

BOARD OF COMMISSIONERS

9/8/2009

304 E. Grand River Ave., Howell, MI

7:30 PM

AGENDA

1. **CALL MEETING TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CORRESPONDENCE**
 - A. County of Barry - Funding for Child Care
 - B. County of Barry - Funding for CMH
 - C. County of Barry - State Revenue Sharing
 - D. County of Lake - Funding for CMH
 - E. County of Lake - State Legislators' Benefit Package
 - F. County of Lapeer - State Funding
 - G. County of Lenawee - Funding for CMH
 - H. County of Oceana - State Revenue Sharing
 - I. County of Schoolcraft - Unemployment Benefits
5. **CALL TO THE PUBLIC**
6. **APPROVAL OF MINUTES**
 - A. Minutes of meeting dated August 24, 2009
 - B. Minutes of special meeting dated August 26, 2009
 - C. Minutes of special meeting dated August 31, 2009.
7. **TABLED ITEMS FROM PREVIOUS MEETINGS**

None
8. **APPROVAL OF AGENDA**
 - A. Consent Agenda - Resolutions 2009-09-270 thru 272
 - B. Regular Agenda - Resolutions 2009-09-273 thru 279
9. **REPORTS**
10. **APPROVAL OF CONSENT AGENDA ITEMS (Roll Call)**
 - A. Consent Agenda - Resolutions 2009-09-270 thru 272
11. **RESOLUTIONS FOR CONSIDERATION:**
 - A. Regular Agenda - Resolutions 2009-09-273 thru 279

2009-09-270 RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR 13th ANNUAL DOMESTIC VIOLENCE CANDLELIGHT VIGIL - Building Services

2009-09-271 RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR CRY OUT AMERICA – Building Services

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- 2009-09-272** RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR 2010 CONCERTS AT THE COURTHOUSE – Building Services
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- 2009-09-273** REOLUTION AUTHORIZING THE LEASE OF 820 EAST GRAND RIVER, HOWELL TO LOVE INC - Building Services / Finance Committee
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- 2009-09-274** RESOLUTION TO TEMPORARILY REPLACE A PROBATION OFFICER WHILE OUT ON MEDICAL LEAVE - District Court / Personnel Committee / Finance Committee
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- 2009-09-275** RESOLUTION TO REPLACE A VACANT PART-TIME SOBRIETY COURT PROBATION OFFICER FOR 53RD DISTRICT COURT - District Court / Personnel Committee / Finance Committee
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- 2009-09-276** RESOLUTION TO LEVY 2010 EMS ALLOCATION MILLAGE - EMS / Health & Human Services Committee / Finance Committee
-
- 2009-09-277** RESOLUTION AUTHORIZING A CONTRACT WITH WIELAND-DAVCO FOR PRECONSTRUCTION SERVICES - EMS / Health & Human Services Committee / Finance Committee
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- 2009-09-278** RESOLUTION TO MODIFY THE 2009 RULES OF THE LIVINGSTON COUNTY BOARD OF COMMISSIONERS - Administration
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- 2009-09-279** RESOLUTION AUTHORIZING THE RETENTION OF THE LAW FIRM OF GIARMARCO, MULLINS & HORTON P.C. FOR THE PURPOSE OF RESOLVING IMPROPER FEE CHARGES BY BLUE CROSS/BLUE SHIELD OF MICHIGAN - COUNTY ADMINISTRATION
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- 12. CALL TO THE PUBLIC**
13. ADJOURNMENT

NOTE: The Call to the Public appears twice on the Agenda: once at the beginning and once at the end. Anyone wishing to address the Board may do so at these times.

RESOLUTION

NO: 2009-09-270

LIVINGSTON COUNTY

DATE: September 8, 2009

RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR 13th ANNUAL DOMESTIC VIOLENCE CANDLELIGHT VIGIL – Building Services

WHEREAS, LACASA has requested the use of County grounds, specifically the Courthouse Lawn and Amphitheater, and the awning of the Administration Building, for the purpose of holding the 13th Annual Domestic Violence Candlelight Vigil on Tuesday, October 13, 2009, from 6:00 pm to 8:30 pm.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the request for use of County grounds by LACASA, for the purpose of holding the 13th Annual Domestic Violence Candlelight Vigil on Tuesday, October 13, 2009, from 6:00 pm to 8:30 pm.

BE IT FURTHER RESOLVED that requested use of county grounds will be in accordance with existing county policy at the time of the event.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-09-271

LIVINGSTON COUNTY

DATE: September 8, 2009

RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR CRY OUT AMERICA – Building Services

WHEREAS, Awakening America Alliance has requested the use of County grounds, specifically the Courthouse Lawn and Amphitheater, for the purpose of holding the event Cry Out America on Friday, September 11, 2009, from 10:00 am to 2:00 pm.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the request for use of County grounds by the Awakening America Alliance Society, for the purpose of holding the event Cry Out America on Friday, September 11, 2009, from 10:00 am to 2:00 pm.

