

BOARD OF COMMISSIONERS

3/1/2010

304 E. Grand River Avenue, Howell, MI

7:30 PM

AGENDA

1. **CALL MEETING TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CORRESPONDENCE**
 - A. County of Alger - License Renewal Fees
 - B. County of Charlevoix - GEMS Election Management Systems
 - C. County of Wexford - Modification of State Act 312
 - D. County of Berrien - Asian carp
5. **CALL TO THE PUBLIC**
6. **APPROVAL OF MINUTES**
 - A. Minutes of February 16, 2010
 - B. Minutes of February 24, 2010
7. **TABLED ITEMS FROM PREVIOUS MEETINGS**

None
8. **APPROVAL OF AGENDA**
9. **REPORTS**
10. **APPROVAL OF CONSENT AGENDA ITEMS (Roll Call)**
11. **RESOLUTIONS FOR CONSIDERATION:**

2010-03-081 **Board of Commissioners**
RESOLUTION TO APPROVE REAPPOINTMENTS TO LIVINGSTON
COUNTY COMMITTEES - Board of Commissioners

2010-03-082 **Michigan Works**
RESOLUTION TO APPOINT ALTERNATE MEMBERS TO THE
LIVINGSTON COUNTY WORKFORCE DEVELOPMENT COUNCIL -
Michigan Works! / Health & Human Services Committee

2010-03-083 **Michigan Works**
RESOLUTION APPROVING THE FISCAL YEAR 2010 TRADE
ADJUSTMENT ASSISTANCE (TAA) CAPACITY BUILDING AND
PROFESSIONAL DEVELOPMENT FUNDING FOR LIVINGSTON COUNTY
- Michigan Works! / Health & Human Services Committee / Finance Committee

2010-03-084 **Purchasing**
RESOLUTION TO AUTHORIZE A BUDGET AMENDMENT FOR THE
EXPENDITURE FOR THE COURTS TO DIGITAL AUDIO-VIDEO

RECORDING IN ACCORDANCE WITH THE APPROVED RESOLUTION
2009-12-370 - Purchasing / Courts / Finance Committee

- 2010-03-085** **Planning**
RESOLUTION TO LINK THE LIVINGSTON COUNTY CAPITAL IMPROVEMENT PLAN / INVENTORY AND THE COUNTY COMPREHENSIVE PLAN, FOR THE MUTUAL SUPPORT, BENEFIT AND VIABILITY OF BOTH DOCUMENTS AS PLANNING TOOLS - Planning Department / Infrastructure & Development Committee / Full Board
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- 2010-03-086** **Planning**
Resolution Approving the Filling of one Part-Time Administrative Specialist in the Department of Planning - Infrastructure & Development Committee / Finance Committee
-
- 2010-03-087** **Administration**
RESOLUTION APPROVING THE FILLING OF A VACANT FULL-TIME MANAGER POSITION WITH A PART-TIME COMMUNITY CORRECTIONS MANAGER – Community Corrections / Public Safety Committee / Finance Committee
-
- 2010-03-088** **Emergency Medical Services**
RESOLUTION AUTHORIZING THE BALLOT LANGUAGE FOR THE 2011 THRU 2030, INCLUSIVE, EMS MILLAGE RENEWAL - Health & Human Services / Finance Committee
-
- 2010-03-089** **Board of Commissioners**
RESOLUTION IN SUPPORT OF THE FINAL REPORT OF THE LEGISLATIVE COMMISSION ON STATUTORY MANDATES – DECEMBER, 2009 - Board of Commissioners / Finance Committee
-
- 2010-03-090** **Administration**
RESOLUTION DESIGNATING THE COUNTY OF LIVINGSTON AS A RECOVERY ZONE – Board of Commissioners / Finance Committee
-

