

BOARD OF COMMISSIONERS SPECIAL

10/27/2008

304 E. Grand River Avenue, Howell, Michigan

7:30 PM

AGENDA

- 1. RECONVENE ANNUAL MEETING**
- 2. APPROVAL OF MINUTES**
Minutes of meeting dated October 20, 2008
- 3. APPROVAL OF AGENDA**
- 4. CALL TO THE PUBLIC**
- 5. RESOLUTIONS FOR CONSIDERATION**

2008-10-314 RESOLUTION AUTHORIZING THE 2ND AMENDMENT TO THE MASTER OPERATING AGREEMENT BETWEEN THE COUNTY OF LIVINGSTON, HARTLAND TOWNSHIP SANITARY DRAIN NO. 1 DRAINAGE DISTRICT, HARTLAND TOWNSHIP SANITARY DRAIN NO. 2 DRAINAGE DISTRICT (AND ITS BRANCHES), AND THE TOWNSHIP OF HARTLAND - Drain Commissioner / Finance Committee

2008-10-315 RESOLUTION AUTHORIZING ENTERING INTO A SEWER SYSTEM INFRASTRUCTURE AGREEMENT BETWEEN LIVINGSTON COUNTY, ACTING THROUGH ITS DEPARTMENT OF PUBLIC WORKS AND THE TOWNSHIP OF HARTLAND AND RAMCO HARTLAND LLC ALLOWING THE TRANSFER OF CERTAIN PROPERTY AND INFRASTRUCTURE ASSOCIATED WITH THE LIVINGSTON REGIONAL WASTEWATER SYSTEM - Drain Commissioner / Finance Committee

2008-10-316 RESOLUTION TO OFFER A VOLUNTARY SEPARATION RETIREMENT INCENTIVE PROGRAM TO ELIGIBLE NON-UNION EMPLOYEES - Personnel Committee / Finance Committee

2008-10-317 RESOLUTION TO OFFER A VOLUNTARY SEPARATION RETIREMENT INCENTIVE PROGRAM TO ELIGIBLE DISTRICT COURT EMPLOYEES - Personnel Committee / Finance Committee

2008-10-318 RESOLUTION TO OFFER A VOLUNTARY SEPARATION RETIREMENT INCENTIVE PROGRAM TO ELIGIBLE SHERIFF BARGAINING UNIT EMPLOYEES - Personnel Committee / Finance Committee

2008-10-319 RESOLUTION TO AUTHORIZE USE OF COUNTY GROUNDS REQUESTED BY HUMAN SERVICES COLLABORATIVE BODY /

HOMELESS CONTINUUM OF CARE WORKGROUP TO RECOGNIZE
HOMELESS AWARENESS WEEK ON NOVEMBER 12, 13, 14, 2008 - Board
of Commissioners

- 6. CALL TO THE PUBLIC**
- 7. RECESS ANNUAL MEETING**

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: 2008-10-314

LIVINGSTON COUNTY

DATE: October 27, 2008

RESOLUTION AUTHORIZING THE 2ND AMENDMENT TO THE MASTER OPERATING AGREEMENT BETWEEN THE COUNTY OF LIVINGSTON, HARTLAND TOWNSHIP SANITARY DRAIN NO. 1 DRAINAGE DISTRICT, HARTLAND TOWNSHIP SANITARY DRAIN NO. 2 DRAINAGE DISTRICT (AND ITS BRANCHES), AND THE TOWNSHIP OF HARTLAND - Drain Commissioner / Finance Committee

WHEREAS, Livingston County owns and operates the Livingston Regional Wastewater System; and

WHEREAS, Livingston County entered into a Master Operating Agreement with Hartland Township, the Hartland Sanitary Drain No. 1, No. 2, and its branches on July 11, 2005; and

WHEREAS, it is necessary to amend the Master Operating Agreement in order to allow for a transfer of funds for future sanitary sewer system replacement, as well as relocation of the existing wastewater facilities so as not to conflict with a proposed development; and

WHEREAS, the proposed amendment will provide for the long term maintenance of the wastewater facilities as well as replacement of aging components; and

WHEREAS, the Board of Public works has expressed its support for this arrangement with the developer of the property on which the main Livingston Regional pump station is located.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the second amendment to the Master Operating Agreement with Hartland Township, the Hartland Sanitary Drain No.1, No. 2, and its branches.

BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners be authorized to sign the above-referenced contract upon approval as to form by Civil Counsel.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2008-10-315

LIVINGSTON COUNTY

DATE: October 27, 2008

**RESOLUTION AUTHORIZING ENTERING INTO A SEWER SYSTEM INFRASTRUCTURE AGREEMENT BETWEEN LIVINGSTON COUNTY, ACTING THROUGH ITS DEPARTMENT OF PUBLIC WORKS, THE TOWNSHIP OF HARTLAND, AND RAMCO HARTLAND LLC ALLOWING THE TRANSFER OF CERTAIN PROPERTY AND INFRASTRUCTURE ASSOCIATED WITH THE LIVINGSTON REGIONAL WASTEWATER SYSTEM –
Drain Commissioner / Department of Public Works / Finance Committee**

WHEREAS, Livingston County, through its Department of Public Works, is currently operating the Livingston County Regional Wastewater System (LCRWS) servicing portions of Hartland and Tyrone Townships; and

WHEREAS, Ramco Hartland LLC, a limited liability corporation, will purchase and develop a parcel of land located in Hartland Township currently containing infrastructure and real property of the LCRWS; and

WHEREAS, Ramco Hartland proposes to relocate two existing sanitary forcemains and one pump station, and construct one new maintenance building replacing three smaller buildings; and

WHEREAS, the developer is required to convey to Livingston County a parcel of land on which the new pump station is located, as well as all access easements; and

WHEREAS, this arrangement is supported by the Livingston County Board of Public Works.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes entering into the system infrastructure agreement with the above mentioned Parties.

BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners be authorized to sign the above-referenced contract upon approval as to form by Civil Counsel.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2008-10-316

LIVINGSTON COUNTY

DATE: October 27, 2008

RESOLUTION TO OFFER A VOLUNTARY SEPARATION RETIREMENT INCENTIVE PROGRAM TO ELIGIBLE NON-UNION EMPLOYEES - Personnel 10/1/2008 /

Finance 10/22/2008 / Full Board 10/27/08

WHEREAS, reductions in the taxable value of real estate have had a negative impact on Livingston County operating revenues which has resulted in a budgeting short-fall for the 2009 and 2010 budget years; and

WHEREAS, Livingston County must reduce operating expenses by creating vacancies and provide opportunities for departments to restructure in order to improve efficiency; and

WHEREAS, Administration, Finance, and Human Resources have reviewed the available options and proposed a Voluntary Separation Retirement Incentive program to reduce the workforce, create vacancies and provide opportunities for restructuring, while attempting to avoid lay-offs; and

WHEREAS, approximately forty-eight (48) Non-Union employees will be eligible to retire by March 31, 2009 thus eligible for this Voluntary Separation Retirement Incentive program; and

WHEREAS, Livingston County wishes to create an incentive to encourage employees to retire by helping to bridge the gap to retiree health care to help the County reduce costs and avoid lay-offs; and

WHEREAS, the Personnel and Finance Committees have reviewed this matter and recommend the Board of Commissioners offer a Voluntary Separation Retirement Incentive program to Non-Union employees who will be eligible to retire by March 31, 2009.

THEREFORE BE IT RESOLVED that the Voluntary Separation Retirement Incentive program be offered during a sixty-two (62) day window period during which eligible employees must make their election to participate in the program, beginning December 1, 2008 and ending January 31, 2009 with the last day of employment occurring no later than March 31, 2009.

