

MUSKEGON COUNTY BOARD OF COMMISSIONERS
MUSKEGON COUNTY, MICHIGAN

AGENDA

FULL BOARD

Hall of Justice

990 Terrace, Muskegon, MI

January 26, 2010 - 3:30 PM

Kenneth Mahoney, Chair

Charles Nash, Vice-Chair

-
1. Call to Order
 2. Invocation
 3. Pledge of Allegiance
 4. Roll Call
 5. Approval of Agenda
 6. Approval of Minutes
 - A. Organizational Meeting of January 5, 2009 (Previously Forwarded)
 - B. Full Board Meeting of January 12, 2009 (Previously Forwarded)
 7. Presentations
 - A. Tommy Lee Watson Tribute
 - B. Drain Commission Office Update - Jeff Hepler
 8. Communication
 - A. Allegan County Resolution in Support of Legislative Commission Statutory Mandate Final Report, December 2009
 - B. Charlevoix County Resolution Regarding Funding Obligations - State Mandated Services
 - C. Oceana County Resolution in Support of the Final Report of the Legislative Commission on Statutory Mandates, December 2009
 - D. Oscoda County Resolution #2009-022; Urging Implementation of the State Substance Abuse Treatment & Prevention Allocation Formula

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS
OF THE MUSKEGON COUNTY BOARD OF COMMISSIONERS
AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The County of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting upon 24-hours notice to the County of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the County of Muskegon by writing or calling:

Administration
Hall of Justice, Fourth Floor
990 Terrace Street
Muskegon, MI 49442
(231) 724-6505

Full Board
Agenda
January 26, 2010

9. Committee Reports
 - A. Community Development/Strategic Planning Committee (Page 13)
 - B. Transportation Committee (Page 14)
 - C. Ways & Means Committee (Pages 15 & 16)
10. Chairman's Report/Committee Liaison Reports
 - A. Airport Advisory Committee Reappointments
 - Richard Dolack (City of Norton Shores); 1/1/2010 - 12/31/2011
 - Michele Yasenak (Private Sector); 1/1/2010 - 12/31/2011
 - Paul Billings (Private Sector); 1/1/2010 - 12/31/2011
 - William Moulatsiotis (Private Sector); 1/1/2010 - 12/31/2011
 - Lewis Collins (Commissioner Liaison); 1/1/2010 - 12/31/2010
 - B. Community Corrections Advisory Board
 - Louis Churchwell - Reappointment (Community Service); 1/1/2010 - 12/31/2012
 - Bridget Burks - New Appointment (General Public); 1/1/2010 - 12/31/2012
 - C. County Museum Board
 - Tom Malloy - Reappointment (General Public); 1/1/2010 - 12/31/2012
 - D. Workforce Development Board
 - Mark Mangione - Reappointment (Organized Labor); 1/1/2010 - 12/31/2012
 - Lisa Valez - Reappointment (Private Sector); 1/1/2010 - 12/31/2012
 - Bill Lowry - Reappointment (Private Sector); 1/1/2010 - 12/31/2012
11. Administrator's Report
12. Old Business
13. New Business
14. Public Participation
15. Adjournment

Note: Public Participation - Persons may address the Commission during the time set aside for Public Participation or at any time by suspension of the rules. All persons must address the Commission and state their name for the record. Comments shall be limited to two minutes for each participant, unless time is extended prior to the public participation period by a vote of a majority of the commission.

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

SUPPORT LEGISLATIVE COMMISSION STATUTORY MANDATES FINAL REPORT

DECEMBER 2009

WHEREAS the electorate of the State of Michigan passed an amendment in November 1978 to the State's Constitution that required the State to fund mandates imposed on local units of government (often referred to as the "Headlee Amendment"); and

WHEREAS the Headlee Amendment (Article IX, Section 29) states:

"The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18." and;

WHEREAS the Headlee Amendment became effective on December 23, 1978; and

WHEREAS the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and

WHEREAS the LCSM worked with the Citizens Research Council (issued an analysis of other state's statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

- Michigan Association of Counties.
- Michigan Municipal League.
- Michigan Township Association.
- Michigan School Business Officials and Michigan Association of School Administrators.
- Michigan Community College Association.
- County Road Association of Michigan.; and,

WHEREAS the LCSM issued a report in June 2009 entitled "Interim Report of the Legislative Commission on Statutory Mandates" that indicated, among other matters, that the State had failed to enact legislation enabling the Headlee Amendment

and has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS the LCSM has completed its report in December 2009 entitled "Final Report of the Legislative Commission on Statutory Mandates" that reaffirms the Interim Report results and provides recommendations, including but not limited to:

- Drafted legislation and court rules that would mitigate unfunded mandates imposed on local units of government in the future.
- Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.
- Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:
 - o A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.
 - o Require the Court of Appeals to rule on the above within six months of the filing.
 - o Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide the services

until such time as the State complies with the Headlee Amendment.