- 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: 2010-03-081

LIVINGSTON COUNTY

DATE: March 1, 2010

**RESOLUTION TO APPROVE APPOINTMENTS TO LIVINGSTON COUNTY COMMITTEES
- Board of Commissioners**

WHEREAS, representatives' seats on the Human Services Collaborative Body have expired and/or been vacated; and

WHEREAS, the following appointments have been recommended: * indicates new

HUMAN SERVICES COLLABORATIVE BODY

Carol Griffithterm expires 9/30/13

MSU EXTENSION COUNCIL

James Mantey..... term expires 3/31/11

WASHTENAW / LIVINGSTON BI-COUNTY SUBSTANCE ABUSE COUNCIL

Mark Robinson..... term expires 3/31/13

*William Newhouse..... term expires 3/31/13

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby

approves the appointments and expiration dates referenced above.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2010-03-082

LIVINGSTON COUNTY

DATE: March 1, 2010

**RESOLUTION TO APPOINT ALTERNATE MEMBERS TO THE LIVINGSTON COUNTY
WORKFORCE DEVELOPMENT COUNCIL – MI WORKS! / H&HS COMMITTEE – 2/22/10**

WHEREAS, Michigan Department of Energy, Labor and Economic Growth (MDELEG) issued a policy regarding Workforce Development Council (WDC) composition; and

WHEREAS, Members of the WDC may have official alternates appointed to attend meetings on their behalf, provided that each alternate is from the same sector as the member whom they will represent; and

WHEREAS, WDC approved a policy regarding the appointment of alternates to attend meetings on behalf of regular members; and

WHEREAS, This policy assures compliance with federal and state regulations regarding the composition of the WDC; and

WHEREAS, Listed below are the WDC members, and the selected alternates, who requested that an alternate be appointed to represent them in their absence at WDC meetings:

| Workforce Development Council Member | Designated Alternate Name/Title | Organization/Sector |
|---|--|----------------------------------|
| Dale Smith | Joseph Carney/Retiree | UAW Retirees/Organized Labor |
| Scott Jenkins | Robert Howald/Executive Dean Continuing Education | Mott Community College/Education |

WHEREAS, As with the appointment of regular WDC members, it is the responsibility of the Board of Commissioners to appoint the alternate members.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby appoints the Workforce Development Council alternate members as outlined above.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO.: 2010-03-083

LIVINGSTON COUNTY

DATE: March 1, 2010

RESOLUTION APPROVING THE FISCAL YEAR 2010 TRADE ADJUSTMENT ASSISTANCE (TAA) CAPACITY BUILDING AND PROFESSIONAL DEVELOPMENT FUNDING FOR LIVINGSTON COUNTY – MI WORKS! / H&HS COMMITTEE / FINANCE COMMITTEE

WHEREAS, The Workforce Investment Act authorizes the expenditure of federal funds of job training programs in locally determined Michigan Works! Agency's/Workforce Investment Areas; and

WHEREAS, The County of Livingston constitutes a jurisdiction designated as a Michigan Works! Agency (MWA) by the Governor of the State of Michigan; and

WHEREAS, The Michigan Department of Energy Labor and Economic Growth (MDELEG) has identified \$37,500 in FY 2009 TAA Administrative funding to be used in support of local Capacity Building and Professional Development; and

WHEREAS, The Livingston County TAA Capacity Building and Professional Development allocation is \$1,500; and

WHEREAS, The Livingston County is required to prepare and submit Budget Information Summary (BIS) to receive said funds; and

WHEREAS, The Act requires that the Workforce Development Council and the local elected officials jointly approve and submit all job training plans and BIS; and

WHEREAS, The Livingston County Workforce Development Council Executive Committee approved this BIS at their February 11, 2010 meeting.

IT IS THEREFORE RESOLVED that the Livingston County Board of Commissioners hereby approves the submission of the FY 2010 TAA Capacity Building and Professional Development Budget information Summary in the amount of \$1,500 for the period of October 1, 2009, to September 30, 2010.

