

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
FINANCE/BUSINESS MEETING
January 12, 2009**

The regular meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Chairperson Linda Socha at 9:30 a.m.

Roll called and a quorum present.

PRESENT: Commissioners Socha, Makima, Redmond, Mushlock, Page, Wallace and Bolinger

ABSENT: None

Commissioner Bolinger gave the invocation and Commissioner Wallace led the Pledge of Allegiance.

Commissioner Bolinger requested the Lake County Resolution Urging Implementation of the State Substance Abuse Treatment & Prevention Allocation Formula and the Gratiot County Resolution Regarding Funding Obligations – State Mandated Service be removed from the Consent Agenda and added to the regular agenda as Items 11G and 11H.

Motion by Commissioner Makima, seconded by Commissioner Mushlock, to approve the agenda with the above items moved from the Consent Agenda to the regular agenda. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Mushlock, seconded by Commissioner Redmond, to approve the consent agenda as follows:

- A. Approve Monthly Finance Claims Finance = \$90,173.80 Prepays = \$815,174.64
- B. Budget Adjustments: Budget adjustment transfer in the amount of \$26,000 transferred from 292-670-821.21 Institutional-Foster Care Payments to 292-670-821.11 Family Care Private-Foster Care \$25,000 and 292-670-8213.01 Direct Supervision DHS-Foster Care \$1,000; Raise Revenue and Expenditures for 2009: General Fund – Fund 101 and Drug Court – Adult – Circuit Court – Fund 267 - raises the fund equity revenue line item and the transfer out expenditure line item by \$2,515.90 – the amount of accumulated case flow funds. . The Drug Court budget adjustment raises the contribution from other funds revenue line item in the amount of accumulated case flow funds, the case flow assistance grant revenue line item in the amount of the 2009 award and the office supplies expenditure line item by the total amount of \$2,873.22.; Country Road – Fund 201 - raises the revenue control line item and the withdrawal transfer expenditure line item by \$262,000.; Cellular Phone Flow Through- Fund 230 - raises the cellular phone assessment revenue line item and the distribution to CCE 911 expenditure line item by \$28,590.; ORV – Fund 263 - raises the ordinance fines and costs revenue line item and the other supplies expenditure line item by \$225.; Local Correction Officer's Training Fund – Fund 264 - increases the fund equity revenue line item and the employee training expenditure line item by \$260, and increases the fund equity revenue line item and the contractual services expenditure line item by \$180.; County Law Library – Fund 267 - raises the contribution from other funds revenue line item and raises the West Law Publishing Co. expenditure line item by \$1,500.; Senior Citizen Millage – Fund 277 - raises the fund equity revenue line item and the delinquent personal property tax expenditure line item by \$183.; Revenue Sharing Reserve – Fund 286 - raises the fund equity revenue line item and raises the contributions to other funds expenditure line item by \$8,913.; DAV Van – Fund 299 - raises the contributions and donations revenue line item and the transfer out expenditure line item by \$382.; Inverness Sewer Project – Fund 351 - raises the contributions from other units revenue line item and the interest on notes payable expenditure line item by \$457.; and Cheboygan County Marina – Fund 509 - raises the State Grant and Fund Equity revenue line items by \$3,000 and contractual services expenditure line item by \$6,000.; and Inter-budget Transfers – Payroll Related,

Finance/Business Meeting – January 12, 2010

as follows: 2009 Circuit Court budget adjustment to decrease the full-time expenditure line item and increases the fringe expenditure line item in department 131 by \$12.; 2009 Administration budget adjustment to decrease the carried forward fund equity expenditure line item and increases the fringe expenditure line item in department 212 by \$350.; 2009 Equalization budget adjustment to decrease the full-time expenditure line item and increases the fringe expenditure line item in department 225 by \$4.; 2009 Treasurer budget adjustment to decrease the full-time expenditure line item and increases the fringe expenditure line item in department 253 by \$51.; 2009 Housing and Human Resources budget adjustment to decreases the fringe line item in the department 270 and increase the fringe line item in the department 691 by \$39.; Snowmobile Division budget adjustment to decrease the oil repair (\$826) and wages (\$160) expenditure line items and increases the equipment (\$966) and fringe (\$20) expenditure line.; Tri-County Emergency Management budget adjustment decreases the services and charges expenditure line item by \$550 and increases the per diem and travel expenditure line items by \$150 and \$400, respectively.; Childcare budget adjustment to decrease] the wage expenditure line item and increases the fringe expenditure line item by \$31.; and SAYPA Childcare fringe budget adjustment to decrease the full-time (\$518) and communications (\$131) expenditure line items and increases the fringe expenditure line item by \$649.