BE IT FURTHER RESOLVED that requested use of county grounds will be in accordance with existing county policy at the time of the event.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO:

2009-09-272

LIVINGSTON COUNTY

DATE:

September 8, 2009

**RESOLUTION TO AUTHORIZE REQUEST TO USE COUNTY GROUNDS FOR 2010
CONCERTS AT THE COURTHOUSE – Building Services**

WHEREAS, Livingston Arts Council has requested the use of County grounds, specifically the Courthouse Lawn and Amphitheater, and the Courthouse and Administration Building Parking Lots, for the purpose of holding the event Concerts at the Courthouse on Friday, July 2, 9, 16, 23, 30 and August 6, 13, 20, 2010, from 5:00 pm to 10:00 pm.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the request for use of County grounds by the Livingston Arts Council, for the purpose of holding the event Concerts at the Courthouse on Friday, July 2, 9, 16, 23, 30 and August 6, 13, 20, 2010, from 5:00 pm to 10:00 pm.

BE IT FURTHER RESOLVED that requested use of county grounds will be in accordance with existing county policy at the time of the event.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-09-273

LIVINGSTON COUNTY

DATE: September 8, 2009

RESOLUTION AUTHORIZING THE LEASE OF 820 EAST GRAND RIVER, HOWELL TO LOVE INC - Building Services / Finance Committee

WHEREAS, the Building Services Department has a vacant building located at 820 East Grand River, Howell; and

WHEREAS, Building Services has received a letter of intent to lease from Love INC; and

WHEREAS, Building Services has contacted Peter Cohl's office to draft a lease agreement between Livingston County and Love INC; and

WHEREAS, Love INC shall pay as rent the applicable utilities per month until the end of the applicable lease; and

WHEREAS, Love INC will maintain the building during its tenancy, including but not limited to, exterior maintenance, snow removal, mowing and lawn maintenance, interior maintenance and improvements for the period of five years with a five year extension option.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes the lease of 820 East Grand River to Love INC.

BE IT FURTHER RESOLVED that the Board Chair be authorized to sign said lease agreement upon preparation of civil counsel.

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**MOVED:
SECONDED:
CARRIED:**

RESOLUTION

NO: 2009-09-274

LIVINGSTON COUNTY

DATE: September 8, 2009

RESOLUTION TO TEMPORARILY APPROVE THE FILLING OF A VACANT PROBATION OFFICER WHILE OUT ON MEDICAL LEAVE FOR THE 53RD DISTRICT COURT -

(Personnel 08/19/09 – Finance 08/26/09 – Full Board 09/08/09)

WHEREAS, the 53rd District Court has a need to temporarily replace a Probation Officer who will be out on medical leave starting approximately in December; and

WHEREAS, for purposes of continuity, the 53rd District Court would function more efficiently if this request was granted; and

WHEREAS, the costs for temporarily replacing this Probation Officer will be cost neutral and funding for same is available in the 53rd District Court Budget; and

WHEREAS, this Resolution has been recommended for approval by the Personnel Committee.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the temporary replacement of a Probation Officer for approximately 10 weeks while this officer is out on medical leave.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-09-275

LIVINGSTON COUNTY

DATE: September 8, 2009

RESOLUTION APPROVING THE FILLING OF A VACANT PART-TIME SOBRIETY COURT PROBATION OFFICER FOR THE 53RD DISTRICT COURT -

(Personnel 08/19/09 – Finance 08/26/09 – Full Board 09/08/09)

WHEREAS, the 53rd District Court has a need to replace a 19.5 hour per week sobriety court probation officer; and

WHEREAS, for purposes of continuity, the 53rd District Court would function more efficiently if this request was granted; and

WHEREAS, the wages and expenses for the 19.5 hour per week sobriety court probation officer are fully reimbursed through the SCAO sobriety court grant; and

WHEREAS, the Personnel sub-committee and Human Resources have recommended that this position be reclassified from a temporary, part-time position to a regular, part-time position effective immediately (since this position is typically longer than a temporary, six-month period); however, if this position becomes no longer funded by the SCAO sobriety court grant, this position will be eliminated; and

WHEREAS, funding for same is available in the 53rd District Court Budget; and

WHEREAS, this Resolution has been recommended for approval by the Personnel Committee.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the replacement of a sobriety court probation officer with one or two part-time employees as long as the total hours and expenses fall within the funded grant contract amount and this position(s) be reclassified from a temporary, part-time position to a regular, part-time position.

BE IT FURTHER RESOLVED that if this position becomes no longer funded by the SCAO sobriety court grant, this position(s) will be eliminated.

