a public servant as a county employee, countywide elected official, county commissioner or county appointee.

On Aug. 18, the board approved a series of amendments to the ordinance, which was created and passed in 2011.

According to a letter from Hackel to the board that was dated Aug. 31 and made public during a Sept. 15 board meeting, Hackel received the amended ordinance Aug. 19 and issued his veto in the Aug. 31 letter.

A letter dated Aug. 26 from Donald Amboyer, the chair of the Macomb County Ethics Board, to Hackel was also made available to the public at the Sept. 15 meeting and shows that the Ethics Board suggested a veto of the amendments by Hackel.

During the Sept. 15 board meeting, commissioners voted by a 12-1 margin to override Hackel's veto.

However, Hackel said several items in the amended ordinance make it not enforceable, and referred to the amended document as the "unethics ordinance."

"The Ethics Board could not have been more disappointed and more vocally critical of the actions the commissioners took," Hackel said. "This thing is completely unenforceable. I'm just baffled."

A key disagreement between the Board of Commissioners and the Executive Office and Ethics Board is in regard to whether ethics board proceedings and documents shall be open to the public.

The amended ordinance states that all sessions to consider or discuss any complaint or allegations concerning a public servant, to meet with a complainant or any respondent to a complaint, or to meet with any public servant other than legal counsel for the board, shall be in a session open to the public.

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Hackel said that conflicts with an item in the Macomb County charter under its ethics section, which says that a complainant and all information relating to a complaint shall be kept confidential except as required by law or ordinance.

"The worst part about that is, why would an employee now want to bring about an ethics concern about a public official knowing it's going to be public? They won't do it; they're going to be fearful of it. They should not be fearful of public officials," Hackel said.

Board Chairman Dave Flynn said the amended ordinance is not a far departure from the previous wording regarding the public nature of ethics complaints.

"Many of the documents are already public if someone FOIA's them. Many documents of the Ethics Board, under the Open Meetings act, can be requested by anyone," Flynn said. "If somebody is accused of an unethical issue, they have the right to decide whether it's public or closed session, not the accuser."

Amboyer's letter to Hackel displays the Ethics Board's displeasure with the amendment.

"The enrolled ordinance is an attempt by the commission to ban confidentiality by making the Ethics Board an open forum for all allegations and complaints to be considered in the public," Amboyer wrote. "No ordinance or law, to my knowledge, has ever been enacted requiring alleged legal complaints or unethical behavior be investigated in an open forum, which this purported section change to the ethics ordinance will require."

Amboyer also wrote that people involved in these matters could have their reputations damaged by allegations made in the public forum.

In his veto letter, Hackel wrote that his initial reason for vetoing the amended ordinance included the process that the commission used to adopt the ordinance.

"No one, not the Ethics Board, corporation counsel, elected officials, nor any of the nearly 3,000 public servants it impacts, were given an opportunity to see or comment on the proposed changes before they were adopted," Hackel wrote.

Hackel continued to write that there was no public hearing and the proposed agenda documents never appeared on the commission's website and still do not appear there.

The agenda for an Aug. 4 meeting for the board's Government Operations, Justice and Public Safety, Health and Human Services, and Finance committees does not support Hackel's assertion. According to that meeting's agenda on the county's website, an item under the government operations portion of the meeting shows that the ordinance was to be introduced and discussed.

The online agenda for the Aug. 4 meeting also contains the ordinance and proposed changes.

A memo distributed Sept. 15 by Scott Smith, independent counsel for the county board, shows that the board discussed the ordinance for 43 minutes and 39 seconds, and there were two opportunities for public participation during the meeting.

The county's website also shows the ordinance appearing for public discussion for an Aug. 18 joint meeting of the board's Infrastructure and Economic Development and Finance committees, as well as a full board meeting that same day.

Smith's memo shows the board discussed the ordinance for more than 26 minutes in committee prior to final approval at the full board meeting, and there were a pair of opportunities during both meetings for public discussion.

"To level such a strong charge, when it is 100 percent inaccurate, is wrong," Flynn said after the Sept. 15 meeting while discussing Hackel's claim of there being no public discussion of the ordinance.