WHEREAS the Michigan Association of Counties adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009.

NOW THEREFORE BE IT RESOLVED that the Allegan County Board of Commissioners supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report; and,

BE IT FURTHER RESOLVED that the Allegan County Clerk be directed to forward copies of this resolution to Governor Jennifer Granholm, Senator Patty Birkholz, Representative Robert Genetski, Representative Tonya Schuitmaker, the Supreme Court, the Michigan Association of Counties and the other 82 Michigan Counties, and the local units of government.

Moved by Commissioner Thiele, seconded by Commissioner Burns to adopt the resolution as presented. Motion carried.

ATTEST, A TRUE COPY

 _____, Clerk-Register

APPROVED: January 14, 2010

cc: Admin. - Finance - Human Resources - Govenor Granholm,
Senator Birkholz, Representatives Genetski and Schuitmaker,
Supreme Court - MAC - 82 counties

JANUARY 13, 2010

RESOLUTION REGARDING FUNDING OBLIGATIONS – STATE MANDATED SERVICES

WHEREAS, with much of the budgeted activity performed by them, each County government acts primarily as an “agent” of the State to extend throughout the State the various powers of state government to provide State mandated services for the benefit of Michigan residents; and

WHEREAS, the State legislators pass into law various provisions as to how these State mandated services performed by the county are to be proportionately funded by the State; and

WHEREAS, over time, many elected State officials seem to have lost an understanding of this interconnected relationship between the two levels of Michigan government, and of the laws in place that prohibit unfunded mandates and that require certain levels of State funding to the counties; and

WHEREAS, recent examples, which are crippling county governments’ ability to provide necessary and mandated services, include the following:

In 1978, the voters of Michigan approved the “Headlee Amendment”, which protects counties from unfunded mandates from the State legislature; yet despite this constitutional limit placed upon the State government, the legislature has continued to add more mandates for counties, while cutting funding to county governments year after year; and

For the past several years the State has not followed the statutory formula of PA 140 “Glenn Steil State Revenue Sharing Act of 1971”, (MCL 141.911) that requires 21.3% of the 4% of sales tax be directed to local governments and 25% of that local government revenue sharing go to counties; and

PA 356 of 2004 “County Revenue Sharing Reserve Fund” (MCL 141.911) *temporarily* suspended the above law, taxed all Michigan residents earlier than previously scheduled for property taxes, and utilized these revenues as a *temporary* replacement to the statutory revenue sharing for counties, with a stipulation to return counties to their previous revenue sharing in full when this alternate source of revenue is depleted, yet State proposals now call for ignoring that statutory mandate as well; and

In regard to PA 245 of 2008, Part 1, Line item Appropriations, Section 103, Planning and Community Support, County Jail Reimbursement Program (MCL 769.35), under a most disingenuously crafted provision of State law that states “*expenditures shall not exceed the amount appropriated,*” counties have *once again* been notified by the State that the State will not make a fourth quarter reimbursement payment to the county for diverted felons; and

In regard to PA 513 of 2004 "Payment in Lieu of Taxes on Certain State Lands" (PILT) (MCL 141.911) payment to counties for certain real property owned by the State and controlled by the Department of Natural Resources, the payments have not been made; and

WHEREAS, it is the right and duty of citizens to hold their government accountable to follow the law, and of the Charlevoix County Board of Commissioners, as duly elected citizens, to insist that the State government adhere to all of the laws passed by the State legislature, and that the State pay all payments in full to the counties; and

WHEREAS, State officials must pass appropriate legislation that properly funds mandates, not disingenuous laws that provide loopholes for the State government to shift their portion of the burden when desired; and

WHEREAS, State officials must not balance their budget by withholding required payments to counties while expecting to receive revenues in full from the counties;

NOW THEREFORE BE IT RESOLVED, that where the State has withhold payments to Charlevoix County that are mandated, the Charlevoix County Board of Commissioners intends to explore every legal means to withhold any payment due to the State of Michigan, dollar for dollar, utilizing the same criteria as State legislation, in which the County will direct that "*expenditures shall not exceed the amount appropriated*" wherein to ensure a balanced budget as required by law, the amount appropriated for various payments to the State shall be decreased if State mandated payments to the County are decreased; and