BE IT FURTHER RESOLVED that the incentive be offered to Non-Union employees who meet one or more of the following criterion by March 31, 2009:

1. Age 60 with a minimum of 10 years of MERS credited service, for a normal retirement benefit
2. Age 55 with a minimum of 15 years of MERS credited service, for a reduced retirement benefit
3. Age 50 with a minimum of 25 years of MERS credited service, for a reduced retirement benefit

BE IT FURTHER RESOLVED that the incentive offered be a lump sum payment of one (1) week of base salary (as of the last day of employment) times years of MERS credited service with Livingston County (as of the last day of employment) with the minimum lump sum payment being \$12,000. Notwithstanding the foregoing, for employees who are already receiving a MERS retirement benefit for service with Livingston County, an employee must have completed at least ten (10) years of service since monthly retirement benefits commenced and that only time employed with the County since monthly retirement benefits commenced shall be used in calculating this lump sum payment. Part-time employee's base salary will be determined by the number of hours approved/budgeted by the Board of Commissioners. The lump sum payment may be deposited into a §457 account on a pre-tax basis up to the IRS maximum contribution levels or paid as cash (subject to normal tax withholding).

BE IT FURTHER RESOLVED that eligible employees who take the incentive may elect to receive two (2) person, retiree and eligible dependent, health and dental coverage on the base health plan offered by the County for retirees. This coverage will be provided by the County for up to one (1) full year beginning as of the date following the last day of employment. Thereafter, the retiree and spouse will be eligible for those benefits they were eligible for as if this incentive were not offered. Retirees and their spouses who are age 65 and older are Medicare eligible and normally receive health and dental coverage that is complementary to Medicare. Under this incentive only, the County shall also provide those participating employees age 65 and older and their spouses age 65 and older a one-time payment of \$1,200 per person to assist with the cost of Medicare Part D.

BE IT FURTHER RESOLVED that for purposes of this temporary enhancement of retiree health benefits for participants of this incentive program only, this resolution shall serve as a limited amendment to Resolution No. 603-180 - *Resolution to Adopt the Livingston County Retiree Health Care Plan* for the following sections only: Section 1:105(19) and Section 1:206(1). For purposes of this incentive only, Section 1:105(19) shall be amended to include in the definition of "Retiree," the addition of "(c) an individual participating in the 2008 Voluntary Separation Retirement Incentive program who defers receipt of a retirement benefit allowance from a Retirement Plan of the County who retired from employment with the County who upon termination of employment had a minimum of 10 years of service with the County." For purposes of this incentive only, Section 1:206(1) shall be amended as to the benefit provided to employees eligible to participate in the Retiree Health Care Plan who

participate in this incentive program for the one (1) full year beginning as of the date following the last day of employment.

BE IT FURTHER RESOLVED that the lump sum incentive payment, as well as any sick time payouts, are not eligible to be included in the final average compensation (FAC) for the MERS defined benefit pension pursuant to MERS plan documents.

BE IT FURTHER RESOLVED that eligible employees who elect to participate in this incentive program must be actively at work through their last day of employment. Use of banked sick time is subject to normal physician verification provisions and use of vacation time is subject to supervisor approval. Employees who are on workers' compensation leave, short term disability, or long term disability shall be considered to be at work on their last day of employment. Employees who take this incentive shall receive fifty percent (50%) of accumulated sick leave up to a maximum of seventy-two (72) days paid based on the employee's current salary.

BE IT FURTHER RESOLVED that employees applying for retirement must give a minimum of thirty (30) days notice to MERS and the Employer before their anticipated last day of employment.

BE IT FURTHER RESOLVED that funding for the Voluntary Separation Retirement Incentive program shall be obtained from Livingston County reserves.

BE IT FURTHER RESOLVED that this incentive is subject to Resolution No. 2008-07-201, which provides that no position in a General Fund department which becomes vacant shall be replaced. In departments not funded by the General Fund, vacancies shall be posted internally with employees in General Fund departments given first consideration. The Board encourages the sharing of responsibilities within or between Departments. In addition supervisory positions may be filled internally as long as a vacancy ultimately falls off the payroll. Positions vacated as a result of this incentive program will be considered to be a position reduction on the Authorized Employee List for each such vacated position. Said vacated position shall not be filled, except by specific Board authorization. Further, this position reduction is hereby declared to be a contingency on the expenditure of the budgeted funds, as well as on the approved Authorized Employee List.