For the Sept. 15 meeting, there were inconsistencies in where an agenda item concerning the ethics ordinance showed up on the county's website.

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Hackel clarified that portion of his letter by saying that the public was never informed why there had to be changes made to the ordinance, as opposed to the board showing what changes it was going to make.

"There was no need for the change. There was no one in the public that said we need to change the ethics ordinance, what prompted this," Hackel said.

Flynn said a court has the sole authority to decide on the legality of any county ordinance.

"Therefore, it is now the ethics ordinance of Macomb County and presumably valid. To say it's not is wrong and against the law, plain and clear. Even our independent counsel as well as the corporation of the county said so publicly," Flynn said. "The legislative branch is tasked with drafting legislation of the county, and the ethics board is in charge of implementing them, similar to how a legislature will create laws and a judge will interpret them."

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ABOUT THE AUTHOR

Staff Writer Thomas Franz covers Macomb Township, Chippewa Valley Schools and the Macomb County Board of Commissioners for the Macomb Township Chronicle. He also covers sports primarily for the Shelby-Utica News. He has worked for C & G Newspapers since 2013 and attended Michigan State University.

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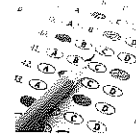
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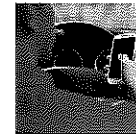
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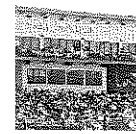
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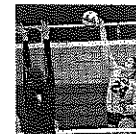
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MACOMB COUNTY

Meals on Wheels seeks more funding

By Thomas Franz

Posted October 12, 2016

MACOMB COUNTY — Roughly 25 people in Macomb County are turning 65 years old each day.

At that current rate, the need for enhanced senior services is growing, which means funding for those services also will need to grow.

One of those programs seeking more funding in this year's budget cycle is Meals on Wheels. It is seeking an increase of \$100,000 in its budget to improve transportation efforts and to keep pace with rising costs from food vendors.

"It's not the complete amount that we need; to keep things the way they are, we would probably need about \$230,000, but some of those will have to come through efficiency," said Rhonda Powell, the director of Macomb Community Action, which oversees the county's Meals on Wheels program.

Meals on Wheels serves about 1,300 county residents with a volunteer base of about the same number, plus a staff of paid part-time drivers.

"We've had a lot of efforts around volunteer recruitment. Our Macomb County staff has been great. We've reached out to departments, even as a team-building kind of exercise, for department heads to allow their staff members to deliver meals," Powell said.

However, Powell said a significant number of Meals on Wheels volunteers are senior citizens who have been volunteering for a long time. At the same time, demand for Meals on Wheels service is increasing. Powell said demand has increased 25 percent since 2008.



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"The model we have is not possible, and one way we keep costs down is using that volunteer model," Powell said.

To add to the rising demand, Powell estimated that food vendor costs have risen 4-15 percent depending on the volume of food a vendor provides.

During a budget review meeting Oct. 5, David Flynn, D-Sterling Heights, the chairman of the Macomb County Board of Commissioners, asked Powell how her paid staff is compensated compared to neighboring counties. Her response shed light on another issue that is challenging senior services programs.

"When you look at the region, and broader than our borders, then I think we're not as competitive. We're actually bleeding staff to Oakland and Wayne County, because we're not keeping pace as far as what we pay," Powell said. "We have at least 200 part-time staff that would qualify for services we provide."

One area in which the program has improved for residents is the speed at which it can enroll residents. Powell said that it used to take several weeks to enroll a resident into Meals on Wheels, but now that process takes just 24 hours.

"That's fine if you have the volunteers to support the route. You have to balance the scales, so not only do we need to increase efficiency, but we also need to deliver it," Powell said.

The county board will continue its budget review of all county departments throughout October and November before finalizing the 2016-17 fiscal year budget in early December.



ABOUT THE AUTHOR


Staff Writer Thomas Franz covers Macomb Township, Chippewa Valley Schools and the Macomb County Board of Commissioners for the Macomb Township Chronicle. He also covers sports primarily for the Shelby-Utica News. He has worked for C & G Newspapers since 2013 and attended Michigan State University.

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