C Correspondence:

1. Barry County Resolution Objecting to Election Management System License Renewal Fees
2. Bay County Resolution in Support of HB 5368 and HB 5369
3. ~~Lake County Resolution Urging Implementation of the State Substance Abuse Treatment & Prevention Allocation Formula – (Moved to Regular Agenda Item 11G)~~
4. Mackinac County Resolution in Support of Snowmobile Advisory Committee
5. ~~Gratiot County Resolution Regarding Funding Obligations – State Mandated Services (Moved to Regular Agenda Item 11H)~~
6. NMAS Resolution Honoring State Representative Gary McDowell

D. Minutes:

1. Commissioners Finance/Business Meeting of December 8, 2009 and Organizational Meeting of January 4, 2010
2. North Country Community Mental Health Board –November 19, 2009
3. C.C.E. 9-1-1 Monthly Financial Report for November 2009; Director's Report of December 16, 2009; 2010 Meeting Schedule; and Board of Directors Meeting of October 21, 2009
4. NMSAS Board of Directors Meeting of August 31, 2009
5. Northern Michigan Community Corrections Advisory Board – May 15, 2009
6. Cheboygan County Fair Board – November 2, 2009 & December 7, 2009
7. Cheboygan County Housing Commission – October 28, 2009
8. Cheboygan County Road Commission – December 3, 2009 & December 17, 2009 (2)
9. Cheboygan City Council – October 27, 2009, November 10, 2009 & November 24, 2009
10. Planning Commission Meeting – November 18, 2009, December 2, 2009 and December 16, 2009
11. ZBA Meeting – September 14, 2009

A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

CITIZENS COMMENTS – Sheriff Clarmont mentioned the segment on the television news regarding Tony and Roberta Matelski's donation to the Sheriff Department Canine Unit. The Sheriff and Chairperson Socha, on behalf of the board and the residents of the county, thanked the Matelski's for the annual \$5,000 donation. Chairperson Socha said this donation is very important to the county.

SCHEDULED VISITORS – None

FINANCE DIRECTOR'S REPORT - Finance Director Kari Kortz presented the revenue and expenditures report for the General Fund for the month ended November 30, 2009. She reported total year-to-date revenue of \$10,463,113.41 versus \$10,505,589.73 last year at this time. Ms. Kortz reported expenditures year-to-date were \$9,542,258.87, or 80.46% of budget, compared to \$9,024,417.26 last year as of the end of November.

COMMITTEE REPORTS

Commissioner Wallace reported on the Millage Appropriation Committee and presented recommendations for the senior and ambulance millage appropriations. Commissioner Page advised he received from the Wawatam Senior Citizens group, after the committee meeting, signup sheets for November and December that indicated approximately a 50/50 split in attendance between Emmet & Cheboygan residents and felt the recommended appropriation be adjusted accordingly.