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**MOVED:
SECONDED:
CARRIED:**

RESOLUTION

NO: 2009-09-276

LIVINGSTON COUNTY

DATE: September 8, 2009

RESOLUTION TO LEVY 2010 EMS ALLOCATION MILLAGE – EMS / Health and Human Services Committee / Finance Committee

WHEREAS, in compliance with the requirements of Act 5, Public Acts of Michigan 1982, as amended; and

WHEREAS, the proposed levy would apportion taxes for EMS operating purposes based on the Taxable Valuation of 0.2945 mills; and

WHEREAS, prior to the presentation of this resolution, the following tax levy was recommended at 0.2799.

THEREFORE BE IT RESOLVED that the apportionment of taxes for EMS operating purposes be approved and authorized to be levied on the Taxable Valuation of the County at the rate of 0.2945 mills.

BE IT FURTHER RESOLVED that the 2010 levy for EMS operations be approved and levied as recommended.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-09-277

LIVINGSTON COUNTY

DATE: September 8, 2009

RESOLUTION AUTHORIZING AN CONTRACT WITH WIELAND-DAVCO CORPORATION TO PROVIDE PRECONSTRUCTION SERVICES - EMS / Health & Human Services Committee / Finance Committee

WHEREAS, Livingston County EMS has determined a need for preconstruction services; and

WHEREAS, the EMS building committee has completed a through investigation and interview process; and

WHEREAS, in accordance with the County's Purchasing Policy, a formal quoting process was performed and the submitted quotes were evaluated; and

WHEREAS, Wieland-Davco of Lansing, Mi, submitted a quote that will provide the preconstruction services at the rate of \$5,500 if the project goes to construction and if the project does not go to construction, there is no preconstruction cost; and

WHEREAS, Wieland-Davco has quoted a construction Management Fee of 1.8% of construction cost in the event the project goes to construction; and

WHEREAS, if necessary any funding for same is available through the EMS Budget; and

WHEREAS, this Resolution has been recommended for approval by the EMS building and Health and Human Services Committees.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes entering into an agreement with Wieland-Davco 4162 English Oak Dr Lansing, Mi 48911 for preconstruction services at the rate of \$5,500 if the project goes to construction and if the project does not go to construction, there in no preconstruction cost.

BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners be authorized to sign the above-referenced contract upon preparation of the AIA Form 121 CMc as amended by Civil Counsel.

MOVED: # # #
SECONDED:
CARRIED:

RESOLUTION

NO: 2009-09-278

LIVINGSTON COUNTY

DATE: September 8, 2009

RESOLUTION TO MODIFY THE 2009 RULES OF THE LIVINGSTON COUNTY BOARD OF COMMISSIONERS - Administration

WHEREAS, The Board of Commissioners is statutorily required to approve all “claims for payment” against the County; and

WHEREAS, The Board of Commissioners has traditionally formally approved the claims at the Regular Board Meeting following the Finance Committee meeting whereat the claims were reviewed; and

WHEREAS, Scheduling the approval of claims around the current Board of Commissioners’ meeting schedule results in an unreasonable delay in processing payments to the County’s vendors; and

WHEREAS, Prompt payment normally results in a discount by the vendor in the amount owed.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby amends its 2009 Rules by scheduling a Board meeting immediately following each Finance Committee meeting on the 2nd and 4th Wednesdays of each month at 8:00 a.m. or following the Finance Committee Meeting when claims are presented by the County Clerk. The County Clerk shall post each meeting in compliance with the Open Meetings Act.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2009-09-279

LIVINGSTON COUNTY

DATE: September 8, 2009

RESOLUTION AUTHORIZING THE RETENTION OF THE LAW FIRM OF GIARMARCO, MULLINS & HORTON P.C. FOR THE PURPOSE OF RESOLVING IMPROPER FEE CHARGES BY BLUE CROSS/BLUE SHIELD OF MICHIGAN - County Administration

WHEREAS, Livingston County has contracted with Blue Cross/Blue Shield of Michigan (BC/BS) to provide employee health insurance on a self funded basis for over twenty years; and

WHEREAS, a number of contracts with BC/BS were authorized during this time which specified the fees and charges which would be levied against the County; and

WHEREAS, BC/BS included language in the agreements which is too vague to be considered contractual for some of the fees actually levied; and

WHEREAS, Livingston County has been unable to administratively resolve this overcharge; and

WHEREAS, the law firm of Giarmarco, Mullins and Horton P.C. through its Partner, Mr. William Horton has successfully resolved similar issues against BC/BS of Michigan for other public agencies.

THEREFORE BE IT RESOLVED that based upon the recommendation of the County General Counsel, the Livingston County Board of Commissioners hereby authorizes the retention of the firm of Giarmarco, Mullins and Horton P.C. on a contingent basis of 25% of the amount recovered including cash as well as the value of any reduction in future charges compared to pre-settlement fees.

BE IT FURTHER RESOLVED that Board authorization will be required prior to any resolution of this matter.

BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners is authorized to sign any agreements necessary to implement this Resolution.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes the Chairman to sign the Agreement upon the approval and review of civil counsel.

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**MOVED:
SECONDED:
CARRIED:**