BE IT FURTHER RESOLVED that the Chair is authorized to sign said Budget Information Summary for submission to the Michigan Department of Energy, Labor and Economic Growth.

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**MOVED:
SECONDED:
CARRIED:**

RESOLUTION

NO: 2010-03-084

LIVINGSTON COUNTY

DATE: March 1, 2010

RESOLUTION TO AUTHORIZE A BUDGET AMENDMENT FOR THE EXPENDITURE FOR THE COURTS TO DIGITAL AUDIO-VIDEO RECORDING IN ACCORDANCE WITH THE APPROVED RESOLUTION 2009-12-370 - Purchasing / Courts / Finance Committee

WHEREAS, resolution 2009-12-370 approved the purchase for the courts digital audio-video recording equipment for the total amount of \$324,687; and

WHEREAS, the courts were not able to complete the purchase before the end of the 2009 fiscal year; and

WHEREAS, it is requested that \$324,687 be brought in from 2009 fund balance to cover this purchase in 2010; and

WHEREAS, the \$324,687 purchase of the recording system will be facilitated by the Information Technology Department and will charge back to the Courts Central Services fund of \$279,446 and Friend of the Court for \$45,241.

THEREFORE BE IT RESOLVED that the Board of Commissioners approve the following budget amendment for the courts digital audio-video recording equipment expenditure as illustrated below:

| FUND | 2010 AMENDED BUDGET | PROPOSED AMENDMENT | PROPOSED 2010 AMENDED BUDGET |
|---|----------------------------|---------------------------|-------------------------------------|
| GENERAL FUND BALANCE | \$ 42,315,932 | \$ 324,687 | \$ 42,640,619 |
| FRIEND OF THE COURT FUND | \$ 2,342,423 | \$ 45,241 | \$ 2,387,664 |
| INFORMATION TECHNOLOGY INTERNAL SERVICE FUND | \$ 2,961,321 | \$ 324,687 | \$ 3,286,008 |

BE IT FURTHER RESOLVED that the Board of Commissioners approves the transfer of \$45,241 from the General Fund (101) to the Friend of the Court Fund (215).

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**MOVED:
SECONDED:
CARRIED:**

RESOLUTION

NO.

2010-03-085

LIVINGSTON COUNTY

DATE:

March 1, 2010

RESOLUTION TO LINK THE LIVINGSTON COUNTY CAPITAL IMPROVEMENT PLAN / INVENTORY AND THE COUNTY COMPREHENSIVE PLAN, FOR THE MUTUAL SUPPORT, BENEFIT AND VIABILITY OF BOTH DOCUMENTS AS PLANNING TOOLS - Planning Department / Infrastructure & Development Committee / Full Board

WHEREAS, recognizing that smart infrastructure planning and efficient and effective capital improvement expenditures promote smart community growth; and

WHEREAS, by resolution of the Livingston County Board of Commissioners (Resolution #702-288, 2002) the County Planning Commission, in collaboration with the County Department of Planning and guidance of the CIP Subcommittee, is required to “annually prepare a multi-year inventory identifying projects approved or anticipated by various [county] agencies which affect the County’s direct as well as indirect debt burden...”; and

WHEREAS, inasmuch as the County Planning Commission has an adopted *County comprehensive Plan* (MCL 125.3831...3851), each county department or agency must now consult with the County Planning Commission regarding projects it is planning to undertake (MCL 125.3861...3871); and

WHEREAS, all departments and agencies of county government are invited annually to participate in the development of the Capital Improvement Inventory; and

WHEREAS, at the January 11, 2009 meeting of the Livingston County Capital Improvement Subcommittee, the County Planning Department was instructed to incorporate the Capital Improvement Inventory into the County Comprehensive Plan.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the integration of the County Capital Improvement Plan / Inventory as a supporting document for the County Comprehensive Plan in order to strengthen and lend credibility to both documents for future planning purposes.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2010-03-086