Motion by Commissioner Page, seconded by Commissioner Bolinger, to accept the recommendation from the Millage Appropriation Committee and approve the following appropriations from the Senior Millage Fund: Cheboygan County Council on Aging \$584,497; Wawatam Senior Citizens \$52,000 (amended from the original \$44,000 committee recommendation) and MSU-E Project Fresh \$5,000 subject to actual collections of tax revenue and approve necessary budget adjustments. Discussion held regarding amending the recommendation for Wawatam and actually amending a committee's recommendation as well as requesting an audit financial statement from Wawatam Seniors. Chairperson Socha clarified that it is not automatic that committee recommendations are always taken as written. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Wallace, seconded by Commissioner Mushlock, to accept the recommendation from the Millage Appropriation Committee and approve the following allocation of the Ambulance Millage: Cheboygan Life Support \$285,708; Village of Mackinaw City \$25,970; and Onaway Ambulance \$14,216, subject to actual collections of tax revenue and approve necessary budget adjustments. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Overton said perhaps the policy should be changed so that budget adjustments are approved automatically if the board approves a change. He said more discussion would be held on this.

Commissioner Page requested the check be sent immediately to the Wawatam Senior Group as they are short on funds.

Commissioner Makima reported attending meetings of the Health Board and the Road Commission. He said January is Radon Awareness Month and advised there would be a permit fee from the health department for the campgrounds at the fairgrounds. He also said the new Chairman for the Road Commission is Ken Paquet and the Vice-Chair Dave Brown.

Commissioner Wallace reminded the Board that the Cheboygan Ministerial Association has concerns with alcoholic beverages being consumed on public grounds such as the fairgrounds.

Commissioner Redmond attended the Benton Township meeting and a LEPC meeting.

Commissioner Bolinger reported attending the LEPC meeting.

Commissioner Mushlock reported attending meetings of the Cheboygan County Housing Commission and the Cheboygan County Fair Board.

Commissioner Page reported the Northern Michigan Broadband Cooperative re-elected board members, held a retreat on the future of the co-op, and are still awaiting response on federal grants. The groups will be discussing involvement of private enterprise to achieve their goals.

Commissioner Socha attended meetings of the Planning Commission, Health Board, LEPC, and the Northern Cheboygan County Inter-municipal Planning Commission, as well as a very interesting Transportation Asset Management Seminar. She reminded the Board of the NIMS training requirements and advised that free H1N1 vaccination would be available.

OLD BUSINESS – None

Finance/Business Meeting – January 12, 2010

NEW BUSINESS

Housing Director Sharlayne Grawey presented a request under the county's Mortgage Forgiveness Policy to forgive a portion of the mortgage for Project H-2003-195. This property is in the process of foreclosure and Cheboygan County holds second lien position. She said the total amount invested in the project was \$19,121.04, with a current balance of \$15,130.61; as of November 2, 2009 the mortgage balance with Citi Financial was \$76,437.81. The Cheboygan County Housing Commission agreed to recapture \$3,000 or the maximum amount of funding available for this project, allowing the short sale to proceed. The Michigan State Housing Development Authority has given their approval to forgive this mortgage. Discussion held on tightening up on requirements.

Motion by Commissioner Mushlock, seconded by Commissioner Bolinger, to accept the Cheboygan County Housing Commission recommendation and forgive a portion of the mortgage for project H-2003-195 to recapture \$3,000 or the maximum amount of funding available for this project allowing the short sale of this property. Motion carried with 7 yes, 0 no and 0 absent.

Straits Regional Ride Director Mike Couture presented the Specialized Services Operating Assistance Program Third Party Contract with Cheboygan County Council on Aging for approval. He said this contract serves as the mechanism to pass through the MDOT funds awarded to the County of Cheboygan for the operating assistance to the CCCOA which operates as a 501c 3. It is a standard annual boiler plate contract from the State which was reviewed by civil counsel last year without changes, except for the dates.

Motion by Commissioner Redmond, seconded by Commissioner Makima, to approve the Specialized Services Operating Assistance Program Third Party Contract 2007-0191/Z12 between the County of Cheboygan and the Cheboygan County Council on Aging and authorize the Chairperson to sign. Motion carried with 7 yes, 0 no and 0 absent.