BE IT FURTHER RESOLVED, that this Board of Commissioners does so begrudgingly, as we and all citizens expect better from the State government that serves us and we hope that we will not have to resort to such a measure, but rather that the State will find a way to balance its revenues and expenditures in the same way the counties do, through appropriate cuts that do not include withholding payments that have legally been agreed upon to be made for services directed to be provided; and

BE IT FINALLY RESOLVED that the Charlevoix County Clerk be directed to forward copies of this resolution to Governor Jennifer Granholm, our State Senator and State Representative, the Michigan Association of Counties and the other 82 Michigan Counties.

Submitted by:

BOB DREBENSTEIT

Supported by:

RON REINHARDT



Oceana County
BOARD OF COMMISSIONERS
County Building
P.O. Box 31
Hart, Michigan 49420



RESOLUTION IN SUPPORT OF THE
FINAL REPORT OF THE LEGISLATIVE COMMISSION ON STATUTORY MANDATES
DECEMBER 2009

Moved by Mr. Byl and seconded by Mr. Simon to adopt the following Resolution:

WHEREAS the electorate of the State of Michigan passed an amendment in November 1978 to the State's Constitution that required the State to fund mandates imposed on local units of government (often referred to as the "Headlee Amendment"); and

WHEREAS the Headlee Amendment (Article IX, Section 29) states: *"The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18."* and;

WHEREAS the Headlee Amendment became effective on December 23, 1978; and

WHEREAS the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and

WHEREAS the LCSM worked with the Citizens Research Council (issued an analysis of other state's statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

- Michigan Association of Counties.
- Michigan Municipal League.
- Michigan Township Association.
- Michigan School Business Officials and Michigan Association of School Administrators.
- Michigan Community College Association.
- County Road Association of Michigan.

WHEREAS the LCSM issued a report in June 2009 entitled "Interim Report of the Legislative Commission on Statutory Mandates" that indicated, among other matters, that the State had failed to enact legislation enabling the Headlee Amendment and has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS the LCSM has completed its report in December 2009 entitled "Final Report of the Legislative Commission on Statutory Mandates" that reaffirms the Interim Report results and provides recommendations, including but not limited to:

- Drafted legislation and court rules that would mitigate unfunded mandates imposed on local units of government in the future.
- Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.
- Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:
 - A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.
 - Require the Court of Appeals to rule on the above within six months of the filing.
 - Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide the services until such time as the State complies with the Headlee Amendment.

WHEREAS the Michigan Association of Counties adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009.

NOW THEREFORE BE IT RESOLVED that the Oceana County Board of Commissioners supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report.

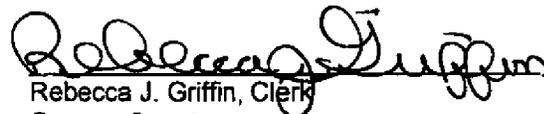
BE IT FURTHER RESOLVED that the Oceana County Board of Commissioners approves the release of this resolution to be distributed to the Governor, Legislators, Supreme Court and local units of government legislative boards and executives located within Oceana County.

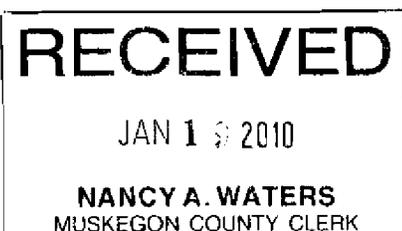
BE IT FINALLY RESOLVED that copies of this Resolution be forwarded to Governor Granholm, Senator Van Woerkom, Representative Hansen, the Michigan Association of Counties and the other 82 Michigan County Clerks.

Roll call vote: Byl, yes; Simon, yes; Kolbe, yes; Malburg, yes; Powers, yes; Brown, absent; and, Van Sickle, yes. Motion carried.

CERTIFICATION:

The undersigned, being the Clerk of Oceana County, does hereby certify that on the 14th day of January, 2010, the Oceana County Board of Commissioners did adopt the above Resolution at its Regular Meeting.