LIVINGSTON COUNTY

DATE: March 1, 2010

RESOLUTION APPROVING THE FILLING OF A VACANT FULL-TIME ADMINISTRATION SPECIALIST POSITION WITH TEMPORARY PART-TIME HELP IN THE DEPARTMENT OF PLANNING - Infrastructure & Development Committee / Finance Committee

WHEREAS, the Department of Planning has a need to fill a vacant full-time Administrative Specialist position; and

WHEREAS, this Administrative Specialist position will be vacated by a retirement on February 26, 2010; and

WHEREAS, for purposes of continuity, the Department of Planning would function more efficiently if the Resolution to approve the filling of the vacant Administrative Specialist position with a temporary part-time (20hr.) position were granted; and

WHEREAS, this position is vital to the continuation of state mandated planning, zoning and capital improvement departmental functions; and

WHEREAS, funding for this position is available in the 2010 Department of Planning budget; and

WHEREAS, this request will result in substantial savings realized by the downsizing of this position from full-time to part-time; and

WHEREAS, this resolution has been recommended for approval by the Infrastructure & Development Committee.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the filling of the vacant full-time Administrative Specialist position in the Department of Planning with temporary part-time help from April 1st until no later than December 31st, 2010, at 20 hours per week.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2010-03-087

LIVINGSTON COUNTY

DATE: March 1, 2010

RESOLUTION APPROVING THE FILLING OF A VACANT FULL-TIME MANAGER POSITION WITH A PART-TIME COMMUNITY CORRECTIONS MANAGER – COMMUNITY CORRECTIONS / PUBLIC SAFETY / FINANCE COMMITTEE

WHEREAS, the Community Corrections Department has a need to fill a vacant full-time Manager position, due to the retirement of its current Director; and

WHEREAS, this position is responsible for all management functions for the Community Corrections Department; and

WHEREAS, for purposes of continuity and to keep Community Corrections running smoothly, it is recommended filling the vacant position with a permanent part-time Manager, with said Manager reporting directly to Circuit Court, through the Circuit Court Administrator's office; and

WHEREAS, funding for same is available in the 2010 Community Corrections Budget; and

WHEREAS, this Resolution has been recommended for approval by the Public Safety & Judiciary Committee.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the filling of the vacant full-time Manager's position in the Community Corrections Department with a part-time Manager, with said position reporting directly to Circuit Court through the Circuit Court Administrator's office.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2010-03-088

LIVINGSTON COUNTY

DATE: March 1, 2010

RESOLUTION AUTHORIZING THE BALLOT LANGUAGE FOR THE 2011 THRU 2030, INCLUSIVE, EMS MILLAGE RENEWAL – EMS / H&HS COMMITTEE / FINANCE

WHEREAS, the Board of Commissioners for the County of Livingston seeks to have the voters of said County determine whether or not they desire to raise funds for the purpose of operations and capital funds for the Livingston County Emergency Medical Services/Paramedic Program by levying a county-wide Emergency Medical Service/Paramedic Operating Millage of 0.3000 of one (1) mill as previously approved in 2000 and 2004 for a period of twenty (20) years, 2011 through 2030, inclusive; and,

WHEREAS, said proposition shall be stated on the ballots to be prepared and distributed in the matter provided by law; and,

WHEREAS, all Public Officials of the County of Livingston, State of Michigan, and all Governmental units thereof, within such time as shall be required by law, be and are directed to perform all acts which shall be necessary to be performed in order to submit the above stated proposition to the duly qualified voters of said County at the State Primary Election to be held in said County on Tuesday, August 3, 2010; and,

WHEREAS, it is further ordered that a certified copy of said proposition be filed with the County Clerk as required by law; and,

WHEREAS, that the following proposal be submitted to the qualified voters of the County of Livingston at the next State Primary Election to be held in said County on Tuesday, August 3, 2010; and,