Maintenance Director Tim Mason presented a fairgrounds lease agreement with the Cheboygan Trailblazers for a vintage snowmobile race. He said the Cheboygan County Trail Blazers Grooming Club is a 501c3 nonprofit organization and held this race last year as well. The race would be on February 12 and 13, 2010 from 8 a.m. to 8 p.m. both days. The Trail Blazers have proposed the same 75/25 split of the proceeds as last year, with 25% going to offset any cost incurred by the County. The agreement calls for no less than 1 million dollars in public liability insurance and that the County be named as an additional insured. Mr. Mason said the County as a whole benefits economically from such an event. Discussion held on alcohol on the grounds, Dave Brandt, a member of the Trail Blazers stated all brochures state no alcohol allowed. Civil Counsel told the board a policy regarding alcohol on the grounds would apply in all cases.

Motion by Commissioner Redmond, seconded by Commissioner Makima to approve the lease agreement as presented for the use of the Cheboygan County Fairgrounds on February 12 and 13, 2010 from 8 a.m. to 8 p.m. by the Cheboygan County Trail Blazing Grooming Club and authorize the Chair to sign. Motion carried with 7 yes, 0 no and 0 absent.

Clerk Mary Ellen Tryban, the Remonumentation Grant Administrator, presented the annual remonumentation contracts for 2010. The contracts with Granger & Associates and Fullford Surveying & Mapping are basically the same that have been approved since 2005 at which time they were reviewed by Civil Counsel. The amount of the 2010 Remonumentation Grant is \$39,888.

Motion by Commissioner Mushlock, seconded by Commissioner Bolinger, to approve the Professional Service Agreement between Cheboygan County and Granger and Associates for Remonumentation beginning January 1, 2010 and authorize the Chair to sign. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Mushlock, seconded by Commissioner Makima to approve the Professional Service Agreement between Cheboygan County and Fullford Surveying & Mapping for Remonumentation beginning January 1, 2010 and authorize the Chair to sign. Motion carried with 7 yes, 0 no and 0 absent.

Finance/Business Meeting – January 12, 2010

County Treasurer Linda Cronan presented the annual resolution to borrow against anticipated Delinquent Real Property Taxes and the resolution of Agency. These resolutions appoint the County Treasurer as the agent for this fund and authorize the treasurer to borrow necessary funds to pay any or all delinquent real property taxes that are due and payable to the County, School Districts, Intermediate School District, City, Townships, Special Assessment Districts or any other political unit for which delinquent tax payments are due.

Motion by Commissioner Redmond, seconded by Commissioner Wallace, to adopt Resolution 10-02 of Agency Pursuant to Section 87c of Act 206. (Copy of the entire Resolution is on file in County Clerk's Office). A roll call vote was taken. Motion carried 7 yes and 0 no and 0 absent.

Lengthy discussion on recent Charlevoix County court case regarding uncapping of taxable value.

Motion by Commissioner Redmond, seconded by Commissioner Bolinger, to adopt Resolution 10-03 to borrow against anticipated Delinquent 2009 Real Property Taxes. (Copy of entire Resolution on file in County Clerk's Office). A roll call vote was taken. Motion carried 7 yes and 0 no and 0 absent.

Treasurer Cronan presented a proposed resolution establishing a delinquent recycling surcharge collection policy and an agreement with Northern Credit Bureau for collection services. She explained that pursuant to Section 8a(1) of the Urban Cooperation Act of 1967, being MCL 124.508a(1), the Cheboygan County Board of Commissioners has imposed by resolution an annual surcharge on households within those townships of the county that have entered into Interlocal agreements with the county relating to the collection and disposition of the surcharge. Because not all townships in the county have entered into the required Interlocal agreements, the surcharge will not be imposed on households uniformly throughout the county. The Cheboygan County Board of Commissioners has determined that the annual surcharge will be included on the current year's winter tax notice which is collected by the local Treasurer from December 1st up to and including the last day of February. The recycling surcharge that is included on the December notice will be for the year immediately following that notice. Any current surcharge that remains unpaid to the local Treasurer as of March 1st will be turned over to the Cheboygan County Treasurer's office for collection. She said the County Treasurer's office would continue to notify the consumer that the surcharge is due and payable to the County Treasurer. When the total amount of the surcharge exceeds \$25.00, whether it is for one year or an accumulation of several years, the Treasurer's office will send the consumer a bill stating that the surcharge must be paid within thirty (30) days or said unpaid surcharge will be turned over to a collection agency for collection. For each "account" that is sent for collection, the collection agency will start with a pre-collection process which consists of sending 2 notices giving the "account" time to pay. If the "account" remains unpaid the "account" will go into full collection status and the debt for the "account" will be reported to the National Credit Bureau and remain there for 7 years or until paid. The collection agency will charge \$3.00 per account for the pre-collection process and 30-50 percent of the "accounts" that go to full collections and get collected. Discussion held, Commissioner Page suggested exploring other funding methods for recycling. Chairperson Socha said all of the options were thoroughly explored and this proved to be the most cost effective method.