 Rebecca J. Griffin, Clerk
 Oceana County
 Board of Commissioners



COUNTY OF OSCODA

Board of Commissioners
Telephone (989) 826-1130
Fax Line (989) 826-1173

Oscoda County Courthouse Annex 311 Morenci Street P.O. Box 399 Mio, MI 48647

RESOLUTION 2009-022

“Urging Implementation of the State Substance Abuse Treatment & Prevention Allocation Formula”

WHEREAS, the Michigan Public Health Code directs the Office of Substance Abuse Services to “...recommend to the governor and legislature criteria for a formula basis for the distribution of substance abuse state and federal funds for substance abuse treatment and prevention”, and

WHEREAS, a 2005 Performance Audit of the Bureau of Substance Abuse and Addiction Services recommended that “...BSAAS review its methodology for allocating funds to its regional CAs to help insure that funding for substance abuse prevention and treatment services is based on the needs for those services in each region.”, and

WHEREAS, BSAAS agreed with the audit finding and convened and facilitated an Advisory Formula Allocation Workgroup, and

WHEREAS, the Advisory Formula Allocation Workgroup recommended an allocation formula to BSAAS in August of 2005 that has not been implemented, and

WHEREAS, Northern Michigan Substance Abuse Services, Inc. is the Regional Coordinating Agency for the counties of Alcona, Alpena, Antrim, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Midland, Missaukee, Montmorency, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford, and

WHEREAS, the annual allocation of funds by BSAAS to Northern Michigan Substance Abuse Services is nearly \$1.1 million less than determined by the formula developed by the Advisory Formula Allocation Workgroup, and

WHEREAS, the lost funding causes reduced services for the residents of the 30 counties served by Northern Michigan Substance Abuse Services, and

WHEREAS, the funding inequity results in disproportionate human and financial costs within the referenced counties, including increased medical, law enforcement, judicial and other costs;

NOW THEREFORE, BE IT RESOLVED BY, the Oscoda County Board of Commissioners, that the Oscoda County Board of Commissioners urges the Michigan Department of Community Health Bureau of Substance Abuse and Addiction Services to immediately begin the implementation of the allocation formula as recommended by the Advisory Formula Allocation Workgroup in August of 2005; and

BE IT FURTHER RESOLVED, that this resolution be transmitted to the Michigan Department of Community Health Bureau of Substance Abuse and Addiction Services, to the County Board of Commission for each of the thirty counties served by Northern Michigan Substance Abuse Services and to Northern Michigan Substance Abuse Services.

**August 2005 Formula
For
Allocation of State and Federal Substance Abuse Funds**

The formula recommended in August of 2005 by the Allocation Formula Workgroup convened and facilitated by the Michigan Department of Community Health's Bureau of Substance Abuse and Addiction Services is:

$$\text{Allocation} = ((A/B) * 0.75) + (X/Z) * 0.25 * Q$$

A = Number of residents of Coordinating Agency region living at or below 150% of poverty
B= Number of residents of the State of Michigan living at or below 150% of poverty
X= Number of residents of the Coordinating Agency region classified as "unemployed"
Z= Number of residents of the State of Michigan classified as "unemployed"
Q= Total funds available for allocation

Motion #2009-371 Moved by Commissioner Hunt and supported by Commissioner Marsh to adopt the above Resolution at a Regular meeting of the Oscoda County Board of Commissioners held on **December 22, 2009**.

Roll Call Vote: Commissioner Trimmer, yes.
Commissioner Hunt, yes.
Commissioner Kauffman, yes.
Commissioner Stone, yes.
Commissioner Marsh, yes.

The Community Development/Strategic Planning Committee met on January 21, 2010, and it was recommended and I move:

CD/SP10/01 - 01 To authorize that the following financial contributions be made and that the funds be utilized from the CVB's Community Promotions (902020) line item: Muskegon Chamber of Commerce/White Lake Area Chamber of Commerce joint film project - \$2,000.00; Muskegon Main Street - \$1,000.00; Muskegon Summer Celebration - \$500.00 to be spent on marketing by the CVB to promote the event; Muskegon Winter Sports Complex - \$1,200.00 to be spent on marketing by the CVB to promote the complex.

The Transportation Committee met on January 21, 2010; it was recommended, and I:

- TR10/01-01 Move to approve the Muskegon Area Transit System's FY2011 application for \$2,011,796 in state operating and capital assistance, to authorize the Resolution of Intent to apply for financial assistance, to name the County Administrator as the Transportation Coordinator, and to publish the public notice.

- TR10/01-02 Move to award RFB 09-1671 for Small Transit Buses to Holland Bus Company, and to authorize an initial order of two vehicles, at a cost not to exceed \$175,000.