WHEREAS, this Resolution has been reviewed for adoption by civil counsel; and,

WHEREAS, this Resolution has been recommended by the Health & Human Services and Finance Committees.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby adopts the following ballot language to be put on the State Primary Election to be held in Livingston County on Tuesday, August 3, 2010;

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**EMERGENCY MEDICAL SERVICE/PARAMEDIC
OPERATING MILLAGE
RENEWAL AND RESTORATION QUESTION**

For the sole purpose of authorizing funding for the operation and capital funds for the Livingston County Emergency Medical Services/Paramedic Program to be provided by the Livingston County Emergency Medical Services Department at the same millage level previously approved by the voters in 2000 and 2004, shall the Constitutional limitation upon the total amount of taxes which may be assessed in one (1) year upon all property within the County of Livingston, Michigan, be renewed at 0.2945 of one (1) mill, and shall the previously authorized reduced millage of 0.0055 of one (1) mill be restored, for a return to the previously voted total limitation increase of up to 0.3000 mill (\$0.3000 per \$1,000 of Taxable Value) for a period of twenty (20) years (2011-2030) inclusive?

(If approved and levied in full, this millage will raise an estimated \$2,314,602.18 for the county-wide Emergency Medical Services/Paramedic Program in the first calendar year of the levy based on taxable value. In accordance with State law, a portion of the millage may also be disbursed to the Downtown Development Authorities of the Cities of Brighton and Howell, and the Villages of Fowlerville and Pinckney, the Tax Increment Finance Authority of the City of Howell, the Local Development Finance Authorities of the City of Brighton and the Village of Fowlerville.)



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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2010-03-089

LIVINGSTON COUNTY

DATE: March 1, 2010

RESOLUTION IN SUPPORT OF THE FINAL REPORT OF THE LEGISLATIVE COMMISSION ON STATUTORY MANDATES – DECEMBER, 2009 – BOARD OF COMMISSIONERS

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:
 - 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.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby 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 Livingston County Board of Commissioners approves the release of this Resolution and hereby directs the County Clerk to distribute same to the Governor, Legislators, Supreme Court and local units of government legislative boards and executives located within Livingston County.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2010-03-0090

LIVINGSTON COUNTY

DATE: March 1, 2010

RESOLUTION DESIGNATING THE COUNTY OF LIVINGSTON AS A RECOVERY ZONE – COUNTY ADMINISTRATION / FINANCE – 2/24/10 /

WHEREAS, the federal government has enacted the American Recovery and Reinvestment Act of 2009 ("ARRA") which allows for the issuance of (i) Recovery Zone Economic Development Bonds to pay the costs of public infrastructure and other municipal facilities at advantageous net interest costs and (ii) tax exempt Recovery Zone Facility Bonds to make loans to private companies to pay the costs of capital expenditures for economic development projects; and

WHEREAS, pursuant to ARRA the County of Livingston (the "County") has been allocated the sum of (i) \$15,844,000 in Recovery Zone Economic Development Bond capacity and (ii) \$23,767,000 in Recovery Zone Facility Bond capacity, which is available for the issuance of such bonds through December 31, 2010; and

WHEREAS, pursuant to the ARRA, Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds can only be used to finance capital projects located in areas designated by the County as a Recovery Zone; and

WHEREAS, the County desires to designate the entire County as a Recovery Zone to maximize potential qualifying projects; and

WHEREAS, this Board of Commissioners will consider requests for allocation of the County's Recovery Zone Economic Development Bond capacity and Recovery Zone Facility Bond capacity on a case by case basis in the future.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby determines that all areas of the County have significant unemployment, rates of home foreclosures or general distress and this Board hereby designates the entire County as a Recovery Zone pursuant to ARRA.

BE IT FURTHER RESOLVED all Resolutions and parts of Resolutions, insofar as same conflict with the provisions of this Resolution, be and the same hereby are rescinded.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby authorizes the Chairman to sign any and all documentation to effectuate the above upon the review and approval of civil counsel.

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MOVED:

SECONDED:

CARRIED: