

CHAIRPERSON
MARK GREBNER

VICE-CHAIRPERSON
DEB NOLAN

VICE-CHAIRPERSON PRO-TEM
DON VICKERS

COUNTY SERVICES COMMITTEE
DEBBIE De LEON, CHAIR
DALE COPEEDGE
VICTOR CELENTINO
ANDY SCHOR
DON VICKERS
VINCE DRAGONETTI

INGHAM COUNTY BOARD OF COMMISSIONERS

P.O. Box 319, Mason, Michigan 48854 Telephone (517) 676-7200 Fax (517) 676-7264

THE COUNTY SERVICES COMMITTEE WILL MEET ON TUESDAY, NOVEMBER 29, 2011 AT 6:00 P.M., IN THE PERSONNEL CONFERENCE ROOM (D & E), HUMAN SERVICES BUILDING, 5303 S. CEDAR, LANSING.

NOTE: CHANGE IN TIME

Agenda

Call to Order

Approval of the [November 15, 2011 Minutes](#)

Additions to the Agenda

Limited Public Comment

1. Board of Commissioners

- a. Resolution of [Intent to Dissolve](#) the Ingham County Board of Road Commissioners and Create an Ingham County Department of Transportation and Roads (*Tabled at the November 15, 2011 Meeting*)
- b. Resolution Asking for [Shirley Rodgers](#) to Resign from the Ingham County Road Commission (*Tabled at the November 15, 2011 Meeting*)
- c. Resolution Requesting [Action](#) from the Board of Ingham County Road Commissioners
- d. Resolution Declaring Lack of Confidence in the Appointed Road Commission and Requesting their [Resignations](#)

2. Controller/Administrator's Office Attachments

- a. House Bill No. [5125](#)
- b. House Bill No. [5126](#)
- c. [MAC](#) Special Legislative Update
- d. Ingham County Road Commission [Organizational Chart](#)
- e. Ingham County Road Commission [Fact Sheet](#)
- f. Summary from Ingham County Controller Mary Lannoye (*To Be Distributed Under Separate Cover*)

Announcements
Public Comment
Adjournment

PLEASE TURN OFF CELL PHONES OR OTHER ELECTRONIC DEVICES OR SET TO MUTE OR VIBRATE TO AVOID DISRUPTION DURING THE MEETING

The County of Ingham will provide necessary reasonable auxiliary aids and services, such as interpreters for the hearing impaired and audio tapes of printed materials being considered at the meeting for the visually impaired, for individuals with disabilities at the meeting upon five (5) working days notice to the County of Ingham. Individuals with disabilities requiring auxiliary aids or services should contact the County of Ingham in writing or by calling the following: Ingham County Board of Commissioners, P.O. Box 319, Mason, MI 48854 Phone: (517) 676-7200. A quorum of the Board of Commissioners may be in attendance at this meeting. Meeting information is also available on line at www.ingham.org.

COUNTY SERVICES COMMITTEE
November 15, 2011
Minutes

Members Present: Debbie De Leon, Dale Copedge, Victor Celentino, Don Vickers, Vince Dragonetti, and Board Chairperson Grebner

Members Absent: Andy Schor

Others Present: Becky Bennett, Mary Lannoye, Travis Parsons, Steve Dougan, Michelle Rutkowski, Rich Estill, Chuck Gray, Maureen Winslow, Willis Bennett, Deb Brinson, Sam Davis, Linda Ream, Todd Pentecost, Tom Gamez, Loretta Benjamin, Earl Griffes, Milton Scales, and others.

The meeting was called to order by Chairperson De Leon at 7:00 p.m. in the Personnel Conference Room “D & E” of the Human Services Building, 5303 S. Cedar Street, Lansing.

Approval of the November 1, 2011 Minutes and Closed Session Minutes

The November 1, 2011 Minutes were amended to reflect the following:

Item 5c, Page 7, 3rd paragraph, delete “investigators” and add the following: “investigation at the Sheriff’s Department and items in the Goree Report” as follows:

Comm. Dragonetti overviewed articles from local newspapers, census data and the **investigation at the Sheriff’s Department and items in the Goree Report** citing dates as reasons to ask Ms. Rodgers to resign. Board Chairperson Grebner stated that what was said in a newspaper is not cause for removal and distracts from resolving the problem.

The November 1, 2011 Closed Session Minutes were approved as submitted.

Additions to the Agenda

9. Late – Request to Waive Hiring Freeze and Hiring Delay for a Sheriff’s Deputy Position.

Limited Public Comment

Tom Gamez, Road Commission Employee was pleased to see follow-up on problems and asked to have Mr. Benjamin reappointed.

Todd Pentecost, Delhi Resident requested a response from staff to his earlier request and asked to investigate the hiring of an employee.

Linda Ream, Dansville Resident, worked for Ingham County 55th District Court, provided her family history with the County and the Road Commission, and asked that Mr. Benjamin be reinstated.

Loretta Benjamin, Leroy Township, echoed those speaking for the past months that a great injustice has been done and Mr. Benjamin needs to be reinstated.

MOVED BY COMM. VICKERS, SUPPORTED BY COMM. CELENTINO, TO APPROVE A CONSENT AGENDA FOR THE FOLLOWING ITEMS:

2. Circuit Court/Family Division - Part-Time Accountant for the Child Care Fund
4. Parks Department
 - b. Resolution Approving a Special Deer Hunt at Lake Lansing Park-North
5. Controller/Administrator - Resolution Approving Various Contracts for the 2012 Budget Year
9. Sheriff – Request to Waive Hiring Freeze and Hiring Delay for a Sheriff’s Deputy Position.

MOTION CARRIED UNANIMOUSLY. Absent: Comm. Schor

MOVED BY COMM. VICKERS, SUPPORTED BY COMM. CELENTINO TO APPROVE THE ITEMS ON THE CONSENT AGENDA.

MOTION CARRIED UNANIMOUSLY. Absent: Comm. Schor

1. Youth Commission - Interviews

The Committee interviewed Jada Wall for the Ingham County Youth Commission Advisory Board. David Bordayo, Andrianna Bozzo and Shayla Bladwin were absent from the interview. There are 19 vacancies.

MOVED BY COMM. CELENTINO, SUPPORTED BY COMM. COPELGE, TO APPOINT JADA WALL TO THE YOUTH COMMISSION ADVISORY BOARD.

MOTION CARRIED UNANIMOUSLY. Absent: Comm. Schor

3. Health Department - Resolution to Authorize Acceptance of Funds Related to the Development of a Patient Centered Medical Home and to Authorize a New Position

MOVED BY COMM. COPELGE, SUPPORTED BY COMM. CELENTINO, TO APPROVE THE RESOLUTION TO AUTHORIZE ACCEPTANCE OF FUNDS RELATED TO THE DEVELOPMENT OF A PATIENT CENTERED MEDICAL HOME AND TO AUTHORIZE A NEW POSITION.

Ms. Brinson explained the reimbursement process and commercial insurance is changing within the next 5 years, in addition to, the benefits of the two FQHC grant opportunities.

There was a discussion of the union position, salary steps, and Board of Commissioner approval requirements. Comm. Vickers stated he would vote in favor of the resolution tonight but if the person is hired above a Step 2 he will vote no.

Comm. Copedge asked if this person will require knowledge of Medicaid and Medicare. Ms. Brinson explained that the person will need knowledge of both plus commercial carriers and NCQH accreditation.

Comm. Copedge asked if there were other funding streams. Ms. Brinson explained the funding is based on the two projects that will allow for more robust billing plus they are looking into billing for mental health patients. She noted that the person hired will have knowledge to negotiate with the various carriers to optimize revenue.

MOTION CARRIED UNANIMOUSLY. Absent: Comm. Schor

4. Parks Department

- a. Resolution Authorizing the Amendment of the Low Income Park Vehicle Fee Policy and the “Free Monday” Resolutions for Vehicle Entrance Fees

MOVED BY COMM. COPELGE, SUPPORTED BY COMM. CELENTINO, TO APPROVE THE RESOLUTION AUTHORIZING THE AMENDMENT OF THE LOW INCOME PARK VEHICLE FEE POLICY AND THE “FREE MONDAY” RESOLUTIONS FOR VEHICLE ENTRANCE FEES.

Mr. Bennett explained by changing the “free day” from Monday to Wednesday it will increase revenues. The reason for the charge is to assist with administrative costs and postage. He also detailed his concerns of the hardship pass noting the resolution identifies ways to provide evidence of hardship.

Board Chairperson Grebner asked if there was hard evidence of abuse. Mr. Bennett stated that the Department is unable to put a name to those doing this; however, he has personally witnessed the manipulation of the system. Board Chairperson Grebner stated that it is his opinion that the number is still relatively low compared to how many people have experienced hardships since the economic downturn of 2008. He overviewed the language in the resolution stating all people should feel welcome into the County Parks.

Chairperson De Leon asked if people were checked for residency. Mr. Bennett stated that the policy is not clear on that issue. Comm. Copedge suggested proof of vehicle ownership or license plate number on the application. Board Chairperson Grebner further suggested putting the license plate number on the sticker. There was a discussion of procedure and fee collections.

Comm. Vickers asked to divide the question. The Committee approved dividing the question. Chairperson De Leon divided the question.

MOTION TO APPROVE AUTHORIZING THE “FREE MONDAY” RESOLUTIONS FOR VEHICLE ENTRANCE FEES. CARRIED UNANIMOUSLY. Absent: Comm. Schor

The Committee requested THE RESOLUTION AUTHORIZING THE AMENDMENT OF THE LOW INCOME PARK VEHICLE FEE POLICY be sent back to Staff for revision and to include “for County Residents” and requiring a license plate number on the application.

6. Purchasing Department - Review of the County’s Purchasing Policy (*Materials to be Distributed Under Separate Cover*)

The Committee was provided a packet containing a memo “Procurement Policies and Procedures Manual and Responsible Contractor Policy Discussion prepared by Mr. Hudgins, Purchasing Director”, a draft of “Ingham County Procurement Policies & Procedures Manual”, and “Responsible Construction Contracting for Local Governments in Michigan, prepared by Ed Haynor, Consultant, April 14, 2008”.

Chairperson De Leon stated the materials were for review then discussed and action taken at the next meeting. Comm. Copedge stated he would like a more comprehensive summary of the document. Ms. Lannoye explained that Mr. Hudgins put in writing what is done by the Purchasing Department on a daily basis.

Board Chairperson Grebner asked if this is solely about construction. Chairperson De Leon answered yes. Mr. Hudgins noted Chapter 11 is about construction policy. Comm. Vickers expressed his concern the document contains PLA language. Chairperson De Leon stated that the PLA issue is currently being challenged and perhaps there could be a disclaimer in the Purchasing Policy addressing the PLA language.

7. Fair Board - Update (*No Materials*)

Mr. Lopez provided a handout “2011 Fair Operating Fund Projection”.

Mr. Lopez informed the Committee that the Fair Board has passed a resolution in support of the recommended Fair Manager, as well as, a debt reduction plan. He noted that rentals are steady. The Committee discussed the budget, particularly the budget allocation and starting date for the Fair Manager. Ms. Lannoye expressed her concern that the Fair Manager is instrumental in booking events that generate revenues.

Mr. Lopez explained that the Fair Board has been working with the Drain Commissioner to resolve their drainage problems.

Mr. Lopez invited the Commissioners to submit event suggestions for the next fair. He stated that a tractor pull and rodeo were being considered at this time.

8. Board of Commissioners

- a. Resolution Asking for Shirley Rodgers to Resign from the Ingham County Road Commission (*Tabled at the November 1, 2011 Meeting*)

- b. Resolution of Intent to Dissolve the Ingham County Board of Road Commissioners and Create an Ingham County Department of Transportation and Roads

Chairperson De Leon stated that there will be a special County Services Meeting on November 29, 2011 to discuss the Road Commission and asked if the Committee would entertain tabling both resolutions until that meeting. The Committee was asked to email the Controller any questions they would like answered at the special meeting.

The Committee requested that the Controller provide them with:

- The pro's and con's of having the County take on the duties and operations of the Road Commission.
- A blueprint of how the Road Commission will fit into the Ingham County Government.
- The need for another funding source.
- Possibility of having the County Attorney review the House Bill No. 5126

Board Chairperson Grebner asked that his draft and Marc Thomas's draft be included in the Special Meeting.

MOVED BY COMM. CELENTINO, SUPPORTED BY COMM. COPELIDGE, TO TABLE 8a. RESOLUTION ASKING FOR SHIRLEY RODGERS TO RESIGN FROM THE INGHAM COUNTY ROAD COMMISSION (*TABLED AT THE NOVEMBER 1, 2011 MEETING*) AND 8b. RESOLUTION OF INTENT TO DISSOLVE THE INGHAM COUNTY BOARD OF ROAD COMMISSIONERS AND CREATE AN INGHAM COUNTY DEPARTMENT OF TRANSPORTATION AND ROADS UNTIL THE SPECIAL MEETING HELD ON NOVEMBER 29, 2011, AND TO INCLUDE THE DRAFT RESOLUTIONS OF MARC THOMAS, AND BOARD CHAIRPERSON GREBNER.

Mr. Scales informed the Committee the Road Commission Board held a special meeting and is requesting a legal opinion to bring Mr. Benjamin back to work.

The Committee expressed their concern over public safety, human resources, staff duties and the urgency to come to a decision on this issue. Chairperson De Leon reminded the Committee to get their questions to the Controller to keep things moving forward.

MOTION CARRIED with Comm. Dragonetti Voting "no". Absent: Comm. Schor

Announcements

None.

Public Comment

Earl Griffes, LeRoy Township, expressed his concern of eliminating the Road Commission Board, stating he is pleased with Mr. Scales's efforts, referenced the Goree Report, and suggested appointing persons from each quarter section for representation.

Tom Gamez, suggested appointing Mr. Scales as the Chairperson of the Road Commission Board.

Loretta Benjamin, Leroy Township stated she continues to attend meetings in hope of Commissioners doing the right thing.

The meeting adjourned at approximately 8:25 p.m.

Respectfully submitted,

Julie Buckmaster

Introduced by Commissioner Schor of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION OF INTENT TO DISSOLVE THE INGHAM COUNTY
BOARD OF ROAD COMMISSIONERS AND CREATE AN INGHAM COUNTY
DEPARTMENT OF TRANSPORTATION AND ROADS**

WHEREAS, the Legislature is considering HB 5125 and HB 5126 which would allow the powers, duties, and functions that are otherwise provided by law for a Board of County Road Commissioners to be transferred to the County Board of Commissioners by a majority vote of the County Board of Commissioners elected and serving; and

WHEREAS, HB 5125 and HB 5126 authorize the county board of commissioners to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675; and

WHEREAS, HB 5125 and HB 5126 allow for the Board of County Road Commissioners to be dissolved if the powers, duties, and functions are transferred to the County Board of Commissioners; and

WHEREAS, this option will provide Ingham County with at least \$51,740 due to the elimination in salaries and per diems for Road Commissioners, which will be used for road maintenance and improvements; and

WHEREAS, Ingham County has had a history with problems regarding the Board of Road Commissioners; and

WHEREAS, there is currently dysfunction at the road commission resulting in mistrust and anger by Road Commissioners, management, and employees of the road commission; and

WHEREAS, the Ingham County Board of Commissioners wish to mitigate the internal problems at the Road Commission and instead focus on the maintenance and improvement of the county roads.

THEREFORE BE IT RESOLVED, the Ingham County Board of Commissioners hereby expresses its intent to transfer the powers, duties, and functions provided by law for the Ingham County Board of Road Commissioners to the Ingham County Board of Commissioners.

BE IT FURTHER RESOLVED, the Ingham County Board of Commissioners hereby expresses its intent to dissolve the Ingham County Board of Road Commissioners.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners hereby expresses its intent to create an Ingham County Department of Transportation and Roads which will utilize the dollars available to Ingham County under 1951 PA 51, MCL 247.651 to 247.675 or any successor Act for the purposes allowed under 1951 PA 51, MCL 247.651 to 247.675 or any successor Act.

BE IT FURTHER RESOLVED, the Ingham County Board of Commissioners hereby expresses its intent to have the Road Commission management and employee structure be maintained as it was under the Board of Road Commissioners, except managers will report to the managing director and the managing director will report to the County Administrator/Controller.

BE IT FURTHER RESOLVED, that it is the intent to have these changes take place 30 days after the signature by the Governor of HB 5125 and HB 5126 or upon the effective date of the legislation, whichever comes last.

Introduced by Commissioners Vickers, Schafer, Dragonetti and Dougan of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION ASKING FOR SHIRLEY RODGERS TO RESIGN FROM THE
INGHAM COUNTY ROAD COMMISSION**

WHEREAS, there has been considerable controversy relative to the Ingham County Road Commission; and

WHEREAS, most has centered around the conduct of Chairperson Shirley Rodgers; and

WHEREAS, Ingham County has a very clear and progressive Ethics Policy forbidding the same; and

WHEREAS, there is a State law that allows for the removal; and

WHEREAS, the conduct of Shirley Rodgers is not reflective of the sentiment and expectations of the County, the service area, State law or Ingham County appointees.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners, hereby asks Shirley Rodgers to resign immediately.

BE IT FURTHER RESOLVED, that in the event she does not resign the Ingham County Board of Commissioners will proceed with legal action to force the resignation in compliance with State law.

Introduced by the County Services Committee of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION REQUESTING ACTION FROM
THE BOARD OF INGHAM COUNTY ROAD COMMISSIONERS**

WHEREAS, it is the desire of the Ingham County Board of Commissioners that the five-member Board of Ingham County Road Commissioners restrict its duties to appointing a Managing Director, developing and approving organizational policy, and adopting an annual budget.

WHEREAS, the Ingham County Board of Road Commissioners has not adopted written policies outlining its duties;

WHEREAS, the failure to adopt these policies has contributed to the considerable public controversy involving the Ingham County Road Commission (ICRC);

WHEREAS, the failure to adopt these policies also has contributed to recent public conflict between the five-member Ingham County Board of Road Commission and much of its staff, and the internal discord among some ICRC staff members.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners strongly urges the five-member Board of Ingham County Road Commissioners to take immediate action to resolve the dispute between it and its administrative staff.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners strongly urges the five-member Board of Ingham County Road Commissioners to immediately adopt written policies spelling out the scope of its duties, specifically the responsibility of appointing a Managing Director, developing and approving organizational policy, and adopting an annual budget.

BE IT FURTHER RESOLVED, that if these actions are not completed by its December 19, 2011 regular meeting, that the five members of the Ingham County Board of Road Commissioners submit their resignations to the Ingham County Board of Commissioners.

DRAFT

RESOLUTION DECLARING LACK OF CONFIDENCE IN THE APPOINTED ROAD COMMISSION AND REQUESTING THEIR RESIGNATIONS

(Proposed by Commissioner Grebner)

Whereas, the Ingham County Road Commission consists of five members, appointed by the County Board of Commissioners, who are charged with overseeing the construction and maintenance of roads which lie in the area of Ingham County outside incorporated cities.

Whereas, recent events have shaken the confidence of the Board of Commissioners, the public, and the employees of the Road Commission in the ability of the Board of Road Commissioners to successfully manage and administer the operations of the Road Commission.

Whereas, it now appears that the Managing Director of the Road Commission has lost the confidence of the majority of the Board of Road Commissioners but continues in office notwithstanding, that the Managing Director has openly criticized the decisions of the Board of Road Commissioners in the media further estranging himself from his employer, that the Board of Road Commissioners now routinely ignores and rejects the recommendations of its Managing Director, and that employees have become uncertain who is in charge.

Whereas, once appointed, Road Commissioners may only leave office before the expiration of their terms by their resignation, or removal for misconduct or incompetence by the County Board of Commissioners.

Whereas, it does not appear that grounds exist under state law for removal of any Road Commissioner for misconduct.

Whereas, the County Board of Commissioners recognizes that each member of the Board of Road Commissioners has acted in good faith, according to their personal views of the welfare and needs of residents of the County, notwithstanding the conflicts and inconsistencies among the various members and between the members and management of the Department.

Whereas, the County Board of Commissioners has determined that recent history has shown Board of Road Commissioners has become incompetent as a whole, to perform their duty to efficiently oversee and manage the operations of their Department.

Whereas, it does not appear that the current problems can be remedied by making small steps or replacing one or two members of the Board of Road Commissioners, but will instead require a fresh start and a clean break with the past.

Whereas, it is the desire of the County Board of Commissioners to minimize disruption and allow as much continuity as possible under the circumstances.

Therefore be it resolved, that the Ingham County Board of Commissioners hereby requests the resignation dated 60 days after the adoption of this resolution of each and every member of the Board of Road Commissioners. And,

Be it further resolved, that the Ingham County Board of Commissioners declares its intention, in the event one or more current members decline the request to resign, not to reappoint any of the current members at the expiration of their terms.

Be it further resolved, that the Ingham County Board of Commissioners invites applications from prospective appointees to the Board of Road Commissioners, which it pledges to review with emphasis on collegiality, respect for proper procedure, and managerial experience.

HOUSE BILL No. 5125

October 26, 2011, Introduced by Rep. Switalski and referred to the Committee on Transportation.

A bill to amend 1909 PA 283, entitled

"An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,"

by amending section 6 of chapter IV (MCL 224.6), as amended by 2009

PA 39.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

Sec. 6. (1) Except as **OTHERWISE** provided **BY LAW AND** under subsection (4), ~~or~~(5), **OR (7)**, in a county where the county road system is adopted, a board of county road commissioners consisting of not less than 3 members or more than 5 members shall be elected by the people of the county. The initial road commissioners shall be appointed by the county board of commissioners or elected at a general or special election called for that purpose, as determined by the county board of commissioners. The county board of commissioners may by resolution provide for staggered terms of

office for the road commissioners under this subsection so that not more than 2 road commissioners' terms of office expire in the same year.

(2) If the road commissioners are appointed, they shall hold office only until January 1 of the first odd numbered year following the date of appointment. If the road commissioners are to be elected at a general or special election, notice of the election, embodying a copy of the resolutions of the county board of commissioners, giving the number and terms of the office of the road commissioners to be elected, shall be published by the clerk as required by section 3 of this chapter.

(3) The regular election of county road commissioners shall be held at the general election on the first Tuesday after the first Monday in November. The term of office of an elected county road commissioner shall commence on January 1 in the year following his or her election. The notice of the election shall be given at the time notice is given of the general election of county officers.

(4) The election of county road commissioners shall not be mandatory in any county that contains all or part of 12 surveyed townships as determined by the government survey of the county. Except as provided under subsection (5), in a county under this

subsection the county board of commissioners, by a majority of its members elect, may appoint the county road commissioners. A county road commissioner appointed under this subsection shall not be removed from office before the expiration of his or her term of office without being given written notice of the charges made against him or her and an opportunity to appear before the county board of commissioners for a hearing on the charges.

(5) In a county having a population of 750,000 or more that has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the powers and duties that are otherwise provided by law for a board of county road commissioners may be reorganized by amendment to the charter. In a county having a population of 750,000 or more with a charter commission proposing a charter under 1966 PA 293, MCL 45.501 to 45.521, the powers and duties that are otherwise provided by law for a board of county road commissioners may be reorganized under the charter if, at the election considering the approval of the charter, the voters approve both the charter and a separate ballot question presented by the charter commission to reorganize the board of county road commissioners. Funds provided to the county under 1951 PA 51, MCL 247.651 to 247.675, shall only be expended for the purposes provided under 1951 PA 51, MCL 247.651 to 247.675.

(6) If the county board of commissioners proposes to alter the number of county road commissioners as allowed under this act, the

county board of commissioners shall hold not less than 1 public hearing on the proposed change to the road commission. The county board of commissioners shall give notice as required under the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and place of the public hearing not less than 28 days before the hearing. The county board of commissioners shall also provide written notice of the hearing to the county road commission and, if available, by posting the notice on the county's website. The county board of commissioners may vote on whether to alter the number of county road commissioners at the meeting noticed under this subsection.

(7) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (5), THE POWERS, DUTIES, AND FUNCTIONS THAT ARE OTHERWISE PROVIDED BY LAW FOR A BOARD OF COUNTY ROAD COMMISSIONERS MAY BE TRANSFERRED TO THE COUNTY BOARD OF COMMISSIONERS BY A RESOLUTION AS ALLOWED UNDER SECTION 11 OF 1851 PA 156, MCL 46.11. THE COUNTY BOARD OF COMMISSIONERS IS AUTHORIZED TO RECEIVE AND EXPEND FUNDS AS ALLOWED UNDER 1951 PA 51, MCL 247.651 TO 247.675.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No.____ or House Bill No. 5126(request no. 04156'11) of the 96th Legislature is enacted into law.

HOUSE BILL No. 5126

October 26, 2011, Introduced by Rep. Zorn and referred to the Committee on Transportation.

A bill to amend 1851 PA 156, entitled

"An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,"

by amending section 11 (MCL 46.11), as amended by 2003 PA 94.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 11. A county board of commissioners, at a lawfully held meeting, may do 1 or more of the following:

(a) Purchase or lease for a term not to exceed 20 years, real estate necessary for the site of a courthouse, jail, clerk's office, or other county building in that county.

(b) Determine the site of, remove, or designate a new site for a county building. The exercise of the authority granted by this subdivision is subject to any requirement of law that the building be located at the county seat.

(c) Authorize the sale or lease of real estate belonging to the county, and prescribe the manner in which a conveyance of the real estate is to be executed.

(d) Erect the necessary buildings for jails, clerks' offices, and other county buildings, and prescribe the time and manner of

erecting them.

(e) Borrow or raise by tax upon the county those funds authorized by law. The exercise of the authority granted by this subdivision is subject to any voting requirement provided by the law authorizing the borrowing or tax if different from the voting requirement under section 3.

(f) Provide for the repayment of a loan made by the board, by tax upon the county. The loan shall be repaid within 15 years after the date of the loan, except that a loan to erect a county building for a public function shall be repaid within 30 years after the date of the loan.

(g) Prescribe and fix the salaries and compensation of employees of the county if not fixed by law and, except in a county having a board of county auditors, adjust claims against the county. The sum allowed in the adjustment of a claim is subject to appeal as provided by law.

(h) Direct and provide for the raising of money necessary to defray the current expenses and charges of the county and the necessary charges incident to or arising from the execution of the board's lawful authority, subject to the limitations prescribed in this act. The county board of commissioners may borrow in a year, in anticipation of the levy or collection of taxes for the year, a sum of money, not exceeding 50% of the tax to be levied or collected for the general fund of the county, necessary to defray current expenses of the county. The money borrowed shall be repaid

from the tax when levied and collected.

(i) Authorize the making of a new tax roll.

(j) By majority vote of the members of the county board of commissioners elected and serving, pass ordinances that relate to county affairs and do not contravene the general laws of this state or interfere with the local affairs of a township, city, or village within the limits of the county, and pursuant to section 10b provide suitable sanctions for the violation of those ordinances. The board may change the limits of a city, village, or school district within the county as provided by law. If there is not a general law governing the subject, or if a change cannot be made pursuant to a general law, the board may change the limits of the village upon petition of at least 10% of the resident taxpayers. An ordinance or act of incorporation provided in this subdivision shall take effect when notice of the adoption is published in a newspaper of general circulation in the county. The clerk of the county board of commissioners shall engross each ordinance or act, and it shall be signed by the chairperson of the county board of commissioners and certified by the clerk of the county board of commissioners. If, within 50 days after the county board of commissioners adopts an ordinance or act, a petition signed by not less than 20% of the electors residing in the district to be affected by the ordinance or act is filed with the county clerk asking that the ordinance or act be submitted to electors of the

district to be affected by the ordinance or act for approval or rejection, then the ordinance or act shall not take effect until it is approved by a majority of the electors of the district affected voting on that issue at a regular or special election called for that purpose. The county board of commissioners shall provide the manner of submitting the ordinance or act to the electors for their approval and of determining the result of the election.

(k) Require a county officer whose salary or compensation is paid by the county to make a report under oath to the county board of commissioners on any subject connected with the duties of that office and require the officer to give a bond reasonable or necessary for the faithful performance of the duties of the office. An officer who neglects or refuses either to make a report or give a bond within a reasonable time after being required to do so may be removed from office by the board by a vote of 2/3 of the members elected or appointed, and the office declared vacant. The board may fill the vacancy for the unexpired portion of the term for which the officer was elected or appointed. If an election occurs before the expiration of the unexpired term, and if the office is elective, the vacancy shall be filled at that election. The board shall give reasonable notice of the election to fill the vacancy.

(l) Represent the county and have the care and management of the property and business of the county if other provisions are not made.

(m) Establish rules and regulations in reference to the

management of the interest and business concerns of the county as the board considers necessary and proper in all matters not especially provided for in this act or under the laws of this state. The county board of commissioners shall not audit or allow a claim, including a bill or charge, against the county unless the claim has been filed with the county clerk of the county before the fourth day of a regular meeting of the board, or before the second day of an adjourned or other meeting, the claim is contracted by the board during the session of the board or the claim is for mileage and per diem of the members of the board. The county clerk shall keep a book of all claims in the order in which the claims are presented, giving the name of each claimant and the amount and date of presentation of each claim. The book, after the time prescribed for the presentation of claims, shall be delivered to the chairperson for the use of the board. At the October session, the board, by a vote of 2/3 of the members, may receive and allow accounts that have wholly accrued during the session.

(n) Subject to subdivision (o), remove an officer or agent appointed by the board if, in the board's opinion, the officer or agent is incompetent to execute properly the duties of the office or if, on charges and evidence, the board is satisfied that the officer or agent is guilty of official misconduct, or habitual or willful neglect of duty, and if the misconduct or neglect is a sufficient cause for removal. However, an officer or agent shall

not be removed for that misconduct or neglect unless charges of misconduct or neglect are preferred to the county board of commissioners or the chairperson of the county board of commissioners, notice of the hearing, with a copy of the charges, is delivered to the officer or agent, and a full opportunity is given the officer or agent to be heard, either in person or by counsel.

(o) If the county has an appointed county manager or other appointed chief administrative officer or a county controller, the county board of commissioners may enter into an employment contract with that officer. The term of the employment contract may extend beyond the terms of the members of the county board of commissioners. The term of the employment contract shall be 3 years or less, unless the employment contract is entered into on or after August 1 of an even-numbered year, in which case the term of the employment contract shall be 1 year or less. However, in a county organized under 1966 PA 293, MCL 45.501 to 45.521, with an appointed chief administrative officer, an employment contract with the appointed chief administrative officer shall be for the term provided by section 11a of 1966 PA 293, MCL 45.511a. An employment contract under this subdivision shall be in writing and shall specify the compensation to be paid to the officer, any procedure for changing the compensation, any fringe benefits, and any other conditions of employment. If the officer serves at the pleasure of the county board of commissioners, the contract shall so state and

may provide for severance pay or other benefits in the event the employment of the officer is terminated at the pleasure of the county board of commissioners.

(p) Establish rules consistent with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, for the manner of proceeding before the board.

(q) Acquire by exchange land needed for county purposes, including the purchase of land to be used in exchange for other land of approximate equal value owned by the federal government and needed for county purposes.

(r) Grant or loan funds to a nonprofit corporation organized for the purpose of providing loans for private sector economic development initiatives. A grant or loan under this subdivision shall not be derived from ad valorem taxes except for ad valorem taxes approved by a vote of the people for economic development. The county shall establish an application process for proposals to receive a grant or loan under this subdivision. The awarding of a grant or loan under this subdivision shall be made at a public hearing of the county board of commissioners. The grant or loan contract shall require a report to the county board of commissioners regarding the activities of the recipient and the degree to which the recipient has met the stated public purpose of the funding.

(S) EXCEPT AS OTHERWISE PROVIDED BY LAW, BY MAJORITY VOTE OF

THE MEMBERS OF THE COUNTY BOARD OF COMMISSIONERS ELECTED AND SERVING, PASS A RESOLUTION THAT TRANSFERS THE POWERS, DUTIES, AND FUNCTIONS THAT ARE OTHERWISE PROVIDED BY LAW FOR A BOARD OF COUNTY

ROAD COMMISSIONERS TO THE COUNTY BOARD OF COMMISSIONERS. THE BOARD

OF COUNTY ROAD COMMISSIONERS IS DISSOLVED ON THE DATE SPECIFIED IN THE RESOLUTION ADOPTED UNDER THIS SUBDIVISION.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No.____ or House Bill No. 5125(request no. 04156'11 a) of the 96th Legislature is enacted into law.

MAC Special Legislative Update



November 21, 2011

**URGE YOUR STATE REPRESENTATIVES TO SUPPORT
HB 5125 AND 5126**

HB 5125 and HB 5126, introduced in a bipartisan fashion by Reps. Dale Zorn (R-Monroe County) and Jon Switalski (D-Macomb County) would provide county commissions with the **option** of organizing their road governance as they see fit. To assume the powers of the road commission, the county board would have to pass a resolution eliminating the road commission and transferring powers to the county. After being proposed by Governor Snyder and introduced in late October, the bills have already passed out of the House Transportation Committee, and we expect floor action may occur when the House returns after Thanksgiving.