Motion by Commissioner Makima, seconded by Commissioner Mushlock, to adopt the following resolution and enter into a Pre-Collection Agreement and an Agreement for Full-Collection Service with Northern Credit Bureau and authorize the Chairperson to sign:

Resolution No. 10-05

RESOLUTION ESTABLISHING DELINQUENT RECYCLING SURCHARGE COLLECTION POLICY WITH THE CHEBOYGAN COUNTY TREASURER

Recitals

- A. Cheboygan County has adopted a Solid Waste Management Plan as Required under Part 115 of the Natural Resources and Environmental Protection Act of 1994, being Act 451 of the Public Acts of 1994, as amended.
- B. Pursuant to Section 8a(1) of the Urban Cooperation Act of 1967, being MCL 124.508a(1), the Cheboygan County Board of Commissioners has imposed by resolution an annual surcharge on households within those townships of the county that have entered into Interlocal agreements with

Finance/Business Meeting – January 12, 2010

the county relating to the collection and disposition of the surcharge.

- C. Because not all townships in the county have entered into the required Interlocal agreements, the surcharge will not be imposed on households uniformly throughout the county.
- D. The Cheboygan County Board of Commissioners has determined that the annual surcharge shall be included on the current year's winter tax notice which is collected by the local treasurers from December 1st up to and including the last day of February. The recycling surcharge that is included on the December notice will be for the year immediately following that notice.
- E. Any current surcharge that remains unpaid to the local treasurers as of March 1st each year shall be turned over to the Cheboygan County Treasurer's office for collection pursuant to this policy.

Resolution

NOW, THEREFORE, BE IT RESOLVED that the Cheboygan County Board of Commissioners and the Cheboygan County Treasurer hereby establish the following policy for the collection of delinquent recycling surcharges: The Cheboygan County Treasurer's office shall continue to notify the consumer that the surcharge is due and payable to the Cheboygan County Treasurer. When the total amount of the surcharge exceeds \$25.00, whether it be for one year or an accumulation of several years, the Cheboygan County Treasurer's office shall send the consumer a bill stating that the surcharge must be paid within thirty (30) days or the unpaid surcharge will be turned over to a collection agency for collection.

A roll call vote was taken. Motion carried with 6 yes, 1 no (Commissioner Bolinger) and 0 absent.

Administrator Overton presented a resolution to amend the 9-1-1 Tri-County Agreement regarding cities and villages representatives on the C.C.E. Board of Directors. Commissioner Wallace explained the need for a representative and said this has been reviewed by C.C.E.'s legal counsel.

Motion by Commissioner Wallace, seconded by Commissioner Makima, to adopt the following resolution:

RESOLUTION 10-04

RESOLUTION TO AMEND CHARLEVOIX-CHEBOYGAN-EMMET CENTRAL DISPATCH AUTHORITY AGREEMENT BETWEEN THE COUNTIES OF CHARLEVOIX, CHEBOYGAN, AND EMMET ON BEHALF OF THE PARTICIPATING MUNICIPALITIES.

Whereas, Section 8.4 of the Charlevoix-Cheboygan-Emmet Central Dispatch Authority Agreement Between the Counties of Charlevoix, Cheboygan, and Emmet on Behalf of Participating Municipalities ("Agreement") provides that the Agreement may be amended by majority vote of all three County Boards of Commissioners; and

Whereas, the Authority desires to amend the Agreement to allow for greater flexibility in the composition of the Authority Board of Directors regarding representation from cities and villages.

NOW, THEREFORE, BE IT RESOLVED by the Cheboygan County Board of Commissioners that the Agreement is hereby amended as follows:

Section 3.2 (A) shall be amended to state:

(A) **Composition:** The general policies governing the C.C.E. Central Dispatch Authority shall be established by a Board of Directors (Board) of nine (9) members to be composed as follows:

Three county commissioners: one appointed from each county board of commissioners. Each county board of commissioners may appoint one alternate board member.

Three city or village representatives: one selected from each county. The local government representative and an alternate shall be selected by majority vote of all of the mayors and village presidents in the county, and may be a mayor, village president, village trustee, city council member or city manager.

Three township representatives: one selected from each county. This representative and an alternate shall be selected by a majority vote of the Michigan Township Association chapter in each county, and may be an elected township official.

BE IT FURTHER RESOLVED that, in accordance with Section 8.4 of the Agreement, this amendment shall become effective 60 days after adoption by the last County approving this resolution.

A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Finance/Business Meeting – January 12, 2010

Commissioner Bolinger said he requested more discussion and action on the Lake County and Gratiot County resolutions because of the importance of both issues. Commissioner Wallace referred to the Lake County resolution regarding NMSAS and urging the implementation of the state substance abuse treatment and prevention allocation formula as this formula would result in a fairer allocation.

Motion by Commissioner Wallace, seconded by Commissioner Bolinger, to adopt the following resolution:

RESOLUTION 10-06

**“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 Cheboygan County Board of Commissioners, that the Cheboygan 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 Governor Jennifer Granholm, Senator Jason Allen, State Representative Kevin Elsenheimer, State Representative Gary McDowell, the Michigan Association of Counties, 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.

Finance/Business Meeting – January 12, 2010

A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Bolinger, seconded by Commissioner Redmond, to adopt the following resolution:

Resolution 10-07

**SUPPORT OF THE FINAL REPORT OF THE LEGISLATIVE COMMISSION
ON STATUTORY MANDATES, 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.

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:

Finance/Business Meeting – January 12, 2010

- 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 Cheboygan 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 Cheboygan County Board of Commissioners approves the release of this resolution to be distributed to Governor Jennifer Granholm, Senator Jason Allen, State Representative Kevin Elsenheimer, State Representative Gary McDowell, the Supreme Court, the Michigan Association of Counties, the Legislative Commission on Statutory Mandates, and the other 82 Michigan Counties.

A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

CITIZENS COMMENTS – Gail Southwell, Walker Township Trustee, stated she was disappointed that the Board adopted a recycling fee collection policy. She said there are many people who pay the fee, but never use the recycling service.

Bill Morgan, Mullett Township Supervisor, also was unhappy with the recycling collection policy, particularly the involvement a collection agency. Chairperson Socha said if the County Treasurer is confident it can be taken off, she would do that. Discussion held on uncapping the taxable value on property that is deeded within a family. Civil Counsel Bryan Graham said a joint tenancy can be between anyone, not

BOARD MEMBER COMMENTS – Chairperson Socha thanked Tony Matelski for his contribution and also his delicious cookies.

Motion by Commissioner Redmond, seconded by Commissioner Makima, to go into closed session pursuant to Section 8(c) of the Open Meetings Act, MCL 15.268(c) for a strategy session connected with the negotiations of a collective bargaining agreement with Michigan Council 25, AFSCME, AFL-CIO, Local 1325.06. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Went into closed session at 11:25 a.m.; returned to open session 1:05 p.m.

Finance/Business Meeting – January 12, 2010

Motion by Commissioner Wallace, seconded by Commissioner Makima, to adjourn to the call of the Chair. Meeting adjourned at 1:05 p.m.

Mary Ellen Tryban
Cheboygan County Clerk/Register

Linda Socha
Chairperson