BE IT FURTHER RESOLVED that elected officials and judges are not eligible for this incentive program.

BE IT FURTHER RESOLVED that the Livingston County Board of Commissioners authorizes offering the Voluntary Separation Retirement Incentive program to eligible employees effective December 1, 2008.

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MOVED:
SECONDED:
CARRIED:

RESOLUTION

NO: 2008-10-317

LIVINGSTON COUNTY

DATE: October 27, 2008

RESOLUTION TO OFFER A VOLUNTARY SEPARATION RETIREMENT INCENTIVE PROGRAM TO ELIGIBLE DISTRICT COURT EMPLOYEES - Personnel Committee / Finance Committee

WHEREAS, reductions in the taxable value of real estate have had a negative impact on Livingston County operating revenues which has resulted in a budgeting short-fall for the 2009 and 2010 budget years; and

WHEREAS, Livingston County must reduce operating expenses by creating vacancies and provide opportunities for departments to restructure in order to improve efficiency; and

WHEREAS, Administration, Finance, and Human Resources have reviewed the available options and proposed a Voluntary Separation Retirement Incentive program to reduce the workforce, create vacancies and provide opportunities for restructuring, while attempting to avoid lay-offs; and

WHEREAS, approximately seven (7) Non-Union District Court and MAPE District Court employees will be eligible to retire by March 31, 2009 thus eligible for this Voluntary Separation Retirement Incentive program; and

WHEREAS, Livingston County wishes to create an incentive to encourage employees to retire by helping to bridge the gap to retiree health care to help the County reduce costs and avoid lay-offs; and

WHEREAS, the Personnel and Finance Committees have reviewed this matter and the Chief Judge of the District Court recommends the Board of Commissioners offer a Voluntary Separation Retirement Incentive program to Non-Union District Court employees and MAPE District Court bargaining unit employees who will be eligible to retire by March 31, 2009.

THEREFORE BE IT RESOLVED that, subject to MAPE approval as to District Court union employees only, the Voluntary Separation Retirement Incentive program be offered during a sixty-two (62) day window, beginning December 1, 2008 and ending January 31, 2009 with the last day of employment occurring no later than March 31, 2009.

BE IT FURTHER RESOLVED that the incentive be offered to Non-Union District Court and MAPE District Court employees who meet one or more of the following criterion by March 31, 2009:

1. Age 60 with a minimum of 10 years of MERS credited service, for a normal retirement benefit
2. Age 55 with a minimum of 15 years of MERS credited service, for a reduced retirement benefit
3. Age 50 with a minimum of 25 years of MERS credited service, for a reduced retirement benefit

BE IT FURTHER RESOLVED that the incentive offered be a lump sum payment of one (1) week of base salary (as of the last day of employment) times years of MERS credited service with Livingston County (as of the last day of employment) with the minimum lump sum payment being \$12,000. Notwithstanding the foregoing, for employees who are already receiving a MERS retirement benefit for service with Livingston County, an employee must have completed at least ten (10) years of service since monthly retirement benefits commenced and that time employed with the County since monthly retirement benefits commenced shall be used in calculating this lump sum payment. Part-time employee's base salary will be determined by the number of hours approved/budgeted by the Board of Commissioners. The lump sum payment may be deposited into a §457 account on a pre-tax basis up to the IRS maximum contribution levels or paid as cash (subject to normal tax withholding).

BE IT FURTHER RESOLVED that eligible employees who take the incentive may elect to receive two (2) person, retiree and eligible dependent, health and dental coverage on the base health plan offered by the County for retirees, or the applicable base plan under the MAPE Court agreement, as appropriate. This coverage will be provided by the County for up to one (1) full year beginning as of the date following the last day of employment. Thereafter, the retiree and spouse will be eligible for those benefits they were eligible for as if this incentive were not offered.

BE IT FURTHER RESOLVED that the lump sum incentive payment, as well as any sick time payouts, are not eligible to be included in the final average compensation (FAC) for the MERS defined benefit pension pursuant to MERS plan documents.