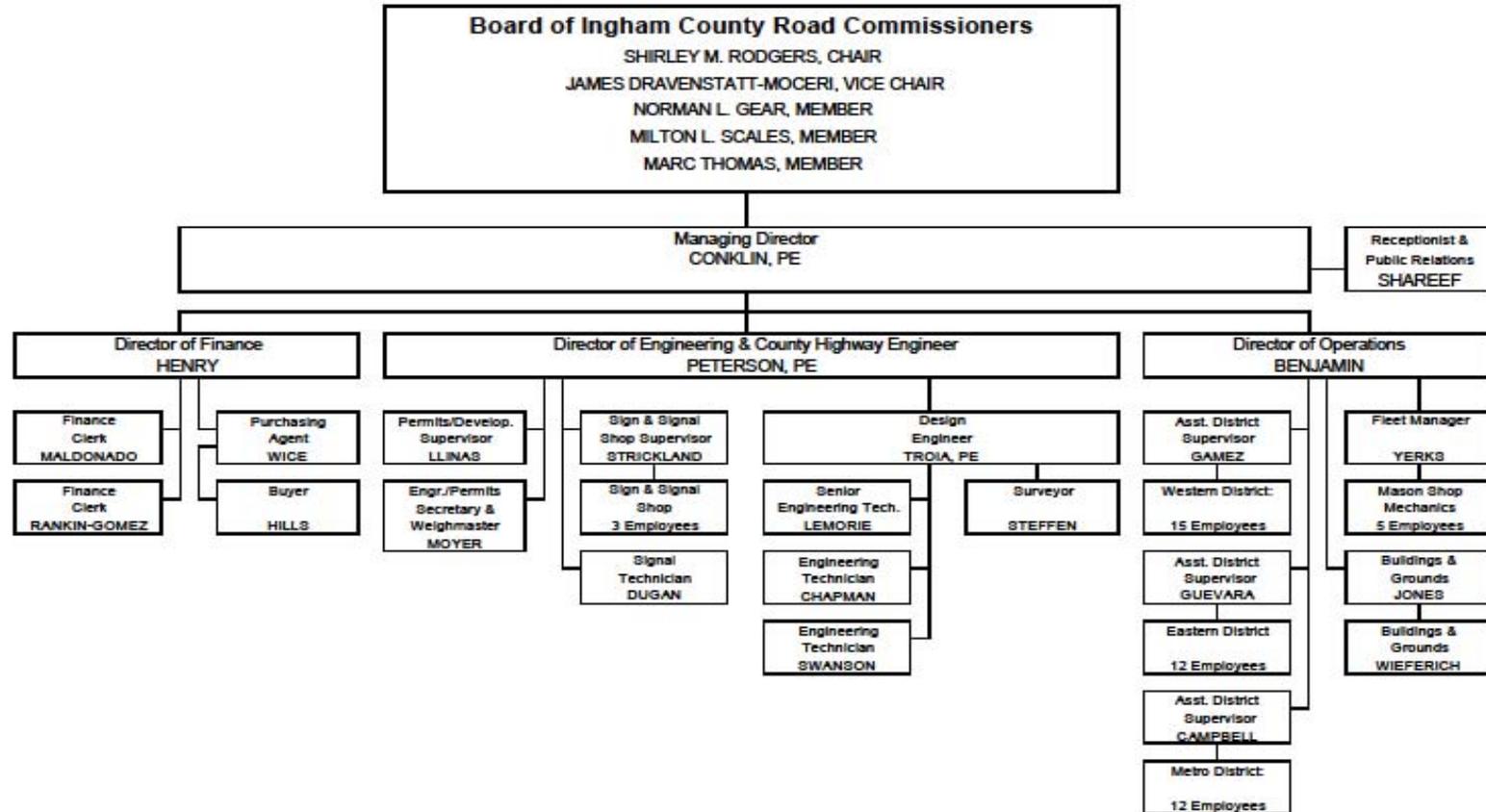
The MAC Transportation Committee reviewed these bills on Friday, October 28, and chose to support them. The reason the MAC Transportation Committee supported the bills is because the bills provide options; tools for county boards to be used or kept in the toolbox as the county board desires. The Committee determined that the bills are supportive of the fundamental tenets of our Association; that is that we work to provide options for our membership to use at their discretion as locally elected decision-makers on the county board. There are already county commissioners that have contacted MAC seeking to study the issue once it has been signed into law.

Please contact your State Representatives and ask them to support HB 5125 and 5126. The bills simply provide further options to county boards. While this option may or may not be explored by your county, it is important that all counties be given the tools that may be necessary to be good stewards of the people's tax dollars and operate as effectively and efficiently as possible in these difficult economic times.

The Michigan Association of Counties (MAC) founded on February 1, 1898, is the only statewide organization dedicated to the representation of all county commissioners in Michigan.

MAC is a non-partisan, non-profit organization which advances education, communication and cooperation among county government officials in the state of Michigan. MAC is the counties' voice at the State Capitol, providing legislative support on key issues affecting counties.

**ORGANIZATION CHART
INGHAM COUNTY ROAD COMMISSION**



Organizational chart as of April 4, 2011

INGHAM COUNTY ROAD COMMISSION FACT SHEET

- FTEs - 70
- 2011 Adopted Budget - \$15,006,474
- Financial Statements as of December 31, 2010:
 - Actual Revenues \$19,623,444
 - Actual Expenditures 19,034,823
 - Fund Balance 4,338,949
 - Unreserved Fund Balance 3,092,083
- Collective Bargaining Agreements:
 - OPEIU - Office Personnel - Contract 1/01/2010-12/31/12
 - AFSCME - Highway Workers - Tentative Agreement 1/01/2011-12/31/2013
 - OPEIU - formerly SEIU – Supervisors - Draft Agreement 01/01/2010-through 12/31/2103
- Municipal Employees Retirement System (MERS):
 - Benefit plan B-4
 - 2.5% of final average compensation with maximum benefits of 80%
 - 2012 Contribution - \$964,728
 - 2012 Employer Contribution as a % of payroll - 19.14%
 - 2012 Employee Contribution as a % of payroll - 0%
- Long Term Unfunded Liabilities—Unfunded Accrued Actuarial Liability:
 - MERS Pension System—70% funded ratio \$ 9,787,460
 - Other Post Employment Benefit—Retiree Health 13,679,964