- TR10/01-03 Move to approve the Purchasing Department to bid five pieces of Airport snow removal equipment to be purchased with FY2009 Airport Improvement Program (AIP) Entitlement funds.

- TR10/01-04 Move to approve a Professional Engineering Services Contract between the County and Prein & Newhof in the not-to-exceed amount of \$9,800, allowing Prein & Newhof to develop bid specifications and provide administrative assistance for the purchase of five pieces of snow removal equipment, with the County's 2.5% share not to exceed \$245.

- TR10/01-05 Move to approve a two-year lease agreement between the County of Muskegon and SkyWest Airlines, Inc. (SkyWest), for space in the airport terminal building in furtherance of commercial airline service activities beginning on February 11, 2010.

The Ways & Means Committee met on January 19, 2010, and it was recommended and I move:

- WM10/01 - 06 To approve payment of the accounts payable of \$4,161,676.54 covering the period of December 31, 2009 through January 12, 2010, as presented by the County Clerk.
- WM10/01 - 07 To reclassify the Clerk II position #'s G20009, G20010, G20018, G20024, G20034, G20003 (salary grade GU00070 \$11.02 - \$13.54/hr); Jury Clerk position #G44501 (salary grade GU00190 \$12.78-\$18.31/hr) and Statistical Clerk position #G75001 (salary grade GU00138 \$10.82-\$15.36/hr) to Circuit Court Clerk (salary grade GU00138 \$10.82-\$15.36/hr). Further move to waive the hiring freeze to allow the filling of two of the three newly reclassified currently vacant Circuit Court Clerk positions at step 1.
- WM10/01 - 08 To authorize the adoption of the resolution Application for Deferment of Taxes for the purpose of waiving the interest and fees for the period March 1st through April 30th, for taxes paid by May 1st in the first year of delinquency for senior citizens, paraplegics, eligible service veterans, eligible widows of service veterans, the permanently disabled and blind in accordance with the General Property Tax Act section 211.59 and 211.51.
- WM10/01 - 09 To waive the restrictions of the FY2010 Contingency Plan to allow Community Mental Health to immediately recruit and hire Support Coordinator/ACT position #N77507 at step 1.
- WM10/01 - 10 To reclassify the currently vacant Geographic Information Technician position (G38501) into two (2) GIS Technician - 25 Hour Part Time positions using the salary schedule GU 00230 (\$14.60 - \$20.91/hr), and a pro-rated benefits package, and to waive the hiring freeze to allow for the hiring of the two (2) newly reclassified positions at step 1.
- WM10/01 - 11 To approve the 2009-1020 Muskegon-Oceana Consortium sub-recipient budgets for Older Youth, JET, Wagner-Peyser, In-School Youth, WIA Adult, WIA Dislocated Worker, NEG and Food Stamp Program as allocated to Every Woman's Place, Family Services Center, Goodwill, Muskegon Heights, Oceana Employment & Training, Orchard View and White Lake and delete Account Clerk II BP#G02010, Clerk II BP#'s G20023, G20039, G20097, G20098, G20099, Information Systems Technician III BP#X43901 and Workforce Development Client Services Aide BP#N87101.

- WM10/01 - 12 To authorize the Department of Employment and Training to have an RFP for all WIA and JET services provided by the Muskegon/Oceana Consortium, Michigan Works! with bid documents issued by County Purchasing Department.
- WM10/01 - 13 To approve establishing a line item budget for the Strengthening Communities Project Grant (2676-2620) for FY2010.
- WM10/01 - 14 To authorize Constance V. Burchfield, District Court Clerk, to purchase five (5) years of MERS generic service credit at a cost of \$30,623.00 as provided by the MERS Plan Document and in keeping with the County policy regarding purchase of generic service credit with 100 percent of the total actuarial cost being paid by the employee.
- WM10/01 - 15 To authorize Human Resources to solicit proposals for insurance brokerage services for medical, dental, life, long term disability and Section 125 Health and Child Care Third Party Administration.
- WM10/01 - 16 To approve the contract with Williams, Hughes & Cook, PLLC, for legal services for the period of January 1, 2010 through December 31, 2010.
- WM10/01 - 17 To authorize a request for proposals for auditing services commencing with the 2010 annual audit and include both the State required audit and Federal Single audit.
- WM10/01 - 18 To authorize a Request for Proposal (RFP) by County Administration for Financial Software Consulting Services to assist in the replacement of the County's current financial system.
- WM10/01 - 19 To authorize a Resolution in support of closing the Chicago area locks to keep the Great Lakes safe from Asian Carp.