BE IT FURTHER RESOLVED that eligible employees who elect to participate in this incentive program must be actively at work through their last day of employment. Use of banked sick time is subject to normal physician verification provisions and use of vacation time is subject to supervisor approval. Employees who are on workers' compensation leave, short term disability, or long term disability shall be considered to be at work on their last day of employment. Employees who take this incentive shall receive payout of accumulated sick leave as if they retired, as specified in the applicable policy or collective bargaining agreement.

BE IT FURTHER RESOLVED that employees applying for retirement must give a minimum of thirty (30) days notice to MERS and the Employer before their anticipated last day of employment.

BE IT FURTHER RESOLVED that funding for the Voluntary Separation Retirement Incentive program shall be obtained from Livingston County reserves.

BE IT FURTHER RESOLVED that this incentive is subject to Resolution No. 2008-07-201, which provides that no position in a General Fund department which becomes vacant shall be replaced. In departments not funded by the General Fund, vacancies shall be posted internally with employees in General Fund departments given first consideration, subject to collective bargaining agreement provisions related job posting and bidding. The Board encourages the sharing of responsibilities within or between Departments. In addition supervisory positions may be filled internally as long as a vacancy ultimately falls off the payroll. Positions vacated as a result of this incentive program will be considered to be a position reduction on the Authorized Employee List for each such vacated position. Said vacated position shall not be filled, except by specific Board authorization. Further, this position reduction is hereby declared to be a contingency on the expenditure of the budgeted funds, as well as on the approved Authorized Employee List.

BE IT FURTHER RESOLVED that elected officials and judges are not eligible for this incentive program.

BE IT FURTHER RESOLVED that the Livingston County Board of Commissioners authorizes offering the Voluntary Separation Retirement Incentive program to eligible employees effective December 1, 2008.

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MOVED:

SECONDED:

CARRIED:

RESOLUTION

NO: 2008-10-318

LIVINGSTON COUNTY

DATE: October 27, 2008

RESOLUTION TO OFFER A RETIREMENT INCENTIVE PACKAGE TO ELIGIBLE SHERIFF BARGAINING UNIT EMPLOYEES - Personnel Committee / Finance Committee

WHEREAS, reductions in the taxable value of real estate have had a negative impact on Livingston County operating revenues which has resulted in a budgeting short-fall for the 2009 and 2010 budget years; and

WHEREAS, Livingston County must reduce operating expenses by creating vacancies and provide opportunities for departments to restructure in order to improve efficiency; and

WHEREAS, Administration and the Sheriff have reviewed the available options and proposed a Retirement Incentive Package to reduce the workforce, create vacancies and provide opportunities for restructuring, while attempting to avoid lay-offs; and

WHEREAS, approximately nine (9) Sheriff Department unionized employees will be eligible to retire by June 30, 2009 thus eligible for this Retirement Incentive Package; and

WHEREAS, the Personnel and Finance Committees have reviewed this matter and the Sheriff recommends the Board of Commissioners offer a Retirement Incentive Package to Sheriff Department unionized employees who will be eligible to retire by June 30, 2009.

THEREFORE BE IT RESOLVED that, subject to Police Officers Association of Michigan approval as to Sheriff Deputies, Detectives and Corrections Officers and Michigan Association of Police approval as to Sergeants and Lieutenants, this Retirement Incentive Package is available to all Deputies, Detectives, Corrections Officers, Sergeants and Lieutenants who are or will be eligible to retire with a normal retirement benefit by the end of the retirement window. The retirement window ends 6/30/09. Employees must irrevocably elect to retire under this incentive within forty-five (45) days from the date of agreement by all parties.

BE IT FURTHER RESOLVED that an employee who qualifies for a normal retirement benefit under one or more of the retirement provisions as provided in his/her applicable collective bargaining agreement (either 60/10, 55/15, or 50/25) by 12/1/08 and who elects to retire under this Retirement Incentive Package shall serve his/her last day of employment no later than

12/31/08. Otherwise, an employee who elects to retire under this Retirement Incentive Package shall serve his/her last day of employment within thirty (30) days of becoming eligible to retire under one of the normal retirement benefit provisions in his/her applicable collective bargaining agreement (either 60/10, 55/15, or 50/25). Under no circumstances will a last day of employment occur after 6/30/09.

BE IT FURTHER RESOLVED that for each employee electing to retire under this Retirement Incentive Package only, the Employer agrees to provide a cash incentive payment. Each employee may individually elect the cash incentive payment he/she is to receive from the following:

A) Cash incentive payment equal to 2% of his/her base annual wage for 2008 (as defined by the wage scale of their collective bargaining agreement) times his/her years of service with Livingston County, **-or-**

B) Cash incentive payment equal to 2.25% of his/her base annual wage for 2008 (as defined by the wage scale of their collective bargaining agreement) times his/her years of service with Livingston County to employees who agree now to waive participation in the County prescription coverage at age 65 when they are eligible for Medicare Part D.

BE IT FURTHER RESOLVED that retiree health and hospitalization benefits, including prescription coverage, may change over time depending on collective bargaining agreement provisions related to current employees. There will be no enhancement of a cash incentive payment if in the future health and hospitalization (including prescription) benefits change.

BE IT FURTHER RESOLVED that individuals will elect whether cash incentive payments are to be paid out in cash or deposited into §457 accounts in the retiree's name, subject to IRS contribution limits, with the remainder paid as cash. Pursuant to the MERS plan document, cash incentive payments are not used in calculating final average compensation.

BE IT FURTHER RESOLVED that for participants who elect to retire under this Retirement Incentive Package only, the County and the unions agree to indefinitely suspend the spousal and/or dependent coverage provisions in their applicable collective bargaining agreements.

BE IT FURTHER RESOLVED that the suspension of the above mentioned spousal and/or dependent coverage provisions pertains only to employees who participate in this Retirement Incentive Package. Provisions requiring annual certification of the lack of available coverage still apply, except for those persons specifically suspended. Retiree available coverage provisions still apply. Benefits may change over time depending on collective bargaining agreement provisions related to current employees.

BE IT FURTHER RESOLVED that coverage for dependent children will be available for purchase only for dependent children currently covered under the County health and hospitalization plan for retirees who participate in this Retirement Incentive Package only. Dependent children will be covered to age 19 and subject to normal County eligibility provisions. Dependent children coverage shall be \$1,500 annually per family, or \$125 per month, to be paid to the Employer monthly.

BE IT FURTHER RESOLVED that the Board Chair is hereby authorized to sign all necessary agreements to effectuate this resolution.

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MOVED:
SECONDED:
CARRIED:

RESOLUTION

NO: 2008-10-319

LIVINGSTON COUNTY

DATE: October 27, 2008

RESOLUTION TO AUTHORIZE USE OF COUNTY GROUNDS REQUESTED BY HUMAN SERVICES COLLABORATIVE BODY / HOMELESS CONTINUUM OF CARE WORKGROUP TO RECOGNIZE HOMELESS AWARENESS WEEK ON NOVEMBER 12, 13, 14, 2008 - Board of Commissioners

WHEREAS, the Homeless Continuum of Care Group has requested use of county grounds in recognition of Homeless Awareness Week on November 12,13,14, 2008 from 12:00 p.m. on November 12, 2008 through 6:00 p.m. on November 14, 2008. Specific use of grounds include the courthouse lawn and amphitheatre; and

WHEREAS, this event would include the display on the courthouse lawn of 63 life size silhouettes representing the homeless count in Livingston County and also music and poetry.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the request for use of County grounds and amphitheatre by the Homeless Continuum of Care Workgroup to recognize Homeless Awareness Week on November 12,13,14, 2008 from 12:00 p.m. on November 12, 2008 through 6:00 p.m. on November 14, 2008.

BE IT FURTHER RESOLVED that requested use of county grounds will be in accordance with current county policy.

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**MOVED:
SECONDED:
CARRIED:**